

CHAPTER 315

STATUTES

HOUSE BILL 03-1344

BY REPRESENTATIVE(S) Lee, Hefley, Mitchell, Plant, Cadman, Fritz, and Spence;
also SENATOR(S) Gordon, Evans, and Tapia.

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. 1-13-702, Colorado Revised Statutes, is amended to read:

1-13-702. Interfering with watcher. Any person who intentionally interferes with any watcher while he is discharging his duties set forth in section ~~1-7-202 (3)~~ 1-7-108 (3) is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

SECTION 2. Repeal. 2-2-324, Colorado Revised Statutes, is repealed as follows:

2-2-324. Committees of reference - program review. ~~(1) Beginning with the second regular session of the sixty-first general assembly, the health, environment, welfare, and institutions committees or the judiciary committees, whichever is appropriate as determined by the legislative audit committee, shall review the executive summary prepared by the state auditor's office and submitted to the appropriate legislative committees of reference pursuant to section 2-3-112 (5) concerning the performance of each state-funded or federally funded prevention and intervention program for children and families. Following review, the committee of reference shall make a recommendation to the joint budget committee concerning whether the program should continue to receive state funding. If necessary, the committee of reference shall correspondingly submit a legislative proposal to discontinue statutory authority for a program or service for which funding is recommended to be discontinued. The chairperson of the committee of reference may~~

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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.

~~determine whether to take public testimony concerning the evaluation of any program.~~

~~(2) The provisions of subsection (1) of this section shall not apply to any program whose effectiveness is otherwise annually evaluated by members of the general assembly.~~

SECTION 3. 2-3-301 (1.5) (c), Colorado Revised Statutes, is amended to read:

2-3-301. Legislative council created - executive committee created.

(1.5) (c) The executive committee previously formed pursuant to subsection (1) of this section shall retain all powers and duties related to any special session of the general assembly called prior to the convening of the next general assembly and all legislative management functions pertaining to ~~matters~~ MATTERS arising prior to the convening of the next general assembly.

SECTION 4. 8-70-103 (8.5), Colorado Revised Statutes, is amended to read:

8-70-103. Definitions. As used in articles 70 to 82 of this title, unless the context otherwise requires:

(8.5) "Electronic" has the meaning set forth in section ~~24-71.1-103~~ (2) 24-71.3-102 (5), C.R.S.; except that "electronic" shall not include use of the telephone to transmit audio or voice communication.

SECTION 5. 10-1-103 (3), Colorado Revised Statutes, 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, 10-3.5-104, 10-3.5-107, 10-12-106, 10-15-103, 10-16-110 (1) and (2), 10-16-111 (1), ~~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 and in section 24-48.5-106, C.R.S., 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 6. The introductory portion to 10-2-403 (1), Colorado Revised Statutes, is amended to read:

10-2-403. Exemption from license examination. (1) The following applicants shall be exempt from the written examination requirements set forth in section ~~10-4-402~~ 10-2-402:

SECTION 7. 10-3-1104.7 (12) (b) (I), Colorado Revised Statutes, is amended to read:

10-3-1104.7. Genetic testing - declaration - definitions - limitations on disclosure of information - liability - legislative declaration. (12) Any individual who is injured by an entity's violation of this section may recover in a court of competent jurisdiction the following remedies:

(b) The greater of:

(I) An amount equal to any actual damages suffered by the individual as a result of the violation; ~~and~~ OR

SECTION 8. 10-4-705 (2), Colorado Revised Statutes, is amended to read:

10-4-705. Coverage compulsory. (2) Any owner of a motor vehicle who operates the motor vehicle on the public highways of this state or who knowingly permits the operation of the motor vehicle on the public highways of this state who fails to have in full force and effect a complying policy covering said motor vehicle at the time of any accident, on account of which benefits under section 10-4-706 (1) (b) to (1) (e) or alternatively, as applicable, section 10-4-706 (2) ~~or (3)~~ would be payable, shall be personally liable for the payment of such benefits to the person for whom such payment would have been required, if such coverage had been in effect under the terms of section 10-4-707. Such an owner shall have all of the rights and obligations of any insurer under this part 7.

SECTION 9. 10-4-706 (4.5), Colorado Revised Statutes, is amended to read:

10-4-706. Required coverages - complying policies - PIP examination program. (4.5) All medical devices or medical equipment provided to an insured or injured person entitled to benefits, as part of such person's benefits pursuant to paragraphs (b) and (c) of subsection (1) of this section or the equivalent under subsection (2) ~~or (3)~~ of this section, shall be the property of the insured and shall not be required to be surrendered to the insurer, unless such medical device or medical equipment was rented or leased by the insurer or unless such medical device or medical equipment is of a type commonly found at a health, exercise, or athletic facility.

SECTION 10. The introductory portion to 10-4-707 (1) and 10-4-707 (5), Colorado Revised Statutes, are amended to read:

10-4-707. Benefits - how payable. (1) The coverages described in section 10-4-706 (1) (b) to (1) (e) or alternatively, as applicable, section 10-4-706 (2) ~~or (3)~~ shall be applicable to:

(5) When a person injured is a person for whom benefits are required to be paid under the "Workers' Compensation Act of Colorado", the coverages described in section 10-4-706 (1) (b) to (1) (e) or alternatively, as applicable, section 10-4-706 (2) ~~or (3)~~ shall be reduced to the extent that benefits are actually available and covered under said act within the time period for payment of benefits under this part 7 prescribed by section 10-4-708.

SECTION 11. 10-4-708 (1) and (2), Colorado Revised Statutes, are amended to read:

10-4-708. Prompt payment of direct benefits. (1) Payment of benefits under the coverages enumerated in section 10-4-706 (1) (b) to (1) (e) or alternatively, as applicable, section 10-4-706 (2) ~~or (3)~~ shall be made on a monthly basis. Benefits for any period are overdue if not paid within thirty days after the insurer receives reasonable proof of the fact and amount of expenses incurred during that period; except that an insurer may accumulate claims for periods not exceeding one month and benefits are not overdue if paid within fifteen days after the period of accumulation. If reasonable proof is not supplied as to the entire claim, the amount supported by reasonable proof is overdue if not paid within thirty days after such proof is received by the insurer. Any part or all of the remainder of the claim that is later supported by reasonable proof is overdue if not paid within thirty days after such proof is received by the insurer. In the event that the insurer fails to pay such benefits when due, the person entitled to such benefits may bring an action in contract to recover the same.

(2) Benefits provided under section 10-4-706 (1) (b) to (1) (e) or alternatively, as applicable, section 10-4-706 (2) ~~or (3)~~ may be paid by the insurer directly to any person supplying necessary care, treatment, products, services, or accommodations to the person for whom benefits are required under section 10-4-706 (1) (b) to (1) (e) or alternatively, as applicable, section 10-4-706 (2). ~~or (3)~~.

SECTION 12. The introductory portion to 10-4-708.6 (1) (a) and 10-4-708.6 (1) (c), (2) (b), and (3), Colorado Revised Statutes, are amended to read:

10-4-708.6. Obligations of persons providing services - penalties - availability and maintenance of records. (1) (a) In addition to the standards set forth in section 10-4-706, it shall be the obligation of any health care practitioner or health care practitioner organization providing services for which compensation is provided under section 10-4-706 (1) (b) to (1) (e) or alternatively, as applicable, section 10-4-706 (2) ~~or (3)~~ to assure, to the extent of such person's authority, that services or items ordered or provided by such person to beneficiaries and recipients under this part 7:

(c) Any person, provider, health care practitioner, health care practitioner organization, or other provider of benefits under section 10-4-706 (1) (b) to (1) (e) AND (2) ~~and (3)~~; that violates the standards of care in paragraph (a) or (b) of this subsection (1) shall be subject to disciplinary action by the appropriate licensing authority.

(2) (b) Any person providing services for which compensation is provided under section 10-4-706 (1) (b) to (1) (e) or alternatively, as applicable, section 10-4-706 (2) ~~or (3)~~ shall maintain the originals or copies of patient records justifying and relating to services provided under said section for a period of five years after the last date of examination or treatment of the patient.

(3) Any treatment or procedure recommended by a member of a managed care provider network pursuant to section 10-4-706 (1) (b) or (1) (c) or the equivalent coverage in section 10-4-706 (2) ~~or (3)~~ shall be approved or denied within twenty business days after receipt of all information deemed necessary by the managed care organization to approve or deny the requested treatment or procedure.

SECTION 13. 10-4-709 (1), Colorado Revised Statutes, is amended to read:

10-4-709. Coordination of benefits. (1) To avoid duplication of benefits available through other insurance or contract rights, providers of other benefits under sections 10-16-104 (3) (b) (II) and (5), 10-16-108 (1) and (3), 10-16-214, 10-16-311, and parts 1 and 4 of article 16 of this title are hereby required to coordinate such benefits with coverages required under section 10-4-706 (1) (b) to (1) (e) or alternatively, as applicable, section 10-4-706 (2) ~~or (3)~~ and all providers of other benefits are expressly authorized to coordinate such benefits with coverages required under this part 7. The coordination of benefits provided in this subsection (1) shall apply to agreements entered into on or after April 1, 1974.

SECTION 14. 10-4-710 (1), Colorado Revised Statutes, is amended to read:

10-4-710. Required coverages are minimum. (1) Nothing in this part 7 shall be construed to prohibit the issuance of policies providing coverages more extensive than the minimum coverages required under this part 7 nor to require the segregation of such minimum coverages from other coverages in the same policy. However, loss statistics as to bodily injury liability, property damage liability, and benefits under section 10-4-706 (1) (b) to (1) (e) or alternatively, as applicable, section 10-4-706 (2) ~~or (3)~~ shall be kept separately for rating purposes and such statistics shall be filed with the commissioner each year.

SECTION 15. 10-4-713 (1), (2) (a), and (2) (b), Colorado Revised Statutes, are amended to read:

10-4-713. No tort recovery for direct benefits. (1) Neither any person eligible for direct benefits described in section 10-4-706 (1) (b) to (1) (e) or alternatively, as applicable, section 10-4-706 (2) ~~or (3)~~ nor any insurer providing benefits described in section 10-4-706 (1) (b) to (1) (e) or alternatively, as applicable, section 10-4-706 (2) ~~or (3)~~ shall have any right to recover against an owner, user, or operator of a motor vehicle or against any person or organization legally responsible for the acts or omissions of such person in any action for damages for benefits required to be paid under section 10-4-706 (1) (b) to (1) (e) or alternatively, as applicable, section 10-4-706 (2), ~~or (3)~~; regardless of any deductible option, waiting period, or percentage limitation; except that an insurer paying benefits under section 10-4-706 (1) (b) to (1) (e) or alternatively, as applicable, section 10-4-706 (2) ~~or (3)~~ to or for any one person for whose injuries legal liability exists or may exist on the part of a third person who is not an insured under a policy of automobile liability insurance issued by an insurer licensed to write automobile liability insurance in this state shall have a direct cause of action against an alleged tort-feasor to only the extent of the alleged tort-feasor's insurance coverage in excess of reasonable compensation paid to the injured person for such person's injury or damage by the alleged tort-feasor's insurer when the injured person could recover in tort pursuant to section 10-4-714. Nothing in this section shall be construed to afford such provider of benefits under section 10-4-706 (1) (b) to (1) (e) or alternatively, as applicable, section 10-4-706 (2) ~~or (3)~~ a cause of action or claim against a person to whom or for whom such benefits were paid except in those cases in which such benefits were paid by reason of fraud or material misrepresentation of fact.

(2) (a) Notwithstanding the provisions of subsection (1) of this section, where a

motor vehicle accident involves a private passenger motor vehicle, a public school vehicle designed to transport seven or more passengers, and a nonprivate passenger motor vehicle, the insurer of the private passenger motor vehicle or the insurer of the vehicle designed to transport seven or more passengers shall have a direct cause of action for all benefits actually paid by such insurer under section 10-4-706 (1) (b) to (1) (e) or alternatively, as applicable, section 10-4-706 (2) ~~or (3)~~ against the owner, user, or operator of the nonprivate passenger motor vehicle or against any person or organization legally responsible for the acts or omissions of such owner, user, or operator; except that, when the injured person could recover in tort pursuant to section 10-4-714, such direct cause of action shall be to only the extent of the alleged tort-feasor's insurance coverage in excess of reasonable compensation paid to the injured person for such person's injury or damage by the alleged tort-feasor's insurer.

(b) Notwithstanding the provisions of paragraph (a) of this subsection (2), where a motor vehicle accident involves a private passenger motor vehicle or a nonprivate passenger motor vehicle and a motor vehicle owned or operated by the regional transportation district, except maintenance or service vehicles owned or operated by the district, the insurer of the private passenger motor vehicle or the nonprivate passenger motor vehicle shall not have any cause of action or right of reimbursement for any benefits actually paid by such insurer under section 10-4-706 (1) (b) to (1) (e) or alternatively, as applicable, section 10-4-706 (2) ~~or (3)~~ against the regional transportation district or against the user or operator of the regional transportation district motor vehicle.

SECTION 16. 10-4-714 (1) (e), (1) (f), and (2), Colorado Revised Statutes, are amended to read:

10-4-714. Limitation on tort actions. (1) No person for whom direct benefit coverage is required by operation of sections 10-4-705 to 10-4-707, or for whom direct benefits would have been payable but for exercise of a deductible option or but for a waiting period or percentage limitation, shall be allowed to recover against an owner, user, or operator of a motor vehicle, or against any person or organization legally responsible for the acts or omissions of such person, for damages for bodily injury caused by a motor vehicle accident, except in those cases in which there has been caused by a motor vehicle accident:

(e) Reasonable need for services of the type described in section 10-4-706 (1) (b) and (1) (c) OR (2) (a) ~~or (3) (b)~~ having a reasonable value in excess of two thousand five hundred dollars. "Reasonable value" as used in this paragraph (e) means the average cost of specific types of services described in section 10-4-706 (1) (b) and (1) (c) OR (2) (a) ~~or (3) (b)~~ in the state of Colorado as determined by the commissioner and published not less than once each year. Notwithstanding the provisions of this paragraph (e), no person shall be allowed to recover against an owner, user, or operator of a motor vehicle used in a ridesharing arrangement, as defined in section 10-4-707.5 (2), or against any person or organization legally responsible for the acts or omissions of such person for damages caused by a motor vehicle accident in which such vehicle was involved, if such vehicle was in use at the time of the accident in a ridesharing arrangement, as defined in section 10-4-707.5 (2), based on a reasonable need for services of the type described in section 10-4-706 (1) (b) and (1) (c) OR (2) (a) ~~or (3) (b)~~ unless such services have a reasonable value in excess of five thousand dollars.

(f) Loss of earnings and loss of earning capacity extending beyond the fifty-two-week period provided in section 10-4-706 (1) (d) ~~or (3) (e)~~ and not compensated by an applicable complying policy.

(2) Nothing in this part 7 shall be construed to preclude recovery against an alleged tort-feasor of benefits provided or economic loss recoverable in excess of the minimum coverages required in section 10-4-706 (1) (b) to (1) (d) ~~or if applicable, to a person qualified under section 10-4-706 (3)~~; in excess of alternative coverages.

SECTION 17. The introductory portion to 10-4-715 (1), Colorado Revised Statutes, is amended to read:

10-4-715. No limitation on tort action against noncomplying tort-feasors.

