

**NOTE: The governor signed this measure on 6/6/2016.**

# An Act

SENATE BILL 16-189

BY SENATOR(S) Scott, Johnston, Roberts, Scheffel, Steadman, Baumgardner, Cooke, Hill, Lambert;  
also REPRESENTATIVE(S) Foote, Dore, Kagan, McCann, Willett, Becker K., Conti, Tyler, Young.

CONCERNING THE NONSUBSTANTIVE REVISION OF STATUTES IN THE COLORADO REVISED STATUTES, AS AMENDED, AND, IN CONNECTION THEREWITH, AMENDING OR REPEALING OBSOLETE, IMPERFECT, AND INOPERATIVE LAW TO PRESERVE THE LEGISLATIVE INTENT, EFFECT, AND MEANING OF THE LAW.

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

**SECTION 1.** In Colorado Revised Statutes, 1-1-104, **amend** (2.8) (c) as follows:

**1-1-104. Definitions.** As used in this code, unless the context otherwise requires:

(2.8) "Confirmation card" means a communication mailed from a county clerk and recorder to an elector pursuant to section 1-2-302.5, 1-2-509, or 1-2-605, which card must:

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

(c) Comply with all relevant requirements of the federal "National Voter Registration Act of 1993", ~~42 U.S.C. sec. 1973gg~~ 52 U.S.C. SEC. 20501 ET SEQ., as amended; and

**SECTION 2.** In Colorado Revised Statutes, 1-1-107, **amend** (1) (d) as follows:

**1-1-107. Powers and duties of secretary of state - penalty.** (1) In addition to any other duties prescribed by law, the secretary of state has the following duties:

(d) To coordinate the responsibilities of the state of Colorado under the federal "National Voter Registration Act of 1993", ~~42 U.S.C. sec. 1973gg~~ 52 U.S.C. SEC. 20501 ET SEQ.;

**SECTION 3.** In Colorado Revised Statutes, 1-2-502, **amend** (2) as follows:

**1-2-502. Form for agency registration.** (2) All agencies providing an opportunity to complete the voter registration forms shall keep copies of all records relating to the completion of the forms for two years. The forms shall not be considered public records but shall be available to the secretary of state for purposes of compiling data in compliance with the federal "National Voter Registration Act of 1993", ~~42 U.S.C. sec. 1973gg~~ 52 U.S.C. SEC. 20501 ET SEQ.

**SECTION 4.** In Colorado Revised Statutes, 1-2-510, **amend** (3) as follows:

**1-2-510. Public disclosure of voter registration activities.** (3) The secretary of state shall also be responsible for filing any reports or information concerning the implementation of the federal "National Voter Registration Act of 1993", ~~42 U.S.C. sec. 1973gg~~ 52 U.S.C. SEC. 20501 ET SEQ., with the federal election commission as may be required.

**SECTION 5.** In Colorado Revised Statutes, 1-13.5-106, **amend** (2) as follows:

**1-13.5-106. Applicability of the "Uniform Election Code of 1992".** (2) All provisions of the "Uniform Election Code of 1992" not in

conflict with this article apply to local government elections; except that elections offenses and penalties ~~proscribed~~ DESCRIBED by parts 2 and 3 of article 13 of this title do not apply to elections authorized under this article, and recall elections of local government officers must be conducted pursuant to part 5 of article 4 of title 31, C.R.S.

**SECTION 6.** In Colorado Revised Statutes, **amend** 1-13.5-1601 as follows:

**1-13.5-1601. Applicability of criminal penalties.** Notwithstanding any provision of law to the contrary, except for parts 2 and 3 of article 13 of this title, election offenses and penalties ~~proscribed~~ DESCRIBED under article 13 of this title apply to elections conducted under this article.

**SECTION 7.** In Colorado Revised Statutes, 2-2-307, **amend** (1) (a) as follows:

**2-2-307. Compensation of members - reimbursement of expenses - repeal.** (1) (a) (I) Commencing on the first day of the legislative session beginning in January of 1999, all members of the general assembly elected at the 1998 general election and thereafter through the 2016 general election, and members appointed to fill vacancies for unexpired terms of those members, shall receive as base compensation for their services the sum of thirty thousand dollars per annum, payable at the rate of two thousand five hundred dollars per month.

(II) This ~~section~~ PARAGRAPH (a) is repealed, effective January 8, 2022.

**SECTION 8.** In Colorado Revised Statutes, 7-136-103, **amend** (4) as follows:

**7-136-103. Scope of member's inspection right.** (4) The nonprofit corporation may comply with a member's demand to inspect the record of members under section ~~7-136-102(2)(c)~~ 7-136-102 (2) by furnishing to the member a list of members that complies with section 7-136-101 (3) and was compiled no earlier than the date of the member's demand.

**SECTION 9.** In Colorado Revised Statutes, 8-19-104, **amend** (1) as follows:

**8-19-104. Bid preference - survey.** (1) The executive director of the department of personnel, or the executive director's designee, shall conduct a survey and compile the results into a list of which states provide a bidding preference on public works contracts for their resident bidders. The list must include details on the type of preference provided by each state, the amount of the preference, and how the preference is applied. The executive director shall complete the initial list on or before July 1, 2014, ~~and shall update the list periodically as needed but at least on an annual basis, On or before January 1, 2015, the department of personnel shall submit a report including the list compiled pursuant to this subsection (1) and any recommendation necessary to implement this section to the standing committee of reference in each house of the general assembly exercising jurisdiction over matters concerning state affairs and labor. The department~~ AND shall also make the list available to the public on the department's website.

**SECTION 10.** In Colorado Revised Statutes, 8-70-141, **repeal** (1) (b) (I) as follows:

**8-70-141. Wages - definition.** (1) "Wages" means:

(b) (I) ~~Any employer contribution under a qualified cash or deferred arrangement, as defined in 26 U.S.C. sec. 401 (k), to the extent not included in gross income by reason of 26 U.S.C. sec. 402 (e) (3), and~~

**SECTION 11.** In Colorado Revised Statutes, 8-84-106, **amend as they will become effective July 1, 2016**, (3) (b) introductory portion, (3) (b) (III), (3) (b) (V), (3) (d) (I), and (4) as follows:

**8-84-106. Rehabilitation of persons with disabilities.** (3) (b) The state department shall:

(III) Give preference to cost-effective services provided in the state of Colorado, but the state department may authorize payment for out-of-state services on a case-by-case basis. The state department shall not pay for any services provided outside the United States.

(V) Limit payment for services to Colorado in-state tuition or the equivalent for all education and vocational schooling; except that, if the state department finds, through its comprehensive assessment, that the

person with a disability needs specialized education outside of Colorado to address his or her barriers to employment, the ~~state~~ department may authorize payment for out-of-state tuition on a case-by-case basis;

(d) (I) The ~~state~~ department shall determine a person with a disability's need for financial assistance based on the person's need and income, or the income of the person's legally and financially responsible relative. The ~~state~~ department shall determine the need for financial assistance for a person with a disability, or for the person's legally and financially responsible relative, prior to providing vocational rehabilitation services, except for diagnostic, guidance, job placement, and related services. The person with a disability, or the person's legally and financially responsible relative, shall contribute toward the cost of his or her vocational rehabilitation services to the extent that the ~~state~~ department determines that he or she is financially able; except that, if the person with a disability has been determined eligible for social security benefits under Title II or XVI of the federal "Social Security Act", 42 U.S.C. 301 et seq., as amended, he or she is not required to further contribute to the costs of any services provided.

(4) To the extent that the ~~state~~ department determines that any goods or services received by the person with a disability were acquired through misrepresentation, fraud, collusion, or criminal conduct, payment for those goods and services may be recovered by the ~~state~~ department from the person with a disability.

**SECTION 12.** In Colorado Revised Statutes, **amend** 10-14-503 as follows:

**10-14-503. Exemptions.** Except as provided in this section, societies shall be governed by the provisions of this article and shall be exempt from all other provisions of the insurance statutes of this state unless the terms of such statutes expressly apply to societies, or unless any such insurance statute is specifically made applicable to societies by this article. Societies shall comply with the applicable provisions of ~~sections 10-3-109 (2) and~~ SECTION 10-3-208; part 7 of article 3 of this title; and article 16 of this title.

**SECTION 13.** In Colorado Revised Statutes, **amend** 10-14-702 as follows:

**10-14-702. Fees.** Except as otherwise specifically provided in this article, societies shall pay the applicable fees specified in sections 10-3-207 and 24-31-104.5, C.R.S., and be subject to the assessment of late fees pursuant to section 10-3-109 ~~(2) and~~ (3).

**SECTION 14.** In Colorado Revised Statutes, 10-16-105.6, **amend** (2) (b) as follows:

**10-16-105.6. Rate usage.** (2) The prohibition in subsection (1) of this section does not:

(b) Prevent a carrier from establishing premium discounts or rebates or modifying otherwise applicable copayments, coinsurance, or deductibles in return for ADHERENCE TO PROGRAMS OF HEALTH PROMOTION AND DISEASE PREVENTION IF OTHERWISE ALLOWED BY STATE OR FEDERAL LAW.

~~(f) Adherence to programs of health promotion and disease prevention if otherwise allowed by state or federal law;~~

~~(H) Participation in a wellness and prevention program pursuant to section 10-16-136; or~~

~~(HH) Satisfaction of a standard related to a health risk factor pursuant to a wellness and prevention program authorized in section 10-16-136.~~

**SECTION 15.** In Colorado Revised Statutes, 10-16-113.5, **amend** (2) (f) as follows:

**10-16-113.5. Independent external review of adverse determinations - legislative declaration - definitions - rules.** (2) As used in this section, unless the context otherwise requires:

(f) "Independent external review entity" means an entity that meets the requirements of this section, is accredited by a nationally recognized private accrediting organization, and is certified by the commissioner to conduct independent external reviews of ADVERSE DETERMINATIONS BY A CARRIER.

~~(f) Adverse determinations by a carrier; or~~

~~(H) Denials under section 10-16-136 (3.5) (d) (H) by a carrier.~~

**SECTION 16.** In Colorado Revised Statutes, 10-16-302, **amend** (1) as follows:

**10-16-302. Incorporation and organization - exemptions.**

(1) Any nonprofit corporation organized under the laws of the state of Colorado for the purpose of establishing, maintaining, and operating a nonprofit plan, whereby prepaid hospital care, medical-surgical care, and other health services are made available to persons who become subscribers to such plan under a contract with the corporation, or for the purpose of providing long-term care insurance to persons pursuant to a contract with the corporation shall be subject to and governed by the provisions of part 1 of this article and this part 3 and, except as provided in this article and elsewhere in this title, shall not be subject to the laws of this state relating to insurance or insurance companies. The provisions of ~~sections 10-3-109 (2) and~~ SECTION 10-3-128; articles 1 and 2 of this title; and parts 4, 5, 7, 8, 11, and 12 of article 3 of this title, to the extent applicable, shall govern corporations organized pursuant to the provisions of this part 3.

**SECTION 17.** In Colorado Revised Statutes, 10-16-421, **amend** (1) as follows:

**10-16-421. Statutory construction and relationship to other laws.**

(1) Except for sections 10-1-102, 10-1-116, 10-1-117, 10-1-118, ~~10-3-109 (2)~~, 10-3-128, and 10-3-208, part 2 of article 1 of this title, and parts 4 to 8 of article 3 of this title, and as otherwise provided in this article, the provisions of the insurance law and provisions of nonprofit hospital, medical-surgical, and health service corporation laws shall not be applicable to any health maintenance organization granted a certificate of authority under this part 4.

**SECTION 18.** In Colorado Revised Statutes, **amend** 11-51-301 as follows:

**11-51-301. Requirement for registration of securities.** It is unlawful for any person to offer to sell or sell any security in this state unless it is registered under this article or unless the security or transaction is exempted under ~~sections~~ SECTION 11-51-307, ~~11-51-308~~ 11-51-308, 11-51-308.5, or 11-51-309.

**SECTION 19.** In Colorado Revised Statutes, 12-8-103, **repeal** (9.5) as follows:

**12-8-103. Definitions.** As used in this article, unless the context otherwise requires:

~~(9.5) "Free-lance shop operator" means an individual who engages in barbering, hairstyling, or cosmetology or practices as an esthetician or nail technician at locations other than fixed or mobile barbershops or beauty shops.~~

**SECTION 20.** In Colorado Revised Statutes, 12-43-206.5, **amend** (1) (a) as follows:

**12-43-206.5. Provisional license - fees.** (1) (a) The board may issue a provisional license to an applicant who has completed a post-graduate degree that meets the educational requirements for licensure in section 12-43-304, 12-43-403, 12-43-504, 12-43-603, or 12-43-804, as applicable, and who is working in a residential child care facility as defined in section ~~26-6-102(8)~~ 26-6-102 (33), C.R.S., under the supervision of a licensee.

**SECTION 21.** In Colorado Revised Statutes, **repeal** 12-61-1012 as follows:

**12-61-1012. Community association manager licensing cash fund - creation.** (1) ~~Repealed.~~

~~(2) On July 1, 2015, the state treasurer shall transfer any money remaining in the community association manager licensing cash fund to the division of real estate cash fund created in section 12-61-111.5 (2) (b).~~

**SECTION 22.** In Colorado Revised Statutes, 13-4-102, **amend** (1) (g) as follows:

**13-4-102. Jurisdiction.** (1) Any provision of law to the contrary notwithstanding, the court of appeals shall have initial jurisdiction over appeals from final judgments of, and interlocutory appeals of certified questions of law in civil cases pursuant to section 13-4-102.1 from, the district courts, the probate court of the city and county of Denver, and the



juvenile court of the city and county of Denver, except in:

(g) Summary proceedings initiated under articles 1 to ~~13~~ 13.5 of title 1 and article 10 of title 31, C.R.S.;

**SECTION 23.** In Colorado Revised Statutes, 13-92-103, **amend** (2) (a) introductory portion as follows:

**13-92-103. Respondent parents' counsel - commission - office - duties - qualifications of director.** (2) (a) The Colorado supreme court shall appoint a nine-member respondent parents' counsel governing commission on or before July 1, 2015. IN APPOINTING the membership of the commission, THE COURT must, to the extent practicable, include persons from throughout the state AND persons with disabilities and take into consideration race, gender, and the ethnic diversity of the state. THE COURT SHALL MAKE THE appointments ~~shall be made~~ as follows:

**SECTION 24.** In Colorado Revised Statutes, 15-2.5-603, **amend** (1) introductory portion as follows:

**15-2.5-603. Application to existing relationships.** (1) Except as otherwise provided in this article, on ~~the effective date of this article~~ JULY 1, 2015, or ON THE EFFECTIVE DATE of any amendment to this article:

**SECTION 25.** In Colorado Revised Statutes, **amend** 16-2.5-102 as follows:

**16-2.5-102. Certified peace officer - P.O.S.T. certification required.** The following peace officers shall meet all the standards imposed by law on a peace officer and shall be certified by the peace officers standards and training board, referred to in this article as the "P.O.S.T. board": A chief of police; a police officer; a sheriff; an undersheriff; a deputy sheriff; a Colorado state patrol officer; a town marshal; a deputy town marshal; a reserve police officer; a reserve deputy sheriff; a reserve deputy town marshal; ~~the director of the Colorado bureau of investigation;~~ a police officer or reserve police officer employed by a state institution of higher education; a Colorado wildlife officer; a Colorado parks and recreation officer; a Colorado police administrator or police officer employed by the Colorado mental health institute at Pueblo; an attorney general criminal investigator; a community parole officer; a public transit

officer; a municipal court marshal; and the department of corrections inspector general.

**SECTION 26.** In Colorado Revised Statutes, 16-4-204, **amend** (1) and (2) as follows:

**16-4-204. Appellate review of terms and conditions of bail or appeal bond.** (1) After entry of an order pursuant to section ~~16-4-107~~ 16-4-109 or 16-4-201, the defendant or the state may seek review of said order by filing a petition for review in the appellate court. If an order has been entered pursuant to section 16-4-104, ~~16-4-107~~ 16-4-109, or 16-4-201, the petition shall be the exclusive method of appellate review.

(2) The petition shall be in writing, shall be served as provided by court rule for service of motions, and shall have appended thereto a transcript of the hearing held pursuant to section ~~16-4-107~~ 16-4-109 or 16-4-203. The opposing party may file a response thereto within seven days or as provided by court rule.

**SECTION 27.** In Colorado Revised Statutes, 17-2-201, **amend** (4) (f) (I) (B) as follows:

**17-2-201. State board of parole - definitions.** (4) The board has the following powers and duties:

(f) (I) To conduct a parole release review in lieu of a hearing, without the presence of the inmate, if:

(B) A detainer from the United States immigration and customs enforcement agency has been filed with the department, the inmate meets the criteria for the presumption of parole in section ~~17-22-404.8~~ 17-22.5-404.7, and victim notification is not required pursuant to section 24-4.1-302.5, C.R.S.; or

**SECTION 28.** In Colorado Revised Statutes, 18-1.3-101, **amend** (7) (c) as follows:

**18-1.3-101. Pretrial diversion.** (7) Notwithstanding any other provision of this section, an individual accused of any of the following sexual offenses is not eligible for participation in a diversion program

established in a jurisdiction that receives state moneys for the creation or operation of diversion programs pursuant to this section:

(c) Any sexual offense committed against an at-risk adult or an at-risk juvenile, as ~~described~~ DEFINED in section ~~18-6.5-101 (1) and (1.5)~~ 18-6.5-102 (2) AND (4);

**SECTION 29.** In Colorado Revised Statutes, 18-1.3-406, **amend** (3) and (5) as follows:

**18-1.3-406. Mandatory sentences for violent crimes - definitions.**

(3) In any case in which the accused is charged with a crime of violence as defined in subsection ~~(2)(a)(I)~~ (2) (a) of this section, the indictment or information shall so allege in a separate count, even though the use or threatened use of such deadly weapon or infliction of such serious bodily injury or death is not an essential element of the crime charged.

