

CHAPTER 220

**STATUTES**

**HOUSE BILL 95-1212**

BY REPRESENTATIVES Snyder, DeGette, Lyle, and Sullivan;  
also SENATORS Wells, Mutzebaugh, and Pascoe.

**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.** 8-40-301 (1) and (3) (c), Colorado Revised Statutes, 1986 Repl. Vol., as amended, are amended to read:

**8-40-301. Scope of term "employee".** (1) "Employee" excludes any person employed by a ~~passenger tramway operator~~ PASSENGER TRAMWAY AREA OPERATOR, as defined in section ~~25-5-702 (3)~~ 25-5-702 (1), C.R.S., or other employer, while participating in recreational activity, who at such time is relieved of and is not performing any duties of employment, regardless of whether such person is utilizing, by discount or otherwise, a pass, ticket, license, permit, or other device as an emolument of employment.

(3) (c) The provisions of paragraph (a) of this subsection (3) do not apply to an inmate working for a joint venture established pursuant to the provisions of section 17-24-119, ~~or 17-24-121~~, C.R.S. Such inmate shall be an employee of such joint venture for purposes of articles 40 to 47 of this title.

**SECTION 2.** 11-35-101 (1), Colorado Revised Statutes, 1987 Repl. Vol., as amended, 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 10-2-408, 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),

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

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), 42-6-115 (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 3.** 11-44-101.7 (2) (a), (2) (c), (3) (d), and (3) (h), Colorado Revised Statutes, 1987 Repl. Vol., as amended, are amended to read:

**11-44-101.7. Powers of the financial services board.** (2) In addition to any other powers conferred on it by articles 30 and 40 to 46 of this title, the board has the power to:

(a) Make all final decisions with respect to the organization, conversion, or merger of credit unions and savings and loan associations ~~licensing of small business development credit corporations pursuant to article 36 of this title~~, and administration of life care institutions or providers pursuant to article 13 of title 12, C.R.S.;

(c) ~~Make all final decisions with respect to the denial, suspension, or revocation of a license with respect to a small business development credit corporation under article 36 of this title.~~

(3) The board has the power to:

(d) Issue a declaratory order with respect to the applicability of article 13 of title 12, C.R.S., articles 30, ~~36~~, and 40 to 46 of this title, or any rule and regulation issued by the board to any person, property, or state of facts under said provisions;

(h) Perform any acts and make any decisions incidental to or necessary for carrying out its functions as set forth in article 13 of title 12, C.R.S., and articles 30 ~~36~~, and 40 to 46 of this title;

**SECTION 4.** 11-44-101.8 (2), Colorado Revised Statutes, 1987 Repl. Vol., as amended, is amended to read:

**11-44-101.8. Review of commissioner actions by financial services board - judicial review.** (2) Any credit union, savings and loan association, ~~small business development credit corporation~~, or life care institution or provider, or any officer, director, employee, agent, advisor, or volunteer thereof, aggrieved or directly affected by a final order of the board may obtain judicial review thereof by filing an action for review pursuant to the provisions of section 24-4-106, C.R.S., with the Colorado court of appeals pursuant to section 24-4-106 (11), C.R.S. The commencement of

such proceeding does not, unless specifically ordered by the court, operate as a stay of the board's ruling, order, decision, or other action.

**SECTION 5.** 11-59-108 (5), Colorado Revised Statutes, 1987 Repl. Vol., as amended, is amended to read:

**11-59-108. Registration of bonds.** (5) Districts are subject to the open meetings law under PART 4 OF ~~article 9~~ ARTICLE 6 of ~~title 29~~ TITLE 24, C.R.S., and the open records law under article 72 of title 24, C.R.S.

**SECTION 6.** 12-26.5-107 (2), Colorado Revised Statutes, 1991 Repl. Vol., as amended, is amended to read:

**12-26.5-107. Fees - collection - cash fund created - allocation of moneys from fund.** (2) Any fee collected pursuant to subsection (1) of this section ~~or any fine collected pursuant to section 12-26.5-105 (3)~~ shall be transmitted to the state treasurer who shall credit the same to the statewide instant criminal background check cash fund, referred to in this article as the "fund", which fund is hereby created. Any interest derived from the deposit and investment of moneys in the fund shall be credited to the fund. All moneys in the fund shall be subject to appropriation by the general assembly for the direct and indirect costs of implementing the provisions of this article.

**SECTION 7.** 12-39-105 (1) (a) (III), Colorado Revised Statutes, 1991 Repl. Vol., as amended, is amended to read:

**12-39-105. Powers and duties of the board.** (1) (a) The board has the following powers and duties:

(III) To revoke, suspend, withhold, or refuse to renew any license previously issued by the board, to place on probation a licensee or temporary license holder, or to issue a letter of admonition to a licensee in accordance with section ~~12-39-112 (3)~~ 12-39-111 (3) in any case where the individual holding any such license is determined to have failed to conform to the requirements of the standards provided in subparagraph (I) of this paragraph (a) or the grounds for discipline set forth in section 12-39-111;

**SECTION 8.** 12-43-215 (8), Colorado Revised Statutes, 1991 Repl. Vol., as amended, is amended to read:

**12-43-215. Scope of article - exemptions.** (8) The provisions of section 12-43-220 shall not apply to employees of community mental health centers as those centers are defined by section ~~27-1-202~~ 27-1-201, C.R.S., but such persons practicing psychotherapy outside the scope of employment as employees of a facility defined by section 27-1-201, C.R.S., shall be subject to the provisions of section 12-43-220.

