

**NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.**

# An Act

HOUSE BILL 08-1412

BY REPRESENTATIVE(S) Labuda, Gardner B., Levy, McGihon, Roberts, Carroll T., Ferrandino, Kerr A., McNulty, Kerr J., and Rose;  
also SENATOR(S) Brophy, Veiga, Gibbs, Tupa, and Williams.

CONCERNING THE REVISION OF STATUTES IN THE COLORADO REVISED STATUTES, AS AMENDED, AND, IN CONNECTION THEREWITH, AMENDING OR REPEALING OBSOLETE, INCONSISTENT, AND CONFLICTING PROVISIONS OF LAW AND CLARIFYING THE LANGUAGE TO REFLECT THE LEGISLATIVE INTENT OF THE LAWS.

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

**SECTION 1.** 1-8-103.3 (1), the introductory portion to 1-8-103.3 (2) (a), and 1-8-103.3 (2) (a) (III) (A), (2) (a) (III) (D), (2) (c), and (3), Colorado Revised Statutes, are amended to read:

**1-8-103.3. Application for mail-in ballots by persons residing overseas and military personnel.** (1) An absent uniformed services elector, nonresident overseas elector, or resident overseas elector, as defined in section 1-2-208 (2.5), may apply for ~~an absentee~~ A MAIL-IN ballot by the use of a properly executed federal postcard application prescribed in accordance with the federal "Uniformed and Overseas Citizens Absentee Voting Act", Pub.L. 99-410, or by a letter of application that meets the

---

*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

requirements of section 1-8-104 (1). The elector may submit the application or letter to the county clerk and recorder by electronic means, as defined in section 1-8-103.5 (4).

(2) (a) Notwithstanding subsection (1) of this section and section 1-8-104 (2), a county clerk and recorder shall accept an unsigned federal postcard application or an unsigned letter of application for ~~an absentee~~ A MAIL-IN ballot that meets the requirements of section 1-8-104 (1) submitted on behalf of an absent uniformed services elector if the:

(III) Officer submits with the application a signed statement that the:

(A) Elector requested ~~an absentee~~ A MAIL-IN ballot either directly from the officer or through the elector's chain of command;

(D) Elector provided to the officer, in writing, the information required to apply for ~~an absentee~~ A MAIL-IN ballot pursuant to section 1-8-104 (1).

(c) A county clerk and recorder who accepts an unsigned federal postcard application pursuant to this subsection (2) shall cause the ~~absentee~~ MAIL-IN ballot to be delivered to the elector at the address shown on the application.

(3) If an absent uniformed services elector, nonresident overseas elector, or resident overseas elector, as defined in section 1-2-208 (2.5), submits a properly executed federal postcard application pursuant to subsection (1) of this section and the county clerk and recorder receiving the application determines that the applicant is otherwise eligible but not registered to vote, the county clerk and recorder shall register the applicant in accordance with section 1-2-208 and deliver ~~an absentee~~ A MAIL-IN ballot and other voting materials to the elector.

**SECTION 2.** 1-8-209 (1), Colorado Revised Statutes, is amended to read:

**1-8-209. Securing early voters' ballot.** (1) Except as provided in subsection (2) of this section, the voting machines, electronic voting machines, or ballot boxes used for the casting of early ballots shall remain locked and secured with a numbered seal, and the tabulation of the votes

cast shall remain unknown until the time prescribed in section 1-8-302 for counting mail-in and early voters' ballots. Alternatively, for any electronic voting equipment, the ballot boxes shall be opened each night, and the voted ballots shall be placed in a transfer case that is locked and secured with a numbered seal. A record shall be maintained consisting of the date, number of ballots, and seal number of each ballot box and transfer case until each ballot box and transfer case is transferred to the supply judge for the ~~absent~~ MAIL-IN voters' polling place for preparation for counting and tabulating pursuant to section 1-8-303. When a seal is broken, the designated election official and a person who shall not be of the same political party as the designated election official shall record the number of the seal and maintain the seal along with an explanation of the reasons for breaking the seal. During the time the early voters' polling place is not open, the designated election official shall have the custody and keys of any voting machine or electronic voting equipment being used for the casting of early ballots, except for those direct record early voting electronic voting machines being reused at the polling place on election day as provided in subsection (2) of this section. The voting machines or electronic voting machines used for the casting of early ballots shall not be used for the further counting of mail-in ballots, as provided in sections 1-8-305 and 1-8-306.

**SECTION 3.** 1-8-305 (3), Colorado Revised Statutes, is amended to read:

**1-8-305. Counting mail-in and early voters' ballots - partisan elections.** (3) Votes for or against any ballot issue or measure shall be cast in the same manner as provided in section ~~1-8-206~~ 1-8-202.

**SECTION 4.** 1-8-306 (2), Colorado Revised Statutes, is amended to read:

**1-8-306. Counting mail-in and early voters' ballots - nonpartisan elections.** (2) Votes for or against any measure appearing on the ballot shall be cast in the same manner as provided in section ~~1-8-206~~ 1-8-202.

**SECTION 5.** 2-3-1203 (3) (dd) (IX), Colorado Revised Statutes, is amended to read:

**2-3-1203. Sunset review of advisory committees.** (3) The

following dates are the dates for which the statutory authorization for the designated advisory committees is scheduled for repeal:

(dd) July 1, 2017:

(IX) The education data advisory committee created pursuant to section ~~22-2-305~~ 22-2-304, C.R.S.

**SECTION 6.** 6-1-114, Colorado Revised Statutes, is amended to read:

**6-1-114. Criminal penalties.** Upon a first conviction any person who promotes a pyramid promotional scheme in this state or who violates any provision of part 3 of article 5.5 of title 12, C.R.S., or section 6-1-717 is guilty of a class 1 misdemeanor, as defined in section 18-1.3-501, C.R.S., and, upon a second or subsequent conviction of ~~section 6-1-701~~ PART 3 OF ARTICLE 5.5 OF TITLE 12, C.R.S., is guilty of a class 6 felony, as defined in section 18-1.3-401, C.R.S.

**SECTION 7.** 6-1-903 (10) (b) (IV), Colorado Revised Statutes, is amended to read:

**6-1-903. Definitions.** As used in this part 9, unless the context otherwise requires:

(10) (b) Notwithstanding paragraph (a) of this subsection (10), "telephone solicitation" does not include communications:

(IV) By or on behalf of a charitable organization that is required to COMPLY and that has complied with the notice and reporting requirements of section 6-16-104 or is excluded from such notice and reporting requirements by section ~~6-16-103(7)~~ 6-16-104 (6);

**SECTION 8.** 7-130-106 (4) (b) and (4) (c), Colorado Revised Statutes, are amended to read:

**7-130-106. Restated articles of incorporation.** (4) A nonprofit corporation restating its articles of incorporation shall deliver to the secretary of state, for filing pursuant to part 3 of article 90 of this title, articles of restatement stating:

(b) The text of the restated articles of incorporation; AND

(c) ~~If the restatement contains an amendment to the articles of incorporation that was adopted by the members, the information required by section 7-130-105 (1)(e); and~~

**SECTION 9.** 8-43-215 (1), Colorado Revised Statutes, is amended to read:

**8-43-215. Orders.** (1) No more than fifteen working days after the conclusion of a hearing, the administrative law judge or director shall issue a written order allowing or denying said claim. Such written order shall either be a summary order or a full order. A full order shall contain specific findings of fact and conclusions of law. If compensation benefits are granted, such written order shall specify the amounts thereof, the disability for which compensation benefits are granted, by whom and to whom such benefits shall be paid, and the method and time of such payments. A certificate of mailing and a copy of such written order shall be served by regular or electronic mail or by facsimile to each of the parties in interest or their representatives, the original of which shall be a part of the records in said case. If an administrative law judge has issued a summary order, a party dissatisfied with the order may make a written request for a full order within seven working days after the date of mailing of the summary order. The request shall be a prerequisite to review under section ~~8-43-201~~ 8-43-301. If a request for a full order is made, the administrative law judge shall have ten working days after receipt of the request to issue the order. A full order shall be entered as the final award of the administrative law judge or director subject to review as provided in this article.

**SECTION 10.** 10-3-120 (4) and (7) (a), Colorado Revised Statutes, are amended to read:

**10-3-120. Investments of officers, directors, and principal stockholders.** (4) The provisions of subsection (2) of this section shall not apply to any purchase and sale, or sale and purchase, and the provisions of subsection (3) of this section shall not apply to any sale of an equity security not then or theretofore held by him in an investment account by a dealer in the ordinary course of his business and incident to the establishment or maintenance by him of a primary or secondary market, otherwise than on an exchange, as presently defined in the federal "Securities and Exchange

Act of 1934", as amended, for such security.

(7) The provisions of this section shall not apply to equity securities of a domestic stock insurance company if:

(a) Such equity securities are registered, or are required to be registered, pursuant to section 12 of the federal "Securities and Exchange Act of 1934", as amended; or

**SECTION 11.** 10-3-121 (4), Colorado Revised Statutes, is amended to read:

**10-3-121. Regulation of proxies, consents, or authorizations.**

(4) This section is applicable to all domestic stock insurers having one hundred or more stockholders of record; except that this section shall not apply to any insurer if ninety-five percent or more of its stock is owned or controlled by a parent or an affiliated insurer and the remaining shares are held by less than five hundred stockholders. A domestic stock insurer ~~which~~ THAT files with the securities and exchange commission forms of proxies, consents, and authorizations complying with the requirements of the federal "Securities and Exchange Act of 1934", as amended, is exempt from the provisions of this section.

**SECTION 12.** The introductory portion to 10-3-207 (1), Colorado Revised Statutes, is amended to read:

**10-3-207. Fees paid by insurance companies - repeal.** (1) ~~There shall be paid to the division of insurance by every entity regulated by the division of insurance in this state the following:~~ EVERY ENTITY REGULATED BY THE DIVISION IN THIS STATE SHALL PAY THE FOLLOWING FEES TO THE DIVISION:

**SECTION 13.** The introductory portion to 10-16-105 (8.7) (b), Colorado Revised Statutes, as it will become effective January 1, 2009, is amended to read:

**10-16-105. Small group sickness and accident insurance - guaranteed issue - mandated provisions for basic health benefit plans - rules - benefit design advisory committee - repeal.** (8.7) (b) The commissioner shall submit a report of the evaluation pursuant to this

subsection (8.7) to the business affairs and labor ~~committees~~ COMMITTEE of the house of representatives and the BUSINESS, LABOR, AND TECHNOLOGY COMMITTEE OF THE senate, or their successor committees, no later than March 15, 2011. The commissioner shall consult with interested parties, including but not limited to employers and employees in the small group market, and survey the small employer carriers authorized to conduct business in Colorado. The report, to the greatest extent practicable, shall include an analysis of:

**SECTION 14.** 10-16-132 (2) (c), Colorado Revised Statutes, is amended to read:

**10-16-132. Study of factors driving health care costs in Pueblo county - repeal.** (2) (c) No later than January 15, 2009, the commissioner shall submit a report containing the conclusions of the study and an analysis of the factors that drive the cost of health care, the cost of health insurance coverage on an individual and a group basis, and the impact of modified community rating on Pueblo county to the president of the senate, the majority leader of the senate, the minority leader of the senate, the speaker of the house of representatives, the majority leader of the house of representatives, the minority leader of the house of representatives, ~~and to~~ the chairs of the health and human services ~~and business affairs~~ committees of the senate and the house of representatives, THE CHAIR OF THE BUSINESS, LABOR, AND TECHNOLOGY COMMITTEE OF THE SENATE, AND THE CHAIR OF THE BUSINESS AFFAIRS AND LABOR COMMITTEE OF THE HOUSE OF REPRESENTATIVES, or their successor committees.

**SECTION 15.** 11-41-122 (2) (a), Colorado Revised Statutes, is amended to read:

**11-41-122. Membership fees.** (2) Subject to such additional limitations, conditions, and provisions as may be promulgated in regulations of the commissioner, a savings and loan association required under a subpoena issued in a civil action to prepare disclosures of private records shall be reimbursed by the requesting party for such services as follows:

(a) For reproduction costs, including copies produced by printer or reproduction processes, the amount provided in section ~~13-32-102 (2)~~ 13-32-104 (1), C.R.S. Costs of photographs, films, and other materials required shall be reimbursed at actual costs.

**SECTION 16.** 12-43-211 (1) (g) (I), (1) (g) (III), (1) (g) (IV), and (6), Colorado Revised Statutes, are amended to read:

**12-43-211. Professional service corporations for the practice of psychology, social work, marriage and family therapy, and professional counseling - definitions.** (1) Licensees may form professional service corporations for the practice of psychology, social work, marriage and family therapy, or professional counseling under the "Colorado Business Corporation Act", articles 101 to 117 of title 7, C.R.S., if such corporations are organized and operated in accordance with the provisions of this section. The articles of incorporation of such corporations shall contain provisions complying with the following requirements:

(g) The articles of incorporation shall provide, and all shareholders of the corporation shall agree, that either all shareholders of the corporation shall be jointly and severally liable for all acts, errors, and omissions of the employees of the corporation or that all shareholders of the corporation shall be jointly and severally liable for all acts, errors, and omissions of the employees of the corporation except during periods of time when the corporation shall maintain in good standing professional liability insurance which meets the following minimum standards:

(I) The insurance shall insure the corporation against liability imposed upon the corporation by law for damages resulting from any claim made against the corporation arising out of the performance of professional services for others by those officers and employees of the corporation who are licensed to practice under this article or who are certified OR LICENSED school psychologists or by those employees who provide professional services under supervision.

