

## CHAPTER 390

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**STATUTES**


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**SENATE BILL 19-241**

BY SENATOR(S) Lee and Gardner, Cooke, Foote, Rodriguez, Crowder;  
 also REPRESENTATIVE(S) Weissman, Herod, Snyder, Soper, Van Winkle, Arndt, Buckner, Galindo, Gonzales-Gutierrez, Gray,  
 Kennedy, McKean, Tipper, Valdez A.

**AN ACT**

**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, 2-3-203, **amend** (1)(b.1)(I)(C) as follows:

**2-3-203. Powers and duties of the joint budget committee.** (1) The committee has the following power and duties:

(b.1) (I) (C) If the joint budget committee's recommendations to the appropriations committees of the senate and house of representatives in the annual general appropriation bill alter the determinations of priority established by the joint technology committee, prior to making the recommendations, the joint budget committee shall notify the joint technology committee and allow for a joint meeting of the two committees. ~~If part 17 of this article is repealed, this sub-subparagraph (C) is repealed, effective July 1, 2018.~~

**SECTION 2.** In Colorado Revised Statutes, 6-1-206, **amend** (2)(b) as follows:

**6-1-206. Additional mandatory charges - required disclosures - definitions.** (2) As used in this section:

(b) "Motor vehicle" has the meaning set forth in section ~~12-6-102~~ 44-20-102.

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

**SECTION 3.** In Colorado Revised Statutes, 8-42-101, **amend** (3.6)(n) as follows:

**8-42-101. Employer must furnish medical aid - approval of plan - fee schedule - contracting for treatment - no recovery from employee - medical treatment guidelines - accreditation of physicians and other medical providers - rules - repeal.** (3.6) The two-tier accreditation system shall comprise the following programs:

(n) The director shall contract with the medical school of the university of Colorado for the services of a medical director to advise the director on issues of accreditation, impairment rating guidelines, medical treatment guidelines and utilization standards, and case management and to consult with the director on peer review activities as specified in this subsection (3.6) and section 8-43-501. ~~Such~~ THE medical director shall be a medical doctor licensed to practice in this state with experience in occupational medicine. The director may contract with an appropriate private organization ~~which~~ THAT meets the definition of a ~~utilization and quality control peer review~~ QUALITY IMPROVEMENT organization as set forth in 42 U.S.C. sec. 1320c-1 ~~(1)(A) or (1)(B)~~, to conduct peer review activities under this subsection (3.6) and section 8-43-501 and to recommend whether or not adverse action is warranted.

**SECTION 4.** In Colorado Revised Statutes, **amend** 9-6-108 as follows:

**9-6-108. Applicability.** Consumer fireworks and display fireworks, as defined in 27 CFR 555.11 of the United States department of ~~the treasury~~ JUSTICE, bureau of alcohol, tobacco, ~~and~~ firearms, ~~AND~~ EXPLOSIVES, or any of its successor agencies, shall not be subject to the provisions of this article.

**SECTION 5.** In Colorado Revised Statutes, 11-35-101, **amend** (1) as follows:

**11-35-101. Alternatives to surety bonds permitted - requirements - definition.** (1) The requirement of a surety bond as a condition to licensure or authority to conduct business or perform duties in this state provided in sections 5-16-124 (1), 6-16-104.6, 12-61-907, 23-64-121 (1), 33-4-101 (1), 33-12-104 (1), 35-55-104 (1), 37-91-107 (2) and (3), 38-29-119 (2), 39-21-105, 39-27-104 (2)(a), (2)(b), (2)(c), (2)(d), (2)(e), (2.1)(a), (2.1)(b), (2.1)(c), ~~(2.5)(a)~~, and (2.5)(b), 39-28-105 (1), 42-6-115 (3), 42-7-301 (6), 44-20-112, 44-20-113, 44-20-114, 44-20-412, and 44-20-413 may be satisfied by a savings account or deposit in or a certificate of deposit issued by a state or national bank doing business in this state or by a savings account or deposit in or a certificate of deposit issued by a state or federal savings and loan association doing business in this state. The savings account, deposit, or certificate of deposit must be in the amount specified by statute, if any, and must be assigned to the appropriate state agency for the use of the people of the state of Colorado. The aggregate liability of the bank or savings and loan association must in no event exceed the amount of the deposit. For the purposes of the sections referred to in this section, "bond" includes the savings account, deposit, or certificate of deposit authorized by this section.

**SECTION 6.** In Colorado Revised Statutes, 13-4-102, **repeal** (2)(o) as follows:

**13-4-102. Jurisdiction.** (2) The court of appeals has initial jurisdiction to:

(o) ~~Review all final actions and orders appropriate for judicial review of the passenger tramway safety board, as provided in section 25-5-708, C.R.S.;~~

**SECTION 7.** In Colorado Revised Statutes, **amend** 13-21-1304 as follows:

**13-21-1304. Liquor licensees excepted.** This part 13 shall not apply to any person licensed under article ~~46 or 47 of title 12: 3~~ OR 4 OF TITLE 44.

**SECTION 8.** In Colorado Revised Statutes, 15-12-621, **amend** (6) as follows:

**15-12-621. Public administrator - decedents' estates - areas of responsibility.**

(6) Small estates, as defined in section 15-12-1201, may be administered by the public administrator using an affidavit as provided in section 15-12-1201, with the same effect as provided in section 15-12-1202. The claims period ends one year from the date of the decedent's death. At the end of the claims period, the public administrator shall summarily make distribution of estate assets by distribution to allowed claimants pursuant to the priorities set forth in section 15-12-805. The remainder of the estate's funds, if any, must be distributed to the decedent's heirs or devisees as determined under ~~the Colorado Probate Code~~ THIS CODE. In determining who is entitled to an estate's funds, a public administrator may rely on affidavits by persons who set forth facts to establish their claims, heirship, or the validity of a testamentary document. The public administrator is not liable for any improper distributions made in reasonable reliance on information contained in such affidavits. All estates administered by a public administrator pursuant to the small estate procedure are closed by the filing of a public administrator's statement of account with the appointing district or probate court. The statement of account must set forth all receipts and disbursements made during the administration of the estate, including the public administrator's fees and costs, and the fees and costs of the public administrator's staff and investigators. Copies of all fee statements reflecting such fees and costs must be filed with the statement of the account. Upon filing of the public administrator's statement of account, the public administrator must be discharged and released from all further responsibility and all liability with regards to the estate.

**SECTION 9.** In Colorado Revised Statutes, **amend** 15-12-1308 as follows:

**15-12-1308. Proceedings under the rules of civil procedure.** Nothing herein shall be construed to prevent determination of the descent or the succession of property pursuant to the Colorado Rules of Civil Procedure or any other provision of the ~~"Colorado Probate Code"~~ THIS CODE.

**SECTION 10.** In Colorado Revised Statutes, **amend** 15-15-412 as follows:

**15-15-412. Nontestamentary disposition.** A beneficiary deed shall not be construed to be a testamentary disposition and shall not be invalidated due to nonconformity with the provisions of the ~~"Colorado Probate Code"~~ CODE governing wills.

**SECTION 11.** In Colorado Revised Statutes, 16-8.5-101, **amend (9)** as follows:

**16-8.5-101. Definitions.** As used in this article 8.5, unless the context otherwise requires:

(9) "Developmental disability" means a disability that has manifested before the person reaches twenty-two years of age, that constitutes a substantial disability to the affected individual, and is attributable to mental retardation or other neurological conditions when such conditions result in impairment of general intellectual functioning or adaptive behavior similar to that of a person with mental retardation. Unless otherwise specifically stated, the federal definition of "developmental disability", 42 U.S.C. sec. ~~15001 et seq.~~ **15002 (8)**, shall not apply.

**SECTION 12.** In Colorado Revised Statutes, 18-3-102, **amend (1)(e)** as follows:

**18-3-102. Murder in the first degree.** (1) A person commits the crime of murder in the first degree if:

(e) He or she commits unlawful distribution, dispensation, or sale of a controlled substance to a person under the age of eighteen years on school grounds as provided in section 18-18-407 (2), OR 18-18-407 (1)(g)(I) FOR OFFENSES COMMITTED ON OR AFTER OCTOBER 1, 2013, and the death of such person is caused by the use of such controlled substance; or

**SECTION 13.** In Colorado Revised Statutes, 18-10.5-102, **amend (6)(a)** introductory portion and (6)(b) as follows:

**18-10.5-102. Definitions.** As used in this article 10.5, unless the context otherwise requires:

(6) (a) "Simulated gambling device" means a mechanically or electronically operated machine, network, system, program, or device that is used by an entrant and that displays simulated gambling displays on a screen or other mechanism at a business location, including a private club, that is owned, leased, or otherwise possessed, in whole or in part, by a person conducting the game or by that person's partners, affiliates, subsidiaries, agents, or contractors; except that the term does not include bona fide amusement devices, as authorized in section ~~12-47-103 (30)~~ **44-3-103 (47)**, that pay nothing of value, cannot be adjusted to pay anything of value, and are not used for gambling. "Simulated gambling device" includes:

(b) "Simulated gambling device" does not include any pari-mutuel totalisator equipment that is used for pari-mutuel wagering on live or simulcast racing events and that has been approved by the director of the division of racing events for entities authorized and licensed under article ~~60 of title 12~~ 32 OF TITLE 44.