(1) Nothing in this part 7 shall be construed to limit the right to maintain an action in tort by either a provider of direct benefits under section 10-4-706 (1) (b) to (1) (e) or alternatively, as applicable, section 10-4-706 (2) ~~or (3)~~ or by a person who has been injured or damaged as a result of an automobile accident against an alleged tort-feasor where such alleged tort-feasor was either:

SECTION 18. 10-4-717 (1) (a) and (3), Colorado Revised Statutes, are amended to read:

10-4-717. Intercompany arbitration. (1) Every insurer licensed to write motor vehicle insurance in this state shall be deemed to have agreed, as a condition to maintaining such license after January 1, 1974:

(a) That, where its insured is or would be held legally liable under the provisions of section 10-4-713 (2) for the benefits paid by another insurer, described in section 10-4-706 (1) (b) to (1) (e) or alternatively, as applicable, section 10-4-706 (2), ~~or (3)~~; it will reimburse such other insurer to the extent of such benefits but not in excess of the amount of damages so recoverable for the type of loss covered by such benefits and only to the extent of the alleged tort-feasor's insurance coverage in excess of reasonable compensation paid to the injured person for such person's injury or damage by the alleged tort-feasor's insurer; and

(3) Notwithstanding any statute of limitations to the contrary, any demand for initial arbitration proceedings shall be brought within one year of the first payment of any of the benefits described in section 10-4-706 (1) (b) to (1) (e) or alternatively, as applicable, section 10-4-706 (2) ~~or (3)~~ by the insurer claiming for reimbursement. Arbitration proceedings need not await final payment of benefits, and the award, if any, shall include provisions for reimbursement of subsequent benefits. Proceedings may be reopened to challenge the propriety of payments subsequently made, but no question of fact decided by a prior award shall be reconsidered in any such subsequent hearing.

SECTION 19. 10-8-503 (6.8), Colorado Revised Statutes, is amended to read:

10-8-503. Definitions. As used in this part 5, unless the context otherwise requires:

(6.8) "Group health plan" shall have the same meaning as "group HEALTH plan"

as set forth in section 10-16-105.5 (1) (a).

SECTION 20. 10-16-102 (10) (b) (II), Colorado Revised Statutes, is amended to read:

10-16-102. Definitions. As used in this article, unless the context otherwise requires:

(10) (b) "Case characteristics" are limited to the following demographic characteristics:

(II) Geographic location of the policyholder as determined by rule of the commissioner pursuant to section ~~10-16-104.7~~ 10-16-104.9;

SECTION 21. 10-16-104.9 (1) (c) (I), Colorado Revised Statutes, is amended to read:

10-16-104.9. Geographic areas for small employers. (1) The commissioner shall promulgate a rule concerning geographic case characteristics, which may include metropolitan statistical areas for small employers. In promulgating such rule, the commissioner shall take testimony from all interested parties, including, but not limited to, consumer advocates and consumers, insurers, health care providers, the state demographer, and producers. The rule shall include, without limitation, the following features:

(c) (I) The rule shall provide justifications of why any separate geographic areas, which may include metropolitan statistical areas, serve the public interest in regard to ensuring that premium rates for different geographic areas of the state are not excessive, ~~mandatory~~ INADEQUATE, or unfairly discriminatory;

SECTION 22. 10-16-105 (8) (f) (II), Colorado Revised Statutes, is amended to read:

10-16-105. Small group sickness and accident insurance - guaranteed issue - mandated provisions for basic and standard health benefit plans. (8) (f) The commissioner may establish rules to implement the provisions of this subsection (8) and to assure that rating practices used by small employer carriers are consistent with the purposes of this subsection (8), including rules that:

(II) Prescribe the manner in which case characteristics that are consistent with section ~~10-16-104.7~~ 10-16-104.9 may be used by small employer carriers.

SECTION 23. 11-51-402 (3), Colorado Revised Statutes, is amended to read:

11-51-402. Exempt broker-dealers, sales representatives - sanctions - exempt investment advisers and investment adviser representatives. (3) Any real estate broker or salesman licensed pursuant to ~~section 12-61-101 (2) or (3)~~ PART 1 OF ARTICLE 61 OF TITLE 12, C.R.S., who is trading only in securities comprised of notes, bonds, or evidences of indebtedness secured by mortgages or deeds of trust upon real estate, where the broker or salesman acts as the agent for the buyer or seller of the real estate securing the note, bond, or evidence of indebtedness being traded and is

neither the issuer nor affiliated with or under the direct or indirect control of the issuer or an affiliate of the issuer of the note, bond, or evidence of indebtedness, is exempt from the license requirement of section 11-51-401 (1).

SECTION 24. 11-51-405 (2), Colorado Revised Statutes, is amended to read:

11-51-405. Examinations and alternate qualifications. (2) An applicant for a license as a broker-dealer or sales representative who is a licensed real estate broker or salesman pursuant to ~~section 12-61-101 (2) or (3)~~ PART 1 OF ARTICLE 61 OF TITLE 12, C.R.S., and whose securities activities in this state are limited to trading in securities comprised of notes, bonds, or other evidences of indebtedness secured by mortgages or deeds of trust upon real estate shall be excused from any examination requirement under subsection (1) of this section.

SECTION 25. 12-6-102 (17) (h), Colorado Revised Statutes, is amended to read:

12-6-102. Definitions. As used in this part 1, unless the context otherwise requires:

(17) "Used motor vehicle dealer" means any person who, for commission or with intent to make a profit or gain of money or other thing of value, sells, exchanges, leases, or offers an interest in used motor vehicles, or attempts to negotiate a sale, exchange, or lease of used and new motor vehicles or who is engaged wholly or in part in the business of selling used motor vehicles, whether or not such motor vehicles are owned by such person. The sale of three or more used motor vehicles or the offering for sale of more than three used motor vehicles at the same address or telephone number in any one calendar year shall be prima facie evidence that a person is engaged in the business of selling used motor vehicles. "Used motor vehicle dealer" includes any owner of real property who allows more than three used motor vehicles to be offered for sale on such property during one calendar year unless said property is leased to a licensed used motor vehicle dealer. "Used motor vehicle dealer" does not include:

(h) An operator, as defined in section 42-4-2102 ~~(6)~~ (5), C.R.S., who sells a motor vehicle pursuant to section 42-4-2104, C.R.S.

SECTION 26. 12-37-107 (2), Colorado Revised Statutes, is amended to read:

12-37-107. Disciplinary action authorized - grounds for discipline. (2) As an alternative to or in addition to a suspension or revocation of registration under ~~section 12-37-103 (4)~~ SUBSECTION (3) OF THIS SECTION, the director may assess a civil penalty in the form of a fine, not to exceed five thousand dollars, for any act or omission enumerated in ~~the said section~~ SUBSECTION (3) OF THIS SECTION.

SECTION 27. Repeal. 15-2-208, Colorado Revised Statutes, is repealed as follows:

15-2-208. Not a taxable transfer. ~~The release or nonexercise of a power of appointment shall not constitute a taxable transfer within the provisions of article 25 of title 39, C.R.S.~~

SECTION 28. 16-8-115 (4) (i) (I), Colorado Revised Statutes, is amended to read:

16-8-115. Release from commitment after verdict of not guilty by reason of insanity or not guilty by reason of impaired mental condition. (4) (i) (I) Any defendant required to register as a condition of release pursuant to this subsection (4), upon completion of a period of not less than twenty years from the date the defendant is placed on conditional release, may petition the district court for an order that discontinues the requirement for such registration and removes the defendant's name from the central registry established pursuant to section ~~18-3-412.5, C.R.S.~~ 16-22-110. The court may issue such order only if the court makes written findings of fact that the defendant has neither been convicted nor found not guilty by reason of insanity of an offense involving unlawful sexual behavior subsequent to his or her conditional release and that the defendant would not pose an undue threat to the community if allowed to live in the community without registration.

SECTION 29. 16-8-118 (2) (d) (I), Colorado Revised Statutes, is amended to read:

16-8-118. Temporary removal for treatment and rehabilitation. (2) (d) (I) Any defendant required to register pursuant to this subsection (2), upon completion of a period of not less than twenty years from the date the defendant begins receiving treatment and rehabilitation activities involving temporary physical removal of the defendant from the institution, may petition the district court for an order that discontinues the requirement for such registration and removes the defendant's name from the central registry established pursuant to section ~~18-3-412.5, C.R.S.~~ 16-22-110. The court may issue such order only if the court makes written findings of fact that the defendant has neither been convicted nor found not guilty by reason of insanity of an offense involving unlawful sexual behavior subsequent to such temporary removal and that the defendant would not pose an undue threat to the community if allowed to live in the community without registration.

SECTION 30. 16-11.8-103 (1) (g) (III), Colorado Revised Statutes, is amended to read:

16-11.8-103. Domestic violence offender management board - creation - duties - repeal. (1) There is hereby created, in the department of public safety, the domestic violence offender management board that shall consist of eighteen members with recognizable expertise in the field of domestic violence offenders. The membership of the board shall consist of the following persons:

(g) (III) Of the five members appointed pursuant to this paragraph (g), two shall be providers ~~certified pursuant to section 18-6-802, C.R.S., or providers~~ on the approved list pursuant to sub-subparagraph (C) of subparagraph (III) of paragraph (b) of subsection (4) of this section.

SECTION 31. 17-22.5-202 (3.5), Colorado Revised Statutes, is amended to read:

17-22.5-202. Ticket to leave - discharge - clothes, money, transportation. (3.5) Any offender discharged from a correctional facility on or after July 1, 2000, who is not subject to parole or supervision shall submit to a chemical testing of a

biological substance SAMPLE from the offender to determine the genetic markers thereof. Such testing shall occur at least ninety days prior to the offender's release from incarceration, and the results thereof shall be filed with and maintained by the Colorado bureau of investigation. The results of such tests shall be furnished to any law enforcement agency upon request.

SECTION 32. 19-1-103 (48), Colorado Revised Statutes, is amended to read:

19-1-103. Definitions. As used in this title or in the specified portion of this title, unless the context otherwise requires:

(48) "Expungement", as used in section ~~19-2-206~~ 19-1-306, means the designation of juvenile delinquency records whereby such records are deemed never to have existed.

SECTION 33. 19-1-304 (1) (c) (II.5), Colorado Revised Statutes, is amended to read:

19-1-304. Juvenile delinquency records. (1) (c) **Probation records - limited access.** Except as otherwise authorized by section 19-1-303, a juvenile probation officer's records, whether or not part of the court file, shall not be open to inspection except as provided in subparagraphs (I) to (X) of this paragraph (c):

(II.5) To the Colorado bureau of investigation for purposes of conducting a criminal background investigation relating to authorization of a firearm purchase. The inspection shall be limited to the information identified in sub-subparagraphs (A) to (H) of subparagraph ~~(H)~~ (II) of this paragraph (c);

SECTION 34. 22-7-604 (5) (c), Colorado Revised Statutes, is amended to read:

22-7-604. Academic performance - academic improvement - rating - designation and methodology. (5) **Overall academic performance measurement.** (c) As student performance improves, the standard for assessing academic performance ratings shall be raised. The department shall evaluate this standard annually by reporting to the state board on the overall academic performance ratings and changes in such ratings as described in ~~subsections (6) and (7)~~ SUBSECTION (6) of this section. In February, 2005, and in February every three years thereafter, the state board shall report to the education committees of the senate and the house of representatives and to the governor on whether it believes that a new year should be used as the baseline performance year to recalculate the overall standardized, weighted total scores assigned to each academic performance rating. The state board shall not establish a new year as the baseline performance year unless it notifies the education committees of the senate and the house of representatives and the governor on or before February 1 of the year in which school accountability reports would reflect the new baseline performance year.

SECTION 35. Repeal. 22-20-116 (4) and (5), Colorado Revised Statutes, are repealed as follows:

22-20-116. Minimum standards for educational interpreters for the deaf in the public schools - committee to recommend standards - rules. (4) ~~The study~~

by the interpreter standards committee created in subsection (3) of this section shall include but need not be limited to an examination of the following:

~~(a) The minimum standards for educational interpreters for the deaf who are employed as educational interpreters on a full-time or part-time basis in public schools. In making recommendations on the appropriate minimum standards, the committee shall examine:~~

~~(I) What is the most appropriate and feasible instrument for evaluating the proficiency and performance of educational interpreters for the deaf;~~

~~(II) The minimum performance on the instrument recommended pursuant to subparagraph (I) of this paragraph (a) that would satisfy the requirement for employment in a public school to provide interpreter services;~~

~~(III) The minimum standards for educational interpreters relating to their knowledge and understanding of:~~

~~(A) Child development;~~

~~(B) Language development;~~

~~(C) Curriculum;~~

~~(D) Teaching and tutoring methods for working individually and as part of a team in teaching or tutoring deaf children in a classroom setting;~~

~~(E) Deafness;~~

~~(F) The educational process for deaf children;~~

~~(b) The minimum standards for the persons who evaluate the skills, proficiency, and performance of educational interpreters;~~

~~(c) The availability and adequacy of educational and training programs in interpreting in this state, especially in rural areas of the state;~~

~~(d) The availability of appropriate curriculum for teaching persons who will be serving as educational interpreters;~~

~~(e) The use of interdistance learning and techniques to teach interpreting skills;~~

~~(f) The availability of funds or grants from federal and private sources to develop new educational programs in interpreting for the deaf, especially educational programs designed to assist people in meeting the minimum standards for educational interpreters to be established by the state board as provided in subsection (6) of this section, and to provide financial assistance to persons wanting to take such courses;~~

~~(g) The delivery of interpreter services in public schools in rural communities;~~

~~(h) Recruitment and retention of educational interpreters in public schools.~~

(5) ~~The interpreter standards committee shall submit a preliminary report detailing its progress to the state board on or before October 1, 1997. The committee shall submit its final report to the state board on or before December 31, 1997, containing its findings and its recommendations.~~

SECTION 36. 23-1-104 (7) (a), (7) (b), and (8) (b), Colorado Revised Statutes, are amended to read:

23-1-104. Financing the system of postsecondary education - repeal.

(7) (a) The general assembly hereby finds that, for the fiscal year beginning July 1, 2002, the allocation of appropriated general fund moneys and tuition revenue among the institutions governed by the ~~state board of agriculture~~ BOARD OF GOVERNORS OF THE COLORADO STATE UNIVERSITY SYSTEM has been based on a differential funding formula established by said board.

(b) (I) For the fiscal year beginning July 1, 2002, moneys for Fort Lewis college shall be appropriated to the ~~state board of agriculture~~ BOARD OF GOVERNORS OF THE COLORADO STATE UNIVERSITY SYSTEM, and allocated by said board as described in subparagraph (II) of this paragraph (b).

(II) (A) Effective September 1, 2002, the ~~state board of agriculture~~ BOARD OF GOVERNORS OF THE COLORADO STATE UNIVERSITY SYSTEM shall transfer from the ~~state board of agriculture~~ BOARD OF GOVERNORS OF THE COLORADO STATE UNIVERSITY SYSTEM fund, created in section 23-30-106, to the board of trustees for Fort Lewis college fund, created in section 23-52-103, an amount of general fund moneys determined by the standard allocation methodology used by the ~~state board of agriculture~~ ~~which~~ BOARD OF GOVERNORS OF THE COLORADO STATE UNIVERSITY SYSTEM THAT accounts for any variances in resident full-time equivalent student enrollment, any funding received pursuant to section 23-13-107 (1) (b), and any other appropriation changes, prorated for the remainder of the state fiscal year.

(B) The board of trustees for Fort Lewis college shall receive credit for increases in resident student FTE without said credit or allocation being to the detriment of the ~~state board of agriculture~~ BOARD OF GOVERNORS OF THE COLORADO STATE UNIVERSITY SYSTEM and consistent with historical formula distributions.

(III) The ~~state board of agriculture~~ BOARD OF GOVERNORS OF THE COLORADO STATE UNIVERSITY SYSTEM shall transfer to the board of trustees for Fort Lewis college a share of the statewide indirect cost assessment for fiscal year 2002-03. The transferred amount shall be determined based on the standard methodology used by the Colorado commission on higher education in determining governing board indirect cost allocations.