**SECTION 9.** 12-44-212 (1), (2), (3), (4) (b), and (5) (a), Colorado Revised Statutes, 1991 Repl. Vol., as amended, are amended to read:

**12-44-212. Violation - penalty.** (1) Upon a finding by the department or the local

board of health that a food service establishment has been found to be in violation of the provisions of this part 2, that the PERSON CONDUCTING AN UNLICENSED FOOD SERVICE ESTABLISHMENT OR THE licensee has been notified of such violation in writing, that the PERSON CONDUCTING AN UNLICENSED FOOD SERVICE ESTABLISHMENT OR THE licensee has been given an opportunity to comply, and that the establishment has again been found to be in violation, the PERSON CONDUCTING AN UNLICENSED FOOD SERVICE ESTABLISHMENT OR THE licensee shall be subject to a civil penalty of not less than two hundred fifty dollars nor more than one thousand dollars, which penalty may be assessed by the department or the local board of health.

(2) Upon a finding by the department or the local board of health that a food service establishment is in violation of the rules and regulations adopted pursuant to this part 2 and that such violations are sufficient to permit the department or the local board of health to establish a date and time for correction pursuant to rules and regulations adopted pursuant to this part 2, the department or the local board of health shall advise the PERSON CONDUCTING AN UNLICENSED FOOD SERVICE ESTABLISHMENT OR THE licensee of the violation, provide the PERSON CONDUCTING AN UNLICENSED FOOD SERVICE ESTABLISHMENT OR THE licensee a reasonable period of time to comply, and conduct a follow-up inspection. If the establishment is found again to be in violation of the same rules and regulations category or categories, the department or the local board of health shall issue the PERSON CONDUCTING AN UNLICENSED FOOD SERVICE ESTABLISHMENT OR THE licensee written notification of noncompliance, provide the PERSON CONDUCTING AN UNLICENSED FOOD SERVICE ESTABLISHMENT OR THE licensee a reasonable time to comply, and conduct a second follow-up inspection.

(3) (a) If, at the second follow-up inspection, a food service establishment is found to be in compliance with the rules and regulations category or categories cited in the written notification of noncompliance issued pursuant to subsection (2) of this section, the department or the local board of health shall advise the PERSON CONDUCTING AN UNLICENSED FOOD SERVICE ESTABLISHMENT OR THE licensee in writing that noncompliance with the rules and regulations category or categories cited in the written notification of noncompliance issued pursuant to subsection (2) of this section at the next regular inspection will result in the issuance of a second written notification of noncompliance.

(b) If, at the second follow-up inspection, a food service establishment is found to be in violation of the rules and regulations category or categories cited in the written notification of noncompliance issued pursuant to subsection (2) of this section, the department or the local board of health shall issue a second written notification of noncompliance, advising the PERSON CONDUCTING AN UNLICENSED FOOD SERVICE ESTABLISHMENT OR THE licensee of the violation or violations and notifying the PERSON CONDUCTING AN UNLICENSED FOOD SERVICE ESTABLISHMENT OR THE licensee of the potential civil penalties, and shall conduct a third follow-up inspection.

(4) (b) If, at the third follow-up inspection, a food service establishment is found to be in violation of the rules and regulations category or categories cited in the second written notification of noncompliance issued pursuant to subsection (3) of this section, the department or the local board of health may assess a civil penalty of not less than five hundred dollars nor more than one thousand dollars. When compliance with the rules and regulations category or categories cited in the second written

notification of noncompliance issued pursuant to subsection (3) of this section is obtained, the department or the local board of health shall notify the PERSON CONDUCTING AN UNLICENSED FOOD SERVICE ESTABLISHMENT OR THE licensee that noncompliance with the rules and regulations category or categories cited in the second written notification of noncompliance issued pursuant to subsection (3) of this section at the next regular inspection will result in the issuance of a third written notification of noncompliance and may result in an additional civil penalty of not less than five hundred dollars nor more than one thousand dollars.

(5) (a) A maximum of three civil penalties may be assessed against a PERSON CONDUCTING AN UNLICENSED FOOD SERVICE ESTABLISHMENT OR THE licensee in any calendar year. The assessment of a third civil penalty in a calendar year against a licensee shall obligate the department or the local board of health to initiate proceedings to suspend or revoke the license of the licensee pursuant to section 12-44-210. Neither the department nor the local board of health shall assess a civil penalty against a licensee pursuant to this section while an action initiated pursuant to section 12-44-210 against such licensee is in progress.

**SECTION 10.** 12-60-702 (1) (c) and (1) (e), Colorado Revised Statutes, 1991 Repl. Vol., as amended, are amended to read:

**12-60-702. Unlawful to wager, exception - excess - taxes.** (1) (c) Each licensee for the racing of horses shall pay as purses for the races in any horse race meet conducted at its in-state host track fifty percent of the breakage attributable thereto, and fifty percent of the track's commission. For purposes of this paragraph (c), the track's commission means the maximum allowable percentage which may be taken, pursuant to paragraph (b) of this subsection (1), by a licensee for the racing of horses from the gross receipts from all pari-mutuel wagering placed on such races at the in-state host track, after deduction of the amounts specified in sections 12-60-701 (2) (a) and (2) (b) and ~~12-60-704 (2) (a)~~ 12-60-704 (2).

(e) Each licensee for the racing of greyhounds shall pay on a weekly basis as purses for the races in any greyhound race meet conducted at its in-state host track four percent of the gross receipts from all pari-mutuel wagering on such races. Each operator of an in-state simulcast facility which receives simulcast races of horses or greyhounds shall pay to one or more purse funds, where applicable, and to such in-state or out-of-state tracks and simulcast facilities, as described in the simulcast agreement filed with the commission, such percentages of the gross pari-mutuel wagering on such simulcast races, after deduction of the applicable amounts specified in subsection (2) (b) of this section, in section 12-60-701 (1) (a), (2) (a), (2) (b), and (2) (c), and in section ~~12-60-704 (2) (a)~~ 12-60-704 (2), as shall be specified in such simulcast agreement.

