

CHAPTER 276

STATUTES

SENATE BILL 94-206

BY SENATORS Ruddick, Mares, Wattenberg, Wells, Wham, Bishop, Blickensderfer, Mutzebaugh, and Roberts;
also REPRESENTATIVES Snyder, Adkins, Agler, DeGette, Kaufman, and Pierson.

AN ACT

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

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

SECTION 1. 1-4-907, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-4-907. Filing of petition. The petition, when executed and acknowledged as prescribed in this ~~section~~ PART 9, shall be filed as follows: With the secretary of state if it is for an office which is voted on by the electors of the entire state or of a congressional district or for the offices of members of the general assembly or district attorney or a district office greater than a county office; with the county clerk and recorder if it is for a county office; and with the designated election official if it is for a nonpartisan local election.

SECTION 2. 1-7-201 (3), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-7-201. Voting at primary election. (3) Forms completed by eligible electors, as provided in subsection (1) of this section shall be returned with other election materials to the county clerk and recorder. If no challenges have been made, the forms may be destroyed pursuant to section ~~1-7-801~~ 1-7-802.

SECTION 3. 1-7-406, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

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

1-7-406. Close of polls and count - seals. As soon as the polls are closed, the election judges shall immediately lock and seal each voting machine against further voting, and it shall so remain for a period of thirty days unless otherwise ordered by the court and except as provided in section 1-7-407. Immediately after each machine is locked and sealed, the election judges shall open the counting compartment and proceed to count the votes. After the total vote for each candidate and ballot issue has been ascertained, the election judges shall record on a certificate the number of votes cast, in numerical figures only, and return it in the manner prescribed by section ~~1-7-702~~ 1-7-701.

SECTION 4. 1-8-128, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-8-128. Preservation of rejected absentee and early voters' ballots. All absentee identification envelopes, ballot stubs, and absentee and early voters' ballots rejected by the election judges in accordance with the provisions of section 1-8-122 shall be returned to the designated election official. All absentee ballots received by the designated election official after 7 p.m. on the day of the election, together with the rejected absentee and early voters' ballots returned by the election judges as provided in this section, shall remain in the sealed identification envelopes and shall be destroyed later as provided in section ~~1-7-801~~ 1-7-802.

SECTION 5. 1-13-106, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-13-106. Forgery. Any person who falsely makes, alters, forges, or counterfeits any ballot before or after it has been cast, or who forges any name of a person as a signer or witness to a petition or nomination paper, or who forges any letter of acceptance, declination, or withdrawal, or who forges the name of a registered elector to an absentee voter's ballot commits forgery ~~in the second degree~~ as set forth in section ~~18-5-103~~ 18-5-102, C.R.S., and shall be punished as provided in section 18-1-105, C.R.S.

SECTION 6. 1-41-103 (1) (b) and (1) (c), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are amended to read:

1-41-103. Local ballot issue elections in odd-numbered years. (1) At the local election to be held on the first Tuesday of November in 1993, and in each odd-numbered year thereafter, the following issues shall appear on the ballot if they concern local government matters arising under section 20 of article X of the state constitution and if they are submitted in accordance with applicable law:

(b) Ordinances, resolutions, or franchises proposed in accordance with section 1 of article V of the state constitution and section ~~1-40-116~~ 1-40-128;

(c) Measures referred to the people pursuant to petitions filed against an ordinance, resolution, or franchise passed by the legislative body of any local government in accordance with section 1 of article V of the state constitution and section ~~1-40-115~~ 1-40-127;

SECTION 7. 1-45-108 (5.5), Colorado Revised Statutes, 1980

Repl. Vol., is amended to read:

1-45-108. Reports - certification and filing. (5.5) The filing requirements of this section shall not apply to that part of the organizational structure of a political party, as defined in section ~~1-1-104 (18)~~ 1-1-104 (25), which is responsible for only the day-to-day operations of such political party at the national level if copies of the reports required to be filed with the federal election commission pursuant to the "Federal Election Commission Act of 1971", as amended, are filed with the secretary of state and include the information required by this section.

SECTION 8. 2-2-320 (1), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

2-2-320. Legislative department contracts - approval. (1) Any contract to which the house of representatives or the senate is a party shall be approved by the speaker of the house of representatives or the president of the senate, as the case may be. Whenever the house of representatives and the senate are parties to the same contract, both the speaker of the house of representatives and the president of the senate shall approve the contract. Any contract to which the legislative council, the office of legislative legal services, the joint budget committee, the office of the state auditor, ~~the commission on interstate cooperation~~, or the commission on uniform state laws is a party shall be approved by the chairman or vice-chairman of the governing committee of such agency, as the case may be.

SECTION 9. 2-2-506 (1), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

2-2-506. Precinct boundaries. (1) (a) Pursuant to the provisions of ~~section 1-6-101~~ SECTIONS 1-5-101 AND 1-5-102, C.R.S., the board of county commissioners of each county shall redraw the general election precincts in such county to ensure that no general election precinct is contained within more than one state representative, state senatorial, or congressional district.

(b) ~~The general assembly recognizes that, under section 48 of article V of the state constitution, the deadline for the filing of a court-approved reapportionment plan for senatorial and representative districts with the secretary of state is March 15, 1992. However, the general assembly also recognizes that the redrawing of general election precinct boundaries and the required notice of precinct caucuses will be extremely difficult to complete by the scheduled precinct caucus day, April 7, 1992, if the reapportionment plan is not approved and filed substantially before March 15, 1992. The general assembly therefore urges the commission and the Colorado supreme court to make every effort to complete the reapportionment process no later than March 1, 1992.~~

(c) ~~(I) For the purpose of redrawing precinct boundaries in preparation for 1992 precinct caucuses, county clerk and recorders shall initially use the plan of the Colorado reapportionment commission filed with the Colorado supreme court on January 21, 1992.~~

~~(II) If a court-approved reapportionment plan for senatorial and representative districts is filed with the secretary of state after March 1, 1992, but before March 30,~~

1992, then, notwithstanding the provisions of sections 1-6-101 and 1-4-602, C.R.S., final changes in precinct boundaries shall be completed no later than March 30, 1992, notices of precinct caucuses shall be posted no later than five days preceding the day of holding such caucuses, and precinct caucuses shall be held on April 14, 1992.

~~—(III) If a court-approved reapportionment plan is filed with the secretary of state after March 15 but before March 30, 1992, then precinct boundaries shall be those established under subparagraph (1) of this paragraph (c); except that, if under the court-approved plan one or more precincts lie in more than one senatorial or representative district, then each such precinct shall be subdivided into separate precincts by the boundaries of each such senatorial or representative district, leaving all other precinct boundaries intact. Any precinct that is subdivided in accordance with this subparagraph (III) may be consolidated with an adjacent precinct, subject to the limitations contained in section 1-6-101 (1) (b) and (1) (c), C.R.S., relating to the maximum number of active registered electors for each precinct.~~

~~—(IV) If a court-approved plan is not filed with the secretary of state before March 30, 1992, then the secretary of state may take such action and issue such orders to the county clerk and recorders as may be necessary and appropriate to assure the integrity and orderly conduct of the 1992 elections, including but not limited to delaying precinct caucus day beyond April 14, 1992.~~

(d) Not more than one week after such approval of precinct boundaries and in accordance with ~~section 1-6-101~~ SECTIONS 1-5-101 AND 1-5-102, C.R.S., the board of county commissioners shall file with the secretary of state a copy of the county precinct boundary map showing thereon the revised and reestablished general election precinct boundaries and the boundaries of any legislative or congressional district, if said county is divided into two or more state representative, state senatorial, or congressional districts.

SECTION 10. 2-3-104, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

2-3-104. Salary and staff of state auditor. The state auditor shall be paid a salary to be determined by the executive committee, as provided in section ~~2-3-303~~ (2) 2-3-303 (3). The state auditor, with the approval of the committee, may appoint such additional professional, technical, clerical, or other employees or contract for such services necessary to perform the functions assigned to the state auditor. No more than three members of the staff of the state auditor shall be exempt from the state personnel system.

SECTION 11. 2-3-204, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

2-3-204. Staff director, assistants, and consultants. The committee shall interview persons applying for the position of staff director as to qualifications and ability and shall make recommendations thereon to the executive committee, which shall appoint the staff director as provided in section ~~2-3-303(2)~~ 2-3-303 (3). The staff director shall be responsible to the committee for the collection and assembling of all data and the preparation of reports and recommendations. The staff director shall also be responsible for preparing for consideration by the committee analyses

of all requests for funds. With the approval of the committee, the staff director may appoint such additional professional, technical, clerical, or other employees necessary to perform the functions assigned to the committee. The staff director and such additional personnel shall be appointed without reference to party affiliation and solely on the basis of ability to perform the duties of the position. They shall be employees of the general assembly and shall not be subject to the state personnel system laws. The committee shall establish appropriate qualifications and compensation for all positions. With the consent of the committee, the chairman may contract for professional services by private consultants as needed.

SECTION 12. 2-3-304, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

2-3-304. Director of research - assistants. The council shall interview persons applying for the position of director of research as to qualifications and ability and shall make recommendations thereon to the executive committee, which shall appoint the director of research as provided in section ~~2-3-303(2)~~ 2-3-303 (3). The director of research shall be responsible to the council for the collection and assembling of all data and for the preparation of reports, recommendations, and bills. The director shall, subject to the general policies of the council, have administrative direction over the activities of the council. The director shall be paid a salary determined by the executive committee in accordance with section ~~2-3-303(2)~~ 2-3-303 (3). The director shall be an employee of the general assembly and shall not be subject to the state personnel system laws. The director shall be appointed without reference to party affiliation and solely on the basis of such director's ability to perform the duties of the position. The director of research, with approval of the council, may appoint such additional professional, technical, clerical, or other employees necessary to perform the functions assigned to the director of research by the council. Effective January 1, 1983, the director of research shall contract, pursuant to section 39-1-104 (16), C.R.S., for the property tax study to be conducted as required in said subsection (16).

SECTION 13. 2-3-502 (1), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

2-3-502. Committee on legal services - membership - duties. (1) Except as provided in part 3 of ~~article 2 of this title~~ THIS ARTICLE, the committee shall supervise and direct the operations of the office of legislative legal services.

SECTION 14. 2-3-503 (1), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

2-3-503. Director - staff - revisor. (1) The committee shall interview persons applying for the position of staff director as to qualifications and ability and shall make recommendations thereon to the executive committee, which shall appoint the director as provided in section ~~2-3-303(2)~~ 2-3-303 (3). The director of the office of legislative legal services shall be an attorney-at-law. The director shall be responsible to the committee for the provision of staff assistance in the performance of the committee's duties and functions. The director, with the approval of the committee, may appoint such attorneys-at-law and technical and clerical personnel as may be necessary for the efficient operation of the office. The director and all

employees of the office shall be appointed without regard to party affiliation and solely on the basis of their ability to perform their duties. They shall be employees of the general assembly and shall not be subject to the state personnel system laws. The director shall be paid a salary determined by the executive committee in accordance with section ~~2-3-303(2)~~ 2-3-303 (3).

SECTION 15. 2-3-1203 (3) (f) (VIII.5), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is repealed as follows:

2-3-1203. Sunset review of advisory committees. (3) The following dates are the dates for which the statutory authorization for the designated advisory committees is scheduled for repeal:

(f) July 1, 1993:

(VIII.5) ~~The passenger tramway safety advisory committee, appointed pursuant to section 25-5-710, C.R.S.;~~

SECTION 16. 2-5-118, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

2-5-118. Official statutes - publications by other persons or agencies - when permitted - notice of unofficial nature - penalty. (1) (a) The statutes prepared in accordance with sections 2-5-102 and 2-5-103 and printed and enacted as the law of the state in accordance with sections 2-5-105, ~~2-5-106~~, 2-5-113, and 2-5-117 and any reprintings thereof authorized in accordance with subparagraph (I) of paragraph (b) of this subsection (1) shall be considered to be the official statutes of the state of Colorado. Such official statutes shall be the only publication of the statutes entitled to be considered as evidence in Colorado courts in accordance with section 13-25-101, C.R.S., and with applicable Colorado court rules. The courts of this state shall take judicial notice of such official statutes.