(IV) The ~~state board of agriculture~~ BOARD OF GOVERNORS OF THE COLORADO STATE UNIVERSITY SYSTEM shall transfer to the board of trustees for Fort Lewis college a proportionate share of the cash fund revenue authority provided by the general assembly.

(8) For fiscal years beginning on and after July 1, 2003, budget allocations for:

(b) Colorado state university and the university of southern Colorado shall be

directly appropriated to the ~~state board of agriculture~~ BOARD OF GOVERNORS OF THE COLORADO STATE UNIVERSITY SYSTEM.

SECTION 37. 23-1-105 (8), Colorado Revised Statutes, is amended to read:

23-1-105. Duties and powers of the commission with respect to appropriations. (8) The funding recommendations made by the commission for state-supported institutions of higher education pursuant to subsection (2) of this section and by the executive director for the divisions of the department of higher education ~~and for programs pursuant to subsection (6) of this section~~ shall be made to the governor and the general assembly as a part of the budget request for the department of higher education and shall be submitted in accordance with the budget procedures of part 3 of article 37 of title 24, C.R.S., and in conformance with section 24-75-201 .1, C.R.S.

SECTION 38. 23-5-124 (6) (c) (I), (6) (c) (VI), and (6) (c) (VII), Colorado Revised Statutes, are amended, and the said 23-5-124 (6) (c) is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBPARAGRAPHS, to read:

23-5-124. Student enrollment - prohibition - public peace and order convictions. (6) For purposes of this section, unless the context otherwise requires:

(c) "State-supported institution of higher education" means any postsecondary institution that is governed by:

(I) The ~~state board of agriculture~~ BOARD OF GOVERNORS OF THE COLORADO STATE UNIVERSITY SYSTEM;

(VI) The state board of community colleges and occupational education; ~~or~~

(VII) The board of any junior college district in Colorado;

(VIII) THE BOARD OF TRUSTEES FOR FORT LEWIS COLLEGE; OR

(IX) THE BOARD OF TRUSTEES FOR METROPOLITAN STATE COLLEGE OF DENVER.

SECTION 39. 23-7-103 (5), Colorado Revised Statutes, is amended to read:

23-7-103. Presumptions and rules for determination of status. (5) The presumptions and rules in this section shall determine tuition classification except ~~when exceptions are made by the Colorado commission on higher education pursuant to subsection (2.5) of this section or~~ when exceptions are made by the general assembly in other sections of this article.

SECTION 40. 23-11.5-104 (1), Colorado Revised Statutes, is amended to read:

23-11.5-104. Multiple-use network - selection - operation. (1) The department of higher education, in consultation with the department of education and the COMMISSION ON information management, ~~commission~~, shall investigate all private and public multiple-use network alternatives and select one or more multiple-use networks to connect Colorado schools, public libraries, and institutions of higher

education for the purposes of enhancing instruction and information access. In connecting to any multiple-use network selected pursuant to this section, each school, public library, and institution of higher education shall use the most appropriate available technology to meet the instructional and information access needs of the institution.

SECTION 41. 23-52-102 (7), Colorado Revised Statutes, is amended to read:

23-52-102. Board of trustees - creation - members - powers - duties - repeal.

(7) Except as otherwise provided in this subsection (7), the powers, duties, and functions formerly performed by the ~~state board of agriculture~~ BOARD OF GOVERNORS OF THE COLORADO STATE UNIVERSITY SYSTEM with respect to Fort Lewis college are hereby transferred to the board of trustees. Policies, resolutions, procedures, and agreements previously approved by the ~~state board of agriculture~~ BOARD OF GOVERNORS OF THE COLORADO STATE UNIVERSITY SYSTEM and applicable to Fort Lewis college shall remain in force and effect unless and until changed by the board of trustees.

SECTION 42. 23-52-104 (3), (4), and (5), Colorado Revised Statutes, are amended to read:

23-52-104. Governing board - powers. (3) All real and personal property held by the ~~state board of agriculture~~ BOARD OF GOVERNORS OF THE COLORADO STATE UNIVERSITY SYSTEM for the benefit of Fort Lewis college, including the beneficial interest in the Hesperus property owned by the state board of land commissioners and the Hesperus fund, is hereby transferred to the board of trustees. Such transfer shall not include real or personal property held by the ~~state board of agriculture~~ BOARD OF GOVERNORS OF THE COLORADO STATE UNIVERSITY SYSTEM for its own benefit.

(4) All existing or future debt, liabilities, or obligations of the ~~state board of agriculture~~ BOARD OF GOVERNORS OF THE COLORADO STATE UNIVERSITY SYSTEM incurred or arising with respect to Fort Lewis college, including but not limited to outstanding revenue bond obligations, lease obligations, and debt, shall be the sole responsibility of the board of trustees on and after September 1, 2002, and on and after September 1, 2002, the ~~state board of agriculture~~ BOARD OF GOVERNORS OF THE COLORADO STATE UNIVERSITY SYSTEM shall have no further liability with respect thereto.

(5) The ~~state board of agriculture~~ BOARD OF GOVERNORS OF THE COLORADO STATE UNIVERSITY SYSTEM and the board of trustees shall enter into an intergovernmental agreement providing that:

(a) The board of trustees and the ~~state board of agriculture~~ BOARD OF GOVERNORS OF THE COLORADO STATE UNIVERSITY SYSTEM shall jointly request that the state board of land commissioners extend the existing lease of the Hesperus property to the ~~state board of agriculture~~ BOARD OF GOVERNORS OF THE COLORADO STATE UNIVERSITY SYSTEM for the use and benefit of the Colorado agricultural experiment station beyond its current expiration on the same terms and conditions for a period of not less than ten years. The ~~state board of agriculture~~ BOARD OF GOVERNORS OF THE COLORADO STATE UNIVERSITY SYSTEM shall cooperate with the board of trustees to facilitate the use of portions of the Hesperus property, which is owned by the state

board of land commissioners, so long as such uses are compatible and not inconsistent with the use and operation of property by the Colorado agricultural experiment station.

(b) The ~~state board of agriculture~~ BOARD OF GOVERNORS OF THE COLORADO STATE UNIVERSITY SYSTEM shall have the right to use the real property upon which the Colorado state forest service district office is located on the Fort Lewis college main campus for a minimum of twenty-five years;

(c) The ~~state board of agriculture~~ BOARD OF GOVERNORS OF THE COLORADO STATE UNIVERSITY SYSTEM shall prepare appropriate documentation for transfer of all bonded and municipal lease debt related to Fort Lewis college to the board of trustees. All costs associated with such transfer shall be paid by the board of trustees. The ~~state board of agriculture~~ BOARD OF GOVERNORS OF THE COLORADO STATE UNIVERSITY SYSTEM and the board of trustees shall cooperate to obtain any approvals required, satisfy any conditions necessary to accomplish this transfer, and execute all implementing documentation.

(d) (I) The ~~state board of agriculture~~ BOARD OF GOVERNORS OF THE COLORADO STATE UNIVERSITY SYSTEM and the board of trustees shall cooperate to identify and transfer to the board of trustees:

(A) Any local, state, or federal licenses or permits required for the operation of Fort Lewis college held in the name of the ~~state board of agriculture~~ BOARD OF GOVERNORS OF THE COLORADO STATE UNIVERSITY SYSTEM, such as federal communications commission licenses, environmental permits, or liquor licenses; and

(B) Real property records or interests held by the ~~state board of agriculture~~ BOARD OF GOVERNORS OF THE COLORADO STATE UNIVERSITY SYSTEM for the benefit of Fort Lewis college.

(II) The board of trustees shall pay all costs associated with any such transfers.

SECTION 43. 23-73-102 (1), Colorado Revised Statutes, is amended to read:

23-73-102. Institute established. (1) The regents of the university of Colorado, the board of governors of the Colorado state university system, ~~for the Colorado state university system~~, the state board of community colleges and occupational education, the board of trustees of the university of northern Colorado, THE BOARD OF TRUSTEES FOR FORT LEWIS COLLEGE, THE BOARD OF TRUSTEES FOR METROPOLITAN STATE COLLEGE OF DENVER, the trustees of the Colorado school of mines, the trustees of the state colleges in Colorado, Aims community college, and Colorado mountain college, acting in concert, are hereby authorized to incorporate the Colorado institute of technology, referred to in this article as the "institute"; except that any of the named governing boards may choose not to participate in incorporating the institute. The governing boards may also work with the university of Denver, the Colorado technical university, and any other nonpublic institution in incorporating the institute. The institute shall be a Colorado nonprofit corporation with the condition that the corporation be structured and function in accordance with the remaining terms of this article.

SECTION 44. 24-1-135.1 (1) (a), Colorado Revised Statutes, is amended to read:

24-1-135.1. Effect of congressional redistricting related to 2000 federal decennial census. (1) (a) The appointing authority of the boards, commissions, or committees established pursuant to sections 13-91-104, 14-10-115, 21-2-101, 23-1-102, 23-21-503, 23-60-104, 24-32-706, 24-48.5-103, 24-65-103, 25-1-103, 25-1-902, 25-32-104, 25.5-1-301, ~~25.5-2-103~~, 26-11-101, 33-11-105, and 35-65-401, C.R.S., which require members to be appointed as residents of designated congressional districts, shall determine whether the current appointments to such boards, commissions, or committees adequately represent Colorado's new congressional districts. Notwithstanding any provision of law to the contrary, such appointing authority shall terminate the terms of current members and appoint new members to replace such members on the boards, commissions, or committees as is necessary to ensure proper representation from the new congressional districts; except that the term of a member who continues to reside in the district that such member was designated to represent shall not be terminated. Such changes shall be made no later than January 1, 2003. If the current members adequately represent the new congressional districts, the membership of the board, commission, or committee shall remain unchanged. Any member who continues to serve on a board, commission, or committee shall not be required to be reappointed.

SECTION 45. 25-1-107 (1) (ee) (II.5) (A) and (1) (ee) (II.5) (C), Colorado Revised Statutes, are amended to read:

25-1-107. Powers and duties of the department - repeal. (1) The department has, in addition to all other powers and duties imposed upon it by law, the following powers and duties:

(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.; 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.;~~

(C) ~~Personal care boarding homes~~ ASSISTED LIVING RESIDENCES as defined in section 25-27-102 ~~(8)~~ (1.3);

SECTION 46. 25-1-1202 (1) (ii), Colorado Revised Statutes, is amended to read:

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

(ii) Section ~~19-5-306~~ 19-3-306, C.R.S., concerning evidence of abuse or neglect

of a child;

SECTION 47. 25-27-104 (2) (k), Colorado Revised Statutes, is amended to read:

25-27-104. Minimum standards for assisted living residences - rules.

(2) Rules promulgated by the state board pursuant to subsection (1) of this section shall include, as a minimum, provisions requiring the following:

(k) A modified fee schedule for residences that serve a disproportionate share of ~~low income residences~~ LOW-INCOME RESIDENTS. The board may adopt a standard for determining residences that serve a disproportionate share of ~~low income residences~~ LOW-INCOME RESIDENTS. Such standard may require a residence to submit documentation determined appropriate by the department for verification.

SECTION 48. 26-1-301 (3), Colorado Revised Statutes, is amended to read:

26-1-301. Definitions. As used in sections 26-1-301 to 26-1-310, unless the context otherwise requires:

(3) "Traumatic brain injury" means injury to the brain caused by physical trauma resulting from but not limited to incidents involving motor vehicles, sporting events, falls, and physical assaults. Documentation of traumatic brain injury shall be based on adequate medical history, neurological examination, including mental status testing or ~~neurophysical~~ NEUROPSYCHOLOGICAL evaluation. Where appropriate, neuroimaging may be used to support the diagnosis. A traumatic brain injury shall be of sufficient severity to produce partial or total disability as a result of impaired cognitive ability and physical function.

SECTION 49. 26-1-304 (1), Colorado Revised Statutes, is amended to read:

26-1-304. Services for persons with traumatic brain injuries - limitations - covered services. (1) Approximately sixty-five percent of the moneys collected for the trust fund pursuant to sections 42-4-1301 ~~(9)(g)(IV)~~ (7) (d) (III) and 42-4-1701 (4) (e), C.R.S., shall be used to provide services to persons with traumatic brain injuries. Services provided pursuant to this section shall begin to be provided to persons with traumatic brain injuries no later than July 1, 2004.

SECTION 50. 26-1-305, Colorado Revised Statutes, is amended to read:

26-1-305. Education about traumatic brain injury. Approximately five percent of the moneys collected for the trust fund pursuant to sections 42-4-1301 ~~(9)(g)(IV)~~ (7) (d) (III) and 42-4-1701 (4) (e), C.R.S., shall be utilized to provide education for individuals with traumatic brain injuries and assist educators, parents, and nonmedical professionals in the identification of traumatic brain injuries so as to assist such persons in seeking proper medical intervention or treatment. Implementation of this section shall begin no later than April 1, 2004.

SECTION 51. 26-1-306 (1), Colorado Revised Statutes, is amended to read:

26-1-306. Research related to treatment of traumatic brain injuries - grants.

(1) Approximately thirty percent of the moneys collected for the trust fund pursuant

to sections 42-4-1301 ~~(9)(g)(IV)~~ (7) (d) (III) and 42-4-1701 (4) (e), C.R.S., shall be utilized to support research related to the treatment and understanding of traumatic brain injuries. The board shall solicit applications for grants to be awarded pursuant to this section no later than October 1, 2004.

SECTION 52. 26-1-309 (1), Colorado Revised Statutes, is amended to read:

26-1-309. Trust fund. (1) A trust fund to be known as the Colorado traumatic brain injury trust fund is hereby created and established in the state treasury. Such trust fund shall be comprised of moneys collected from surcharges assessed pursuant to sections 42-4-1301 ~~(9)(g)(IV)~~ (7) (d) (III) and 42-4-1701 (4) (e), C.R.S.

SECTION 53. Repeal. 26-4-120 (3), Colorado Revised Statutes, is repealed as follows:

26-4-120. State department - privatization. (3) ~~In connection with the requirement set forth in subsection (2) of this section, the state department shall include recommendations concerning privatization of the administration of the managed care system in its annual report required by section 26-4-118.~~

SECTION 54. 26-11.5-103 (3) (b), Colorado Revised Statutes, is amended to read:

26-11.5-103. Definitions. As used in this article, unless the context otherwise requires:

(3) "Long-term care facility" or "facility" means:

(b) ~~A personal care boarding home~~ AN ASSISTED LIVING RESIDENCE as defined in section 25-27-102 ~~(8)~~ (1.3), C.R.S.;

SECTION 55. 27-1-204 (5), Colorado Revised Statutes, is amended to read:

27-1-204. Types of services purchased - limitation on payments. (5) Each year the general assembly may appropriate funds in addition to those appropriated for purposes of ~~subsections (2), (3), and~~ SUBSECTION (4) of this section which may be used by the executive director of the department of human services ~~without regard to the limitations contained in subsection (3) of this section~~, to assist community mental health clinics and centers in instituting innovative programs, in providing mental health services to impoverished areas, and in dealing with crisis situations. The executive director of the department of human services shall require that any innovative or crisis programs for which funds are allocated under this subsection (5) be clearly defined in terms of services to be rendered, program objectives, scope and duration of the program, and the maximum amount of funds to be provided.

SECTION 56. 28-3-1402, Colorado Revised Statutes, is amended to read:

28-3-1402. Applicability. This part 14 shall apply to any person who is called to state military service, as the term "military service" is defined in section 28-3-101, or called to STATE DEFENSE FORCE active duty, ~~with the state defense force~~, as the term "active duty" is defined in section 28-4-102, for any period of time longer than

thirty days and who is ordered by the governor to enforce the law, preserve the peace, secure the rights or lives of citizens, or protect property.

