



**ANNUAL REPORT OF THE STATUTORY REVISION COMMITTEE**  
**TO**  
**THE COLORADO GENERAL ASSEMBLY**  
**ON**  
**NOVEMBER 15, 2017**

**STATUTORY REVISION COMMITTEE**  
**Annual Report**  
**November 15, 2017**

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## **Committee Members<sup>1</sup>**

Senator Beth Martinez Humenik, Chair  
Senator Dominick Moreno, Vice-Chair  
Representative Jeni James Arndt  
Representative Edie Hooton  
Senator Andy Kerr<sup>2</sup>  
Representative Dan Nordberg  
Senator Jack Tate  
Representative Dan Thurlow  
Senator Rachel Zenzinger  
Committee Member Patrice Bernadette Collins, Esq.  
Committee Member Brad Ramming, Esq.

## **Committee History and Charge**

The Statutory Revision Committee was formed as a result of the passage of [House Bill 16-1077](#). The duties of the Committee are as follows:<sup>3</sup>

1. To make an ongoing examination of the statutes of the state and current, non-pending judicial decisions for the purpose of discovering defects and anachronisms in the law and recommending needed reforms;
2. To receive, solicit, and consider proposed changes in the law recommended by the American Law Institute, local and state bar associations, and other learned bodies;
3. To recommend, upon the vote of five legislative members of the Committee, legislation to effect necessary changes in the law in order to modify or eliminate antiquated, redundant, or contradictory rules of law and to bring the laws of this state into harmony with modern conditions;
4. To propose legislation only to streamline, reduce, or repeal provisions of the Colorado Revised Statutes and to endeavor to recommend legislation that cumulatively has no net increase in the number of laws, or pages of the laws, in the Colorado Revised Statutes; and

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<sup>1</sup> § 2-3-901, C.R.S.

<sup>2</sup> Senator Rachel Zenzinger was appointed to replace Senator Andy Kerr by Senate Minority Leader Lucia Guzmán on June 6, 2017.

<sup>3</sup> § 2-3-902, C.R.S.

5. To report its findings and recommendations on or before November 15 of each year to the General Assembly and, if it chooses, to attach to this report copies of any proposed bills intended to carry out its recommendations.

The Committee is staffed by the Office of Legislative Legal Services. Any person interested in reporting defects in the law or antiquated, redundant, or contradictory law may contact Committee staff by e-mailing StatutoryRevision.ga@state.co.us or by calling (303) 866-2045.

### **Review of Committee's Work**<sup>4</sup>

Total meetings in the 2016 interim	3
Total bills considered for the 2017 session	30
Total bills introduced by the Committee during the 2017 session	27
Total Committee bills passed during the 2017 session	27
Total meetings in 2017, including the interim, as of 11/15/2017	5
Total bills considered for the 2018 session	20
Total bills approved for introduction in the 2018 session as of 11/15/2017	19

A number of issues were analyzed but rejected by Committee staff after determining that the proposals were beyond the scope of the Committee's charge, one draft bill was considered by the Committee but not approved for introduction, and several other proposals remain under staff review.

**The Committee will be holding an additional meeting on November 17, 2017, to review drafts of bills proposed at its October 21, 2017, hearing, as well as three new issues. Any bills approved for introduction at the November meeting will be provided to the General Assembly in a supplemental report.**

### **Acknowledgements**

The Committee and its staff would like to thank the individuals who brought forth ideas for legislation and the numerous people, both lay and departmental, who provided insight and testimony on frequently complex issues.

Respectfully submitted,

Senator Beth Martinez Humenik, Chair



<sup>4</sup> To view the agendas and meeting packets from previous Committee meetings, as well as the archived audio recordings of meetings, please visit: <http://leg.colorado.gov/committee/granicus/933566>

## **Bill Descriptions**

### **Bill A / LLS 18-0069**

The bill was proposed by Office of Legislative Legal Services (OLLS) staff. Section 39-26-717, C.R.S., as currently written, is highly repetitive: The term "prescription" is defined in five different places in the statute, and the definition is essentially identical in all places. Staff proposed to amend the redundant subsections of statute to provide for a single definition, within the definitions section. The initial drafter of the bill, Kate Meyer, OLLS, worked with the Department of Revenue to ensure the changes in the bill would not substantively change the effect or applicability of current law.

### **Bill B / LLS 18-0068**

The bill was proposed by Sheila Reiner, the Mesa County Clerk and Recorder. Sections 42-3-105 (1)(c)(I)(H) and 42-6-107 (1)(b)(I), C.R.S., currently require an odometer reading during a vehicle identification number (VIN) verification. These requirements duplicate a separate odometer disclosure required by federal law to be made on the certificate of title. The drafter, Jerry Payne, OLLS, contacted Tony Anderson, Operations Director of the Title and Registration Section of the Division of Motor Vehicles, to ensure that the proposed change would not limit the Division's ability to verify the VIN. The bill repeals the duplicative requirement.

### **Bill C / LLS 18-0291**

The bill was proposed by OLLS staff. During the 2017 legislative session, the Committee introduced a series of bills to align judicial branch and executive branch statutory reporting requirements with section 24-1-136 (11), C.R.S., which provides for the repeal of such reports after three years unless otherwise provided. Several reporting requirements were inadvertently excluded. The bill extends indefinitely the reporting requirements in section 43-4-206 (2)(b), C.R.S., affecting the Department of Transportation, and section 43-5-506, C.R.S., affecting the Department of Public Safety.

### **Bill D / LLS 18-0401**

The bill was proposed by OLLS staff. Two provisions of current law, sections 16-2.5-102 and 16-2.5-103 (1), C.R.S., require deputy sheriffs to be certified by the peace officers standards and training (P.O.S.T.) board, but another provision, section 16-2.5-103 (2), C.R.S., describes the authority of a "noncertified deputy sheriff." After receiving input from the County Sheriffs of Colorado, the bill clarifies that some deputy sheriffs may serve without P.O.S.T. certification under certain circumstances.

### **Bill E / LLS 18-0158**

During consideration of [Senate Bill 17-026](#), an issue arose concerning the statutory requirement that the state engineer and his or her deputies take an oath of office and file a personal surety bond. The House sponsor of Senate Bill 17-026, Representative Arndt, requested that OLLS research whether the oath and bond requirements for the office of state engineer were typical of other state officials. After receiving input from Colorado Counties, Inc., the bill establishes a single uniform text for swearing or affirming an oath of office and the requirements regarding how and when an oath or affirmation of office must be taken, subscribed, administered, and filed.

#### **Bill F / LLS 18-0528**

The bill was proposed by OLLS staff. During the process to publish the 2017 Colorado Revised Statutes, staff discovered antiquated references to "paupers" and "the pauper dead" and consulted with Colorado Counties, Inc., and the Colorado Hospital Association about updating the references. The bill modernizes the provisions in statute that reference paupers, replacing the terms with "indigent person."

#### **Bill G / LLS 18-0155**

The bill was proposed by OLLS staff. During the process to publish the 2017 Colorado Revised Statutes, staff discovered that [Senate Bill 17-242](#) created a new section 27-60-100.3, C.R.S., which included general definitions for article 60 of title 27, C.R.S. [Senate Bill 17-207](#) added a different provision, section 27-60-102.5, C.R.S., which included the same general definitions for the article. The two sets of definitions are identical, with the exception of that for "behavioral health." The wording for the two definitions differs, yet the substance is the same. The bill combines the definitions sections into one section, section 27-60-100.3, C.R.S., using the more refined definition of "behavioral health," and repeals section 27-60-102.5, C.R.S.

#### **Bill H / LLS 18-0154**

The bill was proposed by OLLS staff, after being directed by the Committee to review provisions in statute that were previously declared unconstitutional by the Colorado or United States Supreme Court.

In 1996, the Colorado Supreme Court determined that the prejudgment interest provisions of section 13-21-101 (1), C.R.S., violated constitutional equal protection by creating an arbitrary distinction between classes of judgment creditors and judgment debtors without a rational basis in fact. The Court declared that in order to avoid violating the Equal Protection Clause, new language must be added to statute, which language is included in the bill.

### **Bill I / LLS 18-0153**

The bill was proposed by OLLS staff, after being directed by the Committee to review provisions in statute that were previously declared unconstitutional by the Colorado or United States Supreme Court.

In 1985, the Colorado Supreme Court ruled that the entire part 5 of article 7 of title 18, C.R.S., "Sexually explicit materials harmful to children," was unconstitutional. First, the Court held that the display provision of section 18-7-502 (5), C.R.S., was overly broad and infringed on the free speech rights of adults. Second, the Court held that the provision of section 18-7-503, C.R.S., granting an exemption to "accredited" museums, libraries, schools, and institutions of higher education was, in violation of the Due Process and Equal Protection Clauses of the United States and Colorado constitutions, unconstitutionally vague. Although part 5 of article 7 of title 18, C.R.S., includes a severability clause, the Court concluded that the offending provisions could not be severed from the remainder of the act without impacting the validity of the remaining provisions of part 5. The Court's reasoning for this was, essentially, that it was not persuaded that the General Assembly would not have adopted the entire part without the display and exemption provisions detailed above. To simply sever those pieces from the part would leave in statute a law without a clear exemption or a specific action that the legislature contemplated when it passed part 5. Because the Court held that the entirety of part 5 is unconstitutional, the bill repeals part 5 of article 7 of title 19, C.R.S.

### **Bill J / LLS 18-0152**

The bill was proposed by OLLS staff. Since the repeal and reenactment in 1987 of the "Uniform Parentage Act," article 4 of title 19, C.R.S., Colorado has gradually ceased referring to children born in this state as either "legitimate" or "illegitimate," depending upon the marital status of the child's parents. All children are considered "legitimate." However, a handful of outdated terminology references remain in statute, serving no purpose, legal or otherwise. The bill makes the necessary changes to remove outdated statutory references to "legitimate" or "illegitimate" as they applied to children.

### **Bill K / LLS 18-0415**

The bill was proposed by Karen Goldman, who contacted several members of the Committee on behalf of the Colorado Municipal Clerks Association and Colorado Municipal League.

Currently, a person running for office in an election conducted under the "Colorado Municipal Code of 1965" may withdraw if he or she decides not to run subsequent to acceptance of his or her nomination. The withdrawal process specifies procedures to

fill the vacancy in nomination. However, the nomination-filling process appears to exist only as a parallel to partisan elections, despite such process being unsuitable in the context of nonpartisan elections. Furthermore, the optional vacancy committee procedure appears never to have been utilized. The bill repeals the provision in statute that requires these procedures.

#### **Bill L / LLS 18-0404**

The bill was proposed by OLLS staff. House Bill 12-1317, enacted in 2012, repealed section 33-10-111 (5), C.R.S., effective September 1, 2017. The repealed section concerned reporting requirements for the Parks and Wildlife Commission regarding certain fees set by rule. Because subsection (5) has now been repealed as of September 1 of this year, statutory references to section 33-10-111 (5), C.R.S., are now outdated. The bill removes those references and replaces them with references to the Parks and Wildlife Commission's rules.

#### **Bill M / LLS 18-0111**

The bill was proposed by the Department of Personnel. Section 24-75-212 (2), C.R.S., which was repealed in 2017, required the state controller to submit to the General Assembly a report of all federal money received by state agencies during the prior fiscal year. A separate requirement in section 24-75-212, C.R.S., that state agencies submit an annual report to the state controller of all federal money received by the state agency, remains in statute. The state controller no longer needs these reports, as he or she is no longer required to submit a report to the General Assembly regarding the receipt of federal money by state agencies. The bill repeals the outdated reporting requirement.

#### **Bill N / LLS 18-0288**

The bill was proposed by the Department of Personnel. Section 24-50-134, C.R.S., allows an employee in the state personnel system his or her moving and relocation expenses if an appointing authority requires the employee to change his or her place of residence due to a change in job duties. While federal regulations specify which benefits are exempt from taxation, section 24-50-134, C.R.S. is silent in this regard. This has caused confusion among state agencies when determining which benefits allowed by section 24-50-134, C.R.S., are subject to income tax pursuant to federal law.