SECTION 17. 8-44-204 (7), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

8-44-204. Public entities - self-insurance authorized for workers' compensation - pooled insurance. (7) The commissioner of insurance, or any person authorized by the commissioner of insurance, shall conduct an insurance examination at least once a year to determine that proper underwriting techniques and sound funding, loss reserves, and claims procedures are being followed. This examination shall be paid for by the self-insurance pool out of its funds at the same rate as provided for foreign insurance companies under section ~~10-1-110 (5)~~ 10-1-204 (9), C.R.S.

SECTION 18. 8-44-205 (6), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

8-44-205. Employers - self-insurance pools authorized for workers' compensation. (6) The commissioner of insurance, or the commissioner's designee, shall conduct an insurance examination at least once a year to determine that proper underwriting techniques and sound funding, loss reserves, and claims procedures are

being followed. This examination shall be paid for by the self-insurance pool out of its funds at the same rate as provided for foreign insurance companies under section ~~10-1-110(5)~~ 10-1-204 (9), C.R.S.

SECTION 19. 8-70-108, Colorado Revised Statutes, 1986 Repl. Vol., is amended to read:

8-70-108. Conformity with federal statutes. If any provisions contained in articles 70 to 82 of this title are determined to be in nonconformity with federal statutes, as determined by the United States secretary of labor or an assistant secretary of labor, the division, ~~after consultation with the advisory council established by section 8-72-105~~ and with the concurrence of the attorney general of the state of Colorado, is authorized to administer said articles so as to conform with the provisions of the federal statutes until such time as the general assembly meets in its next regular session and has an opportunity to amend said articles.

SECTION 20. 10-1-103 (3), Colorado Revised Statutes, 1987 Repl. Vol., as amended, as it exists until January 1, 1995, is amended to read:

10-1-103. Division of insurance - subject to termination - repeal of article.

(3) All direct and indirect expenditures of the division shall be paid from the division of insurance cash fund, which fund is hereby created in the state treasury. All fees collected pursuant to sections 8-44-204 (7), C.R.S., 8-44-205 (6), C.R.S., ~~10-2-110;~~ 10-2-207, 10-3-108, 10-3-207, 10-12-106, ~~10-15-112;~~ 10-15-103, 10-16-110 (1) and (2), 10-16-111 (1), 10-16-503, 12-7-104, C.R.S., 24-10-115.5 (5), C.R.S., and 29-13-102 (5), C.R.S., and all taxes collected pursuant to section 10-3-209 (4) designated for the division of insurance, shall be transmitted to the state treasurer, who shall credit the same to the division of insurance cash fund. All moneys credited to the division of insurance cash fund shall be used as provided in this section, shall not be deposited in, or transferred to, the general fund of the state or to any other fund, and shall be subject to annual appropriation by the general assembly for the purposes authorized in this title and as otherwise authorized by law. In accordance with section 24-36-114, C.R.S., all interest derived from the deposit and investment of moneys in the fund shall be credited to the general fund.

SECTION 21. 10-1-103 (3), Colorado Revised Statutes, 1987 Repl. Vol., as amended, as it will become effective January 1, 1995, is amended to read:

10-1-103. Division of insurance - subject to termination - repeal of article.

(3) All direct and indirect expenditures of the division shall be paid from the division of insurance cash fund, which fund is hereby created in the state treasury. All fees collected pursuant to sections 8-44-204 (7), C.R.S., 8-44-205 (6), C.R.S., 10-2-413, 10-3-108, 10-3-207, 10-12-106, ~~10-15-112;~~ 10-15-103, 10-16-110 (1) and (2), 10-16-111 (1), 10-16-503, 12-7-104, C.R.S., 24-10-115.5 (5), C.R.S., and 29-13-102 (5), C.R.S., and all taxes collected pursuant to section 10-3-209 (4) designated for the division of insurance, shall be transmitted to the state treasurer, who shall credit the same to the division of insurance cash fund. All moneys credited to the division of insurance cash fund shall be used as provided in this section, shall not be deposited in, or transferred to, the general fund of the state or to any other fund, and shall be subject to annual appropriation by the general assembly for the purposes authorized in this title and as otherwise authorized by law. In accordance

with section 24-36-114, C.R.S., all interest derived from the deposit and investment of moneys in the fund shall be credited to the general fund.

SECTION 22. 10-2-301 (3) (b), (5), and (6) (b), Colorado Revised Statutes, 1987 Repl. Vol., as amended, as they will become effective January 1, 1995, are amended to read:

10-2-301. Continuing education requirement - advisory committee. (3) (b)

This section shall not apply to any person holding a limited or restricted license which the commissioner determines to be exempt from the requirements of this section, nor shall it apply to a nonresident who complies with the continuing education requirements of his or her state of residence, if the insurance commission of such state and the insurance ~~commission~~ DIVISION of this state have in effect a reciprocity agreement concerning continuing education requirements.

(5) Any person who fails to comply with the requirements of this section, or is found after a hearing before the ~~commission~~ DIVISION to have submitted a false or fraudulent certificate of compliance to the commissioner, shall have his or her license suspended until such person satisfactorily demonstrates to the commissioner that all of the requirements of this section, and any other applicable licensing requirement or other statute, has been met.

(6) (b) The position of continuing education administrator shall be established by the commissioner either within the ~~department~~ DIVISION of insurance or through a contractual arrangement with an outside service provider. All costs of such administrator shall be paid from continuing insurance education fees paid by producers in the manner provided by this section. In no event may the commissioner delegate course approval responsibilities to the continuing education administrator.

SECTION 23. The introductory portion to 10-3-1108 (1), Colorado Revised Statutes, 1987 Repl. Vol., is amended to read:

10-3-1108. Orders. (1) If, after a hearing conducted under section 10-3-1107, the commissioner determines that the person charged has engaged in an unfair method of competition or an unfair or deceptive act or practice, he shall reduce his findings to writing and shall issue and cause to be served on such person a copy of such findings and an order requiring such person to cease and desist from engaging in such method of competition, act, or practice, and, if such act or practice is a violation of section 10-3-1104, 10-3-1105, or ~~10-18-105~~ 10-18-106, the commissioner may, at his discretion, order any one or more of the following:

SECTION 24. 10-4-706 (5), Colorado Revised Statutes, 1987 Repl. Vol., as amended, is amended to read:

10-4-706. Required coverages - complying policies. (5) Subsections (3) and (4) of this section AND THIS SUBSECTION (5) are repealed, effective July 1, 1997.

SECTION 25. 10-14-305 (1) (b), Colorado Revised Statutes, 1987 Repl. Vol., as amended, is amended to read:

10-14-305. Consolidations and mergers. (1) A domestic society may

consolidate or merge with any other society by complying with the provisions of this section. It shall file with the commissioner:

(b) A sworn statement by the president and secretary or corresponding officers of each society showing the financial condition thereof on a date fixed by the commissioner but not earlier than the society's most recent financial report required pursuant to section ~~10-14-612~~ 10-14-602;

SECTION 26. 10-16-107 (3) (d), Colorado Revised Statutes, 1987 Repl. Vol., as amended, is amended to read:

10-16-107. Rate regulation - approval of policy forms - benefit certificates - evidences of coverage - loss ratio guarantees. (3) (d) A copy of the form of the evidence of coverage to be used in this state, and any amendment thereto, shall be subject to the filing and approval requirements of ~~paragraph (a) of this subsection (3)~~ SECTION 10-16-107.2 unless it is subject to the jurisdiction of the commissioner under the laws governing health insurance or nonprofit hospital, medical-surgical, and health service corporations in which event the filing and approval provisions of subsection (2) of this section shall apply. To the extent, however, that such provisions do not apply, the requirements in paragraph (b) of this subsection (3) shall be applicable.

SECTION 27. 10-16-403 (1) (a) and (1) (b), Colorado Revised Statutes, 1987 Repl. Vol., as amended, are amended to read:

10-16-403. Powers of health maintenance organizations. (1) The powers of a health maintenance organization include, but are not limited to, the following:

(a) The purchase, lease, construction, renovation, operation, and maintenance of hospitals, medical facilities, nursing care and intermediate care facilities, and other institutions of like nature, their ancillary equipment, and such property as may reasonably be required for its administrative offices or for such other purposes as may be necessary to accomplish the business of the organization; ~~subject to the requirements of part 5 of article 3 of title 25, C.R.S.;~~

(b) The making of loans to a medical group under contract with it in furtherance of its program or the making of loans to a corporation or corporations under its control for the purpose of acquiring or constructing medical facilities, hospitals, nursing care and intermediate care facilities, and other institutions of a like nature ~~subject to the requirements of part 5 of article 3 of title 25, C.R.S.~~, providing health care services to enrollees;

SECTION 28. 10-16-418 (2), Colorado Revised Statutes, 1987 Repl. Vol., as amended, is amended to read:

10-16-418. Rehabilitation, liquidation, or conservation of health maintenance organization. (2) A provider which has not expressly agreed to hold enrollees harmless if the provider is not paid by the health maintenance organization may elect to take the priority of a person stated in section ~~10-3-507 (3) (b)~~ 10-3-541 (1) (b); except that if such election is made, the claim by such provider shall only be paid upon condition that the provider shall not assert such claim against any enrollee of the

health maintenance organization.

SECTION 29. 10-16-420 (1), Colorado Revised Statutes, 1987 Repl. Vol., as amended, is amended to read:

10-16-420. Penalties and enforcement. (1) The commissioner may, in lieu of suspension or revocation of a certificate of authority under section ~~10-16-418~~ 10-16-417 and pursuant to the provisions of article 4 of title 24, C.R.S., levy an administrative penalty in an amount not less than one hundred dollars nor more than five hundred dollars, if reasonable notice in writing is given of the intent to levy the penalty and the health maintenance organization has a reasonable time within which to remedy the defect in its operations which gave rise to the penalty citation. The commissioner may augment this penalty by an amount equal to the sum that the commissioner calculates to be the damages suffered by enrollees or other members of the public.

SECTION 30. 10-16-421 (1), Colorado Revised Statutes, 1987 Repl. Vol., as amended, is amended to read:

10-16-421. Statutory construction and relationship to other laws. (1) Except for sections 10-1-102, 10-1-121, 10-1-122, 10-3-118, ~~10-3-119~~, 10-3-128, and parts 4 to 7 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 31. 11-22-116 (5) (b), Colorado Revised Statutes, 1987 Repl. Vol., as amended, is amended to read:

11-22-116. Director and officer insurance and fidelity bonds - legislative declaration. (5) (b) No provision of part 6 of this ~~title~~ ARTICLE shall be construed to contravene or modify the expressed public policy set forth in this subsection (5).