SECTION 57. 28-3-1403, Colorado Revised Statutes, is amended to read:

28-3-1403. Stay of civil proceedings. Any court of competent jurisdiction may, on its own motion, stay any civil action or proceeding that involves a person described in section 28-3-1402 for the duration of the period of service or duty and for thirty days thereafter, or may otherwise dispose of the case as may be equitable to conserve the interests of all parties. The court shall stay the proceedings upon the application of a person, or an agent of the person, engaged in state military service or STATE DEFENSE FORCE active duty unless, in the opinion of the court, the ability of the person to prosecute or defend the action is not materially affected.

SECTION 58. 28-3-1404 (2), Colorado Revised Statutes, is amended to read:

28-3-1404. Actions for rent or possession by landlord. (2) The court may, on its own motion, stay the proceedings described in paragraph (a) of subsection (1) of this section for the duration of the period of service or duty and for thirty days thereafter or otherwise dispose of the case as may be equitable to conserve the interests of all parties. The court shall stay the proceedings upon the application of a person, or an agent of the person, engaged in state military service or STATE DEFENSE FORCE active duty unless, in the opinion of the court, the ability of the person to pay the agreed upon rent has not been materially affected by reason of the service or duty.

SECTION 59. The introductory portion to 28-3-1405 (1) (a) and 28-3-1405 (2) (b), Colorado Revised Statutes, are amended to read:

28-3-1405. Installment contracts - purchase of property. (1) (a) Except as otherwise provided in paragraph (b) of this subsection (1), a creditor who has received a deposit or installment of the purchase price under an installment contract for the purchase of real or personal property from a person who, after the date of the payment of such deposit or installment, is called to state military service or STATE DEFENSE FORCE active duty as described in section 28-3-1402, may not:

(2) (b) Notwithstanding the provisions of paragraph (a) of this subsection (2), a court may, on its own motion, stay the proceedings for the duration of the period of service or duty and for thirty days thereafter or otherwise dispose of the case as may be equitable to conserve the interests of all parties. The court shall stay the proceedings upon the application of a person, or an agent of the person, engaged in state military service or STATE DEFENSE FORCE active duty unless, in the opinion of the court, the ability of the person to comply with the terms of the obligation is not materially affected.

SECTION 60. 28-3-1406, Colorado Revised Statutes, is amended to read:

28-3-1406. Mortgage or security on property. (1) In any proceeding commenced during a period of state military service or STATE DEFENSE FORCE active duty, as described in section 28-3-1402, to enforce obligations secured by a mortgage, trust deed, or other security upon real or personal property owned prior to

the commencement of the period of state military service or STATE DEFENSE FORCE active duty, the court may, on its own motion, stay the proceedings for the duration of the period of service or duty and for thirty days thereafter or otherwise dispose of the case as may be equitable to conserve the interests of all parties. The court shall stay the proceedings upon the application of a person, or an agent of the person, engaged in state military service or STATE DEFENSE FORCE active duty unless, in the opinion of the court, the ability of the person to comply with the terms of the obligation is not materially affected.

(2) A sale, foreclosure, or seizure of property for nonpayment of any sum due under any obligation, or for breach of the terms of any such obligation, is not valid if made during a period of state military service or STATE DEFENSE FORCE active duty, as described in section 28-3-1402, or within thirty days thereafter, unless such sale, foreclosure, or seizure is made upon an order previously granted by the court and a return thereto made and approved by the court.

(3) This section applies only to obligations secured by a mortgage, trust deed, or other security in the nature of a mortgage upon real or personal property owned by a person described in section 28-3-1402 at the commencement of state military service or STATE DEFENSE FORCE active duty, which obligation originated prior to the person's service or duty and is still owed by the person during the period of service or duty.

SECTION 61. 29-22-107 (2) (d) (IV), Colorado Revised Statutes, is amended to read:

29-22-107. Legislative finding - hazardous substance listing required.

(2) (d) The requirements of this subsection (2) shall not apply to:

(IV) Hazardous materials in transportation which are subject to the provisions of ~~article 2.1 of title 40~~ PARTS 1, 2, AND 3 OF ARTICLE 20 OF TITLE 42, C.R.S.;

SECTION 62. 35-9-109 (3), Colorado Revised Statutes, is amended to read:

35-9-109. Confidentiality. (3) When a treating physician or the poison control service provider selected pursuant to section ~~25-5-2-103~~ 25-32-105, C.R.S., determines that a medical emergency exists and information submitted to the commissioner pursuant to section 35-9-107 (1) (d) is necessary for emergency or first-aid treatment, the commissioner may immediately disclose the information necessary to that treating physician or to such poison control service provider. The commissioner shall require such treating physician or such poison control service provider to submit to the commissioner a statement of need for such information and a confidentiality agreement, in the form and manner the commissioner shall designate, as soon as circumstances permit.

SECTION 63. 37-92-102 (6) (c), Colorado Revised Statutes, is amended to read:

37-92-102. Legislative declaration - basic tenets of Colorado water law. (6) (c) Within ninety days after the filing of statements of opposition, the board shall report its findings to the water court for review pursuant to section ~~34-92-305 (13)~~, ~~C.R.S.~~ 37-92-305 (13). The board may defend such findings through participation

in the water court proceedings.

SECTION 64. 37-92-308 (1) (b), Colorado Revised Statutes, is amended to read:

37-92-308. Substitute water supply plans - special procedures for review.

(1) The general assembly hereby finds, determines, and declares that:

(b) Prior to January 1, 2002, the general assembly gave the state engineer certain authority to approve exchanges and substitute water supply plans, including substitute water supply plans involving sand and gravel mines approved pursuant to sections 37-90-137 (11) and 37-80-120 (5); exchanges pursuant to sections 37-80-120, 37-83-104, ~~37-80-106~~ AND 37-83-106, and other statutes authorizing exchanges; and water uses that are part of the Arkansas river water bank pilot program approved pursuant to article 80.5 of this title; and this section shall not apply to such plans and exchanges.

SECTION 65. 38-2-105, Colorado Revised Statutes, is amended to read:

38-2-105. Educational boards of control have right of eminent domain. The regents of the university of Colorado, the board of governors of the Colorado state university system for Colorado state university ~~Fort Lewis college~~; and the university of southern Colorado, THE BOARD OF TRUSTEES FOR FORT LEWIS COLLEGE, the board of trustees of the Colorado school of mines, the board of trustees of the university of northern Colorado, and the trustees of the state colleges in Colorado have the power to acquire real property, which they may deem necessary, by the exercise of eminent domain through condemnation proceedings in accordance with law.

SECTION 66. Repeal. 38-11-101 (2), Colorado Revised Statutes, is repealed as follows:

38-11-101. Personal property in joint tenancy - how created - vesting upon death. (2) ~~Nothing in this section shall be deemed to exempt any transfer from the operation of article 25 of title 39, C.R.S.~~

SECTION 67. 38-31-101 (1), Colorado Revised Statutes, is amended to read:

38-31-101. Joint tenancy expressed in instrument - when. (1) No estate in joint tenancy in real property, except when conveyed or devised to executors, trustees, or fiduciaries, shall be created or established unless, in the instrument conveying the property or in the will devising the same, it is declared that the property is conveyed or devised in joint tenancy or as joint tenants. The abbreviation "JTWROS" and the phrase "as joint tenants with right of survivorship" or "in joint tenancy with right of survivorship" shall have the same meaning. Any grantor in any such instrument of conveyance may also be one of the grantees therein. ~~Nothing in this section shall be deemed to exempt any transfer from the operation of article 25 of title 39, C.R.S.~~

SECTION 68. 39-22-2003 (9), Colorado Revised Statutes, is amended to read:

39-22-2003. State sales tax refund - offset against state income tax - qualified individuals. (9) The department of revenue shall identify any qualified individual who has been convicted of a felony and who, at the time of filing for a refund

pursuant to this section, is incarcerated in a correctional facility operated by or under contract with the department of corrections or in a county or municipal jail awaiting transfer to a correctional facility pursuant to section 16-11-308, C.R.S. The department of revenue shall transfer the amount of any refund owed to said qualified individual to the department of corrections. The department of corrections shall transmit the amount of said refund to the clerk of the district court that issued an order for payment of restitution entered pursuant to ~~section 16-11-101.5~~ ARTICLE 18.5 OF TITLE 16, C.R.S., or an order for costs pursuant to section 18-1.3-701, C.R.S. Such refund shall be credited in the priority specified in section 16-11-101.6 (1), C.R.S.

SECTION 69. Repeal. Article 25 of title 39, Colorado Revised Statutes, is repealed.

SECTION 70. 39-30-105 (1) (b), Colorado Revised Statutes, is amended to read:

39-30-105. Credit for new business facility employees. (1) (b) In addition to the credit available under paragraph (a) of this subsection (1), a taxpayer qualified under said paragraph (a) shall be allowed for the first two full income tax years while located in an enterprise zone a credit in an amount equal to two hundred dollars for each new business facility employee who is insured under a health insurance plan or program provided through his or her employer. To be eligible for such credit, the employer must contribute fifty percent or more of the total cost of a health insurance plan or program, and such plan or program must be in accordance with the provisions of article 8 of ~~this title~~ TITLE 10 or part 1, 2, 3, or 4 of article 16 of title 10, C.R.S., or be a self-insurance program and include partial or complete coverage for hospital and physician services.

SECTION 71. 42-1-217 (1) (c), Colorado Revised Statutes, is amended to read:

42-1-217. Disposition of fines and surcharges. (1) All judges, clerks of a court of record, or other officers imposing or receiving fines, penalties, or forfeitures, except those moneys received pursuant to sections 42-4-313 (3), 42-4-413, 42-4-1701 (5) (a), 42-8-105, and 42-8-106, collected pursuant to or as a result of a conviction of any persons for a violation of any of the provisions of articles 1 to 4 (except part 3 of article 2) of this title, shall transmit, within ten days from the date of receipt of any such fine, penalty, or forfeiture, all such moneys so collected in the following manner:

(c) Any other provision of law notwithstanding, all moneys collected pursuant to section ~~42-1-1301.3~~ 42-4-1301.3 shall be transmitted to the state treasurer to be credited to the account of the alcohol and drug driving safety program fund.

SECTION 72. 42-3-121 (2) (a) (I), Colorado Revised Statutes, is amended to read:

42-3-121. Parking privileges for persons with disabilities - applicability. (2) (a) A person with a disability may apply to the department for:

(I) Distinguishing license plates to be supplied at the same cost as standard plates and to be displayed as provided in section 42-3-123 on a motor vehicle owned by such person or that is owned by a trust created for the benefit of and THE NAME OF

WHICH includes the name of such person. Any plates issued by the department pursuant to this section shall be renewed once each year in a manner to be determined by the department. The issuance of a special license plate to a person with a disability pursuant to the provisions of this subparagraph (I) shall not preclude such person from obtaining an identifying placard pursuant to the provisions of subparagraph (II) of this paragraph (a). The verification requirements of subsection (1) of this section shall be met once every three years.

SECTION 73. 42-4-1301 (7) (h), Colorado Revised Statutes, is amended to read:

42-4-1301. Driving under the influence - driving while impaired - driving with excessive alcoholic content - penalties. (7) **Penalties.** (h) In addition to any other penalties prescribed in this part 13, the court shall assess an amount, not to exceed ~~sixty~~ ONE HUNDRED TWENTY dollars, upon any person required to perform useful public service.

SECTION 74. 42-6-139 (3) and (4), Colorado Revised Statutes, are amended to read:

42-6-139. Registration - where made. (3) Any person who knowingly violates any of the provisions of subsection (2) of this section, section 42-3-103 (4) (a), section 42-3-105 (1) (c) (II), ~~section 42-3-112 (3) (b) (H)~~, section 42-6-140, or any rule or regulation of the director relating thereto made pursuant to the authority conferred upon the director in this part 1 is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of five hundred dollars.

(4) In addition to any other applicable penalty, a person who registers a motor vehicle in violation of the provisions of subsection (2) of this section, section 42-3-103 (4) (a), section 42-3-105 (1) (c) (II), ~~section 42-3-112 (3) (b) (H)~~, or section 42-6-140 shall be subject to a civil penalty of five hundred dollars. Such violation shall be determined by, and such penalty shall be assessed by and paid to, the municipality or county in which such motor vehicle is or should have been registered, subject to judicial review pursuant to rule 106 (a) (4) of the Colorado rules of civil procedure.

SECTION 75. 43-3-403 (2), Colorado Revised Statutes, is amended to read:

43-3-403. Authority to construct tunnels. (2) The transportation commission may, ~~upon compliance with the provisions of paragraph (b) of subsection (1) of this section~~, with the approval of the governor, enter into a contract with a private individual, firm, or corporation for the construction, maintenance, and operation of one or more tunnels.

SECTION 76. 43-3-404 (3), Colorado Revised Statutes, is amended to read:

43-3-404. Anticipation warrants. (3) The findings by the governor and the transportation commission ~~required by paragraph (b) of subsection (1) of section 43-3-403~~ as a condition precedent to the construction of any tunnels shall be conclusive whenever any warrants to be issued to defray all or any part of the cost thereof are offered for sale, but no warrants shall be offered for sale prior to the expiration of ~~the~~ thirty days. ~~after the making of the findings required by said~~

paragraph (b):

SECTION 77. 43-4-804 (4), Colorado Revised Statutes, is amended to read:

43-4-804. Statewide tolling enterprise special revenue fund - creation - separate highway accounts. (4) Notwithstanding any other provision of this section, the commission shall designate a state toll highway and moneys in the special fund that are derived from tolls shall only be expended to fund the administration, planning, design, development, financing, construction, operation, maintenance, or repair of the state toll highway or to pay bonds of the enterprise that were issued to finance the state toll highway. Once the enterprise has paid the costs of constructing the state toll highway, including sufficient contingencies, paid all debt service on all bonds issued to finance the toll highway, and reimbursed the state highway fund for the amount of any state highway fund moneys transferred to the statewide tolling enterprise OPERATING fund plus interest in accordance with section 43-4-805, the commission shall adjust toll rates in the corridor so that the amount of toll revenues to be generated is as close as possible to the amount required for the ongoing operation, maintenance, renewal, and replacement of the toll highway. A toll highway cannot eliminate previously existing highway lanes that have served vehicular traffic on a toll-free basis except pursuant to section 42-4-1012, C.R.S.

SECTION 78. 2-3-1304 (1) (a.5), Colorado Revised Statutes, is amended to read:

2-3-1304. Powers and duties of capital development committee. (1) The capital development committee shall have the following powers and duties:

(a.5) To study the capital construction request from the transportation commission for state highway reconstruction, repair, and maintenance projects to be funded from money transferred to the capital construction fund pursuant to section 24-75-302 (2), C.R.S., specifically for such purpose. On or before October 1 of each year, the transportation commission shall submit its capital construction request, based on the statewide transportation improvement programs, with a prioritized list of recommended state highway reconstruction, repair, and maintenance projects with the priority of projects on the list determined on the basis of greatest need without regard to location in the state; except that, for the 1998-99 fiscal year, the prioritized list of projects to be funded by the revenues appropriated for such year by House Bill 98-1202, as enacted at the second regular session of the sixty-first general assembly, shall consist only of state highway reconstruction, repair, maintenance, and capacity expansion projects. The capital development committee shall determine the number of projects on the list that may be funded from money available in the capital construction fund for state highway reconstruction, repair, or maintenance projects. Only projects on the list may be funded from money available in the capital construction fund for state highway reconstruction, repair, or maintenance projects, and the projects must be funded in the priority determined by the transportation commission; except that, if a project on the list cannot be funded because an alternative source of funding for the project has become available, a court order has enjoined the project, or an act of God has made the project construction unfeasible, the transportation commission shall submit the next phase of that project or the next project on that regional priority list to the capital development committee for approval as an addition to the list in lieu of the project that cannot be funded. No substitute project submitted by the transportation commission from the regional priority list

shall be approved by the capital development committee if funding said project would result in the delay of any other project on the list. Upon approval of an amended list, the department of transportation shall provide a copy of the amended list to the members of the joint budget committee, the transportation AND ENERGY committee in the house of representatives, and the ~~government, veterans and military relations, and transportation~~ committee in the senate. Projects on the list submitted by the transportation commission by October 1 or on an amended list submitted as provided in this paragraph (a.5) may be funded from money transferred to the capital construction fund and available in the current fiscal year or money to be transferred to the capital construction fund for the fiscal year beginning the following July 1.