The bill specifies that moving expenses that are reimbursed by the state pursuant to section 24-50-134, C.R.S., including the reasonable expenses of moving household goods and personal effects and the reasonable costs of traveling to the new residence, are exempt from income tax. The bill also specifies that relocation expenses allowed pursuant to section 24-50-134, C.R.S., which are provided in the form of a per diem

allowance for a certain number of days, are subject to income tax. In addition, the bill removes administrative details from the statute and requires the state controller to promulgate rules for the administration of section 24-50-134, C.R.S., in compliance with the regulations of the federal Internal Revenue Service.

#### **Bill O / LLS 18-0287**

The bill was proposed by the Department of Personnel. The "State Employees Group Benefits Act," part 6 of article 50 of title 24, C.R.S., authorizes the state personnel director to enter into contracts with carriers to provide medical, dental, life, and disability insurance benefits to state employees. Over many years, several provisions in the Act have become inconsistent with federal law, inconsistent with other provisions of the Colorado Revised Statutes, or obsolete. The bill brings the Act into compliance with federal law, addresses inconsistencies between the Act and other provisions of the Colorado Revised Statutes, and eliminates obsolete provisions from the Act.

#### **Bill P / LLS 18-0418**

The bill was proposed by Dr. Reo Leslie, of the Colorado Mental Health Professionals Association, and recommended by Committee member Senator Zenzinger. The Colorado Mental Health Act, article 43 of title 12, C.R.S., provides the standards, licensing requirements, disciplinary provisions, and general expectations for professional practice for psychologists, social workers, marriage and family therapists, licensed professional counselors, registered psychotherapists, and addiction counselors.

Dr. Leslie and other practitioners in the field brought to staff's attention that language related to "generally accepted standards" in the section concerning prohibited activities is vague and leaves practitioners with uncertainty about enforcement. The bill adds clarifying language to section 12-43-222 (1)(g)(I) so that it reads: "Generally accepted standards of practice may include, at the board's discretion, *a malpractice judgment of a court of competent jurisdiction or the ethics code of an association where the practitioner holds membership* in the field of the person's professional discipline."

#### **Bill Q / LLS 18-0420**

The bill was proposed by OLLS staff. Over the years, the General Assembly has followed the lead of the disability community regarding the ways in which persons with disabilities are referred to in statute. This includes using "person first" language, referring to "mental health disorder" rather than "mental illness," and more. A community advocate brought to staff's attention that a handful of outdated references to "mental retardation" and "mentally retarded" remain in statute. The more appropriate, and more widespread, terminology is now "a person with an intellectual and developmental disability." The bill makes the necessary changes to modernize the

outdated statutory references. Because of the critical nature of the Colorado Criminal Code, title 18, C.R.S., and the way it is used by practitioners in the field, the bill does not completely eliminate such references that appear in the Criminal Code. Instead, the bill adds the more appropriate language referencing "intellectual and developmental disability" so that a gradual shift can occur over time.

**Bill R / LLS 18-0419**

The bill was proposed by former Senator Evie Hudak. The bill makes the necessary changes to modernize outdated statutory references to "early childhood care and education council(s)," which term is no longer applicable, to "early childhood councils."

**Bill S / LLS 18-0402**

The bill was proposed by Representative Matt Gray. Section 29-2-111, C.R.S., includes requirements related to a county, city, or incorporated town that wishes to pledge sales or use tax revenues to pay for revenue bonds issued for the purpose of financing capital improvements. These requirements are unnecessary since the adoption of section 20, article X of the state constitution (TABOR). The bill repeals section 29-2-112, C.R.S., and clarifies in section 29-2-112, C.R.S., that the use of sales or use tax revenue bonds for capital improvements requires voter approval under TABOR.

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

Bill A

LLS NO. 18-0069.01 Esther van Mourik x4215

SENATE BILL

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SENATE SPONSORSHIP

**Moreno**, Martinez Humenik, Tate, Zenzinger

HOUSE SPONSORSHIP

**Arndt**, Hooton, Nordberg, Thurlow

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Senate Committees

House Committees

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A BILL FOR AN ACT

101 CONCERNING THE NONSUBSTANTIVE REORGANIZATION OF THE LAW  
102 EXEMPTING FROM STATE SALES TAX CERTAIN DRUGS AND  
103 MEDICAL AND THERAPEUTIC DEVICES.

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Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)*

**Statutory Revision Committee.** In order to increase comprehensibility of the law exempting from state sales tax certain drugs and medical and therapeutic devices, the bill:

- Condenses the 5 essentially identical definitions of the term "prescription" in the current law into a single definition;

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

- Relocates another defined term within that law so that all definitions are in the same place, which relocation necessitates relettering existing defined terms so as to maintain alphabetical order; and
- Makes other adjustments to the current language by removing the false imperative, removing superfluous verbiage, and updating internal citations to conform to modern drafting format.

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

2           **SECTION 1. Legislative declaration.** The general assembly  
3 hereby declares that its intent in enacting Senate Bill 18-\_\_\_\_, enacted in  
4 2018, is to effect a nonsubstantive reorganization of section 39-26-717,  
5 Colorado Revised Statutes, so as to increase clarity and readability of that  
6 law. The general assembly further declares that this reorganization does  
7 not in any way alter the scope or applicability of section 39-26-717,  
8 Colorado Revised Statutes.

9           **SECTION 2.** In Colorado Revised Statutes, **repeal and reenact,**  
10 **with amendments,** 39-26-717 as follows:

11           **39-26-717. Drugs and medical and therapeutic devices -**  
12 **definitions.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT  
13 OTHERWISE REQUIRES:

14           (a) (I) "DURABLE MEDICAL EQUIPMENT" MEANS EQUIPMENT,  
15 INCLUDING REPAIR AND REPLACEMENT PARTS FOR SUCH EQUIPMENT,  
16 DISPENSED PURSUANT TO A PRESCRIPTION, THAT:

17           (A) CAN WITHSTAND REPEATED USE;

18           (B) IS PRIMARILY AND CUSTOMARILY USED TO SERVE A MEDICAL  
19 PURPOSE;

20           (C) IS GENERALLY NOT USEFUL TO A PERSON IN THE ABSENCE OF  
21 ILLNESS OR INJURY; AND

1 (D) IS NOT WORN IN OR ON THE BODY.

2 (II) "DURABLE MEDICAL EQUIPMENT" INCLUDES HOSPITAL BEDS,  
3 INTRAVENOUS POLES AND PUMPS, TRAPEZE BARS, TOILETING AIDS, BATH  
4 AND SHOWER AIDS, STANDING AIDS, ADAPTIVE CAR SEATS,  
5 COMMUNICATION DEVICES, AND ANY RELATED ACCESSORIES FOR SUCH  
6 ITEMS.

7 (b) "LICENSED PROVIDER" MEANS ANY PERSON AUTHORIZED TO  
8 PRESCRIBE DRUGS UNDER TITLE 12.

9 (c) (I) "MOBILITY ENHANCING EQUIPMENT" MEANS EQUIPMENT,  
10 INCLUDING REPAIR AND REPLACEMENT PARTS FOR SUCH EQUIPMENT,  
11 DISPENSED PURSUANT TO A PRESCRIPTION, THAT:

12 (A) IS PRIMARILY AND CUSTOMARILY USED TO PROVIDE OR  
13 INCREASE THE ABILITY TO MOVE FROM ONE PLACE TO ANOTHER;

14 (B) IS APPROPRIATE FOR USE IN A HOME, IN A PERSON'S  
15 COMMUNITY, OR IN A MOTOR VEHICLE;

16 (C) IS NOT GENERALLY USED BY PERSONS WITH NORMAL MOBILITY;  
17 AND

18 (D) DOES NOT INCLUDE ANY MOTOR VEHICLE OR EQUIPMENT ON  
19 A MOTOR VEHICLE NORMALLY PROVIDED BY A MOTOR VEHICLE  
20 MANUFACTURER.

21 (II) "MOBILITY ENHANCING EQUIPMENT" INCLUDES WHEELCHAIRS  
22 AND WHEELCHAIR COMPONENTS OR ACCESSORIES, WALKING AIDS SUCH AS  
23 CRUTCHES, CANES, OR WALKERS, GRAB BARS, TRAPEZE BARS, LIFT CHAIRS,  
24 PATIENT LIFTS, MOTORIZED CARTS, SCOOTERS, CONTROLS THAT ARE  
25 INSTALLED ON MOTOR VEHICLES, AND ANY RELATED ACCESSORIES FOR  
26 SUCH ITEMS.

27 (d) FOR PURPOSES OF SUBSECTIONS (1)(a)(I), (1)(c)(I), (2)(g),

1 (2)(h), AND (2)(i) OF THIS SECTION, "PRESCRIPTION" MEANS ANY ORDER:

2 (I) (A) IN WRITING, DATED AND SIGNED BY A LICENSED PHYSICIAN,  
3 PHYSICIAN ASSISTANT, OR ADVANCED PRACTICE NURSE WITH  
4 PRESCRIPTIVE AUTHORITY; OR

5 (B) GIVEN ORALLY BY A PERSON DESCRIBED IN SUBSECTION  
6 (1)(d)(I)(A) OF THIS SECTION AND IMMEDIATELY REDUCED TO WRITING BY  
7 THE PHARMACIST, ASSISTANT PHARMACIST, OR PHARMACY INTERN, OR BY  
8 A REPRESENTATIVE OF A BUSINESS LICENSED TO SELL ITEMS DESCRIBED IN  
9 SUBSECTION (1)(a)(I), (1)(c)(I), (2)(g), (2)(h), OR (2)(i) OF THIS SECTION SO  
10 LONG AS SUCH ORDER IS ALSO FOLLOWED BY AN ELECTRONIC SUBMISSION  
11 OF THE ORDER TO THE BUSINESS; AND

12 (II) SPECIFYING THE NAME AND ADDRESS OF THE PERSON FOR  
13 WHOM AN ITEM DESCRIBED IN SUBSECTION (1)(a)(I), (1)(c)(I), (2)(g),  
14 (2)(h), OR (2)(i) OF THIS SECTION IS ORDERED AND DIRECTIONS, IF ANY, TO  
15 BE INCLUDED WITH SUCH ITEM.

16 (2) THE FOLLOWING ARE EXEMPT FROM TAXATION UNDER PART 1  
17 OF THIS ARTICLE 26:

18 (a) ALL SALES OF PRESCRIPTION DRUGS DISPENSED IN  
19 ACCORDANCE WITH A PRESCRIPTION BY A LICENSED PROVIDER OR  
20 FURNISHED BY A LICENSED PROVIDER AS PART OF PROFESSIONAL SERVICES  
21 PROVIDED TO A PATIENT OR CLIENT;

22 (b) ALL SALES OF INSULIN IN ALL ITS FORMS DISPENSED PURSUANT  
23 TO THE DIRECTION OF A LICENSED PROVIDER;

24 (c) ALL SALES OF GLUCOSE USEABLE FOR TREATMENT OF INSULIN  
25 REACTIONS;

26 (d) ALL SALES OF URINE- AND BLOOD-TESTING KITS AND

1 MATERIALS;

2 (e) ALL SALES OF INSULIN MEASURING AND INJECTING DEVICES,  
3 INCLUDING HYPODERMIC SYRINGES AND NEEDLES;

4 (f) ALL SALES OF PROSTHETIC DEVICES;

5 (g) ALL SALES OF OXYGEN DELIVERY EQUIPMENT AND DISPOSABLE  
6 MEDICAL SUPPLIES RELATED TO OXYGEN DELIVERY DISPENSED PURSUANT  
7 TO A PRESCRIPTION;

8 (h) ALL SALES OF MEDICAL, FEEDING, AND DISPOSABLE SUPPLIES,  
9 INCLUDING ANY RELATED ACCESSORIES, FOR INCONTINENCE, INFUSION,  
10 ENTERAL NUTRITION, OSTOMY, UROLOGY, DIABETIC CARE, AND WOUND  
11 CARE DISPENSED PURSUANT TO A PRESCRIPTION;

12 (i) ALL SALES OF EQUIPMENT AND RELATED ACCESSORIES FOR  
13 SLEEP THERAPY, INHALATION THERAPY, AND ELECTROTHERAPY DISPENSED  
14 PURSUANT TO A PRESCRIPTION;

15 (j) ALL SALES OF DURABLE MEDICAL EQUIPMENT AND MOBILITY  
16 ENHANCING EQUIPMENT;

17 (k) ALL SALES OF NONPRESCRIPTION DRUGS OR MATERIALS WHEN  
18 FURNISHED BY A LICENSED PROVIDER AS PART OF PROFESSIONAL SERVICES  
19 PROVIDED TO A PATIENT; AND

20 (l) ALL SALES OF CORRECTIVE EYEGASSES, CONTACT LENSES, OR  
21 HEARING AIDS.