(III) The insurance shall be in an amount for each claim of at least one hundred thousand dollars multiplied by the number of persons licensed to practice under this article, or by the number of certified OR LICENSED school psychologists, employed by the corporation; and the policy may provide for an aggregate maximum limit of liability per year for all claims of three hundred thousand dollars also multiplied by the number of licensees or certified OR LICENSED school psychologists employed by the corporation; but no firm shall be required to carry insurance in excess of three hundred thousand dollars for each claim with an aggregate maximum limit of liability for all claims during the year of nine hundred thousand

dollars.

(IV) The insurance policy may provide that it does not apply to: Any dishonest, fraudulent, criminal, or malicious act or omission of the insured corporation or any stockholder or employee thereof; or the conduct of any business enterprise (as distinguished from the practice of licensees or certified OR LICENSED school psychologists) in which the insured corporation under this section is not permitted to engage but which nevertheless may be owned by the insured corporation or in which the insured corporation may be a partner or which may be controlled, operated, or managed by the insured corporation in its own or in a fiduciary capacity, including the ownership, maintenance, or use of any property in connection therewith, when not resulting from breach of professional duty of, bodily injury to, or sickness, disease, or death of any person or to injury to or destruction of any tangible property, including the loss of use thereof.

(6) Nothing in this article shall be construed to limit persons licensed under any part of this article or certified OR LICENSED school psychologists from forming a corporation with persons licensed under any other part of this article or certified OR LICENSED school psychologists.

**SECTION 17.** 12-43-214 (1) (c), Colorado Revised Statutes, is amended to read:

**12-43-214. Mandatory disclosure of information to clients.**

(1) Except as otherwise provided in subsection (4) of this section, every unlicensed psychotherapist, licensee, or registrant shall provide the following information in writing to each client during the initial client contact:

(c) A statement indicating that the practice of both licensed and unlicensed persons and certified OR LICENSED school psychologists in the field of psychotherapy is regulated by the department of regulatory agencies and an address and telephone number for the grievance board; and

**SECTION 18.** The introductory portion to 12-58-110 (1) (q), Colorado Revised Statutes, is amended to read:

**12-58-110. Disciplinary action by board - licenses or registrations denied, suspended, or revoked - cease and desist orders.**

(1) The board may deny, suspend, revoke, or refuse to renew any license or registration issued or applied for under the provisions of this article or place a licensee or a registrant on probation for any of the following reasons:

(q) In connection with a construction or building project requiring the services of a person regulated by this article, to willfully disregard DISREGARDING or violate VIOLATING:

**SECTION 19.** 13-71-119.5 (2) (e), Colorado Revised Statutes, is amended to read:

**13-71-119.5. Persons entitled to be excused from jury service.**

(2) (e) A person who requests to be excused under the provisions of this subsection (2) may provide the judge or jury commissioner documentation that supports the request to be excused, including but not limited to medical statements from licensed physicians, proof of dependency or guardianship, or other similar documents. The judge or jury commissioner may excuse a person if the documentation clearly supports the request to be excused. The documents comprising the documentation described in this subsection (4) SUBSECTION (2) shall not be deemed public records and shall not be disclosed to the public.

**SECTION 20.** 16-3-402 (2.5), Colorado Revised Statutes, is amended to read:

**16-3-402. Right to communicate with attorney and family.**

(2.5) If the victim is able to demonstrate through the use of ~~Caller I.D.~~ CALLER IDENTIFICATION or other credible evidence that the incarcerated defendant has called the victim from the jail or correctional facility in violation of the protection order issued pursuant to section 18-1-1001, C.R.S., or in violation of any other valid protection order or emergency protection order in effect, ~~then~~ the defendant shall not be entitled to further telephone calls except to such defendant's attorney, which calls shall be placed by a jail or correctional facility staff member. If the defendant was arrested for violating an order not to contact certain family members, the right to contact those family members by telephone shall be prohibited, and the jail or correctional facility staff shall place all outgoing telephone calls that the defendant wishes to make ~~which~~ THAT are not identified in the protection order as prohibited.

**SECTION 21.** 16-3-503 (3) (n), Colorado Revised Statutes, is amended to read:

**16-3-503. Bonds recovered for persons illegally in the country.**

(3) For purposes of this section, an identifying document includes the following:

(n) An unexpired employment authorization document, form ~~I-688A~~ I-688B.

**SECTION 22.** 16-11.7-103 (4) (d) (II) and (4) (j), Colorado Revised Statutes, are amended to read:

**16-11.7-103. Sex offender management board - creation - duties - repeal.** (4) The board shall carry out the following duties:

~~(d) (II) The board shall report its findings from the research and analysis conducted pursuant to subparagraph (I) of this paragraph (d) to the general assembly, in accordance with section 24-1-136 (9), C.R.S., no later than December 1, 2003.~~

(j) The board shall research and analyze the safety issues raised by living arrangements for and the location of sex offenders within the community, including but not limited to shared or structured living arrangements. At a minimum, the board shall consider the issues raised by the location of sex offender residences, especially in proximity to public or private schools and child care facilities, and public notification of the location of sex offender residences. ~~On or before March 15, 2004, the board shall prepare and submit a report concerning the research and analysis conducted pursuant to this paragraph (j) and any related legislative recommendations. The board shall submit the report to the civil justice and judiciary and the criminal justice committees of the house of representatives and the judiciary committee of the senate.~~ On or before July 1, 2004, the board shall adopt such guidelines as it may deem appropriate regarding the living arrangements and location of sex offenders. The board shall accomplish the requirements specified in this paragraph (j) within existing appropriations.

**SECTION 23. Repeal.** 16-11.8-103 (6), Colorado Revised Statutes, is repealed as follows:

**16-11.8-103. Domestic violence offender management board - creation - duties - repeal.** (6) ~~On or before January 15, 2003, the board and the departments of public safety and regulatory agencies shall report to the judiciary committees of the senate and house of representatives on all aspects of the implementation of this article.~~

**SECTION 24.** 16-18.5-110 (1) (a), Colorado Revised Statutes, is amended to read:

**16-18.5-110. Order of crediting payments.** (1) Payments received shall be credited in the following order:

(a) Costs for crime victims VICTIM compensation fund, pursuant to section 24-4.1-119, C.R.S.;

**SECTION 25.** 16-22-106 (3) (c), Colorado Revised Statutes, is amended to read:

**16-22-106. Duties - probation department - community corrections administrator - court personnel - jail personnel - notice.** (3) (c) Within five days, but not fewer than two days, prior to the discharge of the person from custody, the sheriff, or his or her designee, shall notify the CBI and the local law enforcement agency of the jurisdiction in which the person intends to reside of the date of the person's discharge. Such notice, at a minimum, shall include the address at which the person plans to reside upon discharge, provided by the person pursuant to paragraph (b) of this subsection ~~(2)~~ (3), and the person's date of birth, fingerprints, and current photograph.

**SECTION 26.** 17-1-115.5 (3), Colorado Revised Statutes, is amended to read:

**17-1-115.5. Prison sexual assault prevention program.** (3) The department shall annually report the data that it is required to compile and report to the federal bureau of justice STATISTICS as required by the federal "Prison Rape Elimination Act of 2003", Pub.L. 108-79, as amended, to the judiciary committees of the house of representatives and the senate, or any successor committees.

**SECTION 27. Repeal.** 17-1-118, 17-1-120, 17-1-121, 17-1-122,

17-1-123, 17-1-124, 17-1-125, 17-1-126, 17-1-127, 17-1-128, 17-1-129, 17-1-130, 17-1-131, 17-1-132, 17-1-133, 17-1-134, 17-1-135, 17-1-136, 17-1-137, 17-1-138, 17-1-139, 17-1-140, 17-1-141, 17-1-142, 17-1-143, 17-1-144, and 17-1-145, Colorado Revised Statutes, are repealed.

**SECTION 28.** 17-1-146, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**17-1-146. Appropriation to comply with section 2-2-703 - HB 03-1004 - repeal.** (2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2008.

**SECTION 29.** 17-1-147, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**17-1-147. Appropriation to comply with section 2-2-703 - HB 03-1138 - repeal.** (2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2008.

**SECTION 30.** 17-1-148, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**17-1-148. Appropriation to comply with section 2-2-703 - HB 03-1213 - repeal.** (2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2008.

**SECTION 31.** 17-1-149, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**17-1-149. Appropriation to comply with section 2-2-703 - HB 03-1317 - repeal.** (2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2008.

**SECTION 32.** 17-1-150, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**17-1-150. Appropriation to comply with section 2-2-703 - HB 04-1016 - repeal.** (2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2009.

**SECTION 33.** 17-1-151, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**17-1-151. Appropriation to comply with section 2-2-703 - HB 04-1003 - repeal.** (2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2009.

**SECTION 34.** 17-1-152, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**17-1-152. Appropriation to comply with section 2-2-703 - HB 04-1021 - repeal.** (2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2009.

**SECTION 35.** 17-1-153, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**17-1-153. Appropriation to comply with section 2-2-703 - SB 06-207 - repeal.** (2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2011.

**SECTION 36.** 17-1-154, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**17-1-154. Appropriation to comply with section 2-2-703 - HB 06-1151 - repeal.** (2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2011.

**SECTION 37.** 17-1-155, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**17-1-155. Appropriation to comply with section 2-2-703 - HB 06-1011 - repeal.** (2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2011.

**SECTION 38.** 17-1-156, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**17-1-156. Appropriation to comply with section 2-2-703 - HB 06-1145 - repeal.** (2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2011.

**SECTION 39.** 17-1-157, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**17-1-157. Appropriation to comply with section 2-2-703 - HB 06-1326 - repeal.** (2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2011.

**SECTION 40.** 17-1-158, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**17-1-158. Appropriation to comply with section 2-2-703 - SB**

**06-206 - repeal.** (2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2011.

**SECTION 41.** 17-1-159, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**17-1-159. Appropriation to comply with section 2-2-703 - HB 06-1092 - repeal.** (2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2011.

**SECTION 42.** 17-1-160, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**17-1-160. Appropriation to comply with section 2-2-703 - SB 06S-004 - repeal.** (2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2011.

**SECTION 43.** 17-1-161, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**17-1-161. Appropriation to comply with section 2-2-703 - SB 06S-005 - repeal.** (2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2011.

**SECTION 44.** 17-1-162, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**17-1-162. Appropriation to comply with section 2-2-703 - SB 06S-007 - repeal.** (2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2011.

**SECTION 45.** 17-1-163, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**17-1-163. Appropriation to comply with section 2-2-703 - HB 07-1040 - repeal.** (2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2012.

**SECTION 46.** 17-1-164, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**17-1-164. Appropriation to comply with section 2-2-703 - SB 07-096 - repeal.** (2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2012.

**SECTION 47.** 17-1-165, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**17-1-165. Appropriation to comply with section 2-2-703 - HB 07-1326 - repeal.** (2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2012.

**SECTION 48.** 17-2-103.5 (1) (a) (II) (C) and (1) (a) (II) (D), Colorado Revised Statutes, are amended, and the said 17-2-103.5 (1) (a) (II) is further amended BY THE ADDITION OF A NEW SUB-SUBPARAGRAPH, to read:

**17-2-103.5. Revocation proceedings - parolee arrested for certain offenses.** (1) (a) Notwithstanding any provision of section 17-2-103, a parole officer shall file a complaint seeking revocation of the parole of any parolee who:

(II) Is arrested and charged with:

(C) A misdemeanor assault involving a deadly weapon or resulting in bodily injury to the victim; ~~or~~

(D) Sexual assault in the third degree as defined in section 18-3-404 (2), C.R.S., AS IT EXISTED PRIOR TO JULY 1, 2000; OR

(E) UNLAWFUL SEXUAL CONTACT AS DEFINED IN SECTION 18-3-404 (2), C.R.S.

**SECTION 49.** 17-2-201 (5.5) (c) (II), Colorado Revised Statutes, as amended by Senate Bill 08-171, enacted at the Second Regular Session of the Sixty-sixth General Assembly, is amended to read:

**17-2-201. State board of parole.** (5.5) (c) (II) At the time the COMMUNITY parole officer acquires a biological substance sample pursuant to subparagraph (I) of this paragraph (c), the parole officer shall direct the parolee to pay the necessary fee for the testing of his or her biological substance sample directly to the private laboratory under contract with the department, the department of public safety, or a local governmental agency pursuant to subparagraph (IV) of this paragraph (c).