**SECTION 11.** 16-11-101 (1) (i) (I), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

**16-11-101. Alternatives in sentencing.** (1) Within the limitations of the penalties provided by the classification of the offense of which a person is found guilty, and subject to the provisions of this title, the trial court has the following alternatives in entering judgment imposing a sentence:

(i) (I) If the defendant is eligible pursuant to section ~~19-2-805 (2) (a)~~ 19-2-805 (2), C.R.S., the defendant may be sentenced to the youthful offender system in accordance with section 16-11-311.

**SECTION 12.** 16-11-214 (1), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

**16-11-214. Fund created - adjunct probation services.** (1) There is hereby created in the state treasury the offender services fund to which shall be credited twenty percent of the probation supervision fees collected pursuant to section ~~16-11-204 (2) (e)~~ 16-11-204 (2) (a) (V) and from which the general assembly shall make annual appropriations for adjunct probation services in the judicial department, including treatment services, contract services, drug and alcohol treatment services, and program development. Any moneys remaining in said fund at the end of any fiscal year shall not revert to the general fund.

**SECTION 13.** 16-11-309 (2) (c), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

**16-11-309. Mandatory sentences for violent crimes.** (2) (c) As used in this section, "at-risk adult" has the same meaning as set forth in section 18-6.5-102 (1), C.R.S., and "at-risk juvenile" has the same meaning as set forth in section ~~18-6.5-102 (2)~~ 18-6.5-102 (1.5), C.R.S.

**SECTION 14.** 16-11-311 (2) (a) (I) and the introductory portion to 16-11-311 (2.1) (a), Colorado Revised Statutes, 1986 Repl. Vol., as amended, are amended to read:

**16-11-311. Sentences - youthful offenders - legislative declaration - powers and duties of district court - authorization for youthful offender system - powers and duties of department of corrections - repeal.** (2) (a) (I) A juvenile may be sentenced to the youthful offender system created pursuant to this section under the circumstances set forth in section ~~19-2-805 (2) (a) (H)~~ 19-2-805 (2) (b) (I), C.R.S. In order to sentence a person to the youthful offender system, the court shall first impose upon such person a sentence to the department of corrections in accordance with section 18-1-105, C.R.S. The court shall thereafter suspend such sentence conditioned on completion of a sentence to the youthful offender system, including a period of community supervision. The court shall impose any such sentence to the youthful offender system for a determinate period of not less than two years nor more than six years, with authority granted to the department of corrections to place a youthful offender under a period of community supervision for a period of no less than six months and up to twelve months any time after the date on which the youthful offender has twelve months remaining to complete the determinate sentence. The court is encouraged to have a presentence investigation conducted before sentencing a juvenile pursuant to this section.

(2.1) (a) As originally enacted, this section applied only to offenses committed by juveniles on or after September 13, 1993. For purposes of extending the availability of sentencing options, a juvenile who meets the criteria set forth in section ~~19-2-805 (2) (a) (H)~~ 19-2-805 (2) (b) (I), C.R.S., may be sentenced to the youthful offender system pursuant to this section, under the following circumstances:

**SECTION 15.** 16-13-308 (1) (f), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

**16-13-308. Temporary restraining order - preliminary injunction - when to issue.** (1) (f) Any person with an ownership interest adversely affected by a temporary restraining order issued pursuant to this subsection (1) may file a motion to vacate the temporary restraining order. Such motion shall be filed within ten days of the time said person is served with or otherwise has notice of the temporary restraining order. The motion shall be set for hearing within ten days after its filing. At said hearing, the court shall determine whether the various provisions of the temporary restraining order should remain in effect pending final determination of the action. No part of the temporary restraining order shall be vacated unless the proponent of the motion demonstrates that there is no probable cause to believe that a public nuisance exists or that the public nuisance acts underlying the action occurred, or that the proponent has a reasonable likelihood of prevailing on the merits of an affirmative defense asserted pursuant to section ~~16-13-303(5)~~ 16-13-303 (5.2). Any motion to vacate a temporary restraining order shall state specifically the factual and legal grounds upon which it is based, and only those grounds may be considered at the hearing. Until vacated, the temporary restraining order shall remain in full force and effect.

**SECTION 16.** 17-2-103 (11) (b) (II) (B), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

**17-2-103. Arrest of parolee - revocation proceedings.**

(11) (b) (II) If the board determines that the parolee has violated any condition of parole other than commission of a crime, the board may:

(B) Revoke parole for a period not to exceed one hundred eighty days and request the sheriff of the county in which the hearing is held to transport the parolee to a ~~community corrections facility~~ COMMUNITY CORRECTIONS PROGRAM pursuant to section 17-27-105 (3), a place of confinement within the department of corrections, or any private facility that is under contract to the department of corrections; or

**SECTION 17.** 17-24-122 (1), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

**17-24-122. Agreements for the employment of inmates by private entities.**

(1) ~~In addition to the authority granted pursuant to section 17-24-121,~~ The department of corrections, working through the division, is authorized to enter into agreements with private persons or entities for the utilization of inmate labor in the manufacturing, processing, or assembly of components, finished goods, services, or product lines within facilities owned or leased by the department. Such agreements shall be subject to the prior review of the attorney general and the correctional industries advisory committee.