22 **SECTION 3. Act subject to petition - effective date.** This act  
23 takes effect at 12:01 a.m. on the day following the expiration of the  
24 ninety-day period after final adjournment of the general assembly (August  
25 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a  
26 referendum petition is filed pursuant to section 1 (3) of article V of the  
27 state constitution against this act or an item, section, or part of this act

1     within such period, then the act, item, section, or part will not take effect  
2     unless approved by the people at the general election to be held in  
3     November 2018 and, in such case, will take effect on the date of the  
4     official declaration of the vote thereon by the governor.

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

Bill B

LLS NO. 18-0068.01 Jery Payne x2157

SENATE BILL

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SENATE SPONSORSHIP

Tate and Zenzinger, Martinez Humenik, Moreno

HOUSE SPONSORSHIP

Hooton and Thurlow, Arndt

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Senate Committees

House Committees

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A BILL FOR AN ACT

101 CONCERNING THE REQUIREMENT FOR AN ODOMETER READING WHEN  
102 A MOTOR VEHICLE'S IDENTIFICATION NUMBER IS PHYSICALLY  
103 VERIFIED.

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Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)*

**Statutory Revision Committee.** Current law authorizes the department of revenue, when a motor vehicle is being titled or registered, to require a physical inspection of a motor vehicle's identification number. Current law also requires that such a verification include an odometer reading. The bill repeals the requirement that the odometer be

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

read when a motor vehicle's identification number is physically verified.

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

2           **SECTION 1. Legislative declaration.** The general assembly  
3 hereby declares that its intent in enacting Senate Bill 18-\_\_\_\_, enacted in  
4 2018, is to remove provisions from sections 42-3-105 and 42-6-107,  
5 Colorado Revised Statutes, that duplicate another odometer reading  
6 requirement. The general assembly further declares that the removal of  
7 the provisions is not intended to end odometer readings for recording on  
8 a title pursuant to the sale of a motor vehicle.

9           **SECTION 2.** In Colorado Revised Statutes, 42-3-105, **amend**  
10 (1)(c)(I)(G); and **repeal** (1)(c)(I)(H) as follows:

11           **42-3-105. Application for registration - tax.** (1) (c) (I) Except  
12 as provided in subsection (1)(c)(I.5) of this section, the department may  
13 require those vehicle-related entities specified by rule to verify  
14 information concerning any vehicle through the physical inspection of the  
15 vehicle. The information required to be verified by a physical inspection  
16 must include:

17           (G) The type of fuel used by such vehicle; AND

18           (H) ~~The odometer reading of such vehicle; and~~

19           **SECTION 3.** In Colorado Revised Statutes, 42-6-107, **amend**  
20 (1)(b)(I) as follows:

21           **42-6-107. Certificates of title - contents - rules.**

22 (1) (b) (I) Except as otherwise provided in subsection (1)(b)(II) of this  
23 section, the department may require those vehicle-related entities  
24 specified by regulation to verify information concerning a vehicle through  
25 the physical inspection of the vehicle. The information required to be

1 verified by a physical inspection must include the vehicle identification  
2 number or numbers, the make of vehicle, the vehicle model, the type of  
3 vehicle, the year of manufacture of the vehicle, the type of fuel used by  
4 the vehicle, ~~the odometer reading of the vehicle,~~ and other information as  
5 may be required by the department. For the purposes of this subsection  
6 (1)(b), "vehicle-related entity" means an authorized agent or designated  
7 employee of the agent, a Colorado law enforcement officer, a licensed  
8 Colorado dealer, a licensed inspection and readjustment station, or a  
9 licensed diesel inspection station.

10 **SECTION 4. Act subject to petition - effective date.** This act  
11 takes effect at 12:01 a.m. on the day following the expiration of the  
12 ninety-day period after final adjournment of the general assembly (August  
13 8, 2018, if adjournment sine die is on May 19, 2018); except that, if a  
14 referendum petition is filed pursuant to section 1 (3) of article V of the  
15 state constitution against this act or an item, section, or part of this act  
16 within such period, then the act, item, section, or part will not take effect  
17 unless approved by the people at the general election to be held in  
18 November 2018 and, in such case, will take effect on the date of the  
19 official declaration of the vote thereon by the governor.

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

Bill C

LLS NO. 18-0291.01 Kristen Forrestal x4217

HOUSE BILL

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HOUSE SPONSORSHIP

**Nordberg**, Arndt, Hooton, Thurlow

SENATE SPONSORSHIP

**Zenzinger**, Martinez Humenik, Moreno, Tate

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House Committees

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING THE SCHEDULED REPEAL OF REPORTS TO THE GENERAL  
102 ASSEMBLY, AND, IN CONNECTION THEREWITH, CONTINUING THE  
103 REQUIREMENTS FOR REPORTS BY THE DEPARTMENT OF  
104 TRANSPORTATION AND THE DEPARTMENT OF PUBLIC SAFETY.

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Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)*

**Statutory Revision Committee.** Pursuant to section 24-1-136 (11)(a)(I), Colorado Revised Statutes, any report that is required to be made to the general assembly by an executive agency or the judicial

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

branch on a periodic basis expires on the day after the third anniversary of the date on which the first report was due unless the general assembly, acting by bill, continues the requirement. The bill continues reporting requirements of the departments of transportation and public safety.

---

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

2           **SECTION 1. Legislative declaration.** The general assembly  
3 declares that the purpose of House Bill 18-\_\_\_, enacted in 2018, is to  
4 effect a nonsubstantive change in statute to clarify that the reporting  
5 requirements of the department of transportation and the department of  
6 public safety comply with current provisions of law. The general  
7 assembly further declares that the addition of such clarifying language to  
8 the statutory sections does not in any way alter the scope or applicability  
9 of the sections involved.

10           **SECTION 2.** In Colorado Revised Statutes, 43-4-206, **amend**  
11 (2)(b) introductory portion as follows:

12           **43-4-206. State allocation.** (2) (b) NOTWITHSTANDING SECTION  
13 24-1-136 (11)(a)(I), beginning in 1998, the department of transportation  
14 shall report annually to the transportation committee of the senate and the  
15 transportation and energy committee of the house of representatives  
16 concerning the revenue expended by the department pursuant to  
17 subsection (2)(a) of this section and, beginning in 2018, any proceeds of  
18 lease-purchase agreements executed as required by section 24-82-1303  
19 (2)(a) that are credited to the state highway fund pursuant to section  
20 24-82-1303 (4)(b) and expended by the department pursuant to subsection  
21 (1)(b)(V) of this section. The department shall present the report at the  
22 joint meeting required under section 43-1-113 (9)(a), and the report shall  
23 describe for each fiscal year, if applicable:

1           **SECTION 3.** In Colorado Revised Statutes, **amend** 43-5-506 as  
2 follows:

3           **43-5-506. Report.** NOTWITHSTANDING SECTION 24-1-136  
4 (11)(a)(I), no later than September 1 of each year, the department of  
5 public safety shall report to the legislative audit committee and the house  
6 and senate transportation committees, or their successor committees. The  
7 report must comment on the effectiveness of the program, annual  
8 motorcycle accidents or fatalities, availability of training throughout the  
9 state, historic and current training costs, and other performance measures.

10           **SECTION 4. Act subject to petition - effective date.** This act  
11 takes effect at 12:01 a.m. on the day following the expiration of the  
12 ninety-day period after final adjournment of the general assembly (August  
13 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a  
14 referendum petition is filed pursuant to section 1 (3) of article V of the  
15 state constitution against this act or an item, section, or part of this act  
16 within such period, then the act, item, section, or part will not take effect  
17 unless approved by the people at the general election to be held in  
18 November 2018 and, in such case, will take effect on the date of the  
19 official declaration of the vote thereon by the governor.

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

Bill D

LLS NO. 18-0401.01 Richard Sweetman x4333

SENATE BILL

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SENATE SPONSORSHIP

Martinez Humenik, Moreno, Tate, Zenzinger

HOUSE SPONSORSHIP

Nordberg, Arndt, Thurlow

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Senate Committees

House Committees

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A BILL FOR AN ACT

101 CONCERNING CLARIFYING THAT CERTAIN DEPUTY SHERIFFS MAY  
102 SERVE WITHOUT ATTAINING CERTIFICATION FROM THE PEACE  
103 OFFICERS STANDARDS AND TRAINING BOARD.

---

Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)*

**Statutory Revision Committee.** Two provisions of current law require deputy sheriffs to be certified by the peace officers standards and training (P.O.S.T.) board, but another provision describes the authority of a "noncertified deputy sheriff". The bill clarifies that some deputy sheriffs may serve without P.O.S.T. certification under certain circumstances.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

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

2           **SECTION 1. Legislative declaration.** (1) The general assembly  
3 finds that:

4           (a) Two provisions of current law state that a deputy sheriff must  
5 be certified by the peace officers standards and training board;

6           (b) Another provision of current law describes the authority of a  
7 "noncertified deputy sheriff"; and

8           (c) This inconsistency must be corrected.

9           (2) The general assembly further finds that:

10           (a) It is common practice for law enforcement agencies to employ  
11 noncertified deputy sheriffs with specifically limited authorities and  
12 duties; and

13           (b) This common practice should continue.

14           (3) Now, therefore, the general assembly clarifies that a  
15 noncertified deputy sheriff is a peace officer employed by a county or city  
16 and county whose authority is limited to the duties assigned by and while  
17 working under the direction of the chief of police, sheriff, an official who  
18 has the duties of a sheriff in a city and county, or chief executive of the  
19 employing law enforcement agency.

20           **SECTION 2.** In Colorado Revised Statutes, **amend** 16-2.5-102  
21 as follows:

22           **16-2.5-102. Certified peace officer - P.O.S.T. certification**  
23 **required.** The following peace officers shall meet all the standards  
24 imposed by law on a peace officer and, EXCEPT AS DESCRIBED IN SECTION  
25 16-2.5-103 (2), shall be certified by the peace officers standards and  
26 training board, referred to in this ~~article~~ ARTICLE 2.5 as the "P.O.S.T.

1 board": A chief of police; a police officer; a sheriff; an undersheriff; a  
2 deputy sheriff; a Colorado state patrol officer; a town marshal; a deputy  
3 town marshal; a reserve police officer; a reserve deputy sheriff; a reserve  
4 deputy town marshal; a police officer or reserve police officer employed  
5 by a state institution of higher education; a Colorado wildlife officer; a  
6 Colorado parks and recreation officer; a Colorado police administrator or  
7 police officer employed by the Colorado mental health institute at Pueblo;  
8 an attorney general criminal investigator; a community parole officer; a  
9 public transit officer; a municipal court marshal; and the department of  
10 corrections inspector general.

11 **SECTION 3.** In Colorado Revised Statutes, 16-2.5-103, **amend**  
12 (1) as follows:

13 **16-2.5-103. Sheriff - undersheriff - certified deputy sheriff -**  
14 **noncertified deputy sheriff.** (1) A sheriff, an undersheriff, and a deputy  
15 sheriff are peace officers whose authority ~~shall include~~ INCLUDES the  
16 enforcement of all laws of the state of Colorado. A sheriff shall be  
17 certified by the P.O.S.T. board pursuant to section 30-10-501.6. ~~C.R.S.~~  
18 EXCEPT AS DESCRIBED IN SUBSECTION (2) OF THIS SECTION, an  
19 undersheriff and a deputy sheriff shall be certified by the P.O.S.T. board.

20 **SECTION 4. Act subject to petition - effective date.** This act  
21 takes effect at 12:01 a.m. on the day following the expiration of the  
22 ninety-day period after final adjournment of the general assembly (August  
23 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a  
24 referendum petition is filed pursuant to section 1 (3) of article V of the  
25 state constitution against this act or an item, section, or part of this act  
26 within such period, then the act, item, section, or part will not take effect  
27 unless approved by the people at the general election to be held in

1 November 2018 and, in such case, will take effect on the date of the  
2 official declaration of the vote thereon by the governor.

