

STATE GOVERNMENT

Research Notes are prepared by Legislative Council Staff's nonpartisan research and committee staff. Research notes provide a summary of the bill, background information on the bill, and information on committee hearings and amendments adopted on the bill as it moves through the legislative process. Legislative Council Staff prepares final research notes for bills passed by the General Assembly as well as select bills that were considered but not adopted, and may be accessed through the links below. Research notes are provided for informational purposes only and should not be relied upon as an official record of action by the General Assembly.

Budgeting and Funding

SB 15-112 (Enacted)

General Fund Transfers to Building Regulation Fund

SB 15-238 (Enacted)

General Fund Exempt Institutions of Higher Education

SB 15-251 (Enacted)

General Fund Reserve Exclude Lease-purchase Payments

SB 15-278 (Enacted)

Allow Dome Restoration Moneys for Capitol Restoration

State Government Organization and Operations

SB 15-225 (Enacted)

State Historical Society Governance

SB 15-236 (Enacted)

Reorganize State Historical Society Funds

SB 15-270 (Enacted)

Create the Office of the State Architect

Governmental Efficiency, Cost Savings, and Transparency

HB 15-1317 (Enacted)

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Government Officials

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Compensation of State & County Public Officials

Buildings and Land

HB 15-1310 (Enacted)

Division of Parks & Wildlife Acquire Real Property

HB 15-1344 (Enacted)

Fund National Western Center & Capitol Complex Projects



Legislative Council Staff

Research Note

Bill Number: HB15-1344

Short Title: *Fund Natl Western Center and Capitol Complex Projects*

Prime Sponsors: Representative Duran and Becker, J.
Senator Sonnenberg and Steadman

Research Analyst: Kori Donaldson (x4976)

Current Status

This research note reflects the final version of the bill, which becomes effective on August 5, 2015, assuming no referendum petition is filed.

Summary

The bill authorizes the State Treasurer to enter into one or more lease-purchase agreements in the form of certificates of participation (COPs) on behalf of Colorado State University (CSU) for a period of up to 20 years to construct facilities at the National Western Center and on the CSU campus. The lease-purchase agreements cannot be issued before July 1, 2019, and the total principal amount of the agreements cannot exceed \$250 million. The issuances are contingent upon project-specific review and approval by the Colorado Commission on Higher Education, the Governor's Office of State Planning and Budgeting, and the Capital Development Committee (CDC). Additionally, no lease-purchase agreements may be issued until the voters of the City and County of Denver approve an extension of the lodging and car rental taxes, or another similar tax, to generate funding for development of the National Western Center.

The bill creates two funds: the National Western Center Trust Fund and the Capitol Complex Master Plan (CCMP) Implementation Fund. Moneys to the funds are to be transferred from the General Fund. Beginning in FY 2019-20, the bill authorizes a General Fund transfer of up to \$20 million a year to the National Western Center Trust Fund to make annual lease-purchase payments. The transfers to the National Western Center Trust Fund will continue for the term of the COPs issued on behalf of the projects. Beginning in FY 2019-20, the bill also authorizes a General Fund transfer to the CCMP Implementation Fund and a potential transfer to the Controlled Maintenance Trust Fund (CMTF).

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If COPs have been issued on behalf of CSU projects, the amount transferred to the CCMP Implementation Fund will represent the difference between \$20 million and the annual lease purchase payment. However, if no COPs have been issued, the bill authorizes a \$10 million General Fund transfer to the CCMP Implementation Fund and a \$10 million General Fund transfer to the CMTF each year until a lease-purchase payment is due. The total amount transferred to the CCMP Implementation Fund is limited to \$80 million. Table 1 shows the two possible transfer scenarios.

Table 1
General Fund Transfers Under House Bill 15-1344

Fund Name	Scenario 1: Annual Transfer Before COPs Are Issued	Scenario 2: Annual Transfer After COPs Are Issued
National Western Center Trust Fund	N/A	up to \$20 million
Capitol Complex Master Plan Implementation Fund*	\$10 million	\$20 million minus annual lease purchase payment amount
Controlled Maintenance Trust Fund	\$10 million	N/A
Total	\$20 million	\$20 million

*The total transfer to the fund is limited to \$80 million.

Finally, beginning August 1, 2016, the bill establishes an annual reporting requirement to the Governor and various members of legislative leadership. The National Western Center Partnership is required to submit a progress report about the development of the National Western Center and, if state funding is requested, the report must provide information regarding facility programming and an estimated budget.

Background

Agricultural mission of Colorado State University. CSU is the state's land-grant university and part of its educational mission is to provide agriculture-related research, education, outreach, and support of Colorado's agricultural industry. The university plans to construct some or all of the following facilities at the National Western Center in order to advance academic research and outreach initiatives: an equine sports medicine clinic, a collaborative community outreach veterinary clinic and clinical trials center, a water resources center, a food systems innovation and learning center, a Denver urban extension center, an educational urban farm with demonstration fields, and various classroom, laboratory, and administrative spaces. CSU will not issue undergraduate or graduate degrees from the National Western Center.

Funding for lease-purchase agreements. The state is currently making annual lease payments for COPs issued to finance the construction of the Centennial Correctional Facility expansion project. The COP payments will continue for four more years, through FY 2018-19. The average annual payment for the remaining term of the COPs is \$20.3 million. HB 15-1344 repurposes the amount anticipated to be paid on behalf of the annual lease payments in the years following the

retirement of the Centennial Correctional Facility COP. In other words, the \$20 million that has otherwise been set aside for the COP payment will be made available for future COP issuances and projects in the Capitol Complex.

Capitol Complex Master Plan. The CCMP is a ten-year facilities master plan for the buildings and grounds in the Capitol Complex completed in December 2014. The scope of the CCMP was authorized by Senate Bill 13-263 and includes state-owned buildings, parking lots, and other facilities managed by Capitol Complex Facilities (CCF). Currently, CCF manages 11 buildings and the grounds near the State Capitol, as well as six additional facilities owned by the Department of Personnel and Administration and managed by CCF in the Denver metropolitan area and in Grand Junction. The National Western Center is not part of the Capitol Complex.

The master plan provides long-term planning strategies related to state agency space needs, building conditions, urban design goals, and real estate assessments. It also identifies 25 potential projects that could be implemented over the next ten years, with a total cost of \$691 million.

National Western Center Master Plan. The National Western Center Master Plan is a plan to redevelop the National Western Stock Show grounds and surrounding area in north Denver completed in December 2014. The master plan was undertaken by the National Western Center Partnership, which consists of the National Western Stock Show, the City and County of Denver, CSU, the Denver Museum of Nature and Science, and History Colorado. The master plan envisions redeveloping the existing 130-acre site in eight phases over ten or more years. The completed National Western Center will comprise 270 acres and will integrate with the surrounding neighborhoods and community.

Additional funding for National Western Center. Before lease-purchase agreements can be issued to finance the construction of new CSU facilities at the National Western Center, the bill requires that the voters of the City and County of Denver approve an extension of the lodging and car rentals taxes, or another similar tax. The Denver sales and use tax on short-term automobile rental is 7.25 percent, and its sales and use tax on overnight lodging is 10.75 percent. The purpose of both taxes is to pay city operating expenses and to repay voter-approved bond issuances. Voter approval is required in order to use either tax as a source of revenue to repay bonds issued to finance construction and expansion of the National Western Center.

In February 2015, the City and County of Denver submitted a Regional Tourism Act (RTA) application on behalf of the National Western Center. The RTA creates a mechanism for local governments to obtain some state financing for projects that will increase tourism to the region. Local governments propose projects to the Colorado Economic Development Commission, which can then approve the projects. If a project is approved, a portion of the additional state sales tax revenue generated from the project, for up to 20 years, can be used to help finance the project. The additional state sales tax revenue is known as the state sales tax increment revenue.

House Action

Capital Development Committee (April 14, 2015). The bill was heard by the Capital Development Committee (CDC) pursuant to House Rule 50 and before consideration by the first

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House committee of reference. House Rule 50 allows the CDC to make advisory recommendations to committees of reference about bills dealing with capital construction or controlled maintenance requests, or proposals for the acquisition of capital assets. The CDC voted unanimously to recommend the bill to the House Agriculture, Livestock & Natural Resources Committee.