(5) In any case in which the accused is charged with a crime of violence as defined in subsection ~~(2)(a)(II)~~ (2) (b) (I) of this section, the indictment or information shall so allege in a separate count, even though the use of threat, intimidation, or force or the infliction of bodily injury is not an essential element of the crime charged.

**SECTION 30.** In Colorado Revised Statutes, 19-2-509, **amend** (3) as follows:

**19-2-509. Bail.** (3) Any application for the revocation or modification of the amount, type, or conditions of bail shall be made in accordance with section ~~16-4-107~~ 16-4-109, C.R.S.; except that the presumption described in section 19-2-508 (3) (a) (III) shall continue to apply for the purposes of this section.

**SECTION 31.** In Colorado Revised Statutes, 19-3-308, **amend** (4.5) (a.5) (I) introductory portion as follows:

**19-3-308. Action upon report of intrafamilial, institutional, or third-party abuse - investigations - child protection team - rules.** (4.5) (a.5) (I) The state department shall adopt rules that specify that, prior to notice of an investigation being sent to the parents or legal guardians of children cared for at a child care center, as that term is defined in section

~~26-6-102 (1.5)~~ 26-6-102 (5), C.R.S., or a family child care home, as that term is defined in section ~~26-6-102 (4)~~ 26-6-102 (13), C.R.S., which children were not involved in the incident being investigated, the state department or the county department shall ensure that:

**SECTION 32.** In Colorado Revised Statutes, **amend** 19-3-308.5 as follows:

**19-3-308.5. Recorded interviews of child.** ~~(1)~~ (a) (1) Any interview of a child conducted pursuant to section 19-3-308, concerning a report of child abuse, may be audiotaped or videotaped. However, interviews concerning reports of sexual child abuse are strongly encouraged to be videotaped. Any audiotaped or videotaped interview shall be conducted by a competent interviewer at a child advocacy center, as that term is defined in section 19-1-103 (19.5), that has a memorandum of understanding with the agency responsible for the investigation or by a competent interviewer for the agency responsible for the investigation in accordance with such section; except that an interview shall not be videotaped when doing so is impracticable under the circumstances or will result in trauma to the child, as determined by the investigating agency. No more than one videotaped interview shall be required unless the interviewer or the investigating agency determines that additional interviews are necessary to complete an investigation. Additional interviews shall be conducted, to the extent possible, by the same interviewer. Such recordings shall be preserved as evidence in the manner and for a period provided by law for maintaining such evidence. In addition, access to such recordings shall be subject to the rules of discovery under the Colorado rules of criminal and civil procedure.

~~(b) (Deleted by amendment, L. 93, p. 1169, § 2, effective January 1, 1994.)~~

~~(c)~~ (2) The provisions of this subsection ~~(1)~~ SECTION shall not apply to a videotaped deposition taken in accordance with and governed by section 18-3-413, C.R.S., or section 13-25-132, C.R.S., and rule 15 (d) of the Colorado rules of criminal procedure. In addition, this section shall not apply to interviews of the child conducted after a dependency and neglect action or a criminal action has been filed with the court.

~~(d) (Deleted by amendment, L. 93, p. 1169, § 2, effective January~~

1, 1994.)

~~(e)~~(f) (3) Any agency subject to the provisions of this section shall provide equipment necessary to videotape or audiotape the interviews or shall enter into a memorandum of understanding with a child advocacy center authorizing the use of such equipment. The investigating agency shall train persons responsible for conducting videotaped interviews in accordance with this section; except that the agency shall not be responsible for training interviewers employed by a child advocacy center. The agency shall adopt standards for persons conducting such interviews.

~~(H) Repealed:~~

~~(f)~~ (4) An agency that enters into a memorandum of understanding with a child advocacy center that employs interviewers shall assure that such interviewers meet the training standards for persons conducting interviews adopted by the agency pursuant to ~~paragraph (e) of this subsection~~ ~~(f)~~ SUBSECTION (3) OF THIS SECTION. In addition, an agency that enters into a memorandum of understanding with a child advocacy center that provides technical assistance for forensic interviews, forensic medical examinations, or evidence collection or preservation may require that the child advocacy center meets the national performance standards for children's advocacy centers as established by the national accrediting body. These standards include, but are not limited to, standards for forensic interviews to be conducted in a manner which is of a neutral, fact-finding nature and coordinated to avoid duplicative interviewing.

**SECTION 33.** In Colorado Revised Statutes, 22-2-139, **amend** (2) (a) as follows:

**22-2-139. Memorandum of understanding - notification of risk - rules.** (2) Beginning August 15, 2010, a state-licensed day treatment facility, facility school, or hospital licensed or certified pursuant to section 25-3-101, C.R.S., that is transferring a student to a public school shall notify the appropriate school district child welfare education liaison, designated pursuant to section 22-32-138 (2) (a), of the pending enrollment in a public school of a student who:

(a) Is transferring to a public school from a state-licensed day treatment facility licensed by the department of human services pursuant to

section ~~26-6-102 (2.5)~~ 26-6-104, C.R.S., facility school as defined in section 22-2-402 (1), or hospital, licensed or certified pursuant to section 25-3-101, C.R.S.; and

**SECTION 34.** In Colorado Revised Statutes, 22-2-409, **amend** (1) (a) as follows:

**22-2-409. Notification of risk.** (1) Beginning August 15, 2010, a state-licensed day treatment facility, facility school, or hospital licensed or certified pursuant to section 25-3-101, C.R.S., shall notify the appropriate child welfare education liaison, designated pursuant to section 22-32-138 (2) (a), of a student who:

(a) Is transferring to a public school from a state-licensed day treatment facility licensed by the department of human services pursuant to section ~~26-6-102 (2.5)~~ 26-6-104, C.R.S., facility school as defined in section 22-2-402 (1), or hospital licensed or certified pursuant to section 25-3-101, C.R.S.; and

**SECTION 35.** In Colorado Revised Statutes, 22-9-106, **repeal** (3.5) (b) (IV) as follows:

**22-9-106. Local boards of education - duties - performance evaluation system - compliance - rules.** (3.5) (b) (IV) ~~Subparagraph (H) of this paragraph (b) is repealed, effective February 15, 2013.~~

**SECTION 36.** In Colorado Revised Statutes, 22-20-103, **amend** (12.7) as follows:

**22-20-103. Definitions.** As used in this part 1, unless the context otherwise requires:

(12.7) "Foster home" ~~shall have~~ HAS the same meaning as a "foster care home" as defined in section ~~26-6-102 (4.5)~~ 26-6-102 (14), C.R.S., and shall be licensed by the department of human services or certified by a county department of social services or certified by a child placement agency as defined in section ~~26-6-102 (2)~~ 26-6-102 (7), C.R.S.

**SECTION 37.** In Colorado Revised Statutes, 22-28-103, **amend** (2) as follows:

**22-28-103. Definitions.** As used in this article, unless the context otherwise requires:

(2) "Child care agency" means a facility defined as a child care center pursuant to the provisions of section ~~26-6-102 (1.5)~~ 26-6-102 (5), C.R.S.

**SECTION 38.** In Colorado Revised Statutes, 22-35.3-103, **amend** (4) as follows:

**22-35.3-103. Pathways in technology early college high schools - design - requirements - approval.** (4) A p-tech school is subject to the state assessment requirements specified in ~~sections 22-7-409 and 22-7-1006~~ SECTION 22-7-1006.3 and the accountability requirements specified in article 11 of this title. In addition, the commissioner and the executive director may establish indicators for measuring the performance of each p-tech school, which indicators may include the ability of students who graduate from a p-tech school to obtain employment in the field or to pursue additional postsecondary education in the field, as well as any relevant performance indicators established for the concurrent enrollment and ASCENT programs.

**SECTION 39.** In Colorado Revised Statutes, 22-54-110, **amend** (1) (b) as follows:

**22-54-110. Loans to alleviate cash flow deficits - lease-purchase agreements.** (1) (b) A loan may not be made under this section ~~to provide assistance for matters eligible for payment from the contingency reserve fund pursuant to section 22-54-117 or~~ to cover a foreseeable level of uncollectible property taxes, nor may a loan be used by a district for the simultaneous purchase and sale of the same security or an equivalent security in order to profit from price disparity.

**SECTION 40.** In Colorado Revised Statutes, 22-63-302, **amend** (10) (e) and (10) (f) as follows:

**22-63-302. Procedure for dismissal - judicial review.** (10) (e) Upon request of the teacher, if the teacher is ordered reinstated by the court of appeals, or upon request of the board, if the board's decision to dismiss the teacher is affirmed by the court of appeals, the court of appeals

shall determine whether the nonprevailing party's appeal or defense on appeal lacked substantial justification. If the court of appeals determines that the nonprevailing party's appeal or defense on appeal lacked substantial justification, the court of appeals shall determine the amount of and enter a judgment against the nonprevailing party for reasonable attorney fees and costs incurred on appeal to the court of appeals. Any judgment entered pursuant to this paragraph (e) may be subject to stay as provided in rule ~~41.1~~ 41 of the Colorado appellate rules.

(f) Further appeal to the supreme court from a determination of the court of appeals may be made only upon a writ of certiorari issued in the discretion of the supreme court. Upon request of the teacher, if the teacher is ordered reinstated by the supreme court, or upon motion of the board, if the board's decision to dismiss is affirmed by the supreme court, the supreme court shall determine whether the nonprevailing party's appeal or defense on appeal to the supreme court lacked substantial justification. If the supreme court determines that the nonprevailing party's appeal or defense on appeal to the supreme court lacked substantial justification, the court shall determine the amount of and enter a judgment against the nonprevailing party for reasonable attorney fees and costs incurred on appeal to the supreme court. Any judgment entered pursuant to this paragraph (f) may be subject to stay as provided in rule ~~41.1~~ 41 of the Colorado appellate rules.

**SECTION 41.** In Colorado Revised Statutes, **amend** 22-81-102 as follows:

**22-81-102. Legislative declaration.** The Colorado general assembly declares that, as a result of several years of active investigation and studies by groups such as the Colorado alliance for science, the Colorado teachers of mathematics, and industry-based groups, the general assembly recognizes that there exist in the state of Colorado unmet educational needs in the areas of mathematics, science, and the use of technology. The state of Colorado has the responsibility to provide equal opportunity in mathematics, science, and the use of technology to all Pre-K-16 students. The state has the responsibility to provide assistance to school districts that either have insufficient faculty resources to offer a full complement of mathematics, science courses, and the use of technology, including opportunities for advanced study, or have insufficient numbers of students to offer such courses. The state has the responsibility to assure that Pre-K-16 students are provided a curriculum of mathematics, science, and the use of technology



that is consistent with contemporary standards. The state also has the responsibility to improve teacher training in mathematics, science, and technology. The general assembly further finds that increasing the mathematics, science, and technology educational opportunities for Pre-K-16 students and teachers fosters an educational system whereby the students and teachers of our state can acquire the needed problem-solving skills and the critical and creative thinking skills necessary for productive participation in an increasingly technological age. In order to meet the responsibilities described in this section, ~~and to begin to improve the broader goals of the telecommunications advisory commission recommendations~~, the general assembly hereby finds that improved access to and use of telecommunications facilities is necessary.

**SECTION 42.** In Colorado Revised Statutes, 22-81-104, **amend** (1), (2) (e), and (3) (b) as follows:

**22-81-104. Pre-K-16 mathematics, science, and technology education strategic plan.** (1) The department of education and the Colorado commission on higher education, in cooperation and consultation with the ~~telecommunications advisory commission~~, business, industry, and professionals in the fields of mathematics, science, technology, and engineering, shall develop a plan for improving Pre-K-16 mathematics, science, and technology education in the state of Colorado through the use of telecommunications networks and facilities. The department of education and the Colorado commission on higher education shall use existing resources and personnel to develop the plan and may collaborate with interested parties, including, but not limited to, those described in this subsection (1).

(2) At a minimum, the plan shall provide direction for program development including:

(e) The improvement of access and availability of mathematics, science, and technology courses, especially for rural school districts and particularly to those groups which are traditionally underrepresented. The plan shall include goals for using telecommunications facilities. ~~as recommended by the telecommunications advisory commission.~~

(3) The plan should provide a framework that enables the teachers, school districts, and institutions of higher education to solve the stated

problems as they deem appropriate. The plan should provide mechanisms and incentives to:

(b) Course providers and receivers for leveraging distance learning technologies and applying distance learning instructional design techniques; ~~taking into consideration the work of the telecommunications advisory commission;~~

**SECTION 43.** In Colorado Revised Statutes, 23-3.3-1004, **amend** (4) (a) (III) (C) as follows:

**23-3.3-1004. Colorado opportunity scholarship initiative advisory board - created - duties - rules.** (4) The board shall hold its first meeting on or before November 1, 2014, at a time and place to be designated by the executive director or by his or her designee. The board shall meet at least four times each year and shall carry out the following duties:

(a) Promulgate rules for administration of the initiative, including but not limited to the following:

(III) Rules establishing permissible uses of grant and scholarship moneys from the initiative, which rules shall stipulate that:

(C) Any moneys appropriated to the fund that are not used for the purposes described in sub-subparagraph (A) of this subparagraph (III), or to pay the direct and indirect costs of administering the initiative as described in section 23-3.3-1005 (4), must be used to build a financial corpus capable of providing tuition assistance to eligible Colorado students in Colorado who will attend eligible institutions of higher education within the state. Tuition assistance provided pursuant to this sub-subparagraph ~~(B)~~ (C) may take the form of direct awards, matching incentives to create or increase the number of other scholarships, loans, or any combination thereof.

**SECTION 44.** In Colorado Revised Statutes, **repeal and reenact, with amendments,** 23-18-308 as follows:

**23-18-308. Fee-for-service contracts - limited purpose.** SUBJECT TO AVAILABLE APPROPRIATIONS, THE DEPARTMENT SHALL ENTER INTO A

FEE-FOR-SERVICE CONTRACT FOR THE CREATION OF CAREER PATHWAYS FOR STUDENTS PURSUANT TO SECTIONS 23-60-109 AND 24-46.3-104, C.R.S. NOTWITHSTANDING ANY PROVISION OF THIS PART 3 TO THE CONTRARY, THE AMOUNT OF A FEE-FOR-SERVICE CONTRACT ENTERED INTO PURSUANT TO THIS SECTION IS NOT INCLUDED IN THE CALCULATION OF "TOTAL STATE APPROPRIATION" OR "TOTAL GOVERNING BOARD APPROPRIATION" MADE PURSUANT TO THIS PART 3.

**SECTION 45.** In Colorado Revised Statutes, 24-1-122, **amend** (3) introductory portion as follows:

**24-1-122. Department of regulatory agencies - creation.** (3) The following boards and agencies are transferred by a **type 1** transfer to the department of regulatory agencies and allocated to the division of ~~registrations~~ PROFESSIONS AND OCCUPATIONS:

**SECTION 46.** In Colorado Revised Statutes, 24-32-705, **repeal** (1) (r) and (1) (s) as follows:

**24-32-705. Functions of division.** (1) The division has the following functions:

(r) ~~To make available to foreclosure counselors, as defined in section 38-38-801, C.R.S., a description of the foreclosure deferment program described in part 8 of article 38 of title 38, C.R.S.;~~

(s) ~~To establish uniform standards pursuant to section 38-38-807.5, C.R.S.;~~

**SECTION 47.** In Colorado Revised Statutes, 24-33.5-503, **amend** (2) (a) (I) and (2) (b) as follows:

**24-33.5-503. Duties of division.** (2) (a) (I) On or before April 1, 2016, and every April 1 thereafter, THE DIVISION HAS THE DUTY to compile and analyze the data reported by law enforcement agencies and prepare a report, without identifying information, concerning the total number of tickets, summons, or arrests that occurred on school grounds, in school vehicles, or at a school activity or sanctioned event and describe the final disposition of those tickets, summons, or arrests by reporting agency, school, and location. The report must analyze the data by race, age, gender,

ethnicity, and the specific type of offense with all national crime information center crime codes. The division of criminal justice shall support law enforcement agencies in their efforts to submit the required data, actively reach out to agencies that have failed to submit the required data, and provide a reasonable degree of training if necessary.

(b) THE DIVISION HAS THE DUTY to prepare a retroactive report meeting the requirements of paragraph (a) of this subsection (2) using existing data sources for the 2013-14 and 2014-15 school years.

**SECTION 48.** In Colorado Revised Statutes, 24-33.5-1614, **amend** (3.5) (b) (III) as follows:

**24-33.5-1614. Homeland security and all-hazards senior advisory committee - composition - duties - emergency planning subcommittee - public safety communications subcommittee - creation - definitions - repeal.** (3.5) (b) (III) The remaining seven members of the ~~commission~~ SUBCOMMITTEE are appointed by the executive director for two-year terms, and may be reappointed for additional terms. Of those seven members, two shall represent local governments, two shall be from either public interest groups or community groups, one shall represent a local emergency planning committee, and two shall represent industries affected by implementation of the federal "Emergency Planning and Community Right-to-Know Act of 1986", 42 U.S.C. sec. 11001 et seq., Title III of the federal "Superfund Amendments and Reauthorization Act of 1986", Pub.L. 99-499.

**SECTION 49.** In Colorado Revised Statutes, 24-34-104, **amend** (47.5) (h) as follows:

**24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment.** (47.5) The following agencies, functions, or both, shall terminate on September 1, 2016:

(h) The registration of direct-entry midwives by the division of ~~registrations~~ PROFESSIONS AND OCCUPATIONS in accordance with article 37 of title 12, C.R.S.