**SECTION 50. Repeal.** 17-2-217 (2), Colorado Revised Statutes, is repealed as follows:

**17-2-217. Release hearing officers - pilot program.** (2) ~~(a) On or~~

~~before November 1, 2002, the department, in consultation with the board, shall report on the results of the release hearing officers pilot program to the joint budget committee and the judiciary committee of the senate and the criminal justice committee of the house of representatives. Said committees shall review the report in order to consider whether to fully fund the program.~~

~~(b) The report described in paragraph (a) of this subsection (2) shall include, at a minimum:~~

~~(I) Information regarding the number of hearings conducted pursuant to section 17-2-201 (3) (c.5);~~

~~(II) The release dates of inmates who have been granted hearings pursuant to section 17-2-201 (3) (c.5); and~~

~~(III) Any potential general fund savings from the use of the release hearing officers described in section 17-2-201 (3) (c.5).~~

**SECTION 51.** 18-1.3-106 (5) (d), Colorado Revised Statutes, is amended to read:

**18-1.3-106. County jail sentencing alternatives - work, educational, and medical release - home detention - day reporting.**

(5) By order of the court, the wages or salaries of employed prisoners shall be disbursed by the sheriff for the following purposes, in the order stated:

(d) Payment of costs for the crime ~~victims~~ VICTIM compensation fund, pursuant to section 24-4.1-119, C.R.S.;

**SECTION 52.** 18-1.3-204 (2) (c) (III) and (2.5) (e), Colorado Revised Statutes, are amended to read:

**18-1.3-204. Conditions of probation.** (2) (c) If the court orders counseling or treatment as a condition of probation, unless the court makes a specific finding that treatment in another facility or with another person is warranted, the court shall order that such treatment or counseling be at a facility or with a person:

(III) Certified or approved by a ~~domestic violence treatment board;~~

~~established pursuant to part 8 of article 6 of this title;~~ THE DOMESTIC VIOLENCE OFFENDER MANAGEMENT BOARD CREATED IN SECTION 16-11.8-103 C.R.S., if the offender was convicted of or the underlying factual basis of the offense included an act of domestic violence as defined in section 18-6-800.3; or

(2.5) The order of priority for any payments required of a defendant pursuant to subparagraph (IV), (V), (VI), or (VI.5) of paragraph (a) of subsection (2) of this section shall be as follows:

(e) Payment of costs for the crime ~~victims~~ VICTIM compensation fund, pursuant to section 24-4.1-119, C.R.S.;

**SECTION 53.** 18-1.3-207 (2) (e), Colorado Revised Statutes, is amended to read:

**18-1.3-207. Work and education release programs.** (2) All employment income of a probationer participating in a work release program shall be received and deposited by the probation officer in the registry of the court. The court shall order disbursement of the funds so deposited in payment of the following items which are listed in the order of their priority:

(e) Costs for the crime ~~victims~~ VICTIM compensation fund, pursuant to section 24-4.1-119, C.R.S.;

**SECTION 54.** 18-1.3-401 (1) (a) (III) (A.5), Colorado Revised Statutes, is amended to read:

**18-1.3-401. Felonies classified - presumptive penalties.** (1)(a)(III)(A.5) Notwithstanding any provision of law to the contrary, any person who attempts to commit, conspires to commit, or commits against an elderly person any felony set forth in part 4 of article 4 of this title, in part 1, 2, 3, or 5 of article 5 of this title, article 5.5 of this title, or section 11-51-603, C.R.S., shall be required to pay a mandatory and substantial fine within the limits permitted by law. However, all moneys collected from the offender shall be applied in the following order: Costs for crime ~~victims~~ VICTIM compensation fund pursuant to section 24-4.1-119, C.R.S.; surcharges for victims and witnesses assistance and law enforcement fund pursuant to section 24-4.2-104, C.R.S.; restitution; time payment fee; late

fees; and any other fines, fees, or surcharges. For purposes of this sub-subparagraph (A.5), an "elderly person" or "elderly victim" means a person sixty years of age or older.

**SECTION 55.** 18-1.3-501 (1.7) (b) and (4), Colorado Revised Statutes, are amended to read:

**18-1.3-501. Misdemeanors classified - penalties.**

(1.7) (b) "Mental health professional" means a mental health professional as defined in ~~section 16-8-202 (6), C.R.S.~~ LICENSED TO PRACTICE MEDICINE PURSUANT TO PART 1 OF ARTICLE 36 OF TITLE 12, C.R.S., OR A PERSON LICENSED AS A MENTAL HEALTH PROFESSIONAL PURSUANT TO ARTICLE 43 OF TITLE 12, C.R.S., a person licensed as a nurse pursuant to part 1 of article 38 of title 12, C.R.S., a nurse aide certified pursuant to part 1 of article 38.1 of title 12, C.R.S., and a psychiatric technician licensed pursuant to part 1 of article 42 of title 12, C.R.S.

(4) Notwithstanding any provision of law to the contrary, any person who attempts to commit, conspires to commit, or commits against an elderly person any misdemeanor set forth in part 4 of article 4 of this title, in part 1, 2, 3, or 5 of article 5 of this title, or article 5.5 of this title shall be required to pay a mandatory and substantial fine within the limits permitted by law. However, all moneys collected from the offender shall be applied in the following order: Costs for crime ~~victims~~ VICTIM compensation fund pursuant to section 24-4.1-119, C.R.S.; surcharges for victims and witnesses assistance and law enforcement fund pursuant to section 24-4.2-104, C.R.S.; restitution; time payment fee; late fees; and any other fines, fees, or surcharges. For purposes of this subsection (4), an "elderly person" or "elderly victim" means a person sixty years of age or older.

**SECTION 56.** 18-1.3-903 (5), Colorado Revised Statutes, is amended to read:

**18-1.3-903. Definitions.** As used in this part 9, unless the context otherwise requires:

(5) "Sex offense" means sexual assault, except misdemeanor sexual assault in the third degree, as set forth in ~~part 4 of article 3 of this title~~ SECTION 18-3-404 (2), AS IT EXISTED PRIOR TO JULY 1, 2000; sexual assault on a child, as defined in section 18-3-405; aggravated incest, as defined in

section 18-6-302; and an attempt to commit any of the offenses mentioned in this subsection (5).

**SECTION 57.** 18-3-205 (4) (g), Colorado Revised Statutes, is amended to read:

**18-3-205. Vehicular assault.** (4) (g) Notwithstanding any provision in section ~~42-2-1301.1~~ 42-4-1301.1, C.R.S., concerning requirements which relate to the manner in which tests are administered, the test or tests taken pursuant to the provisions of this section may be used for the purposes of driver's license revocation proceedings under section 42-2-126, C.R.S., and for the purposes of prosecutions for violations of section 42-4-1301 (1) or (2), C.R.S.

**SECTION 58.** 18-19-104 (2), Colorado Revised Statutes, is amended to read:

**18-19-104. Judicial district drug offender treatment boards - repeal.** (2) Each drug offender treatment board shall receive moneys from the state drug offender treatment board pursuant to section ~~18-19-104 (2)~~ (a) 16-11.5-102 (7) (a), C.R.S., and shall distribute those moneys to drug treatment programs based in the judicial district. No program shall receive moneys from the drug offender treatment board without a majority vote of the board. The board shall give priority to drug court funding if the jurisdiction operates a drug court.

**SECTION 59.** 19-1-104 (1) (l), Colorado Revised Statutes, is amended to read:

**19-1-104. Jurisdiction.** (1) Except as otherwise provided by law, the juvenile court shall have exclusive original jurisdiction in proceedings:

(l) To make a determination concerning a petition for review of need for placement in accordance with the provisions of section ~~19-3-701~~ 19-1-115 (8);

**SECTION 60.** 19-1-107 (3), Colorado Revised Statutes, is amended to read:

**19-1-107. Social study and other reports.** (3) In any case where

placement out of the home is recommended, the social study required by subsection (1) of this section shall include the cost of the recommended placement and an evaluation for placement containing the information required by section ~~19-3-701(5)~~ 19-1-115 (8) (e). Placement criteria shall be developed jointly by the department of education and the department of human services and, in the case of matters involving juvenile delinquency, in accordance with the criteria for the placement of juveniles specified in section 19-2-212 (1) (a). Such criteria shall be used by the probation department or agency designated by the court to determine its recommendation about the need for placement.

**SECTION 61.** 19-1-115 (3) (b), (4) (a), and (6.7), Colorado Revised Statutes, are amended to read:

**19-1-115. Legal custody - guardianship - placement out of the home - petition for review for need of placement.** (3) (b) No individual or agency vested by the court with legal custody of a child or with which a child is placed pursuant to section ~~19-3-701~~ SUBSECTION (8) OF THIS SECTION shall remove the child from the state for more than thirty days without court approval. When granting such approval, if appropriate, the court shall enter an order that the individual or agency comply with the requirements of the "Interstate Compact on Placement of Children" set forth in part 18 of article 60 of title 24, C.R.S.

(4) (a) A decree vesting legal custody of a child in an individual, institution, or agency or providing for placement of a child pursuant to section 19-2-701 OR 19-3-403 or ~~19-3-701~~ SUBSECTION (8) OF THIS SECTION shall be for a determinate period. Such decree shall be reviewed by the court no later than three months after it is entered, except a decree vesting legal custody of a child with the department of human services.

(6.7) Any time the court enters an order related to out-of-home placement pursuant to paragraphs (a), (b), and (c) of subsection (6) or paragraph (b) of subsection (6.5) of this section; PARAGRAPH (f) OF SUBSECTION (8) OF THIS SECTION; section 19-2-508 (3) (a) (VII) (A) and (3) (a) (VII) (B); section 19-2-906.5 (1) (a), (1) (b), and (3) (a) (III); ~~section 19-3-701(6)~~; or section 19-3-702 (3.5) (b) and (6) (a) (II), the order shall be effective as of the date the findings were made by the court, notwithstanding the date that a written order may be signed by the court. Written orders entered pursuant to paragraphs (a), (b), and (c) of subsection

(6) or paragraph (b) of subsection (6.5) of this section; PARAGRAPH (f) OF SUBSECTION (8) OF THIS SECTION; section 19-2-508 (3) (a) (VII) (A) and (3) (a) (VII) (B); section 19-2-906.5 (1) (a), (1) (b), and (3) (a) (III); ~~section 19-3-701 (6)~~ or section 19-3-702 (3.5) (b) and (6) (a) (II) shall state "the effective date of this order is" and shall not use the words "nunc pro tunc".

**SECTION 62.** 19-1-307 (2.5), Colorado Revised Statutes, is amended to read:

**19-1-307. Dependency and neglect records and information - access - fee - rules - records and reports fund - misuse of information - penalty.** (2.5) **Fee - rules - records and reports fund.** Any person or agency provided information from the state department of human services pursuant to paragraph (i), paragraphs (k) to (o), and paragraph (t) of subsection (2) of this section and any child placement agency shall be assessed a fee that shall be established and collected by the state department of human services pursuant to parameters set forth in rule established by the state board of human services. At a minimum, the rules shall include a provision requiring the state department of human services to provide notice of the fee to interested persons and the maximum fee amount that the department shall not exceed without the express approval of the state board of human services. The fee established shall not exceed the direct and indirect costs of administering paragraph (i), paragraphs (k) to (o), and paragraph (t) of subsection (2) of this section and the direct and indirect costs of administering section 19-3-313.5 (3) and (4). All fees collected in accordance with this subsection (2.5) shall be transmitted to the state treasurer who shall credit the same to the records and reports fund, which fund is hereby created. On January 1, 2004, the state treasurer shall transfer the moneys in the central registry fund created in section 19-3-313 (14), AS IS EXISTED PRIOR TO ITS REPEAL IN 2004, to the records and reports fund created in this subsection (2.5). The moneys in the records and reports fund shall be subject to annual appropriation by the general assembly for the direct and indirect costs of administering paragraph (i), paragraphs (k) to (o), and paragraph (t) of subsection (2) of this section and for the direct and indirect costs of administering section 19-3-313.5 (3) and (4).

**SECTION 63.** 19-2-214 (1) (e), (1) (h), and (3), Colorado Revised Statutes, are amended to read:

**19-2-214. Detention center sexual assault prevention program.**

(1) The division of youth corrections created in section 19-2-203 shall develop, with respect to sexual assaults that occur in juvenile facilities, policies and procedures to:

(e) Ensure the confidentiality of prison rape complaints and protection of ~~inmates~~ JUVENILES who make complaints of prison rape;

(h) Provide sexual-assault-specific training to division mental health professionals and all employees who have direct contact with ~~inmates~~ JUVENILES regarding treatment and methods of prevention and investigation;

(3) The division shall annually report the data that it is required to compile and report to the federal bureau of justice STATISTICS as required by the federal "Prison Rape Elimination Act of 2003", Pub.L. 108-79, as amended, to the judiciary committees of the house of representatives and the senate, or any successor committees.

**SECTION 64.** 19-2-907 (5) (a), Colorado Revised Statutes, is amended to read:

**19-2-907. Sentencing schedule - options.** (5) (a) Except as otherwise provided in section 19-2-601 for an aggravated juvenile offender, if the court finds that placement out of the home is necessary and is in the best interests of the juvenile and the community, the court shall place the juvenile, following the criteria established pursuant to section 19-2-212, in the facility or setting that most appropriately meets the needs of the juvenile, the juvenile's family, and the community. In making its decision as to proper placement, the court shall utilize the evaluation for placement prepared pursuant to section 19-1-107 or the evaluation for placement required by section ~~19-3-701~~(5) 19-1-115 (8) (e). Any placement recommendation in the evaluation prepared by the county department of social services shall be accorded great weight as the placement that most appropriately meets the needs of the juvenile, the juvenile's family, and the community. Any deviation from such recommendation shall be supported by specific findings on the record of the case detailing the specific extraordinary circumstances that constitute the reasons for deviations from the placement recommendation of the county department of social services. Such recommendation prepared by the county department of social services shall set forth specific facts and reasons for the placement recommendation.