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

Bill E

LLS NO. 18-0158.01 Kip Kolkmeier x4510

HOUSE BILL

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HOUSE SPONSORSHIP

Arndt, Hooton, Nordberg, Thurlow

SENATE SPONSORSHIP

Zenzinger, Martinez Humenik, Moreno, Tate

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House Committees

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING STANDARDIZING PUBLIC OFFICIAL OATHS OF OFFICE,  
102 AND, IN CONNECTION THEREWITH, PROVIDING A UNIFORM OATH  
103 TEXT AND ESTABLISHING REQUIREMENTS FOR TAKING,  
104 SUBSCRIBING, ADMINISTERING, AND FILING PUBLIC OATHS OF  
105 OFFICE.

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Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)*

**Statutory Revision Committee.** Current law requires most public officials and many public employees to swear or affirm an oath of office.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

The bill establishes a single uniform text for swearing or affirming an oath of office and the requirements regarding how and when an oath or affirmation of office must be taken, subscribed, administered, and filed. All requirements must be completed prior to the official or employee entering upon the office.

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

2           **SECTION 1. Legislative declaration.** (1) The general assembly  
3 finds that:

4           (a) Almost every state and local elected or appointed public  
5 official must by statute take some type of oath or affirmation of office;

6           (b) Oath or affirmation statutory provisions are not consistent;

7           (c) Most oath or affirmation statutory provisions are silent or  
8 incomplete regarding the text, process, and timing of an oath or  
9 affirmation;

10           (d) Many oath or affirmation requirements are anachronistic; and

11           (e) Statutory oath or affirmation inconsistencies should be  
12 harmonized and the statutes regarding oaths and affirmations of public  
13 office should be updated.

14           (2) Now, therefore, the general assembly determines and declares  
15 that it is in the public interest to establish a single, consistent text for all  
16 oaths and affirmations of office and a consistent process for oaths or  
17 affirmations to be in writing, signed, administered, and filed; and to  
18 repeal outdated oath and affirmation provisions.

19           **SECTION 2.** In Colorado Revised Statutes, **amend** 24-12-101 as  
20 follows:

21           **24-12-101. Form of oath or affirmation for public office -**  
22 **requirements for oath or affirmation.** (1) ~~Whenever any~~ WHEN A  
23 person is required to take an oath OR AFFIRMATION before ~~he~~ THE PERSON

1 enters upon the discharge of ~~any~~ A PUBLIC office OR position, ~~or business~~  
2 ~~or on any other lawful occasion, it is lawful for any person employed to~~  
3 ~~administer the oath to administer it in the following form. The person~~  
4 ~~swearing, with his hand uplifted, shall swear "by the everliving God"~~ THE  
5 FORM OF THE OATH OR AFFIRMATION IS AS FOLLOWS:

6 I [NAME], DO [SELECT SWEAR OR AFFIRM] THAT I WILL  
7 SUPPORT THE CONSTITUTION OF THE UNITED STATES, THE  
8 CONSTITUTION OF THE STATE OF COLORADO, AND THE LAWS  
9 OF THE STATE OF COLORADO, AND WILL FAITHFULLY  
10 PERFORM THE DUTIES OF THE OFFICE OF [NAME OF OFFICE OR  
11 POSITION] UPON WHICH I AM ABOUT TO ENTER TO THE BEST  
12 OF MY ABILITY.

13 IT IS LAWFUL FOR A PERSON ELECTING TO SWEAR AN OATH TO "SWEAR BY  
14 THE EVERLIVING GOD" IF THAT PERSON SO CHOOSES.

15 (2) THE OATH OR AFFIRMATION MUST BE:

16 (a) IN WRITING AND SIGNED BY THE PERSON TAKING THE OATH OR  
17 AFFIRMATION;

18 (b) ADMINISTERED AS PROVIDED IN SECTION 24-12-103; AND

19 (c) TAKEN, SIGNED, ADMINISTERED, AND FILED AS SPECIFIED IN  
20 SUBSECTION (3) OF THIS SECTION BEFORE THE PERSON ENTERS UPON THE  
21 PUBLIC OFFICE OR POSITION.

22 (3) OFFICERS OF THE EXECUTIVE DEPARTMENT, JUDGES OF THE  
23 SUPREME AND SUBSIDIARY COURTS, AND DISTRICT ATTORNEYS SHALL FILE  
24 THEIR OATHS OR AFFIRMATIONS OF OFFICE WITH THE SECRETARY OF  
25 STATE. EVERY OTHER PERSON REQUIRED BY LAW TO FILE AN OATH OR  
26 AFFIRMATION OF OFFICE SHALL FILE WITH THE COUNTY CLERK OF THE  
27 COUNTY WHEREIN THE PERSON WAS ELECTED OR APPOINTED.

1           **SECTION 3.** In Colorado Revised Statutes, **amend** 24-12-102 as  
2 follows:

3           **24-12-102. Form of oaths or affirmations for purposes other**  
4 **than public office.** Whenever any person is required to take or subscribe  
5 an oath, and in all cases where an oath is to be administered upon any  
6 lawful occasion, and ~~such~~ THE person has conscientious scruples against  
7 taking an oath, ~~he shall be~~ THE PERSON IS permitted to make ~~his~~ A solemn  
8 affirmation ~~or declaration in the following form: "You do solemnly,~~  
9 ~~sincerely, and truly declare and affirm", which solemn affirmation or~~  
10 ~~declaration is equally valid as if such person had taken an oath in the~~  
11 ~~usual form; and every person guilty of falsely declaring shall incur and~~  
12 ~~suffer the penalties inflicted on persons guilty of perjury in the first~~  
13 **degree** IN LIEU OF AN OATH. WHENEVER ANY PERSON IS REQUIRED TO  
14 TAKE AN OATH OR AFFIRMATION, OTHER THAN AN OATH FOR PUBLIC  
15 OFFICE OR POSITION IN ACCORDANCE WITH SECTION 24-12-101, THE  
16 PERSON SHALL TAKE OR SUBSCRIBE THE OATH OR AFFIRMATION IN THE  
17 MANNER SPECIFIED IN THE PARTICULAR LAW THAT IMPOSES THE  
18 REQUIREMENT.

19           **SECTION 4.** In Colorado Revised Statutes, **amend** 24-12-103 as  
20 follows:

21           **24-12-103. Who may administer oaths or affirmations.** All  
22 courts in this state and each judge, justice, magistrate, referee, clerk, and  
23 ~~any~~ deputy clerk thereof; members and referees of the division of labor  
24 standards and statistics; members of the public utilities commission; and  
25 ~~all~~ notaries public have power to administer oaths and affirmations to  
26 witnesses and others concerning any matter, thing, process, or proceeding  
27 pending, commenced, or to be commenced before them respectively. The

1 courts, judges, magistrates, referees, clerks, and deputy clerks within their  
2 respective districts or counties; A PERSON DESIGNATED BY THE  
3 GOVERNING BODY; and notaries public within any county of this state  
4 have the power to administer all oaths OR AFFIRMATIONS of office and  
5 other oaths OR AFFIRMATIONS required to be taken by any person upon  
6 any lawful occasion and to take affidavits and depositions concerning any  
7 matter or thing, process, or proceeding pending, commenced, or to be  
8 commenced in any court or on any occasion ~~wherein such~~ AN affidavit or  
9 A deposition is authorized or by law required to be taken.

10 **SECTION 5.** In Colorado Revised Statutes, 24-12-104, **amend**  
11 (3) as follows:

12 **24-12-104. Officers in armed forces empowered to perform**  
13 **notarial acts.** (3) In the taking of acknowledgments and the performing  
14 of other notarial acts requiring certification, a certificate indorsed upon  
15 or attached to the instrument or document ~~which~~ THAT shows the date of  
16 the notarial act and ~~which~~ THAT states, in substance, that the person  
17 appearing before the officer acknowledged the instrument as his OR HER  
18 act or made or signed the instrument or document under oath OR  
19 AFFIRMATION shall be sufficient for all intents and purposes. The  
20 instrument or document shall not be rendered invalid by the failure to  
21 state the place of execution or acknowledgment.

22 **SECTION 6.** In Colorado Revised Statutes, 20-1-101, **amend** (1)  
23 as follows:

24 **20-1-101. Bond and oath or affirmation of district attorney**  
25 **and staff.** (1) Every district attorney, ~~before entering upon the duties of~~  
26 ~~his office, shall take and subscribe an oath to support the constitution of~~  
27 ~~the United States and the organic law of the state and that he will~~

1 ~~faithfully discharge the duties of his office. He~~ CHIEF DEPUTY DISTRICT  
2 ATTORNEY, DEPUTY DISTRICT ATTORNEY, SPECIAL DEPUTY DISTRICT  
3 ATTORNEY, AND ASSISTANT DISTRICT ATTORNEY SHALL TAKE AN OATH OR  
4 AFFIRMATION IN ACCORDANCE WITH SECTION 24-12-101. A DISTRICT  
5 ATTORNEY shall also execute to the people of the state of Colorado a bond  
6 in the sum of five thousand dollars with a good and sufficient individual,  
7 schedule, or blanket corporate surety bond or other acceptable security,  
8 to be approved by the secretary of state, conditioned for the faithful  
9 discharge of the duties of his OR HER office, as the same are prescribed by  
10 law, and upon any breach of such bond, an action shall lie thereon for the  
11 benefit of any county fund or person injured thereby.

12 **SECTION 7.** In Colorado Revised Statutes, 20-1-201, **repeal** (3)  
13 as follows:

14 **20-1-201. Deputies - chief deputies - staff.** (3) ~~Before such~~  
15 ~~deputy district attorneys, chief deputy district attorneys, or special deputy~~  
16 ~~district attorneys enter upon the duties of their office, they shall file with~~  
17 ~~the secretary of state the oath of office required by law to be filed by~~  
18 ~~district attorneys and may be required, as the district attorney shall direct,~~  
19 ~~to file a like bond as that required to be filed by district attorneys.~~

20 **SECTION 8.** In Colorado Revised Statutes, 20-1-205, **repeal** (2)  
21 as follows:

22 **20-1-205. Assistant district attorneys.** (2) ~~Every such assistant~~  
23 ~~district attorney, before entering upon the duties of office, shall file with~~  
24 ~~the secretary of state the oath of office required by law to be filed by~~  
25 ~~district attorneys and shall hold office at the pleasure of the district~~  
26 ~~attorney by whom he is appointed. Such assistant district attorney, before~~  
27 ~~entering upon the duties of office, may be required, as the district attorney~~

1 ~~may direct, to file like bond as that required to be filed by district~~  
2 ~~attorneys.~~

3 **SECTION 9.** In Colorado Revised Statutes, **amend** 23-20-103 as  
4 follows:

5 **23-20-103. Oath or affirmation of regents.** The members of the  
6 board of regents ~~before entering upon their duties,~~ shall take ~~and~~  
7 ~~subscribe to the following~~ AN oath or affirmation "I do solemnly swear  
8 (or affirm) that I will support the constitution of the United States and of  
9 the state of Colorado, and that I will perform the duties of regent of the  
10 university of Colorado faithfully and to the best of my ability." Said oath  
11 ~~or affirmation shall be filed in the office of the secretary of state~~ IN  
12 ACCORDANCE WITH SECTION 24-12-101.

13 **SECTION 10.** In Colorado Revised Statutes, **amend** 23-20-109  
14 as follows:

15 **23-20-109. Treasurer - duties - bond.** The board of regents shall  
16 elect a treasurer of the university, who shall hold his or her office at the  
17 pleasure of the board. The treasurer shall keep a true and faithful account  
18 of all ~~moneys~~ MONEY received and paid out by him or her and shall pay  
19 all warrants and checks as presented. ~~Before entering upon the duties of~~  
20 ~~his or her office, he or she~~ THE TREASURER shall take ~~and subscribe~~ an  
21 oath that ~~he or she will faithfully perform the duties of treasurer~~ OR  
22 AFFIRMATION IN ACCORDANCE WITH SECTION 24-12-101. He or she shall  
23 also give a bond in the penal sum of not less than twenty-five thousand  
24 dollars, conditioned for the faithful discharge of his or her duties as  
25 treasurer, that he or she will at all times keep and render a true account of  
26 all ~~moneys~~ MONEY and other valuables received by him or her as treasurer  
27 and of the disposition he or she has made of the same, and that he or she

1 will at all times be ready to discharge himself or herself of the trust and  
2 to deliver up when required by said board all ~~moneys~~ MONEY, notes,  
3 bonds, and other valuables entrusted to him or her. The bond shall have  
4 two or more sureties and be approved as to its form and the sufficiency  
5 of its sureties by the board of regents, the attorney general, and the  
6 secretary of state, who shall endorse their approval on the same. The bond  
7 shall be filed in the office of the secretary of state.