**SECTION 14.** In Colorado Revised Statutes, 18-13-122, **amend (2)(g)(I), (10), and (12)** as follows:

**18-13-122. Illegal possession or consumption of ethyl alcohol or marijuana by an underage person - illegal possession of marijuana paraphernalia by an underage person - definitions - adolescent substance abuse prevention and**

**treatment fund - legislative declaration.** (2) As used in this section, unless the context otherwise requires:

(g) "Private property" means any dwelling and its curtilage which is being used by a natural person or natural persons for habitation and which is not open to the public and privately owned real property which is not open to the public. "Private property" shall not include:

(I) Any establishment ~~which~~ THAT has or is required to have a license pursuant to article ~~46, 47, or 48 of title 12, C.R.S. 3, 4, OR 5 OF TITLE 44;~~

(10) A parent or legal guardian of a person under twenty-one years of age or any natural person who has the permission of such parent or legal guardian may give or permit the possession and consumption of ethyl alcohol to or by a person under twenty-one years of age under the conditions described in ~~paragraph (a) of subsection (5)~~ SUBSECTION (5)(a) of this section. This subsection (10) shall not be construed to permit any establishment ~~which~~ THAT is licensed or is required to be licensed pursuant to article ~~46, 47, or 48 of title 12, C.R.S. 3, 4, OR 5 OF TITLE 44,~~ or any members, employees, or occupants of any such establishment to give, provide, make available, or sell ethyl alcohol to a person under twenty-one years of age.

(12) Nothing in this section shall be construed to limit or preclude prosecution for any offense pursuant to article ~~46, 47, or 48 of title 12, C.R.S. 3, 4, OR 5 OF TITLE 44,~~ except as provided in such articles.

**SECTION 15.** In Colorado Revised Statutes, 18-18-406.4, **amend** (1) as follows:

**18-18-406.4. Unlawful advertising of marijuana - exception.** (1) A person who is not licensed to sell medical marijuana pursuant to article ~~43.3 of title 12 11 OF TITLE 44~~ or retail marijuana pursuant to article ~~43.4 of title 12 12 OF TITLE 44,~~ or pursuant to the laws regarding medical or retail marijuana under the laws of another state, who knowingly advertises in a newspaper, magazine, handbill, or other publication or on the internet the unlawful sale of marijuana, marijuana concentrate, or a marijuana-infused product by a person not licensed to sell marijuana, marijuana concentrate, or a marijuana-infused product commits a level 2 drug misdemeanor.

**SECTION 16.** In Colorado Revised Statutes, **amend** 18-18-602 as follows:

**18-18-602. Continuation of rules - application to existing relationships.** Any orders and rules adopted under any law affected by this article and in effect on July 1, 1992, and not in conflict with this article continue in effect until modified, superseded, or repealed. Rights and duties that matured, penalties that were incurred, and proceedings that were begun prior to July 1, 1992, are not affected by the enactment of the "Uniform Controlled Substances Act of 2013" or the corresponding repeal of provisions in article ~~42.5 22 of title 12, C.R.S. AS THEY EXISTED PRIOR TO JULY 1, 1992,~~ and part 6 of article 5 of this title.

**SECTION 17.** In Colorado Revised Statutes, 19-2-103, **amend** (5.5) as follows:

**19-2-103. Definitions.** For purposes of this article 2:

(5.5) "Developmental disability" means a disability that is manifested before the person reaches his or her twenty-second birthday, that constitutes a substantial disability to the affected individual, and that is attributable to an intellectual disability or other neurological conditions when those conditions result in impairment of general intellectual functioning or adaptive behavior similar to that of a person with an intellectual disability. Unless otherwise specifically stated, the federal definition of "developmental disability", 42 U.S.C. sec. ~~15001 et seq.~~, **15002 (8)** does not apply.

**SECTION 18.** In Colorado Revised Statutes, 19-3-503, **amend (8)(b)** as follows:

**19-3-503. Summons - issuance - contents - service.** (8) If the respondent required to be summoned under subsection (3) of this section cannot be found within the state, the fact of the child's presence in the state shall confer jurisdiction on the court as to any absent respondent if due notice has been given in the following manner:

(b) When the person to be served has no residence within Colorado and his place of residence is not known or when he cannot be found within the state after due diligence, service may be by publication pursuant to rule ~~4(h)~~ 4 (g) of the Colorado rules of civil procedure; except that service may be by a single publication and must be completed not less than five days prior to the time set for a hearing concerning a dependent or neglected child.

**SECTION 19.** In Colorado Revised Statutes, 22-32-109.1, **amend (11)(a)** introductory portion as follows:

**22-32-109.1. Board of education - specific powers and duties - safe school plan - conduct and discipline code - safe school reporting requirements - school response framework - school resource officers - definitions - repeal.** (11) (a) **Review of reporting requirements.** During the 2020 regular legislative session, the education and judiciary committees of the house of representatives and the senate, or any successor committees, are encouraged to formally review the reports received from the division of criminal justice pursuant to section ~~24-33.5-503 (1)(bb)~~, **C.R.S. 24-33.5-503 (1)(aa)**. The committee members are encouraged to consider whether to:

**SECTION 20.** In Colorado Revised Statutes, 22-55-102, **amend (6)** as follows:

**22-55-102. Definitions.** As used in this article, unless the context otherwise requires:

(6) "Federal taxable income, as modified by law" means federal taxable income as modified by sections 39-22-104, 39-22-304, 39-22-509, and 39-22-518, ~~C.R.S.~~, and as apportioned and allocated under section 39-22-303.5, **39-22-303.6**, or 39-22-303.7 ~~C.R.S.~~; to the extent federal taxable income is not being modified to effectuate a refund of excess state revenues required pursuant to section 20 of article X of the state constitution, earned on or after December 28, 2000.

**SECTION 21.** In Colorado Revised Statutes, 23-31-310, **amend (8.3)(a)(III)(B)** as follows:

**23-31-310. Forest restoration and wildfire risk mitigation grant program - legislative declaration - technical advisory panel - definitions - repeal.**

(8.3) **Grant program.** (a) The forest service shall develop and administer the program in consultation with the technical advisory panel created in subsection (5) of this section. In developing the program, the forest service shall:

(III) Require a grant applicant to demonstrate that:

(B) The proposed project includes a plan for utilizing any woody material generated by the project, including traditional forest products and biomass energy products. Pursuant to its authority under section 23-31-315, The forest service shall offer technical support to grant applicants to assist with the development of the applicant's plan for utilizing forest products. The forest service shall inform applicants of the availability of its technical support.

**SECTION 22.** In Colorado Revised Statutes, 23-60-303, **amend** (2) as follows:

**23-60-303. Acceptance of congressional acts.** (2) The state board for community colleges and occupational education is designated as the state board for ~~vocational~~ CAREER AND TECHNICAL education and declared to be the sole agency for purposes of compliance with the said acts of congress and with any subsequent and future acts of congress requiring the designation of a state agency for the administration of the state plan of ~~vocational~~ CAREER AND TECHNICAL education and for receiving and administering funds appropriated by the congress for programs of ~~vocational~~ CAREER AND TECHNICAL education. The state board for community colleges and occupational education is also designated as the state approving agency pursuant to section 1771 of title 38, United States Code.

**SECTION 23.** In Colorado Revised Statutes, 23-60-304, **amend** (1) as follows:

**23-60-304. Plans - development and implementation - credentialing - fees.** (1) The board shall prepare state plans for occupational education in this state that are required for compliance with any acts of congress which require a state plan for ~~vocational~~ CAREER AND TECHNICAL education and shall prepare or approve such further plans for occupational education programs as it deems necessary.

**SECTION 24.** In Colorado Revised Statutes, 24-1-117, **amend** (3) as follows:

**24-1-117. Department of revenue - creation.** (3) The powers, duties, and functions of the secretary of state with respect to fermented malt beverages and malt, vinous, and spirituous liquors under the provisions of articles ~~46 to 48 of title 12, C.R.S.~~ 3, 4, AND 5 OF TITLE 44, are transferred by a **type 2** transfer to the department of revenue.