House Agriculture, Livestock & Natural Resources Committee (April 15, 2015). At the hearing, five individuals testified in favor of the bill, including representatives of CSU, the City and County of Denver, the National Western Stock Show, the Colorado Cattleman's Association, and the Colorado Farm Bureau. The committee adopted amendments L.002, L.004, and L.005. Amendment L.002 added clarifying language about the lease-purchase payments and changed the bill's effective date to August 5, 2015, if no referendum petition is filed. Amendment L.004 clarified that CSU and the City and County of Denver are not prohibited from entering into cooperative agreements for the purpose of facilitating regional economic development. Amendment L.005 made changes to the transfers under the bill (as shown in Table 1).

House second reading (April 16, 2015). The House Committee of the Whole adopted the House Agriculture, Livestock & Natural Resources Committee report.

House third reading (April 17, 2015). A third-reading amendment, L.007, was adopted. Amendment L.007 further clarified the transfers under the bill.

Senate Action

Senate Agriculture, Natural Resources & Energy Committee (April 22, 2015). At the hearing several individuals involved in the development of the National Western Center Master Plan or the National Western Stock Show testified in support of the bill. The committee referred the bill to the Senate Appropriations Committee.

Senate Appropriations Committee (April 24, 2015). The committee referred the bill to the Senate Committee of the Whole with no amendments.

Senate second reading (April 28, 2015). The Senate Committee of the Whole adopted the Senate Agriculture, Natural Resources & Energy and Appropriations Committee reports. It also adopted amendment L.012, which states that the National Western Partnership is subject to open meeting and open record laws. It also authorizes the Office of the State Auditor to conduct future audits of the National Western Partnership.

Senate third reading (April 29, 2015). The full Senate adopted the bill on third reading with no additional amendments.

Relevant Research

CCMP: <https://www.colorado.gov/osa/ccmp>

National Western Center Master Plan: <http://tinyurl.com/lvmk7lk>

Date: 8/22/2015

Version: Final



Legislative Council Staff

Research Note

Bill Number: HB15-1317

Short Title: *Pay For Success Contracts*

Prime Sponsors: Representative Garnett and Representative Rankin
Senator Johnston and Senator Martinez Humenik

Research Analyst: Luisa Altmann (x3518)

Current Status

This research note reflects the final version of the bill, which was signed by the Governor and became effective on May 20, 2015.

Summary

The bill creates the State Pay for Success Contracts Program in the Office of State Planning and Budgeting (office). The purpose of the program is for the office to enter into contracts with nonprofit or for-profit organizations or local governments for the provision of program-eligible interventions. Program-eligible interventions are defined as services that improve the lives and living conditions of individuals by increasing economic opportunity and the likelihood of healthy futures and promoting child and youth development. The organization or local government pays for the provision of program-eligible interventions with its own money, or an investor's money, throughout the contract. An organization or local government receives success payments from the office if the program-eligible interventions provided meet the defined performance targets established in the contract. An objective process must be put in place in the contract by which an independent evaluator will determine whether the defined performance targets have been achieved as outlined in the contract.

Background

The Pay for Success Contracts Program has the goal of decreasing state government expenditures on services by contracting with organizations or local governments for the provision of these services. The contracted organization or local government takes on the responsibility of providing these services and only receives a return on its investment if specific performance targets are met by the deadlines outlined in the contract.

Date: 8/22/2015

Version: Final

House Action

House Business Affairs and Labor Committee (April 14, 2015). At the hearing, representatives from the Denver Metro Chamber of Commerce, Gary Community Investments, Children's Hospital Colorado, Friends of the Haven, Colorado Concern, Colorado Children's Campaign, and Colorado Fiscal Institute testified in support of the bill. The committee adopted amendments L.009 and L.010, which define the role of an investor, specify that the office should generally use the Procurement Code and competitive sealed proposals process, specify that contractors may not provide program-eligible interventions for longer than seven years unless their performance targets have been met, detail the procedures for early termination of the contract, require the office to create a publicly available summary of the project, and replace the term "social services" with "program-eligible interventions" throughout the bill. The committee referred the bill to the House Appropriations Committee.

House Appropriations Committee (April 17, 2015). The committee referred the bill, unamended, to the House Committee of the Whole.

House Second Reading (April 17, 2015). The House Committee of the Whole adopted the House Business Affairs and Labor Committee report and the bill.

House Third Reading (April 20, 2015). The House adopted the bill, unamended.

Senate Action

Senate State, Veterans, & Military Affairs (April 29, 2015). The committee referred the bill, unamended, to the Senate Committee of the Whole.

Senate Second Reading (May 1, 2015). The Senate Committee of the Whole adopted the bill, unamended.

Senate Third Reading (May 4, 2015). The Senate adopted the bill, unamended.

Date: 5/18/2015

Version: Final



Legislative Council Staff

Research Note

Bill Number: HB15-1310

Short Title: *Div Parks & Wildlife Acquire Real Property*

Prime Sponsors: Representative Rankin
Senator Baumgardner

Research Analyst: Matt Becker (x4785)

Current Status

This research note reflects the final version of the bill, which was signed by the Governor and became effective on June 5, 2015.

Summary

The bill, recommended by the Capital Development Committee, authorizes the Division of Parks and Wildlife in the Department of Natural Resources (DNR) to purchase a specific tract of land in Garfield County. DNR owns the division's administrative office and public service center located on the property. The bill appropriates \$552,500 from the Wildlife Cash Fund to acquire the property in fee title.

Background

The division operates an administrative office and public service center near Chacra in Garfield County, approximately 5 miles west of Glenwood Springs. The 3.8-acre tract of land on which the building is located is owned by the Colorado Wildlife Heritage Foundation (CWHF). DNR leases the land from CWHF under a ten-year lease agreement that expires in 2020. DNR also holds an agreement with CWHF that gives DNR an option to purchase the land for a price below market value. CWHF was formed in 1989 to work in cooperation with state and federal agencies, nonprofit organizations, multinational corporations, and the public to provide funding and resource support services for wildlife and habitat conservation projects statewide.

Date: 5/18/2015

Version: Final

House Action

House Agriculture, Livestock, & Natural Resources Committee (March 30, 2015). The committee adopted amendment L.001, which removes the restriction on payments in lieu of taxes. The bill was referred to the House Appropriations Committee.

House Appropriations Committee (April 10, 2015). The bill was referred to the House Committee of the Whole with no additional amendments.

House second reading (April 15, 2015). The House Committee of the Whole adopted the House Agriculture, Livestock, & Natural Resources Committee and House Appropriations Committee reports.

House third reading (April 17, 2015). The House adopted the bill on third reading with no additional amendments.

Senate Action

Senate Agriculture, Natural Resources, & Energy Committee (April 22, 2015). The committee referred the bill unamended to the Senate Appropriations Committee.

Senate Appropriations Committee (April 24, 2015). The committee adopted amendment J.002, which clarifies that the appropriation is a capital construction appropriation. The bill was referred to the Senate Committee of the Whole.

Senate second reading (April 24, 2015). The Senate Committee of the Whole adopted the bill with no additional amendments.

Senate third reading (April 27, 2015). The Senate adopted the bill on third reading with no additional amendments.

Relevant Research

CWHF website: <http://www.cowildlifefoundation.org/>

Parks and Wildlife locations: <http://cpw.state.co.us/aboutus/Pages/ContactUs.aspx>

Date: 3/6/2015

Version: Introduced



Legislative Council Staff

Research Note

Bill Number: HB15-1213

Short Title: *Office Of Information Technology Modifications*

Prime Sponsors: Representatives Tate and Tyler
Senators Martinez Humenik and Neville T.

Research Analyst: Jessika Shipley (x3528)

Current Status

The bill is currently pending before the House State, Veterans, and Military Affairs Committee.

Summary

The bill, recommended by the Joint Technology Committee, makes changes related to the Governor's Office of Information Technology (OIT). Specifically, it defines an enterprise agreement as any agreement for the purchase of information technology (IT), including IT goods and services, that OIT enters into for the benefit of the state and that is created in furtherance of the office's requirements or responsibilities. The statutory definition of an enterprise facility is changed to include any facility, including state offices, state warehouses, state leased spaces, and vendor facilities that OIT designates as a facility where state data, equipment, and IT, including IT goods, will be located or where services will be provided.