8 **SECTION 11.** In Colorado Revised Statutes, 23-40-104, **amend**  
9 (1)(b)(VIII) as follows:

10 **23-40-104. Board of trustees.** (1) (b) (VIII) Each trustee shall  
11 take ~~and subscribe to the AN oath of office prescribed by the constitution~~  
12 ~~of this state before entering upon the duties of his or her office, which~~  
13 ~~oath shall be placed and kept on file in the office of the secretary of state~~  
14 OR AFFIRMATION IN ACCORDANCE WITH SECTION 24-12-101.

15 **SECTION 12.** In Colorado Revised Statutes, **amend** 23-41-103  
16 as follows:

17 **23-41-103. Oath or affirmation of trustees.** Every trustee  
18 ~~appointed, before entering upon the duties of his office,~~ shall take an oath  
19 ~~to support the constitution of the United States and the constitution of this~~  
20 ~~state and to faithfully perform the duties of his office to the best of his~~  
21 ~~ability and understanding~~ OR AFFIRMATION IN ACCORDANCE WITH SECTION  
22 24-12-101.

23 **SECTION 13.** In Colorado Revised Statutes, 23-51-102, **amend**  
24 (5) as follows:

25 **23-51-102. Board of trustees - creation - members - powers -**  
26 **duties.** (5) A vacancy of an appointed member of the board of trustees  
27 shall be filled by appointment by the governor for the unexpired term. A

1 vacancy of either of the elected members of the board of trustees shall be  
2 filled by election for the unexpired term. Each member of the board of  
3 trustees shall take ~~and subscribe to the AN oath of office prescribed by the~~  
4 ~~constitution of this state before entering upon the duties of the office,~~  
5 ~~which oath shall be placed and kept on file in the office of the secretary~~  
6 ~~of state~~ OR AFFIRMATION IN ACCORDANCE WITH SECTION 24-12-101.

7 **SECTION 14.** In Colorado Revised Statutes, 23-52-102, **amend**  
8 (5) as follows:

9 **23-52-102. Board of trustees - creation - members - powers -**  
10 **duties.** (5) Any vacancy in the office of an appointed member of the  
11 board of trustees shall be filled by appointment by the governor for the  
12 unexpired term. Any vacancy in either of the elected offices on the board  
13 of trustees shall be filled by reelection for the unexpired term. Each  
14 trustee shall take ~~and subscribe to the AN oath of office prescribed by the~~  
15 ~~constitution of this state before entering upon the duties of the office,~~  
16 ~~which oath shall be placed and kept on file in the office of the secretary~~  
17 ~~of state~~ OR AFFIRMATION IN ACCORDANCE WITH SECTION 24-12-101.

18 **SECTION 15.** In Colorado Revised Statutes, 23-53-102, **amend**  
19 (5) as follows:

20 **23-53-102. Board of trustees - creation - members - powers -**  
21 **duties.** (5) A vacancy of an appointed member of the board of trustees  
22 shall be filled by appointment by the governor for the unexpired term. A  
23 vacancy of either of the elected members of the board of trustees shall be  
24 filled by election for the unexpired term. Each member of the board of  
25 trustees shall take ~~and subscribe to the AN oath of office prescribed by the~~  
26 ~~constitution of this state before entering upon the duties of the office,~~  
27 ~~which oath shall be placed and kept on file in the office of the secretary~~

1 ~~of state~~ OR AFFIRMATION IN ACCORDANCE WITH SECTION 24-12-101.

2           **SECTION 16.** In Colorado Revised Statutes, 23-54-102, **amend**  
3 (5) as follows:

4           **23-54-102. Board of trustees - creation - members - powers -**  
5 **duties.** (5) Any vacancy in the office of an appointed member of the  
6 board of trustees shall be filled by appointment by the governor for the  
7 unexpired term. Any vacancy in either of the elected offices on the board  
8 of trustees shall be filled by reelection for the unexpired term. Each  
9 trustee shall take ~~and subscribe to the AN oath of office prescribed by the~~  
10 ~~constitution of this state before entering upon the duties of the office,~~  
11 ~~which oath shall be placed and kept on file in the office of the secretary~~  
12 ~~of state~~ OR AFFIRMATION IN ACCORDANCE WITH SECTION 24-12-101.

13           **SECTION 17.** In Colorado Revised Statutes, 23-56-102, **amend**  
14 (5) as follows:

15           **23-56-102. Board of trustees - creation - members - powers -**  
16 **duties.** (5) A vacancy of an appointed member of the board of trustees  
17 shall be filled by appointment by the governor for the unexpired term. A  
18 vacancy of either of the elected members of the board of trustees shall be  
19 filled by election for the unexpired term. Each member of the board of  
20 trustees shall take ~~and subscribe to the AN oath of office prescribed by the~~  
21 ~~constitution of this state before entering upon the duties of the office,~~  
22 ~~which oath shall be placed and kept on file in the office of the secretary~~  
23 ~~of state~~ OR AFFIRMATION IN ACCORDANCE WITH SECTION 24-12-101.

24           **SECTION 18.** In Colorado Revised Statutes, 23-70-102, **amend**  
25 (2) as follows:

26           **23-70-102. Auraria board - membership - terms - oath or**  
27 **affirmation - voting.** (2) Each member of the Auraria board shall take

1 ~~and subscribe to the AN oath of office prescribed by the constitution of~~  
2 ~~this state before entering upon the duties of his office, which oath shall~~  
3 ~~be placed and kept on file in the office of the secretary of state OR~~  
4 AFFIRMATION IN ACCORDANCE WITH SECTION 24-12-101.

5 **SECTION 19.** In Colorado Revised Statutes, 24-22-101, **amend**  
6 (1) as follows:

7 **24-22-101. Oath or affirmation - bond and sureties -**  
8 **conditions of bond.** (1) On or before the second Tuesday in January  
9 after his OR HER election, ~~and before entering upon his duties,~~ the state  
10 treasurer shall take ~~and subscribe to the AN oath required by the state~~  
11 ~~constitution~~ OR AFFIRMATION IN ACCORDANCE WITH SECTION 24-12-101  
12 and shall give a bond to the people of the state of Colorado in the sum of  
13 one million dollars, with not less than ten individual sureties or one or  
14 more surety companies authorized to do business in this state. The bond  
15 and each surety shall be approved by the governor and the attorney  
16 general and held in the custody of the secretary of state.

17 **SECTION 20.** In Colorado Revised Statutes, 30-10-105, **amend**  
18 (1)(e) as follows:

19 **30-10-105. When office becomes vacant.** (1) Every county  
20 office shall become vacant, on the happening of any one of the following  
21 events, before the expiration of the term of office:

22 (e) The incumbent's refusal or neglect to take ~~his AN oath of office~~  
23 OR AFFIRMATION IN ACCORDANCE WITH SECTION 24-12-101, to give or  
24 renew his OR HER official bond, or to deposit such ~~oath and~~ bond within  
25 the time prescribed by law;

26 **SECTION 21.** In Colorado Revised Statutes, 30-10-110, **amend**  
27 (1) as follows:

1           **30-10-110. Bonds or insurance of officers - oath or**  
2 **affirmation.** (1) Except as provided in subsection (2) of this section,  
3 every county officer named in section 30-10-101, before entering upon  
4 the duties of office, on or before the day of the commencement of the  
5 term for which the officer was elected, shall execute and deposit an  
6 official bond, as prescribed by law. Any such officer shall also take ~~and~~  
7 ~~subscribe the AN oath of office prescribed by law, before some officer~~  
8 ~~authorized to administer oaths, and deposit the same with the official~~  
9 ~~bond to be filed and preserved therewith~~ OR AFFIRMATION IN  
10 ACCORDANCE WITH SECTION 24-12-101.

11           **SECTION 22.** In Colorado Revised Statutes, **amend** 30-10-301  
12 as follows:

13           **30-10-301. Oath or affirmation of commissioners.** Each person  
14 elected as commissioner, on receiving a certificate of his OR HER election,  
15 shall take an oath ~~to support the constitution of the United States and of~~  
16 ~~the state of Colorado, and to perform the duties of his office to the best~~  
17 ~~of his ability, which oath, being endorsed upon said certificate, under the~~  
18 ~~hand and seal of the person administering it, shall be sufficient for said~~  
19 ~~person to act as such commissioner~~ OR AFFIRMATION IN ACCORDANCE  
20 WITH SECTION 24-12-101.

21           **SECTION 23.** In Colorado Revised Statutes, **amend** 30-10-416  
22 as follows:

23           **30-10-416. Clerk to administer oaths - take affidavit or**  
24 **deposition.** The county clerk and recorders of the several counties in the  
25 state of Colorado are authorized, within their respective counties, to  
26 administer all ~~oaths of office, and other~~ oaths OR AFFIRMATIONS required  
27 to be taken by any person upon any lawful occasion, and to take affidavits

1 and depositions concerning any matter or thing, process, or proceeding  
2 pending or to be commenced in any court, or any occasion wherein such  
3 affidavit or deposition is authorized or required by law to be taken.

4 **SECTION 24.** In Colorado Revised Statutes, 30-10-602, **amend**  
5 (1) as follows:

6 **30-10-602. Coroner and deputy coroner - duties - oath or**  
7 **affirmation - bond - insurance.** (1) The coroner of each county is  
8 authorized to appoint a deputy. Any such appointment shall be in writing  
9 and shall be filed in the office of the coroner. The coroner of each county  
10 may delegate any of the coroner's powers to one or more deputies who  
11 shall then have the same duties with respect thereto as the coroner has.  
12 Any act of a deputy shall be done in the name of the coroner and signed  
13 by the deputy performing such act. A deputy coroner shall hold office  
14 during and subject to the pleasure of the coroner. Except as provided in  
15 subsection (2) of this section, each CORONER AND deputy coroner ~~before~~  
16 ~~entering the duties of office, shall file with the county clerk and recorder~~  
17 ~~of the county the bond and oath of office~~ SHALL TAKE AN OATH OR  
18 AFFIRMATION IN ACCORDANCE WITH SECTION 24-12-101 AND FILE THE  
19 BOND required by law to be filed by the coroner.

20 **SECTION 25.** In Colorado Revised Statutes, **repeal** 30-10-607  
21 as follows:

22 **30-10-607. Talesmen - oath.** ~~If any juror fails to appear, the~~  
23 ~~coroner shall immediately summon the proper number from the~~  
24 ~~bystanders, and proceed to impanel them, and administer the following~~  
25 ~~oath in substance: "You do solemnly swear, or affirm, that you will~~  
26 ~~diligently inquire, and true presentment make, when, how, and by what~~  
27 ~~means the person about whom this inquest is being held came to his~~

1 ~~death, according to your knowledge and the evidence given you, so help~~  
2 ~~you God."~~

3 **SECTION 26.** In Colorado Revised Statutes, 30-10-801, **amend**  
4 (1) as follows:

5 **30-10-801. Assessor - election - bond - insurance - term - oath**  
6 **or affirmation.** (1) A county assessor shall be elected in each county at  
7 a general election and, except as provided in subsection (2) of this  
8 section, shall: Give bond to the people of the state of Colorado with two  
9 or more sufficient sureties, in a sum of not less than six thousand dollars  
10 for the performance of the assessor's duties according to law and to the  
11 satisfaction of the board of county commissioners; ~~and subscribe~~ TAKE an  
12 oath or affirmation ~~for the faithful performance of the assessor's duties as~~  
13 ~~such assessor, and who shall~~ IN ACCORDANCE WITH SECTION 24-12-101;  
14 be a qualified elector of ~~said~~ THE county; and ~~shall~~ hold office for four  
15 years and until a successor is elected and qualified.

16 **SECTION 27.** In Colorado Revised Statutes, 30-10-802, **amend**  
17 (1) as follows:

18 **30-10-802. Assessment district - deputy in each - oath or**  
19 **affirmation - bond.** (1) When the board of county commissioners of any  
20 county is of the opinion that the assessor is unable to perform the duties  
21 of office within the time prescribed by law, the board shall divide ~~such~~  
22 THE county into assessment districts and shall require the assessor to  
23 appoint a deputy in each district, who shall: Be a qualified elector of the  
24 district; ~~and who shall be sworn~~ TAKE AN OATH OR AFFIRMATION IN  
25 ACCORDANCE WITH SECTION 24-12-101; and, except as provided in  
26 subsection (2) of this section, give bond to the principal.