**SECTION 25.** In Colorado Revised Statutes, **amend** 24-1-135 as follows:

**24-1-135. Effect of congressional redistricting.** (1) Effective January 1, 1983, the terms of office of persons appointed pursuant to ~~sections~~ SECTION 11-102-103; SECTIONS 12-35-104 AND 12-42.5-104, AS THESE PROVISIONS EXISTED PRIOR TO OCTOBER 1, 2019; AND SECTIONS 17-2-102, 23-60-104, 24-32-706, 25-1-103, 25-3.5-104, 25.5-1-602, 26-11-101, 33-11-105, 34-60-104, and 35-65-105 shall

terminate. Prior thereto, the appointing authority designated by law shall appoint members to such boards, commissions, and committees for terms to commence on January 1, 1983, and to expire on the date the terms of the predecessors in office of such members would have expired, and any person whose term of office is terminated by this section may be reappointed effective January 1, 1983, and, for the purposes of such reappointment, shall not be deemed to succeed himself. Appointments thereafter shall be made as prescribed by law.

(2) Any member of a board, commission, or committee who was appointed or elected to the office as a resident of a designated congressional district pursuant to section 24 (2) of article VI of the state constitution or section 11-102-103; SECTION 12-35-104 OR 12-42.5-104, AS THESE PROVISIONS EXISTED PRIOR TO OCTOBER 1, 2019; OR SECTION 22-2-105, 23-1-102, 23-20-102, 23-21-503, 23-60-104, 24-32-706, 25-1-103, 25-3.5-104, 25.5-1-602, 26-11-101, 33-11-105, 34-60-104, 35-65-401, or 44-30-301, and who no longer resides in the congressional district solely because of a change made to the boundaries of the district subsequent to the 1990 federal decennial census is eligible to hold office for the remainder of the term to which the member was elected or appointed, notwithstanding the nonresidency.

**SECTION 26.** In Colorado Revised Statutes, 24-4-105, **amend** (4)(b)(IX) introductory portion as follows:

**24-4-105. Hearings and determinations - repeal.** (4) (b) (IX) By January 1, 2022, the office of administrative courts and the division of professions and occupations in the department of regulatory agencies shall issue a joint report to the judiciary committee and the state, veterans, and military affairs committee of the house of representatives and the judiciary committee and the state, veterans, and military affairs committee of the senate or their successor committees. This subsection ~~(4)(b)(VIII)~~ (4)(b)(IX) is repealed, effective July 1, 2022. The report must contain the following:

**SECTION 27.** In Colorado Revised Statutes, 24-31-305, **amend** (1.5)(a)(VIII) and (1.5)(a)(IX) as follows:

**24-31-305. Certification - issuance - renewal - revocation.** (1.5) (a) The P.O.S.T. board shall deny certification to any person who has been convicted of:

(VIII) Any misdemeanor in violation of federal law or the law of any state that is the equivalent of any of the offenses specified in ~~paragraphs (a) to (g)~~ SUBPARAGRAPHS (I) TO (VII) of this subsection ~~(1.5)~~ (1.5)(a); or

(IX) Any local municipal ordinance that is the equivalent of any of the offenses specified in ~~paragraphs (a) to (g)~~ SUBPARAGRAPHS (I) TO (VII) of this subsection ~~(1.5)~~ (1.5)(a).

**SECTION 28.** In Colorado Revised Statutes, 24-33.5-424, **amend** (1)(d) and (1)(e) as follows:

**24-33.5-424. National instant criminal background check system - state point of contact - fee - grounds for denial of firearm transfer - appeal - rule-making - unlawful acts - instant criminal background check cash fund - creation.**

(1) For purposes of this section:

(d) "Transfer" means the sale or delivery of any firearm in this state by a transferor to a transferee. "Transfer" shall include redemption of a pawned firearm by any person who is not licensed as a federal firearms licensee by the federal bureau of alcohol, tobacco, ~~and~~ firearms, AND EXPLOSIVES, or any of its successor agencies. "Transfer" shall not include the return or replacement of a firearm that had been delivered to a federal firearms licensee for the sole purpose of repair or customizing.

(e) "Transferee" means any person who is not licensed as a federal firearms licensee by the federal bureau of alcohol, tobacco, ~~and~~ firearms, AND EXPLOSIVES, or any of its successor agencies, in accordance with the federal "Gun Control Act of 1968", chapter 44 of title 18 U.S.C., as amended, and to whom a transferor wishes to sell or deliver a firearm.

**SECTION 29.** In Colorado Revised Statutes, 24-50-603, **repeal** (6.5) as follows:

**24-50-603. Definitions.** As used in this part 6, unless the context otherwise requires:

(6.5) "~~Domestic partner~~" means an adult, at least eighteen years of age:

~~(a) Who is of the same gender as the employee;~~

~~(b) With whom the employee has shared an exclusive, committed relationship for at least one year with the intent for the relationship to last indefinitely;~~

~~(c) Who is not related to the employee by blood to a degree that would prohibit marriage pursuant to section 14-2-110, C.R.S.; and~~

~~(d) Who is not married to another person.~~

**SECTION 30.** In Colorado Revised Statutes, 24-51-1001, **amend** (3.5)(b)(V) as follows:

**24-51-1001. Types of benefit increases.** (3.5) For benefit recipients whose benefits are based on the account of a member who was not a member, inactive member, or retiree on December 31, 2006, annual increases in retirement benefits and survivor benefits, if any, are effective with the July benefit in accordance with section 24-51-1009, subject to section 24-51-413, and shall be paid from the retirement benefits reserve or the survivor benefits reserve, as appropriate, so long as the following requirements are satisfied:

(b) (V) For members who are state troopers who were not members, inactive members, or retirees on December 31, 2006, but WHOSE MEMBERSHIP BEGAN before ~~December 31, 2020~~ JANUARY 1, 2020, the retiree retired with a service retirement benefit pursuant to section 24-51-602 or retired with a reduced service retirement benefit pursuant to section 24-51-604, but has, as of January 1, attained the age and service credit years, when weighted with non-state trooper service credit, that combined total at least seventy-five years, or retired with a reduced service

retirement benefit pursuant to section 24-51-604 but has, as of January 1, attained the age of fifty-five;

**SECTION 31.** In Colorado Revised Statutes, 25-1-801, **amend** (4) as follows:

**25-1-801. Patient records in custody of health care facility - definitions.**

(4) For the purposes of this section, medical information transmitted during the delivery of health care via telemedicine, as defined in section ~~12-36-106 (1)(g)~~; ~~C.R.S., 12-36-102.5 (8)~~ is part of the patient's medical record maintained by the health care facility.

**SECTION 32.** In Colorado Revised Statutes, 25-1-801, **amend as amended by House Bill 19-1172** (4) as follows:

**25-1-801. Patient records in custody of health care facility - definitions.**

(4) For the purposes of this section, medical information transmitted during the delivery of health care via telemedicine, as defined in section ~~12-240-107 (1)(g)~~ **12-240-104 (6)** is part of the patient's medical record maintained by the health care facility.

**SECTION 33.** In Colorado Revised Statutes, 25-1-802, **amend** (5) as follows:

**25-1-802. Patient records in custody of individual health care providers.**

(5) For the purposes of this section, medical information transmitted during the delivery of health care via telemedicine, as defined in section ~~12-36-106 (1)(g)~~; ~~C.R.S., 12-36-102.5 (8)~~ is part of the patient's medical record maintained by a health care provider.

**SECTION 34.** In Colorado Revised Statutes, 25-1-802, **amend as amended by House Bill 19-1172** (5) as follows:

**25-1-802. Patient records in custody of individual health care providers.**

(5) For the purposes of this section, medical information transmitted during the delivery of health care via telemedicine, as defined in section ~~12-240-107 (1)(g)~~ **12-240-104 (6)** is part of the patient's medical record maintained by a health care provider.

**SECTION 35.** In Colorado Revised Statutes, 25-1-1202, **amend** (1)(j) and (1)(cc); and **repeal** (1)(nn) as follows:

**25-1-1202. Index of statutory sections regarding medical record confidentiality and health information.** (1) Statutory provisions concerning policies, procedures, and references to the release, sharing, and use of medical records and health information include the following:

(j) Section 12-33-126, ~~C.R.S., concerning disciplinary actions against chiropractors~~ CONFIDENTIAL COMMUNICATIONS BETWEEN A LICENSED CHIROPRACTOR AND A PATIENT;

(cc) Section ~~18-3-203 (1)(f.5)~~, ~~C.R.S. 18-3-203 (3)~~, concerning assault in the second degree and the availability of medical testing for certain circumstances;

(nn) ~~Section 22-64-216, C.R.S., concerning confidentiality of records maintained by school district retirement plans;~~

**SECTION 36.** In Colorado Revised Statutes, 25-1.5-106, **amend** (3)(a)(I), (5)(c), (6)(a), and (6)(c) as follows:

**25-1.5-106. Medical marijuana program - powers and duties of state health agency - rules - medical review board - medical marijuana program cash fund - subaccount - created - repeal.** (3) **Rule-making.** (a) The state health agency shall, pursuant to section 14 of article XVIII of the state constitution, promulgate rules of administration concerning the implementation of the medical marijuana program that specifically govern the following:

(I) The establishment and maintenance of a confidential registry of patients who have applied for and are entitled to receive a registry identification card. The confidential registry of patients may be used to determine whether a physician should be referred to the Colorado ~~board of medical examiners~~ MEDICAL BOARD for a suspected violation of section 14 of article XVIII of the state constitution, ~~paragraph (a), (b), or (c) of subsection (5)~~ (5)(a), (5)(b), OR (5)(c) of this section, or the rules promulgated by the state health agency pursuant to this subsection (3).