**SECTION 50.** In Colorado Revised Statutes, 24-34-110.5, **amend**

(2) introductory portion, (3) (b), and (4) (a) as follows:

**24-34-110.5. Health care work force data collection - repeal.**

(2) The director of the division of ~~registrations~~ PROFESSIONS AND OCCUPATIONS shall request each health care professional to provide data recommended by the director of the primary care office in consultation with the advisory group formed pursuant to subsection (3) of this section. The director of the division of ~~registrations~~ PROFESSIONS AND OCCUPATIONS has final approval authority regarding the form and manner of the data collected. The data collected concerns:

(3)(b) The director of the division of ~~registrations~~ PROFESSIONS AND OCCUPATIONS shall ensure that the data provided by health care professionals is available to the primary care office in electronic format for analysis. A member of the public may request, in writing, unanalyzed data from the primary care office. Data available to the public must be limited to unique records that do not include names or other identifying information.

(4)(a) The director of the division of ~~registrations~~ PROFESSIONS AND OCCUPATIONS is authorized to seek and accept gifts, grants, or donations from private or public sources for the purposes of this section; except that the director may not accept a gift, grant, or donation that is subject to conditions that are inconsistent with this section or any other law of the state. The director shall transmit all private and public moneys received through gifts, grants, or donations to the state treasurer, who shall credit the same to the division of ~~registrations~~ PROFESSIONS AND OCCUPATIONS cash fund created in section 24-34-105. The moneys in the fund are subject to annual appropriation by the general assembly to the director for the direct and indirect costs associated with implementing this section.

**SECTION 51.** In Colorado Revised Statutes, 24-38.5-102, **repeal** (1) (h) as follows:

**24-38.5-102. Colorado energy office - duties and powers.** (1) The Colorado energy office shall:

(h) ~~Distribute money to the renewable energy authority as specified in section 24-47.5-103 (1);~~

**SECTION 52.** In Colorado Revised Statutes, **repeal** 24-50-803 as follows:

**24-50-803. Employee incentive program - report by state personnel director.** ~~No later than December 1, 2004, the state personnel director shall submit a report to the joint budget committee with recommendations for the implementation of an employee incentive program in accordance with the provisions of this part 8.~~

**SECTION 53.** In Colorado Revised Statutes, 24-50-804, **amend** (1) as follows:

**24-50-804. Development of recommendations for an employee incentive program.** (1) In developing recommendations for the implementation of an employee incentive program, ~~to be included in the report to be submitted to the joint budget committee pursuant to section 24-50-803;~~ the state personnel director shall consult with representatives from the state personnel board, the office of state planning and budgeting, the office of the state controller, the office of the state auditor, and the four largest employee organizations representing employees in the state personnel system. The director shall also solicit input from employees and managers in the state personnel system and other affected parties.

**SECTION 54.** In Colorado Revised Statutes, 24-51-1009, **amend** (3) (b) as follows:

**24-51-1009. Annual increase reserve - creation.** (3) The annual increase reserve of each division shall contain the allocations specified in this subsection (3). Such amounts shall be retained in the annual increase reserve of each division until removed from that reserve pursuant to this section. The allocations shall be as follows:

(b) A sum received in connection with purchased service credit pursuant to section ~~24-51-503 (3)~~ 24-51-503 (4), specified as annual increase allocation; and

**SECTION 55.** In Colorado Revised Statutes, Recognition of Emergency Medical Services Personnel Licensure Interstate Compact, 24-60-3502, **amend** subsection O of SECTION 2 and paragraph 4 of subsection B of SECTION 10, as follows:

**24-60-3502. Compact approved and ratified.** The general assembly hereby approves and ratifies, and the governor shall enter into, a compact on behalf of the state of Colorado with any of the United States or other jurisdictions legally joining therein in the form substantially as follows:

SECTION 2  
DEFINITIONS

As used in this compact:

O. "Rule" means a written statement by the interstate commission promulgated pursuant to ~~section 7~~ SECTION 12 of this compact that is of general applicability; implements, interprets, or prescribes a policy or provision of the compact; or is an organizational, procedural, or practice requirement of the commission and has the force and effect of statutory law in a member state. "Rule" includes the amendment, repeal, or suspension of an existing rule.

SECTION 10  
ESTABLISHMENT OF THE INTERSTATE COMMISSION  
FOR EMS PERSONNEL PRACTICE

B. Membership, voting, and meetings.

4. All meetings are open to the public, and public notice of meetings must be given in the same manner as required under the rulemaking provisions in ~~section 7~~ SECTION 12 of this compact.

**SECTION 56.** In Colorado Revised Statutes, 24-72-204, **amend** (3) (a) (XIX) (C) as follows:

**24-72-204. Allowance or denial of inspection - grounds - procedure - appeal - definitions.** (3) (a) The custodian shall deny the right of inspection of the following records, unless otherwise provided by law; except that any of the following records, other than letters of reference concerning employment, licensing, or issuance of permits, shall be available to the person in interest under this subsection (3):

(XIX) (C) Upon application by any person to the district court in the district wherein a record of an application for a marriage license OR A CIVIL UNION LICENSE is found, the district court may, in its discretion and upon

good cause shown, order the custodian to permit the inspection of such record.

**SECTION 57.** In Colorado Revised Statutes, 24-75-1104.5, **amend** (1) (n) as follows:

**24-75-1104.5. Use of settlement moneys - programs - repeal.**

(1) Except as otherwise provided in subsections (1.3) and (5) of this section, and except that disputed payments received by the state in the 2013-14 fiscal year or in any fiscal year thereafter are excluded from the calculation of allocations under this subsection (1), for the 2004-05 fiscal year and for each fiscal year thereafter, the following programs, services, or funds shall receive the following specified amounts from the settlement moneys received by the state in the preceding fiscal year:

(n) For the 2016-17 fiscal year and for each FISCAL year thereafter, the tobacco settlement defense account of the tobacco litigation settlement cash fund created in section 24-22-115 (2) (a) shall receive two percent of the total amount of settlement moneys received by the state.

**SECTION 58.** In Colorado Revised Statutes, 25-1.5-101, **amend** (1) (h) as follows:

**25-1.5-101. Powers and duties of department - laboratory cash fund.** (1) The department has, in addition to all other powers and duties imposed upon it by law, the powers and duties provided in this section as follows:

(h) To establish and enforce sanitary standards for the operation and maintenance of orphanages, day care nurseries, foster homes, family care homes, summer camps for children, lodging houses, guest child care facilities as defined in section ~~26-6-102(5)~~ 26-6-102 (16), C.R.S., public services short-term child care facilities as defined in section ~~26-6-102(6.7)~~ 26-6-102 (30), C.R.S., hotels, public conveyances and stations, schools, factories, workshops, industrial and labor camps, recreational resorts and camps, swimming pools, public baths, mobile home parks, and other buildings, centers, and places used for public gatherings;

**SECTION 59.** In Colorado Revised Statutes, 25-1.5-301, **amend** (2) (e) and (2) (f) as follows:



**25-1.5-301. Definitions.** As used in this part 3, unless the context otherwise requires:

(2) "Facility" means:

(e) Residential child care facilities for children as defined in section ~~26-6-102(8)~~ 26-6-102 (33), C.R.S.;

(f) Secure residential treatment centers as defined in section ~~26-6-102(9)~~ 26-6-102 (35), C.R.S.;

**SECTION 60.** In Colorado Revised Statutes, 25-4-901, **amend** (2) (b) (I) and (2) (b) (I.5) as follows:

**25-4-901. Definitions.** As used in this part 9, unless the context otherwise requires:

(2) (b) "School" does not include:

(I) A public services short-term child care facility as defined in section ~~26-6-102(6.7)~~ 26-6-102 (30), C.R.S.;

(I.5) A guest child care facility as defined in section ~~26-6-102(5)~~ 26-6-102 (16), C.R.S., or a ski school as defined in section 26-6-103.5 (6), C.R.S.; or

**SECTION 61.** In Colorado Revised Statutes, 25-4-1004.3, **amend** (1) (b) as follows:

**25-4-1004.3. Newborn heart defect screening - pulse oximetry - rules.** (1) (b) Upon receipt of the confirmation of the appropriate algorithm for the pulse oximetry reading from the newborn screening committee, the newborn screening committee shall evaluate whether pulse oximetry testing in birthing facilities at or above seven thousand feet elevation meets the criteria in section 25-4-1004. Upon confirmation from the committee that the criteria have been met, the state board of health shall promulgate rules pursuant to section ~~25-4-1004~~ to ensure that all newborns born at or above seven thousand feet elevation are screened for critical congenital ~~health~~ HEART defects.

**SECTION 62.** In Colorado Revised Statutes, 25-7-103, **amend** (18.5) as follows:

**25-7-103. Definitions.** As used in this article, unless the context otherwise requires:

(18.5) "Ozone depleting compound" means any substance on the list of class I and class II ozone depleting compounds as defined by the administrator and as referenced in section 602 of the ~~"Federal Clean Air Act of 1990"~~ FEDERAL "CLEAN AIR ACT AMENDMENTS OF 1990".

**SECTION 63.** In Colorado Revised Statutes, 25-7-105, **amend** (11) (f) as follows:

**25-7-105. Duties of commission - rules.** (11) The commission shall promulgate rules concerning CFC and ozone-depleting compounds as follows:

(f) Regulations which conform with the requirements of section 608 of the ~~"Federal Clean Air Act of 1990"~~ FEDERAL "CLEAN AIR ACT AMENDMENTS OF 1990" to establish standards and requirements regarding the use and disposal of class I and class II ozone depleting compounds during the service, repair, or disposal of appliances and industrial process refrigeration. If federal training and certification requirements are adopted under section 609 of the ~~"Federal Clean Air Act of 1990"~~ FEDERAL "CLEAN AIR ACT AMENDMENTS OF 1990" as of January 1, 1993, no state training and certification requirements shall be adopted. If the federal regulations are not adopted, then such state regulations shall contain training and certification requirements substantially similar to those required under section 609 of the ~~"Federal Clean Air Act of 1990"~~ FEDERAL "CLEAN AIR ACT AMENDMENTS OF 1990". Such regulations shall also include provisions for the imposition and collection of a certification fee sufficient to implement the training, certification, and enforcement requirements of this paragraph (f).

**SECTION 64.** In Colorado Revised Statutes, 25-7-109.3, **amend** (3) (b.1), (3) (d) (III), (4) (d), (4) (h) (I) (A), (4) (h) (II), and (5) (b); and **repeal** (4) (a) (II) and (4) (b) as follows:

**25-7-109.3. Colorado hazardous air pollutant control and**

**reduction program - rules.** (3) (b.1) The commission ~~and the air quality science advisory board~~ may recognize similarities among regulated sources or apply, when appropriate, previous control requirements established by the commission in making a determination about the need for such regulation under this subsection (3). The commission ~~and the science advisory board~~ shall also consider fundamentally different factors between sources in making these determinations.

(d) (III) Within thirty calendar days after receipt of a determination by the division of a request for exemption by a source under this paragraph (d), the source or any person may appeal such determination by filing with the commission a written petition requesting a hearing to review the exemption request on a de novo basis. ~~Such request shall be referred to the air quality science advisory board for an advisory opinion which shall be considered by the commission.~~

(4) (a) (II) ~~However, if in 1996 the commission determines that the studies referred to in subparagraph (I) of this paragraph (a) and national strategy will not be timely or completed, then the commission shall direct the science advisory board to evaluate or complete similar studies and issue an advisory report to the commission and the commission may then act pursuant to this subsection (4).~~

(b) ~~In issuing the advisory report, the air quality science advisory board shall take into consideration any studies or reports on health-based assessments which are scientifically sound, including any developed under section 112(k)(3), 112(o), and 112(f) of the federal act.~~

(d) The commission ~~and the air quality science advisory board~~ may recognize similarities among regulated sources or apply, when appropriate, previous control requirements established by the commission pursuant to paragraph (a) of this subsection (4) in making a determination about the need for such regulation under this subsection (4). The commission ~~and the air quality science advisory board~~ shall also consider fundamentally different factors between sources in making these determinations.

(h) **Temporary exceptional authority.** (I) (A) This subparagraph (I) shall apply until such time as the commission is authorized to act pursuant to paragraph (a) of this subsection (4). If the executive director of the department of public health and environment finds that a source in a

category or subcategory of sources listed or proposed to be listed under section 112 of the federal act for which MACT or GACT is not scheduled for proposal until after 1997 and presents an unacceptable threat of actual health effects, then the executive director may direct the commission to evaluate and, as necessary, study such actual health effects. ~~The commission may request the air quality science advisory board to evaluate and, as necessary, study whether the impacts of waiting to regulate the emissions of hazardous air pollutants from this source present an unacceptable threat of actual health effects. If, after considering an advisory opinion issued by the board and other available information,~~ IF the commission finds by a preponderance of the evidence that waiting until the source would be required to install GACT or MACT under section 112 of the federal act will cause an unacceptable incremental threat of actual health effects to persons living in the vicinity of such source, the commission may promulgate regulations for the control of hazardous air pollutants for the source. The control regulations may include the least restrictive control that will adequately protect the public, including but not limited to: Chemical substitution, pollution prevention, work process modifications, additional control technologies, or Colorado MACT or GACT. In promulgating Colorado GACT or MACT for the source, the commission shall consider and be as consistent as possible with GACT or MACT under section 112 of the federal act, minimization of duplicative capital expenditures and minimization of substantial reconstruction time. The commission shall provide a schedule of compliance leading to final compliance which considers matters identified in paragraphs ~~(b)~~, (c), (e), (f), and (g) of this subsection (4).

(II) Until such time as the commission is authorized to act pursuant to paragraph (a) of this subsection (4) and upon the recommendation of the executive director of the department of public health and environment, the governor may find, as expressed in an executive order, that after an existing source has installed Colorado or federal MACT or GACT, or Colorado MACT or GACT has been proposed for a new source or a modification of an existing source, the source presents an unacceptable threat of actual health effects. The governor may then direct the commission to evaluate and, as necessary, conduct studies on actual health effects. ~~The commission shall then direct the air quality science advisory board to render an advisory opinion on such information and on whether, after technology-based controls have been installed, emissions of hazardous air pollutants from this source will cause actual health effects to persons in the vicinity of such~~

~~source. If the commission, after reviewing the advisory opinion, IF THE COMMISSION determines by a preponderance of the evidence that emissions of hazardous air pollutants by the source will cause an unacceptable threat of actual health effects to persons living in the vicinity of such source, the commission may then promulgate additional technology-based control regulations, pollution prevention, or health-based measures to protect the public health. The commission shall provide a schedule of compliance leading to final compliance which considers matters identified in paragraphs (b), (c), (e), (f), and (g) of this subsection (4).~~

(5) (b) The commission may promulgate a regulation which amends by adding to, or deleting from, the list of hazardous air pollutants subject to regulation under this section within the state which are not listed as hazardous air pollutants under the federal act. In amending the list of hazardous air pollutants in paragraph (a) of this subsection (5), the commission shall utilize the same standards and criteria which section 112 of the federal act requires the administrator to utilize in amending the list of hazardous air pollutants under the federal act. ~~The commission shall refer any such proposed amendment to the air quality science advisory board for an advisory opinion prior to conducting a proceeding under this paragraph (b).~~

**SECTION 65.** In Colorado Revised Statutes, 25-46-104, **amend** (2) (r) as follows:

**25-46-104. Duties of commission - mission - staffing - report.**

(2) The commission has the following powers and duties:

(r) TO PERFORM any other duties necessary to fulfill its mission.

**SECTION 66.** In Colorado Revised Statutes, 25.5-3-406, **amend** (2) (b) introductory portion as follows:

**25.5-3-406. Senior dental advisory committee - creation - duties - repeal.** (2) The advisory committee shall:

(b) Make recommendations to the medical services board regarding rules to be promulgated pursuant to section ~~25.5-3-304~~ 25.5-3-404, including but not limited to:

**SECTION 67.** In Colorado Revised Statutes, 25.5-4-103, **amend** (19.5) as follows:

**25.5-4-103. Definitions.** As used in this article and articles 5 and 6 of this title, unless the context otherwise requires:

(19.5) "Psychiatric residential treatment facility" means a facility that is licensed as a residential child care facility, as defined in section ~~26-6-102(8)~~ 26-6-102 (33), C.R.S., that is not a hospital, and that provides inpatient psychiatric services for individuals who are less than twenty-one years of age under the direction of a physician licensed pursuant to article 36 of title 12, C.R.S., and that meets any other requirement established in rule by the state board.

**SECTION 68.** In Colorado Revised Statutes, 25.5-5-306, **amend** (1) as follows:

**25.5-5-306. Residential child health care - waiver - program - rules.** (1) The state department, in cooperation with the department of human services, shall implement a program concerning residential child health care under this article and articles 4 and 6 of this title to provide services pursuant to article 67 of title 27, C.R.S., to medicaid-eligible children residing in residential child care facilities, as that term is defined in section ~~26-6-102(8)~~ 26-6-102 (33), C.R.S., to medicaid-eligible children residing in psychiatric residential treatment facilities, and children placed by the department of human services or through county departments of social services in licensed or certified out-of-home placement facilities. Children with intellectual and developmental disabilities, as defined in section 25.5-10-202, who are placed in such facilities shall meet the out-of-home placement criteria described in section 19-1-107, C.R.S., and shall be neglected or dependent as described in section 19-3-102, C.R.S. The state board shall establish the type of rehabilitative or medical assistance services to be provided under the program as described in subsection (3) of this section, to the extent such services are cost-efficient, and the recipient eligibility criteria that may include, but are not limited to, a medical necessity determination and a financial eligibility determination. The state board shall define in rule the staff permitted to order, monitor, and assess seclusion and restraint in psychiatric residential treatment facilities, and the corresponding restrictions on the use of seclusion and restraint.