27 **SECTION 28.** In Colorado Revised Statutes, 31-25-815, **amend**

1 (1)(a) as follows:

2 **31-25-815. Employees - duties - compensation.** (1) The board  
3 shall employ and fix the compensation, subject to the approval of the  
4 governing body, of the following, who shall serve at the pleasure of the  
5 board:

6 (a) A director, who shall be a person of good moral character and  
7 possessed of a reputation for integrity, responsibility, and business ability.  
8 No member of the board shall be eligible to hold the position of director.  
9 ~~Before entering upon the duties of his office,~~ The director shall take ~~and~~  
10 ~~subscribe to the~~ AN OATH OF OFFICE OR AFFIRMATION IN ACCORDANCE WITH  
11 SECTION 24-12-101 and furnish a bond as required by the board. ~~He~~ THE  
12 DIRECTOR shall be the chief executive officer of the authority. Subject to  
13 the approval of the board and directed by it when necessary, ~~he~~ THE  
14 DIRECTOR shall have general supervision over and be responsible for the  
15 preparation of plans and the performance of the functions of the authority  
16 in the manner authorized by this part 8. ~~He~~ THE DIRECTOR shall attend all  
17 meetings of the board and shall render to the board and to the governing  
18 body a regular report covering the activities and financial condition of the  
19 authority. In the absence or disability of the director, the board may  
20 designate a qualified person to perform the duties of the office as acting  
21 director. The director shall furnish the board with such information or  
22 reports governing the operation of the authority as the board may from  
23 time to time require.

24 **SECTION 29.** In Colorado Revised Statutes, **amend** 31-4-304 as  
25 follows:

26 **31-4-304. Appointment of officers - compensation.** The board  
27 of trustees shall appoint a clerk, treasurer, and town attorney, or shall

1 provide by ordinance for the election of such officers, and may appoint  
2 such other officers, including a town administrator, as it deems necessary  
3 for the good government of the corporation, and it shall prescribe by  
4 ordinance their duties when the same are not defined by law and the  
5 compensation or fees they are entitled to receive for their services. The  
6 board of trustees may require ~~of them an oath of office and~~ OFFICERS TO  
7 TAKE AN OATH OR AFFIRMATION IN ACCORDANCE WITH SECTION  
8 24-12-101 AND FILE a bond, with surety, for the faithful discharge of their  
9 duties. The election of officers shall be at the regular election, and no  
10 appointment of any officer shall continue beyond thirty days after  
11 compliance with section 31-4-401 by the members of the succeeding  
12 board of trustees.

13 **SECTION 30.** In Colorado Revised Statutes, **amend** 31-4-401 as  
14 follows:

15 **31-4-401. Oath or affirmation of officers - bonds - waiver -**  
16 **declaring office vacant.** (1) All officers elected or appointed in any  
17 municipality shall take an oath or affirmation ~~administered by the~~  
18 ~~municipal judge, clerk, or other person who is designated by the~~  
19 ~~governing body or who is authorized by law to administer oaths, to~~  
20 ~~support the constitution of the United States and the state constitution~~ IN  
21 ACCORDANCE WITH SECTION 24-12-101.

22 (2) The governing body of any city or town may require, from the  
23 treasurer and such other officers as it determines proper, a bond, with  
24 proper penalty and surety, for the care and disposition of municipal funds  
25 in their hands and the faithful discharge of the duties of their offices.  
26 Such governing body has the power to declare vacant the office of any  
27 person appointed or elected to any office who fails to take ~~the~~ AN oath of

1 ~~office~~ OR AFFIRMATION IN ACCORDANCE WITH SECTION 24-12-101 or give  
2 bond when required within ten days after he OR SHE has been notified of  
3 his OR HER appointment or election, and it shall proceed to appoint his OR  
4 HER successor as in other cases of vacancy.

5 **SECTION 31.** In Colorado Revised Statutes, **amend** 32-1-901 as  
6 follows:

7 **32-1-901. Oath or affirmation and bond of directors.** (1) Each  
8 director ~~within thirty days after his or her election or appointment to fill~~  
9 ~~a vacancy, except for good cause shown, shall appear before an officer~~  
10 ~~authorized to administer oaths and SHALL take an oath that he or she will~~  
11 ~~faithfully perform the duties of his or her office as required by law and~~  
12 ~~will support the constitution of the United States, the constitution of the~~  
13 ~~state of Colorado, and the laws made pursuant thereto~~ OR AFFIRMATION  
14 IN ACCORDANCE WITH SECTION 24-12-101. When an election is cancelled  
15 in whole or in part pursuant to section 1-13.5-513, ~~C.R.S.~~, each director  
16 who was declared elected shall take ~~the~~ AN oath ~~required by this~~  
17 ~~subsection (1) within thirty days after the date of the regular election,~~  
18 ~~except for good cause shown. The oath may be administered by the~~  
19 ~~county clerk and recorder, by the clerk of the court, by any person~~  
20 ~~authorized to administer oaths in this state, or by the chairman of the~~  
21 ~~board and shall be filed with the clerk of the court and with the division~~  
22 OR AFFIRMATION IN ACCORDANCE WITH SECTION 24-12-101.

23 (2) ~~At the time of filing said oath, there shall also be filed for each~~  
24 ~~director an individual, schedule, or blanket surety~~ EACH DIRECTOR SHALL  
25 FILE A bond at the expense of the special district, in an amount determined  
26 by the board of not less than one thousand dollars each, conditioned upon  
27 the faithful performance of his OR HER duties as director.

1 (3) If any director fails to take ~~the~~ AN OATH OR AFFIRMATION IN  
2 ACCORDANCE WITH SECTION 24-12-101 or furnish the requisite bond  
3 within the period allowed, except for good cause shown, his OR HER  
4 office shall be deemed vacant, and the vacancy thus created shall be filled  
5 in the same manner as other vacancies in the office of director.

6 **SECTION 32.** In Colorado Revised Statutes, 35-70-105, **amend**  
7 (5)(e)(II) as follows:

8 **35-70-105. Hearing on petition - election.** (5) (e) (II) The  
9 candidates, according to the number of supervisors to be elected,  
10 receiving the most votes cast shall be elected. The supervisors elected  
11 shall take ~~office upon the taking of~~ an OATH OR AFFIRMATION IN  
12 ACCORDANCE WITH SECTION 24-12-101 and, if required by the state or  
13 local board, ~~the filing of~~ FILE a bond in the same manner as specified in  
14 section 32-1-901. ~~C.R.S.~~ Failure to take ~~the~~ AN OATH OR AFFIRMATION IN  
15 ACCORDANCE WITH SECTION 24-12-101 or TO furnish a bond, if required,  
16 except for good cause shown, shall create a vacancy in the office, and the  
17 vacancy shall be filled by the next candidate receiving the highest number  
18 of votes in the case of a new district or by the remaining supervisors as  
19 specified in section 35-70-107 (4).

20 **SECTION 33.** In Colorado Revised Statutes, **amend** 37-3-102 as  
21 follows:

22 **37-3-102. Oath or affirmation - organization.** Each director  
23 ~~before entering upon his or her official duties,~~ shall take and subscribe to  
24 an oath ~~before an officer authorized to administer oaths,~~ that the director  
25 ~~will honestly, faithfully, and impartially perform the duties of his or her~~  
26 ~~office and that he or she will not be interested directly or indirectly in any~~  
27 ~~contract let by said district, which oath shall be filed in the office of the~~

1 ~~clerk of said court in the original case. Upon taking the oath, the~~ OR  
2 AFFIRMATION IN ACCORDANCE WITH SECTION 24-12-101. THE board of  
3 directors shall choose one of its number as ~~chairman~~ CHAIRPERSON of the  
4 board and president of the district and shall elect some suitable person  
5 secretary of the board and of the district who may or may not be a  
6 member of the board. Such board shall adopt a seal and shall keep in a  
7 visual text format that may be transmitted electronically a record of all of  
8 its proceedings, minutes of all meetings, certificates, contracts, bonds  
9 given by employees, and corporate acts, which shall be open to the  
10 inspection of all owners of property in the district as well as to all other  
11 interested parties.

12 **SECTION 34.** In Colorado Revised Statutes, **amend** 37-21-106  
13 as follows:

14 **37-21-106. Directors to qualify.** ~~Within ten days after receiving~~  
15 ~~a certificate of election as provided in section 37-21-124,~~ Each of said  
16 ~~directors~~ DIRECTOR shall take ~~and subscribe the official~~ AN oath ~~and file~~  
17 ~~the same together with his~~ OR AFFIRMATION IN ACCORDANCE WITH  
18 SECTION 24-12-101 AND FILE THE DIRECTOR'S official bond in the office  
19 of the county clerk and recorder of the county where the organization of  
20 the district was effected. ~~and thereupon assume the duties of his office.~~

21 **SECTION 35.** In Colorado Revised Statutes, **amend** 37-31-115  
22 as follows:

23 **37-31-115. Canvass of vote - certificate of election.** Within  
24 seven days after said election, the board shall meet at the office of the  
25 drainage district for the purpose of canvassing the vote cast at said  
26 election, and shall issue a certificate of election to the candidate receiving  
27 the highest number of votes for said office, and shall file a statement of

1 the result of said election in the clerk and recorder's office of Mesa  
2 county, Colorado. ~~Within ten days after receiving a certificate of election,~~  
3 ~~The director certified to be elected shall take and subscribe the official AN~~  
4 ~~oath and file the same, together with his official bond, in the office of the~~  
5 ~~county clerk and recorder of Mesa county, Colorado, and thereupon~~  
6 ~~assume the duties of his office~~ OR AFFIRMATION IN ACCORDANCE WITH  
7 SECTION 24-12-101.

8 **SECTION 36.** In Colorado Revised Statutes, 37-41-106, **amend**  
9 (2) as follows:

10 **37-41-106. Directors - election - term.** (2) ~~Within ten days~~ After  
11 receiving their certificates of election provided for in section 37-41-112  
12 (2), said officers shall take ~~and subscribe the official AN~~ oath ~~and file the~~  
13 ~~same in the office of the county clerk and recorder wherein the~~  
14 ~~organization was effected and on January 1 following shall assume the~~  
15 ~~duties of their respective offices~~ OR AFFIRMATION IN ACCORDANCE WITH  
16 SECTION 24-12-101. Each member of the board of directors shall execute  
17 an official bond in the sum of three thousand dollars, which bond shall be  
18 approved by the county judge of the county wherein such organization  
19 was effected, and shall be recorded in the office of the county clerk and  
20 recorder thereof. Such official bond may be signed by a surety company  
21 authorized to do business in the state of Colorado, in which case the  
22 district shall be liable for and shall pay premium on said bond. All official  
23 bonds shall be in THE form prescribed by law for official bonds for county  
24 officials; except that the obligee named in said bonds shall be to the  
25 district and shall be filed with the county clerk and recorder at the same  
26 time as the filing of the oath OR AFFIRMATION provided for in this section.

27 **SECTION 37.** In Colorado Revised Statutes, 37-44-126, **amend**

1 (2) as follows:

2 **37-44-126. Election of officers - oath or affirmation - bond.**

3 (2) ~~Within ten days~~ After receiving their certificates of election provided  
4 for in section 37-44-135, said officers shall take ~~and subscribe the official~~  
5 ~~AN oath and file the same in the office of the county clerk and recorder~~  
6 ~~wherein the organization was effected and, January 1 following, shall~~  
7 ~~assume the duties of their respective offices~~ OR AFFIRMATION IN  
8 ACCORDANCE WITH SECTION 24-12-101. Each member of the board of  
9 directors shall execute an official bond in the sum of five thousand  
10 dollars, which bond shall be approved by the judge of the district court of  
11 the county wherein such organization was effected and shall be filed in  
12 the office of the county clerk and recorder thereof. All official bonds shall  
13 be in the form prescribed by law for official bonds for county  
14 commissioners; except that the obligee named in said bonds shall be the  
15 internal improvement district and shall be filed with the county clerk and  
16 recorder at the same time as the filing of the oath OR AFFIRMATION  
17 REQUIRED BY THIS SECTION.