SECTION 32. 11-35-101 (1), Colorado Revised Statutes, 1987 Repl. Vol., as amended, as it exists until January 1, 1995, is amended to read:

11-35-101. Alternatives to surety bonds permitted - requirements. (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 ~~10-2-104 (1) (g), 10-2-111 (1) and (3),~~ 10-2-207 (8) (a) and (8) (b) (II), 12-6-111, 12-6-112, 12-6-112.2, 12-11-101 (1) (d), 12-11-104, 12-11-106, 12-14-124 (1), 12-20-103 (3), 12-20-106, 12-59-115 (1), 12-60-509 (2.5) (b), 33-4-101 (1), 33-12-104 (1), 35-33-403 (3), 35-55-104 (1), 37-91-107 (2) and (3), 38-29-119 (2), 38-39-102 (3) (b), 39-21-105 (4), 39-27-104 (2) (a), (2.5) (a), and (2.5) (b), 39-27-204 (4) (a), (4.5), and (6), 39-28-105 (1), 42-6-113 (2), and 42-7-301 (6), C.R.S., 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. Such savings account, deposit, or certificate of deposit shall be in the amount specified by statute, if any, and shall 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 shall 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 33. 11-35-101.5 (1), Colorado Revised Statutes, 1987 Repl. Vol., as amended, as it exists until January 1, 1995, is amended to read:

11-35-101.5. Irrevocable letter of credit permitted - requirements. (1) Where there is the requirement of either an irrevocable letter of credit or a bond as a condition to licensure in sections 12-16-106 (1) and 12-16-218 (1), C.R.S., or where an irrevocable letter of credit is permitted as an alternative to a surety bond, evidence of a savings account, deposit, or certificate of deposit meeting the requirements of section 11-35-101, as a condition to licensure or authority to conduct business or perform duties in this state, provided in sections ~~10-2-104 (1) (g), 10-2-111 (1) and (3);~~ 12-11-101 (1) (d), 12-11-104, 12-11-106, 12-16-105 (5), 12-16-106 (1) (a), ~~and (1) (b);~~ 12-16-218 (1) (a), ~~and (3);~~ 33-4-101 (1), 33-12-104 (1), 37-91-107 (2), and 39-27-204 (6), C.R.S., the requirement shall be satisfied by an irrevocable letter of credit issued by a state or national bank or a state or federal savings and loan association doing business in this state. The requirement shall also be satisfied by an irrevocable letter of credit issued by the bank or banks for cooperatives which are organized pursuant to federal statutes and which serve the region in which the state of Colorado is located. Such letter of credit shall be in an amount specified by statute, if any, and shall name the appropriate state agency as beneficiary, in favor of the people of the state of Colorado.

SECTION 34. 11-35-101.5 (1), Colorado Revised Statutes, 1987 Repl. Vol., as amended, as it will become effective January 1, 1995, is amended to read:

11-35-101.5. Irrevocable letter of credit permitted - requirements. (1) Where there is the requirement of either an irrevocable letter of credit or a bond as a condition to licensure in sections 12-16-106 (1) and 12-16-218 (1), C.R.S., or where an irrevocable letter of credit is permitted as an alternative to a surety bond, evidence of a savings account, deposit, or certificate of deposit meeting the requirements of section 11-35-101, as a condition to licensure or authority to conduct business or perform duties in this state, provided in sections 12-11-101 (1) (d), 12-11-104, 12-11-106, 12-16-105 (5), 12-16-106 (1) (a), ~~and (1) (b);~~ 12-16-218 (1) (a), ~~and (3);~~ 33-4-101 (1), 33-12-104 (1), 37-91-107 (2), and 39-27-204 (6), C.R.S., the requirement shall be satisfied by an irrevocable letter of credit issued by a state or national bank or a state or federal savings and loan association doing business in this state. The requirement shall also be satisfied by an irrevocable letter of credit issued by the bank or banks for cooperatives which are organized pursuant to federal statutes and which serve the region in which the state of Colorado is located. Such letter of credit shall be in an amount specified by statute, if any, and shall name the appropriate state agency as beneficiary, in favor of the people of the state of Colorado.

SECTION 35. 12-64-111 (1) (p), Colorado Revised Statutes, 1991 Repl. Vol., is amended to read:

12-64-111. Discipline of licensees. (1) (p) Conviction of a violation of the ~~"Colorado Controlled Substances Act"~~ "UNIFORM CONTROLLED SUBSTANCES ACT

OF 1992", ARTICLE 18 OF TITLE 18, C.R.S., the federal "Controlled Substances Act", or the federal "Controlled Substances Import and Export Act", or any of them;

SECTION 36. 18-19-103 (2) and (3), Colorado Revised Statutes, 1986 Repl. Vol., as amended, are amended to read:

18-19-103. Source of revenues - allocation of moneys. (2) Each drug offender convicted of a violation of section ~~18-18-106~~ 18-18-406 (1), or who receives a deferred sentence pursuant to section 16-7-403, C.R.S., for a violation of section ~~18-18-106~~ 18-18-406 (1), shall be assessed a surcharge of one hundred dollars.

(3) The clerk of the court shall ~~disperse~~ DISBURSE the surcharge required by subsection (1) of this section as follows:

(a) Five percent shall be retained by the clerk for purposes of administering the ~~dispersal~~ DISBURSAL of the surcharge pursuant to this subsection (3).

(b) Four percent shall be ~~dispersed~~ DISBURSED to the investigating agency to cover the costs of fingerprinting and photographing offenders pursuant to section 16-21-104 (1), C.R.S.

(c) One percent shall be ~~dispersed~~ DISBURSED to the sheriff of the county in which the conviction or deferred sentence is entered, to cover the costs of fingerprinting and photographing offenders pursuant to section 18-18-432 (3).

(d) Ninety percent shall be ~~dispersed~~ DISBURSED to the state treasurer who shall credit the same to the drug offender surcharge fund created pursuant to subsection (4) of this section.

SECTION 37. 19-2-204 (3) (a) (IV) (E), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

19-2-204. Detention and shelter - hearing - time limits - confinement with adult offenders - restrictions. (3) (a) (IV) At the conclusion of the hearing, the court shall enter one of the following orders:

(E) That no bail be set and that, upon the court's finding that the juvenile is a danger to himself or herself or to the community, the juvenile be placed in a preadjudication service program established pursuant to section ~~19-2-205~~ 19-2-205.5. This sub-subparagraph (E) shall not apply to any case in which the juvenile's alleged offense is one of the offenses described in sub-subparagraph (A), (B), or (C) of subparagraph (III) of this paragraph (a).

SECTION 38. 19-2-708 (1) and (4), Colorado Revised Statutes, 1986 Repl. Vol., as amended, are amended to read:

19-2-708. Regimented juvenile training program - legislative declaration. (1) It is the intent of the general assembly that the program established pursuant to this section benefit the state by providing a ~~three-phase~~ TWO-PHASE regimented juvenile training program under which certain adjudicated juveniles are subject to a controlled and regimented environment that affirms dignity of self and respect for

others; promotes the value of education, work, and self-discipline; and develops useful skills and abilities that can be applied when the juvenile is reintegrated into the community.

(4) Whenever a juvenile fails to progress through or complete the initial phase of the regimented juvenile training program, the department of institutions may reassign the juvenile to a division of youth services facility. In addition, whenever a juvenile fails to progress through or complete the second ~~or third~~ phase of the program, the department may return the juvenile to ~~an earlier phase~~ THE FIRST PHASE of the program for completion of all or part of ~~the earlier phase~~ IT; except that a juvenile shall not be returned for participation in the initial phase more than once.

SECTION 39. 22-32-110 (1) (ee), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

22-32-110. Board of education - specific powers. (1) In addition to any other power granted to a board of education of a school district by law, each board of education of a school district shall have the following specific powers, to be exercised in its judgment:

(ee) To employ on a voluntary or paid basis teachers' aides and other auxiliary, noncertificated personnel to assist certificated personnel in the provision of services related to instruction or supervision of children and to provide compensation for such services rendered from any funds available for such purpose, notwithstanding the provisions of sections 22-63-201 and ~~22-63-403~~ 22-63-402;

SECTION 40. 22-33-106 (1) (c), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

22-33-106. Grounds for suspension, expulsion, and denial of admission. (1) The following shall be grounds for suspension or expulsion of a child from a public school during a school year:

(c) Behavior on or off school property which is detrimental to the welfare or safety of other pupils or of school personnel including behavior which creates a threat of physical harm to the child or to other children; except that, if the child who creates such threat is a ~~handicapped~~ child WITH A DISABILITY pursuant to section 22-20-103 ~~(4)~~ (1.5), such child may not be expelled if the actions creating such threat are a manifestation of such child's ~~handicapping condition~~ DISABILITY. However, such child shall be removed from the classroom to an appropriate alternative setting within the district in which such child is enrolled for a length of time which is consistent with federal law, during which time the school in which such student is enrolled shall give priority to and arrange within ten days for a reexamination of such child's individual education plan to amend such plan as necessary to ensure that the needs of such child are addressed in a more appropriate manner or setting which is less disruptive to other students and is in accordance with the provisions of article 20 of this title. Nothing in this paragraph (c) shall be construed to limit a school district's authority to suspend a ~~handicapped~~ child WITH A DISABILITY for a length of time which is consistent with federal law.

SECTION 41. 22-44-105 (1) (e) (III), Colorado Revised Statutes, 1988 Repl.

Vol., as amended, is amended to read:

22-44-105. Budget - contents - mandatory. (1) (e) (III) For purposes of determining the percentage change in the district's per pupil funding from the 1992-93 budget year to the 1993-94 budget year, the district's per pupil funding for the 1992-93 budget year shall be the amount derived by dividing the district's 1992-93 equalization program funding, as calculated pursuant to section 22-53-107 (3), including the district's 1992-93 preschool program funding, if any, as calculated pursuant to section 22-53-115.5, and the district's 1992-93 PROGRAM FUNDING FOR three- and four-year-old ~~handicapped program funding~~ CHILDREN WITH DISABILITIES, if any, as calculated pursuant to section 22-53-116.5, by the district's 1992-93 funded pupil count as defined in section 22-53-107 (5.5) (c) (II). The district's per pupil funding for the 1993-94 budget year shall be the amount derived by dividing the district's 1993-94 equalization program funding, as calculated pursuant to section 22-53-107 (5.5) (b) (II) or (5.5) (b) (III), whichever is applicable, by the district's 1993-94 funded pupil count as defined in section 22-53-107 (5.5) (c) (III).

SECTION 42. 22-53-107 (5.5) (a) and (5.5) (c) (I), Colorado Revised Statutes, 1988 Repl. Vol., as amended, are amended to read:

22-53-107. Equalization program funding of a district. (5.5) (a) Notwithstanding the provisions of subsections (2) and (3) of this section, for the 1993-94 budget year, the equalization program funding of all districts shall be calculated in the manner provided in this subsection (5.5). In lieu of calculating a district's preschool program funding under the provisions of section 22-53-115.5 and a district's PROGRAM FUNDING FOR three- and four-year-old ~~handicapped program funding~~ CHILDREN WITH DISABILITIES under the provisions of section 22-53-116.5, the funding for such programs, if any, shall be included in the calculation of a district's equalization program funding under the provisions of paragraph (b) of this subsection (5.5).

(c) For purposes of paragraph (b) of this subsection (5.5):

(I) "1992-93 equalization program funding" shall include the district's 1992-93 equalization program funding as calculated pursuant to subsection (2) of this section, the district's 1992-93 preschool program funding, if any, as calculated pursuant to section 22-53-115.5, and the district's 1992-93 PROGRAM FUNDING FOR three- and four-year-old ~~handicapped program funding~~ CHILDREN WITH DISABILITIES, if any, as calculated pursuant to section 22-53-116.5.

SECTION 43. 22-53-116.5 (3), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

22-53-116.5. Program funding for districts with programs for three- and four-year-old children with disabilities. (3) For the 1993-94 budget year, the ~~three- and four-year-old handicapped~~ program funding FOR THREE- AND FOUR-YEAR-OLD CHILDREN WITH DISABILITIES of a district shall be calculated as a part of equalization program funding under the provisions of section 22-53-107 (5.5) and not calculated in accordance with the provisions of subsection (1) of this section.

SECTION 44. 22-53-409 (4) (a) and (4) (b), Colorado Revised Statutes, 1988

Repl. Vol., as amended, are amended to read:

22-53-409. Assessments. (4) (a) The department shall prepare an annual report of the results of statewide assessments which shall be delivered to the council, to the board, to the commission, to the education committees of the house of representatives and the senate, to the district accountability committees, and to the districts and which shall be available to the public. The first report shall be available on or before January 1, 1997. Such report shall include the percentage of students achieving each of the performance levels specified by the board and shall be reported for the state as a whole as well as by gender, race, separate ~~handicapping~~ DISABLING condition, and ethnicity of students and by district, district size, and setting category of each district pursuant to section 22-53-105.