(5) **Physicians.** A physician who certifies a debilitating medical condition or disabling medical condition for an applicant to the medical marijuana program shall comply with all of the following requirements:

(c) The physician shall maintain a record-keeping system for all patients for whom the physician has recommended the medical use of marijuana, and, pursuant to an investigation initiated pursuant to section 12-36-118, ~~C.R.S.~~, the physician shall produce such medical records to the Colorado ~~state board of medical examiners~~ MEDICAL BOARD after redacting any patient or primary caregiver identifying information.

(6) **Enforcement.** (a) If the state health agency has reasonable cause to believe that a physician has violated section 14 of article XVIII of the state constitution, ~~paragraph (a), (b), or (c) of subsection (5)~~ SUBSECTION (5)(a), (5)(b), OR (5)(c) of this section, or the rules promulgated by the state health agency pursuant to subsection (2) of this section, the state health agency may refer the matter to the ~~state board of medical examiners~~ COLORADO MEDICAL BOARD created in section 12-36-103 ~~C.R.S.~~, for an investigation and determination.

(c) Upon a finding of unprofessional conduct pursuant to section 12-36-117 (1)(mm) ~~C.R.S.~~, by the ~~state board of medical examiners~~ COLORADO MEDICAL BOARD or a finding of a violation of ~~paragraph (d) of subsection (5)~~ (5)(d) of this section by the state health agency, the state health agency shall restrict a physician's authority to recommend the use of medical marijuana, which restrictions may include the revocation or suspension of a physician's privilege to recommend medical marijuana. The restriction shall be in addition to any sanction imposed by the ~~state board of medical examiners~~ COLORADO MEDICAL BOARD.

**SECTION 37.** In Colorado Revised Statutes, 25-1.5-106.5, **amend** (5)(b) introductory portion as follows:

**25-1.5-106.5. Medical marijuana research grant program. (5) Sources of marijuana.** (b) A person who holds an optional premises cultivation license or medical marijuana-infused products manufacturing license issued pursuant to part 4 of article ~~43.3 of title 12~~ 11 OF TITLE 44 or a retail marijuana cultivation facility license or a retail marijuana products manufacturing license issued pursuant to part 4 of article ~~43.4 of title 12~~ 12 OF TITLE 44 may transfer marijuana to a medical research facility, including at an institution of higher education, for use in research studies funded pursuant to this section. Notwithstanding any other provision of law, a medical research facility authorized pursuant to this section to conduct medical research regarding marijuana is exempt from all otherwise applicable restrictions on the possession and use of marijuana; except that the facility shall use the marijuana only for the medical research authorized pursuant to this section, shall not possess at any time a quantity of medical marijuana or medical marijuana-infused product in excess of the limit established in rules promulgated by the state licensing authority, and shall destroy all marijuana remaining after the research has been completed. For the fiscal years beginning on or after July 1, 2017, the general assembly may annually appropriate up to one percent of the available money in the marijuana tax cash fund created in section 39-28.8-501 to the department to be used to award grants pursuant to this section to medical research facilities so that a facility may:

**SECTION 38.** In Colorado Revised Statutes, 25.5-5-406.1, **amend** (1)(o)(IV) as follows:

**25.5-5-406.1. Required features of statewide managed care system.** (1) **General features.** All medicaid managed care programs must contain the following general features, in addition to others that the federal government, state department, and state board consider necessary for the effective and cost-efficient operation of those programs:

(o) The MCE shall maintain and participate in an ongoing comprehensive quality assessment and performance improvement program that must include but not be limited to the following:

(IV) ~~The MCE shall participate annually~~ ANNUAL PARTICIPATION in an independent quality review and validation of performance improvement projects, performance measures, and other contract requirements;

**SECTION 39.** In Colorado Revised Statutes, 25.5-5-414, **amend** (2) as follows:

**25.5-5-414. Telemedicine - legislative intent.** (2) For the purposes of this section, "telemedicine" shall have the same meaning as set forth in section ~~12-36-106(1)(g), C.R.S. 12-36-102.5~~ (8).

**SECTION 40.** In Colorado Revised Statutes, 25.5-6-403, **amend** (3.3)(a) as follows:

**25.5-6-403. Definitions.** As used in this part 4, unless the context otherwise requires:

(3.3) (a) "Intellectual and developmental disability" means a disability that

manifests before the person reaches twenty-two years of age, that constitutes a substantial disability to the affected person, and that is attributable to an intellectual and developmental disability or related conditions, including Prader-Willi syndrome, cerebral palsy, epilepsy, autism, or other neurological conditions when those conditions result in impairment of general intellectual functioning or adaptive behavior similar to that of a person with an intellectual and developmental disability. Unless otherwise specifically stated, the federal definition of "developmental disability" found in 42 U.S.C. sec. ~~15001 et seq.~~ **15002 (8)**, does not apply.

**SECTION 41.** In Colorado Revised Statutes, 25.5-10-202, **amend** (26)(a) as follows:

**25.5-10-202. Definitions.** As used in this article 10, unless the context otherwise requires:

(26) (a) "Intellectual and developmental disability" means a disability that manifests before the person reaches twenty-two years of age, that constitutes a substantial disability to the affected person, and that is attributable to an intellectual and developmental disability or related conditions, including Prader-Willi syndrome, cerebral palsy, epilepsy, autism, or other neurological conditions when the condition or conditions result in impairment of general intellectual functioning or adaptive behavior similar to that of a person with an intellectual and developmental disability. Unless otherwise specifically stated, the federal definition of "developmental disability" found in 42 U.S.C. sec. ~~15001 et seq.~~ **15002 (8)**, does not apply.

**SECTION 42.** In Colorado Revised Statutes, 27-67-109, **amend** (3) as follows:

**27-67-109. Child and youth mental health services standards - advisory board.** (3) In making appointments to the advisory board, the state department must include representation by at least one member who is a person with a disability, as defined in section ~~24-45.5-102 (2)~~ **26-24-102 (2)**; a family member of a person with a disability; or a member of an advocacy group for persons with disabilities, provided that the other requirements of subsection (2) of this section are met.

**SECTION 43.** In Colorado Revised Statutes, 29-2-114, **amend** (7) as follows:

**29-2-114. Retail marijuana excise tax - county - municipality - election - repeal.** (7) If a retail marijuana cultivation facility uses a retail marijuana transporter, as defined in section ~~12-43.4-103 (21.5)~~ **44-12-103 (30)**, to transport unprocessed retail marijuana being sold or transferred by the retail marijuana cultivation facility to a retail marijuana product manufacturing facility, a retail marijuana store, or another retail marijuana cultivation facility, the transportation of the unprocessed retail marijuana by the retail marijuana transporter is not a transfer of unprocessed retail marijuana for the purpose of levying any excise tax imposed pursuant to this section.

**SECTION 44.** In Colorado Revised Statutes, 29-2-115, **amend** (3)(a) introductory portion and (4)(a) as follows:

**29-2-115. Retail marijuana sales tax - county - municipality - election - legislative declaration - definition.** (3) (a) Each county in the state is authorized to levy, collect, and enforce a county special sales tax upon all sales of retail marijuana and retail marijuana products, as those terms are defined in section ~~12-43.4-103~~ **44-12-103**, under the following circumstances:

(4) (a) Each municipality in the state is authorized to levy, collect, and enforce a municipal special sales tax upon all sales of retail marijuana and retail marijuana products, as those terms are defined in section ~~12-43.4-103~~ **44-12-103**.

**SECTION 45.** In Colorado Revised Statutes, 33-9-102, **amend** (4)(a) as follows:

**33-9-102. Powers and duties of commission - rules.** (4) (a) In promulgating a rule to increase or decrease a park fee or charge under articles 10 ~~to 32~~ TO 15 AND 32 of this title 33, the commission shall consider the effect that the change in the fee or charge would have on park usage, the demand for the service for which the fee or charge is used, and opportunities to implement differential pricing.