18 **SECTION 38.** In Colorado Revised Statutes, 37-45-115, **amend**  
19 (1) as follows:

20 **37-45-115. Organization of the board of directors.** (1) ~~Before~~  
21 ~~entering upon his official duties~~ Each director shall take ~~and subscribe to~~  
22 an oath ~~before an officer authorized to administer oaths that he will~~  
23 ~~support the constitutions of the United States and of the state of Colorado~~  
24 ~~and will honestly, faithfully, and impartially perform the duties of his~~  
25 ~~office and that he will not be interested directly or indirectly in any~~  
26 ~~contract let by said district, which oath shall be filed in the office of the~~  
27 ~~clerk of said court in the original case~~ OR AFFIRMATION IN ACCORDANCE

1 WITH SECTION 24-12-101.

2 **SECTION 39.** In Colorado Revised Statutes, **amend** 37-46-106  
3 as follows:

4 **37-46-106. Vacancies - secretary and treasurer.** The office of  
5 director shall become vacant when any member ceases to reside in the  
6 county from which ~~he~~ THE DIRECTOR was appointed. In the event a  
7 vacancy occurs in said office by reason of death, resignation, removal, or  
8 otherwise, it shall be filled by the board of county commissioners of the  
9 county from which said member originally came. ~~Before entering upon~~  
10 ~~the discharge of his duties,~~ Each director shall take an oath to support and  
11 ~~defend the constitutions of the United States and of the state of Colorado~~  
12 ~~and to impartially, without fear or favor, discharge the duties of a director~~  
13 ~~of said district~~ OR AFFIRMATION IN ACCORDANCE WITH SECTION  
14 24-12-101. The board of directors of said district shall appoint a secretary  
15 and a treasurer. The same individual may at the election of the board hold  
16 both of said offices. The board shall likewise hire such other employees,  
17 including engineers and attorneys, as may be required to properly transact  
18 the business of the district, and said board is authorized to provide for the  
19 compensation of the secretary and treasurer and other appointees. The  
20 treasurer shall be required by the board to give bond with corporate surety  
21 in such amount as the board may fix and which it deems sufficient to  
22 protect the funds in the hands of the treasurer or under ~~his~~ THE  
23 TREASURER'S control. Such bond is subject to the approval of the board.

24 **SECTION 40.** In Colorado Revised Statutes, **amend** 37-47-106  
25 as follows:

26 **37-47-106. Vacancy in office of director.** The office of director  
27 shall become vacant when any member ceases to reside in the county

1 from which ~~he~~ THE DIRECTOR was appointed. In the event a vacancy  
2 occurs in said office by reason of death, resignation, removal, or  
3 otherwise, it shall be filled by the board of county commissioners of the  
4 county from which said member originally came. ~~Before entering upon~~  
5 ~~the discharge of his duties,~~ Each director shall take an oath to support and  
6 defend the constitutions of the United States and of the state of Colorado  
7 and to impartially, without fear or favor, discharge the duties of a director  
8 of said district OR AFFIRMATION IN ACCORDANCE WITH SECTION  
9 24-12-101. The board of directors of said district shall appoint a secretary  
10 and a treasurer. The same individual, at the election of the board, may  
11 hold both of said offices. The board shall likewise hire such other  
12 employees, including engineers and attorneys, as may be required to  
13 properly transact the business of the district, and said board is authorized  
14 to provide for the compensation of the secretary and treasurer and other  
15 appointees. The treasurer shall be required by the board to give bond with  
16 corporate surety in such amount as the board may fix and which it deems  
17 sufficient to protect the funds in the hands of the treasurer or under ~~his~~  
18 THE TREASURER'S control. Such bond is subject to the approval of the  
19 board.

20 **SECTION 41.** In Colorado Revised Statutes, 37-48-103, **amend**  
21 (2) as follows:

22 **37-48-103. Board of directors.** (2) The office of a director shall  
23 become vacant when any director ceases to reside in the county from  
24 which ~~he~~ THE DIRECTOR was appointed or when declared vacant by a  
25 majority vote of all of the members of the board when any director has  
26 failed to attend two consecutive regular meetings without having been  
27 excused from attendance by the president. In the event a vacancy occurs

1 in said office by reason of death, resignation, removal, or otherwise, it  
2 shall be filled for the remainder of the unexpired term by the board of  
3 county commissioners of the county from which said director originally  
4 came. ~~Before entering upon the discharge of his duties,~~ Each director  
5 shall take an oath ~~to support and defend the constitutions of the United~~  
6 ~~States and of the state of Colorado and to impartially, without fear or~~  
7 ~~favor, discharge the duties of a director of said district~~ OR AFFIRMATION  
8 IN ACCORDANCE WITH SECTION 24-12-101.

9 **SECTION 42.** In Colorado Revised Statutes, 37-50-104, **amend**  
10 (2) as follows:

11 **37-50-104. Board of directors.** (2) The office of a director shall  
12 become vacant when the director ceases to reside in the county or ground  
13 water management district from which ~~he or she~~ THE DIRECTOR was  
14 appointed, or in the case of the director appointed by the Colorado ground  
15 water commission when the director ceases to reside in the district or is  
16 no longer a member of the Colorado ground water commission, or when  
17 declared vacant by a majority vote of all of the members of the board  
18 when a director has failed to attend two consecutive regular meetings  
19 without having been excused from attendance by the president. If a  
20 vacancy occurs in the office by reason of death, resignation, removal, or  
21 otherwise, it shall be filled for the remainder of the unexpired term by the  
22 board of county commissioners of the county, or the ground water  
23 management district from which the director was originally appointed.  
24 ~~Before entering upon the discharge of his or her duties,~~ Each director  
25 shall take an oath ~~to support and defend the constitutions of the United~~  
26 ~~States and of this state and to impartially, without fear or favor, discharge~~  
27 ~~the duties of a director of the district~~ OR AFFIRMATION IN ACCORDANCE

1 WITH SECTION 24-12-101.

2 **SECTION 43.** In Colorado Revised Statutes, 37-60-104, **amend**  
3 (2) as follows:

4 **37-60-104. Personnel.** (2) The appointed members of said board  
5 shall be chosen geographically as follows: Four from the western slope  
6 and five from the eastern slope; but, of the five members to be appointed  
7 from the eastern slope, one shall be from the Rio Grande drainage basin,  
8 one from the North Platte drainage basin, one from the Arkansas drainage  
9 basin, one from the South Platte drainage basin outside of the city and  
10 county of Denver, and one from the city and county of Denver and  
11 intimately familiar with its water problems; and that of the four members  
12 to be appointed from the western slope, one shall be from the  
13 Yampa-White drainage basin, one from the main Colorado drainage  
14 basin, one from the Gunnison-Uncompahgre drainage basin, and one  
15 from the San Miguel-Dolores-San Juan drainage basins. ~~Before entering~~  
16 ~~upon the discharge of his duties,~~ Each appointed member shall ~~make,~~  
17 ~~subscribe, and file with the secretary of state the~~ TAKE AN oath ~~prescribed~~  
18 ~~by the constitution~~ OR AFFIRMATION IN ACCORDANCE WITH SECTION  
19 24-12-101.

20 **SECTION 44.** In Colorado Revised Statutes, **amend** 37-90-126  
21 as follows:

22 **37-90-126. Management district - directors - qualifications -**  
23 **oath or affirmation - bond - vacancies.** The members of the board of  
24 directors shall meet the qualifications established in section 37-90-121  
25 (1)(b). Each member of the board shall take an oath ~~of office~~ OR  
26 AFFIRMATION IN ACCORDANCE WITH SECTION 24-12-101, shall give bond  
27 in the sum of five thousand dollars conditioned that he or she shall

1 faithfully perform the duties of director and of such further office to  
2 which he or she may be elected in such district, and shall account for all  
3 funds or property coming into his or her hands as such director or other  
4 officer. Such bonds shall run to the district, shall be signed by a surety  
5 approved by the ground water commission, and shall be filed and  
6 recorded in the office of the state engineer. When such bond is so filed  
7 and approved, such person so elected shall take and hold office until his  
8 or her successor is elected and qualified. When a vacancy occurs on the  
9 board, such vacancy shall be filled by the remaining members of the  
10 board.

11 **SECTION 45.** In Colorado Revised Statutes, 37-92-204, **amend**  
12 (3) as follows:

13 **37-92-204. Water clerks - duties.** (3) Subject to the approval of  
14 the water judge, the water clerk in each division shall employ such  
15 assistants and deputies as may be necessary for him OR HER to carry out  
16 his OR HER duties. The water clerk, assistants, and deputies shall ~~execute~~  
17 ~~such~~ TAKE AN oath of office and OR AFFIRMATION IN ACCORDANCE WITH  
18 SECTION 24-12-101 AND FILE such bond as may be prescribed by the  
19 supreme court.

20 **SECTION 46.** In Colorado Revised Statutes, 37-95-104, **amend**  
21 (4) as follows:

22 **37-95-104. Establishment of authority - board of directors -**  
23 **removal - organization - compensation - dissolution.** (4) Each member  
24 may be removed from office by the governor for cause, after a public  
25 hearing, and may be suspended by the governor pending the completion  
26 of such hearing. Each member ~~before entering upon his duties,~~ shall take  
27 ~~and subscribe~~ an oath to perform the duties of his office faithfully,

1 ~~impartially, and justly to the best of his ability. A record of all such oaths~~  
2 ~~shall be filed in the office of the secretary of state~~ OR AFFIRMATION IN  
3 ACCORDANCE WITH SECTION 24-12-101.

4 **SECTION 47.** In Colorado Revised Statutes, **amend** 38-36-113  
5 as follows:

6 **38-36-113. Examiner of titles - compensation - oath or**  
7 **affirmation - bond.** The judges of the district court in and for the judicial  
8 districts for which they are elected or appointed shall appoint a competent  
9 attorney in each county within their district as examiner of titles and legal  
10 adviser of the registrar. The examiner of titles in each county shall be paid  
11 in each case by the applicant such compensation as the judge of the  
12 district court determines. Every examiner of titles shall ~~before entering~~  
13 ~~upon the duties of his office, take and subscribe~~ an oath of office to  
14 ~~faithfully and impartially perform the duties of his office,~~ OR  
15 AFFIRMATION IN ACCORDANCE WITH SECTION 24-12-101 and shall also  
16 give a bond in such amount and with such sureties as shall be approved  
17 by the judge of the district court, payable in like manner and with like  
18 conditions as required of the registrar. A copy of the bond shall be entered  
19 upon the records of said court and the original shall be filed with the  
20 registrar.

21 **SECTION 48.** In Colorado Revised Statutes, **amend** 38-44-105  
22 as follows:

23 **38-44-105. Oath or affirmation - assistants.** The commissioners  
24 so appointed shall ~~subscribe and file with the clerk, within ten days from~~  
25 ~~the date of their appointment,~~ TAKE an oath for the faithful and impartial  
26 ~~discharge of their duties~~ OR AFFIRMATION IN ACCORDANCE WITH SECTION  
27 24-12-101 and shall have power to appoint all necessary assistants.

1           **SECTION 49.** In Colorado Revised Statutes, 43-1-106, **amend**  
2 (5) as follows:

3           **43-1-106. Transportation commission - powers and duties -**  
4 **repeal.** (5) All members of the commission ~~before entering upon the~~  
5 ~~duties of their office,~~ shall take ~~the AN oath prescribed by the constitution~~  
6 ~~of this state for state officers and file the same in the office of the~~  
7 ~~secretary of state~~ OR AFFIRMATION IN ACCORDANCE WITH SECTION  
8 24-12-101.

9           **SECTION 50. Act subject to petition - effective date.** This act  
10 takes effect at 12:01 a.m. on the day following the expiration of the  
11 ninety-day period after final adjournment of the general assembly (August  
12 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a  
13 referendum petition is filed pursuant to section 1 (3) of article V of the  
14 state constitution against this act or an item, section, or part of this act  
15 within such period, then the act, item, section, or part will not take effect  
16 unless approved by the people at the general election to be held in  
17 November 2019 and, in such case, will take effect on the date of the  
18 official declaration of the vote thereon by the governor.

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

Bill F

LLS NO. 18-0528.01 Brita Darling x2241

HOUSE BILL

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HOUSE SPONSORSHIP

Hooton and Thurlow, Arndt

SENATE SPONSORSHIP

Martinez Humenik and Zenzinger, Moreno

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House Committees

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING MODERNIZING LANGUAGE IN STATUTORY SECTIONS THAT  
102 REFER TO PAUPERS.