The bill also changes the responsibilities of OIT to include the procurement of enterprise facilities and the use of enterprise agreements. Finally, the bill eliminates provisions of current law that exempt OIT from using the state's procurement code in emergencies and require OIT to promulgate rules for emergency procedures.

Background

The Governor's Office of Innovation and Technology was created in 1999 to serve as an advisory organization to the Governor and state agencies. The name was changed to the Governor's Office of Information Technology (OIT) in July 2006, but its mission remained relatively unchanged.

Date: 3/6/2015

Version: *Introduced*

IT services and support continued to be provided independently by each agency, lacking coordination and collaboration. This resulted in, among other things, a disparate infrastructure, duplication of functions and services, increased security risks, failing projects, and the inability to leverage statewide procurement opportunities.

In May 2007, an executive order was signed requiring executive branch agencies to obtain OIT approval of all IT budget requests, IT project plans, and IT spending requests greater than \$10,000. In 2008, state IT functions were further consolidated under OIT through the establishment of enterprise authority and governance over all IT activities.

Under current law, emergency IT acquisitions or purchases are not subject to the provisions of the state's procurement code. Additionally, the chief information officer, in consultation with the executive director of the Department of Personnel and Administration, is required to promulgate rules specifying criteria for such emergency acquisitions or purchases.

Date: 2/5/2015

Version: House Committee on
Agriculture, Livestock, & Natural
Resources



Legislative Council Staff

Research Note

Bill Number: HB15-1129

Short Title: *CO Disaster Prediction & Decision Support Systems*

Prime Sponsors: Representative Kraft-Tharp
Senator Roberts

Research Analyst: Meghan O'Connor (x3140)

Current Status

The bill is currently pending before the House Committee on Agriculture, Livestock, & Natural Resources.

Summary

The bill requires two divisions of the Department of Public Safety (DPS) to develop decision-support systems to predict certain disasters:

- The Division of Fire Prevention and Control (DFPC) is required to contract for the development of the Colorado Wildland Fire Prediction and Decision Support System, which must include prediction of wildland fire conditions and aviation weather hazards that affect the state aerial firefighting operations.
- The Division of Homeland Security and Emergency Management (DHSEM) is required to contract for the development of the Colorado Flood Prediction and Decision Support System, which must improve current flood prediction capabilities in the DHSEM.

In creating the prediction and decision support systems, the DFPC and DHSEM must contract with a nonprofit or tax-exempt Colorado-based research organization with expertise in atmospheric science and certain related qualifications. The contracts are exempt from the State Procurement Code and must be entered into by December 1, 2015. The contracts also have certain technical and performance requirements, such as the automated acquisition of real-time weather and fire fuel information. While under contract, the DFPC and DHSEM are required to coordinate with

Date: 2/5/2015

Version: *House Committee on
Agriculture, Livestock, & Natural
Resources*

governmental end users across the state to refine requirements for the prediction and decision-support systems. To assist in the development of the prediction and decision-support systems, DFPC and DHSEM may seek and accept gifts, grants, and donations.

Background

Much of the work that goes into predicting fire and floods is currently done with 1970s and 1980s technology involving scattered observation stations and historical data. In the mid 1990s, the National Center for Atmospheric Research (NCAR) began researching how to couple fire-behavior predictions with weather predictions to understand behavior patterns and movements of wildfires, such as fire whirls, back-burning, and splitting and merging. NCAR developed a system based on evolving weather conditions that can offer 12-hour predictions and update them continuously. NCAR presented its research at the Western Governors Association conference in the summer of 2014 and to the Wildfire Matters Review Committee in the 2014 legislative interim. The fire behavior prediction technology, known as CAWFE, has been tested by comparing predicted fire behavior to actual conditions in recent Colorado wildfire events.

Date: 8/21/2015

Version: Final



Legislative Council Staff

Research Note

Bill Number: HB15-1055

Short Title: *Participation In State Employee Assistance Program*

Prime Sponsors: Representative Esgar
Senator Grantham

Research Analyst: Luisa Altmann (x3518)

Current Status

This research note reflects the final version of the bill, which was signed by the Governor and became effective on March 26, 2015.

Summary

The bill permits the Colorado State Employee Assistance Program (C-SEAP) to involve dependents of a state employee or any other person who is not a state employee in C-SEAP programs if their participation is deemed to be necessary in order to provide effective counseling and assistance to a state employee. The bill clarifies that dependents of state employees are not eligible to be the sole and direct recipients of C-SEAP services.

Background

C-SEAP provides various services to Colorado state employees, including counseling, conflict resolution, crisis management, and manager consultations. C-SEAP has nine offices across the state and also offers counseling services over the phone. According to witness testimony, approximately 2,200 employees per year use C-SEAP's direct counseling services, and in 2014, C-SEAP served approximately 7,000 employees across all offered services.

Date: 8/21/2015

Version: Final

House Action

House Business Affairs and Labor Committee (January 20, 2015). At the hearing representatives from the Department of Personnel and Administration (DPA) and C-SEAP testified in support of the bill. The committee adopted amendment L.001, which corrected the spelling of "dependent," and referred the bill to the House Committee of the Whole.

House Second Reading (January 23, 2015). The House Committee of the Whole adopted the committee report and the bill on second reading.

House Third Reading (January 26, 2015). The House adopted the bill, unamended, on third reading.

Senate Action

Senate Business, Labor, & Technology Committee (March 2, 2015). At the hearing a representative from DPA testified in support of the bill. The committee referred the bill, unamended, to the Senate Committee of the Whole.

Senate Second Reading (March 5, 2015). The Senate Committee of the Whole adopted the bill, unamended, on second reading.

Senate Third Reading (March 6, 2015). The Senate adopted the bill, unamended, on third reading.



Legislative Council Staff

Research Note

Bill Number: SB15-288

Short Title: *Compensation Of State & County Public Officials*

Prime Sponsors: Senator Baumgardner
Representative Hamner

Research Analyst: Conrad Imel (x2756)

Current Status

This research note reflects the final version of the bill, which becomes effective on January 1, 2016.

Summary

Senate Bill 15-288 aligns the salaries paid to members of the General Assembly, the Governor, the Lieutenant Governor, the Secretary of State, the Attorney General, and the State Treasurer with the salaries paid to certain judicial branch officials. The salary adjustments in the bill take effect for terms beginning in January 2019.

Elected state officials. The bill requires the referenced salaries for elected state officials to be aligned with judicial salaries, adjusted every four years to maintain alignment, as follows:

- the Governor's salary equal to 66 percent of the salary of the Chief Justice of the Colorado Supreme Court;
- the Lieutenant Governor's salary equal to 58 percent of the salary of county court judges in Class B counties;
- the Attorney General's salary equal to 60 percent of the salary of the Chief Judge of the Colorado Court of Appeals;
- the salary of the Secretary of State equal to 58 percent of the salary of county court judges in Class B counties; and
- the State Treasurer's salary equal to 58 percent of the salary of county court judges in Class B counties.

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If the Lieutenant Governor is concurrently serving as the head of a principal department, and the salary of the department head is greater than the amount for the Lieutenant Governor, the bill requires the Lieutenant Governor to also be paid the portion of the salary that, when combined with the salary for Lieutenant Governor, is equivalent to the amount of salary for that department head.

The bill does not authorize modification of an elected official's salary during his or her official term, and requires an official who assumes a position due to vacancy to receive the salary of the vacating official. The bill also requires the Director of Research of the Legislative Council (director of research) to post elected officials' salary information on the General Assembly's website, and requires each elected official to publish his or her salary information on the department's website.

Members of the General Assembly. The bill requires members of the General Assembly to receive an annual base compensation equal to 25 percent of the salary of county court judges in Class B counties. Members appointed to fill vacancies for unexpired terms will receive the same salary as his or her predecessor. Compensation is adjusted every two years and applied to members beginning their terms. The bill requires the director of research to post members' salary information on the General Assembly's website.

County officers. The bill creates 24 categories for counties and establishes the salaries of county officers in each category. The bill assigns each of Colorado's counties to one of six categories, and permits the General Assembly, on and after January 1, 2016, to move a county to another category after considering variation among counties' populations, persons residing in unincorporated areas, assessed valuation, motor vehicle registrations, building permits, military installations, and other factors that may be relevant to reflect the variations in workloads and responsibilities of county officers and the tax resources of the several counties.