**SECTION 46.** In Colorado Revised Statutes, 33-10.5-104.5, **amend** (3) as follows:

**33-10.5-104.5. Aquatic nuisance species stamp - creation - short title - rules.** (3) The parks and wildlife commission may, by rule adopted after August 8, 2018, adjust the amount of the aquatic nuisance species stamp described in subsection (2) of this section by an amount up to the total amount reflected by the changes made in the United States bureau of labor statistics consumer price index for the ~~Denver-Boulder-Greeley~~ DENVER-AURORA-LAKEWOOD consolidated metropolitan statistical area for all urban consumers and all goods, or its successor index.

**SECTION 47.** In Colorado Revised Statutes, 33-15-108, **amend** (2) as follows:

**33-15-108. Littering.** (2) Any person who throws, drops, or otherwise expels a lighted cigarette, cigar, match, or other burning material from a motor vehicle upon land under the control of the division commits a class 2 misdemeanor and shall be punished as provided in ~~title 18, C.R.S.~~ SECTION 18-1.3-501.

**SECTION 48.** In Colorado Revised Statutes, 35-29.5-102, **amend** (4) as follows:

**35-29.5-102. Definitions.** As used in this article, unless the context otherwise requires:

(4) "Wine" means any vinous liquor containing not more than twenty-one percent alcohol by volume and produced in all respects in conformity with the laws of the United States and the regulations of the bureau of alcohol, tobacco, ~~and~~ firearms, AND EXPLOSIVES of the United States department of ~~the treasury~~ JUSTICE or any of its successor agencies.

**SECTION 49.** In Colorado Revised Statutes, 39-21-120, **amend** (1) as follows:

**39-21-120. Signature and filing alternatives for tax returns.** (1) For the purposes of any returns or other documents made, filed, signed, subscribed, verified,

transmitted, received, or stored pursuant to articles 22 to 31 of this title, ~~articles 46 and 47 of title 12~~ TITLE 39, article 60 of title 34, and article 3 of title 42, C.R.S., AND ARTICLES 3 AND 4 OF TITLE 44, the executive director may prescribe voluntary alternative methods for the making, filing, signing, subscribing, verifying, transmitting, receiving, or storing of returns or other documents pursuant to the statutory provisions of this article and other articles referenced in this article. The executive director shall adopt rules as may be appropriate to define and implement acceptable alternatives for each article within the scope of this section.

**SECTION 50.** In Colorado Revised Statutes, 39-22-109, **amend** (4) as follows:

**39-22-109. Income of a nonresident individual for purposes of Colorado income tax.** (4) In any case, where the nature of income earned by a nonresident individual is such as to render the computations described in subsections (1) to (3) of this section impracticable and where the books of account and records of the taxpayer do not clearly reflect the income subject to tax by this article, apportionment shall be made in accordance with section 39-22-303.5 OR **39-22-303.6**.

**SECTION 51.** In Colorado Revised Statutes, 39-22-203, **amend** (1)(a) as follows:

**39-22-203. Nonresident partners.** (1) (a) In determining Colorado nonresident federal taxable income of a nonresident partner of any partnership, there shall be included only the portion of such partner's distributive share of items of partnership income, gain, loss, deduction, or credit derived from sources within Colorado determined in accordance with the provisions of section 39-22-109 or, at the partnership's election, apportioned or allocated to this state pursuant to section 39-22-303.5, **39-22-303.6**, OR **39-22-303.7**.

**SECTION 52.** In Colorado Revised Statutes, 39-22-303, **amend** (10) introductory portion and (11)(c) as follows:

**39-22-303. Dividends in a combined report - foreign source income - affiliated groups - definitions.** (10) As used in this subsection (10), "foreign source income" means taxable income from sources without the United States, as used in section 862 of the internal revenue code. In apportioning and allocating income pursuant to section 39-22-303.5, **39-22-303.6**, or 39-22-303.7, foreign source income shall be considered only to the extent provided in this subsection (10):

(11) (c) If an affiliated C corporation is included in a combined report, section 39-22-303.5, **39-22-303.6**, or 39-22-303.7 shall be applied with the following modifications:

(I) Intercompany transactions among the affiliated C corporations shall be excluded from the numerator and denominator of the apportionment calculation set forth in section 39-22-303.5, **39-22-303.6**, OR **39-22-303.7**; and

(II) The numerator of the apportionment calculation set forth in section 39-22-303.5 OR **39-22-303.6** shall be, to the extent applicable, the sum of the sales

of those affiliated C corporations doing business in Colorado.

**SECTION 53.** In Colorado Revised Statutes, 39-22-303.7, **amend** (2) introductory portion as follows:

**39-22-303.7. Sourcing of sales of mutual fund service corporations - definitions.** (2) Notwithstanding any provision of section 39-22-303.5 or **39-22-303.6**, for taxable years commencing on or after January 1, 2009, mutual fund sales by a mutual fund service corporation shall be considered Colorado sales for purposes of section 39-22-303.5 (4)(c) ~~AND SECTION 39-22-303.6 (6)~~, to the extent that shareholders of the regulated investment company are domiciled in Colorado as follows:

**SECTION 54.** In Colorado Revised Statutes, 39-22-321, **amend** (1) as follows:

**39-22-321. Definitions.** For the purposes of this subpart 2, unless the context otherwise requires:

(1) "Income attributable to the state" means items of income, loss, deduction, or credit of the S corporation apportioned or allocated to this state pursuant to section 39-22-303.5, **39-22-303.6**, or 39-22-303.7.

**SECTION 55.** In Colorado Revised Statutes, 39-22-514.5, **amend** (7)(a.5) as follows:

**39-22-514.5. Tax credit for qualified costs incurred in preservation of historic structures - short title - definitions.** (7) **Reservation of tax credits for qualified commercial structures.** (a.5) In the case of any project for a qualified commercial structure the qualified rehabilitation expenditures for which amount to less than fifty thousand dollars, if the total number of applications for such projects that are received but not reserved reach fifteen in number, the office may suspend the submission of additional applications for such projects until such time as these fifteen projects have been duly reserved or disapproved. The notification period that is specified in subsection ~~(5)(a)(IV)(C)~~ **(5)(c)** of this section is extended to one hundred twenty days after receipt of the application and rehabilitation plan for these fifteen projects. Any application for a qualified commercial structure the qualified rehabilitation expenditures for which amount to fifty thousand or more dollars is not subject to this subsection (7)(a.5).

**SECTION 56.** In Colorado Revised Statutes, 39-22-535, **amend** (1) as follows:

**39-22-535. Credit for purchase of uniquely valuable motor vehicle registration numbers.** (1) For tax years commencing on or after January 1, 2013, a person who buys a registration number under section ~~42-1-402, C.R.S., 24-30-2206~~ is allowed a credit against the income taxes imposed by this article 22 for twenty percent of the portion of the purchase price that the ~~license plate auction group~~ COLORADO DISABILITY FUNDING COMMITTEE, created in section ~~42-1-403, C.R.S. 24-30-2203~~, certifies exceeds the registration number's fair market value. This is the value the ~~license plate auction group~~ COLORADO DISABILITY FUNDING COMMITTEE expects from the sale of the registration number, not the cost of registering the vehicle.

**SECTION 57.** In Colorado Revised Statutes, 39-28.8-501, **amend** (1) as follows:

**39-28.8-501. Marijuana tax cash fund - creation - distribution - legislative declaration.** (1) The marijuana tax cash fund, referred to in this part 5 as the "fund", is created in the state treasury. The fund consists of any applicable retail marijuana sales tax transferred pursuant to section 39-28.8-203 (1)(b) on or after July 1, 2014, and any revenues transferred to the fund from any sales tax imposed pursuant to section 39-26-106 on the retail sale of products under articles ~~43.3 and 43.4 of title 12, C.R.S.~~ 11 AND 12 OF TITLE 44.

**SECTION 58.** In Colorado Revised Statutes, 42-4-710, **amend** (3) as follows:

**42-4-710. Emerging from or entering alley, driveway, or building.** (3) No person shall drive any vehicle other than a bicycle, ~~electric~~ ELECTRICAL assisted bicycle, or any other human-powered vehicle upon a sidewalk or sidewalk area, except upon a permanent or duly authorized temporary driveway.

**SECTION 59.** In Colorado Revised Statutes, 42-4-1307, **amend** (10)(d)(II) as follows:

**42-4-1307. Penalties for traffic offenses involving alcohol and drugs - legislative declaration - definitions - repeal.** (10) **Additional costs and surcharges.** In addition to the penalties prescribed in this section:

(d)(II) This paragraph (d) is repealed, effective ~~July 1, 2016,~~ SEPTEMBER 1, 2025, unless the general assembly extends the repeal of the rural alcohol and substance abuse prevention and treatment program created in section 27-80-117. ~~C.R.S.~~

**SECTION 60.** In Colorado Revised Statutes, **amend** 44-3-201 as follows:

**44-3-201. State licensing authority - creation.** (1) For the purpose of regulating and controlling the licensing of the manufacture, distribution, and sale of alcohol beverages in this state, there is hereby created the state licensing authority, which shall be the executive director ~~of the department of revenue~~ or the deputy director ~~of the department of revenue~~ if the executive director so designates.