**SECTION 69.** In Colorado Revised Statutes, 26-1-111, **amend** (2) (r) as follows:

**26-1-111. Activities of the state department under the supervision of the executive director - cash fund - report - rules - statewide adoption resource registry.** (2) The state department, under the supervision of the executive director, shall:

(r) Adopt standards for conducting videotaped child abuse interviews in accordance with section ~~19-3-308.5 (1) (e)~~ 19-3-308.5 (3), C.R.S.;

**SECTION 70.** In Colorado Revised Statutes, 26-2-104, **amend** (2) (h) (II) (B) and (2) (h) (II) (D) as follows:

**26-2-104. Public assistance programs - electronic benefits transfer service - joint reports with department of revenue - signs - rules.** (2) (h) (II) The rules adopted pursuant to subparagraph (I) of this paragraph (h) must include:

(B) A requirement that the operator of any establishment described in subparagraph (I) of this paragraph (h) at which an automated teller machine is located take measures to prevent a client from using an electronic benefits TRANSFER SERVICE card to access moneys from such an automated teller machine;

(D) A provision that any establishment described in subparagraph (I) of this paragraph (h) is exempt from the requirements of the rules adopted pursuant to sub-subparagraphs (A) to (C) of this subparagraph (II) if the establishment provides to the department of revenue a statement from the owner or operator of each automated teller machine located within the establishment verifying that the machine does not accept electronic benefits transfer SERVICE cards; except that, if one or more violations of subparagraph (II) of paragraph (a) of this subsection (2) occur at any such establishment, the department of revenue may take measures to prevent future violations, including increasing penalties for multiple violations, not to exceed one hundred dollars per violation.

**SECTION 71.** In Colorado Revised Statutes, 26-2-133, **amend** (1) (a) as follows:

**26-2-133. State income tax refund offset.** (1) (a) At any time prescribed by the department of revenue, but not less frequently than annually, the state department shall certify to the department of revenue information regarding persons who are obligated to the state for overpayment of benefits pursuant to the "~~Colorado Social Services Code~~" "COLORADO HUMAN SERVICES CODE". Such information shall include certification of the amount of overpayment which has been determined by final agency action or has been ordered by a court as restitution or has been reduced to judgment.

**SECTION 72.** In Colorado Revised Statutes, 26-2-716, **amend** (9) as follows:

**26-2-716. County duties - appropriations - penalties - hardship extensions - domestic violence extensions - incentives - rules.** (9) County departments shall assist families in completing the reporting requirements for transitional medicaid. This shall include informing 1931 medicaid recipients ~~as defined in section 25.5-4-103 (1), C.R.S.~~, of the transitional medicaid eligibility requirements and the required reporting calendar.

**SECTION 73.** In Colorado Revised Statutes, 26-2-805.5, **amend** (1) as follows:

**26-2-805.5. Exemptions - requirements.** (1) Notwithstanding any provision of section 26-2-805 to the contrary, an exempt family child care home provider, as defined in section ~~26-6-102 (3.7)~~ 26-6-102 (12), is not eligible to receive child care assistance moneys through CCCAP if he or she fails to meet the criteria established in section 26-6-120.

**SECTION 74.** In Colorado Revised Statutes, **amend** 26-6-102 as follows:

**26-6-102. Definitions.** As used in this article, unless the context otherwise requires:

(1) "Affiliate of a licensee" means:

(a) Any person or entity that owns more than five percent of the ownership interest in the business operated by the licensee or the applicant for a license; or



(b) Any person who is directly responsible for the care and welfare of children served; or

(c) Any executive, officer, member of the governing board, or employee of a licensee; or

(d) A relative of a licensee, which relative provides care to children at the licensee's facility or is otherwise involved in the management or operations of the licensee's facility.

~~(1.1)~~ (2) "Application" means a declaration of intent to obtain or continue a license or certificate for a child care facility or a child placement agency.

~~(1.2)~~ (3) "Certificate" means a legal document granting permission to operate a foster care home or a kinship foster care home.

~~(1.3)~~ (4) "Certification" means the process by which the county department of social services or a child placement agency approves the operation of a foster care home.

~~(1.5)~~ (5) "Child care center" means a facility, by whatever name known, that is maintained for the whole or part of a day for the care of five or more children who are eighteen years of age or younger and who are not related to the owner, operator, or manager thereof, whether the facility is operated with or without compensation for such care and with or without stated educational purposes. The term includes, but is not limited to, facilities commonly known as day care centers, school-age child care centers, before and after school programs, nursery schools, kindergartens, preschools, day camps, summer camps, and centers for developmentally disabled children and those facilities that give twenty-four-hour care for children and includes those facilities for children under the age of six years with stated educational purposes operated in conjunction with a public, private, or parochial college or a private or parochial school; except that the term shall not apply to any kindergarten maintained in connection with a public, private, or parochial elementary school system of at least six grades or operated as a component of a school district's preschool program operated pursuant to article 28 of title 22, C.R.S. The term shall not include any facility licensed as a family child care home, a foster care home, or a specialized group facility that is licensed to provide care for three or more

children pursuant to subsection ~~(10)~~ (36) of this section, but that is providing care for three or fewer children who are determined to have a developmental disability by a community centered board or who are diagnosed with a serious emotional disturbance.

~~(1.7)~~ (6) "Child care provider", as used in section 26-6-119, means a licensee, or an affiliate of a licensee, when the licensee holds a license to operate a family child care home pursuant to this part 1.

~~(2)~~ (7) "Child placement agency" means any corporation, partnership, association, firm, agency, institution, or person unrelated to the child being placed, who places, who facilitates placement for a fee, or who arranges for placement, for care of any child under the age of eighteen years with any family, person, or institution. A child placement agency may place, facilitate placement, or arrange for the placement of a child for the purpose of adoption, treatment, or foster care. The natural parents or guardian of any child who places said child for care with any facility licensed as a "family child care home" or "child care center" as defined by this section shall not be deemed a child placement agency.

~~(2.2)~~ (8) (a) "Children's resident camp" means a facility operating for three or more consecutive twenty-four-hour days during one or more seasons of the year for the care of five or more children. The facility shall have as its purpose a group living experience offering education and recreational activities in an outdoor environment. The recreational experiences may occur at the permanent camp premises or on trips off the premises.

(b) A children's resident camp shall serve children who have completed kindergarten or are six years of age or older through children younger than nineteen years of age; except that a person nineteen years of age or twenty years of age may attend a children's resident camp if, within six months prior to attending the children's resident camp, he or she has attended or has graduated from high school.

~~(2.4)~~ (9) "Cradle care home" means a facility that is certified by a child placement agency for the care of a child, or children in the case of multiple-birth siblings, who is twelve months of age or younger, in a place of residence for the purpose of providing twenty-four-hour family care for six months or less in anticipation of a voluntary relinquishment of the child

or children pursuant to article 5 of title 19, C.R.S., or while a county prepares an expedited permanency plan for an infant in its custody.

~~(2.5)~~ (10) (a) (I) "Day treatment center" means a facility that:

(A) Except as provided in subparagraph (II) of this paragraph (a), provides less than twenty-four-hour care for groups of five or more children who are three years of age or older, but less than twenty-one years of age; and

(B) Provides a structured program of various types of psycho-social and behavioral treatment to prevent or reduce the need for placement of the child out of the home or community.

(II) Nothing in this subsection ~~(2.5)~~ (10) prohibits a day treatment center from allowing a person who reaches twenty-one years of age after the commencement of an academic year from attending an educational program at the day treatment center through the end of the semester in which the twenty-first birthday occurs or until the person completes the educational program, whichever comes first.

(b) "Day treatment center" shall not include special education programs operated by a public or private school system or programs that are licensed by other rules of the department for less than twenty-four-hour care of children, such as a child care center.

~~(2.7) Repealed.~~

~~(3)~~ (11) "Department" or "state department" means the state department of human services.

~~(3.5) Repealed.~~

~~(3.7)~~ (12) "Exempt family child care home provider" means a family child care home provider who is exempt from certain provisions of this part 1 pursuant to section 26-6-103 (1) (g).

~~(4)~~ (13) "Family child care home" means a facility for child care in a place of residence of a family or person for the purpose of providing less than twenty-four-hour care for children under the age of eighteen years who

are not related to the head of such home. "Family child care home" may include infant-toddler child care homes, large child care homes, experienced provider child care homes, and such other types of family child care homes designated by rules of the state board pursuant to section 26-6-106 (2) (p), as the state board deems necessary and appropriate.

~~(4.5)~~ (14) "Foster care home" means a home that is certified by a county department or child placement agency pursuant to section 26-6-106.3 for child care in a place of residence of a family or person for the purpose of providing twenty-four-hour family foster care for a child under the age of twenty-one years. A foster care home may include foster care for a child who is unrelated to the head of the home or foster care provided through a kinship foster care home but does not include noncertified kinship care, as defined in section 19-1-103 (78.7), C.R.S. The term includes any foster care home receiving a child for regular twenty-four-hour care and any home receiving a child from any state-operated institution for child care or from any child placement agency, as defined in subsection ~~(2)~~ (7) of this section. "Foster care home" also includes those homes licensed by the department of human services pursuant to section 26-6-104 that receive neither moneys from the counties nor children placed by the counties.

~~(4.7)~~ (15) "Guardian" means a person who is entrusted by law with the care of a child under eighteen years of age.

~~(4.8) "Kin", for purposes of a "kinship foster care home", may be a relative of the child, a person ascribed by the family as having a family-like relationship with the child, or a person that has a prior significant relationship with the child. These relationships take into account cultural values and continuity of significant relationships with the child.~~

~~(4.9) "Kinship foster care home" means a foster care home that is certified by either a county department or licensed child placement agency pursuant to section 26-6-106.3 as having met the foster care certification requirements and where the foster care of the child is provided by kin. Kinship foster care providers are eligible for foster care reimbursement. A kinship foster care home provides twenty-four-hour foster care for a child or youth under the age of twenty-one years.~~

~~(5)~~ (16) "Guest child care facility" means a facility operated by a ski

area, as that term is defined in section 33-44-103 (6), C.R.S., where children are cared for:

(a) While parents or persons in charge of such child are patronizing the ski area;

(b) Fewer than ten total hours per day;

(c) Fewer than ten consecutive days per year; and

(d) Fewer than forty-five days in a calendar year, with thirty or fewer of such forty-five days occurring in either the winter or summer months.

~~(5.1)~~ (17) "Homeless youth shelter" means a facility that, in addition to other services it may provide, provides services and mass temporary shelter for a period of three days or more to youths who are at least eleven years of age, or older, and who otherwise are homeless youth as that term is defined in section 26-5.7-102 (2).

~~(5.2)~~ (18) "ICON" means the computerized database of court records known as the integrated Colorado on-line network used by the state judicial department.

(19) "KIN", FOR PURPOSES OF A "KINSHIP FOSTER CARE HOME", MAY BE A RELATIVE OF THE CHILD, A PERSON ASCRIBED BY THE FAMILY AS HAVING A FAMILY-LIKE RELATIONSHIP WITH THE CHILD, OR A PERSON THAT HAS A PRIOR SIGNIFICANT RELATIONSHIP WITH THE CHILD. THESE RELATIONSHIPS TAKE INTO ACCOUNT CULTURAL VALUES AND CONTINUITY OF SIGNIFICANT RELATIONSHIPS WITH THE CHILD.

~~(5.3)~~ (20) "Kindergarten" means any facility providing an educational program for children only for the year preceding their entrance to the first grade, whether such facility is called a kindergarten, nursery school, preschool, or any other name.

(21) "KINSHIP FOSTER CARE HOME" MEANS A FOSTER CARE HOME THAT IS CERTIFIED BY EITHER A COUNTY DEPARTMENT OR LICENSED CHILD PLACEMENT AGENCY PURSUANT TO SECTION 26-6-106.3 AS HAVING MET THE FOSTER CARE CERTIFICATION REQUIREMENTS AND WHERE THE FOSTER CARE

OF THE CHILD IS PROVIDED BY KIN. KINSHIP FOSTER CARE PROVIDERS ARE ELIGIBLE FOR FOSTER CARE REIMBURSEMENT. A KINSHIP FOSTER CARE HOME PROVIDES TWENTY-FOUR-HOUR FOSTER CARE FOR A CHILD OR YOUTH UNDER THE AGE OF TWENTY-ONE YEARS.

~~(5.4)~~ (22) "License" means a legal document issued pursuant to this part 1 granting permission to operate a child care facility or child placement agency. A license may be in the form of a provisional, probationary, permanent, or time-limited license.

~~(5.5)~~ (23) "Licensing" means, except as otherwise provided in subsection ~~(4.5)~~ (14) of this section, the process by which the department approves a facility or agency for the purpose of conducting business as a child care facility or child placement agency.

~~(5.6)~~ (24) "Medical foster care" means a program of foster care that provides home-based care for medically fragile children and youth who would otherwise be confined to a hospital or institutional setting and includes, but is not limited to, the following:

- (a) Infants impacted by prenatal drug and alcohol abuse;
- (b) Children with developmental disabilities which require ongoing medical intervention;
- (c) Children and youth diagnosed with acquired immune deficiency syndrome or human immunodeficiency virus;
- (d) Children with a failure to thrive or other nutritional disorders;  
and
- (e) Children dependent on technology such as respirators, tracheotomy tubes, or ventilators in order to survive.

~~(5.7)~~ (25) (a) "Negative licensing action" means a final agency action resulting in the denial of an application, the imposition of fines, or the suspension or revocation of a license issued pursuant to this part 1 or the demotion of such a license to a probationary license.

(b) For the purposes of this subsection ~~(5.7)~~ (25), "final agency

action" means the determination made by the department, after opportunity for hearing, to deny, suspend, revoke, or demote to probationary status a license issued pursuant to this part 1 or an agreement between the department and the licensee concerning the demotion of such a license to a probationary license.

~~(5.8)~~ (26) (a) "Neighborhood youth organization" means a nonprofit organization that is designed to serve youth as young as six years of age and as old as eighteen years of age and that operates primarily during times of the day when school is not in session and provides research-based, age-appropriate, and character-building activities designed exclusively for the development of youth from six to eighteen years of age. These activities shall occur primarily in a facility leased or owned by the neighborhood youth organization. The activities shall occur in an environment in which youth have written parental or legal guardian consent to become a youth member of the neighborhood youth organization and to arrive at and depart from the primary location of the activity on their own accord, without supervision by a parent, legal guardian, or organization.

(b) A neighborhood youth organization shall not include faith-based centers, organizations or programs operated by state or city parks or special districts, or departments or facilities that are currently licensed as child care centers as defined in subsection ~~(1.5)~~ (5) of this section.

~~(5.9)~~ (27) "Out-of-home placement provider consortium" means a group of service providers that are formally organized and managed to achieve the goals of the county, group of counties, or mental health agency contracting for additional services other than treatment-related or child maintenance services.

~~(6)~~ (28) "Person" means any corporation, partnership, association, firm, agency, institution, or individual.

~~(6.5)~~ (29) "Place of residence" means the place or abode where a person actually lives and provides child care.

~~(6.7)~~ (30) "Public services short-term child care facility" means a facility that is operated by or for a county department of social services or a court and that provides care for a child:

(a) While the child's parent or the person in charge of the child is conducting business with the county department of social services or participating in court proceedings;

(b) Fewer than ten total hours per day;

(c) Fewer than fifteen consecutive days per year; and

(d) Fewer than forty-five days in a calendar year.

~~(7)~~ (31) "Related" means any of the following relationships by blood, marriage, or adoption: Parent, grandparent, brother, sister, stepparent, stepbrother, stepsister, uncle, aunt, niece, nephew, or cousin.

~~(7.5)~~ (32) "Relative" ~~except as otherwise used in subsection (4.5) of this section,~~ means any of the following relationships by blood, marriage, or adoption: Parent, grandparent, son, daughter, grandson, granddaughter, brother, sister, stepparent, stepbrother, stepsister, stepson, stepdaughter, uncle, aunt, niece, nephew, or cousin.

~~(8)~~ (33) "Residential child care facility" means a facility licensed by the state department pursuant to this part 1 to provide twenty-four-hour group care and treatment for five or more children operated under private, public, or nonprofit sponsorship. "Residential child care facility" includes community-based residential child care facilities, shelter facilities, and therapeutic residential child care facilities as defined in rule by the state board, and psychiatric residential treatment facilities as defined in section 25.5-4-103 (19.5), C.R.S. A residential child care facility may be eligible for designation by the executive director of the state department pursuant to article 65 of title 27, C.R.S.

~~(8.5)~~ (34) "Routine medications", as used in section 26-6-119, means any prescribed oral, topical, or inhaled medication, or unit dose epinephrine, that is administered pursuant to section 26-6-119.

~~(8.7)~~ Repealed.

~~(9)~~ (35) "Secure residential treatment center" means a facility operated under private ownership that is licensed by the department pursuant to this part 1 to provide twenty-four-hour group care and treatment



in a secure setting for five or more children or persons up to the age of twenty-one years over whom the juvenile court retains jurisdiction pursuant to section 19-2-104 (6), C.R.S., who are committed by a court pursuant to an adjudication of delinquency or pursuant to a determination of guilt of a delinquent act or having been convicted as an adult and sentenced for an act that would be a crime if committed in Colorado, or in the committing jurisdiction, to be placed in a secure facility.

~~(10)~~ (36) (a) "Specialized group facility" means a facility sponsored and supervised by a county department or a licensed child placement agency for the purpose of providing twenty-four-hour care for three or more children, but fewer than twelve children, whose special needs can best be met through the medium of a small group and who are:

(I) At least three years of age or older but less than eighteen years of age; or

(II) Less than twenty-one years of age and who are placed by court order prior to their eighteenth birthday.

(b) "Specialized group facility" includes specialized group homes and specialized group centers.

~~(10.3)~~ (37) "Substitute child care provider" means a person who provides temporary care for a child or children in a family child care home or homes in the absence of the licensed provider for more than fourteen days or one hundred twelve hours in any calendar year.

~~(10.5)~~ (38) "Supervisory employee" means for purposes of section 26-6-103.5:

(a) A person directly responsible for managing a guest child care facility and the employees of the facility; or

(b) A person directly responsible for managing a public services short-term child care facility and the employees of the facility.

~~(11)~~ (39) "Therapeutic foster care" means a program of foster care that incorporates treatment for the special physical, psychological, or emotional needs of a child placed with specially trained foster parents, but

does not include medical foster care.