The bill requires the director of research, prior to January 1, 2018, and prior to January 1 every two years thereafter, to adjust the salaries of elected county officials for inflation and post such adjusted salary amounts on the General Assembly's website.

Salary commissions. The bill repeals the Colorado State Officials' Compensation Commission Act and the County Elected Officials' Salary Commission, effective January 1, 2016.

Background

Judicial salary categories. Under the bill, salaries are aligned with certain judicial officers salaries. Judicial officers' salaries are set in the annual general appropriations bill. Counties are classified solely for the purposes of judicial personnel compensation in Section 13-6-201, C.R.S.

Elected state officials. Salaries for the Governor, Lieutenant Governor, Secretary of State, Attorney General, and State Treasurer are set in Section 24-9-101, C.R.S. Under prior law, such salaries were fixed in statute. The Colorado Constitution prohibits the General Assembly from increasing or diminishing the salaries of those officials during their official terms.

Members of the General Assembly. Under prior law, the base annual compensation for members of the General Assembly, set in Section 2-2-307, C.R.S., was \$30,000. The Colorado

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Constitution prohibits the General Assembly from altering the salaries of current legislative members. The General Assembly may determine the salary levels of future members. Members are also entitled to an expense allowance, the amount of which is determined by whether the member lives in the Denver metro area.

County officers. Salaries paid to Colorado county officers vary by office and the statutory category of a county. The Colorado Constitution requires the General Assembly to set the salary levels for county commissioners, sheriffs, treasurers, assessors, clerk and recorders, and coroners. The General Assembly is required to consider specific factors when fixing the compensation of county officers and must set a level of compensation that reflects variations in the workloads and responsibilities of each county officer.

Under prior law, all Colorado counties were assigned a category — I through VI — for the purpose of setting the salaries of elected county officials. In general, counties with higher populations were required to pay higher salaries than smaller counties. Senate Bill 15-288 creates 24 categories for counties: I-A, I-B, I-C, I-D, II-A, and continuing as such through category VI-D. The bill sets the salaries for officers in each category of county, with salaries being set the highest in category I-A, and generally decreasing in categories with smaller counties.

Senate Action

Senate Judiciary Committee (May 1, 2015). The committee heard testimony in support of the bill from representatives of Colorado Counties, Inc., and the County Elected Salary Commission. There was no testimony in opposition to the bill.

The committee adopted amendments L.001 and L.002, which substitutes "annual salary" for "compensation" in the bill, requires the director of research to post elected officials' salary information on the General Assembly's website, and requires elected officials to publish the official's salary information on the department's website. The committee referred the bill, as amended, to the Senate Appropriations Committee.

Senate Appropriations Committee (May 4, 2015). The Appropriations Committee referred the bill, unamended, to the Senate Committee of the Whole.

Senate second reading (May 4, 2015). The Senate Committee of the Whole adopted the Senate Judiciary Committee report. The committee also adopted amendment L.005, which clarifies the beginning of the legislative session for which certain salary adjustments are made and repeals the Colorado State Officials' Compensation Commission Act and the County Elected Officials' Salary Commission, effective January 1, 2016. The committee passed the bill, as amended, on second reading.

Senate third reading (May 5, 2015). The Senate adopted the bill on third reading.

Date: 7/23/2015

Version: Final

House Action

House Finance Committee (May 5, 2015). The committee heard testimony in support of the bill from representatives of the County Elected Salary Commission and the League of Women Voters. There was no testimony in opposition to the bill.

The committee referred the bill to the House Committee of the Whole. On the same day, the committee reconsidered the bill, and referred it to the House Appropriations Committee.

House Appropriations Committee (May 5, 2015). The Appropriations Committee referred the bill to the House Committee of the Whole.

House second reading (May 5, 2015). The House Committee of the Whole passed the bill on second reading.

House third reading (May 6, 2015). The House passed the bill on third reading.

Relevant Research

Colorado Local Government Handbook (2013): <http://tinyurl.com/nzqzt5a> (pdf).

Current Salary Levels of State and County Elected Officials (Interested Persons Memorandum) (2010): Attachment A.

Date: 7/6/2015

Version: Final



Legislative Council Staff

Research Note

Bill Number: SB15-278

Short Title: *Allow Dome Restoration Moneys for Capitol Restoration*

Prime Sponsors: Senator Lambert
Representative Hamner

Research Analyst: Matt Becker (x4785)

Current Status

This research note reflects the final version of the bill, which was signed by the Governor and became effective on June 5, 2015.

Summary

The bill changes the project scope and title of the State Capitol Dome Renovation project in order to allow the Department of Personnel and Administration (DPA) to spend the remaining state-funded appropriation on other building projects, specifically to begin restoration of the wooden windows and granite-clad portions of the exterior of the State Capitol building.

Background

Between FY 2010-11 and FY 2013-14, \$16.8 million was appropriated to DPA on behalf of the State Capitol Dome Renovation project in order to renovate the cast iron structure of the State Capitol dome, along with its associated components. The project was completed, and the dome reopened to the public, in October 2014. The FY 2013-14 appropriation to the project included \$5.0 million from the Capital Construction Fund. The full FY 2013-14 state-funded appropriation to the project was not needed to complete the dome renovation.

Senate Action

Senate Appropriations Committee (April 28, 2015). The bill was referred to the Senate Committee of the Whole. No witness testimony was heard.

Date: 7/6/2015

Version: Final

Senate second reading (April 28, 2015). The Senate Committee of the Whole adopted the bill on second reading with no amendments.

Senate third reading (April 29, 2015). The full Senate adopted the bill on third reading.

House Action

House Appropriations Committee (May 1, 2015). The bill was referred to the House Committee of the Whole. No witness testimony was heard.

House second reading (May 1, 2015). The House Committee of the Whole adopted the bill on second reading with no amendments.

House third reading (May 4, 2015). The full House adopted the bill on third reading.

Relevant Research

2013 Long Bill: http://tornado.state.co.us/gov_dir/leg_dir/olls/sl2013a/sl_441.pdf

Date: July 6, 2015

Version: Final



Legislative Council Staff

Research Note

Bill Number: SB15-270

Short Title: *Create The Office Of State Architect*

Prime Sponsors: Senator Lambert
Representative Rankin

Research Analyst: Matt Becker (x4785)

Current Status

This research note reflects the final version of the bill, which was signed by the Governor and became effective on June 5, 2015.

Summary

The bill creates the Office of the State Architect (OSA) within the Department of Personnel and Administration (DPA). In practice, OSA is already functioning and manages responsibilities related to state buildings, real estate, and energy management; however, it has never been created in statute. The bill specifies OSA as the state agency responsible for these duties, currently assigned to DPA. The bill also adds new responsibilities to OSA related to statewide planning for the acquisition, renovation, and construction of capital assets for state agencies, including:

- coordinating the preparation and maintenance of long-range master plans;
- reviewing operational master plans and approving facilities master plans, facilities program plans, and five-year plans;
- working with the Governor's Office of State Planning and Budgeting (OSPB) and the Colorado Commission on Higher Education (CCHE) to develop and establish criteria for recommending capital construction projects;
- reviewing and making recommendations to OSPB regarding capital construction budget requests; and
- providing the Capital Development Committee (CDC) with an annual report regarding approved plans.

Date: July 6, 2015

Version: Final

Background

In September 2014, a stakeholder group met to address concerns associated with the scope of a capital project recently financed using certificates of participation. The group included state employees involved in the state's capital construction planning and budgeting process, including representatives from OSA, Legislative Council Staff, Joint Budget Committee (JBC) staff, the Office of Legislative Legal Services, OSPB, and the Attorney General's Office. The group discussed the general lack of planning expertise among state agencies. It also determined that while most state agencies do not have adequate resources for long-term capital planning, higher education institutions and CCHE have an established and effective capital process. As a solution, the group proposed a more robust capital planning process for state agencies similar to that of higher education institutions.

In November 2014, JBC staff recommended that the JBC sponsor legislation to add a planning function within OSA to improve the state's capital planning and budgeting process. JBC staff also recommended that statutory guidance be modeled after the higher education capital planning process. The stakeholder group met several times from January through April 2015 to discuss details of the new statewide planning function proposed for OSA. In April 2015, the JBC voted unanimously to introduce the legislation as a committee bill. The CDC considered the bill under Senate Rule 42(a). It was decided to be introduced as a JBC bill because of the associated funding for the OSA planning function in the 2015 Long Bill.