(b) In accordance with timelines adopted by the board pursuant to section 22-53-406 (2), but not later than January 1, 1999, the annual report prepared by the department shall also contain assessment results reported by each district which specify the percentage of students achieving each of the performance levels specified by the district in the district plan adopted pursuant to section 22-53-407 (2) on each of the district content standards as measured by assessments adopted by the district. Such results shall be reported for the district as a whole as well as by gender, race, separate ~~handicapping~~ DISABLING condition, and ethnicity of students in accordance with a standard reporting format established by the board. In addition, at the fourth grade, eighth grade, and tenth grade levels, each district shall submit a comparison of the district assessment results and the state assessment results in a standard reporting format established by the board if students in such district participated in the Colorado student assessment program for that year. In addition, such comparison shall include information establishing the validity and reliability of the district assessments and their internal comparability as well as their comparability to the state assessments.

SECTION 45. 22-60-107 (2), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

22-60-107. Renewal of a certificate. (2) (f) PORTFOLIO OF PROFESSIONAL DEVELOPMENT. ON AND AFTER JULY 1, 1991, UP TO SIX SEMESTER HOURS OF RENEWAL CREDIT MAY BE WAIVED UPON SUBMITTING A PORTFOLIO OF PROFESSIONAL DEVELOPMENT. SUCH PORTFOLIO MAY INCLUDE, BUT IS NOT LIMITED TO, ANY OF THE ACTIVITIES ALLOWED FOR RECERTIFICATION CREDIT PURSUANT TO SUBSECTIONS (1), (2), AND (7) OF THIS SECTION. APPLICANTS SHALL PROVIDE SATISFACTORY DOCUMENTATION OF PROFESSIONAL DEVELOPMENT EXPERIENCES AND ACTIVITIES WHICH HAVE SPECIAL SIGNIFICANCE FOR INCREASING THE KNOWLEDGE AND SKILLS OF THE TEACHER. SUCH WAIVER SHALL BE GRANTED IN ACCORDANCE TO RULES AND REGULATIONS ADOPTED BY THE STATE BOARD OF EDUCATION.

SECTION 46. 22-60-107 (9), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is repealed as follows:

22-60-107. Renewal of a certificate. (9) ~~Portfolio of professional development. On and after July 1, 1991, up to six semester hours of renewal credit waived upon submitting a portfolio of professional development. Such portfolio may include, but is not limited to, any of the activities allowed for recertification credit pursuant to~~

~~subsections (1), (2), and (7) of this section. Applicants shall provide satisfactory documentation of professional development experiences and activities which have special significance for increasing the knowledge and skills of the teacher. Such waiver shall be granted in accordance to rules and regulations adopted by the state board of education.~~

SECTION 47. 22-60.5-107 (2) (a), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

22-60.5-107. Grounds for denying, annulling, suspending, or revoking license, certificate, endorsement, or authorization. (2) Any license, certificate, endorsement, or authorization may be denied, annulled, suspended, or revoked in the manner prescribed in section 22-60.5-108, notwithstanding the provisions of subsection (1) of this section:

(a) When the holder has been determined to be mentally incompetent by a court of competent jurisdiction and a court has entered, pursuant to part 3 or part 4 of article 14 of title 15 or section ~~26-3-104 (4)~~; 27-10-109 (4) or 27-10-125, C.R.S., an order specifically finding that the mental incompetency is of such a degree that the holder is incapable of continuing to perform his job; except that the license, certificate, endorsement, or authorization held by a person who has been determined to be mentally incompetent and for whom such an order has been entered shall be revoked or suspended by operation of law without a hearing, notwithstanding the provisions of section 22-60.5-108.

SECTION 48. 24-4.1-119 (1) (c) and (1) (d), Colorado Revised Statutes, 1988 Repl. Vol., as amended, are amended to read:

24-4.1-119. Costs levied on criminal actions and traffic offenses. (1) (c) A cost of twenty-five dollars is hereby levied on every criminal action resulting in a conviction or in a deferred judgment and sentence, as provided for in section 16-7-403, C.R.S., of a violation of section 42-4-1202 (1) or (1.5), C.R.S. This cost shall be paid to the clerk of the court, who shall deposit same in the victim compensation fund established in ~~paragraph (a) of this subsection (1)~~ SECTION 24-4.1-117.

(d) A cost, in an amount determined pursuant to paragraph (a) of this subsection (1), is hereby levied on every action upon the filing of a petition alleging a child is delinquent which results in a finding of guilty pursuant to part 5 of article 2 of title 19, C.R.S., or a deferral of adjudication pursuant to section 19-2-702, C.R.S. This cost shall be paid to the clerk of the court, who shall deposit same in the victim compensation fund established in ~~paragraph (a) of this subsection (1)~~ SECTION 24-4.1-117.

SECTION 49. 24-34-104 (21.1), (27) (d), (27.5) (b), and (33), Colorado Revised Statutes, 1988 Repl. Vol., as amended, are amended to read:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (21.1) ~~The following board and the functions of the specified agency shall terminate on July 1, 1992:~~ The Colorado manufactured housing licensing board, created by article 51.5 of title 12, C.R.S., WAS

REPEALED, EFFECTIVE JULY 1, 1992. However, the sunrise and sunset review committee created by joint rule of the senate and house of representatives shall retain continuing jurisdiction, at any time and at its own discretion, to review and recommend ~~termination, continuation, or reestablishment of such board. including amending such termination date.~~

~~(27) (d) Boards relating to the licensing of and grievances against any person regulated or licensed pursuant to the provisions of article 43 of title 12, C.R.S., and created pursuant to article 43 of title 12, C.R.S.~~

~~(27.5) (b) The exemption from licensure under the "Colorado Controlled Substance Act" "UNIFORM CONTROLLED SUBSTANCES ACT OF 1992", ARTICLE 18 OF TITLE 18, C.R.S., pursuant to section 12-22-304 (5) (e) (I), C.R.S., for persons who administer or monitor medications in facilities in compliance with the program authorized in section 25-1-107 (1) (ee), C.R.S., shall terminate on July 1, 1998.~~

~~(33) The following function of the director of the division of registrations shall terminate on July 1, 2003: The regulation of outfitters pursuant to article 55.5 of title 12, C.R.S.~~

SECTION 50. 24-34-502 (6), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

24-34-502. Unfair housing practices prohibited. (6) Nothing in this part 5 shall prohibit a person engaged in the business of furnishing appraisals of real property from taking into consideration factors other than race, creed, color, religion, sex, marital status, familial status, ~~handicap~~ DISABILITY, religion, national origin, or ancestry.

SECTION 51. 24-49-101 (3), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

24-49-101. Colorado economic development advisory board - creation - membership. (3) No member of the general assembly shall be appointed as a member of the board pursuant to ~~paragraph (c)~~ of subsection (2) of this section. Members of the board shall be appointed for terms of two years.

SECTION 52. 24-51-305 (2), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

24-51-305. District attorneys. (2) On behalf of a district attorney, the state of Colorado shall contribute eighty percent of the employer contributions and the county shall contribute twenty percent of the employer contributions based upon the rate for the state division set forth in section ~~24-51-401 (1)~~ 24-51-401 (1.7). One hundred percent of member contributions shall be paid from the salary of such district attorney.

SECTION 53. 24-72-204 (3.5) (I), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

24-72-204. Allowance or denial of inspection - grounds - procedure - appeal.

(3.5) (a) Effective January 1, 1992, any individual who meets the requirements of this subsection (3.5) may request that the address of such individual included in any public records concerning that individual which are required to be made, maintained, or kept pursuant to the following sections be kept confidential:

(I) Sections ~~1-2-224~~ 1-2-227 and 1-2-301, C.R.S.;

SECTION 54. 24-90-105 (1) (e), Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

24-90-105. Powers and duties of state librarian. (1) The state librarian has the following powers and duties with respect to the state library:

(e) To furnish or contract for the furnishing of library services to ~~the~~ PERSONS WHO ARE blind and physically ~~handicapped~~ DISABLED, including persons who cannot use printed materials in their conventional format;

SECTION 55. 25-1-107 (1) (ee) (II.5) (A) and (3) (c) (II), Colorado Revised Statutes, 1989 Repl. Vol., as amended, are amended to read:

25-1-107. Powers and duties of the department. (1) (ee) (II.5) For purposes of this paragraph (ee), "facility" means:

(A) The correctional facilities under the supervision of the executive director of the department of corrections including, but not limited to: Those facilities provided for in article 20 of title 17, C.R.S.; ~~the women's correctional institution provided for in article 21 of title 17, C.R.S.; the reformatory provided for in article 22 of title 17, C.R.S.;~~ minimum security facilities provided for in article 25 of title 17, C.R.S.; jails provided for in article 26 of title 17, C.R.S.; community correctional facilities and programs provided for in article 27 of title 17, C.R.S.; the regimented inmate discipline and treatment program provided for in article 27.7 of title 17, C.R.S.; the Denver regional diagnostic center provided for in article 40 of title 17, C.R.S.; and the Limon correctional facility provided for in section 24-35-210 (4) (f) (I) (B), C.R.S.;

(3) (c) (II) ~~The department shall make a written report to the general assembly on or before January 1, 1993, regarding the impact of this paragraph (c) upon the staffing levels of nursing care facilities.~~

SECTION 56. 25-1-201 (1), Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

25-1-201. Definitions. As used in this part 2, unless the context otherwise requires:

(1) ~~"Advisory council" means the state alcohol and drug abuse advisory council.~~

SECTION 57. The introductory portion to 25-1-202 (1), Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

25-1-202. Duties of division. (1) The division ~~with the advice and~~

~~recommendation of the advisory council~~; shall formulate a comprehensive state plan for alcohol and drug abuse programs. The state plan shall be submitted to the governor and, upon his approval, shall be submitted to the appropriate United States agency for review and approval. The state plan shall include, but not be limited to:

SECTION 58. 25-1-209, Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

25-1-209. Coordination of state and federal funds and programs. (1) All requests for state appropriations for alcohol and drug abuse programs shall be submitted to the division ~~the advisory council~~; and the office of state planning and budgeting on dates specified by the division consistent with requirements and procedures of the office of state planning and budgeting. After studying each request and the recommendations of the advisory council, the division shall make a report thereon, with its comments and recommendations, including priorities for appropriations and a statement as to whether the requested appropriation would be consistent with the comprehensive state plan for alcohol and drug abuse programs. The reports of the division shall be submitted to the governor, the office of state planning and budgeting, and the joint budget committee, together with all pertinent material on which the recommendations of the division are based.

(2) The division ~~and the advisory council~~ shall also review applications for federal grants for alcohol and drug abuse programs submitted by any department or agency of state government, by any political subdivision of the state, by any Indian tribal reservation, or by any other public or private agency, organization, or institution. The division ~~after studying the application and the recommendations of the advisory council~~; shall transmit to the division of planning and to the appropriate United States agency its comments and recommendations, together with a statement as to whether the grant would be consistent with the comprehensive state plan for alcohol and drug abuse programs.

SECTION 59. 25-3-304 (3) (c) (II) (B), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

25-3-304. Trustees - powers and duties. (3) (c) (II) "Grant" does not include:

(B) Any revenues resulting from rates, fees, assessments, or other charges imposed by a hospital for the provision of goods or services by such ~~auxiliary facility~~ HOSPITAL;

SECTION 60. 25-7-114.6 (1), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

25-7-114.6. Emission notice - fees. (2) An air pollution emission notice shall be deemed to run with the land. The moneys collected pursuant to this section and sections 25-7-403 ~~25-7-407~~; and 25-7-510 shall be remitted to the state treasurer, who shall credit the same to the stationary sources control fund created in section 25-7-114.7 and subject to the provisions of said section.