SECTION 79. The introductory portion to 12-38.1-206 (1), Colorado Revised Statutes, is amended to read:

12-38.1-206. Report. (1) The board and the direct care advisory committee, established pursuant to section 12-38.1-203 (3), shall report to the members of the ~~health, environment, children and families committee of the senate and to the members of the~~ health, environment, welfare, and institutions ~~committee~~ COMMITTEES of the house of representatives AND THE SENATE of the general assembly, as well as to the governor, within two months ~~of~~ AFTER the completion of the pilot program, concerning the effectiveness of the pilot program in recruiting new entry-level workers into the long-term care profession and in retaining current and new long-term care workers through enhanced employment satisfaction. The report shall include, but need not be limited to:

SECTION 80. 19-3.5-109 (1), Colorado Revised Statutes, is amended to read:

19-3.5-109. Report - repeal of article. (1) The department of public health and environment shall contract for an independent evaluation of the trust fund including administrative costs of operating the trust fund and the cost-effectiveness and the impact of the grants on reducing and preventing child abuse. A report of such evaluation shall be provided to the house AND SENATE health, environment, welfare, and institutions ~~committee and the senate health, environment, children and families committee~~ COMMITTEES by November 1, 2011.

SECTION 81. 22-2-123 (3), Colorado Revised Statutes, is amended to read:

22-2-123. Eligible facilities education task force - creation - membership - duties - repeal. (3) The task force shall submit a written report on its findings and recommendations on or before October 1, 2002, and each October 1 thereafter, to the education committees of the house of representatives and the senate AND the health, environment, welfare, and institutions ~~committee~~ COMMITTEES of the house of representatives and the ~~health, environment, children and families committee of the~~ senate.

SECTION 82. 23-3.3-802, Colorado Revised Statutes, is amended to read:

23-3.3-802. Report. On or before July 1, 2002, and on or before each July 1 thereafter, the commission shall submit an annual report to the education committees of the senate and the house of representatives AND the health, environment, welfare, and institutions ~~committee~~ COMMITTEES of the house of representatives and the

~~health, environment, children and families committee~~ of the senate that includes, but is not limited to, the number of participants in the program and the amount of funds applied toward loan repayment. In addition, the commission shall evaluate and include in the report by July 1, 2003, whether it would be beneficial to expand the program to four-year degree programs.

SECTION 83. 24-37.5-205, Colorado Revised Statutes, is amended to read:

24-37.5-205. Annual report by commission. The commission shall report to the governor and the business affairs and labor ~~committee~~ COMMITTEES of the house of representatives and the ~~business, labor and finance committee~~ of the senate regularly on at least an annual basis concerning the implementation of the provisions of this part 2.

SECTION 84. 25-1-108 (5), Colorado Revised Statutes, is amended to read:

25-1-108. Powers and duties of the state board of health - report. (5) In consultation with the advisory committee for assisted living residences, the board shall report to the house AND SENATE health, environment, welfare, and institutions ~~committee, the senate health, environment, children and families committee,~~ COMMITTEES and the joint budget committee on October 15, 2003, and every five years thereafter, concerning the cost of administering the assisted living residence program, statutory and regulatory mandates for which the department does not have adequate resources, and any additional moneys necessary to fund the program.

SECTION 85. 25-3.5-704 (2) (h) (I) (E), Colorado Revised Statutes, is amended to read:

25-3.5-704. Statewide emergency medical and trauma care system - development and implementation - duties of the department - rules adopted by board. (2) The board shall adopt rules for the statewide emergency medical and trauma care system, including but not limited to the following:

(h) (I) **Continuing quality improvement system (CQI).** These rules require the department to oversee a continuing quality improvement system for the statewide emergency medical and trauma care system. The board shall specify the methods and periods for assessing the quality of regional emergency medical and trauma systems and the statewide emergency medical and trauma care system. These rules include, but are not limited to, the following requirements:

(E) That the department be allowed access to prehospital, hospital, and coroner records of emergency medical and trauma patients to assess the continuing quality improvement system for the area and state-based injury prevention and public information and education programs pursuant to paragraph (g) of this subsection (2). All information provided to the department shall be confidential pursuant to subparagraph (II) of this paragraph (h). To the greatest extent possible, patient-identifying information shall not be gathered. If patient-identifying information is necessary, the department shall keep such information strictly confidential, and such information may only be released outside of the department upon written authorization of the patient. The department shall prepare an annual report that includes an evaluation of the statewide emergency medical and trauma

services system. Such report shall be distributed to all designated trauma centers, ambulance services, and service agencies and to the chairpersons of the ~~health, environment, children and families committee of the senate and the health, environment, welfare, and institutions committee~~ COMMITTEES of the house of representatives AND THE SENATE.

SECTION 86. 25-23-103 (7), Colorado Revised Statutes, is amended to read:

25-23-103. State loan repayment program for dentists and dental hygienists serving underserved populations - creation - conditions. (7) The department shall report to the health, environment, welfare, and institutions ~~committee~~ COMMITTEES of the house and the ~~health, environment, children and families committee of the senate~~ on the status of the program not later than October 1, 2004. Such report shall address the success of this program including the number of dental professionals participating in the program, the cost-effectiveness of the program, the appropriateness of the funding source, and the impact of the program on the availability of dental care to underserved populations.

SECTION 87. 25-27-110 (1) and the introductory portion to 25-27-110 (2) (a), Colorado Revised Statutes, are amended to read:

25-27-110. Advisory committee - sunset review. (1) There is hereby established an advisory committee to the department for the purposes of making recommendations to the department and reporting to the house ~~committee~~ AND SENATE COMMITTEES on health, environment, welfare, and institutions ~~and the senate committee on health, environment, children and families~~ concerning the rules promulgated by the state board pursuant to this article, implementation of the licensing program, the impact of the program, and the effectiveness of enforcement. The advisory committee shall consist of not less than nine members to be appointed by the executive director of the department. The committee shall elect its own chairperson. Such members shall be representatives from assisted living residences, the Colorado commission on the aging, local health departments, local boards of health, and consumer and other agencies and organizations providing services to or concerned with residents of assisted living residences. Members of the advisory committee shall serve on a voluntary basis and shall serve without compensation.

(2) (a) The department in consultation with the advisory committee shall develop recommendations and report such recommendations to the health, environment, welfare, and institutions ~~committee~~ COMMITTEES of the house of representatives ~~the health, environment, children and families committee of~~ AND the senate and the joint budget committee no later than February 15, 2003, on whether or not risk-based inspections provide more efficient expenditures of department resources and at the same time adequately protect the health, safety, and well-being of residents of assisted living residences. Such report shall include an evaluation of at least the following elements:

SECTION 88. 25-34-104 (4), Colorado Revised Statutes, is amended to read:

25-34-104. Stroke advisory board. (4) The advisory board shall report its findings to the joint budget committee AND the health, environment, welfare, and institutions ~~committee~~ COMMITTEES of the house of representatives and ~~to the health,~~

~~environment, children, and families committee~~ of the senate on or before November 1, 2003.

SECTION 89. 25.5-1-110 (4), Colorado Revised Statutes, is amended to read:

25.5-1-110. Study of children's access to health care coverage - acceptance of donations - repeal. (4) The state department shall report on the results of the study to the health, environment, welfare, and institutions ~~committee~~ COMMITTEES of the house of representatives ~~the health, environment, children and families committee~~ ~~of~~ AND the senate and the joint budget committee on or before July 1, 2003, and on or before July 1, 2004, along with any recommendations for legislation, specifically addressing how to move more children from public programs into private insurance.

SECTION 90. 25.5-1-303 (7), Colorado Revised Statutes, is amended to read:

25.5-1-303. Powers and duties of the board - scope of authority - rules. (7) The board shall report annually to the joint budget committee of the general assembly and the ~~health, environment, children and families committee of the senate~~ ~~and the~~ health, environment, welfare, and institutions ~~committee~~ COMMITTEES of the house of representatives AND THE SENATE on the implementation and performance of the children's basic health plan program, including but not limited to the extent to which private sector strategies and resources are effectively used as part of the program.

SECTION 91. 26-1-310, Colorado Revised Statutes, is amended to read:

26-1-310. Reports to the general assembly. On February 1, 2004, and each February 1 thereafter, the board of directors shall report to the joint budget committee AND the health, environment, welfare, and institutions ~~committee~~ COMMITTEES of the house of representatives and the ~~health, environment, children and families committee~~ ~~of the~~ senate on the operations of the trust fund, the moneys expended, the number of individuals with traumatic brain injuries offered services, the research grants awarded and the progress on such grants, and the educational information provided pursuant to this article.

SECTION 92. 26-4-106 (1) (b) (II), Colorado Revised Statutes, is amended to read:

26-4-106. Application - verification of eligibility - repeal. (1) (b) (II) The state department shall evaluate the impact on the children's basic health plan of using state department eligibility technicians to determine medicaid eligibility of persons applying for the children's basic health plan as allowed in subparagraph (I) of this paragraph (b). The state department shall evaluate whether the use of such staff solved problems with coordination between the children's basic health plan and the medicaid program and whether there is a need to continue funding staff to perform this function. The state department shall report its findings and recommendations to the joint budget committee and to the health, environment, welfare, and institutions ~~committee~~ COMMITTEES of the house of representatives and the ~~health, environment, children and families committee~~ of the senate no later than October 1, 2003.

SECTION 93. 26-4-124 (8.5) (c), Colorado Revised Statutes, is amended to read:

26-4-124. Program of all-inclusive care for the elderly - services - eligibility.

(8.5) (c) (I) No later than May 30, 2003, the executive director of the state department shall submit to the joint budget committee of the general assembly AND to the health, environment, welfare, and institutions ~~committee~~ COMMITTEES of the house of representatives and ~~to the health, environment, children and families committee~~ of the senate a written report of the results of the feasibility study conducted under paragraph (a) of this subsection (8.5).

(II) No later than January 1, 2007, the executive director of the state department shall submit to the joint budget committee of the general assembly AND to the health, environment, welfare, and institutions ~~committee~~ COMMITTEES of the house of representatives and ~~to the health, environment, children and families committee~~ of the senate a final written report detailing the expansion of PACE program sites across the state.

SECTION 94. 26-4-127 (2) (b), Colorado Revised Statutes, is amended to read:

26-4-127. Direct contracting with providers - legislative declaration.

(2) (b) If the state department implements direct contracting with a provider pursuant to this section, the provider and the state department shall report to the health, environment, welfare, and institutions ~~committee~~ COMMITTEES of the house of representatives and the ~~health, environment, children and families committee~~ of the senate no later than July 1, 2003, on the status of direct contracting. The report shall include an analysis of the effectiveness of direct contracting and whether the direct contracting should be continued to the same or larger numbers of recipients.

SECTION 95. 26-4-410 (2) (c.7) (VI), Colorado Revised Statutes, is amended to read:

26-4-410. Providers - nursing facility - nursing facility patient program improvement fund - reimbursement - maximum allowable - nonmonetary incentive program - quality of care incentive payment program - legislative declaration. (2) (c.7) (VI) Beginning July 1, 2004, and each July 1 thereafter, the state department shall report annually to the members of the ~~health, environment, children and families committee of the senate~~ and the health, environment, welfare, and institutions ~~committee~~ COMMITTEES of the house of representatives AND THE SENATE on consumer satisfaction surveys and other facility information. For each nursing facility, this report shall contain information on the survey results, the number of complaints, and the number of occurrences that are reported to the department of public health and environment pursuant to section 25-1-124, C.R.S.

SECTION 96. 26-4-420 (1) (e), Colorado Revised Statutes, is amended to read:

26-4-420. Nursing facilities - development of a survey and certification reform working group. (1) (e) The working group shall commence work on June 5, 2001, and shall present the completed detailed proposal, along with proposed legislation for the second regular session of the sixty-third general assembly, to the ~~senate health, environment, children and families committee;~~ the house AND SENATE health, environment, welfare, and institutions ~~committee~~ COMMITTEES; the joint budget committee; and the legislative audit committee no later than December 1, 2001.

SECTION 97. 26-4-421 (4), Colorado Revised Statutes, is amended to read:

26-4-421. Telemedicine - legislative intent. (4) The department of health care policy and financing shall report to the ~~health, environment, children and families committee of the senate and to the~~ health, environment, welfare, and institutions ~~committee~~ COMMITTEES of the house of representatives AND THE SENATE no later than January 1, 2006, on the application of telemedicine to provide home health care; emergency care; critical and intensive care, including but not limited to, neonatal care; psychiatric evaluation; psychotherapy; and medical management as potential managed care system benefits. Such report shall take into account the availability of technology as of the time of the report to use telemedicine for home health care, emergency care, and critical and intensive care and the availability of broadband access within the state.

SECTION 98. The introductory portion to 26-4-1303 (1), Colorado Revised Statutes, is amended to read:

26-4-1303. Reporting. (1) The state department shall provide a report to the joint budget committee of the general assembly AND the health, environment, welfare, and institutions ~~committee~~ COMMITTEES of the house of representatives and the ~~health, environment, children and families committee of the senate~~ by October 1, 2006, that includes, but is not limited to, the following:

SECTION 99. 26-4-1406, Colorado Revised Statutes, is amended to read:

26-4-1406. Report. On or before January 1, 2008, the state department shall provide a report to the joint budget committee of the general assembly AND the health, environment, welfare, and institutions ~~committee~~ COMMITTEES of the house of representatives and the ~~health, environment, children and families committee of the senate~~ on the implementation of in-home support services. At a minimum the report shall include the cost-effectiveness of providing in-home support services to the elderly, blind, and disabled and to eligible disabled children and the number of persons receiving such services.

SECTION 100. 26-6-117 (3), Colorado Revised Statutes, is amended to read:

26-6-117. Accreditation standards for county departments and child placement agencies - study. (3) The state department shall submit its report and its findings and recommendations to the health, environment, welfare, and institutions ~~committee~~ COMMITTEES of the house of representatives and ~~to the health, environment, children and families committee of the senate~~ on or before July 1, 2002. Such report shall also include any recommendations regarding legislative changes to implement the accreditation process.

SECTION 101. 26-11-205.5 (4) (b), Colorado Revised Statutes, is amended to read:

26-11-205.5. Older Coloradans program - distribution formula. (4) (b) On or before November 1, 2002, and each November 1 thereafter, the state office shall compile the reports from the area agencies on aging and submit a report for the previous fiscal year to the joint budget committee of the general assembly ~~the health,~~

~~environment, children and families committee of the senate,~~ and the health, environment, welfare, and institutions ~~committee~~ COMMITTEES of the house of representatives AND THE SENATE detailing the use of moneys from the program.