**SECTION 18.** 17-27.1-101 (1), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

**17-27.1-101. Nongovernmental facilities for offenders - notice requirements.**

(1) Any nongovernmental facility not authorized to provide involuntary residential

treatment pursuant to sections 27-10-105, 27-10-106, 27-10-107, or 27-10.5-110, C.R.S., but nevertheless providing residential treatment for five or more persons, each of whom remains under the jurisdiction of any court, the department of corrections, or the state board of parole or any probation department, parole division, or adult diversion program because of having been charged with or convicted of a felony or a misdemeanor in this state or of a crime anywhere in the United States or another nation which would be a felony or misdemeanor if committed in this state shall give a written notice prior to each admission to any local law enforcement agency for the jurisdiction in which the facility is located or to the local community corrections board, as defined in section 17-27-102 (2). Such notices shall include the full name of the person; the person's date and place of birth; a complete description of the person's arrests, the charges against such person, and such person's convictions; the name and address of any court, the department, the state board of parole, or any probation department, parole division, or adult diversion program involved; and a complete description of the terms and conditions of the placement and any related court order. By written policy the local law enforcement agency may require such person to physically appear at the local law enforcement agency for photographing and fingerprinting. The facility shall immediately report the unauthorized absence of any person placed in such facility to the local law enforcement agency. This section shall apply to any nongovernmental facility whether or not the facility is operating as a ~~community correctional facility~~ COMMUNITY CORRECTIONS PROGRAM pursuant to article 27 of this title. This section shall not apply to any persons placed in a work release program pursuant to the authority of a sheriff.

**SECTION 19.** 17-30-101 (1), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is repealed as follows:

**17-30-101. Interdepartmental cooperation concerning offenders.** (1) ~~The department of corrections, the department of public safety, and the judicial department are hereby directed to prepare a joint implementation report concerning community-based corrections including probation, parole, and community corrections upon the subjects outlined in subsection (2) of this section. Such report shall be presented to the criminal justice commission created pursuant to article 1.5 of title 18, C.R.S., no later than November 1, 1990. Such report shall be presented to the governor and the general assembly no later than January 1, 1991. The criminal justice commission shall review the report prior to January 1, 1991, and shall report its comments thereon to the governor and the general assembly on or before January 1, 1991.~~

**SECTION 20.** 17-30.5-101 (2), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is repealed as follows:

**17-30.5-101. Interdepartmental agreements to consolidate parole and probation offices - report to general assembly.** (2) ~~On or before January 1, 1995, the judicial department and the department of corrections shall jointly submit a written report to the criminal justice commission and the joint budget committee which evaluates the effectiveness of interdepartmental agreements entered into pursuant to subsection (1) of this section and makes any recommendations concerning the alleviation of problems with such consolidation of functions and any other recommendations which the departments wish to make known to the criminal justice commission and the joint budget committee. The criminal justice commission and the~~



~~joint budget committee may thereafter make any recommendations to the general assembly which such bodies deem appropriate.~~

**SECTION 21.** 19-2-705.6 (2) (c) (I) (B) and (2) (c) (II) (B), Colorado Revised Statutes, 1986 Repl. Vol., as amended, are amended to read:

**19-2-705.6. Intensive family preservation program - adjudicated juveniles - legislative declaration - pilot program - financing for program - cash fund created - report - repeal.** (2) (c) The juvenile may be placed in the pilot program, as follows:

(I) (B) As a part of the social study and report prepared in accordance with section 19-1-107, a juvenile probation officer shall determine whether an adjudicated juvenile who may be sentenced pursuant to section 19-2-703, including any juvenile who may be sentenced pursuant to section ~~19-2-805 (2) (a) (III)~~ 19-2-805 (2) (c), can benefit from participation in an intensive family preservation pilot program as a condition of probation. If the juvenile probation officer determines that the interests of the adjudicated juvenile and the community are best served by the juvenile's participation in the program, the juvenile probation officer shall make that recommendation to the court.

(II) (B) As a part of the social study and report prepared in accordance with section 19-1-107, the county department of social services shall determine whether an adjudicated juvenile who may be sentenced pursuant to section 19-2-703, including any juvenile sentenced pursuant to section ~~19-2-805 (2) (a) (III)~~ 19-2-805 (2) (c), who might otherwise be placed in the legal custody of the county department of social services, can benefit from participation in an intensive family preservation pilot program under the supervision of the county department. If the county department determines that the interests of the adjudicated juvenile and the community are best served by the juvenile's participation in the program, the county department shall make that recommendation to the court.

**SECTION 22.** The introductory portion to 19-2-1602 (1), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

**19-2-1602. Development of criteria for placement of juvenile offenders.**

(1) The executive director of the department of human services and the state court administrator of the judicial department, or any designees of such persons, in consultation with the division of criminal justice of the department of public safety, the office of state planning and budgeting, the Colorado district attorneys council, law enforcement representatives, AND representatives of local and county governments, ~~and the criminal justice commission and any subcommittee of such commission relating to juvenile issues;~~ shall form a working group which shall carry out the following duties:

**SECTION 23.** 22-20-104 (7) (a), Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

**22-20-104. Administration.** (7) (a) In order to implement the provisions of sections 22-20-102.5 AND 22-20-104.5, ~~and 22-20-105.5;~~ the state board and the department of education may, at their discretion, provide for such personnel as

deemed necessary for such purposes.

**SECTION 24.** 22-27-102 (2) (c), Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

**22-27-102. Definitions.** As used in this article, unless the context otherwise requires:

(2) "Certified educational clinic", "educational clinic", or "clinic" means a private educational institution operated on a profit or nonprofit basis which is certified by the commissioner of education, and does the following:

(c) Conducts courses of instruction taught and administered by professionally trained personnel, certified pursuant to the "Teacher Certification Act of 1975", article 60 of this title. For purposes of certification pursuant to said act and for purposes of ~~acquiring tenure~~ PERMANENT EMPLOYMENT pursuant to the "Teacher Employment, Dismissal, and Tenure Act of 1967 EMPLOYMENT, COMPENSATION, AND DISMISSAL ACT OF 1990", article 63 of this title, one year's teaching experience in an educational clinic shall be deemed to be the equivalent of one year's teaching experience in public school.

**SECTION 25.** 22-27-108, Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

**22-27-108. Authority for counties to contract with educational clinics.** A county, as part of its ~~job alternative program, authorized pursuant to part 3 of article 17 of title 30, C.R.S., its job diversion program, authorized pursuant to part 2 of article 17 of title 30, C.R.S., or any other welfare diversion program,~~ may contract with a private educational clinic for the provision of services pursuant to this article.