Currently, OSA is only involved in the capital construction process by managing: construction projects for state-owned buildings after appropriations have been made, state agency leases, real property transactions, and controlled maintenance projects. OSA already has a thorough process for evaluating and recommending controlled maintenance projects. The bill seeks to create a similar process within OSA for the state's capital construction projects. By modeling the new planning function after the higher education process, OSA will also be responsible for reviewing the capital planning needs of all state agencies.

Senate Action

Senate Appropriations Committee (April 24, 2015). The committee adopted amendments L.001 and J.001. Amendment L.001 exempts higher education institutions from parts of the bill and clarifies legislative intent. Amendment J.001 appropriates \$105,531 and 1.0 FTE to the Office of the State Architect. It decreases the appropriation for statewide planning services in the 2015 Long Bill by an equal amount.

Senate second reading (April 24, 2015). The Senate Committee of the Whole adopted the Senate Appropriations report.

Senate third reading (April 27, 2015). The Senate adopted the bill on third reading with no additional amendments.

House Action

House Appropriations Committee (April 29, 2015). The committee adopted amendment L.002, which exempts higher education institutions from the bill entirely.

Date: July 6, 2015

Version: Final

House second reading (April 29, 2015). The House Committee of the Whole adopted the House Appropriations report.

House third reading (April 30, 2015). The House adopted the bill on third reading with no additional amendments.

Relevant Research

Governor's Office of State Planning and Budgeting website: <http://www.colorado.gov/ospb>

National Association of State Budget Officers, *Capital Budgeting in the States*, Spring 2014: <http://www.nasbo.org/capital-budgeting-in-the-states>

Office of the State Architect website: <http://www.colorado.gov/osa>

Date: 7/6/2015

Version: Final



Legislative Council Staff

Research Note

Bill Number: SB15-251

Short Title: *General Fund Reserve Exclude Lease-Purchase Payments*

Prime Sponsors: Senator Lambert
Representative Hamner

Research Analyst: Matt Becker (x4785)

Current Status

This research note reflects the final version of the bill, which becomes effective on August 5, 2015, assuming no referendum petition is filed.

Summary

The bill, recommended by the Joint Budget Committee (JBC), exempts payments made for certificates of participation (COPs) lease-purchase agreements from General Fund appropriations used to compute the statutory General Fund reserve.

Background

Joint Rule 45, enacted with the passage of Senate Joint Resolution 14-039, differentiates operating, capital construction, and information technology budget requests under the respective purviews of the JBC, Capital Development Committee (CDC), and Joint Technology Committee. Pursuant to Joint Rule 45, the operating budget includes items that require ongoing funding levels from year to year. In the past, lease-purchase payments were appropriated through the capital construction budgeting process and paid from the Capital Construction Fund.

In October 2014, the CDC requested that the JBC consider moving COP payments from the capital budget to the operating budget, once construction for a project funded by COPs is substantially complete. As provided by Joint Rule 45, the CDC determined that lease-purchase payments more properly belong in the operating budget due to their routine, ongoing nature. In November 2015, JBC staff recommended moving lease-purchase payments for substantially complete facilities to the operating budget, which is paid from the General Fund.

Date: 7/6/2015

Version: Final

However, doing so requires the state to increase the amount of General Fund revenue required to be held in reserve each year. Under current law, the General Fund reserve is required to be at least 6.5 percent of all General Fund appropriations in a given fiscal year, except those necessary to resolve a declared fiscal emergency. Consistent with the historical practice for the categorization of COPs, the JBC recommended legislation to exempt lease-purchase payments from the General Fund reserve requirement.

Senate Action

Senate Appropriations Committee (March 30, 2015). The bill was referred to the Senate Committee of the Whole. No witness testimony was heard on the bill.

Senate second reading (April 1, 2015). The Senate Committee of the Whole adopted the bill on second reading with no amendments.

Senate third reading (April 2, 2015). The full Senate adopted the bill on third reading.

House Action

House Appropriations Committee (April 7, 2015). The bill was referred to the House Committee of the Whole. No witness testimony was heard on the bill.

House second reading (April 8, 2015). The House Committee of the Whole adopted the bill on second reading with no amendments.

House third reading (April 9, 2015). The full House adopted the bill on third reading.

Relevant Research

FY 2015-16 JBC capital construction briefing:

http://www.tornado.state.co.us/gov_dir/leg_dir/jbc/2014-15/capbrf.pdf

FY 2015-16 JBC capital construction figure setting:

http://www.tornado.state.co.us/gov_dir/leg_dir/jbc/2014-15/capfig.pdf

Date: 7/6/2015

Version: Final



Legislative Council Staff

Research Note

Bill Number: SB15-238

Short Title: *General Fund Exempt Institutions of Higher Education Uses*

Prime Sponsors: Senator Steadman
Representative Hamner

Research Analyst: Matt Becker (x4785)

Current Status

This research note reflects the final version of the bill, which was signed by the Governor and became effective on May 1, 2015.

Summary

The bill, recommended by the Joint Budget Committee, expands the list of qualifying appropriations from the General Fund Exempt account for higher education institutions to include: work-study programs, tuition for qualified Indian pupils who attend Fort Lewis College, local district junior college grants, and area vocational school grants.

Background

The amount of the total appropriation for all public higher education institutions is determined annually by the General Assembly. The governing boards at the institutions of higher education make all budget decisions once state appropriations are allocated to the schools. This bill expands the authorized uses for which governing boards may spend from their portion of the allocation of the General Fund Exempt account. The exempt account consists of the revenues the state retains and spends under the authority of Referendum C of 2005. When funding is available, current law requires that one-third of the surplus Referendum C revenue be appropriated for the benefit of students attending institutions of higher education. General Fund Exempt account monies can also be appropriated for health care, education (including public elementary and high schools, higher education, and capital construction projects), firefighter and police retirement plans, and strategic transportation projects. Current law specifically identifies qualifying higher education appropriations from the General Fund Exempt account as: student stipends, fee-for-service contracts with governing boards, need- and merit-based aid, and capital construction appropriations.

Date: 7/6/2015

Version: Final

Senate Action

Senate Appropriations Committee (March 30, 2015). The bill was referred to the Senate Committee of the Whole. No witness testimony was heard on the bill.

Senate second reading (April 1, 2015). The Senate Committee of the Whole adopted the bill on second reading with no amendments.

Senate third reading (April 2, 2015). The full Senate adopted the bill on third reading.

House Action

House Appropriations Committee (April 7, 2015). At the hearing, JBC staff responded to committee questions. The bill was referred to the House Committee of the Whole.

House second reading (April 8, 2015). The House Committee of the Whole adopted the bill on second reading with no amendments.

House third reading (April 9, 2015). The full House adopted the bill on third reading.

Relevant Research

Issue Brief on Referendum C: <http://tinyurl.com/qxtchqj>

Date: 7/6/2015

Version: Final



Legislative Council Staff

Research Note

Bill Number: SB15-236

Short Title: *Reorganize State Historical Society Funds*

Prime Sponsors: Senator Grantham
Representative Rankin

Research Analyst: Matt Becker (x4785)

Current Status

This research note reflects the final version of the bill, which was signed by the Governor and became effective on May 1, 2015.

Summary

The bill, recommended by the Joint Budget Committee (JBC), creates two separate subaccounts in the State Historical Fund (SHF) administered by the State Historical Society (History Colorado):

- The Preservation Grant Program Account receives 50.1 percent of limited gaming revenue to the SHF. This subaccount is used for historic preservation grants. To the extent that funds are distributed to grant recipients, the subaccount is continuously appropriated to History Colorado. History Colorado may also request annual appropriations from the General Assembly from this subaccount, to be used for the administrative costs of the preservation grant program.
- The Museum and Preservation Operations Account receives 49.9 percent of limited gaming revenue to the SHF. The fund may be used for the operational budget of History Colorado, including capital construction and controlled maintenance. This subaccount is subject to annual appropriation by the General Assembly.

On July 1, 2015, the State Controller is required to divide the existing balance in the SHF between the new subaccounts. This allocation of funds, as well as appropriations in FY 2015-16, will be based on the purposes of the two subaccounts.