SECTION 102. 26-19-106 (1), Colorado Revised Statutes, is amended to read:

26-19-106. Annual savings report. (1) By October 1 of each year, the department shall submit to the joint budget committee of the general assembly, to the health, environment, welfare, and institutions ~~committee~~ COMMITTEES of the house of representatives ~~to the health, environment, children, and families committee of~~ AND the senate, and to the office of state planning and budgeting an annual savings report stating the cost-savings anticipated in the previous, current, and subsequent fiscal years from health care program reforms, consolidations, and streamlining.

SECTION 103. 26-19-107 (1) (j), Colorado Revised Statutes, is amended to read:

26-19-107. Duties of the department - schedule of services - premiums - copayments - subsidies. (1) In addition to any other duties pursuant to this article, the department shall have the following duties:

(j) To conduct a study on the consolidation of state health care programs for children. The department shall submit a written report of its evaluation and recommendations on or before September 1, 2002, to the joint budget committee and to the health, environment, welfare, and institutions ~~committee~~ COMMITTEES of the house of representatives and ~~to the health, environment, children and families committee of~~ the senate.

SECTION 104. 28-3-106 (1) (c) and (1) (w) (I), Colorado Revised Statutes, are amended to read:

28-3-106. Powers and duties of adjutant general - repeal. (1) The adjutant general has the following powers and duties:

(c) The adjutant general shall prepare and transmit annually, in the form and manner prescribed by the heads of the principal departments pursuant to the provisions of section 24-1-136, C.R.S., a report accounting to the governor AND the state, veterans, and military affairs ~~committee~~ COMMITTEES of the house of representatives and the ~~government, veterans, and military relations, and transportation committee of~~ the senate for the efficient discharge of all responsibilities assigned by law or directive to the adjutant general.

(w) (I) On or before September 30, 2003, the adjutant general, with the assistance of the department of military and veterans affairs, shall prepare a report for the governor ~~the government, veterans and military relations, and transportation committee of the senate,~~ and the state, veterans, and military affairs ~~committee~~ COMMITTEES of the house of representatives AND THE SENATE concerning the creation of the department of military and veterans affairs in House Bill 02-1413, enacted during the second regular session of the sixty-third general assembly, and the status of the implementation of said department.

SECTION 105. 28-5-703 (3) (c), Colorado Revised Statutes, is amended to read:

28-5-703. Rules and regulations - duties. (3) On or before December 31, 2002, and on or before December 31 each year thereafter, the board, with the assistance of the division, shall report on the status of all programs providing services to the state's veterans, including but not limited to any recommendations for changes to policies, procedures, or law, to:

(c) The ~~government, veterans and military relations, and transportation~~ STATE, VETERANS, AND MILITARY AFFAIRS committee of the senate.

SECTION 106. 29-4-729 (1), Colorado Revised Statutes, is amended to read:

29-4-729. Reporting. (1) The authority shall submit to the governor and the health, environment, welfare, and institutions ~~committee~~ COMMITTEES of the house of representatives and the ~~health, environment, children and families committee of the~~ senate within six months after the end of the fiscal year a report that shall set forth a complete and detailed operating and financial statement of the authority during such year. Also included in the report shall be any recommendations with reference to additional legislation or other action that may be necessary to carry out the purposes of the authority.

SECTION 107. 29-4-735 (2), Colorado Revised Statutes, is amended to read:

29-4-735. Colorado strategic seed fund council - creation. (2) At the request of the board, the Colorado strategic seed fund council shall provide advice to the authority from time to time as to the criteria to be used in making loans, and the council shall make recommendations to the board with respect to the board's determinations regarding such loans from the Colorado strategic seed fund to operating seed funds. Said council shall receive reports from the authority regarding the operations and investments of the operating seed funds and shall make an annual report on the operating seed funds to the health, environment, welfare, and institutions ~~committee~~ COMMITTEES of the house of representatives and the ~~health, environment, children and families committee of the~~ senate.

SECTION 108. 33-1-110 (7) (c) (VI), Colorado Revised Statutes, is amended to read:

33-1-110. Duties of the director of the division. (7) (c) The duties of the council are the following:

(VI) To report to the commission and to the senate agriculture, ~~and~~ natural resources, AND ENERGY committee and the house of representatives agriculture, livestock, and natural resources committee pursuant to section 33-1-112 (8).

SECTION 109. 33-1-112 (7) (a), Colorado Revised Statutes, is amended to read:

33-1-112. Funds and cost accounting - repeal. (7) (a) There is hereby created in the state treasury the wildlife for future generations trust fund. In addition to moneys appropriated to such fund by the general assembly, the commission is authorized to accept grants and donations for deposit in said fund. Moneys in the fund shall be accrued and maintained intact; only the interest earned on moneys in the fund shall be continuously appropriated and may be expended on such property

operation and maintenance and other wildlife projects and programs as may from time to time be deemed appropriate by the commission. The fund is to be under the control of and to be administered by the commission. The controller shall authorize disbursements of interest earned on said fund as directed by the commission on receipt of a voucher from said commission stating that the disbursement is in accordance with this subsection (7). The commission shall submit an annual report of the moneys expended from the trust fund and matters accomplished by such expenditures from the preceding fiscal year to the senate agriculture, ~~and~~ natural resources, AND ENERGY committee and the house of representatives agriculture, livestock, and natural resources committee by the convening date of each regular session of the general assembly in accordance with section 24-1-136 (9), C.R.S. The commission shall also submit to the senate agriculture, ~~and~~ natural resources, AND ENERGY committee and the house of representatives agriculture, livestock, and natural resources committee a report on moneys proposed to be expended from the trust fund and the matters to be accomplished by such expenditures in the upcoming fiscal year. Interest earned on such fund that is not expended as provided shall remain in the wildlife for future generations trust fund for future expenditure as provided in this subsection (7). All moneys and interest in such fund shall remain in such fund to be used for the purposes set forth in this subsection (7) and shall not be deposited in or transferred to the general fund of the state of Colorado or any other fund.

SECTION 110. 33-60-106, Colorado Revised Statutes, is amended to read:

33-60-106. Report required - general appropriations act. On or before September 1 of each year beginning with 1993, each state agency that has received or is scheduled to receive moneys from the great outdoors Colorado trust fund shall provide the senate agriculture, ~~and~~ natural resources, AND ENERGY committee and the house of representatives agriculture, livestock, and natural resources committee with a detailed accounting of all such moneys received or to be received along with a detailed accounting of how such moneys have been or will be expended. For informational purposes, the expenditure of such moneys may be indicated in the annual general appropriation act.

SECTION 111. The introductory portion to 35-65-406 (1), Colorado Revised Statutes, is amended to read:

35-65-406. Annual reports. (1) The Colorado state fair authority and its board of commissioners shall make an annual report by October 31 of each year to the governor, the senate agriculture, ~~and~~ natural resources, AND ENERGY committee, and the house of representatives agriculture, livestock, and natural resources committee. The report shall include the following information for the fiscal year ending in the year the annual report is made and for the fiscal year preceding such fiscal year prepared in a comparison format and in accordance with generally accepted accounting principles:

SECTION 112. 37-60-116, Colorado Revised Statutes, is amended to read:

37-60-116. Reports. The Colorado water conservation board shall cause the results of the studies to be embodied in written reports, copies of which shall be held in the offices of said board as a public record available for the use of any interested person and a copy of each of said reports shall be sent to the senate agriculture, ~~and~~

natural resources, AND ENERGY committee and the house of representatives agriculture, livestock, and natural resources committee.

SECTION 113. 37-60-121 (2.5) (d), Colorado Revised Statutes, is amended to read:

37-60-121. Colorado water conservation board construction fund - creation of - nature of fund - funds for investigations - contributions - use for augmenting the general fund - funds created. (2.5) (d) The board, in conjunction with the attorney general, shall report annually to the senate agriculture, ~~and~~ natural resources, AND ENERGY committee and the house of representatives agriculture, livestock, and natural resources committee on any litigation that involves the use of any moneys from the litigation fund created in paragraph (a) of this subsection (2.5).

SECTION 114. 39-22-1704 (3) (e), Colorado Revised Statutes, is amended to read:

39-22-1704. Administration of moneys in Colorado child care improvement fund - oversight committee. (3) Members of the child care improvement oversight committee shall serve without compensation. The oversight committee shall meet as necessary to perform its functions as outlined in this subsection (3) and shall be provided necessary staff assistance from the Colorado office of resource & referral agencies, inc. The oversight committee shall be responsible for:

(e) Submitting a report to the health, environment, welfare, and institutions ~~committee~~ COMMITTEES of the house of representatives ~~the health, environment, children and families committee~~ of AND the senate and the governor summarizing the annual voluntary contributions designated for the Colorado child care improvement fund, the annual expenditure of moneys from the fund by the Colorado office of resource & referral agencies, inc., including the awarding of grants, and the findings of the Colorado office of resource & referral agencies, inc., concerning the improvement of the quality of child care programs in the state since the establishment of the voluntary contribution designation. The report to the governor shall be made on a yearly basis until the repeal of this part 17.

SECTION 115. 43-4-806 (3), Colorado Revised Statutes, is amended to read:

43-4-806. Powers and duties of the commission when acting as the board of the enterprise - annual report. (3) No later than February 15, 2003, and no later than February 15 of each year thereafter, the commission shall present a report to the transportation and energy committee of the house of representatives and the ~~government, veterans and military relations, and~~ transportation committee of the senate that shall include a summary of the enterprise's activities for the previous year, a statement of current toll rates and any expected changes, a summary of the status of any current toll projects, a statement of the enterprise's revenues, expenses of the enterprise, and any recommendations for statutory changes that the commission deems necessary or desirable. The committees shall review the report and may recommend legislation. The report shall be public and shall be available on the website of the department on or before January 15 of the year in which the report is presented.

SECTION 116. 18-1.3-204 (2) (a) (V), Colorado Revised Statutes, is amended to read:

18-1.3-204. Conditions of probation. (2) (a) When granting probation, the court may, as a condition of probation, require that the defendant:

(V) Pay reasonable costs of the court proceedings or costs of supervision of probation, or both. The probation supervision fee shall be ~~forty-five~~ FIFTY dollars per month for the length of ordered probation. Notwithstanding the amount specified in this subparagraph (V), the court may lower the costs of supervision of probation to an amount the defendant will be able to pay. The court shall fix the manner of performance for payment of the fee. If the defendant receives probation services from a private provider, the court shall order the defendant to pay the probation supervision fee directly to the provider. The fee shall be imposed for the length of ordered probation.

SECTION 117. 12-47-301 (7), Colorado Revised Statutes, is amended to read:

12-47-301. Licensing in general. (7) A licensee shall report each transfer or change of financial interest in the license to the state licensing authority and, for retail licenses, to the local licensing authority, within thirty days after the transfer or change. A report shall be required for transfers of capital stock of a public corporation; except that a report shall not be required for transfers of such stock totaling less than ten percent in any one year, but any transfer of a controlling interest shall be reported regardless of size. It is unlawful for the licensee to fail to report a transfer required by this subsection ~~(8)~~ (7). Such failure to report shall be grounds for suspension or revocation of the license.

SECTION 118. 12-47-407 (1), Colorado Revised Statutes, is amended to read:

12-47-407. Retail liquor store license. (1) A retail liquor store license shall be issued to persons selling only malt, vinous, and spirituous liquors in sealed containers not to be consumed at the place where sold. Malt, vinous, and spirituous liquors in sealed containers shall not be sold at retail other than in retail liquor stores except as provided in section 12-47-408. In addition, retail liquor stores may sell nonfood items related to the consumption of such liquors, liquor-filled candy, and food items approved by the state licensing authority that are prepackaged, labeled, directly related to the consumption of such liquors, and are sold solely for the purpose of cocktail garnish in containers up to sixteen ounces. Nothing in this section shall be construed to authorize the sale of food items that could constitute a snack, a meal, or portion of a meal. Nothing in this section or in section ~~12-47-103 (30)~~ 12-47-103 (31) shall be construed to prohibit the sale of items by a retail liquor store on behalf of or to benefit a charitable organization, as defined in section 39-26-102, C.R.S., or a nonprofit corporation subject to the "Colorado Revised Nonprofit Corporation Act", articles 121 to 137 of title 7, C.R.S., and determined to be exempt from federal income tax by the federal internal revenue service, if the retail liquor store does not receive compensation for any such sale. Nothing in this section shall prohibit a retail liquor store licensee, at the option of the licensee, from displaying promotional material furnished by a manufacturer or wholesaler, which material permits a customer to purchase other items from a third person if the retail liquor store licensee does not receive payment from the third person and if the ordering of the additional

merchandise is done by the customer directly from the third person.

SECTION 119. 26-4-103 (11), Colorado Revised Statutes, is amended to read:

26-4-103. Definitions. As used in this article, unless the context otherwise requires:

(11) "Nursing facility" means a facility, or a distinct part of a facility, which meets the state nursing home licensing standards in section 25-1-107 (1) (1) (I), C.R.S., is maintained primarily for the care and treatment of inpatients under the direction of a physician, and meets the requirements in 42 U.S.C. ~~sec. 1396d~~ SEC. 1396r for certification as a qualified provider of nursing facility services. The patients in such a facility require supportive, therapeutic, or compensating services and the availability of a licensed nurse for observation or treatment on a twenty-four-hour basis. Nursing care may include but is not limited to terminal care; extensive assistance or therapy in the activities of daily living; continual direction, supervision, or therapy; extensive assistance or therapy for loss of mobility; nursing assessment and services which involve assessment of the total needs of the patient, planning of patient care, and observing, monitoring, and recording the patient's response to treatment; and monitoring, observing, and evaluating the drug regimen. "Nursing facility" includes private, nonprofit, or proprietary intermediate nursing facilities for the mentally retarded or developmentally disabled.

SECTION 120. 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 22, 2003

APPENDIX

C.R.S. Section	Section in bill	Reason
1-13-702	1	Changes an internal reference to the provision in the "Uniform Election Code of 1992" describing the duties of a watcher in the conduct of an election from "1-7-202 (3)" to "1-7-108 (3)" to correspond with the relocation of this provision in HB92-1333, chapter 118, page 731, concerning elections, which repealed and reenacted article 7 of title 1.
2-2-324	2	Repeals as obsolete a provision enacted in HB96-1017, chapter 230, page 1154, concerning the management of information related to children who receive services under the Colorado Children's Code, to require the appropriate legislative committee of reference to review the executive summary prepared by the state auditor's office pursuant to section 2-3-112 (5), because HB00-1342, chapter 153, page 585, which created the division of prevention and intervention services for children and youth in the department of public health and environment, repealed that section which required the state auditor to conduct a programmatic review of all state-funded or federally funded prevention and intervention programs for children and families.
2-3-301 (1.5) (c)	3	Substitutes "matters" for "manners" to correct a misspelling in the original draft of SB01-226, chapter 307, page 1216, concerning the creation of a temporary executive committee of the legislative council to serve during each period commencing after a general election and ending following the convening of the next general assembly when a new executive committee is formed.