If the evaluation for placement recommends placement in a facility located in Colorado that can provide appropriate treatment and that will accept the juvenile, then the court shall not place the juvenile in a facility outside this state. If the court places the juvenile in a facility located in Colorado other than one recommended by the evaluation for placement, in a facility located outside this state in accordance with the evaluation for placement, or in a facility in which the average monthly cost exceeds the amount established by the general assembly in the general appropriation bill, it shall make specific findings of fact, including the monthly cost of the facility in which such juvenile is placed, relating to its placement decision. A copy of such findings shall be sent to the chief justice of the supreme court, who shall report monthly to the joint budget committee and annually to the house and senate committees on health and human services, or any successor committees, on such placements. If the court commits the juvenile to the department of human services, it shall not make a specific placement, nor shall the provisions of this subsection (5) relating to specific findings of fact be applicable.

**SECTION 65.** 19-3-311 (1), Colorado Revised Statutes, is amended to read:

**19-3-311. Evidence not privileged.** (1) The incident of privileged communication between patient and physician, between patient and registered professional nurse, or between any person licensed pursuant to article 43 of title 12, C.R.S., or certified OR LICENSED school psychologist and client, which is the basis for a report pursuant to section 19-3-304, shall not be a ground for excluding evidence in any judicial proceeding resulting from a report pursuant to this part 3. In addition, privileged communication shall not apply to any discussion of any future misconduct or of any other past misconduct which could be the basis for any other report under section 19-3-304.

**SECTION 66.** 19-3-507 (4), Colorado Revised Statutes, is amended to read:

**19-3-507. Dispositional hearing.** (4) In any case in which the disposition is placement out of the home, except for children committed to the department of human services, the court shall, at the time of placement, set a review within ninety days, to determine whether continued placement is necessary and in the best interests of the child and the community and

whether reasonable efforts have been made to return the child to the home or in the case of a sibling group whether it is in the best interests of the children in the sibling group to be placed together. If the county department locates an appropriate, capable, willing, and available joint placement for all of the children in the sibling group, it shall be presumed that placement of the entire sibling group in the joint placement is in the best interests of the children. Such presumption may be rebutted by a preponderance of the evidence that placement of the entire sibling group in the joint placement is not in the best interests of a child or of the children. The judge shall review the family services plan document regarding placement of siblings. Notice of said review shall be given by the court to all parties and to the director of the facility or agency in which the child is placed and any person who has physical custody of the child and any attorney or guardian ad litem of record. The review shall be conducted in accordance with section ~~19-3-701(6)~~ 19-1-115 (8) (f).

**SECTION 67.** 19-3-604 (1) (a) (I), Colorado Revised Statutes, is amended to read:

**19-3-604. Criteria for termination.** (1) The court may order a termination of the parent-child legal relationship upon the finding by clear and convincing evidence of any one of the following:

(a) That the child has been adjudicated dependent or neglected and has been abandoned by the child's parent or parents as follows:

(I) That the parent or parents have surrendered physical custody of the child for a period of six months or more and have not manifested during such period the firm intention to resume physical custody of the child or to make permanent legal arrangements for the care of the child except in cases when voluntary placement is renewable under section ~~19-3-701(1)~~ 19-1-115 (8) (a);

**SECTION 68.** 22-2-103, Colorado Revised Statutes, is amended to read:

**22-2-103. Department of education.** (1) The department of education shall include the following:

(a) THE state board of education;

(b) THE commissioner of education, assistant commissioners of education, and other officers and employees of the department;

(c) THE state library, CREATED IN SECTION 24-90-104, C.R.S.;

(d) THE COLORADO SCHOOL FOR THE DEAF AND THE BLIND, AS PROVIDED FOR IN ARTICLE 80 OF THIS TITLE;

(e) THE STATE CHARTER SCHOOL INSTITUTE ESTABLISHED IN SECTION 22-30.5-503; AND

(f) THE DIVISION OF ON-LINE LEARNING ESTABLISHED IN SECTION 22-30.7-103.

**SECTION 69.** 22-2-106 (1) (a.5), Colorado Revised Statutes, is amended to read:

**22-2-106. State board - duties - repeal.** (1) It is the duty of the state board:

(a.5) To adopt, on or before July 1, 2008, a comprehensive set of guidelines for the establishment of high school graduation requirements to be used by each school district board of education in developing local high school graduation requirements. Each school district board of education shall retain the authority to develop its own unique high school graduation requirements, so long as those local high school graduation requirements meet or exceed any minimum standards or basic core competencies or skills identified in the comprehensive set of guidelines for high school graduation developed by the state board pursuant to this paragraph (a.5). In developing the guidelines for high school graduation, the state board shall not identify specific courses that a student shall take ~~nor~~ OR the level of proficiency a student shall achieve to meet the guidelines established by the state board. In developing the guidelines for high school graduation, the state board shall utilize the recommendations of the state graduation guidelines development council established in section 22-7-414 and shall:

(I) Take into account recommendations from the 2006 report of the Colorado education alignment council appointed by the governor pursuant to executive order B 009 05;

~~(H) Reserved.~~

~~(HH)~~ (II) Work with the Colorado commission on higher education to ensure that the state board's guidelines for high school graduation adopted pursuant to this paragraph (a.5) and the postsecondary academic admission standards established pursuant to section 23-1-113, C.R.S., are aligned for students entering a four-year public postsecondary education institution on or after August 1, 2012;

~~(HV)~~ (III) Recognize and address the multiple and diverse pathways to diplomas offered by school districts in the state. The guidelines for high school graduation shall accommodate the differing and broad categories of student interests and economic needs, including but not limited to agriculture, architecture, arts, communications, business and management, construction technology, education, finance, government, health sciences, tourism, human services, information technology, law and public safety, manufacturing, marketing and sales, physical education, science and technology, and transportation. The guidelines for high school graduation adopted by the state board pursuant to this paragraph (a.5) shall ensure, at a minimum, that, while not identical, each pathway is equally rigorous.

~~(V)~~ (IV) Utilize standards-based education, as described in section 22-7-402, as the framework for the development of the guidelines for high school graduation and consider how high school graduation requirements can be articulated in a standards-based education system. In the process of developing the guidelines for high school graduation, the state board shall ensure that the state model content standards, adopted pursuant to section 22-7-406, are sufficiently rigorous, particularly in the core academic subject areas of mathematics, science, reading, and writing so that students are exposed to subject matter that research indicates will adequately prepare them for entrance into the workforce or the postsecondary education system. On or before August 1, 2007, the state board shall begin to receive public comment on the adequacy of the existing state model content standards. As part of receiving public comment, the state board is encouraged to form a stakeholder group of parents, teachers, administrators, and others to develop recommendations related to modernizing the state model content standards in mathematics, science, reading, and writing. On or before February 1, 2008, the state board shall report to the education committees of the house of representatives and the senate, or any successor committees, on the adequacy of the existing state model content standards in these subject

matters.

~~(VI)~~ (V) Recognize and acknowledge the importance of obtaining the core competency skills and standards to succeed in the twenty-first century, including but not limited to proficiency in math, science, and written and verbal communication skills; and

~~(VII)~~ (VI) Take into account the importance of pre-high school and postsecondary career planning that provides middle school and junior high school students and parents with awareness of the school district's high school graduation requirements, the multiple pathways a student can follow, and other pertinent information that will help prepare a student for a successful high school experience.

**SECTION 70.** 22-7-905 (4), Colorado Revised Statutes, is amended to read:

**22-7-905. Read-to-achieve board - duties - grant process.**

(4) The read-to-achieve board annually shall submit to the department a list of grant recipients and the amount to be awarded to each grant recipient by a date specified by rule of the state board pursuant to section ~~22-7-906 (1)~~ ~~(g)~~ 22-7-906(1) (f). In selecting grant recipients, the read-to-achieve board, to the extent possible, shall ensure that grants are awarded to eligible applicants in a variety of geographic areas of the state.

**SECTION 71.** 22-7-908 (3), Colorado Revised Statutes, is amended to read:

**22-7-908. Read-to-achieve cash fund - created.** (3) Except as otherwise provided in section 24-75-1104.5 (1) (h), C.R.S., beginning with the 2007-08 fiscal year, and for each fiscal year thereafter so long as the state receives moneys pursuant to the master settlement agreement, the state treasurer shall annually transfer to the cash fund five percent of the amount of moneys received by the state in accordance with the master settlement agreement, other than attorney fees and costs, for the preceding fiscal year; except that the amount so transferred to the cash fund in any fiscal year shall not exceed eight million dollars. The state treasurer shall transfer the amount specified in this ~~paragraph (b)~~ SUBSECTION (3) from moneys credited to the tobacco litigation settlement cash fund created in section 24-22-115, C.R.S.

**SECTION 72.** 22-20-104 (1) (a) (XI), Colorado Revised Statutes, is amended to read:

**22-20-104. Administration - advisory committee - rules.**

(1)(a) This article shall be administered by the department. Administration of this article shall include the recommendation to the state board of reasonable rules necessary to implement this article, including but not limited to:

(XI) Criteria for administrative units to satisfy in adopting program plans to identify and serve gifted ~~students~~ CHILDREN.

**SECTION 73.** 22-28-105 (2), Colorado Revised Statutes, is amended to read:

**22-28-105. District preschool and kindergarten program advisory council - duties.** (2) The district advisory council shall:

(a) Develop and recommend to the board of education the school district plan for identifying those children in the school district that would be eligible for participation in the district preschool and kindergarten program based upon the criteria established in section 22-28-106 (1) (a);

(a.3) Study and assess the need for establishing a district preschool and kindergarten program in the school district and, upon completion of such assessment, if there is an identified need, submit a request for proposals to any privately funded child care center and publicly funded early childhood education agency. The request for proposals shall state the criteria and guidelines established by the department for determining the eligibility of children to participate in a district preschool and kindergarten program, for district preschool and kindergarten programs, and for parental involvement in a district preschool and kindergarten program. At least once every two years, the district advisory council shall assess whether alternative community providers are available and shall ensure the highest quality service delivery at the lowest cost.

(a.5) Review and evaluate proposals received pursuant to paragraph (a.3) of this subsection (2) and annually submit a list to the board of education of the head start agencies or public and private child care agencies that are licensed by the department of human services and are in

good standing whose proposals meet or exceed the criteria and guidelines specified in said paragraph (a.3) and are designated as eligible for participation in the district preschool and kindergarten program, including the number of district preschool and kindergarten children each agency will be eligible to serve under the program;

(b) Recommend to the board of education a plan for operating the district preschool and kindergarten program, including whether the program should be provided by the school district itself or provided, in whole or in part, by a head start agency or by child care agencies under contract with the school district;

(c) Recommend to the board of education a proposal for the district preschool and kindergarten program to be submitted to the department pursuant to the provisions of section 22-28-107 (1);

(d) Assist the school district in the implementation of the district preschool and kindergarten program;

(e) Develop and recommend to the board of education, if appropriate, a plan for coordinating the district preschool and kindergarten program with extended day services for children participating in the program and their families in order to achieve an increased efficiency in the services provided;

~~(e.3)~~ (f) Following consultation and planning with social services and health agencies, develop and recommend to the board of education a plan for coordinating the district preschool and kindergarten program with family support services for children participating in the program and their families. For purposes of this paragraph ~~(e.3)~~ (f), "family support services" includes, but is not limited to, information and referral and educational materials relating to:

(I) Nutrition;

(II) Immunization;

(III) Health care and dental care generally;

(IV) Parenting education and support; and

(V) Social services programs generally.

~~(e.7)~~ (g) Develop and recommend to the board of education a plan for coordinating the district preschool and kindergarten program with a program to train parents to provide teaching activities in the home prior to the entrance of their children into the district preschool and kindergarten program;

~~(e.8)~~ (h) Meet a minimum of six times per year. In addition, the district advisory council shall make at least two on-site visits per year to all head start agencies and public and private child care facilities with which the school district has contracted to monitor overall program compliance and make recommendations for any needed improvements.

~~(e.9)~~ (i) Define any student eligibility criteria specific to the population of the individual community that are in addition to the criteria listed in section 22-28-106 (1) (a);

~~(e.10)~~ (j) Develop a district preschool and kindergarten program evaluation component specific to the school district program involved;

~~(e.11)~~ (k) Develop a training program for district preschool and kindergarten program staff using all available community resources;

~~(f)~~ (l) Recommend to the board of education a plan for the annual evaluation of the district preschool and kindergarten program; and

~~(g)~~ (m) Provide any other appropriate assistance to the school district in the implementation of the district preschool and kindergarten program.

**SECTION 74.** 22-30.5-112 (2) (a) (III) (A), Colorado Revised Statutes, is amended to read:

**22-30.5-112. Charter schools - financing - definitions - guidelines.** (2) (a) (III) (A) For budget year 2000-01 and budget years thereafter, except as otherwise provided in paragraph (a.3) of this subsection (2), ~~and except as otherwise provided in section 22-30.5-513 (7);~~ each charter school and the chartering school district shall negotiate funding under the contract. The charter school shall receive one hundred percent of

the district per pupil revenues for each pupil enrolled in the charter school who is not an on-line pupil and one hundred percent of the district per pupil on-line funding for each on-line pupil enrolled in the charter school; except that the chartering school district may choose to retain the actual amount of the charter school's per pupil share of the central administrative overhead costs for services actually provided to the charter school, up to five percent of the district per pupil revenues for each pupil who is not an on-line pupil enrolled in the charter school and up to five percent of the district per pupil on-line funding for each on-line pupil enrolled in the charter school.