SECTION 61. 25-7-122 (1) (b), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

25-7-122. Civil penalties. (1) Upon application of the division, penalties as determined under this article may be collected by the division by action instituted in the district court for the district in which is located the air pollution source affected in accordance with the following provisions:

(b) Any person who violates any requirement or prohibition of an applicable emission control regulation of the commission, the state implementation plan, a construction permit, any provision for the prevention of significant deterioration under part 2 of this article, any provision related to attainment under part 3 of this article, or any provision of section 25-7-105, 25-7-106, 25-7-106.3, 25-7-106.8, 25-7-106.9, 25-7-108, 25-7-109, 25-7-111, 25-7-112, 25-7-113, 25-7-114.2, 25-7-114.5, 25-7-118, 25-7-135, 25-7-206, 25-7-403, 25-7-404, 25-7-405, 25-7-407, ~~25-7-407.5~~, 25-7-602, 25-7-602.5, 25-7-603, 25-7-604, 25-7-605, 25-7-607, or 25-7-608, shall be subject to a civil penalty of not more than fifteen thousand dollars per day for each day of such violation; except that there shall be no civil penalties assessed or collected against persons who violate emission regulations promulgated by the commission for the control of odor until a compliance order issued pursuant to section 25-7-115 and ordering compliance with the odor regulation has been violated.

SECTION 62. 25-15-310 (2), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

25-15-310. Criminal offenses - penalties. (2) Except as provided in section 29-22-108, 18-13-112, or ~~40-2-1-106~~ 43-6-113, C.R.S., any person acting with criminal negligence as defined in section 18-1-501 (3), C.R.S., who violates any of the provisions of paragraph (a), (c), (d), or (e) of subsection (1) of this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than twenty-five thousand dollars for each day of violation. If such conviction is for a violation committed after a previous conviction under this subsection (2), the maximum fine shall be doubled.

SECTION 63. 26-17-107.5, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

26-17-107.5. Eligibility. A person who otherwise meets the definition of "eligible person", as defined in section 26-17-103 (5), but has not been determined to be eligible under the medically indigent program established in article 15 of this title, shall be automatically eligible for the children's health plan if the person's family meets the income guidelines for eligibility for one or more of the following programs: The special supplemental food program for women, infants, and children (WIC), funded by the United States department of agriculture and administered by the state department of health; the reduced price meal program under the national school lunch and school breakfast programs, funded by the United States department of agriculture and administered by the state department of education; the child and adult care food program, funded by the United States department of agriculture and administered by the state department of health; the prenatal program, funded with local, state, and federal moneys and administered through the family planning and prenatal program of the state department of health; the commodity supplemental food program, funded by the United States department of agriculture and administered through the state department of social services; the emergency food assistance program, funded by the

United States department of agriculture and administered by the state department of social services; and the ~~handicapped children's~~ program FOR CHILDREN WITH DISABILITIES, funded with local, state, and federal moneys and administered by the state department of health, for children qualified up to one hundred eighty-five percent of the federal poverty level.

SECTION 64. 31-30-1005.3 (5), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

31-30-1005.3. Statewide money purchase plan - creation - management.

(5) Except with respect to amendments necessary to comply with state and federal law, the board may amend the ~~state~~ STATEWIDE money purchase plan document created pursuant to subsection (1) of this section only upon the approval of at least sixty-five percent of the active members of the plan and more than fifty percent of the employers having active members covered by the plan, each employer to be assigned one vote; except that employers having both active police and fire members in the plan shall be assigned two votes. No ~~member~~ AMENDMENT, however, may increase the employer contribution rate above eight percent of the salary paid to each participating member.

SECTION 65. 32-1-305 (6), Colorado Revised Statutes, as amended, is amended to read:

32-1-305. Court hearing - election - declaration of organization. (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 ~~part 8 of this article~~ ARTICLES 1 TO 13 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 66. 32-7-103 (12), Colorado Revised Statutes, as amended, is amended, and the said 32-7-103 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

32-7-103. Definitions. (3.5) "ELIGIBLE ELECTOR" OF A SERVICE AUTHORITY MEANS AN INDIVIDUAL WHO RESIDES WITHIN THE SERVICE AUTHORITY AND IS REGISTERED AND OTHERWISE QUALIFIED TO VOTE IN COUNTY ELECTIONS IN A COUNTY WHICH IS LOCATED WITHIN THE SERVICE AUTHORITY.

(12) ~~"Eligible elector" of a service authority means an individual who resides within the service authority and is registered and otherwise qualified to vote in county elections in a county which is located within the service authority.~~

SECTION 67. 32-7-109 (4), Colorado Revised Statutes, as amended, is amended to read:

32-7-109. Election for formation, selection of services, and initial board of directors. (4) The election commission shall survey the returns as provided in article 10 of title 1, C.R.S., and shall certify the results to the court as provided in section

~~1-10-201~~ 1-10-203, C.R.S. If a majority of the registered electors voting thereon vote "for" formation, the court shall declare, by order entered of record, that the service authority is formed in the corporate name designated in the petition or resolution and shall designate those services, if any, which were authorized by a majority of the registered electors voting thereon in each county at said election. Upon the filing with the court of the oath of office of members elected to the board, the court, by order entered of record, shall declare the members of the board elected and qualified and shall order the election committee to issue certificates of election pursuant to section 1-10-202, C.R.S., and the formation shall be complete. At that time the election committee shall be dissolved. The board shall be charged with administering those approved services in accordance with this article.

SECTION 68. 32-8-103 (3), Colorado Revised Statutes, as amended, is amended to read:

32-8-103. Commission - election - compensation. (3) On the first Tuesday after the first Monday in November, 1964, at the general state election, and every two years thereafter, an election shall be held in the district to elect three commissioners from division number 1 and two commissioners from division number 2 to serve for two years and until the election and qualification of their successors. Nominations for commissioners at the elections shall be made by petition, pursuant to the provisions of section 1-4-802, C.R.S., and part 9 of article 4 of title 1, C.R.S., as nonpartisan independent candidates, and the petition shall not be circulated until the date specified for circulation in section 1-4-802 (1) (d), C.R.S. The petition shall be signed by eligible electors residing in the division of the district who have paid a tax on real estate in the district in the year preceding the year in which any election is held in a number equal to at least one-half of one percent of the total votes cast for the commissioner who received the most votes at the last preceding election in that division of the district. The election shall be conducted in accordance with articles 1 to 13 of title 1, C.R.S. An eligible elector shall be a taxpaying elector as defined in section ~~1-1-104 (12) (d)~~ 1-1-104 (49), C.R.S. The election held pursuant to this section shall be a coordinated election as specified in section 1-1-116, C.R.S.

SECTION 69. 32-9-111 (3), Colorado Revised Statutes, as amended, is amended to read:

32-9-111. Election of directors - dates - terms. (3) The regular district election shall be held jointly with the state general election in every even-numbered year as provided in section ~~1-7-114~~ 1-7-117, C.R.S., and the first election shall be held in 1982. Each director shall be elected by the eligible electors residing within the director district.

SECTION 70. 32-10-138 (4) (c), Colorado Revised Statutes, as amended, is amended to read:

32-10-138. Persons entitled to vote at district elections. (4) Any person who has been denied the right to vote solely because of an erroneous name omission from the registration list or property owners' list shall be permitted to vote upon:

(c) Consenting to a challenge of the elector's right to vote by a judge of election pursuant to section ~~32-10-162~~ 1-9-201, C.R.S., if neither the certificates nor verbal

verifications set forth in paragraphs (a) and (b) of this subsection (4) are obtainable.

SECTION 71. 32-11-104 (54) (a), Colorado Revised Statutes, as amended, is amended to read:

32-11-104. Definitions. (54) (a) "Taxpaying elector" and "elector" of a district have the meanings, respectively, as specified in section 32-1-103 FOR "TAXPAYING ELECTOR" AND "ELIGIBLE ELECTOR"; except that to qualify under this article as a taxpaying elector or as an elector of a district, a person must also be a resident of the district.

SECTION 72. 32-12-108 (1) (b), Colorado Revised Statutes, as amended, is amended to read:

32-12-108. Election for formation - acquisitions - services - mill levy limit - board. (1) (b) The court shall direct the election committee to publish notice of the election setting forth the list of proposed railroad facilities acquisitions, proposed services, and maximum mill levy and the requirements for nomination to the board as determined by the organizational commission in conformity with the provisions of section ~~32-1-807~~ 32-10-113 to the degree applicable and to conduct the election pursuant to articles 1 to 13 of title 1, C.R.S.

SECTION 73. 33-4-102 (1.4) (n), Colorado Revised Statutes, 1984 Repl. Vol., as amended, is repealed as follows:

33-4-102. Types of licenses and fees. (1.4) Effective January 1, 1991, the division is authorized to issue the following resident and nonresident licenses and shall collect the following fees therefor, except as otherwise provided pursuant to subsection (1.6) of this section:

	Fees	
	Resident	Nonresident

(n) Bear, spring	30.00	150.00
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SECTION 74. 33-44-104 (2), Colorado Revised Statutes, 1984 Repl. Vol., is amended to read:

33-44-104. Negligence - civil actions. (2) A violation by a ski area operator of any requirement of this article or any rule or regulation promulgated by the passenger tramway safety board pursuant to section ~~25-5-710(1)(a)~~ 25-5-704 (1) (a), C.R.S., shall, to the extent such violation causes injury to any person or damage to property, constitute negligence on the part of such operator.

SECTION 75. 35-9-118 (3) (a), Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

35-9-118. Powers and duties of the commissioner. (3) (a) The commissioner shall promulgate rules and regulations, pursuant to article 4 of title 24, C.R.S., to determine the annual registration fee for each pesticide registered. For the purpose of funding the groundwater protection fund created in section 25-8-205.5 (8), C.R.S.,

on and after January 1, 1991, any such fee shall include an increment of twenty dollars, which increment shall be collected by the commissioner and transmitted to the state treasurer, who shall credit the same to the groundwater protection fund. The remainder of the fee shall be credited to the pesticide fund as specified in this article. In the event that a pesticide product has been placed under a ~~"stop sale"~~ CEASE AND DESIST ORDER for nonregistration under the provisions of section ~~35-9-107 (1) (b)~~ 35-9-121, the registrant shall pay a penalty fee of one hundred dollars, in addition to any other penalty or sum assessed pursuant to this article.

SECTION 76. 35-27.5-102 (2), Colorado Revised Statutes, 1984 Repl. Vol., as amended, is repealed as follows:

35-27.5-102. Definitions. As used in this article, unless the context otherwise requires:

(2) ~~"Board" means the weed free certification advisory board appointed by the commissioner pursuant to section 35-27.5-107.~~

SECTION 77. 35-55-107 (2), Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

35-55-107. Discipline of licensees. (2) When a complaint or an investigation discloses an instance of misconduct which, in the opinion of the state board of stock inspection commissioners, does not warrant formal action but which should not be dismissed as being without merit, the board may send a letter of admonition to any licensed public livestock market operator. Such letter shall be sent to the licensee by certified mail, and a copy thereof sent to the complainant, advising the operator that the operator may, within twenty days after receipt of the letter, make a written request to the board to institute a formal hearing pursuant to section ~~33-55-108~~ 35-55-108 to determine the propriety of the alleged misconduct. If such request is timely made, the letter of admonition shall be deemed vacated, and the matter shall be processed by means of formal proceedings.