The bill also creates the Enterprise Services Cash Fund for other noncustodial revenue collected by History Colorado. This other revenue includes admissions and membership fees, sales of goods and services, revenue from concessions, and any other state source of revenue. The Enterprise Services Cash Fund may be used for the operational budget of History Colorado, is subject to annual appropriation by the General Assembly, and is not subject to statutory limits on uncommitted reserves.

Background

History and Distribution of SHF. The SHF was created with the enactment of limited gaming in Colorado in 1990. As required by the state constitution, 28 percent of limited gaming revenue is deposited into the SHF each year. Of this, 20 percent is constitutionally required to be distributed to the cities of Central City, Cripple Creek, and Black Hawk based on the proportion of gaming revenue generated by each city. The remaining 80 percent is administered by History Colorado. Statute requires that the majority of this money, or 50.1 percent, be used for the historic preservation and restoration of sites throughout the state through a statewide grant program. The remainder, or 49.9 percent, is used to fund certificates of participation payments and the operations of the History Colorado Center and the regional museums.

Refinancing of SHF. In 2003, the General Assembly refinanced the operational budget of History Colorado, using the SHF to finance operating expenses in place of the state General Fund. With this refinancing, the SHF's statutory purposes were broadened to include the deposit of all moneys received by History Colorado, including admission and membership fees, revenue from concessions, special event and exhibit fees, and donations. Since 2003, in addition to funding the majority of History Colorado's operations, legislation has directed the use of the SHF for certain capital construction projects, including the History Colorado Center and the Capitol Dome Restoration.

Audit. In June 2014, the Office of the State Auditor (OSA) released a performance audit of History Colorado. Among the findings and recommendations in its audit report, the OSA noted that the amount of available funding for preservation grants has declined over time, to approximately 45 percent of SHF revenue at present, and a lack of accounting procedures and fiscal controls at History Colorado have contributed to an unreliable picture of History Colorado's financial position.

In the current fiscal year, the portion of the SHF fund balance used for History Colorado operations is expected to be depleted by a net amount of approximately \$2.3 million. Based on current budget projections, a balance of at least \$2 million will exist in the State Historical Fund at the end of FY 2014-15.

Senate Action

Senate Appropriations Committee (March 30, 2015). The bill was referred to the Senate Committee of the Whole. No witness testimony was heard on the bill.

Senate second reading (April 1, 2015). The Senate Committee of the Whole adopted the bill on second reading with no amendments.

Date: 7/6/2015

Version: Final

Senate third reading (April 2, 2015). The full Senate adopted the bill on third reading.

House Action

House Appropriations Committee (April 7, 2015). At the hearing, JBC staff responded to committee questions. No witness testimony occurred on the bill. The bill was referred to the House Committee of the Whole.

House second reading (April 8, 2015). The House Committee of the Whole adopted the bill on second reading with no amendments.

House third reading (April 9, 2015). The full House adopted the bill on third reading.

Relevant Research

SHF website: <http://www.historycolorado.org/oahp/state-historical-fund>

Date: 6/18/2015

Version: Final



Legislative Council Staff

Research Note

Bill Number: SB15-225

Short Title: *State Historical Society Governance*

Prime Sponsors: Senator Holbert
Representative Ryden

Research Analyst: Julia Jackson (x4788)

Current Status

This research note reflects the final version of the bill, which was signed by the Governor and became effective on May 5, 2015.

Summary

This bill modifies the membership and selection process for the Board of Directors (board) of the State Historical Society (society), which is the society's governing authority. The new board has nine members, five of whom are appointed by the Governor with the consent of the Senate. The other four members are selected by the board and submitted to the Governor for approval and appointment, also with the consent of the Senate. If the Governor does not approve a recommendation, the board must submit a new recommendation. Board members serve three-year terms, with new members taking office July 1, 2015, but initial terms are staggered. Board members appointed by the Governor should have financial, legal, and regulatory expertise as necessary to oversee the society.

Additionally, the bill creates the Directors Council of the State Historical Society. The Directors Council will provide advice, counsel, and expertise to the board. Its members will be elected by the members of the society, and the board will adopt its bylaws, including setting the number of members and their terms of office.

Background

The State Historical Society, also known as History Colorado, is a nonprofit corporation founded in 1879 and serving as an educational institution of the state since 1915. The society is a division of the Department of Higher Education. It manages and makes accessible to the public

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cultural and heritage resources of the state, operating statewide museums, providing educational resources and services, and serving as stewards of the state's historic collections. The society also manages the State Historical Fund program of preservation grants and serves as the state Historic Preservation Office. Currently, the 28 members of the board are elected by society members from nominations made by the board. None of the board's provisions are currently in statute.

The Office of the State Auditor conducted a performance audit of History Colorado in 2014 that included the following recommendation:

History Colorado management and its Board of Directors should (a) work with the Department of Higher Education to assess its current structure and, if necessary, develop an appropriate governance and organizational structure that balances its needs as a non-profit corporation with that of a State agency, and achieves its organizational objectives and obligations; and (b) work with the General Assembly to develop legislation to incorporate any changes to its governance and organizational structure as a result of implementation of part (a) into State statutes, if necessary.

The bill was the result of this audit recommendation, and it was recommended by the Legislative Audit Committee.

Senate Action

Senate State, Veterans, and Military Affairs Committee (April 13, 2015). At the hearing, History Colorado representatives testified in support of the bill.

The committee adopted amendment L.001, which made the new board structure effective July 1, 2015, instead of January 1, 2016, and replaced the petition clause with a safety clause. Other dates related to member term length and appointment deadlines were changed to conform with the new effective date.

The committee referred the bill, as amended, to the Senate Committee of the Whole.

Senate second reading (April 16, 2015). The Senate adopted the State, Veterans, and Military Affairs committee report and amendment L.003, a technical amendment. The bill passed, as amended, on second reading.

Senate third reading (April 17, 2015). The Senate passed the bill on third reading with no amendments.

House Action

House State, Veterans, and Military Affairs Committee (April 27, 2015). At the hearing, representatives from History Colorado and the Department of Higher Education testified in support of the bill. The committee referred the unamended bill to the House Committee of the Whole.

Date: 6/18/2015

Version: Final

House second reading (April 29, 2015). The House passed the bill on second reading with no amendments.

House third reading (April 30, 2015). The House passed the bill on third reading with no amendments.

Date: 6/18/2015

Version: Final

Relevant Research

History Colorado Performance Audit (Office of the State Auditor, 2014): <http://tinyurl.com/oc4jk78>



Legislative Council Staff

Research Note

Bill Number: SB15-213

Short Title: *Waive Gov Immunity For Acts Of School Violence*

Prime Sponsors: Senator Cadman
Representative Hullinghorst

Research Analyst: Conrad Imel (x2756)

Current Status

This research note reflects the final version of the bill, which was signed by the Governor and became effective on June 3, 2015.

Summary

Senate Bill 15-213 creates the Claire Davis School Safety Act (act) and contains the following provisions:

Duty of care. The bill states that school districts, charter schools, and the employees of each have a duty to exercise reasonable care to protect all students, faculty, and staff from harm from acts committed by another person when the harm is reasonably foreseeable.

Limited waiver of sovereign immunity. The bill waives sovereign immunity under the Colorado Governmental Immunity Act (CGIA) with respect to school districts and charter schools for a claim of breach of the duty to exercise reasonable care by a school district, charter school, or an employee of either arising from an incident of school violence.

The bill provides the following regarding liability:

- the Teacher and School Administration Act does not apply to school districts and charter schools with respect to claims under the bill's limited waiver of sovereign immunity;
- an employee of a public school, school district, or charter school is not liable in an individual capacity under the act unless the employee's actions or omissions are willful and wanton;

Date: 6/30/2015

Version: Final

- public schools, school districts, and charter schools are not negligent solely for not expelling or suspending a student;
- the new law does not constitute a waiver of sovereign immunity by public schools, school districts, or charter schools if the injury arises from an act or failure to act for which an employee would be, or heretofore has been, personally immune from liability; and
- absolute or strict liability cannot be applied in any action filed against a school district or charter school under the act; negligence is required to impose liability.

The maximum amount of damages that may be recovered in any single occurrence from a school district or charter school for a claim brought under the act is governed by the CGIA.

Judgments and discovery. For incidents of school violence that occur between the effective date of the act and January 1, 2017, courts are prohibited from awarding compensatory damages to plaintiffs or issuing declaratory judgments regarding the negligence of a public school, school district, or charter school, but plaintiffs are entitled to full discovery regarding the incident of school violence.