**SECTION 75.** The introductory portion to 22-30.7-109 (1) (a), Colorado Revised Statutes, is amended to read:

**22-30.7-109. On-line programs - reports - rules.** (1) (a) On an annual date to be determined by rules promulgated by the state board pursuant to paragraph ~~(b)~~ (d) of this subsection (1), an authorizer of an on-line program shall submit a report to the on-line division. The report shall include, at a minimum:

**SECTION 76.** 22-30.7-111 (6) (b), Colorado Revised Statutes, is amended to read:

**22-30.7-111. Learning centers - memoranda of understanding - rules - appeal process.** (6) (b) If the state board determines that a school board's DISTRICT'S decision to refuse to enter into a memorandum of understanding was contrary to the best interests of the pupils, parents, community, or school district, the state board shall issue an order directing the school district to enter into a final memorandum of understanding with the multi-district program regarding the placement of one or more learning centers within the school district and to use the standard MOU form provided with the notice pursuant to paragraph (b) of subsection (1) of this section as the basis for the final memorandum of understanding.

**SECTION 77. Repeal.** 22-40-102 (5) (c), Colorado Revised Statutes, is repealed as follows:

**22-40-102. Certification - tax revenues.** (5) (c) ~~When a school district capital improvement zone has been organized within the boundaries of a school district pursuant to article 43.5 of this title and has incurred bonded indebtedness or is otherwise liable for the payment thereof and the~~

~~obligations of such bonded indebtedness have not been satisfied, the board of the capital improvement zone shall certify to the board of county commissioners the amount required during the next ensuing calendar year to satisfy such capital improvement zone's payments of interest and principal falling due thereon. A separate levy that is sufficient to raise the amount so certified less the amount of any revenues collected pursuant to section 22-43.5-110 (2) shall be made against the valuation for assessment of all taxable property located within the capital improvement zone. The proceeds of the levy shall be credited to the bond redemption fund of the school district in which the capital improvement zone is located, and a separate account designated by the name of the capital improvement zone within the bond redemption fund shall be maintained to clearly reflect the amount raised from such separate levy. This paragraph (c) supplements only and does not modify section 22-42-122.~~

**SECTION 78. Repeal.** 22-42-101 (1.5), Colorado Revised Statutes, is repealed as follows:

**22-42-101. Definitions.** As used in this article, unless the context otherwise requires:

(1.5) ~~"Capital improvement zone" means a school district capital improvement zone organized pursuant to article 43.5 of this title.~~

**SECTION 79. Repeal.** 22-42-102 (2) (d), Colorado Revised Statutes, is repealed as follows:

**22-42-102. Bonded indebtedness - elections.** (2) (d) ~~Any special election called pursuant to article 43.5 of this title shall be governed by the election provisions of this article for contracting bonded indebtedness.~~

**SECTION 80.** 22-42-122 (5), Colorado Revised Statutes, is amended to read:

**22-42-122. Changes in boundaries - liability.** (5) The taxable property located within a capital improvement zone of a school district shall be liable for its share of bonded indebtedness incurred pursuant to article 43.5 of this title as well as any other bonded indebtedness incurred by the school district pursuant to this article.

**SECTION 81.** 22-43.7-101 (3), Colorado Revised Statutes, is amended to read:

**22-43.7-101. Legislative declaration.** (3) It is the intent of the general assembly in enacting this ~~article~~ PART 1 to establish a program that will provide matching grants and make loans to school districts that desire to undertake capital construction projects and that have a need for financial assistance in order to undertake such construction projects. This program shall be in addition to the loan guarantee program established by section 22-41-109 that uses the public school fund to guarantee payment of principal and interest on bonds issued by school districts for capital construction projects.

**SECTION 82.** The introductory portion to 22-43.7-102 and 22-43.7-102 (2), Colorado Revised Statutes, are amended to read:

**22-43.7-102. Definitions.** As used in this ~~article~~ PART 1, unless the context otherwise requires:

(2) "Construction and renovation fund" means the school construction and renovation fund created pursuant to this ~~article~~ PART 1.

**SECTION 83. Repeal.** 22-44-105 (1) (c) (V), Colorado Revised Statutes, is repealed as follows:

**22-44-105. Budget - contents - mandatory.** (1) The budget shall be presented in the standard budget report format established by the state board of education by rule pursuant to subsection (5) of this section. The standard budget report format established by the state board shall be substantially consistent from year to year and shall adhere to the following guidelines:

(c) The budget shall be presented in a format that itemizes expenditures of the district by fund and by pupil. The budget shall:

(V) ~~Specify the proposed expenditures and anticipated revenues arising from the contracting of bonded indebtedness by a capital improvement zone located within the school district pursuant to article 43.5 of this title.~~

**SECTION 84.** 22-54-103 (10) (f), Colorado Revised Statutes, is amended to read:

**22-54-103. Definitions - repeal.** As used in this article, unless the context otherwise requires:

(10) (f) In certifying the district's pupil enrollment to the state board pursuant to the provisions of section 22-54-112, the district shall specify the number of pupils enrolled in half-day kindergarten; ~~the number of pupils enrolled in a full-day kindergarten program pursuant to section 22-32-119 (3);~~ the number of pupils enrolled in first grade through twelfth grade, specifying those who are enrolled as full-time pupils and those who are enrolled as less than full-time pupils; the number of expelled pupils receiving educational services pursuant to section 22-33-203; the number of pupils enrolled in the district's preschool program; the number of pupils receiving educational programs under the "Exceptional Children's Educational Act", article 20 of this title; the number of at-risk pupils; and the number of pupils enrolled in at least twelve credit hours of higher education courses as of October 1 of the applicable budget year through a fast college fast jobs education program pursuant to article 35.5 of this title.

**SECTION 85.** 23-1-108.5 (3) (e), Colorado Revised Statutes, is amended to read:

**23-1-108.5. Duties and powers of the commission with regard to common course numbering system - repeal.** (3) (e) This subsection (3) is repealed, effective July 1, 2011. PRIOR TO SUCH REPEAL, THE COUNCIL OF HIGHER EDUCATION REPRESENTATIVES SHALL BE REVIEWED AS PROVIDED FOR IN SECTION 2-3-1203, C.R.S.

**SECTION 86.** 23-1-124 (1) (a), Colorado Revised Statutes, is amended to read:

**23-1-124. Commission directive - sophomore assessments.** (1) (a) The commission shall adopt the necessary policies to ensure that during the spring semesters of 2000 and 2001, at one or more state-supported institutions of higher education, a standardized, college-level assessment examination is administered to students enrolled in their second year. ~~On or before December 15, 2000, the commission shall report to the education committees of the senate and the house of~~

~~representatives and to the governor on all aspects of the examinations. The report shall include an evaluation of the incentives proposed by the institutions to encourage students to do well on the examinations and whether sufficient information could be obtained through a sampling of students. This paragraph (a) shall be conducted with funds obtained from gifts, grants, and donations.~~

**SECTION 87.** 23-30-101 (1) (e) (II), Colorado Revised Statutes, is amended to read:

**23-30-101. Board of governors of the Colorado state university system.** (1) (e) (II) At least two of the ~~congressional~~ members appointed FROM CONGRESSIONAL DISTRICTS shall have substantial experience in production agriculture.

**SECTION 88. Repeal.** 24-1-115 (6), Colorado Revised Statutes, is repealed as follows:

**24-1-115. Department of education - creation.** (6) ~~The department of education shall include the unit of bilingual and bicultural education.~~

**SECTION 89. Repeal.** 24-46.6-102 (1), Colorado Revised Statutes, is repealed as follows:

**24-46.6-102. Study on intrastate air service in Colorado - funding.** (1) (a) ~~No later than August 15, 1996, the director of research of the legislative council shall contract with a private person to conduct a study to evaluate intrastate air service in Colorado and to make recommendations as to what actions should be taken in order to encourage the expansion and improvement of intrastate air service in Colorado.~~

~~(b) The study shall include, but shall not be limited to, the following:~~

~~(I) An examination of the current condition of intrastate air service in Colorado and the factors contributing to its current condition;~~

~~(II) An examination of actions taken by governments in other states to address issues concerning intrastate air service in their respective states;~~

and

~~(H) Recommendations as to what actions the state should take to expand and improve intrastate air service including:~~

~~(A) The provision of intrastate air service to major population areas as well as to resort areas in the state;~~

~~(B) The provision of consistent and dependent scheduling of intrastate air service in the state; and~~

~~(C) The provision of intrastate air service in the state at reasonable and affordable prices.~~

~~(c) The person conducting the study shall seek input from and consult with all interested parties, including but not limited to representatives of the state, representatives of local governments, including the city and county of Denver, representatives of air carriers, and business representatives.~~

~~(d) Air carriers that provide intrastate air service within Colorado shall cooperate fully with the person conducting the study and shall provide in a timely manner such information as the person conducting the study may request.~~

~~(e) The study shall be completed and a final report of findings and recommendations shall be submitted to the general assembly by January 1, 1997.~~

**SECTION 90. Repeal.** 24-48.5-106 (4), Colorado Revised Statutes, is repealed as follows:

**24-48.5-106. Certified capital companies - rules.** (4) ~~By January 1, 2004, the office shall submit a report to the general assembly regarding the effects of the implementation of article 3.5 of title 10, C.R.S.~~

**SECTION 91.** 24-52.5-102 (1) and (5), Colorado Revised Statutes, are amended to read:

**24-52.5-102. Retirement health savings trust - state personnel**

**director - investigation.** (1) The state personnel director shall investigate the benefits and drawbacks of establishing a retirement health savings trust for the benefit of state employees. ~~The director shall include the findings of the investigation and recommendations regarding the establishment of such a trust in a report as specified in subsection (5) of this section.~~

~~(5) On or before December 1, 2004, the state personnel director shall submit a written report to the members of the state, veterans, and military affairs committee and the health, environment, welfare, and institutions committee of the senate and the house of representatives and to the members of the joint budget committee. The report shall review the director's findings and shall make a recommendation regarding the establishment of a retirement health savings trust for the benefit of state employees.~~

**SECTION 92.** Part 1 of article 72 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**24-72-100.1. Short title.** THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "COLORADO OPEN RECORDS ACT" OR "CORA".

**SECTION 93.** The introductory portion to 24-75-303 (3) (a), Colorado Revised Statutes, is amended to read:

**24-75-303. Appropriation for capital construction.** (3) (a) No capital construction project for a state-supported institution of higher education that is estimated to require total expenditures exceeding ~~five hundred thousand~~ TWO MILLION dollars may be commenced unless:

**SECTION 94.** 24-75-1104.5 (3), Colorado Revised Statutes, is amended to read:

**24-75-1104.5. Use of settlement moneys - programs.** (3) Notwithstanding the provisions of subsections (1) and (1.5) of this section, for purposes of sections ~~22-7-506 (4) (b) (F)~~ 22-7-908 (3), 23-20-136 (3.5) (a), 25-4-1411 (6) (a), 25-4-1415 (2), 25-20.5-201 (2) (c), 25-23-104 (2), 25-31-107 (2) (d) (I), 25.5-3-207 (3), 25.5-8-105 (3), 27-10.3-106 (2) (b), and 28-5-709 (2) (a), C.R.S., strategic contribution fund moneys received and allocated by the state pursuant to said subsections (1) and (1.5) during the same fiscal year shall be deemed to be moneys

received for or during the preceding fiscal year.

**SECTION 95.** 24-80-1402 (1) (a), (2) (b), and (4), Colorado Revised Statutes, are amended to read:

**24-80-1402. Fallen heroes memorial commission - fund - repeal.**

(1) (a) There is hereby created in the department of personnel ~~and administration~~ the fallen heroes memorial commission, referred to in this section as the "commission", to erect memorials near the Colorado veterans monument in Lincoln park to commemorate the lives of Coloradans who died during specific military conflicts. The commission shall consist of five members. The governor, president of the senate, minority leader of the senate, speaker of the house of representatives, and minority leader of the house of representatives shall each appoint one member of the commission. The appointing authorities are encouraged to appoint veterans of foreign wars to the commission. Members of the commission shall serve terms of four years. A member may be reappointed to serve only one additional term.

(2) (b) The department of personnel ~~and administration~~ shall not provide any assistance to the commission until it can do so within existing appropriations.

(4) This section is repealed, effective July 1 of the year following the receipt by the revisor of statutes of certification from the executive director of the department of personnel ~~and administration~~ that the appropriate memorials have been erected and any moneys remaining in the fund have been transferred pursuant to paragraph (c) of subsection (3) of this section.

**SECTION 96.** 24-80.5-101 (1) (b), (3) (b), (3) (c), (3) (d), and (4.5), the introductory portion to 24-80.5-101 (5) (a), and 24-80.5-101 (5) (a) (V) and (6) (a), Colorado Revised Statutes, are amended to read:

**24-80.5-101. Works of art in public places - allocations therefor from capital construction costs - guidelines - fund created.**

(1) (b) There is hereby established an art in public places program to be administered by the ~~Colorado~~ STATE council on the arts. All works of art purchased and commissioned under the art in public places program shall become a part of the state art collection developed, administered, and

operated by the ~~Colorado~~ STATE council on the arts. All works of art purchased or commissioned under this section prior to March 19, 1987, shall be considered a part of the state art collection to be administered by the ~~Colorado~~ STATE council on the arts.