**SECTION 26.** 22-31-129 (1) (g), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

**22-31-129. Vacancies.** (1) A school director office shall be deemed to be vacant upon the occurrence of any one of the following events prior to the expiration of the term of office:

(g) If a court of competent jurisdiction determines that the person duly elected or appointed is insane or otherwise mentally incompetent, but only after the right to appeal has been waived or otherwise exhausted, and a court enters, 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 insanity or mental incompetency is of such a degree that the person is incapable of serving as a school director;

**SECTION 27.** 22-32-115 (2) (b) (II), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

**22-32-115. Tuition for resident school-age children.** (2) (b) (II) A board of education of a school district shall permit an elementary school-age child to attend an elementary school operated by such school district if the provisions of section

~~22-32-116 (3)~~ 22-32-116 (2) are applicable.

**SECTION 28.** 22-43.5-102 (1) (c), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

**22-43.5-102. Capital improvement zones - criteria.** (1) A school district capital improvement zone may be created in a school district pursuant to this article in order to contract bonded indebtedness for the purposes described in section 22-42-102 (2) provided all of the following criteria exist:

(c) The pupil enrollment or funded pupil count, whichever is applicable, of the district has increased ~~at the rate specified in section 22-53-116;~~ BY THREE PERCENT OF THE DISTRICT'S PUPIL ENROLLMENT TAKEN IN OCTOBER OF THE THEN CURRENT BUDGET YEAR OR THREE HUNDRED FIFTY PUPILS;

**SECTION 29.** 22-45-103 (1) (d) (I), Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

**22-45-103. Funds.** (1) The following funds are created for each school district for purposes specified in this article:

(d) **Special building fund.** (I) The revenues from a tax levy for the purpose of construction of schools shall be recorded in the special building fund to remain in the custody of the treasurer of any district which has elected under law to withdraw its funds from the custody of the county treasurer or, in any other case, to the treasurer of the county in which the district is located and may be invested or deposited by such district or county treasurer pursuant to the provisions of sections ~~24-75-601 to~~ 24-75-601.1, 24-75-602, AND 24-75-603, C.R.S. Expenditures from the fund shall be limited to acquisition of land and construction of structures thereon.

**SECTION 30.** 22-64-105 (2), Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

**22-64-105. Board of education may establish.** (2) Any such system may, by appropriate provisions, provide for the pickup of employee contributions based upon compensation paid to employees, and the contributions so picked up shall be treated as employer contributions pursuant to section 414 (h) (2) of the ~~"Internal Revenue Code of 1954"~~ "INTERNAL REVENUE CODE OF 1986", as amended, in determining tax treatment under such code. Employee contributions so picked up shall be treated for all purposes of this article, other than federal tax, in the same manner as employee contributions made prior to the date picked up.

**SECTION 31.** 22-82-103 (5), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

**22-82-103. Public school medical assistance pilot program - rules and regulations - report.** (5) The department, the districts, and the ~~department of social services~~ DEPARTMENT OF HUMAN SERVICES are granted authority to enter into agreements among themselves for the purpose of implementing the pilot program.

**SECTION 32.** The introductory portion to 23-70-102 (1), Colorado Revised

Statutes, 1988 Repl. Vol., as amended, is amended to read:

**23-70-102. Auraria board - membership - terms - oaths - voting - repeal.**

(1) Effective July 1, 1989, there is hereby created a new board of directors of the Auraria higher education center, referred to in this article as the "Auraria board", which shall consist of nine members and two ex officio nonvoting members. The ~~voting~~ members of the Auraria board shall be chosen in the following manner:

**SECTION 33.** 23-72-118 (3), Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

**23-72-118. Vacancies.** (3) If the vacancy occurs more than ninety days prior to the next regular biennial affiliated junior college election and the unexpired term is for more than two years, an appointee to the board shall serve until the next regular biennial affiliated junior college election and until his successor for the remainder of the term is elected and has qualified. If the vacancy occurs within the ninety-day period prior to a regular biennial affiliated junior college election and the unexpired term is for more than two years, an appointee to the board shall serve until the next succeeding regular biennial affiliated junior college election at which a candidate for the board may lawfully be nominated in the same manner as required for other independent candidates by section ~~1-4-801~~ 1-4-802, C.R.S., and until his successor has been elected and has qualified. Except as otherwise provided in this subsection (3), an appointee to an office of the board shall serve the remainder of the unexpired term.

**SECTION 34.** 24-1-114 (1), Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

**24-1-114. Department of higher education - creation.** (1) There is hereby created a department of higher education, the head of which shall be the executive director of the Colorado commission on higher education, who shall be appointed by the ~~commission~~ GOVERNOR and whose powers and duties are as specified in this section.

**SECTION 35.** 24-2-102 (4), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

**24-2-102. Appointment of officers, assistants, and employees.** (4) If, during any fiscal period, there are not sufficient revenues available for expenditure during such period to carry on the functions of the state government and to support its agencies and institutions and such fact is made to appear to the governor, in the exercise of his discretion, by executive order, he may suspend or discontinue, in whole or in part, the functions or services of any department, board, bureau, or agency of the state government; except that the authority of the governor to restrict the expenditure of moneys appropriated from the capital construction fund shall be determined by the provisions of section 24-75-201.5. Such discontinuance or suspension shall become effective upon the first day of the calendar month following the entry of such executive order and shall continue for such period of time, not to exceed three months, as shall be determined by such executive order. If, during any such period of time, it again appears to the governor that such deficiency of revenues still persists, from time to time, he may extend the operation of such executive order

for a like period of time not to exceed three months; but the state shall not be liable for the payment of any claim for salaries or expenses purporting to have accrued against any such department, board, bureau, or agency during any such period of suspension, and the controller shall not issue nor may the state treasurer honor any warrant therefor. Elective officers shall not be subject to the provisions of this article, parts 2 and ~~4~~ 11 of article 30, and articles 31, 35, 36, and 101 to 111 of this title.