(2) The executive director ~~of the department of revenue~~ shall be the chief administrative officer of the state licensing authority and may employ, pursuant to section 13 of article XII of the state constitution, clerks and inspectors as may be determined to be necessary.

**SECTION 61.** In Colorado Revised Statutes, 44-3-303, **amend** (3)(b) introductory portion and (6) as follows:

**44-3-303. Transfer of ownership and temporary permits.** (3) A temporary permit shall authorize a transferee to conduct business and sell alcohol beverages at retail in accordance with the license of the transferor subject to compliance with all of the following conditions:

(b) The applicant has filed with the local licensing authority on forms provided by the department ~~of revenue~~ an application for the transfer of the liquor license.

The application shall include, but not be limited to, the following information:

(6) A temporary permit may be canceled, revoked, or summarily suspended if the local or state licensing authority determines that there is probable cause to believe that the transferee has violated any provision of this article 3 or article 4 of this title 44 or has violated any rule adopted by the local or state licensing authority or has failed to truthfully disclose those matters required pursuant to the application forms required by the department. ~~of revenue.~~

**SECTION 62.** In Colorado Revised Statutes, 44-3-403, **amend** (2)(e)(I)(A) as follows:

**44-3-403. Limited winery license - rules.** (2) A limited winery licensee is authorized:

(e) (I) (A) Except as provided in subsection (2)(e)(I)(B) of this section and subject to subsection (2)(e)(II) of this section, to conduct tastings and sell vinous liquors of its own manufacture, as well as vinous liquors manufactured by other Colorado wineries, on the licensed premises of the limited winery and up to five other approved sales room locations, whether included in the license at the time of the original license ISSUANCE or by supplemental application.

**SECTION 63.** In Colorado Revised Statutes, 44-3-501, **amend** (1) introductory portion and (2) as follows:

**44-3-501. State fees.** (1) The applicant shall pay the following license and permit fees to the department ~~of revenue~~ annually in advance:

(2) Notwithstanding the amount specified for any fee in subsection (1) of this section, the executive director ~~of the department of revenue~~ by rule, or as otherwise provided by law, may reduce the amount of one or more of the fees if necessary pursuant to section 24-75-402 (3) to reduce the uncommitted reserves of the fund to which all or any portion of one or more of the fees is credited. After the uncommitted reserves of the fund are sufficiently reduced, the executive director, by rule or as otherwise provided by law, may increase the amount of one or more of the fees as provided in section 24-75-402 (4).

**SECTION 64.** In Colorado Revised Statutes, 44-11-103, **amend** (1)(b) as follows:

**44-11-103. Applicability.** (1) (b) To continue operating a business or operation as described in subsection (1)(a) of this section, the owner shall, on or before August 1, 2010, complete forms as provided by the department ~~of revenue~~ and shall pay a fee, which shall be credited to the medical marijuana license cash fund established pursuant to section 44-11-501. The purpose of the fee shall be to pay for the direct and indirect costs of the state licensing authority and the development of application procedures and rules necessary to implement this article 11. Payment of the fee and completion of the form shall not create a local or state license or a present or future entitlement to receive a license. An owner issued a local license after August 1, 2010, shall complete the forms and pay the fee pursuant to this subsection (1)(b) within thirty days after issuance of the local license. In addition

to any criminal penalties for selling without a license, it shall be unlawful to continue operating a business or operation without filing the forms and paying the fee as described in this subsection (1)(b), and any violation of this section shall be prima facie evidence of unsatisfactory character, record, and reputation for any future application for license under this article 11.

**SECTION 65.** In Colorado Revised Statutes, 44-12-103, **repeal** (3) as follows:

**44-12-103. Definitions.** As used in this article 12, unless the context otherwise requires:

(3) ~~"Executive director" means the executive director of the department of revenue.~~

**SECTION 66.** In Colorado Revised Statutes, 44-12-202, **amend** (2)(c) and (3)(a)(XIV) as follows:

**44-12-202. Powers and duties of state licensing authority - rules.** (2) The state licensing authority has the authority to:

(c) Hear and determine at a public hearing any contested state license denial and any complaints against a licensee and administer oaths and issue subpoenas to require the presence of persons and the production of papers, books, and records necessary to the determination of any hearing so held, all in accordance with article 4 of title 24. The state licensing authority may, at its discretion, delegate to the department ~~of revenue~~ hearing officers the authority to conduct licensing, disciplinary, and rule-making hearings. When conducting the hearings, the hearing officers are employees of the state licensing authority under the direction and supervision of the executive director and the state licensing authority.

(3) (a) Rules promulgated pursuant to subsection (2)(b) of this section must include, but need not be limited to, the following subjects:

(XIV) Authorization for the department ~~of revenue~~ to have access to licensing information to ensure sales, excise, and income tax payment and the effective administration of this article 12;

**SECTION 67.** In Colorado Revised Statutes, 44-30-1302, **amend** (1)(b) as follows:

**44-30-1302. Local government limited gaming impact advisory committee - creation - duties.** (1) There is hereby created within the department of local affairs a local government limited gaming impact advisory committee, referred to in this section as the "committee". The committee shall be composed of the following thirteen members:

(b) Two members, one of whom shall be appointed by and serve at the pleasure of the executive director of the department of public safety and one who shall be appointed by and serve at the pleasure of the executive director OF THE DEPARTMENT OF REVENUE;

**SECTION 68.** In Colorado Revised Statutes, 44-32-201, **amend** (1) as follows:

**44-32-201. Division of racing events - creation - representation - rules.**

(1) There is hereby created, within the department, the division of racing events, the head of which shall be the director of the division of racing events. The director shall be appointed by, and shall be subject to removal by, the executive director. ~~of the department.~~ The division of racing events, the Colorado racing commission created in section 44-32-301, and the director of the division of racing events shall exercise their respective powers and perform their respective duties and functions as specified in this article 32 under the department as if the same were transferred to the department by a **type 2** transfer, as such transfer is defined in the "Administrative Organization Act of 1968", article 1 of title 24; except that the commission shall have full and exclusive authority to promulgate rules related to racing without any approval by, or delegation of authority from, the department.

**SECTION 69.** In Colorado Revised Statutes, 44-32-602, **amend** (4)(b)(I)(B) as follows:

**44-32-602. Simulcast facilities and simulcast races - unlawful act - repeal.**

(4) (b) (I) (B) A facility that is reopening as a track ~~pursuant to section 44-32-503~~ ~~(2)~~ may receive three days of simulcast horse races from an out-of-state host track for each day of live horse racing for which the commission has granted it a race date for the subsequent year. A day of simulcast horse races, for the purposes of this subsection (4)(b), shall not include a day on which live horse races are conducted at the horse track at which the simulcast facility is located or a day on which the simulcast facility receives only simulcast races of horses from a race meet conducted at an in-state host track.

**SECTION 70.** In Colorado Revised Statutes, 44-33-103, **amend** (4) and (5) as follows:

**44-33-103. Definitions.** As used in this article 33, unless the context otherwise requires:

(4) "Registry" means the registry created and maintained by or for the department OF REVENUE pursuant to section 44-33-104.

(5) "Registry operator" means the department OF REVENUE or the private entity that maintains the registry under the direction and control of the department.

**SECTION 71.** In Colorado Revised Statutes, 44-33-104, **amend** (1), (2), (6)(c), (6)(d), and (7) as follows:

**44-33-104. Registry - creation - information.** (1) The department OF REVENUE shall create and maintain, or contract with a private entity pursuant to section 44-33-108 to create and maintain, the registry in accordance with this section.

(2) On and after the date that the judicial department receives notice from the department OF REVENUE pursuant to section 44-33-106 (2)(b)(I), the judicial department shall certify to the registry operator the information indicated in subsection (6) of this section regarding persons with an outstanding debt as

specified in section 44-33-103 (2)(a)(II).

(6) The registry shall contain the following information:

(c) The account or case identifier assigned to the outstanding debt by the department OF REVENUE that certified the information to the registry operator;

(d) The name, telephone number, and address of the department OF REVENUE that certified the information to the registry operator regarding each person with an outstanding debt; and

(7) On and after the date that the judicial department receives notice from the department OF REVENUE pursuant to section 44-33-106 (2)(b)(I), the registry operator shall add a fee of twenty-five dollars to each outstanding debt certified by a department pursuant to this section.