~~(12)~~ (40) "Treatment foster care" means a clinically effective alternative to residential treatment facilities that combines the treatment technologies typically associated with more restrictive settings with a nurturing and individualized family environment.

~~(13)~~ (41) "Youth member" means a youth who is six years of age through eighteen years of age whose parent or legal guardian has provided written consent for the youth to participate in the activities of a neighborhood youth organization and who pays the required dues of the neighborhood youth organization.

**SECTION 75.** In Colorado Revised Statutes, 26-6-103, **amend** (3) as follows:

**26-6-103. Application of part - study - definitions.** (3) A facility that has received a negative licensing action as defined in section ~~26-6-102~~ ~~(5.7)~~ 26-6-102 (25) is prohibited from operating pursuant to subsection (1) of this section.

**SECTION 76.** In Colorado Revised Statutes, 26-6-103.5, **amend** (2) (e) as follows:

**26-6-103.5. Application of part - guest child care facilities - public services short-term child care facilities - definition.** (2) No person or entity shall operate a guest child care facility or a public services short-term child care facility unless the following requirements are met:

(e) At least one supervisory employee, as that term is defined in section ~~26-6-102~~ ~~(10.5)~~ 26-6-102 (38), is on duty at the guest child care facility or public services short-term child care facility at all times when the facility is operating;

**SECTION 77.** In Colorado Revised Statutes, 26-6-106, **amend** (2) (p) as follows:

**26-6-106. Standards for facilities and agencies - rules.** (2) Standards prescribed by such rules shall be restricted to:

(p) Rules governing different types of family child care homes, as that term is defined in section ~~26-6-102(4)~~ 26-6-102 (13), as well as any other types of family child care homes that may by necessity be established by rule of the state board;

**SECTION 78.** In Colorado Revised Statutes, 26-6-108.5, **amend** (3) as follows:

**26-6-108.5. Notice of negative licensing action - filing of complaints.** (3) The department shall track and record complaints made to the department that are brought against family child care homes and shall identify which complaints were brought against licensed family child care homes, as defined in section ~~26-6-102(4)~~ 26-6-102 (13), unlicensed family child care homes, or legally exempt family child care homes, as defined in SECTION 26-6-103 (1) (g).

**SECTION 79.** In Colorado Revised Statutes, 27-65-102, **amend** (18) as follows:

**27-65-102. Definitions.** As used in this article, unless the context otherwise requires:

(18) "Residential child care facility" means a facility licensed by the state department of human services pursuant to article 6 of title 26, C.R.S., to provide group care and treatment for children as such facility is defined in section ~~26-6-102(8)~~ 26-6-102 (33), C.R.S. A residential child care facility may be eligible for designation by the executive director of the department of human services pursuant to this article.

**SECTION 80.** In Colorado Revised Statutes, 27-80-116, **amend** (3) as follows:

**27-80-116. Fetal alcohol spectrum disorders - legislative declaration - health warning signs.** (3) Each person licensed pursuant to section 12-47-401 (1) (h) to (1) (t) or 12-47-401 (1) (v), C.R.S., to sell malt, vinous, and spirituous liquors or licensed pursuant to section 12-46-104 (1) (c), C.R.S., to sell fermented malt beverages is hereby encouraged to post a health warning sign pursuant to paragraph (c) of subsection (4) of this section, informing patrons that the consumption of alcohol during pregnancy may cause birth defects, including fetal alcohol spectrum

disorders.

**SECTION 81.** In Colorado Revised Statutes, 32-1-305, **amend** (4) and (6) as follows:

**32-1-305. Court hearing - election - declaration of organization.**

(4) Except as otherwise provided in section 32-1-304.5, upon the hearing, if it appears that a petition for the organization of a special district has been signed and presented in conformity with this part 3 and that the allegations of the petition are true, the court, by order duly entered of record, shall direct that the question of the organization of the special district be submitted at an election to be held for that purpose in accordance with ~~the provisions of~~ articles 1 to ~~13~~ 13.5 of title 1, C.R.S.

(6) If a majority of the votes cast at said election are in favor of the organization and the court determines the election was held in accordance with articles 1 to ~~13~~ 13.5 of title 1, C.R.S., the court shall declare the special district organized and give the special district the corporate name designated in the petition, by which it shall thereafter be known in all proceedings, and designate the first board elected. Thereupon the special district shall be a quasi-municipal corporation and a political subdivision of the state of Colorado with all the powers thereof.

**SECTION 82.** In Colorado Revised Statutes, 32-1-401, **amend** (2) (d) and (2) (e) as follows:

**32-1-401. Inclusion of territory - procedure.** (2) (d) If the petition is granted or the resolution finally adopted, the board shall make an order to that effect and file the same with the clerk of the court. A municipality or county which has filed a written objection to the inclusion and which can provide adequate service to the real property described in the petition within a reasonable time and on a comparable basis may bring an action in the court, commenced within thirty days after entry of the order of the board, to determine whether the action of the board granting the inclusion was arbitrary, capricious, or unreasonable. The court shall direct that the question of inclusion of the area within the special district be submitted to the eligible electors of the area to be included and shall order the secretary to give published notice, as provided in part 2 of article 5 ~~of title 1~~ AND ARTICLE 13.5 OF TITLE 1, C.R.S., of the time and place of the election and of the question to be submitted, together with a summary of any conditions

attached to the proposed inclusion. The election shall be held within the area sought to be included and shall be held and conducted, and the results thereof determined, in the manner provided in ARTICLES 1 TO 13.5 OF title 1, C.R.S. The ballot shall be prepared by the designated election official and shall contain the following words:

"Shall the following described area become a part of the ..... district upon the following conditions, if any?

(Insert description of area)

(Insert accurate summary of conditions)

For inclusion .....

Against inclusion ....."

(e) If a majority of the votes cast at the election are in favor of inclusion and the court determines the election was held in accordance with ARTICLES 1 TO 13.5 OF title 1, C.R.S., the court shall enter an order including any conditions so prescribed and making the area a part of the special district. The validity of the inclusion may not be questioned directly or indirectly in any suit, action, or proceeding, except as provided in article 11 of title 1, C.R.S.

**SECTION 83.** In Colorado Revised Statutes, 32-1-501, **amend** (4) (c) as follows:

**32-1-501. Exclusion of property by fee owners or board - procedure.** (4) (c) (I) If the property to be excluded from the special district will be served by a fire protection district or county fire improvement district that has previously agreed to include the property as provided in subsection (1.5) of this section and that has a higher mill levy than the special district and after the certified copy of the order of the board excluding the property from the district is filed with the clerk of the court, the court shall direct the question of excluding the area from the special district and including it in the fire protection district or county fire improvement district with a higher mill levy to the eligible electors of the area sought to be excluded. The court shall order the secretary to give published notice, as provided in part 2 of article 5 AND ARTICLE 13.5 of title 1, C.R.S., of the time and place of the election and of the question to be submitted, together with a summary of any conditions attached to the

proposed exclusion. The election shall be held within the area sought to be excluded and shall be held and conducted, and the results thereof determined, in the manner provided in ARTICLES 1 TO 13.5 OF title 1, C.R.S. The ballot shall be prepared by the designated election official and shall contain the following words:

"Shall the following described area be excluded from the \_\_\_\_\_ district, which has a current mill levy of \_\_\_\_\_, and become a part of the \_\_\_\_\_ district, which has a current mill levy of \_\_\_\_\_, and upon the following conditions, if any?

(Insert general description of area)

(Insert accurate summary of conditions)

For exclusion from \_\_\_\_\_ district and inclusion

in \_\_\_\_\_ district \_\_\_\_\_

Against exclusion from \_\_\_\_\_ district \_\_\_\_\_"

(II) If a majority of the votes cast at the election pursuant to subparagraph (I) of this paragraph (c) are in favor of exclusion to become a part of another district and the court determines the election was held in accordance with ARTICLES 1 TO 13.5 OF title 1, C.R.S., the court shall enter an order with any conditions so prescribed excluding the area from the special district and including it in the fire protection district or county fire improvement district with a higher mill levy. The validity of the exclusion to become a part of another district may not be questioned directly or indirectly in any suit, action, or proceeding, except as provided in article 11 of title 1, C.R.S.

**SECTION 84.** In Colorado Revised Statutes, 32-1-502, **amend** (5) (a) as follows:

**32-1-502. Exclusion of property within municipality - procedure.**

(5) (a) After the filing of a petition for exclusion under subsection (1) of this section, ten percent or one hundred of the eligible electors of the special district territory proposed for exclusion, whichever number is less, may petition the court for a special election to be held within the special district territory proposed for exclusion on the question of exclusion of the territory described in the petition for exclusion. If a petition for a special election is

filed with the court and complies with this subsection (5), the court shall order a special election to be held only after it finds the conditions of paragraphs (a), (c), and (d) of subsection (2) and, if applicable, of subsection (3) or (4) of this section are met. The election shall be held and conducted, and the results thereof determined, in the manner provided in articles 1 to ~~13~~ 13.5 of title 1, C.R.S. The special district shall bear the costs of the election.

**SECTION 85.** In Colorado Revised Statutes, 32-1-602, **amend** (2) (e) as follows:

**32-1-602. Procedure for consolidation.** (2) Consolidation may be accomplished in the following manner:

(e) At the hearing, if the court finds that the consolidation resolution and the concurring resolutions have been properly filed and that the board of each special district desiring to be consolidated or desiring to have specified services consolidated has proceeded in accordance with this part 6, the court shall enter an order ex parte setting an election within each of the consolidating special districts for the approval of the consolidated district by the eligible electors affected by the consolidation at the next regular special district or special election, which shall be held and conducted pursuant to ~~the provisions of~~ articles 1 to ~~13~~ 13.5 of title 1, C.R.S. The order shall require publication of notice as required by section ~~1-5-207~~ 1-13.5-510, C.R.S., specifying the name of the consolidated district; the names of the special districts to be consolidated or the name of the district into which specific services are to be consolidated and the names of the special districts presently empowered to provide the services; a summary of any special conditions that may attach to the consolidated district, including any preconsolidation agreements and the provisions included therein regarding the assumption of debt and the approval of any financial obligation, including accrued unfunded pension liability, as debt to remain payable by the taxpayers of the consolidating special district which incurred the obligation or maintained the pension plan to which the accrued unfunded liability attaches; if the consolidated district may be granted the powers of a metropolitan district, the effect of the change and the services a metropolitan district may provide, including any change in maximum mill levies set forth in section 32-1-1101 (1), or, if the mill levy is unlimited, the fact that there is no mill levy limit established by statute; and the area to be included within the consolidated district, which shall be

all of the area originally contained within the organization order for each individual special district, together with all areas contained in any inclusions, the consolidated area not to include any area excluded by any special district being so consolidated or by the court pursuant to paragraph (d) of this subsection (2). If two or more districts are to be consolidated and if the consolidated district is to assume metropolitan district powers, the court shall order that the eligible electors vote separately on the question of consolidation and the question of granting the consolidated district the powers of a metropolitan district. If the eligible electors approve consolidation but reject the granting of metropolitan district powers, the consolidated district shall have only those powers granted single-purpose districts providing the same services. If all or part of the outstanding bonded indebtedness of all of the consolidating special districts is to be assumed by the consolidated district, the court shall also order that the eligible electors vote separately on the question of consolidation and the question of assuming the indebtedness at the consolidation election. If the eligible electors approve consolidation but reject the assumption of indebtedness by the consolidated district, the outstanding bonded indebtedness shall remain the obligation of the special district which incurred the bonded indebtedness and shall be paid and discharged by the taxpayers having taxable property within the boundaries of the indebted special district. If a preconsolidation agreement provides that the consolidation shall be contingent upon assumption of debt by the consolidated district, then the consolidation shall not be approved unless the assumption of indebtedness is approved by the eligible electors. If any financial obligation of one or more of the consolidating districts is to be submitted to the electors for approval as debt, the court shall also order that the electors vote separately on the question of consolidation and the question of approval of each financial obligation as debt, which issue shall be presented to the electors in accordance with the provisions of section 32-1-606.5. If the electors approve consolidation but do not approve the treatment of one or more financial obligations as debt, the financial obligations not so approved shall be assumed by the consolidated district in the same manner as other obligations of consolidating districts are assumed, unless a preconsolidation agreement providing that the consolidation shall be contingent upon the approval regarding treatment of the financial obligation as debt, in which case the consolidation shall not be approved. The area of the consolidated district after the election shall be the total area of the special districts consolidated existing as of the date of the court order. No appeal shall lie from any orders of the court.



**SECTION 86.** In Colorado Revised Statutes, 32-1-605, **amend** (1) as follows:

**32-1-605. Special election provisions for consolidated districts.**

(1) The first election of the consolidated district shall be the next regular special district election. Except as otherwise provided in this part 6, nominations and elections for the consolidated district shall be governed by ~~the provisions of article~~ ARTICLES 4 AND 13.5 of title 1, C.R.S.

**SECTION 87.** In Colorado Revised Statutes, **amend** 32-1-705 as follows:

**32-1-705. Election notice.** When an election is ordered by the court, the court shall give notice pursuant to section ~~1-5-207~~ 1-13.5-510, C.R.S.

**SECTION 88.** In Colorado Revised Statutes, **amend** 32-1-706 as follows:

**32-1-706. Conduct of election.** It is the duty of the secretary to administer the election, subject to court supervision. The election shall be conducted pursuant to ~~the provisions of~~ articles 1 to ~~13~~ 13.5 of title 1, C.R.S.

**SECTION 89.** In Colorado Revised Statutes, **amend** 32-1-801 as follows:

**32-1-801. Legislative declaration - applicability.** It is hereby declared that the orderly conduct of elections of special districts will serve a public use and will promote the health, safety, security, and general welfare of the people of the state of Colorado. Therefore, all elections shall be held pursuant to ~~the provisions of~~ articles 1 to ~~13~~ 13.5 of title 1, C.R.S., unless otherwise provided.

**SECTION 90.** In Colorado Revised Statutes, 32-1-808, **amend** (1) (a) and (5) as follows:

**32-1-808. Transfer of property title to qualify electors - limitations.** (1) (a) No person shall knowingly take or place title to taxable property in the name of another or enter into a contract to purchase or sell taxable property for the purpose of attempting to qualify such person as an

eligible elector at any special district election. Any ballot cast in violation of this subsection (1) as determined in an election contest conducted pursuant to ~~part 2 of article 11~~ ARTICLE 13.5 of title 1, C.R.S., shall be void.

(5) Any person elected to a board whose qualification as an eligible elector is not challenged and overturned in accordance with the requirements specified in ~~part 2 of article 11~~ ARTICLE 13.5 of title 1, C.R.S., shall not be subject to further challenge based upon qualification as a property owner under this section for the remainder of the director's term in office.

**SECTION 91.** In Colorado Revised Statutes, 32-1-901, **amend** (1) as follows:

**32-1-901. Oath and bond of directors.** (1) Each director, within thirty days after his or her election or appointment to fill a vacancy, except for good cause shown, shall appear before an officer authorized to administer oaths and take an oath that he or she will faithfully perform the duties of his or her office as required by law and will support the constitution of the United States, the constitution of the state of Colorado, and the laws made pursuant thereto. When an election is cancelled in whole or in part pursuant to section ~~1-5-208(1.5)~~ 1-13.5-513, C.R.S., each director who was declared elected shall take the oath required by this subsection (1) within thirty days after the date of the regular election, except for good cause shown. The oath may be administered by the county clerk and recorder, by the clerk of the court, by any person authorized to administer oaths in this state, or by the chairman of the board and shall be filed with the clerk of the court and with the division.

**SECTION 92.** In Colorado Revised Statutes, 32-1-905, **amend** (2.5) as follows:

**32-1-905. Vacancies.** (2.5) If there are no duly elected directors and if the failure to appoint a new board will result in the interruption of services that are being provided by the district, then the board of county commissioners of the county or counties which approved the organizational petition may appoint all directors from the pool of duly qualified, willing candidates. The board appointed pursuant to this subsection (2.5) shall call for nominations for a special election within six months after their appointment, which special election is to be held in accordance with the

provisions of section 32-1-305.5 and articles 1 to ~~13~~ 13.5 of title 1, C.R.S.; except that the question of the organization shall not be presented at the election. In the event a district is wholly within the boundaries of a municipality, the governing body of the municipality may appoint directors.

**SECTION 93.** In Colorado Revised Statutes, 32-1-1002, **amend** (2) (a) and (2) (i) as follows:

**32-1-1002. Fire protection districts - additional powers and duties.** (2) (a) A fire protection district's civil service system shall not cover employees of a fire department that renders fire protection service to the fire protection district under contract. The question of establishing a system of civil service shall be submitted at any regular special district election or special election of the fire protection district and shall not become effective unless approved as required for authorization of indebtedness. In establishing a system of civil service, the board may provide for the exclusion of supervisory and administrative personnel from the system. The board shall appropriate such funds as are necessary for the regular special district election or special election from the general funds of the fire protection district, and the election shall be held and conducted as provided in articles 1 to ~~13~~ 13.5 of title 1, C.R.S.

(i) Any fire protection district which has established a system of civil service for its paid employees pursuant to this section shall not terminate the system unless the question of termination is submitted at an election. The election shall be conducted pursuant to ~~the provisions of~~ articles 1 to ~~13~~ 13.5 of title 1, C.R.S.