The bill provides that an offer of judgment by a defendant under existing law is not deemed rejected if not accepted by the plaintiff until 14 days after the completion of discovery, and that plaintiffs are not liable for costs due to not accepting such an offer until 14 days after the completion of discovery. If a defendant refuses to answer a complaint, default judgment is entered against a defendant for failure to answer a complaint, or a defendant confesses to liability in a claim brought under the act, courts are required to allow full discovery upon request of the plaintiff.

The bill also contains a legislative declaration, defines certain terms, and makes conforming amendments to existing law.

Background

The CGIA, Section 24-10-101, *et. seq.*, C.R.S., which became law in 1971, governs the circumstances under which tort claimants may take action against public entities or their employees (*e.g.*, the state, counties, municipalities, and their political subdivisions). Prior to 2015, the CGIA established governmental immunity for most tort actions taken against a public entity except for injuries or damages resulting from the following eight categories:

- automobile accidents;
- negligent operation of hospitals, correctional facilities, or jails;
- dangerous conditions of any public building;
- negligent construction, operation, or maintenance of public roads;
- dangerous conditions in public parks and recreational facilities;
- the operation and maintenance of public utilities (*i.e.*, water, gas, sewer, trash, electrical facilities) and other proprietary activities;
- the operation and maintenance of a qualified state capital asset; and
- the failure to perform an education employment background check as required by state law.

Public employees are generally immune from tort actions arising out of an act or omission occurring during the performance of their duties and within their scope of employment, unless the act or omission was willful and wanton.

Where governmental immunity is waived, Colorado law sets forth maximum limitations that may be recovered in tort claim cases against public entities. The maximum amount that may be recovered for injury to one person in any single occurrence is \$350,000. A maximum of \$990,000 may be recovered for an injury to two or more individuals in any single occurrence, except that no person may recover in excess of \$350,000. These amounts are adjusted beginning January 1, 2018, and every four years thereafter, reflecting a change in the U.S. Department of Labor's consumer price index.

Senate Action

Senate Judiciary Committee (April 13, 2015). The committee heard testimony in support of the bill from nine private citizens. The committee heard testimony in opposition to the bill from representatives of the Cherry Creek School District, the Colorado League of Charter Schools, the Colorado Civil Justice League, the Colorado Springs District 11 Board of Education, the Colorado Association of School Boards, the Colorado School District Self-Insurance Pool, the Colorado Education Association, the Consortium of Special Education Directors, The Arc of Colorado, and the Colorado Association of School Executives.

The committee adopted amendments L.001, L.004, L.005, L.007, and L.008, which:

- change the applicability date of the act from January 1, 2013, to the date of passage and make the provisions of the bill apply to claims resulting from an incident of school violence that occurs on or after the effective date of the act;
- remove a provision of the bill that would have permitted courts to award attorney fees and costs to successful plaintiffs;
- remove a prohibition on defendants from making an offer of judgment until the completion of discovery, and insert a provision stating that such an offer is not deemed rejected if not accepted until 14 days after the completion of discovery, and that plaintiffs are not liable for costs due to not accepting such an offer until 14 days after the completion of discovery;
- amend the legislative declaration in the bill, including conforming technical amendments;
- define "crime of violence" in the bill; and
- amend the definition of "incident of school violence" to include crimes of violence and remove possession, use, and threatened use of a deadly weapon and physical attacks.

The committee referred the bill, as amended, to the Senate Committee of the Whole.

Senate second reading (April 21, 2015). The Senate Committee of the Whole adopted the Senate Judiciary Committee report. The Committee of the Whole amended the Judiciary Committee report by adopting amendments L.017, L.018, L.019, L.020, L.021, and L.023, which:

- name the act the "Clair Davis School Safety Act;"

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- remove second degree assault from the definition of "crime of violence" in the bill;
- provide that the Teacher and School Administration Act does not apply to school districts and charter schools with respect to claims under the bill's limited waiver of sovereign immunity;
- provide that an employee of a public school, school district, or charter school is not liable in an individual capacity under the act unless the employee's actions or omissions are willful and wanton;
- provide that public schools, school districts, or charter schools are not negligent solely for not expelling or suspending a student;
- for incidents of school violence that occur between the effective date of the act and January 1, 2017, prohibit courts from awarding compensatory damages to plaintiffs, allow courts to issue a declaratory judgment regarding school negligence, and provide that plaintiffs are entitled to full discovery; and
- make technical amendments.

The committee passed the bill, as amended, on second reading.

Senate third reading (April 22, 2015). The Senate adopted amendment L.026, which made technical corrections to the bill. The Senate passed the bill, as amended, on third reading.

Senate Consideration of House Amendments (May 4, 2015). The Senate concurred with the House amendments and repassed the bill.

House Action

House Judiciary Committee (April 30, 2015). The committee heard testimony in support of the bill from six private citizens. The committee heard testimony in opposition to the bill from a representative of the League of Women Voters.

The committee adopted amendments L.035, L.036, and L.037, which:

- prohibit courts from issuing declaratory judgments regarding the negligence of a public school, school district, or charter school;
- clarify that felony sexual assaults are included in the definition of "crime of violence;" and
- make a technical amendment.

The committee referred the bill, as amended, to the House Committee of the Whole.

House second reading (April 30, 2015). The House Committee of the Whole adopted the House Judiciary Committee report and passed the bill, as amended, on second reading.

House third reading (May 1, 2015). The House passed the bill on third reading.

Date: 6/30/2015

Version: Final

Relevant Research

School Resource Officers and School Security Officers (Interested Persons Memorandum, 2014): Attachment A.

School Safety Resource Center, Statistics and Research (Department of Public Safety): <http://tinyurl.com/p4pw4mh>.

Date: 8/21/2015

Version: Final



Legislative Council Staff

Research Note

Bill Number: SB15-194

Short Title: *Statewide Internet Portal Authority Board Members*

Prime Sponsors: Senator Neville T. and Senator Newell
Representative Tate and Representative Tyler

Research Analyst: Jeanette Chapman (x4657)

Current Status

This research note reflects the final version of the bill, which was signed by the Governor and became effective on May 1, 2015.

Summary

The bill makes changes to and clarifies membership requirements of the Statewide Internet Portal Authority (SIPA) board of directors.

Background

The SIPA is responsible for overseeing electronic government services for residents and governmental entities. The SIPA board of directors (board) consists of 15 members. The bill allows executive directors of executive branch agencies, the member of the board appointed by the Chief Justice of the Colorado Supreme Court, and the state's Chief Information Officer to select designees to serve on the board in their stead. The bill also removes the requirement that a vacancy for any of the four legislative members of the board be filled by a member of the Joint Technology Committee. Finally, the bill specifies that the chair of the board, who is elected by the members of the board, may be a member who is not an elected official, but may not be a designee of the executive director of an executive branch agency, the State's Chief Information Officer, or the appointee selected by the Chief Justice of the Colorado Supreme Court.

Date: 8/21/2015

Version: Final

Senate Action

Senate Business, Labor, and Technology Committee (March 11, 2015). At the hearing, a representative from the SIPA discussed the purpose of the bill. The committee adopted amendment L.004, which removed the requirement that at least two legislative members appointed to the board also be members of the Joint Technology Committee. The committee referred the bill, as amended, to the Senate Committee of the Whole.

Senate second reading (March 16, 2015). The Senate Committee of the Whole adopted the bill and the Business, Labor, and Technology Committee report on second reading.

Senate third reading (March 17, 2015). The Senate adopted the bill, unamended, on third reading.

House Action

House Business Affairs and Labor Committee (March 31, 2015). At the hearing, the committee adopted amendment L.006, which recreated the requirement that at least two of the legislative members appointed to the board also be members of the Joint Technology Committee. The committee referred the bill, as amended, to the House Committee of the Whole.

House second reading (April 6, 2015). The House Committee of the Whole rejected the House Business Affairs and Labor Committee report, and adopted the bill, unamended, on second reading.

House third reading (April 7, 2015). The House adopted the bill, unamended, on third reading.