**SECTION 72.** In Colorado Revised Statutes, 44-40-111, **amend** (10)(a) as follows:

**44-40-111. Lottery fund - creation.** (10) (a) Net lottery proceeds to be distributed to the conservation trust fund, as computed pursuant to this section, shall be transferred to the conservation trust subaccount of the lottery fund, which subaccount is hereby created, once each month. Transfers shall be made from net lottery proceeds reflected in the monthly statement for the period ending sixty days prior to each monthly distribution. The state treasurer shall invest all money in the conservation trust subaccount in investments permitted by state law. Notwithstanding subsection (6) of this section, interest or any other return on the investments ~~shall~~ OF THE CONSERVATION TRUST SUBACCOUNT MUST be distributed to the conservation trust fund. ~~with other money in the conservation trust subaccount pursuant to section 33-60-103.~~

**SECTION 73.** In Colorado Revised Statutes, 44-40-113, **amend** (6)(a), (6)(b)(I)(B), (6)(c) introductory portion, and (6)(c)(II) as follows:

**44-40-113. Prizes.** (6) (a) Prior to the payment of any lottery cash prize or noncash prize required by rule of the commission to be paid only at the lottery offices and subject to state and federal tax reporting, the department OF REVENUE shall require the winner to submit the winner's social security number and federal employer identification number, if applicable, and shall check the social security number of the winner with those certified by the department of human services for the purpose of the state lottery winnings offset as provided in section 26-13-118. For a lottery cash prize, beginning January 1, 2012, the department OF REVENUE shall also check the social security number of the winner with those certified by the department of personnel for the purpose of the state lottery winnings offset as provided in section 24-30-202.7. The social security number and the federal employer identification number shall not become part of the public record of the department OF REVENUE. If the social security number of a lottery winner appears among those certified by the department of human services, the department OF REVENUE shall obtain the current address of the winner, notify the department of human services, and suspend the payment of the cash prize or noncash prize until the requirements of section 26-13-118 are met. If, after consulting with the

department of human services, the department OF REVENUE determines that the lottery winner owes a child support debt or child support costs pursuant to section 14-14-104, or owes child support arrearages as part of an enforcement action pursuant to article 5 of title 14, or owes child support arrearages or child support costs that are the subject of enforcement services provided pursuant to section 26-13-106, then the department OF REVENUE shall withhold from the amount of the cash prize paid to the lottery winner an amount equal to the amount of child support debt, child support arrearages, and child support costs that are due or, if the amount of the cash prize is less than or equal to the amount of child support debt, arrearages, and costs due, shall withhold the entire amount of the lottery cash prize. Any cash prize so withheld for the department of human services shall be transmitted to the state treasurer for disbursement by the department of human services as directed in section 26-13-118. If the social security number of a lottery cash prize winner appears among those certified by the department of personnel, the department OF REVENUE shall obtain the current address of the winner, notify the department of personnel, and suspend the payment of the cash prize until the requirements of section 24-30-202.7 are met. If, after consulting with the department of personnel, the department OF REVENUE determines that the lottery winner owes an outstanding debt that has been certified pursuant to section 24-30-202.7, then the department OF REVENUE shall withhold from the amount of the cash prize paid to the lottery winner an amount equal to the amount of the outstanding debt or, if the amount of the cash prize is less than or equal to the amount of the outstanding debt, shall withhold the entire amount of the lottery cash prize. Any cash prize so withheld for the department of personnel shall be transmitted to the state treasurer for disbursement in accordance with section 24-30-202.7 (4).

(b) A lottery winner of a noncash prize who owes child support debt, child support arrearages, or child support costs shall forfeit the prize, unless:

(I) (B) The department of human services has notified the department OF REVENUE that payment has been received; or

(c) If an administrative review is requested pursuant to section 26-13-118 (2), the noncash prize shall remain suspended until the department of human services notifies the department OF REVENUE that the administrative review process has been completed pursuant to rules of the state board of human services. If at the administrative review it is determined that the winner owes child support debt, child support arrearages, or child support costs, the winner shall forfeit the noncash prize unless:

(II) The department of human services notifies the department OF REVENUE that payment has been received.

**SECTION 74. Act subject to petition - effective date.** (1) Except as otherwise provided in subsection (2) of this section, this act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2020 and, in such case,

will take effect on the date of the official declaration of the vote thereon by the governor.

(2) (a) Sections 31, 33, and 39 of this act take effect only if House Bill 19-1172 does not become law.

(b) Sections 25, 32, and 34 of this act take effect only if House Bill 19-1172 becomes law, in which case sections 25, 32, and 34 take effect October 1, 2019.

(c) Sections 15, 37, 64, 65, and 66 of this act take effect only if Senate Bill 19-224 does not become law.

Approved: May 31, 2019

## APPENDIX

C.R.S. Section	Section in bill	Reason
2-3-203 (1)(b.1)(I)(C)	1	Repeals a conditional future-repeal provision because the conditions necessary to implement the future repeal are no longer valid. (See SB17-304, chapter 252, page 1055.)
6-1-206 (2)(b)	2	Updates an internal reference to correspond with the relocation of provisions by SB18-030. (See SB18-030, chapter 7, page 42.)
8-42-101 (3.6)(n)	3	Updates terminology and an internal reference to parallel federal law. (See Public Law 112-40, 125 Stat. 423.)
9-6-108	4	Updates the name of a federal agency and the department that it is located in. (See Public Law 107-296.)
11-35-101 (1)	5	Repeals a reference to a provision in which the requirement of a surety bond as a condition of licensure or authority to conduct business may be satisfied by alternative means.
13-4-102 (2)(o)	6	Repeals a duplicative provision. (See section 13-4-102 (2)(o) and (2)(ff) and HB86-1268, chapter 193, page 978 and SB93-019, chapter 267, page 1532.)
13-21-1304	7	Updates internal references to correspond with the relocation of provisions by HB18-1025. (See HB18-1025, chapter 152, page 949.)
15-12-621 (6)	8	Conforms the provision with the citation requirements found in section 15-10-101. (See section 15-10-101, C.R.S. 2018.)
15-12-1308	9	See section 15-12-621 (6).
15-15-412	10	See section 15-12-621 (6).
16-8.5-101 (9)	11	Replaces a broad reference to the federal definition of "developmental disability" in title 42 of the United States Code with an exact reference.
18-3-102 (1)(e)	12	Updates the provision to conform with the reorganization of provisions within section 18-18-407 by SB13-250. (See SB13-250, chapter, 333, page 1917.)

18-10.5-102 IP(6)(a) and (6)(b)	13	<ul style="list-style-type: none"> <li>• See section 13-21-1304.</li> <li>• Updates an internal reference to correspond with the relocation of provisions by HB18-1024. (See HB18-1024, chapter 26, page 285.)</li> </ul>
18-13-122 (2)(g)(I), (10), and (12)	14	See section 13-21-1304.
18-18-406.4 (1)	15	Updates internal references to correspond with the relocation of provisions by HB18-1023. (See HB18-1023, chapter 55, page 502.)
18-18-602	16	Reverses an update to an internal reference that was made in error by HB12-1311. The update was in error because the section is referring to article 22 of title 12 as it existed in 1992 prior to the article's relocation to article 42.5 of title 12, effective July 1, 2012. (See HB12-1311, chapter 281, pages 1531 and 1624.)
19-2-103 (5.5)	17	See section 16-8.5-101 (9).
19-3-503 (8)(b)	18	Paragraph (h) was combined with paragraph (g) in accordance with Rule Change #1997(16), which reorganized and amended Colorado Rule of Civil Procedure 4; however, the conforming statutory amendment was not made in this provision. (See Court Rule Change #1997(16).)
22-32-109.1 IP(11)(a)	19	Corrects an internal reference to the provision authorizing the division of criminal justice to receive reports from law enforcement agencies and district attorneys. The error originated in the house education committee report amending the introduced version of HB15-1273. (See the 2015 House Journal for April 20, page 915 and HB15-1273, chapter 323, page 1317.)
22-55-102 (6)	20	Adds internal references as conforming amendments to HB18-1185. (See HB18-1185, chapter 369, page 2225.)
23-31-310 (8.3)(a)(III)(B)	21	Repeals an internal reference to section 23-31-315 due to the repeal of the section, effective July 1, 2018. (See SB13-269, chapter 235, page 1137.)
23-60-303 (2)	22	Section 23-8-105 instructs the Revisor of Statutes to change all statutory references from "vocational education" to "career and technical