**SECTION 94.** In Colorado Revised Statutes, 32-1-1004, **amend** (5) as follows:

**32-1-1004. Metropolitan districts - additional powers and duties.** (5) The board of a metropolitan district has the power to establish, maintain, and operate a system to transport the public by bus, rail, or any other means of conveyance, or any combination thereof, and may contract pursuant to the provisions of part 2 of article 1 of title 29, C.R.S. The board of a metropolitan district may not establish, maintain, or operate such a system of transportation in a county, city, city and county, or any other political subdivision of the state empowered to provide a system of transportation except pursuant to a contract entered into pursuant to the

provisions of part 2 of article 1 of title 29, C.R.S. The board of a metropolitan district not originally organized as having the power granted in this subsection (5) may exercise its power upon compliance with the provisions of part 2 of this article. Notwithstanding any other provision of this subsection (5), the board of a metropolitan district shall not exercise the power under this subsection (5) until approved by the district court in compliance with the provisions of part 2 of this article and unless authorized, at a regular special district election or a special election held and conducted pursuant to articles 1 to ~~13~~ 13.5 of title 1, C.R.S., by a majority of the eligible electors of the district voting on the question of whether the board should exercise such power. The board of a metropolitan district which exercises the power granted in this subsection (5) shall provide transportation services only in the county or counties within which the boundaries of the metropolitan district lie.

**SECTION 95.** In Colorado Revised Statutes, 32-1-1006, **amend** (2) (b) as follows:

**32-1-1006. Sanitation, water and sanitation, or water districts - additional powers - special provisions.** (2) (b) (I) After a hearing on the resolution, the court shall direct that the question of conversion of the special district be submitted to the eligible electors of the special district and shall appoint the secretary as the designated election official responsible for the calling and conducting of the election according to the provisions of articles 1 to ~~13~~ 13.5 of title 1, C.R.S.

(II) If a majority of the votes cast at the election are in favor of conversion and the court determines the election was held in accordance with articles 1 to ~~13~~ 13.5 of title 1, C.R.S., the court shall enter an order including any conditions so prescribed and converting the special district.

**SECTION 96.** In Colorado Revised Statutes, 32-1-1101, **amend** (1) (a) and (2) as follows:

**32-1-1101. Common financial powers.** (1) For and on behalf of the special district, the board has the following powers:

(a) To levy and collect ad valorem taxes on and against all taxable property within the special district, which shall not be limited except as provided in section 39-10-111 (11), C.R.S., and in part 3 of article 1 of title

29, C.R.S. Any election on the question of an increased levy pursuant to section 29-1-302, C.R.S., shall be conducted as a special election in accordance with articles 1 to ~~13~~ 13.5 of title 1, C.R.S.

(2) Whenever the board determines, by resolution, that the interest of the special district and the public interest or necessity demand the acquisition, construction, installation, or completion of any works or other improvements or facilities or the making of any contract with the United States or other persons or corporations to carry out the objects or purposes of such district, requiring the creation of a general obligation indebtedness exceeding one and one-half percent of the valuation for assessment of the taxable property in the special district, the board shall order the submission of the proposition of issuing general obligation bonds or creating other general obligation indebtedness, except the issuing of revenue bonds, at an election held for that purpose. The resolution shall also fix the date upon which the election will be held. The election shall be held and conducted as provided in articles 1 to ~~13~~ 13.5 of title 1, C.R.S. Any election may be held separately or may be held jointly or concurrently with any other election authorized by this article. If the issuance of general obligation bonds is approved at an election held pursuant to this subsection (2), the board shall be authorized to issue such bonds for a period not to exceed the later of five years following the date of the election or, subject to the provisions of section 32-1-1101.5, for a period not to exceed twenty years following the date of the election if the issuance of such bonds is in material compliance with the financial plan set forth in the service plan, as that plan is amended from time to time, or in material compliance with the statement of purposes of the special district. After the specified period has expired, the board shall not be authorized to issue bonds which were authorized but not issued after the initial election unless the issuance is approved at a subsequent election; except that nothing in this subsection (2) shall be construed as limiting the board's power to issue refunding bonds in accordance with statutory requirements.

**SECTION 97.** In Colorado Revised Statutes, 34-34-102, **amend** (1) as follows:

**34-34-102. Abandoned mine reclamation fund - project expenditures.** (1) The abandoned mine reclamation fund is hereby created in the state treasury. The fund shall consist of moneys received pursuant to section 34-33-133 (2) (a), moneys transferred from the severance tax ~~trust~~

OPERATIONAL fund pursuant to section 39-29-109.3 (1) (c), C.R.S., and interest earned on the investment of such moneys. Revenues in the fund shall not revert to the general fund. The fund shall be expended only for the purposes specified in this section. Appropriations from the fund shall be available for three successive state fiscal years.

**SECTION 98.** In Colorado Revised Statutes, 35-13-109, **amend** (4) (b) as follows:

**35-13-109. Registration - application - fees - repeal.** (4) (b) (I) Fees established pursuant to this section shall be reported, on or before December 1 of each year, to the agriculture, natural resources, and energy committee of the senate and the agriculture, livestock, and natural resources committee of the house of representatives.

(II) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE SEPTEMBER 1, 2017.

**SECTION 99.** In Colorado Revised Statutes, 37-60-115, **amend** (10) (g) as follows:

**37-60-115. Water studies - rules - repeal.** (10) **High groundwater administration and management pilot projects - report - repeal.** (g) This ~~section~~ SUBSECTION (10) is repealed, effective July 1, 2021.

**SECTION 100.** In Colorado Revised Statutes, 37-60-121, **amend** (1) (b) (II) as follows:

**37-60-121. Colorado water conservation board construction fund - creation - nature of fund - funds for investigations - contributions - use for augmenting the general fund - funds created - repeal.** (1) (b) In the consideration of making expenditures from the fund, the board shall be guided by the following criteria:

(II) The balance of the moneys available to the fund shall be devoted to projects for the repair and rehabilitation of existing water storage and delivery networks, controlled maintenance of the satellite monitoring network authorized pursuant to section 37-80-102 (10), construction and maintenance of the South Platte river alluvial aquifer GROUNDWATER

monitoring network authorized pursuant to section 37-80-122, and for investment in water management activities and studies;

**SECTION 101.** In Colorado Revised Statutes, 37-80-111.7, **amend** (3) introductory portion as follows:

**37-80-111.7. Water resources cash fund - created - uses.** (3) The state engineer may expend moneys in the fund, subject to appropriation by the general assembly, for the purposes specified in the sections listed in ~~the introductory portion to~~ paragraph (b) of subsection (2) of this section and for the following purposes:

**SECTION 102.** In Colorado Revised Statutes, 38-38-101, **repeal** (1) (h) as follows:

**38-38-101. Holder of evidence of debt may elect to foreclose.** (1) **Documents required.** Whenever a holder of an evidence of debt declares a violation of a covenant of a deed of trust and elects to publish all or a portion of the property therein described for sale, the holder or the attorney for the holder shall file the following with the public trustee of the county where the property is located:

~~(h) A separate document notifying the public trustee that the property referred to in the notice of election and demand is property that requires posting under section 38-38-802. If the document required by this paragraph (h) is not filed at the time the documents required by paragraphs (a) to (e) of this subsection (1) are filed with the public trustee, and the holder determines at a later date that the property requires posting, the holder shall request that the public trustee rerecord the notice of election and demand. Thereafter, all deadlines for the foreclosure action shall be determined according to the date of the rerecording of the notice of election and demand as though the foreclosure was commenced on such date, and the public trustee shall collect a fee of seventy-five dollars from the holder. If the document required by this paragraph (h) is filed in error, the holder may withdraw it by filing with the public trustee an affidavit signed by the holder or the attorney for the holder affirming both that the document required by this paragraph (h) was filed in error and that the property has not been posted pursuant to section 38-38-802. In order to be effective, and thereby notify the public trustee that the property is not eligible for posting, such affidavit shall be filed with the public trustee no later than fourteen~~

~~days after the date of the determination of the public trustee that the filing is complete in accordance with section 38-38-102 (1).~~

**SECTION 103.** In Colorado Revised Statutes, 38-38-103, **repeal** (5) (d) as follows:

**38-38-103. Combined notice - publication - providing information.** (5) (d) ~~Notwithstanding any other provision of law, the officer shall not begin publication or send the mailing required in subparagraph (H) of paragraph (a) of subsection (1) of this section unless the holder has provided the affidavit required by section 38-38-802, if applicable. If the affidavit has not been provided, the following shall occur:~~

~~(f) The officer shall notify the holder or the holder's attorney, in writing, that no affidavit was provided and indicate that the publications required pursuant to this section shall not be made until the holder provides the required affidavit. The officer is not obligated to provide more than one notice to the holder or the holder's attorney.~~

~~(H) After notice is made pursuant to subparagraph (f) of this paragraph (d) that no affidavit was provided and until the required affidavit is provided, the officer shall continue the sale of the property in accordance with section 38-38-109 an additional week for each week that the holder fails to provide the required affidavit.~~

**SECTION 104.** In Colorado Revised Statutes, 38-38-109, **repeal** (1) (c) (I) (C) as follows:

**38-38-109. Continuance of sale - effect of bankruptcy - withdrawal of sale.** (1) **Continuance.** (c) (I) (C) ~~During a foreclosure deferment pursuant to part 8 of this article, any continuance described by sub-subparagraph (A) of this subparagraph (I) shall run concurrently with the foreclosure deferment.~~

**SECTION 105.** In Colorado Revised Statutes, 39-1-107, **amend** (1) as follows:

**39-1-107. Tax liens.** (1) ~~Except as provided in section 39-3-135,~~ The lien of general taxes for the current year, including taxes levied pursuant to section 39-5-132, shall attach to all taxable property, real and



personal, at 12 noon on the assessment date.

**SECTION 106.** In Colorado Revised Statutes, **amend** 39-3-128 as follows:

**39-3-128. Exempt property listed and valued.** It is the duty of the assessor to list, appraise, and value all real property exempted from the levy and collection of property tax pursuant to the provisions of sections 39-3-106 to 39-3-113.5 or 39-3-116, ~~and all property otherwise exempt but taxable pursuant to the provisions of section 39-3-135;~~ and such information shall be entered in the same detail as required for taxable property.

**SECTION 107.** In Colorado Revised Statutes, 39-10-104.5, **amend** (2) as follows:

**39-10-104.5. Payment dates - optional payment dates - failure to pay - delinquency.** (2) Except as provided in subsections ~~(6), (7), and (11)~~ (6) AND (7) of this section, at the option of the taxpayer, property taxes may be paid in full or in two equal installments, the first such installment to be paid on or before the last day of February and the second installment to be paid no later than the fifteenth day of June.

**SECTION 108.** In Colorado Revised Statutes, 39-22-104, **amend** (4) (f); and **repeal** (3) (c) as follows:

**39-22-104. Income tax imposed on individuals, estates, and trusts - single rate - definitions - repeal.** (3) There shall be added to the federal taxable income:

~~(c) The deduction allowed by section 402 (e) (3) of the internal revenue code;~~

(4) There shall be subtracted from federal taxable income:

(f) (I) For income tax years commencing on or after January 1, 1989, amounts received as pensions or annuities from any source by any individual who is fifty-five years of age or older at the close of the taxable year, to the extent included in federal adjusted gross income; ~~or as added in paragraph (c) of subsection (3) of this section;~~

(II) For income tax years commencing on or after January 1, 1989, amounts received as pensions or annuities from any source by any individual who is less than fifty-five years of age at the close of the taxable year if such benefits are received because of the death of the person originally entitled to receive such benefits and only to the extent such benefits are included in federal adjusted gross income; ~~or as added in paragraph (c) of subsection (3) of this section;~~

(III) For income tax years commencing on or after January 1, 1989, amounts subtracted under this paragraph (f) shall not exceed twenty thousand dollars per tax year; except that, for income tax years commencing on or after January 1, 2000, amounts subtracted under subparagraph (I) of this paragraph (f) shall not exceed twenty-four thousand dollars per tax year for any individual who is sixty-five years of age or older at the close of the taxable year. For the purpose of determining the exclusion allowed by this paragraph (f), in the case of a joint return, social security benefits included in federal taxable income shall be apportioned in a ratio of the gross social security benefits of each taxpayer to the total gross social security benefits of both taxpayers. For the purposes of this paragraph (f), "pensions and annuities" means retirement benefits that are periodic payments attributable to personal services performed by an individual prior to his or her retirement from employment and that arise from an employer-employee relationship, from service in the uniformed services of the United States, or from contributions to a retirement plan which are deductible for federal income tax purposes. "Pensions and annuities" includes ~~lump-sum distributions from pension and profit sharing plans to the extent that such distributions qualify for the tax-averaging computation under section 402 (e)(1) of the internal revenue code;~~ distributions from individual retirement arrangements and self-employed retirement accounts to the extent that such distributions are not deemed to be premature distributions for federal income tax purposes, amounts received from fully matured privately purchased annuities, social security benefits, and amounts paid from any such sources by reason of permanent disability or death of the person entitled to receive the benefits.

**SECTION 109.** In Colorado Revised Statutes, 39-22-121, **amend** (2) (a) as follows:

**39-22-121. Credit for child care facilities - repeal.** (2) Monetary or in-kind contributions to promote child care in the state shall include the

following types of contributions:

(a) Donating money, real estate, or property for the establishment or operation of a child care facility that uses the donation to provide child care, a child care program that is not a child care facility but provides child care services similar to those provided by a child care center, as defined in section ~~26-6-102(1.5)~~ 26-6-102 (5), C.R.S., or any other program that received donations for which a credit was allowed to the donor pursuant to this section for any income tax year that ended before January 1, 2004, in the state;

**SECTION 110.** In Colorado Revised Statutes, 39-22-504, **amend** (4) as follows:

**39-22-504. Net operating losses.** (4) If a financial institution suffers a net operating loss for any taxable year beginning on or after January 1, 1984, the amount of the unused net operating loss may be carried forward to each of the fifteen years following the taxable year of such loss. For the purposes of this subsection (4), "financial institution" means any institution to which section ~~585, 586,~~ 585 or 593 of the internal revenue code applies.

**SECTION 111.** In Colorado Revised Statutes, 39-22-604.5, **amend** (2) (c) (III) as follows:

**39-22-604.5. Withholding tax - transfers of Colorado real property - nonresident transferors.** (2) No title insurance company or its authorized agent or any attorney, bank, savings and loan association, savings bank, corporation, partnership, association, joint stock company, trust, or unincorporated organization or any combination thereof, acting separately or in concert, that provides closing and settlement services as defined herein shall be required to withhold any amount pursuant to this section:

(c) If the title insurance company or its authorized agent or any attorney, bank, savings and loan association, savings bank, corporation, partnership, association, joint stock company, trust, or unincorporated organization or any combination thereof, acting separately or in concert, that provides closing and settlement services as defined herein in good faith relies upon a written affirmation executed by the transferor, certifying under

penalty of perjury one of the following:

(III) That the Colorado real property being conveyed is the principal residence of the transferor; ~~within the meaning of section 1034 of the internal revenue code~~; or

**SECTION 112.** In Colorado Revised Statutes, 39-22-2003, **amend** (1.5) (b) (II); and **repeal** (1.5) (b) (III) as follows:

**39-22-2003. State sales tax refund - offset against state income tax - qualified individuals.** (1.5) For purposes of this section, "adjusted gross income" means:

(b) For the taxable year commencing on January 1, 2001, and ending December 31, 2001, and for each subsequent taxable year thereafter, the combined total of:

(II) Social security benefits excluded from federal adjusted gross income for the tax year; AND

(III) ~~Lump-sum distributions from pension and profit sharing plans excluded from federal adjusted gross income that are added to federal taxable income pursuant to section 39-22-104 (3) (c); and~~

**SECTION 113.** In Colorado Revised Statutes, 39-27-101, **amend** (6), (19) introductory portion, (20) introductory portion, (21), (23), and (24) as follows:

**39-27-101. Definitions - construction.** As used in this part 1, unless the context otherwise requires:

(6) "Direct air carrier" means a person who provides or offers to provide air transportation and who has control over the operational functions performed in providing that transportation. A direct air carrier that provides air transportation services to a public charter operator as defined in subsection (24) of this section has a binding commitment to furnish air transportation to the public charter operator via a charter contract pursuant to 14 ~~CAR~~ CFR 380.29 and shall actively provide such air transportation services to the public charter operator.

(19) "Part 121 air carrier" means an aircraft operator that conducts operations pursuant to 14 ~~CAR~~ CFR 121 between any two points within the forty-eight contiguous states of the United States or within the United States and a specifically authorized point located outside the United States, operating any of the following:

(20) "Part 135 commuter air carrier" means an aircraft operator that conducts operations pursuant to 14 ~~CAR~~ CFR 135, operating a minimum of five round trips per week on at least one route between two or more points according to the published flight schedules, operating either of the following:

(21) "Part 135 on-demand operator" means an aircraft operator that conducts operations for hire or compensation pursuant to 14 ~~CAR~~ CFR 135 in an aircraft with nine or fewer passenger seats and a payload capacity of seven thousand five hundred pounds or fewer. A part 135 on-demand operator operates on an on-demand basis and does not meet the flight scheduled qualifications of a part 135 commuter air carrier.

(23) "Public charter" means a one way or round trip charter flight performed by one or more direct air carriers as defined pursuant to subsection (6) of this section and that is arranged and sponsored by a public charter operator pursuant to 14 ~~CAR~~ CFR 380.

(24) "Public charter operator" means a United States or foreign indirect air carrier as defined in subsection (16) of this section that is authorized to engage in the formation of groups for transportation on public charters in accordance with 14 ~~CAR~~ CFR 380.

**SECTION 114.** In Colorado Revised Statutes, 39-27-102, **amend** (1) (a) (IV) (B) as follows:

**39-27-102. Tax imposed on gasoline and special fuel - deposits - penalties.** (1) (a) (IV) (B) The provisions of this subparagraph (IV) shall not apply to domestic or foreign part 121 air carriers as defined in section 39-27-101 (19) or part 135 commuter air carriers as defined in section 39-27-101 (20) authorized to provide passenger and cargo air transportation services pursuant to the regulations of the office of the secretary of transportation and federal aviation administration of the United States department of transportation. The provisions of this subparagraph (IV) also

shall not apply to direct air carriers as defined in section 39-27-101 (6), providing air transportation to authorized public charter operators pursuant to 14 ~~CAR~~ CFR 380. For those air carriers that are certificated by the United States department of transportation for both part 121 air carrier operations and part 135 on-demand operations, the provisions of this sub-subparagraph (B) shall not apply to the air carrier's part 135 on-demand operations.