SECTION 78. 38-35-126 (5), Colorado Revised Statutes, 1982 Repl. Vol., as amended, is repealed as follows:

38-35-126. Contract for deed - escrow of tax moneys - written notice. (5) ~~The provisions of subsections (1) and (3) of this section shall not apply to the parties to a contract for deed to real property so long as the seller complies with the requirements of subsection (2) of this section, so long as the real property which is the subject of such contract for deed to real property is not subdivided into parcels which are smaller than one acre, and so long as the seller pays the annual property tax obligations on the real property which is the subject of such contract for deed to real property or submits a bond or an irrevocable letter of credit in the amount of the taxes due on such real property to the county treasurer, either of which shall be immediately payable to such county treasurer upon default. Payment of such property taxes or submittal of such bond or irrevocable letter of credit shall be made within thirty days of mailing of the notice of taxes due from the county treasurer and prior to seeking reimbursement from the purchaser.~~

SECTION 79. 39-2-115 (1) (b), Colorado Revised Statutes, 1982 Repl. Vol., as

amended, is amended to read:

39-2-115. Review of abstracts of assessment - recommendations. (1)(b) Upon receipt of the final state assessed valuations from the property tax administrator, ~~and any adjustment to the residential rate made by the state board of equalization pursuant to section 39-1-104.2;~~ each assessor shall make any necessary adjustments to the abstract of assessment and file two revised copies of such abstract of assessment with the administrator no later than October 10 of each year. If any such adjustments are made to the abstract of assessment, such revised copies shall be subscribed and sworn to by the assessor and the chairman of the board of county commissioners in accordance with the provisions of section 39-5-123 (1).

SECTION 80. 39-5-101, Colorado Revised Statutes, 1982 Repl. Vol., is amended to read:

39-5-101. Duties of assessor. The assessor shall list all taxable real and personal property located within his county on the assessment date, other than that comprising the property and plant of public utilities. ~~and, for property tax years 1982 through 1986, that comprising rail transportation property as defined in section 39-4.1-102 (2).~~

SECTION 81. 39-10-103 (2), Colorado Revised Statutes, 1982 Repl. Vol., as amended, is amended to read:

39-10-103. Tax statement. (2) Each person whose name appears on the tax list and warrant shall be informed in writing of the actual school district general fund mill levy and the school district general fund mill levy in absence of funds estimated to be received by school districts pursuant to the "Public School Finance Act of 1988", article 53 of title 22, C.R.S., and the estimated funds to be received for the general funds of districts from the state. ~~For the school district budget year 1990, each such person shall also be provided with information as required by section 22-53-115 (6) (d), C.R.S.~~

SECTION 82. 39-22-307 (2) (a), Colorado Revised Statutes, 1982 Repl. Vol., is amended to read:

39-22-307. Credit allowed for prior payment of impact assistance. (2) Eligible contributions, for the purpose of such credit, shall include the donation of property or payments to units of local government for use in the planning or construction or expansion of public facilities, limited to roads, schools, water facilities, sewerage facilities, police and fire protection facilities, and hospitals, which are deemed to be necessitated by the initiation of a new operation or an expansion of an existing operation. In order to qualify as an eligible contribution for credit, the following requirements shall be fulfilled:

(a) Each contribution shall be based on an agreement between the taxpayer and a unit of local government specifying the need for such contribution and its nature, value, and purpose. Such agreement shall be submitted for review to each unit of local government which is impacted by the new operation or the expansion of an existing operation. Each impacted unit of local government may send comments on the agreement to the parties to the agreement and the energy impact assistance

advisory committee ~~created by section 39-29-110 (2)~~ PURSUANT TO SECTION 34-63-102 (5) (b), C.R.S.

SECTION 83. 39-27-103 (3) (a.1), Colorado Revised Statutes, 1982 Repl. Vol., is repealed as follows:

39-27-103. Refunds - penalties - checkoff. (3) (a.1) ~~Any person entitled to a refund for the purchase and use of any gasoline used for operating tractors, or trucks, or other farm implements, or machinery when being used for agricultural purposes on farms or ranches shall be given the option of checking off any part or all of the refund on each gallon of said gasoline purchased. Said moneys shall be placed in the special fund for the use of the gasohol promotion committee as provided for in section 35-39-104.5, C.R.S. 1973. The department of revenue shall provide for the checkoff option on the face of the vouchers used to obtain the refund. The checkoff option shall apply to any gasoline purchased for the purposes specified in this paragraph (a.1) on or before July 1, 1981.~~

SECTION 84. 42-4-307 (16.5), Colorado Revised Statutes, 1993 Repl. Vol., is amended to read:

42-4-307. Definitions relating to automobile inspection and readjustment program - repeal. (16.5) (a) "Inspection-only facility" means a facility operated by an independent owner-operator within the enhanced program area as defined in subsection (18) of this section which meets the requirements of section 42-4-310 and which is equipped to enable vehicle exhaust, evaporative, and chlorofluorocarbon emissions inspections and which facility the operator is licensed to operate by the executive director as an inspection-only facility. Such inspection-only facility shall be authorized to conduct inspections on model year ~~1980~~ 1981 and older vehicles.

(b) This subsection (16.5) is effective January 1, 1995.

SECTION 85. 42-4-309 (17) (f), Colorado Revised Statutes, 1993 Repl. Vol., is amended to read:

42-4-309. Powers and duties of commission - automobile inspection and readjustment program - basic emissions program - enhanced emissions program. (17) For the enhanced emissions program, the commission shall promulgate rules and regulations establishing a network of enhanced inspection centers and inspection-only facilities within the enhanced emissions program area consistent with the following:

(f) Within the enhanced emissions program area the commission shall provide for the operation of licensed inspection-only facilities. Applicable facility and inspector licensing, inspection procedures, and criteria shall be pursuant to rule and regulation of the commission and compliance with federal requirements. Inspection-only facilities shall be authorized to provide inspection services for all classes of motor vehicles as defined in section 42-4-307 (17) of the model year ~~1980~~ 1981 and older. Inspection-only owners or operators, or both, shall comply with paragraph (a) of this subsection (17).

SECTION 86. 43-1-113 (12) (a), Colorado Revised Statutes, 1993 Repl. Vol., is

amended to read:

43-1-113. Funds - budgets - fiscal year - reports and publications. (12) (a) No expenditure shall be made from the state highway funds in excess of the amount prescribed by the general assembly pursuant to section 43-1-112.5 and the amount proposed by the final budget allocation plan or amendments thereto adopted pursuant to paragraph (c) of subsection (9) of this section. It is the duty of the controller to disapprove any such expenditures when the reports reflect such excessive expenditures in relation to the amount prescribed by the general assembly pursuant to section 43-1-112.5 and the proposed final budget allocation plan or amendments thereto adopted pursuant to ~~paragraph (b) of subsection (4)~~ PARAGRAPH (c) OF SUBSECTION (9) of this section.

SECTION 87. 43-2-207 (2), Colorado Revised Statutes, 1993 Repl. Vol., is amended to read:

43-2-207. Expense of construction and maintenance. (2) (a) Expenditures authorized under this title for the construction and maintenance of highways on land which has been purchased, condemned, leased, or otherwise acquired by the department of transportation or the board of county commissioners of any county of the state may include the spraying of such lands bordering highways which are infested with grasshoppers or other insects, as the latter are defined in ~~section 35-10-102 (21), C.R.S.~~ PARAGRAPH (c) OF THIS SUBSECTION (2), and may also include the destruction and eradication of noxious, injurious, and poisonous weeds growing along said highways.

(b) Expenditures made by the transportation commission pursuant to this subsection (2) shall be paid from the state highway fund.

(c) AS USED IN THIS SUBSECTION (2), "INSECTS" MEANS ANY OF THE SMALL INVERTEBRATE ANIMALS IN THE PHYLUM ARTHROPODA COMPRISING THE CLASS INSECTA, ARACHNIDA, AND CHILOPODA, THAT IS SIX-LEGGED WINGED AND UNWINGED FORMS, EIGHT-LEGGED SEGMENTED FORMS AND THOSE WITH TWO OR MORE PAIRS OF LEGS PER BODY SEGMENT.

SECTION 88. 10-12-406, Colorado Revised Statutes, 1987 Repl. Vol., as amended, is amended to read:

10-12-406. Lines of business. When permitted by its articles of incorporation, a company may be organized under this part 4 to make insurance to the same extent and for the same purposes as permitted for domestic insurance companies under section 10-3-102 or for captive insurance companies under section ~~10-6-105~~ 10-6-107.

SECTION 89. 10-15-118 (1), Colorado Revised Statutes, 1987 Repl. Vol., as amended, is amended to read:

10-15-118. Violation. (1) Any person who violates any provision of this article or violates a cease and desist order issued pursuant to section 10-15-115 commits a class 3 misdemeanor and shall be punished as provided in section 18-1-106, C.R.S. Any person who violates the trust fund provisions of this article by unlawfully appropriating trust funds to the person's own use commits a class 5 felony pursuant

to section 18-4-401, C.R.S., and shall be punished as provided in section ~~18-1-106~~ 18-1-105, C.R.S.

SECTION 90. 10-16-302 (1), Colorado Revised Statutes, 1987 Repl. Vol., as amended, is amended to read:

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, shall not be subject to the laws of this state relating to insurance or insurance companies. The provisions of sections 10-1-102, 10-1-121, 10-1-122, ~~10-3-119~~, AND 10-3-128, parts 4, 5, 7, 8, and 11 of article 3 of this title, and the provisions of section 10-16-104 (8) shall apply to corporations organized pursuant to the provisions of this part 3.

SECTION 91. 10-16-321, Colorado Revised Statutes, 1987 Repl. Vol., as amended, is amended to read:

10-16-321. Medicare supplement benefit standards. The provisions of article 18 of this title shall apply to corporations organized pursuant to the provisions of this part 3. On and after July 1, 1983, no corporation subject to the provisions of part 1 of this article and this part 3 shall deliver or issue for delivery in this state any subscription certificate or membership certificate intended as a medicare supplement policy, as defined in section 10-18-101, or any endorsement, rider, or application which becomes a part thereof, until a copy of the form and of the premium rates or dues pertaining thereto have been filed with the commissioner, nor shall any such certificate endorsement, rider, or application be used until the expiration of thirty days after the filing thereof, unless the commissioner sooner gives written approval thereto and of the premium rates or dues pertaining thereto. Within thirty days of such filing the commissioner shall notify the corporation which has filed any such form in writing if the documents do not comply with the requirements of law or if the rates do not meet the loss ratio standards set forth in section ~~10-18-104~~ 10-18-105, and shall specify the reasons for such opinion. In all other cases, the commissioner shall give approval. Final orders and decisions of the commissioner relating to medicare supplement policies and rates filed under this section are subject to judicial review as provided in section 24-4-106, C.R.S. All medicare supplement policies, subscription certificates, and benefit forms and the premium rates or dues pertaining thereto which were approved by the commissioner prior to July 1, 1983, shall remain approved under the provisions of this article.

SECTION 92. 10-16-501, Colorado Revised Statutes, 1987 Repl. Vol., as amended, is amended to read:

10-16-501. Legislative declaration. It is the policy of the general assembly and the intent and purpose of this ~~article~~ PART 5 to promote the availability and assure the competent quality of dental care on a prepaid basis, and to thereby promote the health and welfare of the people of Colorado. The general assembly recognizes that

health care coverage may be offered to the citizens of this state by various entities with distinct organizational and functional forms. The placement of this part 5 in this article should in no way be construed so as to alter the distinct organizational and functional character of prepaid dental care plans or to alter the legal distinctions between such plans and other health care coverage entities.

SECTION 93. 10-20-108 (3) (a) and (4), Colorado Revised Statutes, 1987 Repl. Vol., as amended, are amended to read:

10-20-108. Powers and duties of the association. (3) (a) When proceeding under paragraph (b) of subsection (1) or ~~paragraph (b) of subsection (2)~~ SUBPARAGRAPH (IV) OF PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION, the association shall, with respect to only life and health insurance policies:

(4) When proceeding pursuant to subsection (2) (a) (II) or (2) ~~(c)~~ (b) of this section, with respect to any policy or contract carrying guaranteed minimum interest rates, the association shall assure the payment or crediting of a rate of interest consistent with section 10-20-104 (2) (b) (III) (A) and (2) (b) (III) (B).