(3) (b) If the allocation provided for in paragraph (a) of this subsection (3) is equal to or greater than one thousand dollars, the ~~Colorado~~ STATE council on the arts shall select a jury as described in paragraph (a) of subsection (5) of this section.

(c) If the allocation provided for in paragraph (a) of this subsection (3) is less than one thousand dollars, the ~~Colorado~~ STATE council on the arts may, at its discretion, either select a jury or direct that the funds be held within the works of art in public places fund described in subsection (6) of this section for the acquisition of works of art for the state agency for which the capital construction project is to be constructed. Whenever the funds for any state agency equal or exceed one thousand dollars, the ~~Colorado~~ STATE council on the arts shall select a jury as described in paragraph (a) of subsection (5) of this section.

(d) The works of art acquired under this article shall be placed in a publicly accessible location within the state agency for which the capital construction project is to be constructed. A collection of works of art may be selected for placement within the state agency and, at the discretion of the state agency and the ~~Colorado~~ STATE council on the arts, made available for loan, circulation, and exhibition in other public facilities.

(4.5) The administration of the art in public places program includes supervision of the jury process which convenes to select the site and the artwork, contracting, purchase, commissioning, AND reviewing of design, execution, and placement. Acceptance of works of art shall be the responsibility of the ~~Colorado~~ STATE council on the arts. These activities shall be conducted in consultation with the executive directors of the respective state agencies. The administration of the art in public places program shall not include bearing the costs of maintaining or insuring the works of art. Such costs shall be the responsibility of the respective state agencies.

(5) All works of art acquired with funds allocated under subsection (3) of this section shall be contracted for separately from all other items in

the original construction plans pursuant to the following guidelines:

(a) Selection of artists shall be by the jury method. The ~~Colorado~~ STATE council on the arts shall select jury members and convene juries. Jury recommendations shall be presented to the ~~Colorado~~ STATE council on the arts for review and final approval. Any significant changes in the design or construction of the work of art occurring after such final approval of the artist shall be subject to the approval of both the jury and the ~~Colorado~~ STATE council on the arts. The council shall determine which changes shall be considered significant for the purposes of this paragraph (a). Each jury shall contain at least the following:

(V) A member of the ~~Colorado~~ STATE council on the arts; and

(6) (a) There is hereby created in the state treasury the works of art in public places fund, any moneys in which are hereby appropriated to the ~~Colorado~~ STATE council on the arts, which fund shall be used exclusively for the following purpose: Purchase of works of art, taking into consideration the artist's preliminary site visit, the design fee, the total costs of construction and installation of the work of art, jury expenses, and program administration in compliance with the provisions of subsection (5) of this section.

**SECTION 97.** 24-80.5-102 (1) and (3) (a), Colorado Revised Statutes, are amended to read:

**24-80.5-102. Works of art in correctional and juvenile facilities.**

(1) Each capital construction appropriation for a correctional facility shall include as a nondeductible item an allocation of not less than one-tenth of one percent of the capital construction costs to be used for a prison inmate art fund. The moneys in such fund shall be used for materials to allow inmates to create works of art to be included in the construction of or to be placed permanently in such facility. The department of corrections shall administer by rule a competitive program among the inmates of such facility in order to determine which art projects and inmates shall receive an incentive award not to exceed two hundred dollars each. The ~~Colorado~~ STATE council on the arts shall appoint one of its members to serve in an advisory capacity to the department of corrections on the implementation of this subsection (1).

(3) (a) On and after January 1, 1998, each capital construction appropriation for a juvenile correctional facility shall include as a nondeductible item an allocation of not less than one-tenth of one percent of the capital construction costs to be used for a juvenile art fund. The moneys in such fund shall be used for materials to allow juveniles housed by the department of human services to create works of art to be included in the construction of or to be placed permanently in juvenile facilities. The Colorado STATE council on the arts shall appoint one of its members to serve in an advisory capacity to the department of human services on the implementation of this subsection (3).

**SECTION 98. Repeal.** 25-1-114.6 (6), Colorado Revised Statutes, is repealed as follows:

**25-1-114.6. Implementation of environmental self-audit law - pilot project - legislative declaration.** ~~(6) Not later than July 1, 2003, the department of public health and environment shall report to the general assembly any recommendations as to whether the pilot program created by this section should continue, as well as any recommendations for modification.~~

**SECTION 99.** 25-4-500.3 (13), Colorado Revised Statutes, as amended by House Bill 08-1199, enacted at the Second Regular Session of the Sixty-sixth General Assembly, is amended to read:

**25-4-500.3. Definitions.** As used in this part 5, unless the context otherwise requires:

(13) "State chief medical officer" means the chief medical officer of the department, as described in section 25-1-105, OR THE EXECUTIVE DIRECTOR OF THE DEPARTMENT.

**SECTION 100.** 25-4-1004.7 (2) (b), Colorado Revised Statutes, is amended to read:

**25-4-1004.7. Newborn hearing screening - legislative declaration - advisory committee - repeal.** (2) (b) This subsection (2) is repealed, effective July 1, 2013. PRIOR TO SUCH REPEAL, THE ADVISORY COMMITTEE ON HEARING IN NEWBORN INFANTS SHALL BE REVIEWED AS PROVIDED FOR IN SECTION 2-3-1203, C.R.S.

**SECTION 101. Repeal.** 25-5-1105, Colorado Revised Statutes, is repealed as follows:

~~**25-5-1105. Report.** On or before October 1, 1998, the department shall submit a report to the general assembly in accordance with section 24-1-136 (9), C.R.S., on the comprehensive plan developed under section 25-5-1104.~~

**SECTION 102. Repeal.** 25-7-413 (5), Colorado Revised Statutes, is repealed as follows:

~~**25-7-413. Methods for reducing wood smoke in program area.**  
(5) The executive director of the department of public health and environment shall, no later than April 15, 1992, provide to the general assembly data supporting the effectiveness of wood-burning bans.~~

**SECTION 103.** 25-8-305, Colorado Revised Statutes, is amended to read:

**25-8-305. Annual report.** On or before October 1 of each year, the division through the executive director shall report to the commission on the effectiveness of the provisions of this article and shall include in such report such recommendations as it may have with respect to any regulatory or legislative changes that may be needed or desired. Such report shall include the then current information that has been obtained pursuant to section 25-8-303 and information concerning the status of the division's implementation of the discharge permit program established in part 5 of this article. The report shall be filed with the house agriculture, livestock, and natural resources committee and the senate agriculture, natural resources, and energy committee, OR ANY SUCCESSOR COMMITTEES.

**SECTION 104.** 25-16-104.6 (1) (a), Colorado Revised Statutes, is amended to read:

**25-16-104.6. Fund established - administration - revenue sources - use.** (1) (a) There is hereby established in the state treasury the hazardous substance response fund. The fund shall be composed of any moneys ~~which~~ THAT the general assembly may choose to appropriate from the general fund and any moneys derived from the fee imposed pursuant to section 25-16-104.5 and any interest derived therefrom; any moneys recovered from

responsible parties pursuant to the federal act ~~which~~ THAT are not generated by the state litigating as trustee for natural resources pursuant to section 25-16-104.7; any moneys recovered through litigation by the state pursuant to the federal act ~~which~~ THAT are designated for future response cost; and any other moneys derived from public or private sources ~~which~~ THAT may be credited to the fund. Moneys in the fund shall be annually appropriated by the general assembly, subject to the provisions of section 25-16-104, shall remain available for the purposes of this article, and ~~except as provided in subsection (2.7) of this section~~, shall not revert or be transferred to the general fund of the state at the end of any fiscal year.

**SECTION 105.** 25-16-306 (1) (b) (II), Colorado Revised Statutes, is amended to read:

**25-16-306. Approval of voluntary clean-up plan - time limits - contents of notice - conditions under which approval is void - expiration of approval.** (1) (b) The department shall approve a voluntary clean-up plan if, based on the information submitted by the property owner, the department concludes that the plan will:

(II) For constituents not governed by subparagraph (I) of this paragraph ~~(a)~~ (b), reduce concentrations such that the property does not present an unacceptable risk to human health or the environment based upon the property's current use and any future uses proposed by the property owner.

**SECTION 106.** 25-17-202 (3) (b) (III), Colorado Revised Statutes, is amended to read:

**25-17-202. Waste tire recycling development fee - cash fund created - repeal.** (3) (b) On and after July 1, 2000, the remaining moneys in the fund shall be subject to annual appropriation or transfer by the general assembly as follows:

(III) On and after July 1, 2007, sixty percent of the remaining moneys shall be transferred to the advanced technology fund created in section ~~25-16.5-106.5(2)(a)~~ 25-16.5-105 (2) (a) on a quarterly basis for the purposes specified in section ~~25-16.5-106.5(2)(b)~~ 25-16.5-105 (2) (b). The other forty percent of the remaining moneys shall be transferred to the innovative higher education research fund created in section 23-19.7-104,

C.R.S., on a quarterly basis for the purposes specified in sections 23-19.7-103 (2) and 23-19.7-104, C.R.S. Transfers of moneys shall be made at the end of each quarter. Such additional transfers as may be necessary to bring the waste tire recycling development cash fund into compliance with the limit on uncommitted cash fund reserves, as specified in section 24-75-402, C.R.S., may also be made during the fiscal year.

**SECTION 107.** 25-36-101 (3), Colorado Revised Statutes, is amended to read:

**25-36-101. Short-term grants for innovative health programs - grant fund - creation - appropriation from fund - transfer of moneys for fiscal years 2007-08 to 2011-12 - repeal.** (3) (a) For the 2007-08 fiscal year, of the moneys transferred pursuant to sections 24-22-115 (1) (b) and 24-75-1104.5 (1.5) (a) (IX) and (1.5) (b), C.R.S., the lesser of one hundred thirty-four thousand two hundred twelve dollars or thirteen ~~point four~~ AND FOUR-TENTHS percent of the total amount transferred to the fund shall be appropriated to the division of mental health in the department of human services for implementation of article 22 of title 26, C.R.S., and the lesser of thirty-eight thousand five hundred three dollars or three ~~point nine~~ AND NINE-TENTHS percent of the total amount transferred to the fund shall be appropriated to the division of criminal justice in the department of public safety for implementation of article 22 of title 26, C.R.S.

(b) For the 2008-09 fiscal year, the 2009-10 fiscal year, and the 2010-11 fiscal year, of the moneys transferred pursuant to sections 24-22-115 (1) (b) and 24-75-1104.5 (1.5) (a) (IX) and (1.5) (b), C.R.S., the lesser of one hundred eighty-five thousand seventeen dollars or eight ~~point eight~~ AND EIGHT-TENTHS percent of the total amount transferred to the fund shall be annually appropriated to the division of mental health in the department of human services for implementation of article 22 of title 26, C.R.S., and the lesser of thirty-six thousand seven hundred dollars or one ~~point seven~~ AND SEVEN-TENTHS percent of the total amount transferred to the fund shall be appropriated to the division of criminal justice in the department of public safety for implementation of article 22 of title 26, C.R.S.

**SECTION 108.** The introductory portion to 25.5-3-302 (1) and 25.5-3-302 (3), Colorado Revised Statutes, are amended to read:

**25.5-3-302. Annual allocation - primary care services - qualified provider.** (1) The state department shall annually allocate the moneys appropriated by the general assembly to the primary care fund created in section ~~24-22-117~~ 24-22-117 (2) (b), C.R.S., to all eligible qualified providers in the state who comply with the requirements of subsection (2) of this section. The state department shall allocate the moneys in amounts proportionate to the number of uninsured or medically indigent patients served by the qualified provider. For a qualified provider to be eligible for an allocation pursuant to this section, the qualified provider shall meet either of the following criteria:

(3) The state department shall make annual direct allocations of the total amount of money annually appropriated by the general assembly to the primary care fund pursuant to section ~~24-22-117~~ 24-22-117 (2) (b), C.R.S., minus three percent for the administrative costs of the program, to all eligible qualified providers. An eligible qualified provider's allocation shall be based on the number of uninsured or medically indigent patients served by the provider in proportion to the total number of uninsured or medically indigent patients served by all eligible qualified providers in the previous calendar year. The state department shall establish a schedule for allocating the moneys in the primary care fund for eligible qualified providers. The disbursement of moneys in the primary care fund to eligible qualified providers under this part 3 shall be exempt from the provisions of the "Procurement Code", articles 101 to 112 of title 24, C.R.S.

**SECTION 109.** 25.5-5-407.7, Colorado Revised Statutes, is amended to read:

**25.5-5-407.7. Disability care coordination organization - rules.** Subject to the receipt of any required federal authorizations, the state department may enter into an agreement for the provision of care to recipients with a disability with a disability care coordination organization identified as the nonprofit organization in section ~~26-4-537, C.R.S.~~ 25.5-6-111.