**SECTION 36.** 24-4.2-105 (4.7), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

**24-4.2-105. Allocation of moneys from fund - application for grants - disbursements.** (4.7) A requesting agency or person shall acknowledge in writing that such agency or person has read and understands the rights afforded to crime victims pursuant to section 24-4.1-302.5 and the services delineated pursuant to sections 24-4.1-303 and ~~23-4.1-304~~ 24-4.1-304. Such written acknowledgment shall be attached to such requesting agency's or person's application for moneys pursuant to this section. The board shall not accept for evaluation any application for a grant of moneys pursuant to this section until the requesting agency or person provides the board with such written acknowledgment.

**SECTION 37.** 24-5-101, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

**24-5-101. Effect of criminal conviction on employment rights.** Except as otherwise provided by section 4 of article XII of the state constitution, and except for the certification and revocation of certification of peace officers as provided in section ~~24-31-304~~ 24-31-305, the fact that a person has been convicted of a felony or other offense involving moral turpitude shall not, in and of itself, prevent him from applying for and obtaining public employment or from applying for and receiving a license, certification, permit, or registration required by the laws of this state to follow any business, occupation, or profession. Whenever any state or local agency is required to make a finding that an applicant for a license, certification, permit, or registration is a person of good moral character as a condition to the issuance thereof, the fact that such applicant has, at some time prior thereto, been convicted of a felony or other offense involving moral turpitude, and pertinent circumstances connected with such conviction, shall be given consideration in determining whether, in fact, the applicant is a person of good moral character at the time of the application. The intent of this section is to expand employment opportunities for persons who, notwithstanding that fact of conviction of an offense, have been rehabilitated and are ready to accept the responsibilities of a law-abiding and productive member of society.

**SECTION 38.** 24-30-1104 (2) (d) (III) (A), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

**24-30-1104. Functions of the division.** (2) In addition to the county-specific functions of the division set forth in subsection (1) of this section, the division shall take such steps as are necessary to fully implement a central state motor vehicle fleet system by January 1, 1993. The division shall perform the following functions pertaining to the motor vehicle fleet system throughout the state for the executive

branch of the state of Colorado, its departments, institutions, and agencies, under the direction of the executive director of the department of administration:

(d) (III) (A) The division shall conduct an analysis of all state-owned motor vehicles as defined in ~~subsection (6) of this section 24-30-1102 (6)~~ to determine the appropriate number of vehicles that should be owned by the state motor fleet and state agencies as of January 1, 1993. The division of central services shall make a recommendation to the office of state planning and budgeting and the joint budget committee by December 1, 1992, concerning the appropriate fleet size for each state agency.

**SECTION 39.** The introductory portion to 24-34-505.6 (6), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

**24-34-505.6. Enforcement by private persons - repeal.** (6) In addition to the relief which may be granted in accordance with ~~sections SECTION 24-34-508, and 24-34-510;~~ the following relief is available:

**SECTION 40.** 24-51-101 (21) and (30), Colorado Revised Statutes, 1988 Repl. Vol., are amended to read:

**24-51-101. Definitions.** As used in this article, unless the context otherwise requires:

(21) "Employer contribution" means the money paid by an employer to the association pursuant to the provisions of section ~~24-51-401 (1)~~ 24-51-401 (1.7) for all member salaries paid and other required employer contributions made pursuant to the provisions of section 24-51-402.

(30) "Member contribution" means the money paid to the association which equals a percentage of the member's salary as determined pursuant to the provisions of section ~~24-51-401 (1)~~ 24-51-401 (1.7).

**SECTION 41.** 24-51-311, Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

**24-51-311. Continuation of membership.** Notwithstanding the provisions of section 24-51-310, employees of a public hospital which is sold, leased, or otherwise transferred to a nonprofit corporation organized pursuant to the laws of this state for the purpose of conducting a hospital may continue membership in the association if such transfer agreement provides for continuance of membership and if the new employer agrees to submit to the association the appropriate amount of employer and member contributions which would be due from an employer affiliated with the association and from a member pursuant to the provisions of section ~~24-51-401 (1)~~ 24-51-401 (1.7).

**SECTION 42.** 24-51-501 (1), Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

**24-51-501. Earned service credit.** (1) Service credit is earned for periods of employment with an employer during which salary is received by such employee and

contributions are made to the association pursuant to the provisions of section ~~24-51-401 (1)~~ 24-51-401 (1.7).

**SECTION 43.** 25.5-1-108 (4), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

**25.5-1-108. Executive director - rules.** (4) Notwithstanding any other provision of law that specifies a date by which rules are to be adopted by the medical services board created in part 3 of this ~~title~~ ARTICLE, until the members of the initial medical services board have been appointed, the executive director shall not adopt any rules or regulations other than temporary or emergency rules adopted in accordance with the provisions of section 24-4-103 (6), C.R.S.

**SECTION 44.** 29-4-504 (5), Colorado Revised Statutes, 1986 Repl. Vol., is amended to read:

**29-4-504. Appointment of commissioners.** (5) An authority may employ a secretary who shall be executive director, technical experts, and such other officers, agents, and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties, and compensation. An authority may call upon the corporation counsel or ~~chief law officer of the city~~ COUNTY ATTORNEY for such legal services as it may require, or it may employ its own counsel and legal staff. An authority may delegate to one or more of its agents or employees such powers or duties as it may deem proper.