**SECTION 115.** In Colorado Revised Statutes, 39-27-103, **amend** (3) (a) (I) (F) as follows:

**39-27-103. Refunds - penalties - checkoff - limits on collections.**

(3) (a) (I) Any person who purchases gasoline or special fuel and pays the tax thereon at the time of such purchase shall be entitled to a refund by the controller, upon voucher certified by the department of revenue of the amount of such tax paid by him or her upon complying with the applicable conditions and provisions of this section, if the gasoline or special fuel is used for the purpose of:

(F) Operating an aircraft by a part 121 air carrier as defined in section 39-27-101 (19), a part 135 commuter air carrier as defined in section 39-27-101 (20), or a direct air carrier as defined in section 39-27-101 (6) providing transportation to an authorized public charter operator pursuant to 14 ~~CAR~~ CFR 380;

**SECTION 116.** In Colorado Revised Statutes, **amend** 39-27-303 as follows:

**39-27-303. Tax imposed.** The amount of the tax imposed and collected on behalf of this state under an agreement entered into under this part 3 shall be determined as provided in ~~parts 1 and 2~~ PART 1 of this article.

**SECTION 117.** In Colorado Revised Statutes, 40-6.5-108, **amend** (2) as follows:

**40-6.5-108. Office of consumer counsel subject to termination.**

(2) The provisions of section 24-34-104, C.R.S., concerning the termination schedule for regulatory bodies of the state unless extended as provided in that section, are applicable to the office of consumer counsel. ~~and the utility consumers' board.~~

**SECTION 118.** In Colorado Revised Statutes, 42-1-102, **amend** (88.5) (b) (II) as follows:

**42-1-102. Definitions.** As used in articles 1 to 4 of this title, unless the context otherwise requires:

(88.5) (b) "School vehicle" does not include:

(II) A motor vehicle that is owned by or under contract to a child care center, as defined in section ~~26-6-102(1.5)~~ 26-6-102 (5), C.R.S., and that is used for the transportation of children who are served by the child care center.

**SECTION 119.** In Colorado Revised Statutes, 42-4-306, **repeal** (6) (c) and (12) (b) as follows:

**42-4-306. Powers and duties of commission - automobile inspection and readjustment program - basic emissions program - enhanced emissions program - clean screen program.** ~~(6) (c) The commission shall recommend to the general assembly no later than December 1, 1998, adjustment or repair procedures to be followed for motor vehicles of the model year 1984 or a later model year which do not meet the applicable emissions standards. Notwithstanding the provisions of subsection (7) of this section, such recommended procedures may require the replacement or repair of emissions control components of such motor vehicles.~~

~~(12) (b) (f) The commission with the cooperation of the department of public health and environment shall cause to be conducted a pilot study of the feasibility and costs of implementing remote sensing emissions detection technology as a potential supplemental maintenance strategy for areas that have attained applicable standards. This pilot study shall be conducted in the metropolitan Greeley, Weld county area with results and recommendations to be made available in January, 1998.~~

~~(H) The executive director of the department of public health and environment is authorized to enter into an agreement with a contractor in accordance with section 42-4-307 (10) (a) for the purchase of equipment and any assistance necessary for this study.~~

**SECTION 120.** In Colorado Revised Statutes, 42-4-310, **repeal** (1) (b) (I) (A) as follows:

**42-4-310. Periodic emissions control inspection required.** (1) (b) (I) (A) ~~Effective July 1, 1987, and until May 28, 1999, those motor vehicles that are owned by the United States government or an agency thereof or by the state of Colorado or any agency or political subdivision thereof that would be registered in the program area shall be inspected once each year, and a valid certification of emissions compliance shall be obtained.~~

**SECTION 121.** In Colorado Revised Statutes, 42-4-1306, **amend** (1) (d) as follows:

**42-4-1306. Colorado task force on drunk and impaired driving - creation - legislative declaration.** (1) The general assembly finds and declares that:

(d) According to the federal national highway ~~transportation~~ TRAFFIC safety administration, other states with a statewide task force on drunk and impaired driving have seen a decrease in incidents of drunk and impaired driving.

**SECTION 122.** In Colorado Revised Statutes, 42-4-1307, **amend** (6) (c) introductory portion as follows:

**42-4-1307. Penalties for traffic offenses involving alcohol and drugs - legislative declaration - definitions - repeal.** (6) **Third and subsequent offenses.** (c) Notwithstanding any other provision of law, if the defendant satisfies the conditions described in subparagraphs (I) ~~(H)~~, and ~~(HH)~~ AND (II) of this paragraph (c), the court may include as a condition of probation a requirement that the defendant participate in alcohol treatment. If the defendant's assessed treatment need is for residential treatment, the court may make residential alcohol treatment a condition of probation and may place the offender in a community corrections program that can provide the appropriate level of treatment. This paragraph (c) applies only if:

**SECTION 123. Repeal** section 3 of House Bill 16-1125.



**SECTION 124.** In Colorado Revised Statutes, 18-1.3-406, **amend as added by Senate Bill 16-051** (1) (c) introductory portion as follows:

**18-1.3-406. Mandatory sentences for violent crimes - definitions.**

(1) (c) The court may require a defendant to serve his or her sentences ~~consecutively~~ CONCURRENTLY rather than ~~concurrently~~ CONSECUTIVELY if the defendant is convicted of two or more separate crimes of violence arising out of the same incident and one of such crimes is:

**SECTION 125.** In Colorado Revised Statutes, 25-4-1607, **amend as amended by House Bill 16-1401** (1) introductory portion; and **amend as added by House Bill 16-1401** (1.5) (a) introductory portion, (1.5) (a) (VI), (1.5) (b) introductory portion, and (1.5) (b) (VI) as follows:

**25-4-1607. Fees - repeal.** (1) Except as provided in ~~subparagraph~~ PARAGRAPH (d.5) OF THIS SUBSECTION (1) and subsection (14) of this section, effective January 1 of the year following the increases specified in paragraph (a) of subsection (1.5) of this section, each retail food establishment in this state shall be assessed an annual license fee as follows:

(1.5) (a) Except as provided in ~~sub-subparagraph~~ SUBPARAGRAPH (VI) of this paragraph (a) and subsection (14) of this section, effective January 1, 2018, to December 31, 2018, each retail food establishment in this state shall be assessed an annual license fee as follows:

(VI) The fees established in this subsection ~~(1.5)~~ (1.5) are effective September 1, 2017, for any new retail food establishment that was not licensed and in operation prior to that date.

(b) Except as provided in ~~sub-subparagraph~~ SUBPARAGRAPH (VI) of this paragraph (b), effective January 1, 2017, to December 31, 2017, each retail food establishment in this state shall be assessed an annual license fee as follows:

(VI) The fees established in this subsection ~~(1.5)~~ (1.5) are effective September 1, 2016, for any new retail food establishment that was not licensed and in operation prior to that date. This subparagraph (VI) is repealed, effective January 1, 2017.

**SECTION 126.** In Colorado Revised Statutes, **amend as added by**

**House Bill 16-1401** 25-4-1607.9 as follows:

**25-4-1607.9. Department targets - audits - reporting.** (1) On or before April 1, 2017, the department shall respond to all plans and specifications and HACCP plan reviews within fourteen working days after receipt, as required by section 25-4-1605 (4).

(2) On or before December 31, 2019, the department shall ensure significant statewide compliance with the federal food and drug administration's voluntary national retail food regulatory program standards by verifying that:

(a) At least seventy percent of Colorado's retail food program staff meet the national criteria for appropriate training and education to adequately perform required inspections; and

(b) At least seventy percent of Colorado's retail food program staff meet the national criteria regarding the focus of inspections on critical item risk factors, the correction of documented deficiencies, and the focus of inspections on the highest-risk establishments.

~~(c)~~ (3) To verify compliance with this section:

~~(H)~~ (a) The department shall audit any local public health agency that conducts inspections within its jurisdiction; and

~~(H)~~ (b) Local public health agencies shall audit the department regarding the jurisdictions where the department conducts inspections.

~~(d)~~ (4) The results of the audits conducted pursuant to ~~paragraph (c) of this subsection~~ (2) SUBSECTION (3) OF THIS SECTION must be documented and reported during each stakeholder process held pursuant to section 25-4-1607.5.

**SECTION 127.** In Colorado Revised Statutes, 42-4-1804, **amend as amended by House Bill 16-1056** (6) (a) as follows:

**42-4-1804. Report of abandoned motor vehicles - owner's opportunity to request hearing.** (6) (a) (I) Except as provided in subparagraph (II) of this paragraph (a), an operator or its agent shall, no less

than two days, but no more than ten days after a motor vehicle has been towed, determine who the owner is and if there is a lienholder and send a notice by certified mail, return receipt requested, to the last address of the owner and any lienholder as determined from records of the department or from a national search performed by the department.

(II) If the department conducts a national title search in accordance with paragraph (b) of subsection (2) of this section, each day elapsing between the department being notified and the department returning information on the motor vehicle as a result of the search does not count against the tow operator's ten-day deadline to contact the motor vehicle's owner or any lienholder. This subparagraph (II) does not affect daily storage fees.

(III) The cost of complying with this paragraph (a) is a cost of towing; except that the total of all costs of complying with this section shall not exceed one hundred fifty dollars. To comply with this subsection (6), the notice to the owner and lienholder must be sent within five days after the operator receives the information from the department and must contain the following information:

(⊕) (A) The fact of possession, including the date possession was taken, the location of storage of the motor vehicle, and the location from which it was towed;

(⊕) (B) The identity of the operator possessing the abandoned motor vehicle, together with the operator's business address and telephone number and the carrier number assigned by the public utilities commission; and

(⊕) (C) A description of the motor vehicle, including the make, model, color, and year and the number, issuing state, and expiration date of the license plate, or any other indicia of the motor vehicle's state of origin.

**SECTION 128. Effective date.** (1) Except as otherwise provided in this section, this act takes effect upon passage.

(2) Section 57 of this act takes effect only if House Bill 16-1408 does not become law.

(3) Section 123 of this act takes effect on the effective date of House

Bill 16-1125.

(4) Section 124 of this act takes effect only if Senate Bill 16-051 becomes law, in which case section 124 takes effect on July 1, 2016.

(5) Sections 125 and 126 of this act take effect only if House Bill 16-1401 becomes law, in which case sections 125 and 126 take effect on the effective date of House Bill 16-1401.

(6) Section 127 of this act takes effect only if House Bill 16-1056 becomes law, in which case section 127 takes effect on the effective date of House Bill 16-1056.

**SECTION 129. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

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Bill L. Cadman  
PRESIDENT OF  
THE SENATE

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Dickey Lee Hullinghorst  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Effie Ameen  
SECRETARY OF  
THE SENATE

---

Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

APPROVED \_\_\_\_\_

---

John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO

## APPENDIX

C.R.S. Section	Section in bill	Reason
1-1-104 (2.8) (c)	1	Section 42 U.S.C. 1973gg was editorially reclassified as section 20501 of Title 52 of the United States Code by the Office of the Law Revision Counsel of the United States House of Representatives.
1-1-107 (1)(d)	2	See section 1-1-104 (2.8).
1-2-502 (2)	3	See section 1-1-104 (2.8).
1-2-510 (3)	4	See section 1-1-104 (2.8).
1-13.5-106 (2)	5	To correct a grammatical error originating in the introduced version of HB14-1164, the term "proscribed" is being changed to "described". (See HB14-1164, chapter 2, page 7.)
1-13.5-1601	6	Prior to the publication of the Colorado Revised Statutes 2014, "prescribed" was inadvertently changed to "proscribed" as a spelling error correction; however, the spelling correction substituted an incorrect term resulting in a grammatical error. To correct the error, "proscribed" is being changed to "described" to correspond with the terminology used in section 1-13.5-106 (2). (See the 2015 version of the Grey Book prepared by the Office of Legislative Legal Services and HB14-1164, chapter 2, page 57.)
2-2-307 (1)(a)	7	The automatic repeal provision in subsection (1)(a) will result in the repeal of the entire section containing the compensation and reimbursement provisions for members of the general assembly, effective January 8, 2022. As this is an apparent error originating in the introduced version of SB15-288, the repeal is being limited to the provisions of the section that will cease to be effective on the first day of the legislative session beginning in January 2019. (See SB15-288, chapter 270, page 1059.)
7-136-103 (4)	8	As a conforming amendment to the House Business Affairs and Labor Committee Report amending the reengrossed version of SB97-091, the internal reference in this section is being changed to 7-136-102 (2). (See the 1997 House Journal for March 14, page 882, and SB97-091, chapter 155, page 744.)

<b>C.R.S. Section</b>	<b>Section in bill</b>	<b>Reason</b>
8-19-104 (1)	9	The one-time reporting requirement in subsection (1) was completed on December 31, 2014; therefore, the reporting requirement is being repealed as obsolete. (To view the report, see the Colorado Legislative Council's statutory reports website.)
8-70-141 (1)(b)(I)	10	Public Law 102-318 relocated the provisions of section 402 (e) of the federal Internal Revenue Code to 402 (d). The code was further amended by Public Law 104-188, which repealed the provisions of section 402 (d); therefore, references to section 402 (e)(1) and (e)(3) are being repealed as obsolete. (See Public Law 102-318 and Public Law 104-188.)
8-84-106 IP(3)(b), (3)(b)(III), (3)(b)(V), (3)(d)(I), and (4)	11	Terminology used to reference the department of labor and employment is being changed to department to correspond with the defined term in section 8-84-101. (See SB15-239, chapter 160, page 480.)
10-14-503	12	Repeals internal references to section 10-3-109 (2) due to the repeal of the subsection, effective March 31, 2015. (See section 10-3-109 (2)(b), 2014 C.R.S., and HB13-1115, chapter 338, page 1970.)
10-14-702	13	See section 10-14-503.
10-16-105.6 (2)(b)	14	Repeals internal references and text associated with section 10-16-136 due to the repeal of the section, effective July 1, 2015. (See section 10-16-136 (8), 2014 C.R.S., and HB10-1160, chapter 283, page 1321.)
10-16-113.5 (2)(f)	15	See section 10-16-105.6 (2)(b).
10-16-302 (1)	16	See section 10-14-503.
10-16-421 (1)	17	See section 10-14-503.
11-51-301	18	As a conforming amendment to HB15-1246, crowdfunding, as described in section 11-51-308.5, is being added to the list of transactions that are exempt from the registration of securities requirement. (See section 11-51-308.5 (3), 2015 C.R.S., and HB15-1246, chapter 98, page 279.)
12-8-103 (9.5)	19	The defined term is not used in this article or any other provision of the revised statutes; therefore, it is being repealed.
12-43-206.5 (1)(a)	20	<ul style="list-style-type: none"> <li>• Changes internal references to conform with the reorganization of section 26-6-102.</li> <li>• See section 26-6-102.</li> </ul>

<b>C.R.S. Section</b>	<b>Section in bill</b>	<b>Reason</b>
12-61-1012	21	The one-time monetary distribution required pursuant to this section was to have been completed prior to July 1, 2015; therefore, this section is being repealed as obsolete.
13-4-102 (1)(g)	22	Updates internal references to conform with the provisions of HB14-1164. (See HB14-1164, chapter 2, page 3.)
13-92-103 IP(2)(a)	23	Corrects grammatical errors originating in the introduced version of HB15-1149. (See HB15-1149, chapter 116, page 351.)
15-2.5-603 IP(1)	24	Inserts the effective date of the article. (See HB14-1353, chapter 209, page 782.)
16-2.5-102	25	As a conforming amendment to HB13-1076, the position of director of the Colorado bureau of investigation is being removed from the list of occupations that require P.O.S.T. certification. (See section 16-2.5-113 2015 C.R.S. and HB13-1076, chapter 6, page 16.)
16-4-204 (1) and (2)	26	House Bill 13-1236 relocated many of the provisions that formerly constituted section 16-4-107 to section 16-4-109; however, the conforming amendments reflecting the relocation were not made in this section. (See HB13-1236, chapter 202, page 830.)
17-2-201 (4)(f)(I)(B)	27	Corrects an internal reference to the section governing parole for nonviolent offenders with immigration detainers. (See SB11-241, chapter 200, page 834.)
18-1.3-101 (7)(c)	28	Corrects an internal reference error originating in a House second reading floor amendment amending HB13-1156. (See the 2013 House Journal for April 2, page 774, HB13-1156, chapter 336, page 1952, and SB13-111, chapter 233, page 1119.)
18-1.3-406 (3) and (5)	29	Updates internal references to the definition of "crime of violence" to conform with the relocation of the definition by HB94-1126 and HB02-1046. (See SB82-066, chapter 75, page 314, HB94-1126, chapter 287, page 1715, and HB02-1046, chapter 318, page 1403.)
19-2-509 (3)	30	See section 16-4-204 (1) and (2).
19-3-308 IP(4.5)(a.5)(I)	31	<ul style="list-style-type: none"> <li>• See section 12-43-206.5 (1)(a).</li> <li>• See section 26-6-102.</li> </ul>



<b>C.R.S. Section</b>	<b>Section in bill</b>	<b>Reason</b>
19-3-308.5	32	This section is being reorganized to follow standard drafting format.
22-2-139 (2)(a)	33	Corrects an internal reference to the section requiring day treatment facilities to be licensed by the department of human services. (See HB10-1274, chapter 271, pages 1245 and 1249.)
22-2-409 (1)(a)	34	See section 22-2-139 (2)(a).
22-9-106 (3.5)(b)(IV)	35	The repeal of subsection (3.5)(b)(II) occurred in 2013; therefore, this provision, which required the repeal, is no longer operative and is being repealed as obsolete.
22-20-103 (12.7)	36	<ul style="list-style-type: none"> <li>• See section 12-43-206.5 (1)(a).</li> <li>• See section 26-6-102.</li> </ul>
22-28-103 (2)	37	<ul style="list-style-type: none"> <li>• See section 12-43-206.5 (1)(a).</li> <li>• See section 26-6-102.</li> </ul>
22-35.3-103 (4)	38	Due to the concurrent passage of HB15-1270, HB15-1323, and SB15-056, internal references in this section, which was created by HB15-1270, were not updated to reflect the statutory changes made by HB15-1323 and SB15-056. (See HB15-1270, chapter 195, page 653, HB15-1323, chapter 204, pages 703 and 718, and SB15-056, chapter 203, page 701.)
22-54-110 (1)(b)	39	Repeals an obsolete internal reference to section 22-54-117. The section repealed, effective July 1, 2015, pursuant to a future repeal provision within the section. (See HB14-1250, chapter 16, page 129.)
22-63-302 (10)(e) and (10)(f)	40	Court Rule 2016(5), effective April 7, 2016, repealed Appellate Rule 41.1 and moved the rule's substantive provisions to Appellate Rule 41.
22-81-102	41	Repeals references to the telecommunications advisory commission due to the repeal of the commission, effective July 1, 1995. (See HB93-1035, chapter 285, page 1701.)
22-81-104 (1), (2)(e), and (3)(b)	42	See section 22-81-102.
23-3.3-1004 (4)(a)(III)(C)	43	Changes an internal reference to correct an obvious error in which sub-subparagraph (C) is referenced as sub-subparagraph (B). The error first appeared in the introduced version of HB14-1384. (See HB14-1384, chapter 347, page 1556.)