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| 8-70-103 (8.5) | 4 | Changes an internal reference to the definition of the term "electronic" from "24-71.1-103 (2)" to "24-71.3-102 (5)" to conform with HB02-1326, chapter 229, page 845, which enacted the "Uniform Electronic Transactions Act", article 71.3 of title 24, and repealed the "Government Electronic Transactions Act", article 71.1 of title 24, resulting in the relocation of this definition to the new article. |
| 10-1-103 (3) | 5 | In a provision requiring the division of insurance to pay its expenditures from the division of insurance cash fund to which certain fees are credited by the state treasurer, deletes an internal reference to section 12-7-104, which imposed a fee for a license to engage in the business of bail bonding agent, because it was repealed by HB96-1078, chapter 231, page 1182. |
| 10-2-403 IP (1) | 6 | In a provision of the "Colorado Producer Licensing Model Act" listing exemptions to the requirement that an applicant for an insurance producer license pass a written examination, changes an internal reference to the statute making this requirement from "10-4-402" to "10-2-402" to correct a typographical error in the drafting of HB93-1270, chapter 257, page 1357, concerning the licensing of persons in the insurance business. |
| 10-3-1104.7 (12) (b)
(I) | 7 | Makes a grammatical change in a provision allowing an individual aggrieved by the unauthorized release of the results of a genetic test to sue for actual damages or \$10,000 per violation to correct a drafting error in SB02-078, chapter 262, page 990, concerning genetic privacy. |
| 10-4-705 (2) | 8 | In various provisions of the "Colorado Auto Accident Reparations Act", deletes an internal reference to section 10-4-706 (3), which allowed an insurer to offer a reduced personal injury protection policy to qualified persons, because SB97-224, chapter 165, page 804, concerning policies of income sensitive motor vehicle insurance, provided for the repeal of this provision, effective July 1, 2002. |
| 10-4-706 (4.5) | 9 | Same as 10-4-705 (2). |

10-4-707 IP (1) and (5)	10	Same as 10-4-705 (2).
10-4-708 (1) and (2)	11	Same as 10-4-705 (2).
10-4-708.6 IP (1) (a), (1) (c), (2) (b), and (3)	12	Same as 10-4-705 (2).
10-4-709 (1)	13	Same as 10-4-705 (2).
10-4-710 (1)	14	Same as 10-4-705 (2).
10-4-713 (1), (2) (a), and (2) (b)	15	Same as 10-4-705 (2).
10-4-714 (1) (e), (1) (f), and (2)	16	Same as 10-4-705 (2).
10-4-715 IP (1)	17	Same as 10-4-705 (2).
10-4-717 (1) (a) and (3)	18	Same as 10-4-705 (2).
10-8-503 (6.8)	19	In a provision of the "Colorado High Risk Health Insurance Act" defining the term "group health plan" to have the same meaning as "group plan" as defined in section 10-16-105.5 (1) (a), substitutes "group health plan" for "group plan" to correct a drafting error in the House Committee on Finance Report for HB01-1319, chapter 281, page 1034, concerning health insurance for persons identified as high risk, because the referenced section was also amended by HB01-1319, chapter 281, page 1049, from defining "group plan" to "group health plan". (See House Journal, page 736, March 9, 2001.)
10-16-102 (10) (b) (II)	20	In a provision of the "Colorado Health Care Coverage Act" that refers to the statute requiring the commissioner of insurance to promulgate a rule concerning geographic areas that may be considered case characteristics of a small employer, changes the internal reference from "10-16-104.7" to "10-16-104.9" to correspond to the renumbering on revision of this section, which was enacted by HB02-1003, chapter 311, page 1294, concerning expanded access to health insurance, because HB02-1263, chapter 208, page 750, concerning substance abuse treatment, also enacted a new section numbered 10-16-104.7.

- 10-16-104.9 (1) (c) (I) 21 In the section of the "Colorado Health Care Coverage Act" requiring the commissioner of insurance to promulgate a rule concerning geographic case characteristics of small employers, substitutes "inadequate" for "mandatory" to correct a drafting error in the Senate Committee on Health, Environment, Children, and Families Report for HB02-1003, chapter 311, page 1294, concerning expanded access to health insurance, in which the standard used by the commissioner of insurance to evaluate insurance rates is described as "not excessive, mandatory, or unfairly discriminatory" instead of "not excessive, inadequate, or unfairly discriminatory" as stated in sections 10-1-101, 10-1-108 (16) (c), 10-4-401 (1), and 10-16-107. (See Senate Journal, page 1149, May 6, 2002.)
- 10-16-105 (8) (f) (II) 22 Same as 10-16-102 (10) (b) (II).
- 11-51-402 (3) 23 Changes an internal reference to the licensure provisions of real estate brokers or salespersons from "section 12-61-101 (2) or (3)" to "part 1 of article 61 of title 12" to correct a drafting error originating in the House Committee on Business Affairs and Labor Report for HB84-1274, chapter 76, page 396, concerning securities, which enacted sections 11-51-105 (5) and 11-51-106 (2.1) containing a reference to section 12-61-101 (2) or (3) as the licensure provisions of real estate brokers and salespersons but actually are the definitions of those terms. (See House Journal, page 318, February 10, 1984.) Subsequently, HB90-1222, chapter 82, page 700, concerning the regulation of securities, repealed and reenacted article 51 of title 11 resulting in the relocation of section 11-51-105 (5) to 11-51-402 (3) and section 11-51-106 (2.1) to 11-51-405 (2) where the erroneous references were carried forward.
- 11-51-405 (2) 24 See 11-51-402 (3).

- 12-6-102 (17) (h) 25 In a provision defining the term "used motor vehicle dealer" and listing those persons who are not included in the definition of that term, changes an internal reference to the provision defining "operator" from "42-4-2102 (6)" to "42-4-2102 (5)" to conform with changes made by a Senate floor amendment to SB02-132, chapter 153, page 484, which divided the law dealing with abandoned vehicles into two parts based on the distinction between vehicles that are abandoned on public property and those that are abandoned on private property. (See Senate Journal, page 392, March 4, 2002.)
- 12-37-107 (2) 26 In a provision authorizing the director of the division of registrations in the department of regulatory agencies to assess a civil penalty in the form of a fine for certain acts or omissions of direct-entry midwives, changes an internal reference from "12-37-103 (4)" to "subsection (3) of this section" to conform with the repeal of section 12-37-103 (4), which formerly allowed the director to deny or revoke the registration of a direct-entry midwife for certain acts or omissions, and the enactment of section 12-37-107 (3), which allows the director to deny, revoke, or suspend any registration, issue a letter of admonition, or place a registrant on probation for certain acts or omissions, in SB96-049, chapter 103, page 395, concerning the regulation of the practice of direct-entry midwifery.
- 15-2-208 27 See the explanation for the repeal of article 25 of title 39.
- 16-8-115 (4) (i) (I) 28 In a provision of the "Colorado Code of Criminal Procedure" that was enacted by HB02-1019, chapter 158, page 495, concerning registration with local law enforcement agencies as a condition of release for certain persons found not guilty by reason of insanity, changes an internal reference to the provision establishing a statewide central registry for sex offenders from "18-3-412.5" to "16-22-110" to conform with SB02-010, chapter 297, page 1157, which relocated the procedural provisions concerning sex offenders from the former section to the latter one.
- 16-8-118 (2) (d) (I) 29 Same as 16-8-115 (4) (i) (I).

- 16-11.8-103 (1) (g)
(III) 30 In the provision establishing the membership on the domestic violence offender management board in the department of public safety, deletes the internal reference to section 18-6-802, which formerly required local domestic violence treatment boards to certify treatment programs for persons convicted of the crime of domestic violence, because HB00-1263, chapter 215, page 913, provided for the repeal of that section, effective January 1, 2001.
- 17-22.5-202 (3.5) 31 Inserts "sample" after "biological substance" to correct a drafting error in the Senate Judiciary Committee Report for SB02-019, chapter 296, page 1152, concerning DNA testing of all felons, which changed "blood" to "biological substance sample" in each DNA testing provision. (See Senate Journal, page 148, February 5, 2002.)

19-1-103 (48)

32 In a provision of the "Colorado Children's Code" defining the term "expungement", changes an internal reference to the section dealing with the expungement of juvenile delinquent records from "19-2-206" to "19-1-306" to correct a series of errors in HB96-1017, chapter 230, page 1174, concerning the management of information related to children who receive services under the Colorado Children's Code. HB96-1017 added a new part to article 1 of title 19, which was numbered as part 2 until the bill was enrolled, and relocated the section dealing with the expungement of juvenile delinquent records from section 19-2-902 to section 19-1-206. A Senate floor amendment to the reengrossed version of HB96-1017 amended section 19-1-103 (48) as it was amended by HB96-1019, chapter 19, page 68, which consolidated definitions in the "Colorado Children's Code" into one section. In that floor amendment, an internal reference to the relocated section contained a typographical error which cited section 19-1-206 as section 19-2-206. (See Senate Journal, page 1333, May 1, 1996.) Subsequently, when HB96-1017 was enrolled, the new part added to article 1 of title 19 was renumbered on revision due to the addition of a new part 2 to article 1 of title 19 by SB96-030, chapter 218, page 1090, which had already been signed by the governor. When the new part added by HB96-1017 was renumbered as part 3, the internal reference in section 19-1-103 (48) was missed, and therefore retained the erroneous reference to section 19-2-206 rather than being renumbered as section 19-1-306.

- 19-1-304 (1) (c) (II.5) 33 In a provision of the "Children's Code Records and Information Act" authorizing the Colorado bureau of investigation to inspect juvenile probation records for purposes of conducting a criminal background investigation relating to authorization of a firearm purchase, changes an internal reference to the provision limiting the information that can be inspected from "subparagraph (I) of this paragraph (c)" to "subparagraph (II) of this paragraph (c)" to correct a drafting error in HB00-1240, chapter 72, page 226, concerning the inspection of juvenile delinquency records by the Colorado bureau of investigation.
- 22-7-604 (5) (c) 34 In a provision explaining the calculation of a public school's overall academic performance rating by the department of education and requiring the department to evaluate the standard for assessing academic performance ratings on a yearly basis, changes an internal reference from "subsections (6) and (7) of this section" to "subsection (6) of this section" to conform with the repeal of subsection (7), which required the department of education to annually assign designations describing the improvement of each public school that received an academic performance grade of "A" or "B", by SB01-098, chapter 330, page 1478, which changed school "grades" to school "ratings" and deleted the separate school improvement designations for schools with academic performance grades of "A" and "B".
- 22-20-116 (4) and (5) 35 In a section of the "Exceptional Children's Educational Act" regarding educational interpreters for the deaf, repeals as obsolete subsections (4) and (5). HB97-1146, chapter 30, page 70, which created an interpreter standards committee in the department of education for the purpose of making recommendations to the state board of education on the minimum standards for educational interpreters for the deaf in the public schools, provided for the repeal of this committee on July 1, 1998. Since subsection (4) lists the items to be studied by the committee and subsection (5) requires the committee to submit a final report to the state board of education on or before December 31, 1997, they are repealed as obsolete.

- 23-1-104 (7) (a), (7) (b), and (8) (b) 36 Substitutes "board of governors of the Colorado state university system" for "state board of agriculture" to conform with the name change made by HB02-1260, chapter 302, page 1218.
- 23-1-105 (8) 37 In a section regarding the powers and duties of the Colorado commission on higher education with respect to appropriations, deletes an internal reference to "programs pursuant to subsection (6) of this section", which formerly required the executive director of the commission to make budget recommendations for the state historical society, the state council on the arts, and the Colorado advanced technology institute, because HB96-1219, chapter 293, page 1835, concerning higher education reform, repealed that subsection and required the aforementioned entities to make budget recommendations on their own behalf.
- 23-5-124 (6) (c) (I), (6) (c) (VI), and (6) (c) (VII) 38 In a provision enacted by HB02-1173, chapter 290, page 1134, concerning persons enrolling in state-supported institutions of higher education who are convicted of crimes related to rioting, which lists various governing boards of postsecondary institutions, substitutes "board of governors of the Colorado state university system" for "state board of agriculture" to conform with the name change made by HB02-1260, chapter 302, page 1218. Also adds to the list of governing authorities "the board of trustees for Fort Lewis college" to conform with HB02-1419, chapter 303, page 1250, which transferred the powers, duties, and functions formerly performed by the state board of agriculture with respect to Fort Lewis college to the newly established board, and "the board of trustees for Metropolitan state college of Denver" to conform with HB02-1165, chapter 307, page 1275, which transferred the powers and duties formerly performed by the trustees of the state colleges in Colorado pertaining to Metropolitan state college of Denver to the newly established board.

- 23-7-103 (5) 39 In a section regarding the presumptions and rules for determining tuition classification of a student attending a Colorado institution of higher education, deletes an internal reference to "subsection (2.5) of this section", which authorized the Colorado commission on higher education to make exceptions to the classification rules, because HB96-1219, chapter 293, page 1836, concerning higher education reform, repealed that subsection and eliminated the commission's role in the residency appeal process.
- 23-11.5-104 (1) 40 In a provision requiring the department of higher education to select one or more multiple-use networks to connect K-12 schools, public libraries, and institutions of higher education, substitutes "commission on information management" for "information management commission" to reflect the proper name of the commission pursuant to section 24-37.5-201.
- 23-52-102 (7) 41 Same as 23-1-104.
- 23-52-104 (3), (4), and (5) 42 Same as 23-1-104.
- 23-73-102 (1) 43 Deletes language that was inadvertently duplicated in HB02-1260, chapter 302, page 1246, which changed the name of the state board of agriculture to the board of governors of the Colorado state university system. Also adds to the list of governing boards "the board of trustees for Fort Lewis college" to conform with HB02-1419, chapter 303, page 1250, which transferred the powers, duties, and functions formerly performed by the state board of agriculture with respect to Fort Lewis college to the newly established board, and "the board of trustees for Metropolitan state college of Denver" to conform with HB02-1165, chapter 307, page 1275, which transferred the powers and duties formerly performed by the trustees of the state colleges in Colorado pertaining to Metropolitan state college of Denver to the newly established board.

- 24-1-135.1 (1) (a) 44 In a section enacted by HB02-1403, chapter 249, page 942, to require the appointing authority of various boards, commissions, and committees to determine whether their current membership adequately reflects the state's new congressional districts following the results of the 2000 federal decennial census, changes an internal reference to the provision establishing the poison control oversight board from "25.5-2-103" to "25-32-104" to correspond to the transfer of the poison control program from the department of health care policy and financing to the department of public health and environment by HB02-1348, chapter 144, page 423.
- 25-1-107 (1) (ee) (II.5) (A) and (1) (ee) (II.5) (C) 45 In a provision defining the types of facilities for which the department of public health and environment is statutorily required to establish and maintain a program for the administration of medications, deletes an internal reference in subsection (1) (ee) (II.5) (A) to section 24-35-210 (4) (f) (I) (B), which formerly required that appropriations of moneys from the state lottery fund for capital construction be used for the construction of certain state correctional facilities, because HB88-1274, chapter 178, page 944, provided for the repeal of section 24-35-210 (4), effective September 1, 1998. In addition, in subsection (1) (ee) (II.5) (C), substitutes "assisted living residences as defined in section 25-27-102 (1.3)" for "personal care boarding homes as defined in section 25-27-102 (8)" to conform with changes made by HB02-1323, chapter 314, page 1317, which replaced the latter phrase with the former one in reference to certain facilities regulated by the department of public health and environment.

- 25-1-1202 (1) (ii) 46 In a section listing statutes that pertain to medical record confidentiality and health information, changes an internal reference to the provision in the "Colorado Children's Code" requiring certain persons to forward color photographs and X rays which show evidence of child abuse to the county department or to the local law enforcement agency from "19-5-306", which requires a public information campaign to communicate changes to the access of adoption records, to "19-3-306" to correct a typographical error in the Senate Health, Environment, Children, and Families Committee Report for HB01-1134, chapter 239, page 828, concerning infectious and communicable diseases. (See Senate Journal, page 1162, May 3, 2001.)
- 25-27-104 (2) (k) 47 In a provision authorizing the state board of health to create a modified fee schedule for assisted living residences that serve a disproportionate share of low-income residents, substitutes "residents" for "residences" to correct a drafting error in the Senate Appropriations Committee Report for HB02-1323, chapter 314, page 1318, which added this provision to the section concerning minimum standards for assisted living residences. (See Senate Journal, page 994, April 25, 2002.)
- 26-1-301 (3) 48 In a provision defining the term "traumatic brain injury", substitutes "neuropsychological evaluation" for "neurophysical evaluation" to correct a drafting error in HB02-1281, chapter 324, page 1604, concerning the creation of the Colorado traumatic brain injury board, which enacted this provision as section 26-1-202 (3) but was later relocated on revision to section 26-1-301 (3) for ease of location in the Colorado Revised Statutes.