Date: 8/21/2015

Version: Final



Legislative Council Staff

Research Note

Bill Number: SB15-193

Short Title: *Statewide Internet Portal Authority Reports To General Assembly*

Prime Sponsors: Senator Neville T. and Senator Newell
Representative Tate and Representative Tyler

Research Analyst: Jeanette Chapman (x4657)

Current Status

This research note reflects the final version of the bill, which was signed by the Governor and became effective on May 1, 2015.

Summary

The Statewide Internet Portal Authority was required to submit two separate reports to various committees of the General Assembly. The bill combines the two reports into a single report and requires an annual report be submitted to the Joint Technology Committee, the Joint Budget Committee, and the House and Senate Business committees.

Background

The Statewide Internet Portal Authority is responsible for overseeing electronic access to state government information, products, and services to citizens and other government entities.

Date: 8/21/2015

Version: Final

Senate Action

Senate Business, Labor, and Technology Committee (March 11, 2015). At the hearing, members of the Joint Technology Committee discussed the purpose of the bill. The committee referred the bill, unamended, to the Senate Committee of the Whole, with a recommendation that it be placed on the consent calendar.

Senate second reading (March 16, 2015). The Senate Committee of the Whole adopted the bill, unamended, on second reading.

Senate third reading (March 17, 2015). The Senate adopted the bill, unamended, on third reading.

House Action

House Business Affairs and Labor Committee (March 31, 2015). At the hearing, the bill sponsor explained the purpose of the bill. The committee referred the bill, unamended, to the House Committee of the Whole.

House second reading (April 6, 2015). The House Committee of the Whole adopted the bill, unamended, on second reading.

House third reading (April 7, 2015). The House adopted the bill, unamended, on third reading.

Date: 5/20/2015

Version: Final



Legislative Council Staff

Research Note

Bill Number: SB15-112

Short Title: *General Fund Transfers To Building Regulation Fund*

Prime Sponsors: Senator Steadman
Representative Rankin

Research Analyst: Kori Donaldson (x4976)

Current Status

This research note reflects the final version of the bill, which was signed by the Governor and became effective on March 13, 2015

Summary

The bill makes two transfers from the General Fund to the Building Regulation Fund in order to repay about half of the amount transferred during the 2009 legislative session from the Building Regulation Fund to the General Fund. The 2009 transfer was made in order to offset statewide revenue shortfalls resulting from the economic recession. The bill also creates a temporary waiver from the statutory target reserve requirement in order to accommodate the inclusion of the additional revenues in the Building Regulation Fund.

Background

The Building Regulation Fund, which is managed by the Division of Housing within the Department of Local Affairs (DOLA), accrues fee revenue from regulatory activities related to factory-built housing, including inspections, registration of manufacturers, and plan reviews. In recent years, changes in Colorado's factory-built housing industry have caused fund revenue and expenditures to fluctuate.

Date: 5/20/2015

Version: Final

Senate Action

Senate Finance Committee (January 29, 2015). At the hearing, one individual representing DOLA testified in support of the bill. The committee referred the bill, unamended, to the Senate Appropriations Committee.

Senate Appropriations Committee (February 3, 2015). The committee referred the bill, unamended, to the Senate Committee of the Whole.

Senate second reading (February 4, 2015). The Senate Committee of the Whole passed the bill with no amendments.

Senate third reading (February 5, 2015). The bill was adopted by the full Senate.

House Action

House Appropriations Committee (February 10, 2015). The committee referred the bill, unamended, to the House Committee of the Whole. No witness testimony was heard.

House second reading (February 11, 2015). The House Committee of the Whole passed the bill with no amendments.

House third reading (February 12, 2015). The bill was adopted by the full House.

Date: 5/20/2015

Version: Final



Legislative Council Staff

Research Note

Bill Number: SB15-097

Short Title: *Supplemental Needs Trust For Certain PERA Benefits*

Prime Sponsors: Senator Aguilar
Representative Landgraf

Research Analyst: Kori Donaldson (x4976)

Current Status

The bill was signed into law by the Governor and took effect April 16, 2015.

Summary

The bill makes a change to how certain retirement benefits can be distributed after the death of a retiree enrolled in a Public Employees' Retirement Association (PERA) plan. Specifically, the bill allows a supplemental needs trust to be named as a cobeneficiary eligible to receive benefits after the death of a PERA retiree. The bill also states that a supplemental needs trust is an eligible survivor under PERA law and able to receive PERA survivor benefits as provided under the PERA law and rules.

Background

Supplemental needs trusts are established in order to allow a disabled individual to receive inheritances, gifts, or other moneys without losing his or her eligibility for certain government programs. These trusts are designed in such a way that the trust funds are not considered to belong to the beneficiary for purposes of determining his or her eligibility for public benefits.

Current law requires that an assigned cobeneficiary of a PERA member must be a living person. The bill removes this requirement by allowing a PERA member to designate a supplemental needs trust as a cobeneficiary that is eligible to receive a benefit. The bill defines a trust as a valid third-party special needs trust established for a member's or retiree's child as the beneficiary of the trust.

Date: 5/20/2015

Version: Final

Senate Action

Senate Finance Committee (February 10, 2015). At the hearing, one family and its representative testified in support of the bill. The executive director of PERA also testified in support of the bill. The committee referred the bill to the Senate Appropriations Committee.

Senate Appropriations Committee (February 13, 2015). The committee adopted a conceptual amendment indicating that the bill should be implemented within existing resources. The committee recommended the bill, as amended, to the Senate Committee of the Whole with a recommendation that it be placed on the consent calendar.

Senate second reading (February 19, 2015). The Senate Committee of the Whole adopted the Senate Finance and Appropriation Committee reports. It also adopted amendment L.002, which defines a supplemental needs trust as a valid third-party special needs trust established for a PERA member or retiree's child.

Senate third reading (February 20, 2015). The bill was adopted by the full Senate with no additional amendments.

House Action

House Finance Committee (March 12, 2015). At the hearing, a representative of PERA testified in support of the bill. The committee referred the bill to the House Committee of the Whole.

House second reading (March 16, 2015). The House Committee of the Whole adopted the bill with no amendments.

House third reading (March 17, 2015). The bill was adopted by the full House with no additional amendments.

Date: 5/19/2015

Version: Final



Legislative Council Staff

Research Note

Bill Number: SB15-002

Short Title: *Extend Report Date Statewide Radio Communication*

Prime Sponsors: Senator Roberts
Representative Brown

Research Analyst: Conrad Imel (x2756)

Current Status

This research note reflects the final version of the bill, which was signed by the Governor and became effective on April 3, 2015.

Summary

Senate Bill 15-002 extends the date by which the Department of Public Safety must report its findings regarding statewide radio communications to the Joint Budget Committee from December 1, 2014, to June 30, 2015.

Background

The state's digital trunked radio system (DTRS) is a statewide public safety, two-way radio communication system. The system is used by state, federal, and local government agencies for day-to-day communications and to improve interagency cooperation and coordination in first responder situations. The equipment, software, and radio towers that make up the DTRS are owned by a combination of state and local entities. DTRS is a "system of systems," and no local government is required to use the system.

In 2014, the General Assembly enacted legislation that required the Department of Public Safety to perform a needs assessment and create a business plan regarding statewide radio communication, and to report the conclusions and findings of the assessment and business plan to the Joint Budget Committee by December 1, 2014.

Date: 5/19/2015

Version: Final

Senate Action

Senate Judiciary Committee (January 14, 2015). The committee heard testimony in support of the bill from representatives of the County Sheriffs of Colorado, the Colorado Division of Homeland Security and Emergency Management, and the Department of Public Safety's Public Safety Communications Subcommittee. The committee adopted amendment L.001 to extend the deadline from April 30, 2015, to June 30, 2015, and referred the bill to the Senate Committee of the Whole with a recommendation that it be placed on the consent calendar.

Senate second reading (January 20, 2015). The Senate Committee of the Whole adopted the Senate Judiciary Committee report and passed the bill on second reading.

Senate third reading (January 21, 2015). The Senate passed the bill, unamended, on third reading.

House Action

House Judiciary Committee (March 3, 2015). The House Judiciary Committee heard testimony in support of the bill from a representative of the Division of Homeland Security and Emergency Management. The committee referred the bill, unamended, to the House Committee of the Whole.

House second reading (March 6, 2015). The House Committee of the Whole passed the bill, unamended, on second reading.

House third reading (March 9, 2015). The House passed the bill, unamended, on third reading.