SECTION 94. 17-1-108 (1), Colorado Revised Statutes, 1986 Repl. Vol., as amended by House Bill 94-1288, enacted at the Second Regular Session of the Fifty-ninth General Assembly, is amended to read:

17-1-108. Transfer of inmates. (1) A person committed to the care and custody of the department as an inmate who is transferred to another institution, agency, or person for care and keeping, or who is transferred from a jail to the department, shall be transferred with medical records and any other record necessary and relevant to the nature and length of the transfer. Such records shall be provided to the person or agency who will receive the inmate, and the receiving person or agency ~~has acknowledged~~ SHALL ACKNOWLEDGE receipt of the records and ~~approves~~ APPROVE of the transfer.

SECTION 95. 24-75-1001 (4), Colorado Revised Statutes, 1988 Repl. Vol., as amended by Senate Bill 94-1020, enacted at the Second Regular Session of the Fifty-ninth General Assembly, is amended to read:

24-75-1001. Higher education fund. (4) Nothing in subsection (1) of this section shall be construed to supersede the provisions of sections 23-20-117.5 AND 23-30-106 ~~and 24-75-1001~~, C.R.S.

SECTION 96. 25-8-607 (1), Colorado Revised Statutes, 1989 Repl. Vol., as amended by Senate Bill 94-094, enacted at the Second Regular Session of the Fifty-ninth General Assembly, is amended to read:

25-8-607. Restraining orders and injunctions. (1) The division may request the district attorney for the judicial district with jurisdiction pursuant to subsection (2) of this section or the attorney general to bring, and if so requested it shall be the duty of such district attorney or the attorney general to bring, a suit for a temporary restraining order, preliminary injunction, or permanent injunction to prevent any threatened violation of this article or any order, permit, or control regulation issued or promulgated pursuant to this article which VIOLATION poses imminent and

substantial endangerment to the beneficial uses of state waters and which cannot be timely prevented by a permit modification or permit enforcement action, or any continued violation of this article, or any order, permit, or control regulation issued or promulgated pursuant to this article. In any suit for a violation of an order, the final findings of the division, after opportunity for a hearing, based upon evidence in the record, shall be prima facie evidence of the facts found in such record.

SECTION 97. 39-22-104.5, Colorado Revised Statutes, 1982 Repl. Vol., as enacted by House Bill 94-1094, enacted at the Second Regular Session of the Fifty-ninth General Assembly, is amended to read:

39-22-104.5. Pre-tax payments - catastrophic health insurance. For income tax years commencing on or after ~~January 1, 1994~~ JANUARY 1, 1995, amounts withheld from an individual's wages that are used to pay for catastrophic health insurance pursuant to and within the limitations prescribed by section 10-16-117, C.R.S., are excluded from the individual's federal taxable income for purposes of the state income tax imposed by section 39-22-104.

SECTION 98. Section 3 of Chapter 167, Session Laws of Colorado 1993, is amended to read:

Section 3. Repeal of sections not relocated. 10-14-106, 10-14-112, 10-14-114, 10-14-117, 10-14-124, 10-14-125, 10-14-126, 10-14-127, 10-14-128, 10-14-129, 10-14-131, 10-14-135, and 10-14-136, Colorado Revised Statutes, 1987 Repl. Vol., as amended, which were not relocated in section 1 of this act are repealed.

SECTION 99. 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.

Approved: May 31, 1994

**APPENDIX
SB 94-206**

C.R.S. Section No.	Section in Bill	Change	Reason
1-4-907	1	Amended	In a provision which references execution and acknowledgment of petitions, changes "section" to "part 9" to more accurately cite the reference.
1-7-201 (3)	2	Amended	Changes a reference to correspond with the relocation of provisions in the recodification of the election laws in HB92-1333, Session Laws of Colorado 1992, chapter 118.
1-7-406	3	Amended	Same as 1-7-201 (3).
1-8-128	4	Amended	Same as 1-7-201 (3).
1-13-106	5	Amended	In a provision which sets out a penalty for forgery with regard to ballots, changes "forgery in the second degree" to "forgery" and corrects the cite to correspond with HB93-1302, Session Laws of Colorado 1993, chapter 322, pages 1988 and 1989, where the prohibitions contained in section 18-5-103 concerning forgery in the second degree were moved to section 18-5-102 concerning forgery.
1-41-103 (1)(b) and (1)(c)	6	Amended	Changes references to correspond with the relocation of provisions relating to initiatives and referendums by SB93-135, Session Laws of Colorado 1993, chapter 183.
1-45-108 (5.5)	7	Amended	Same as 1-7-201 (3).
2-2-320 (1)	8	Amended	Deletes reference to the commission on interstate cooperation from a statute which provides contract approval authority for listed legislative agencies. As set out in section 2-3-311 (3), the commission was abolished July 1, 1977.

2-2-506 (1)	9	Amended	(1)(a) and (1) (d) same as 1-7-201 (3). (1)(b) and (1) (c) repealed as obsolete since date for required filings has passed.
2-3-104	10	Amended	Corrects an error made in the drafting of HB93-1246, Session Laws of Colorado 1993, chapter 343. A cite to a provision in the draft of the bill was overlooked when the provision being cited was renumbered in a second draft.
2-3-204	11	Amended	Same as section 2-3-104.
2-3-304	12	Amended	Same as section 2-3-104.
2-3-502 (1)	13	Amended	Same as section 2-3-104.
2-3-503 (1)	14	Amended	Same as section 2-3-104.
2-3-1203 (3)(f)(VIII.5)	15	Repealed	In a statute which lists the advisory committees which are subject to sunset review, repeals a provision listing the passenger tramway safety advisory committee under agencies which were subject to repeal on July 1, 1993, because in HB93-19, Session Laws of Colorado 1993, chapter 267, which recodified the passenger tramway safety statutes, the advisory board was not continued.
2-5-118	16	Amended	Deletes a citation to a statute which was repealed in 1983.
8-44-204 (7)	17	Amended	Corrects a wrong citation made in the drafting of SB92-12, Session Laws of Colorado 1992, chapter 203, in which the provisions of section 10-1-110 (5) were repealed and relocated in section 10-1-204 (9) and the citation was overlooked.
8-44-205 (6)	18	Amended	Same as 8-44-204 (7).
8-70-108	19	Amended	Deletes a reference to the advisory council to the division of employment and training which council was repealed effective July 1, 1990, pursuant to a sunset provision added by HB-1101, Session Laws of Colorado 1986, chapter 57, page 409.
10-1-103 (3)	20	Amended	In a listing of statutes where fees collected are transmitted to the division of insurance cash fund, deletes references to repealed provisions.

10-1-103 (3)	21	Amended	Same as 10-1-103 (3).
10-2-301 (3)(b), (5), (6)(b)	22	Amended	Corrects errors made in the drafting of HB93-1270, Sessions Laws of Colorado 1993, chapter 257, page 1348, section 1, in which references to the division of insurance were erroneously referred to as "commission" or "department".
10-3-1108 IP(1)	23	Amended	Changes a reference to correspond to the relocation of provisions in the repeal and reenactment of article 18 of title 10, HB89-1163, Session Laws of Colorado 1989, chapter 91, page 498, section 1.
10-4-706 (5)	24	Amended	Adds language to a subsection added by HB92-1176, Session Laws of Colorado 1992, chapter 220, page 1781, section 1, which provides for the repeal of certain provisions to include the subsection containing the repeal.
10-14-305 (1)(b)	25	Amended	Corrects an error made in a senate floor amendment in which the section which requires the submission of reports was erroneously cited as "10-14-612" instead of "10-14-602".
10-16-107 (3)(d)	26	Amended	Corrects a reference to correspond with the relocation of provisions in SB92-114, Session Laws of Colorado 1992, chapter 208, page 1745, section 5.
10-16-403 (1)(a) and (1)(b)	27	Amended	Deletes references to a part of an article which was previously repealed, and, when several articles were recodified in the insurance laws, pursuant to SB92-104, Session Laws of Colorado 1992, chapter 207, page 1617, section 1, the obsolete reference was overlooked.
10-16-418 (2)	28	Amended	Corrects an erroneous reference in a section contained in the health care coverage statutes. SB92-12, Session Laws of Colorado 1992, chapter 203, repealed and reenacted part 5 of article 3 of title 10. However, this reference was included in another bill, SB92-104, Session Laws of Colorado 1992, chapter 207. The cite was to a section in part 5 of article 3 of title 10 prior to the repeal and reenactment in SB 92-12.

10-16-420 (1)	29	Amended	Corrects an internal reference to where suspension or revocation of a certificate of authority is located.
10-16-421	30	Amended	Deletes a reference to a section that was repealed by SB92-12, Session Laws of Colorado 1992, chapter 203, page 1424, section 4.
11-22-116 (5)(b)	31	Amended	Changes "part 6 of this title" to "part 6 of this article" to correct a reference in a subsection added by HB93-1261, Session Laws of Colorado 1993, chapter 171, page 619, section 2. The reference was correct in a draft of the bill but was wrong in the printed bill.
11-35-101 (1)	32	Amended	In a provision which lists sections where surety bonds are required for licensure, deletes reference to two sections which were repealed as the result of the repeal and reenactment of part 1 of article 2 of title 10 by SB92-90, Session Laws of Colorado 1992, chapter 206, page 1518, section 16.
11-35-101.5 (1)	33	Amended	For provision in effect until January 1, 1995, which lists sections where letters of credit are required for licensure, deletes reference to two sections which were repealed as the result of the repeal and reenactment of part 1 of article 2 of title 10 by SB92-90, Session Laws of Colorado 1992, chapter 206, page 1518, section 16. Also deletes references to a provision which was repealed and a provision in which there is no requirement for a bond.
11-35-101.5 (1)	34	Amended	Same as 11-35-101.5 for provision in effect January 1, 1995.
12-64-111 (1)(p)	35	Amended	Corrects a reference to a provision contained in the "Uniform Controlled Substances Act of 1992" which was overlooked when the controlled substances statutes were recodified by HB92-1015, Session Laws of Colorado 1992, chapter 71.

18-19-103 (2) and (3)	36	Amended	Subsection (2) same as 12-64-111 (1)(p). In subsection (3), changes "disperse" to "disburse" for correct word usage.
19-2-204 (3)(a)(IV)(E)	37	Amended	Corrects a reference in a section contained in HB93-1064, Session Laws of Colorado 1993, chapter 289, page 1716, section 2, which was overlooked when a second draft of the bill changed the numbering.
19-2-708 (1) and (4)	38	Amended	In a provision concerning regimented juvenile training programs which was enacted by HB93S-1005, Session Laws of Colorado, First Extraordinary Session 1993, chapter 3, page 20, changes "three-phase program" to "two-phase program" to conform with other changes made to the section by a second reading amendment in the House.
22-32-110 (1)(ee)	39	Amended	Changes a reference in the "Teacher Employment, Compensation, and Dismissal Act of 1990" from "22-63-403" to "22-63-402" to correct a typographical error made in HB90-1159, chapter 150, page 1130, which recodified the act and made conforming amendments to reflect the renumbering as a result of the recodification.
22-33-106 (1)(c)	40	Amended	Changes "handicapped child" to "child with a disability" in a provision enacted by HB93-1095, Session Laws of Colorado 1993, chapter 344, page 2111, to conform with SB93-242, Session Laws of Colorado 1993, chapter 279, which changed references from "handicap" to "disability" throughout the statutes.
22-44-105 (1)(e)(III)	41	Amended	Same as 22-33-106 (1)(c) for a provision enacted by HB93-1320, Session Laws of Colorado 1993, chapter 313, page 1873.
22-53-107 (5.5)(a) and (5.5)(c)(I)	42	Amended	Same as 22-33-106 (1)(c) for a provision enacted by HB93-1304, Session Laws of Colorado 1993, chapter 196, page 878.
22-53-116.5 (3)	43	Amended	Same as 22-53-107 (5.5)(a) and (5.5)(c)(I).
22-53-409 (4)(a) and (4)(b)	44	Amended	Same as 22-33-106 (1)(c) for a provision enacted by HB93-1313, Session Laws of Colorado 1993, chapter 226, page 1037.