**SECTION 45.** 30-1-102 (3), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

**30-1-102. Fees of county treasurer.** (3) In addition to any other fees to which the county treasurer is entitled and notwithstanding the provisions of subsection (2) of this section, the county treasurer may charge an administrative fee of five dollars when the payment of any real property tax statement, exclusive of any license fees collected pursuant to sections 35-40-104, 35-40-205, and ~~35-57.5-113~~ 35-57.5-116, C.R.S., is less than ten dollars. The fee shall be credited to the county general fund, pursuant to section 30-25-105, to cover the cost of processing such tax statement.

**SECTION 46.** 30-10-501.5 (1) (c), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

**30-10-501.5. Qualifications - training.** (1) No person shall be eligible for nomination, election, or appointment to the office of sheriff unless such person:

(c) Has had a complete set of fingerprints taken by a qualified law enforcement agency and submitted a receipt evidencing such fingerprinting at the time of filing his written acceptance pursuant to section 1-4-601 (3), ~~1-4-603 (4)~~, ~~1-4-801 (1)~~ 1-4-906, or ~~1-4-903 (5)~~ 1-4-1002, C.R.S., or a candidate filing an affidavit of intent pursuant to section ~~1-4-1001~~ 1-4-1101, C.R.S. Such law enforcement agency shall forward said fingerprints to the Colorado bureau of investigation. The bureau shall utilize such fingerprints, its files and records, and those of the federal bureau of investigation for the purpose of determining whether the person has ever been convicted of or pleaded guilty or entered a plea of nolo contendere to any felony charge under federal

or state laws. The Colorado bureau of investigation shall notify the county clerk and recorder of the county wherein the person is a candidate of the results of the fingerprint analysis. In the event a conviction or plea is disclosed, such person shall be deemed unqualified for the office of sheriff, unless pardoned. The results of such fingerprint analysis shall be confidential; except that the county clerk and recorder may divulge whether such person is qualified or unqualified for the office of sheriff.

**SECTION 47.** 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 1-10-203, 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~~ 1-11-105, 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 48.** 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 (49), C.R.S. The election held pursuant to this section shall be a coordinated election as specified in section ~~1-1-116~~ 1-7-116, C.R.S.

**SECTION 49.** 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 ~~1-7-117~~ 1-7-116, 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 50.** 33-6-115.5 (3), Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

**33-6-115.5. Hunting, trapping, and fishing - intentional interference with lawful activities.** (3) Any person who violates this section is ~~guilty of~~ **COMMITTS** a class 2 petty offense and, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars and an assessment of twenty license suspension points.

**SECTION 51.** 33-44-103 (7), Colorado Revised Statutes, 1984 Repl. Vol., is amended to read:

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

(7) "Ski area operator" means ~~"operator"~~ "AREA OPERATOR" as defined in section ~~25-5-702(3)~~ 25-5-702 (1), C.R.S., and any person, partnership, corporation, or other commercial entity having operational responsibility for any ski areas, including an agency of this state or a political subdivision thereof.

**SECTION 52.** 35-70-105 (7) (a), Colorado Revised Statutes, 1984 Repl. Vol., is amended to read:

**35-70-105. Hearing on petition - election.** (7) (a) Except as may be otherwise provided in this article, the state board and each local district board of supervisors in the conduct of all elections shall follow, as much as practicable, the election procedures set forth in ~~sections 32-1-804 and 32-1-808 to 32-1-834~~ SECTION 32-1-803.5, C.R.S.

**SECTION 53.** 38-38-109 (1), Colorado Revised Statutes, 1982 Repl. Vol., as amended, is amended to read:

**38-38-109. Continuance of sale.** (1) Whenever property is advertised to be sold by a public trustee or under any statutory or judicial foreclosure or upon execution and levy made pursuant to any court order or decree, the public trustee or sheriff conducting the sale, for any reason deemed by said official for good cause or upon written request by the person, or his attorney, on whose behalf the sale is being conducted, at any time before commencement of the sale, may continue it to a later date by making, at the time and place designated for the sale, an oral announcement of the time and place of such continuance. In a similar manner, the sale may be further continued from time to time, but no sale held pursuant to any such advertisement shall be held later than six months from the date originally designated in the notice of sale, except as provided in ~~subsection (4)~~ SUBSECTION (5) of this section and in section 38-38-104 (2).

**SECTION 54.** 39-3-108.5 (2) (a), Colorado Revised Statutes, 1994 Repl. Vol., is amended to read:

**39-3-108.5. Property - community corrections facility - exemption.** (2) As used in this section:

(a) "Community correctional facility or program" shall have the meaning set forth in section 17-27-102 (3), C.R.S., FOR COMMUNITY CORRECTIONS PROGRAM.

**SECTION 55.** 1-45-116 (1) (a) (I) (B), Colorado Revised Statutes, 1980 Repl. Vol., as amended by House Bill 95-1017, enacted at the First Regular Session of the Sixtieth General Assembly, is amended to read:

**1-45-116. State and political subdivisions - limitations on contributions.**

(1) (a) (I) No agency, department, board, division, bureau, commission, or council of the state or any political subdivision thereof shall make any contribution or contribution in kind in campaigns involving the nomination, retention, or election of any person to any public office, nor shall any such entity expend any public moneys from any source, or make any contributions in kind, to urge electors to vote in favor of or against any:

(B) Local ballot issue that has been submitted for the purpose of having a title fixed pursuant to ~~section 1-40-106 (2)~~ SECTION 31-11-111 or that has had a title fixed pursuant to that section;

**SECTION 56.** The introductory portion to 10-5-115 (2), Colorado Revised Statutes, 1994 Repl. Vol., is amended to read:

**10-5-115. Requirements imposed upon commissioner - assistance of brokers' association.** (2) The commissioner shall rely upon the advice and assistance of a duly constituted association of brokers in carrying out the purposes of this article, if the association files with the ~~commission~~ COMMISSIONER:

**SECTION 57.** 12-47.1-204 (1) (a), Colorado Revised Statutes, 1991 Repl. Vol., is amended to read:

**12-47.1-204. Investigator - peace officers.** (1) All investigators of the division of gaming, and their supervisors, including the director and the executive director, shall have all the powers of any peace officer to:

(a) Make arrests, with or without warrant, for any violation of the provisions of this article, ~~article 19~~ ARTICLE 20 of title 18, C.R.S., or the rules and regulations promulgated pursuant to this article, any other laws or regulations pertaining to the conducting of limited gaming in this state, or any criminal law of this state, if, during an officer's exercise of powers or performance of duties under this section, probable cause is established that a violation of any said law or rule or regulation has occurred;

**SECTION 58.** 12-47.1-519 (4), Colorado Revised Statutes, 1991 Repl. Vol., is amended to read:

**12-47.1-519. Renewal of licenses.** (4) Renewal of a license may be denied by the commission for any violation of this article or ~~article 19~~ ARTICLE 20 of title 18, C.R.S., or the rules and regulations promulgated pursuant thereto, for any reason which would or could have prevented its original issuance, or for any good cause

shown.

**SECTION 59.** 12-55-121, Colorado Revised Statutes, 1991 Repl. Vol, is amended to read:

**12-55-121. Fees.** The fees of notaries public may be, but shall not exceed, two dollars for each acknowledgment, except as otherwise provided by law. ~~Notaries public shall administer the absent voter's oath, as described in section 1-8-115, C.R.S., for any voter requesting to make said affidavit, and no notary shall make any charge whatsoever for administering such oath.~~

**SECTION 60.** 13-8-109, Colorado Revised Statutes, 1987 Repl. Vol., is amended to read:

**13-8-109. Magistrates.** The judges of the juvenile court of the city and county of Denver may appoint ~~commissioners~~ MAGISTRATES, as provided in section 19-1-108, C.R.S.

**SECTION 61.** 16-11-501 (2) (b), Colorado Revised Statutes, 1986 Repl. Vol., is amended to read:

**16-11-501. Judgment for costs and fines.** (2) The costs assessed pursuant to subsection (1) of this section or section 16-18-101 may include:

(b) The jury fee required by section ~~13-70-103~~ 13-71-144, C.R.S.;

**SECTION 62.** 16-13-303 (1) (m) (I) and (1) (m) (II), Colorado Revised Statutes, 1986 Repl. Vol., as amended, are amended to read:

**16-13-303. Class 1 public nuisance.** (1) Every building or part of a building including the ground upon which it is situate and all fixtures and contents thereof, every vehicle, and any real property shall be deemed a class 1 public nuisance when:

(m) (I) Used, or designed and intended to be used, as gaming premises, or as a place where any gaming device, ~~or gaming record~~ as such ~~terms are~~ TERM IS defined in section 12-47.1-103 (10), C.R.S., OR GAMING RECORD is kept, in violation of article 47.1 of title 12, C.R.S., or in violation of article 20 of title 18, C.R.S.;

(II) Used for transporting adjusted gross proceeds ~~records~~ or GAMING devices as SUCH TERMS ARE defined in section 12-47.1-103 (1) and (10), C.R.S., OR RECORDS in violation of the provisions of article 47.1 of title 12, C.R.S., or in violation of article 20 of title 18, C.R.S.;

**SECTION 63.** 22-28-104 (4), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

**22-28-104. Establishment of public preschool programs.** (4) Nothing in this article shall be construed to require school districts to participate in the state preschool program, nor shall anything in this article be construed to prohibit school districts from establishing and maintaining other preschool programs using any funds available for such purpose, but children enrolled in such other preschool programs

shall not be counted for purposes of determining preschool enrollment or pupil enrollment under the ~~"Public School Finance Act of 1988", article 53 of this title "PUBLIC SCHOOL FINANCE ACT OF 1994", ARTICLE 54 OF THIS TITLE"~~.

**SECTION 64.** 24-4.1-302 (1) (w), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is repealed as follows:

**24-4.1-302. Definitions.** As used in this part 3, and for no other purpose, including the expansion of the rights of any defendant:

(w) ~~Robbery of the elderly or of persons with disabilities, in violation of section 18-4-304, C.R.S.;~~

**SECTION 65.** 24-34-104 (30) (a) (IV), Colorado Revised Statutes, 1988 Repl. Vol., as enacted by House Bill 95-1016, enacted at the First Regular Session of the Sixtieth General Assembly, is amended to read:

**24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment.** (30) (a) The following functions of the specified agency shall terminate on July 1, 2001:

(IV) The following agencies, functions, or both, shall terminate on ~~July 1, 2010~~ JULY 1, 2001: The certification of persons in connection with the control of asbestos pursuant to part 5 of article 7 of title 25, C.R.S.

**SECTION 66.** The introductory portion to 29-4-719.1 (2) (f) (II), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

**29-4-719.1. Economic development fund - repeal.** (2) Moneys held in the economic development fund shall be expended by the authority for the following purposes:

(f) (II) No later than January 1, 1995, and thereafter ~~biannually~~ but no later than January 1 of ~~such~~ EVERY OTHER year, the authority shall submit a report to the general assembly concerning the following:

**SECTION 67.** 33-6-107 (4), Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

**33-6-107. Licensing violations - penalties.** (4) It is unlawful for any person under twelve years of age to hunt or take big game, and it is unlawful for persons between the ages of twelve and fifteen years of age to hunt or take big game ~~with a youth big game license~~ except when at all times personally accompanied by, and in voice and reasonable visual contact with, a person eighteen years of age or older who holds a valid hunter education certificate or who was born before January 1, 1949. Any person who violates this subsection (4) is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of fifty dollars and an assessment of ten license suspension points.

**SECTION 68. Effective date.** Section 65 of this act shall take effect July 1, 1995, and the remainder of this act shall take effect upon passage.

**SECTION 69. 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, 1995