**SECTION 110. Repeal.** 25.5-6-204 (5) (a) (II), Colorado Revised Statutes, is repealed as follows:

**25.5-6-204. Providers - reimbursement - fees - nursing facility - nursing facility patient program improvement fund - intermediate**

**care facility for the mentally retarded - reimbursement - maximum allowable - nonmonetary incentive program - legislative declaration - grant program - repeal.** (5) (a) (II) ~~The members of the group specified in subparagraph (I) of this paragraph (a) shall report to the joint budget committee of the general assembly by November 15, 2002, with recommendations for a methodology for determining when and under what circumstances there shall be implementation of a limitation on the increase in health care services costs for class I and class V facilities. The general assembly shall enact legislation by July 1, 2003, implementing a methodology for determining when and under what circumstances a limitation on the increase in health care services costs shall be implemented, which legislation shall include a repeal of paragraph (b) of this subsection (5).~~

**SECTION 111.** 26-2-102.5 (1), Colorado Revised Statutes, is amended to read:

**26-2-102.5. Foster care - Title IV-E of the social security act.**

(1) Eligibility of a child for Title IV-E foster care shall be based on the ~~AFDC~~ AID TO FAMILIES WITH DEPENDENT CHILDREN (AFDC), AS DEFINED IN SECTION 26-2-703 (1), rules in effect on July 16, 1996.

**SECTION 112.** 26-2-108 (1) (b), Colorado Revised Statutes, is amended to read:

**26-2-108. Granting of assistance payments and social services.**

(1) (b) In determining the amount of assistance payments to be granted, due account shall be taken of any income or property available to the applicant and any support, either in cash or in kind, ~~which~~ THAT the applicant may receive from other sources, pursuant to rules of the state department. Effective July 1, 2000, a county may pay ~~TANF-eligible~~ families THAT ARE ELIGIBLE FOR TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF), AS DEFINED IN SECTION 26-2-703 (19), an amount that is equal to the state and county share of child support collections as described in section 26-13-108 (1). Such payments shall not be considered income for the purpose of grant calculation. However, such income shall be considered income for purposes of determining eligibility. If a county chooses to pay child support collections directly to a ~~TANF-eligible~~ family THAT IS ELIGIBLE FOR TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF), AS DEFINED IN SECTION 26-2-703 (19), the county shall report such payments to the state

department for the month in which they occur and indicate the choice of this option in its performance contract for Colorado works. For the purposes of determining eligibility for public assistance or the amount of assistance payments, compensation received by the applicant pursuant to the "Colorado Crime Victim Compensation Act", part 1 of article 4.1 of title 24, C.R.S., shall not be considered as income, property, or support available to such applicant.

**SECTION 113. Repeal.** 26-2-111.6 (2), Colorado Revised Statutes, is repealed as follows:

~~**26-2-111.6. Old age pension work incentive program.** (2) The state department shall prepare a report for the general assembly on or before November 1, 1999, analyzing and evaluating the effectiveness of the old age pension work incentive program, and including any recommendations for legislative changes or for continuation or termination of the program.~~

**SECTION 114. Repeal.** 26-2-803 (1), Colorado Revised Statutes, is repealed as follows:

~~**26-2-803. State department authority.** (1) The state department shall review existing rules concerning the Colorado child care assistance program and shall report to the committee on legal services no later than September 15, 1997, concerning the changes to the existing rules that are necessary as a result of the enactment of this part 8.~~

**SECTION 115. Repeal.** 26-6-103 (4), Colorado Revised Statutes, is repealed as follows:

~~**26-6-103. Application of part - study.** (4) The department shall examine the safety of child care in the facilities operated pursuant to subsection (1) of this section and shall report findings to the general assembly no later than October 1, 2002. The general assembly shall make an appropriation from the child care development fund for expenditures of the department incurred in performing the examination and preparing the report required pursuant to this subsection (4).~~

**SECTION 116.** 26-13-124, Colorado Revised Statutes, is amended to read:

**26-13-124. Privatization of child support enforcement programs.**

The state department shall consult with the counties to determine what services of the child support enforcement program may be advantageous to privatize. The state department is authorized to procure such services on behalf of participating counties if the participating counties and the state department agree to such procurement. ~~The state department shall report to the joint budget committee on or before January 1, 1998, regarding the efforts undertaken pursuant to this section and the results of such efforts.~~

**SECTION 117.** 27-1-305 (2), Colorado Revised Statutes, is amended to read:

**27-1-305. Mental health services pilot program fund - supplemental tobacco litigation settlement moneys account - creation.**

(2) The department may solicit and receive gifts, grants, and donations from public and private sources to carry out the purposes of this part 3, but receipt of gifts, grants, and donations shall not be a prerequisite to the implementation of the pilot program. The department shall transfer any moneys received pursuant to this ~~subsection (3)~~ SUBSECTION (2) to the state treasurer who shall credit them to the fund in accordance with the provisions of subsection (1) of this section.

**SECTION 118.** 27-10-103 (3.3) (a), Colorado Revised Statutes, is amended to read:

**27-10-103. Voluntary applications for mental health services.**

(3.3) (a) The need for continuing hospitalization of all voluntary patients who are minors shall be formally reviewed at least every two months. Review pursuant to this subsection (3.3) shall fulfill the requirement specified in section ~~19-3-701~~ 19-1-115 (8), C.R.S., when the minor is fifteen years of age or older and consenting to hospitalization.

**SECTION 119.** 27-10.5-140 (4), Colorado Revised Statutes, is amended to read:

**27-10.5-140. Child find - responsibilities - interagency operating agreements - rules.** (4) To facilitate implementation of part C child find and the use of medicaid funds, the department and community centered boards may, where appropriate, share information with the department of education, the department of health care policy and financing, or

administrative units that are offering child find services pursuant to section 22-20-118, C.R.S., provided that each department or local agency acts in compliance with the federal "Health Insurance Portability and Accountability Act of 1996", ~~42 U.S.C. sec 132~~ 42 U.S.C. SEC. 1320d, as amended, and the federal "Family Education Rights and Privacy Act of 1974", 20 U.S.C. sec. 1232g and all federal regulations and applicable guidelines adopted thereto.

**SECTION 120.** 28-1-105 (3), Colorado Revised Statutes, as enacted by House Bill 08-1097, enacted at the Second Regular Session of the Sixty-sixth General Assembly, is amended to read:

**28-1-105. Private employees - leave of absence.** (3) The leave allowed pursuant to subsection (1) of this section shall be allowed only if the member returns to his or her ~~public position~~ PRIVATE EMPLOYMENT as soon as practicable after being relieved from service for the civil air patrol mission.

**SECTION 121.** 31-25-107 (1) (b), Colorado Revised Statutes, is amended to read:

**31-25-107. Approval of urban renewal plans by the local governing body.** (1) (b) Notwithstanding any other provision of this part 1, and in addition to any other notice required by law, within thirty days of the commissioning of a study to determine whether an area is a slum, blighted area, or a combination thereof in accordance with the requirements of paragraph (a) of this subsection (1), the authority shall provide notice to any owner of private property located in the area that is the subject of the study by mailing notice to the owner by regular mail at the last-known address of record. The notice shall state that the authority is commencing a study necessary for making a determination as to whether the area in which the owner owns property ~~is located~~ is a slum or a blighted area. Where the authority makes a determination that the area is not a slum, blighted area, or a combination thereof, within thirty days of making such determination, the authority shall also send notice of such determination to any owner of private property located in the area that is the subject of the study by mailing notice to the owner by regular mail at the last-known address of record. For purposes of this paragraph (b), "private property" means, as applied to real property, only a fee ownership interest.

**SECTION 122.** 34-60-106 (11) (a) (II), Colorado Revised Statutes, is amended to read:

**34-60-106. Additional powers of the commission - rules - repeal.**

(11) (a) Except as specified in paragraph (b) of this subsection (11), by April 1, 2008, the commission shall:

(II) Promulgate rules, in consultation with the department of public health and environment, to protect the health, safety, and welfare of the general public in the conduct of oil and gas operations. The rules shall provide a timely and efficient procedure in which the department has an opportunity to provide comments during the commission's decision-making process. This rule-making shall be coordinated with the rule-making required in section ~~34-60-127(3)(d)~~ 34-60-128(3) (d), as enacted by House Bill 07-1298 at the first regular session of the sixty-sixth general assembly, so that the timely and efficient procedure established pursuant to this subsection (11) is applicable to the department and to the division of wildlife.

**SECTION 123.** 35-5.5-108.7 (5), Colorado Revised Statutes, is amended to read:

**35-5.5-108.7. State noxious weed advisory committee - repeal.**

(5) This section is repealed, effective July 1, 2013. PRIOR TO SUCH REPEAL, THE STATE NOXIOUS WEED ADVISORY COMMITTEE SHALL BE REVIEWED AS PROVIDED FOR IN SECTION 2-3-1203, C.R.S.

**SECTION 124.** 37-46-137 (9), Colorado Revised Statutes, is amended to read:

**37-46-137. Conduct of election.** (9) The district or subdistrict may provide for ~~absent~~ MAIL-IN voters to cast their ~~absent~~ MAIL-IN voters' ballots on voting machines expressly provided for that purpose, if each ~~absent~~ MAIL-IN voter indicates by affidavit that he OR SHE is qualified to vote at the election and will be ~~an absent~~ A MAIL-IN voter, pursuant to section ~~1-8-209~~ 1-8-202, C.R.S., of the "Uniform Election Code of 1992" and all laws supplemental thereto.

**SECTION 125.** 37-47-137 (9), Colorado Revised Statutes, is amended to read:

**37-47-137. Conduct of election.** (9) The district or subdistrict may provide for ~~absent~~ MAIL-IN voters to cast their ~~absent~~ MAIL-IN voters' ballots on voting machines expressly provided for that purpose, if each ~~absent~~ MAIL-IN voter indicates by affidavit that he OR SHE is qualified to vote at the election and will be ~~an absent~~ A MAIL-IN voter, pursuant to section ~~1-8-209~~ 1-8-202, C.R.S., of the "Uniform Election Code of 1992" and all laws supplemental thereto.

**SECTION 126.** 37-48-179 (9), Colorado Revised Statutes, is amended to read:

**37-48-179. Conduct of election.** (9) The district or subdistrict may provide for ~~absent~~ MAIL-IN voters to cast their ~~absent~~ MAIL-IN voters' ballots on voting machines expressly provided for that purpose, if each ~~absent~~ MAIL-IN voter indicates by affidavit that he OR SHE is qualified to vote at the election and will be ~~an absent~~ A MAIL-IN voter, pursuant to section ~~1-8-209~~ 1-8-202, C.R.S., of the "Uniform Election Code of 1992" and all laws supplemental thereto.

**SECTION 127.** 37-50-128 (9), Colorado Revised Statutes, is amended to read:

**37-50-128. Conduct of election.** (9) The district may provide for ~~absent~~ MAIL-IN voters to cast their ~~absent~~ MAIL-IN voters' ballots on voting machines expressly provided for that purpose, if each ~~absent~~ MAIL-IN voter indicates by affidavit that he or she is qualified to vote at the election and will be ~~an absent~~ A MAIL-IN voter, pursuant to section ~~1-8-209~~ 1-8-202, C.R.S.

**SECTION 128. Repeal.** 37-92-308 (3) (g), Colorado Revised Statutes, is repealed as follows:

**37-92-308. Substitute water supply plans - special procedures for review - water adjudication cash fund - legislative declaration.** (3) (g) ~~The state engineer, in consultation with interested parties, shall examine whether additional legislation is needed to provide compensation to injured water users in the case that a substitute water supply plan fails to prevent injury to water users. The state engineer shall submit a report to the general assembly on or before December 1, 2003, that summarizes the conclusions reached in the state engineer's consultation with interested~~

parties:

**SECTION 129.** 39-1-102 (14.3), Colorado Revised Statutes, is amended to read:

**39-1-102. Definitions.** As used in articles 1 to 13 of this title, unless the context otherwise requires:

(14.3) "Residential improvements" means a building, or that portion of a building, designed for use predominantly as a place of residency by a person, a family, or families. The term includes buildings, structures, fixtures, fences, amenities, and water rights ~~which~~ THAT are an integral part of the residential use. The term also includes mobile homes ~~as defined in section 38-29-102(8) C.R.S.~~, and manufactured homes as defined in section 42-1-102 (106) (b), C.R.S.

**SECTION 130.** 39-29-109 (7) (a), Colorado Revised Statutes, is amended to read:

**39-29-109. Severance tax trust fund - created - administration - use of moneys - definitions - repeal.** (7) (a) Subject to the maintenance of the end balance requirement of paragraph (f) of subsection (1.5) of this section and a two-year reserve pursuant to sub-subparagraph (A) of subparagraph (III) of paragraph (c) of subsection (1) of this section, five hundred thousand dollars from the operational account of the severance tax trust fund shall be appropriated for fiscal year 2006-07, and one hundred fifty thousand dollars from the operational account of the severance tax trust fund shall be appropriated for fiscal year 2007-08 for purposes specified in ~~article 35~~ PART 8 OF ARTICLE 31 of title 23, C.R.S.

**SECTION 131. Repeal.** 39-32-106, Colorado Revised Statutes, is repealed as follows:

**39-32-106. Report to the general assembly.** ~~(1) The public utilities commission shall submit a report to the house and senate business affairs and labor committees of the general assembly on or before September 1, 2003, outlining the progress, if any, in improving internet access within rural technology enterprise zones. Such report shall include, but is not limited to, the following information:~~

~~(a) An analysis of the changes made in technology infrastructure in the rural technology enterprise zones to improve internet access and the effects of those changes; and~~

~~(b) Any available statistics, including statistics that may be published pursuant to section 39-21-113, concerning the amount of investments made in rural technology enterprise zones.~~

**SECTION 132.** 39-32-107, Colorado Revised Statutes, is amended to read:

**39-32-107. Rules.** The public utilities commission shall promulgate rules necessary for the administration of sections 39-32-103 AND 39-32-104. ~~and 39-32-106.~~ The department of revenue shall promulgate rules necessary for the administration of section 39-32-105. Rules promulgated pursuant to this section shall be promulgated in accordance with article 4 of title 24, C.R.S.