22-60-107 (2)	45	Amended	Moves a provision from subsection (9) to subsection (2)(f) for correct placement in a law specifying substitutions for in-service credit. Adds the words "may be" in the second sentence for correct grammatical structure.
22-60-107 (9)	46	Amended	Repeals subsection (9) because language was moved to subsection (2) (f). See 22-60-107 (2) (f).
22-60.5-107 (2)(a)	47	Amended	Deletes a citation to a statute which was repealed in 1991.
24-4.1-119 (1)(c) and (1)(d)	48	Amended	Corrects a citation to where the victim compensation fund is established.
24-34-104 (21.1), (27)(d), (27.5)(b), and (33)	49	Amended	Deletes language in (21.1), for the same reason as 13-4-102 (2)(y). Deletes (27)(d), because there is a duplicate provision in (27)(a)(IV). In (27.5)(b), changes a reference to correspond with changes made to the controlled substances laws by HB92-1015, Session Laws of Colorado 1992, chapter 71. Deletes (33) because there is a duplicate provision in (32)(b).
24-34-502 (6)	50	Amended	Changes "handicap" to "disability" to conform with SB93-242, Session Laws of Colorado 1993, chapter 279, which changed references from "handicap" to "disability" throughout the statutes but inadvertently missed this reference.
24-49-101 (3)	51	Amended	Corrects an internal reference to correspond with a renumbering change made by SB93-8, chapter 182, page 673, section 7.
24-51-305 (2)	52	Amended	In a provision concerning employer contribution rates to the public employee retirement fund for district attorneys, corrects an internal reference to correspond with changes made by HB92-1335, Session Laws of Colorado 1992, chapter 175, page 1132, in which provisions concerning employer contributions were moved effective July 1, 1993, from subsection (1) to subsection (1.7).

24-72-204 (3.5)(a)(I)	53	Amended	Same as 1-7-201 (3).
24-90-105 (1)(e)	54	Amended	Same as 24-34-502 (6).
25-1-107 (1)(ee) (II.5)(A), (3)(c)(II)	55	Amended	In (1)(ee)(II.5)(A), deletes references to the women's correctional institution and the reformatory which were overlooked in HB93-1190, Session Laws of Colorado 1993, chapter 22, page 55, when provisions of law concerning those institutions was repealed and like references were deleted. In (3)(c)(II), deletes as obsolete a provision which required a report to the general assembly by January 1, 1993.
25-1-201 (1)	56	Amended	Deletes a reference to an advisory council which was allowed to terminate July 1, 1990, pursuant to the sunset law. HB 1101, Session Laws of Colorado 1986, chapter 57, page 420, section 40.
25-1-202 IP(1)	57	Amended	Same as 25-1-201.
25-1-209	58	Amended	Same as 25-1-201.
25-3-304 (3)(c)(II)(B)	59	Amended	In a provision added by HB93-1347, Session Laws of Colorado 1993, chapter 301, page 1818, concerning enterprise status for hospitals, changes "auxiliary facility" to "hospital". The draft of the bill was taken from similar language in a bill concerning auxiliary facilities and the term was overlooked when the bill was drafted.
25-7-114.6 (1)	60	Amended	In a provision which lists certain sections where fees are collected, deletes a citation to a statute because the fee provision was contained in subsections (2) and (6) which were repealed, effective January 1, 1993.
25-7-122 (1)(b)	61	Amended	In a provision which states that a violation of a listing of sections is a civil penalty, deletes citation to a section which was repealed, effective January 1, 1993.

25-15-310 (2)	62	Amended	Corrects a citation to correspond with SB89-241, Session Laws of Colorado 1989, chapter 370, where article 2.1 of title 40 was repealed and like provisions were enacted in section 43-6-113.
26-17-107.5	63	Amended	Same as 22-33-106 (1)(c) for a provision enacted by SB93-36, Session Laws of Colorado 1993, chapter 237, section 2, page 1251.
31-30-1005.3 (5)	64	Amended	In a section enacted by HB93-1243, Session Laws of Colorado 1993, chapter 107, page 367, changes "state money purchase plan" to "statewide money purchase plan" to reflect the correct name as set out in subsection (1) of the section. Changes "no member" to "no amendment" to correct a typographical error made in the engrossing of the bill.
32-1-305 (6)	65	Amended	Same as 1-7-201 (3).
32-7-103 (3.5), (12)	66	Added and Repealed	In order to place provision in alphabetical order in a definition section, repeals the provision as contained in subsection (12) and enacts it as subsection (3.5).
32-7-109 (4)	67	Amended	Same as 1-7-201 (3).
32-8-103 (3)	68	Amended	Corrects an error in a cite to the definition of "taxpaying elector" made in HB92-1333, Session Laws of Colorado 1992, chapter 118.
32-9-111 (3)	69	Amended	Same as 1-7-201 (3).
32-10-138 (4)(c)	70	Amended	Same as 1-7-201 (3).
32-11-104 (54)(a)	71	Amended	Since "elector" was changed to "eligible elector" throughout the "Special District Act" in HB92-1333, Session Laws of Colorado 1992, chapter 118, clarifies that "elector" as defined in a section of the "Urban Drainage and Flood Control Act" has the same meaning as "eligible elector" in the "Special District Act".
32-12-108 (1)(b)	72	Amended	Same as 1-7-201 (3).

33-4-102 (1.4)(n)	73	Repealed	Repeals a provision concerning the license fee for spring bear hunting to reflect the intent of the initiative adopted by the people at the general election held November 3, 1992, in which section 33-4-101.3 concerning the prohibition against spring bear hunting was enacted. The initiative repealed 33-4-102 (1)(n) which had set out the license fee for spring bear hunting prior to January 1, 1990, but was repealed on that date by HB89-1187, Session Laws of Colorado 1989, chapter 294, and moved the provision to section 33-4-102 (1.4)(n).
33-44-104 (2)	74	Amended	Corrects an internal reference to reflect changes made by section 8 of SB93-19, Session Laws of Colorado 1993, chapter 267, page 1538, which repealed and reenacted several sections.
35-9-118 (3)(a)	75	Amended	Changes "stop sale" to "cease and desist order" and corrects an internal reference to conform with changes in terminology and numbering made by the repeal and reenactment of the "Pesticide Act" in HB90-1228, Session Laws of Colorado 1990, chapter 259, page 1559.
35-27.5-102 (2)	76	Repealed	Repeals a definition of the weed free certification advisory board, because this board was amended out of HB93-1056, Session Laws of Colorado 1993, chapter 329, page 2035, by a House Appropriations Committee amendment, and no such board is created in the statutes.
35-55-107 (2)	77	Amended	Corrects a reference in a section contained in HB91-1018, Session Laws of Colorado 1991, chapter 28, page 168, section 5, which inadvertently made reference to title 33 instead of title 35.
38-35-126 (5)	78	Repealed	Repeals subsection (5) because it is a duplicate of subsection (4). The two provisions were added by SB93-54 and HB93-1169, Session Laws of Colorado 1993, chapters 147 and 293, pages 509 and 1743.

39-2-115 (1)(b)	79	Amended	Deletes language added by HB93-1321, Session Laws of Colorado 1993, chapter 246, page 1283, which references adjustment rates made by the state board of equalization pursuant to section 39-1-104.2, because SB93-255, Session Laws of Colorado 1993, chapter 283, page 1689, deleted the rate adjustment authority of the board in the referenced section.
39-5-101	80	Amended	Deletes obsolete language concerning property tax years ending in 1986.
39-10-103(2)	81	Amended	Deletes a sentence concerning information needed for the 1990 budget year for a school district, because the date has passed and the section referenced in the sentence was repealed effective May 6, 1993.
39-22-307 (2)(a)	82	Amended	Corrects a reference to where the energy impact assistance advisory committee is located.
39-27-103 (3)(a.1)	83	Repealed	Repeals an obsolete provision which gave a checkoff option for certain refunds on gasoline purchased on or before July 1, 1981.
42-4-307 (16.5)	84	Amended	Changes "1980" to "1981" in a provision concerning automobile inspections, to conform with the intent of HB93-1340, Session Laws of Colorado 1993, chapter 321, that vehicles that are 1981 and older may be inspected at an inspection-only facility while vehicles that are 1982 and newer are required to be inspected at enhanced inspection centers. For correct dates set out in said chapter 321, see section 43-4-311 (3)(c) on page 1956, section 42-4-312 (1)(b)(II)(B) and (1)(b)(II)(C) on page 1958, and 42-4-312 (1)(c)(IV) on page 1960.
42-4-309 (17)(f)	85	Amended	Same as 42-4-307 (16.5).

43-1-113 (12)(a)	86	Amended	In a provision contained in HB91-1198, Session Laws of Colorado 1991, chapter 188, which created the department of transportation, corrects an internal reference which was overlooked when part 1 of article 1 of title 43 was repealed and reenacted. The same reference is correctly made in the first sentence of the provision.
43-2-207 (2)	87	Amended	In a provision concerning expenditures for spraying for insects which references a section which defined "insect" but which was deleted by the repeal and reenactment of article 10 of title 35 in HB90-1001, Session Laws of Colorado 1990, chapter 260, page 1576, adds the definition to the section and corrects the cite.
10-12-406	88	Amended	Changes an internal reference to accurately reflect amendments made in HB94-1169 in which provisions pertaining to the making of insurance by captive insurance companies were relocated.
10-15-118 (1)	89	Amended	Corrects an internal reference to the statutory cite for penalties pertaining to felonies.
10-16-302 (1)	90	Amended	Same as 10-16-421.
10-16-321	91	Amended	Corrects an internal reference to a section pertaining to loss ratios which were moved in the 1989 repeal and reenactment of article 18 of title 10, HB 1163, Session Laws of Colorado 1989, chapter 91, page 498.
10-16-501	92	Amended	Changes "article" to "part 5" to conform this section to other changes made in the repeal and reenactment of article 16 of title 10, SB92-104, Session Laws of Colorado 1992, chapter 207, page 1617.

10-20-108 (3)(a) and (4)	93	Amended	In subsection (3)(a), corrects an error made in the drafting of HB91-1325, Session Laws of Colorado 1991, chapter 214, page 1263, in which a reference to a provision concerning benefits and coverages under life and health insurance policies was incorrectly cited. In subsection (4), corrects a reference to a subsection that was renumbered in a second draft of HB91-1325.
17-1-108 (1)	94	Amended	Corrects the grammar to conform to changes made in the first part of the sentence by HB94-1288.
24-75-1001 (4)	95	Amended	Corrects an internal reference in a section amended by HB94-1020 in which the original draft referred to a provision amended in the bill instead of the new section being added in the bill.
25-8-607 (1)	96	Amended	Clarifies the legislative intent of SB94-094 in which the authority of the division of administration of the department of health to seek injunctions pursuant to the water quality control act may bring an injunction to prevent any threatened violation which poses imminent and substantial endangerment to the beneficial use of state waters.
39-22-104.5	97	Amended	In a section enacted by HB94-1094, changes the effective date within the section to correspond with the effective date of the act.
Section 3 of chapter 167, Session Laws of Colorado 1993	98	Amended	Adds section 10-14-131 to a listing of sections which were repealed by virtue of not being included in the repeal and reenactment of article 14 of title 10 in SB93-72.