		education" where appropriate. (See section 23-8-105, C.R.S. 2018 and HB08-1079, chapter 101, page 311.)
23-60-304 (1)	23	See section 23-60-303 (2).
24-1-117 (3)	24	See section 13-21-1304.
24-1-135 Contingent on the passage of HB19-1172	25	For historical purposes, internal references in this section to provisions within title 12 were not updated by HB19-1172, which recodified title 12; therefore, notice is given to explain that these references refer to the provisions as they existed prior to October 1, 2019, the effective date of HB19-1172. (See HB19-1172.)
24-4-105 IP(4)(b)(IX)	26	Corrects an internal reference error originating in the house state, veterans, and military affairs committee report amending the introduced version of HB18-1224. (See the 2018 House Journal for April 12, page 969 and HB18-1224, chapter 288, page 1780.)
24-31-305 (1.5)(a)(VIII) and (1.5)(a)(IX)	27	House Bill 16-1262 reorganized subsection (1.5); however, the conforming amendments in these provisions were missed. (See HB16-1262, chapter 339, page 1386.)
24-33.5-424 (1)(d) and (1)(e)	28	See section 9-6-108.
24-50-603 (6.5)	29	Repeals a defined term that is not used in the part for which it is defined.
24-51-1001 (3.5)(b)(V)	30	Remedies an ambiguity between sections 24-51-1001 (3.5)(b)(V) and 24-51-1001 (3.5)(b)(VII), two provisions concerning the retirement of state troopers. (See SB18-200, chapter 370, page 2250.)
25-1-801 (4)	31	House Bill 10-1260 added the definition of "telemedicine"; however, the conforming amendment in this provision was missed. (See HB10-1260, chapter 403, pages 1957 and 1972.)
25-1-801 (4) Contingent on the passage of HB19-1172	32	See section 25-1-801 (4).
25-1-802 (5)	33	See section 25-1-801 (4).

25-1-802 (5) Contingent on the passage of HB19-1172	34	See section 25-1-802 (5).
25-1-1202 (1)(j), (1)(cc), and (1)(nn)	35	<ul style="list-style-type: none"> <li>• Subsection (1)(j) describes the subject matter contained in section 12-33-126; however, that description is inaccurate and is being corrected. (See HB01-1134, chapter 239, page 828.)</li> <li>• Senate Bill 15-126 repealed section 18-3-203 (1)(f.5)(II) and relocated the provision in substantially the same form to section 18-3-203 (3); therefore, the internal reference in subsection (1)(cc) is being changed to section 18-3-203 (3) as a missed conforming amendment to SB15-126. (See SB15-126, chapter 109, page 316.)</li> <li>• Senate Bill 09-282 repealed the member confidentiality requirements in section 22-64-216 when the Denver Public Schools Retirement System merged with the Public Employees' Retirement Association (PERA). The member confidentiality requirements now fall under the PERA confidentiality requirements found in section 24-51-213; therefore, as a missed conforming amendment to SB09-282, subsection (1)(nn) is being repealed. (See section 24-51-213, C.R.S. 2018 and SB09-282, chapter 288, pages 1338.)</li> </ul>
25-1.5-106 (3)(a)(I), (5)(c), (6)(a), and (6)(c)	36	Updates the name of the board in accordance with HB10-1260. (See HB10-1260, chapter 403, page 1948.)
25-1.5-106.5 IP(5)(b)	37	See section 18-18-406.4 (1).
25.5-5-406.1 (1)(o)(IV)	38	Amends this provision to follow the introductory portion to subsection (1)(o). (See HB18-1431, chapter 313, page 1882.)
25.5-5-414 (2)	39	See section 25-1-801 (4).
25.5-6-403 (3.3)(a)	40	See section 16-8.5-101 (9).
25.5-10-202 (26)(a)	41	See section 16-8.5-101 (9).

27-67-109 (3)	42	Replaces an internal reference to the definition of a "person with a disability", which was repealed in 2018, with a definition of a "person with a disability" that is identical to the repealed definition. (See section 24-45.5-102 (2), C.R.S. 2017, SB08-165, chapter 426, page 2186, section 26-24-102 (2) C.R.S. 2018, and HB18-1364, chapter 351, page 2078.)
29-2-114 (7)	43	See section 18-18-406.4 (1).
29-2-115 IP(3)(a) and (4)(a)	44	See section 18-18-406.4 (1).
33-9-102 (4)(a)	45	Updates an internal reference to conform with the repeal of articles 20, 21, 22, 23, 30, and 31 of title 33. (See HB83-1133, chapter 376, page 1292 and SB84-078, chapter 245, page 925.)
33-10.5-104.5 (3)	46	As of 2018, the Denver-Aurora-Lakewood consumer price index is the only consumer price index created that is based on prices collected in Colorado; therefore, the reference to the Denver-Boulder-Greeley consumer price index is being changed to the Denver-Aurora-Lakewood consumer price index. (For additional information, contact the United States Bureau of Labor Statistics.)
33-15-108 (2)	47	Inserts a specific rather than a broad reference to a misdemeanor punishment provision to conform with standard drafting practices. (See the Colorado Legislative Drafting Manual, revised January 17, 2017, and SB02S-012, chapter 7, page 53.)
35-29.5-102 (4)	48	See section 9-6-108.
39-21-120 (1)	49	See section 13-21-1304.
39-22-109 (4)	50	See section 22-55-102 (6).
39-22-203 (1)(a)	51	See section 22-55-102 (6).
39-22-303 IP(10) and (11)(c)	52	See section 22-55-102 (6).
39-22-303.7 IP(2)	53	See section 22-55-102 (6).
39-22-321 (1)	54	See section 22-55-102 (6).

39-22-514.5 (7)(a.5)	55	Corrects an internal reference error originating in a house second reading floor amendment amending HB18-1190. (See the 2018 House Journal for April 24, pages 1215 and 1216 and HB18-1190, chapter 344, page 2046.)
39-22-535 (1)	56	Updates internal references to correspond with the relocation of provisions by HB16-1362. (See HB16-1362, chapter 319, page 1286.)
39-28.8-501 (1)	57	See section 18-18-406.4 (1).
42-4-710 (3)	58	Corrects a typographical error that originated in a senate second reading floor amendment amending the introduced version of HB09-1026. (See the 2009 Senate Journal for April 27, page 1295 and HB09-1026, chapter 281, page 1277.)
42-4-1307 (10)(d)(II)	59	Due to a missed conforming amendment, the repeal date in this provision was not extended to September 1, 2025, when the repeal date of the rural alcohol and substance abuse prevention and treatment program was extended to September 1, 2025. (See section 27-80-117 (4)(a), C.R.S. 2018 and HB16-1168, chapter 93, page 262.)
44-3-201	60	Because the term "department" means the "department of revenue" and "executive director" means "the executive director of the department" for title 44 as defined in section 44-1-103, it is not necessary, in most instances, to further define the terms throughout the title or to reference the full name of the department or the full title of the director.
44-3-303 IP(3)(b) and (6)	61	See section 44-3-201.
44-3-403 (2)(e)(I)(A)	62	Conforms the language of this provision with another provision with similar content. (See section 44-3-402 (2)(a), C.R.S. 2018 and HB90-1068, chapter 262, page 1601.)
44-3-501 IP(1) and (2)	63	See section 44-3-201.
44-11-103 (1)(b)	64	See section 44-3-201.
44-12-103 (3)	65	See section 44-3-201.

44-12-202 (2)(c) and (3)(a)(XIV)	66	See section 44-3-201.
44-30-1302 (1)(b)	67	Although "executive director" is defined in section 44-1-103 for title 44 as the executive director of the department of revenue, this section refers to executive directors of other departments; therefore, clarification is being made that the executive director referenced in this provision is the executive director of the department of revenue.
44-32-201 (1)	68	See section 44-3-201.
44-32-602 (4)(b)(I)(B)	69	Repeals an obsolete internal reference as a missed conforming amendment to HB93-1268. House Bill 93-1268 repealed section 12-60-503 (2)(b); however, the conforming amendment repealing or replacing section 12-60-503 (2)(b) was not included in the bill. The error was perpetuated by HB18-1024, which renumbered the repealed reference to section 44-32-503 (2), a provision that does not relate to the subject matter being addressed. (See HB93-1268, chapter 234, page 1210 and HB18-1024, chapter 26, page 310.)
44-33-103 (4) and (5)	70	Although "department" is defined in section 44-1-103 for title 44 as the department of revenue, this section refers to more than one department; therefore, clarification is being made that the referenced department is the department of revenue.
44-33-104 (1), (2), (6)(c), (6)(d), and (7)	71	See section 44-33-103 (4) and (5).
44-40-111 (10)(a)	72	The internal reference to section 33-60-103 became inoperative upon the repeal of section 33-60-103 (1)(a); therefore, it is being repealed from this provision. (See HB18-1027, chapter 31, page 365.)
44-40-113 (6)(a), (6)(b)(I)(B), IP(6)(c), and (6)(c)(II)	73	See section 44-33-103 (4) and (5).