- 26-1-304 (1) 49 In a section enacted by HB02-1281, chapter 324, page 1604, which created the Colorado traumatic brain injury board in the department of human services, changes an internal reference to a provision requiring that persons convicted of driving under the influence of alcohol or driving while ability impaired because of alcohol or drugs pay a surcharge of \$15 to provide moneys for the Colorado traumatic brain injury trust fund from "42-4-1301 (9) (g) (IV)" to "42-4-1301 (7) (d) (III)" to correspond to the enactment of SB02-057, chapter 342, page 1897, concerning a nonsubstantive recodification of statutes relating to the operation of motor vehicles by persons who have consumed chemical substances including alcohol.
- 26-1-305 50 Same as 26-1-304 (1).
- 26-1-306 (1) 51 Same as 26-1-304 (1).
- 26-1-309 (1) 52 Same as 26-1-304 (1).
- 26-4-120 (3) 53 Repeals as obsolete a provision of the "Colorado Medical Assistance Act" requiring the department of health care policy and financing to include recommendations concerning privatization of the administration of the managed care system in its annual report to the general assembly pursuant to section 26-4-118 because HB02-1292, chapter 225, page 832, concerning the statewide managed care system, repealed section 26-4-118 (1) where this reporting requirement was contained.
- 26-11.5-103 (3) (b) 54 Same as 25-1-107 (1) (ee) (II.5) (C).
- 27-1-204 (5) 55 In a provision regarding the general assembly's annual appropriation of funds that may be used by the executive director of the department of human services to assist community mental health clinics and centers, deletes internal references to subsections (2) and (3), formerly concerning the purchase of community mental health services from providers approved by the executive director of the department of human services, to correspond to the repeal of these subsections by SB97-216, chapter 212, page 1094, which repealed various laws due to their obsolescence or redundancy.

- 28-3-1402 56 In various provisions of the "Colorado State Military Service Civil Relief Act of 2002", which was enacted by HB02-1139, chapter 202, page 690, substitutes "state defense force active duty" for "active duty" to conform with changes made by SB02-099, chapter 181, page 589, concerning the updating of statutory provisions regarding the state military forces, which deleted the definition of the term "active duty" and added the definition of the term "state defense force active duty".
- 28-3-1403 57 Same as 28-3-1402.
- 28-3-1404 (2) 58 Same as 28-3-1402.
- 28-3-1405 IP (1) (a)
and (2) (b) 59 Same as 28-3-1402.
- 28-3-1406 60 Same as 28-3-1402.

- 29-22-107 (2) (d) (IV) 61 In a provision making various exemptions from the requirement that persons possessing hazardous substances file an inventory of such substances, changes an internal reference to provisions regarding hazardous materials in transportation from "article 2.1 of title 40" to "parts 1, 2, and 3 of article 20 of title 42" to conform with several changes made to the laws governing the transportation of hazardous materials by motor vehicle. In 1979, SB79-121, chapter 392, page 1513, enacted the "Transportation of Hazardous Materials Act" in article 2.1 of title 40 and required the public utilities commission to promulgate rules and regulations defining hazardous materials and regulating their transportation. In 1987, SB87-156, chapter 327, page 1559, enacted the "Hazardous Materials Transportation Act of 1987" in article 6 of title 43 and authorized the chief of the Colorado state patrol to promulgate rules and regulations for the administration of this act. In 1989, SB89-241, chapter 370, page 1638, repealed statutory provisions concerning the authority of the public utilities commission to regulate the transportation of hazardous materials and broadened the authority of the chief of the Colorado state patrol concerning the safe transportation of hazardous materials by repealing article 2.1 of title 40 and amending provisions of article 6 of title 43. Finally, in 1994, SB94-001, chapter 337, page 2094, concerning the recodification of title 42, relocated the "Hazardous Materials Transportation Act of 1987" from parts 1, 2, and 3 of article 6 of title 43 to parts 1, 2, and 3 of article 20 of title 42.

- 35-9-109 (3) 62 In a section of the "Pesticide Act" regarding the confidentiality of information submitted to the commissioner of agriculture by a poison control service provider, changes an internal reference to the provision empowering the department of public health and environment to contract with private, nonprofit, or public entities for statewide poison control services from "25.5-2-103" to "25-32-105" to conform with HB02-1348, chapter 144, page 423, which transferred the poison control program from the department of health care policy and financing to the department of public health and environment.
- 37-92-102 (6) (c) 63 In a provision of the "Water Right Determination and Administration Act of 1969" requiring the Colorado water conservation board to review a copy of a water rights application and report its findings to the water court as to whether the application should be granted, granted with conditions, or denied, changes an internal reference to the provision making the findings of fact made by the Colorado water conservation board presumptive as to such facts, subject to rebuttal by any party, from "34-92-305 (13)" to "37-92-305 (13)" to correct a typographical error in a Senate floor amendment for SB01-216, chapter 305, page 1187, concerning the establishment of a procedure for the adjudication of a recreational in-channel diversion by a local government. (See Senate Journal, page 1140, May 3, 2001.)
- 37-92-308 (1) (b) 64 In a section of the "Water Right Determination and Administration Act of 1969" granting additional authority to the state engineer to approve substitute water supply plans, changes an internal reference to the provision authorizing water conservancy districts and water conservation districts to enter into cooperative agreements relating to water resources with other political subdivisions of the state from "37-80-106" to "37-83-106" to correct a typographical error in the House Committee on Agriculture, Livestock, and Natural Resources Report for HB02-1414, chapter 151, page 459. (See House Journal, page 1135, April 4, 2002.)

- 38-2-105 65 In a provision according the right of eminent domain to educational boards of control, changes "Fort Lewis college" to "board of trustees for Fort Lewis college" to reflect the proper name of the board that governs Fort Lewis college and to conform with HB02-1419, chapter 303, page 1250, which transferred the powers, duties, and functions formerly performed by the state board of agriculture with respect to Fort Lewis college to a newly established board of trustees.
- 38-11-101 (2) 66 See the explanation for the repeal of article 25 of title 39.
- 38-31-101 (1) 67 See the explanation for the repeal of article 25 of title 39.
- 39-22-2003 (9) 68 In a provision regarding the refund procedure for individuals who qualify for a state sales tax refund but have been convicted of a felony and are incarcerated at the time of filing for the refund, changes an internal reference from "section 16-11-101.5" to "article 18.5 of title 16" to conform with HB00-1169, chapter 232, page 1044, which repealed section 16-11-101.5 and enacted a new article governing restitution in criminal actions.
- Article 25 of title 39 69 Repeals as obsolete article 25 of title 39, which formerly imposed a tax on transfers of property by gift, because HB79-1611, chapter 373, page 1437, concerning the fiscal policy of the state, and providing for the elimination and reduction of tax revenues and for the disposition of excess general revenues, terminated the tax imposed by this article as of January 1, 1980, but the gift tax law has remained in effect until all moneys due and collectible under the gift tax law are collected. According to the Colorado department of revenue, there are no outstanding liabilities.
- 39-30-105 (1) (b) 70 In a provision of the "Urban and Rural Enterprise Zone Act", changes an internal reference to the article covering health insurance plans or programs from "article 8 of this title" to "article 8 of title 10" to correct a drafting error in HB02-1161, chapter 284, page 1107, concerning the creation of enhanced rural enterprise zones.

- 42-1-217 (1) (c) 71 In a provision of the "Uniform Motor Vehicle Law" regarding the transmittal of moneys to the alcohol and drug driving safety program fund, changes an internal reference to the provision creating this program from "42-1-1301.3" to "42-4-1301.3" to correct a typographical error in the Senate Judiciary Committee Report for SB02-057, chapter 342, page 1921, concerning a nonsubstantive recodification of statutes relating to the operation of motor vehicles by persons who have consumed chemical substances including alcohol. (See Senate Journal, page 171, February 5, 2002.)
- 42-3-121 (2) (a) (I) 72 In a provision allowing a person with a disability who drives a motor vehicle that is owned by a trust set up for such person to obtain special license plates that qualify the vehicle for disabled parking privileges, inserts language stating that the name of the trust includes the name of the person for whom the trust was created to clarify a House floor amendment to HB02-1210, chapter 213, page 770, concerning requirements for disabled persons to obtain special license plates. (See House Journal, page 394, February 14, 2002.)
- 42-4-1301 (7) (h) 73 In a provision of the "Uniform Safety Code of 1935" that was added by SB02-057, chapter 342, page 1898, concerning a nonsubstantive recodification of statutes relating to the operation of motor vehicles by persons who have consumed chemical substances including alcohol, to specify what was the current maximum monetary penalty that a court may assess upon any person required to perform useful public service, changes the maximum amount of that penalty from "\$60" to "\$120" to conform with SB02-036, chapter 105, page 303, concerning the assessment of public service fees, which increased the fee for useful public service.

- 42-6-139 (3) and (4) 74 In a section of the "Certificate of Title Act" describing the penalties for violating the registration provisions for motor vehicles, deletes an internal reference to section 42-3-112 (3) (b) (II), which authorized the department of revenue to renew the registration of a class C motor vehicle only if the applicant had a complying motor vehicle insurance policy, because HB98-1213, chapter 219, page 786, concerning mandating that motor vehicle owners comply with insurance requirements prior to registering a motor vehicle in Colorado, provided for the repeal of section 42-3-112 (3) (b), effective July 1, 2001.
- 43-3-403 (2) 75 Deletes an internal reference to section 43-3-403 (1) (b), which formerly required the governor and the transportation commission to submit a report to the general assembly regarding the proposed construction of a toll tunnel, because HB02-1341, chapter 233, page 872, concerning recommendations of the house committee on transportation and energy relating to the continuation of requirements for certain reports to the general assembly from executive agencies, repealed this section.
- 43-3-404 (3) 76 Same as 43-3-403 (2).
- 43-4-804 (4) 77 In a provision enacted by SB02-179, chapter 207, page 738, concerning transportation funding, which authorized the transportation commission to create a statewide tolling enterprise, changes a reference to the name of the fund created pursuant to section 43-4-805 from "statewide tolling enterprise fund" to "statewide tolling enterprise operating fund" to reflect the proper name of this fund.
- 2-3-1304 (1) (a.5) 78 Pursuant to Senate Resolution 03-002, changes the names of the committees of reference in the Senate.
- 12-38.1-206 IP (1) 79 Same as 2-3-1304 (1) (a.5).
- 19-3.5-109 (1) 80 Same as 2-3-1304 (1) (a.5).
- 22-2-123 (3) 81 Same as 2-3-1304 (1) (a.5).
- 23-3.3-802 82 Same as 2-3-1304 (1) (a.5).
- 24-37.5-205 83 Same as 2-3-1304 (1) (a.5).

25-1-108 (5)	84	Same as 2-3-1304 (1) (a.5).
25-3.5-704 (2) (h) (I) (E)	85	Same as 2-3-1304 (1) (a.5).
25-23-103 (7)	86	Same as 2-3-1304 (1) (a.5).
25-27-110 (1) and IP (2) (a)	87	Same as 2-3-1304 (1) (a.5).
25-34-104 (4)	88	Same as 2-3-1304 (1) (a.5).
25.5-1-110 (4)	89	Same as 2-3-1304 (1) (a.5).
25.5-1-303 (7)	90	Same as 2-3-1304 (1) (a.5).
26-1-310	91	Same as 2-3-1304 (1) (a.5).
26-4-106 (1) (b) (II)	92	Same as 2-3-1304 (1) (a.5).
26-4-124 (8.5) (c)	93	Same as 2-3-1304 (1) (a.5).
26-4-127 (2) (b)	94	Same as 2-3-1304 (1) (a.5).
26-4-410 (2) (c.7) (VI)	95	Same as 2-3-1304 (1) (a.5).
26-4-420 (1) (e)	96	Same as 2-3-1304 (1) (a.5).
26-4-421 (4)	97	Same as 2-3-1304 (1) (a.5).
26-4-1303 IP (1)	98	Same as 2-3-1304 (1) (a.5).
26-4-1406	99	Same as 2-3-1304 (1) (a.5).
26-6-117 (3)	100	Same as 2-3-1304 (1) (a.5).
26-11-205.5 (4) (b)	101	Same as 2-3-1304 (1) (a.5).
26-19-106 (1)	102	Same as 2-3-1304 (1) (a.5).
26-19-107 (1) (j)	103	Same as 2-3-1304 (1) (a.5).
28-3-106 (1) (c) and (1) (w) (I)	104	Same as 2-3-1304 (1) (a.5).
28-5-703 (3) (c)	105	Same as 2-3-1304 (1) (a.5).
29-4-729 (1)	106	Same as 2-3-1304 (1) (a.5).
29-4-735 (2)	107	Same as 2-3-1304 (1) (a.5).
33-1-110 (7) (c) (VI)	108	Same as 2-3-1304 (1) (a.5).
33-1-112 (7) (a)	109	Same as 2-3-1304 (1) (a.5).
33-60-106	110	Same as 2-3-1304 (1) (a.5).
35-65-406 IP (1)	111	Same as 2-3-1304 (1) (a.5).

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| 37-60-116 | 112 | Same as 2-3-1304 (1) (a.5). |
| 37-60-121 (2.5) (d) | 113 | Same as 2-3-1304 (1) (a.5). |
| 39-22-1704 (3) (e) | 114 | Same as 2-3-1304 (1) (a.5). |
| 43-4-806 (3) | 115 | Same as 2-3-1304 (1) (a.5). |
| 18-1.3-204 (2) (a) (V) | 116 | Amends section 18-1.3-204 (2) (a) (V) to increase the probation supervision fee from "forty-five" to "fifty" dollars per month to conform with the legislative intent of SB03-186, concerning an increase in fees collected by the judicial department, which inadvertently amended section 16-11-204 (2) (a) (V), which was repealed and relocated to the former section effective October 1, 2002, by HB02-1046, chapter 318, page 1365, concerning the relocation of certain existing criminal sentencing statutes to a new article in title 18. |
| 12-47-301 (7) | 117 | In a provision of the "Colorado Liquor Code" pertaining to the requirements for reporting a transfer or change of financial interest in a license, changes an internal reference from "this subsection (8)" to "this subsection (7)" to correct a drafting error in HB97-1076, chapter 80, page 224, concerning a recodification of the laws regulating the sale of beverages containing alcohol, and in connection therewith, eliminating obsolete provisions. |
| 12-47-407 (1) | 118 | In a provision of the "Colorado Liquor Code" pertaining to a retail liquor store license, changes an internal reference to the definition of the term "retail liquor store" from "12-47-103 (30)" to "12-47-103 (31)" to conform with changes made by the Senate Business Affairs and Labor Committee Report for HB97-1076, chapter 80, page 224, concerning a recodification of the laws regulating the sale of beverages containing alcohol, which added another term to the definitions section of this code resulting in the renumbering of succeeding subsections but did not make conforming amendments to affected internal references. (See Senate Journal, page 360, February 26, 1997.) |

26-4-103 (11)

119 In a provision of the "Colorado Medical Assistance Act" defining the term "nursing facility", changes an internal reference to the federal requirements for certification as a qualified provider of nursing facility services from "42 U.S.C. sec. 1396d", in which various terms are defined , to "42 U.S.C. sec. 1396r", where the actual requirements are located.