C.R.S. Section	Section in bill	Reason
23-18-308	44	This section is being repealed and reenacted to follow standard statutory organizational practices. This corrects an error first appearing in the House Appropriations Committee Report amending the introduced version of HB15-1274. (See the 2015 House Journal for April 10, pages 770 and 771, and HB15-1274, chapter 196, page 665.)
24-1-122 IP(3)	45	House Bill 12-1055 changed the name of the division of registrations to the division of professions and occupations; therefore, this provision is being amended to conform with the name change. (See HB12-1055, chapter 47, page 171.)
24-32-705 (1)(r) and (1)(s)	46	As of September 1, 2015, the repeal date of part 8 of article 38 of title 38, provisions within this section became inoperative; therefore, the provisions are being repealed. (See section 38-38-808, 2014 C.R.S. and HB14-1312, chapter 158, page 552.)
24-33.5-503 (2)(a)(I) and (2)(b)	47	House Bill 15-1273, as introduced, added two new paragraphs to subsection (1). The House Appropriations Committee relocated the two paragraphs to a new subsection (2) without making conforming amendments. This resulted in sentence fragments in subsections (2)(a)(I) and (2)(b). Using language based on the introductory portion of subsection (1) prior to the committee amendment, the sentence structure is being restored. (See the 2015 House Journal for April 24, page 1014, and HB15-1273, chapter 323, page 1322.)
24-33.5-1614 (3.5)(b)(III)	48	Corrects an error first appearing in the introduced version of HB14-1004 in which the emergency planning subcommittee was erroneously referred to as the commission. (See HB14-1004, chapter 11, page 105.)
24-34-104 (47.5)(h)	49	See section 24-1-122 IP(3).
24-34-110.5 IP(2), (3)(b), and (4)(a)	50	See section 24-1-122 IP(3).

<b>C.R.S. Section</b>	<b>Section in bill</b>	<b>Reason</b>
24-38.5-102 (1)(h)	51	Prior to the repeal of section 24-47.5-103, effective July 1, 2012, the section included language authorizing the distribution of moneys to the renewable energy authority. Effective May 16, 2014, the section was recreated and reenacted using a different distribution mechanism for funding the renewable energy authority, now known as the Colorado energy research authority; therefore, as section 24-38.5-102 (1)(h) is dependent on the language of section 24-47.5-103 as it existed prior to the 2012 repeal, section 24-38.5-102 (1)(h) is being repealed as inoperative. (See HB08-1025, chapter 33, pages 66 and 70 and SB14-011, chapter 217, pages 813 and 815.)
24-50-803	52	The one-time reporting requirement in this section was completed on December 1, 2004; therefore, this section is being repealed as obsolete. (To view the report, see the Colorado Legislative Council's statutory reports website.)
24-50-804 (1)	53	See section 24-50-803.
22-51-1009 (3)(b)	54	Corrects an internal reference to the provisions pertaining to the purchase of service credit relating to a refunded member contribution account. (See SB06-235, chapter 259, pages 1181 and 1186.)
24-60-3502 Section 2, O and Section 10, B.4.	55	Corrects internal references to the rule-making provisions within the compact to correct errors first appearing in the introduced bill. (See HB15-1015, chapter 171, page 521.)
24-72-204 (3)(a)(XIX)(C)	56	Senate Bill 13-011 amended subsection (3)(a)(XIX)(A) to add civil union applications to the records that are not subject to open records requests unless the provisions in subsection (3)(a)(XIX)(C) are met; however, the conforming amendment adding civil unions to subsection (3)(a)(XIX)(C) was not included in SB13-011. (See SB13-011, chapter 49, page 168.)
24-75-1104.5 (1)(n)	57	Inserts language to clarify that the year referenced is a fiscal year. (See SB15-188, chapter 103, page 299.)
25-1.5-101 (1)(h)	58	<ul style="list-style-type: none"> <li>• See section 12-43-206.5 (1)(a).</li> <li>• See section 26-6-102.</li> </ul>
25-1.5-301 (2)(e) and (2)(f)	59	<ul style="list-style-type: none"> <li>• See section 12-43-206.5 (1)(a).</li> <li>• See section 26-6-102.</li> </ul>

<b>C.R.S. Section</b>	<b>Section in bill</b>	<b>Reason</b>
25-4-901 (2)(b)(I) and (2)(b)(I.5)	60	<ul style="list-style-type: none"> <li>• See section 12-43-206.5 (1)(a).</li> <li>• See section 26-6-102.</li> </ul>
25-4-1004.3 (1)(b)	61	Corrects errors in the House Public Health Care and Human Services Committee Report amending the introduced version of HB15-1281 in which an internal reference to the rule-making authority was cited incorrectly and where the term "health" was used instead of "heart". (See the 2015 House Journal for March 25, page 601, and HB15-1281, chapter 241, page 893.)
25-7-103 (18.5)	62	Corrects errors originating in the introduced and engrossed versions of HB92-1178 that resulted in inaccurate references to the short title of a federal act. (See Public Law 101-549, 104 Stat. 2650 et seq., and HB92-1178, chapter 186, pages 1291 and 1292.)
25-7-105 (11)(f)	63	See section 25-7-103 (18.5). (See the 1992 House Journal for February 13, page 527.)
25-7-109.3 (3)(b.1), (3)(d)(III), (4)(a)(II), (4)(b), (4)(d), (4)(h)(I)(A), (4)(h)(II), and (5)(b)	64	Repeals references and text related to the air quality science advisory board as obsolete due to the repeal of the board, effective July 1, 2008. (See HB98-1094, chapter 67, pages 169 and 170.)
25-46-104 (2)(r)	65	Paragraph (r) of subsection (2) is being amended to conform the section to standard drafting format. As currently written, the paragraph does not follow the subsection's introductory portion. (See SB14-187, chapter 268, page 1074.)
25.5-3-406 IP(2)(b)	66	Changes an internal reference to the Colorado dental health care program for low-income seniors to correct an error in the Senate Health and Human Services Committee Report amending the introduced version of SB14-180. (See section 25.5-3-404 (4), 2015 C.R.S., the 2014 Senate Journal for April 25, page 930, and SB14-180, chapter 314, page 1362.)
25.5-4-103 (19.5)	67	<ul style="list-style-type: none"> <li>• See section 12-43-206.5 (1)(a).</li> <li>• See section 26-6-102.</li> </ul>
25.5-5-306 (1)	68	<ul style="list-style-type: none"> <li>• See section 12-43-206.5 (1)(a).</li> <li>• See section 26-6-102.</li> </ul>
26-1-111 (2)(r)	69	See section 19-3-308.5.

<b>C.R.S. Section</b>	<b>Section in bill</b>	<b>Reason</b>
26-2-104 (2)(h)(II)(B) and (2)(h)(II)(D)	70	For consistency within the section, references to electronic benefits transfer service cards, also known as EBT cards, are being standardized. (See the 2015 House Journal for March 18, page 521, and HB15-1255, chapter 149, page 449.)
26-2-133 (1)(a)	71	House Bill 93-1317 renamed the "Colorado Social Services Code" the "Colorado Human Services Code". (See HB93-1317, chapter 230, page 1103.)
26-2-716 (9)	72	Repeals an internal reference to section 25.5-4-103 (1) due to the section's repeal, effective February 27, 2014. (See SB14-067, chapter 12, page 109.)
26-2-805.5 (1)	73	<ul style="list-style-type: none"> <li>• See section 12-43-206.5 (1)(a).</li> <li>• See section 26-6-102.</li> </ul>
26-6-102	74	Reconstructs the section to repeal obsolete provisions, alphabetize definitions, and standardize the numbering of subsections.
26-6-103 (3)	75	<ul style="list-style-type: none"> <li>• See section 12-43-206.5 (1)(a).</li> <li>• See section 26-6-102.</li> </ul>
26-6-103.5 (2)(e)	76	<ul style="list-style-type: none"> <li>• See section 12-43-206.5 (1)(a).</li> <li>• See section 26-6-102.</li> </ul>
26-6-106 (2)(p)	77	<ul style="list-style-type: none"> <li>• See section 12-43-206.5 (1)(a).</li> <li>• See section 26-6-102.</li> </ul>
26-6-108.5 (3)	78	<ul style="list-style-type: none"> <li>• See section 12-43-206.5 (1)(a).</li> <li>• See section 26-6-102.</li> </ul>
27-65-102 (18)	79	<ul style="list-style-type: none"> <li>• See section 12-43-206.5 (1)(a).</li> <li>• See section 26-6-102.</li> </ul>
27-80-116 (3)	80	The fetal alcohol spectrum disorder commission, created in subsection (4), was repealed when the subsection repealed, effective June 30, 2015; therefore, the internal reference to subsection (4) is being repealed as a conforming amendment. (To view the reports fulfilling the requirements set forth in section 27-80-116 (4), see the Colorado Legislative Council's statutory reports website. See also HB11-1144, chapter 65, page 170.)
32-1-305 (4) and (6)	81	See section 13-4-102 (1)(g).
32-1-401 (2)(d) and (2)(e)	82	See section 13-4-102 (1)(g).

<b>C.R.S. Section</b>	<b>Section in bill</b>	<b>Reason</b>
32-1-501 (4)(c)	83	See section 13-4-102 (1)(g).
32-1-502 (5)(a)	84	See section 13-4-102 (1)(g).
32-1-602 (2)(e)	85	See section 13-4-102 (1)(g).
32-1-605 (1)	86	See section 13-4-102 (1)(g).
32-1-705	87	See section 13-4-102 (1)(g).
32-1-706	88	See section 13-4-102 (1)(g).
32-1-801	89	See section 13-4-102 (1)(g).
32-1-808 (1)(a) and (5)	90	See section 13-4-102 (1)(g).
32-1-901 (1)	91	See section 13-4-102 (1)(g).
32-1-905 (2.5)	92	See section 13-4-102 (1)(g).
32-1-1002 (2)(a) and (2)(i)	93	See section 13-4-102 (1)(g).
32-1-1004 (5)	94	See section 13-4-102 (1)(g).
32-1-1006 (2)(b)	95	See section 13-4-102 (1)(g).
32-1-1101 (1)(a) and (2)	96	See section 13-4-102 (1)(g).
34-34-102 (1)	97	Senate Bill 13-181 severed the severance tax operational account from the severance tax trust fund and renamed the account the severance tax operational fund; however, the conforming amendment correcting the name of the fund in this provision was missed. (See SB13-181, chapter 209, pages 868, 870, and 874.)
35-13-109 (4)(b)	98	The reporting requirement in this provision has lapsed; therefore, it is being scheduled to repeal, effective September 1, 2017. (See section 24-1-136 (11)(a), 2015 C.R.S.)
37-60-115 (10)(g)	99	Changes the repeal from a section to a subsection to correct an obvious error in HB15-1013. (See HB15-1013, chapter 235, page 870.)
37-60-121 (1)(b)(II)	100	Inserts "groundwater" to describe the type of monitoring network created in section 37-80-122. This clarifies language added by HB15-1166. (See section 37-80-122, 2015 C.R.S., and HB15-1166, chapter 302, page 1245.)

<b>C.R.S. Section</b>	<b>Section in bill</b>	<b>Reason</b>
37-80-111.7 IP(3)	101	Senate Bill 14-105 repealed the subparagraphs following the introductory portion of subsection (2)(b) of this section. This resulted in subsection (2)(b) becoming a standalone subsection without an introductory portion. The conforming amendment in this provision reflecting the standalone status of subsection (2)(b) was missed. (See SB14-105, chapter 48, page 226.)
38-38-101 (1)(h)	102	See section 24-32-705 (1)(r) and (1)(s).
38-38-103 (5)(d)	103	See section 24-32-705 (1)(r) and (1)(s).
38-38-109 (1)(c)(I)(C)	104	See section 24-32-705 (1)(r) and (1)(s).
39-1-107 (1)	105	Repeals an internal reference to section 39-3-135 due to the repeal of the section, effective June 5, 1996. (See SB96-218, chapter 297, page 1851, and the legislative declaration located in Section 1 of the 1996 act.)
39-3-128	106	See section 39-1-107 (1).
39-10-104.5 (2)	107	Repeals an internal reference to subsection (11) of this section due to the repeal of the subsection, effective August 5, 1998. (See SB98-190, chapter 226, page 829.)
39-22-104 (3)(c) and (4)(f)	108	See section 8-70-141 (1)(b)(I).
39-22-121 (2)(a)	109	<ul style="list-style-type: none"> <li>• See section 12-43-206.5 (1)(a).</li> <li>• See section 26-6-102.</li> </ul>
39-22-504 (4)	110	Repeals an internal reference to section 586 of the federal Internal Revenue Code due to the repeal of the section, effective October 22, 1986. (See Public Law 99-514, Title IX, §§901(c) and 901(e), 100 Stat. 2378 and 2380.)
39-22-604.5 (2)(c)(III)	111	Public Law 105-34 repealed section 1034 of the Internal Revenue Code, effective August 5, 1997; therefore, the internal reference to section 1034 is being repealed as obsolete. (See Public Law 105-34, 111 Stat. 839.)
39-22-2003 (1.5)(b)(II) and (1.5)(b)(III)	112	See section 8-70-141 (1)(b)(I).

<b>C.R.S. Section</b>	<b>Section in bill</b>	<b>Reason</b>
39-27-101 (6), IP(19), IP(20), (21), (23), and (24)	113	In the process of creating the act version of HB03-1073, references to the Code of Federal Regulations (CFR) were inadvertently changed to the Code of Appellate Rules (CAR); therefore, CAR is being changed to CFR. (See HB03-1073, chapter 278, page 1812.)
39-27-102 (1)(a)(IV)(B)	114	See section 39-27-101 (6), IP(19), IP(20), (21), (23), and (24).
39-27-103 (3)(a)(I)(F)	115	See 39-27-101 section (6), IP(19), IP(20), (21), (23), and (24).
39-27-303	116	House Bill 00-1479 repealed part 2 of article 27 of title 39, effective October 1, 2000; therefore, the internal reference to part 2 is being repealed as obsolete. (See HB00-1479, chapter 371, page 1939.)
40-6.5-108 (2)	117	Senate Bill 15-271 continued the utility consumers' board in the department of regulatory agencies indefinitely; therefore, as the review provisions of subsection (2) are no longer applicable, the board is being removed from the subsection. (See SB15-271, chapter 297, pages 1223 and 1225.)
42-1-102 (88.5)(b)(II)	118	<ul style="list-style-type: none"> <li>• See section 12-43-206.5 (1)(a).</li> <li>• See section 26-6-102.</li> </ul>
42-4-306 (6)(c) and (12)(b)	119	<ul style="list-style-type: none"> <li>• The one-time reporting recommendation required by subsection (6)(c) was to have been completed prior to December 1, 1998; therefore, subsection (6)(c) is being repealed as obsolete.</li> <li>• The pilot study mandated by subsection (12)(b) required the study's results and recommendations to be available in January, 1998. Because the pilot study's results and recommendations were completed and released over fifteen years ago, subsection (12)(b) is being repealed as obsolete. (See the Greeley Remote Sensing Pilot Program Final Report, January 5, 1998.)</li> </ul>
42-4-310 (1)(b)(I)(A)	120	Repeals as obsolete a requirement in place between July 1, 1987, and May 28, 1999, mandating federal and state government-owned vehicles located within the boundaries of the automobile inspection and readjustment program to receive a certification of emissions control.
42-4-1306 (1)(d)	121	Corrects the name of a federal agency. (See SB06-192, chapter 153, page 566.)



<b>C.R.S. Section</b>	<b>Section in bill</b>	<b>Reason</b>
42-4-1307 IP(6)(c)	122	The introduced version of HB15-1043 was amended by the House Finance Committee Report. The report struck subsection (6)(c)(III); however, the conforming amendment in this provision was missed. (See the 2015 House Journal for March 26, page 607 and HB15-1043, chapter 262, page 992.)
Section 3 of HB16-1125	123	Section 3 of HB16-1125 is no longer necessary and is being repealed. Senate floor amendment L.003 removed the definitions of "income" and "estate" from section 28-5-100.3; therefore, the conforming amendment in Section 3 is not needed.
Section 1 of SB16-051	124	Corrects an error originating in the Senate Judiciary Committee Report amending the introduced version of SB16-051. (See the 2016 Senate Journal for February 9, page 159.)
Section 2 of HB16-1401	125	Corrects internal references.
Section 3 of HB16-1401	126	Conforms the section to standard statutory construction.
Section 1 of HB16-1056	127	Conforms the section to standard statutory construction.