**SECTION 133.** 40-15-401 (1) (a), Colorado Revised Statutes, is amended to read:

**40-15-401. Services, products, and providers exempt from regulation.** (1) The following products, services, and providers are exempt from regulation under this article or under the "Public Utilities Law" of the state of Colorado:

(a) Cable services as defined by section 602(5) of the federal "Cable Franchise Policy and Communications POLICY Act of 1984";

**SECTION 134.** 41-2-102 (4), Colorado Revised Statutes, is amended to read:

**41-2-102. Operating an aircraft under the influence - operating an aircraft with excessive alcoholic content - tests - penalties - useful public service program.** (4) (a) In any prosecution for a violation of subsection (1) of this section, the amount of alcohol in the defendant's blood or breath at the time of the commission of the alleged offense or within a reasonable time thereafter, as shown by analysis of the defendant's blood or breath, shall give rise to the ~~following presumptions~~ PRESUMPTION THAT THE DEFENDANT WAS UNDER THE INFLUENCE OF ALCOHOL IF:

~~(a) (I) If There was at such time 0.04 or more grams of alcohol per one hundred milliliters of blood as shown by analysis of such person's blood; or~~

~~(II) If There was at such time 0.04 or more grams of alcohol per two hundred ten liters of breath as shown by analysis of such person's breath. it shall be presumed that the defendant was under the influence of alcohol.~~

(b) The limitations of this subsection (4) shall not be construed as limiting the introduction, reception, or consideration of any other competent evidence bearing upon the question of whether or not the defendant was under the influence of alcohol or whether or not his ability to operate an aircraft was impaired by the consumption of alcohol.

**SECTION 135. Repeal.** 42-2-118 (1.5) (f), Colorado Revised Statutes, is repealed as follows:

**42-2-118. Renewal of license in person or by mail - donations to Emily Maureen Ellen Keyes organ and tissue donation awareness fund - repeal.** (1.5) (f) ~~On or before August 31, 2004, the department shall report to the transportation legislation review committee on the department's progress with the renewal of a driver's license by electronic means, anticipated expenses and costs of implementing this renewal process including anticipated funding requests associated with these expenses and costs, world wide web applications, and measures the department will implement to minimize possible opportunities for identity theft and fraud.~~

**SECTION 136.** 43-1-601, Colorado Revised Statutes, is amended to read:

**43-1-601. Transportation services for the elderly and for persons with disabilities.** The department of transportation and the executive director thereof are designated and authorized to take all steps and adopt all proceedings necessary to make and enter into such contracts or agreements as may be necessary for state application and administration of ~~section 16 (b) (2) of the federal "Urban Mass Transportation Act of 1964" (Public Law 88-365, 49 U.S.C. sec. 1601 et seq.), or any amendment thereof or successor legislation thereto,~~ THE "FEDERAL TRANSIT ACT", 49 U.S.C. SEC. 5310, specifically designed for state operations including grant programs for the purpose of assisting nonprofit corporations, associations, and public

bodies in making available appropriate highway transportation services for the elderly and for persons with disabilities. In performing this work, the said department shall consult with concerned local authorities for a productive statewide coordinated effort and shall prepare a statewide survey showing the transportation needs of elderly and of persons with disabilities in priority order. The commission shall budget and allocate the amounts to be expended for such purposes in accordance with section 43-1-113.

**SECTION 137.** 43-1-603, Colorado Revised Statutes, is amended to read:

**43-1-603. Participation of political subdivisions.** Municipalities, counties, and special districts organized for transportation purposes shall have the authority to enter into contracts with and make grants to those private nonprofit entities ~~which~~ THAT have been designated as recipients of funds pursuant to ~~section 16 (b) (2) of the federal "Urban Mass Transportation Act of 1964", as amended, Pub.L. 88-365, codified at THE "FEDERAL TRANSIT ACT", 49 U.S.C. sec. 1601 et seq. 5301 ET SEQ.~~ Such contracts or grants may be for either operating or capital assistance.

**SECTION 138.** 43-1-701, Colorado Revised Statutes, is amended to read:

**43-1-701. Public transportation projects in nonurbanized areas.** The department of transportation and the executive director thereof are designated and authorized to take all steps and adopt all proceedings necessary to make and enter into such contracts or agreements as may be necessary for state application and administration of ~~section 18 of the federal "Urban Mass Transportation Act of 1964" (49 U.S.C. sec. 1614), or any amendment thereof or successor legislation thereto;~~ THE "FEDERAL TRANSIT ACT", 49 U.S.C. SEC. 5311, designated for public transportation projects in areas other than urbanized areas. The department of transportation shall prepare a program of such projects for submission to the secretary of transportation, which shall provide for a fair and equitable distribution of funds within the state and may include distributions to the state, municipalities, counties, and special districts organized for transportation purposes.

**SECTION 139.** 43-1-901, Colorado Revised Statutes, is amended to read:

**43-1-901. Transit planning.** The department of transportation and the executive director thereof are hereby designated and authorized to take all steps and adopt all procedures necessary to make and enter into such contracts or agreements as are necessary for state application and administration of ~~section 8 and section 26 (a) (2) of the federal "Urban Mass Transportation Act of 1964", as amended,~~ THE "FEDERAL TRANSIT ACT", 49 U.S.C. sec. ~~1607,~~ or any federal legislation successor thereto for ~~planning of transit projects~~ 5304. The department of transportation shall develop a procedure in conjunction with affected counties, municipalities, and other public bodies, which procedure shall provide for a fair and equitable distribution of ~~section 26 (a) (2) funds~~ PURSUANT TO 49 U.S.C. SEC. 5304 within the state. The department of transportation shall develop a procedure in cooperation with affected metropolitan planning organizations, which procedure shall provide for a fair and equitable distribution of section 8 funds within the state.

**SECTION 140.** 43-1-1001, Colorado Revised Statutes, is amended to read:

**43-1-1001. Urban mass transportation grants.** (1) The department of transportation and the executive director thereof are hereby designated and authorized to take all steps and adopt all procedures necessary to make and enter into such contracts or agreements as are necessary for the state application and administration of any funds made available under the federal "~~Urban Mass Transportation Act of 1964", as amended,~~ "FEDERAL TRANSIT ACT", CODIFIED AT 49 U.S.C. sec. ~~1601~~ 5301 et seq. or any federal legislation successor thereto.

(2) The authority contained in subsection (1) of this section shall not apply to federal grant funds where there exists a designated recipient for such funds, and funds made available under ~~section 3 of the federal "Urban Mass Transportation Act of 1964", as amended,~~ THE "FEDERAL TRANSIT ACT", 49 U.S.C. SEC. 5309, within the Denver regional transportation district, and funds for other projects in urbanized areas with populations in excess of two hundred thousand persons, except as provided in sections 43-1-601 and 43-1-901.

**SECTION 141.** 43-1-1102 (4), Colorado Revised Statutes, is amended to read:

**43-1-1102. Definitions.** For the purposes of this part 11, unless the context otherwise requires:

(4) "Metropolitan planning organization" means a metropolitan planning organization under the federal "~~Urban Mass Transportation Act of 1964~~", as amended, Pub.L. 88-365, codified at "FEDERAL TRANSIT ACT", CODIFIED AT 49 U.S.C. sec. ~~1601 et seq~~ 5301 ET SEQ.

**SECTION 142.** 42-3-105 (2), Colorado Revised Statutes, is amended to read:

**42-3-105. Application for registration - tax.** (2) Upon applying for registration, the owner of a motor vehicle shall receive a written notice printed on the application for registration in type that is larger than the other information contained on the application for registration. Such notice shall state that motor vehicle insurance or operator's coverage is compulsory in Colorado, that noncompliance is a misdemeanor traffic offense, that the minimum penalty for such offense is a ~~one-hundred-dollar~~ FIVE-HUNDRED-DOLLAR fine, and that the maximum penalty for such offense is one year's imprisonment and a one-thousand-dollar fine, and that such owner shall be required as a condition of obtaining a registration card to sign an affirmation clause that appears on the registration. The clause shall state, "I swear or affirm in accordance with section 24-12-102, C.R.S., under penalty of perjury that I now have in effect a complying policy of motor vehicle insurance including an operator's policy pursuant to part 6 of article 4 of title 10, C.R.S., or a certificate of self-insurance to cover the vehicle or operator of the vehicle for which this registration is issued, and I understand that such insurance must be renewed so that coverage is continuous.

Signature \_\_\_\_\_, Date \_\_\_\_\_."

**SECTION 143.** Section 3 of House Bill 08-1072, enacted at the Second Regular Session of the Sixty-sixth General Assembly, is amended to read:

Section 3. **Appropriation.** In addition to any other appropriation, there is hereby appropriated, OUT OF ANY MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, to the department of health care policy and financing, for allocation to the executive director's office, general professionals services and special projects, for the fiscal year beginning July

1, 2008, the sum of twenty-seven thousand five hundred dollars (\$27,500), or so much thereof as may be necessary, for the implementation of this act. In addition to said appropriation, the general assembly anticipates that, for the fiscal year beginning July 1, 2008, the department of health care policy and financing will receive the sum of twenty-seven thousand five hundred dollars (\$27,500) in federal funds for the implementation of this act. Although the federal funds are not appropriated in this act, they are noted for the purpose of indicating the assumptions used relative to these funds in developing state appropriation amounts.

**SECTION 144.** 42-2-305, Colorado Revised Statutes, is amended to read:

**42-2-305. Lost, stolen, or destroyed cards.** If an identification card is lost, destroyed, or mutilated or a new name is acquired, the registrant may obtain a new identification card upon furnishing satisfactory proof of such fact to the department. Any registrant who loses an identification card and who, after obtaining a new identification card, finds the original card shall immediately surrender the original card to the department. The same documentary evidence shall be furnished for a new identification card as for an original identification card. A new identification card issued pursuant to this section shall expire on the birthday of the registrant in the ~~tenth~~ FIFTH year after the issuance of the new identification card; except that, if the registrant is under the age of twenty-one years at the time the application for the new identification card is made, the new identification card shall expire on the registrant's twenty-first birthday.

**SECTION 145.** Section 9 (2) of chapter 84, Session Laws of Colorado 2008, is amended to read:

Section 9. **Effective date.** (2) Sections ~~6 through 9~~ 6 THROUGH 8 of this act shall take effect simultaneously with Senate Bill 06-188, enacted at the Second Regular Session of the Sixty-fifth General Assembly; except that, if Senate Bill 06-188 takes effect during the ninety-day period after final adjournment of the general assembly, sections ~~6 through 9~~ 6 THROUGH 8 of this act shall take effect in accordance with subsection (1) of this section.

**SECTION 146. Effective date.** (1) Except as otherwise provided in subsection (2) of this section, this act shall take effect as specified in

section 147 of this act.

(2) (a) Section 49 of this act shall only take effect if Senate Bill 08-171 and Senate Bill 08-172 are enacted at the Second Regular Session of the Sixty-sixth General Assembly and become law.

(b) Section 69 of this act shall not take effect if Senate Bill 08-212 is enacted at the Second Regular Session of the Sixty-sixth General Assembly and becomes law.

(c) Sections 81 and 82 of this act shall not take effect if House Bill 08-1335 is enacted at the Second Regular Session of the Sixty-sixth General Assembly and becomes law.

(d) Section 86 of this act shall not take effect if Senate Bill 08-018 is enacted at the Second Regular Session of the Sixty-sixth General Assembly and becomes law.

(e) Section 87 of this act shall not take effect if Senate Bill 08-227 is enacted at the Second Regular Session of the Sixty-sixth General Assembly and becomes law.

(f) Section 110 of this act shall not take effect if House Bill 08-1114 is enacted at the Second Regular Session of the Sixty-sixth General Assembly and becomes law.

(g) Section 119 of this act shall not take effect if House Bill 08-1366 is enacted at the Second Regular Session of the Sixty-sixth General Assembly and becomes law.

(h) Section 120 of this act shall only take effect if House Bill 08-1097 is enacted at the Second Regular Session of the Sixty-sixth General Assembly and becomes law.

(i) Section 130 of this act shall not take effect if House Bill 08-1387, House Bill 08-1398, or House Bill 08-1405 is enacted at the Second Regular Session of the Sixty-sixth General Assembly and becomes law.

(j) Section 145 of this act shall only take effect if House Bill 08-1266 is enacted at the Second Regular Session of the Sixty-sixth General

Assembly and becomes law.

**SECTION 147. Effective date.** This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, (August 6, 2008, if adjournment sine die is on May 7, 2008); except that, if a referendum petition is filed against this act or an item,

section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

---

Andrew Romanoff  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

---

Peter C. Groff  
PRESIDENT OF  
THE SENATE

---

Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

---

Karen Goldman  
SECRETARY OF  
THE SENATE

APPROVED \_\_\_\_\_

---

Bill Ritter, Jr.  
GOVERNOR OF THE STATE OF COLORADO