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Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

**Statutory Revision Committee.** The bill modernizes the language in statutory sections by replacing the terms "pauper" and "paupers" with "indigent" or "indigent persons".

---

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

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

1           **SECTION 1. Legislative declaration.** The general assembly  
2 declares that the purpose of House Bill 18-\_\_\_\_, enacted in 2018, is to  
3 effect a nonsubstantive change to replace antiquated references to  
4 "paupers" in the Colorado Revised Statutes with the more modern and  
5 appropriate "indigent persons". The general assembly further declares that  
6 modernizing these references does not in any way alter the scope or  
7 applicability of the statutory sections involved.

8           **SECTION 2.** In Colorado Revised Statutes, 15-19-302, **amend**  
9 (2) and (3) as follows:

10           **15-19-302. Duty of public officers as to unclaimed bodies.**

11 (2) ~~Such notices~~ NOTICE shall be given to the anatomical board in all  
12 cases, but ~~no such~~ THE body ~~shall~~ MUST NOT be delivered if any relative,  
13 by blood or marriage, ~~shall~~ HAS previously ~~claim~~ CLAIMED the body for  
14 burial at the expense of the relative, ~~but~~ IN WHICH CASE the body ~~shall~~  
15 MUST be surrendered to the claimant for interment. ~~nor shall any such~~  
16 FURTHER, THE body MUST NOT be delivered if any representative of a  
17 fraternal society of which the deceased was a member, or a representative  
18 of any charitable organization, or if any friend of the deceased ~~shall claim~~  
19 INDIGENT PERSON CLAIMS the body for burial prior to delivery to the  
20 board, WITH the burial ~~to be~~ at the expense of the fraternal society,  
21 charitable organization, or friend. In the case of death of any person  
22 whose body is required to be buried at public expense and the duly  
23 authorized officer or agent of the anatomical board deems the body unfit  
24 for anatomical purposes, he or she shall notify the board of county  
25 commissioners or ~~such other~~ agency ~~as may be~~ in charge of ~~the county~~  
26 ~~paupers of~~ INDIGENT PERSONS IN the county in which the person dies, in  
27 writing, and the board of county commissioners or ~~other~~ agency shall

1 direct ~~some~~ A person to take charge of the body of the deceased indigent  
2 person, and cause it to be buried, and draw warrants upon the treasurer of  
3 the county for the payment of ~~such~~ expenses.

4 (3) ~~No~~ Warrants for the payment of the expenses of the burial of  
5 any person whose body is required to be buried at public expense ~~shall~~  
6 MUST NOT be drawn or paid except upon the certificate of the duly  
7 authorized officer or agent of the anatomical board to the effect that the  
8 unclaimed body is unfit for anatomical purposes ~~by reason of~~ DUE TO  
9 decomposition or contagious disease, and that the provisions of this part  
10 3 have been complied with. If, through the failure of any person to deliver  
11 the body of a deceased indigent PERSON as required by this part 3, the  
12 unclaimed body ~~becomes~~ IS unfit for anatomical purposes, and is ~~so~~  
13 certified AS UNFIT by the duly authorized officer or agent of the  
14 anatomical board, the body ~~shall~~ MUST be buried in accordance with the  
15 provisions of this part 3, and the person ~~so failing~~ WHO FAILED to deliver  
16 the unclaimed body shall pay to the county treasurer the ~~expense so~~  
17 EXPENSES incurred. Upon the refusal or failure of the person, on demand,  
18 to pay the ~~expense~~ EXPENSES, the board of county commissioners, or such  
19 other agency as may be in charge of ~~the county paupers~~ INDIGENT  
20 PERSONS IN THE COUNTY, may bring suit to recover the expenses, and the  
21 ~~same~~ EXPENSES may be recovered as debts ~~of like amount are~~ collectible  
22 by law.

23 **SECTION 3.** In Colorado Revised Statutes, **amend** 25-3-309 as  
24 follows:

25 **25-3-309. Hospital fees.** Every hospital established under this part  
26 3 ~~shall be~~ IS for the benefit of the inhabitants of ~~such~~ THE county and of  
27 any person falling sick or ~~being~~ WHO IS injured or maimed within its

1 limits. Every inhabitant or person who is not a ~~pauper~~ INDIGENT shall pay  
2 to the board of public hospital trustees or ~~such~~ TO THE officer as it shall  
3 ~~designate~~ DESIGNATES for ~~such~~ THE county public hospital a reasonable  
4 compensation for occupancy, nursing, laboratories, care, medicine, or  
5 attendants according to the rules ~~and regulations~~ prescribed by ~~said~~ THE  
6 board in order to render the use of ~~said~~ THE hospital of the greatest benefit  
7 to the greatest number.

8 **SECTION 4.** In Colorado Revised Statutes, 28-5-502, **amend** (2)  
9 as follows:

10 **28-5-502. Interment of deceased veterans.** (2) ~~Such~~ Burial shall  
11 MUST not be made in that portion of ~~any~~ A cemetery or burial ground used  
12 exclusively for the burial of ~~the pauper dead~~ DECEASED INDIGENT  
13 PERSONS. Each county, by resolution of its board of county  
14 commissioners, shall establish the maximum expense to the county for  
15 each burial, exclusive of any federal funds provided for such purposes. In  
16 case the deceased VETERAN has relatives or friends who desire to conduct  
17 the funeral services, they shall be permitted to do so, and the expenses  
18 shall be paid as provided in this section.

19 **SECTION 5. Act subject to petition - effective date.** This act  
20 takes effect at 12:01 a.m. on the day following the expiration of the  
21 ninety-day period after final adjournment of the general assembly (August  
22 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a  
23 referendum petition is filed pursuant to section 1 (3) of article V of the  
24 state constitution against this act or an item, section, or part of this act  
25 within such period, then the act, item, section, or part will not take effect  
26 unless approved by the people at the general election to be held in

1 November 2018 and, in such case, will take effect on the date of the  
2 official declaration of the vote thereon by the governor.

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

Bill G

LLS NO. 18-0155.01 Jane Ritter x4342

SENATE BILL

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SENATE SPONSORSHIP

Martinez Humenik, Moreno, Tate, Zenzinger

HOUSE SPONSORSHIP

Arndt, Hooton, Thurlow

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Senate Committees

House Committees

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A BILL FOR AN ACT

101 CONCERNING THE REPEAL OF A DUPLICATE DEFINITIONS SECTION IN  
102 ARTICLE 60 OF TITLE 27, COLORADO REVISED STATUTES.

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Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)*

**Statutory Revision Committee.** The bill repeals section 27-60-102.5, Colorado Revised Statutes, which is a duplicate definitions section for general provisions related to behavioral health found in article 60 of title 27, Colorado Revised Statutes. Two separate, but substantively

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*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

the same, definition sections were added by 2 separate bills in the 2017 legislative session. The bill leaves in place section 27-60-100.3, Colorado Revised Statutes, enacted by Senate Bill 17-242.

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

2           **SECTION 1. Legislative declaration.** The general assembly  
3 declares that the purpose of Senate Bill 18-\_\_\_, enacted in 2018, is to  
4 effect a nonsubstantive change in statute to eliminate duplicate definition  
5 sections in article 60 of title 27, Colorado Revised Statutes. The general  
6 assembly further declares that the repeal of the duplicative definition  
7 section does not in any way alter the scope or applicability of the statutory  
8 sections involved.

9           **SECTION 2.** In Colorado Revised Statutes, **repeal** 27-60-102.5.

10           **SECTION 3. Act subject to petition - effective date.** This act  
11 takes effect at 12:01 a.m. on the day following the expiration of the  
12 ninety-day period after final adjournment of the general assembly (August  
13 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a  
14 referendum petition is filed pursuant to section 1 (3) of article V of the  
15 state constitution against this act or an item, section, or part of this act  
16 within such period, then the act, item, section, or part will not take effect  
17 unless approved by the people at the general election to be held in  
18 November 2018 and, in such case, will take effect on the date of the  
19 official declaration of the vote thereon by the governor.

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

Bill H

LLS NO. 18-0154.01 Jane Ritter x4342

SENATE BILL

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SENATE SPONSORSHIP

Tate and Zenzinger, Martinez Humenik, Merrifield

HOUSE SPONSORSHIP

Hooton and Thurlow, Arndt

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Senate Committees

House Committees

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A BILL FOR AN ACT

101 CONCERNING AMENDING A STATUTORY PROVISION RELATING TO  
102 INTEREST ON DAMAGES THAT WAS RULED UNCONSTITUTIONAL  
103 BY THE COLORADO SUPREME COURT.

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Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)*

**Statutory Revision Committee.** The bill amends section 13-21-101 (1), Colorado Revised Statutes, concerning interest on damages to reflect a 1996 decision made by the Colorado supreme court

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*Dashes through the words indicate deletions from existing statute.*

that ruled certain language in that subsection violated the equal protection clause of the constitution.

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

2 **SECTION 1. Legislative declaration.** The general assembly  
3 declares that the purpose of Senate Bill 18-\_\_\_, enacted in 2018, is to  
4 repeal specific language in a section of statute that was ruled  
5 unconstitutional by the Colorado Supreme Court in 1996.

6 **SECTION 2.** In Colorado Revised Statutes, 13-21-101, **amend**  
7 (1) as follows:

8 **13-21-101. Interest on damages.** (1) In all actions brought to  
9 recover damages for personal injuries sustained by any person resulting  
10 from or occasioned by the tort of any other person, corporation,  
11 association, or partnership, whether by negligence or by willful intent of  
12 ~~such~~ THE other person, corporation, association, or partnership and  
13 whether ~~such~~ THE injury has resulted fatally or otherwise, it is lawful for  
14 the plaintiff in the complaint to claim interest on the damages alleged  
15 from the date ~~said~~ THE suit is filed; and, on and after July 1, 1979, it is  
16 lawful for the plaintiff in the complaint to claim interest on the damages  
17 claimed from the date the action accrued. When such interest is ~~so~~  
18 claimed, it is the duty of the court in entering judgment for the plaintiff  
19 in ~~such~~ THE action to add to the amount of damages assessed by the  
20 verdict of the jury, or found by the court, interest on ~~such~~ THE amount  
21 calculated at the rate of nine percent per annum on actions filed on or  
22 after July 1, 1975, and at the legal rate on actions filed prior to such date,  
23 and calculated from the date ~~such~~ THE suit was filed to the date of  
24 satisfying the judgment and to include the same in ~~said~~ THE judgment. ~~as~~  
25 ~~a part thereof.~~ On actions filed on or after July 1, 1979, the calculation

1 ~~shall~~ MUST include compounding of interest annually from the date ~~such~~  
2 THE suit was filed. On and after January 1, 1983, if a judgment for money  
3 in an action brought to recover damages for personal injuries is appealed  
4 by the judgment debtor, POSTJUDGMENT interest ~~whether pre-judgment or~~  
5 ~~postjudgment, shall~~ MUST be calculated on ~~such~~ THE sum at the rate set  
6 forth in subsections (3) and (4) of this section from the date the action  
7 accrued and ~~shall~~ MUST include compounding of interest annually from  
8 the date ~~such~~ THE suit was filed.

9           **SECTION 3. Act subject to petition - effective date.** This act  
10 takes effect at 12:01 a.m. on the day following the expiration of the  
11 ninety-day period after final adjournment of the general assembly (August  
12 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a  
13 referendum petition is filed pursuant to section 1 (3) of article V of the  
14 state constitution against this act or an item, section, or part of this act  
15 within such period, then the act, item, section, or part will not take effect  
16 unless approved by the people at the general election to be held in  
17 November 2018 and, in such case, will take effect on the date of the  
18 official declaration of the vote thereon by the governor.

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

Bill I

LLS NO. 18-0153.01 Jane Ritter x4342

HOUSE BILL

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HOUSE SPONSORSHIP

Arndt and Thurlow, Hooton

SENATE SPONSORSHIP

Moreno and Martinez Humenik, Zenzinger

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House Committees

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING THE REPEAL OF STATUTORY PROVISIONS RELATING TO  
102 SEXUALLY EXPLICIT MATERIALS HARMFUL TO CHILDREN THAT  
103 WERE RULED UNCONSTITUTIONAL BY THE COLORADO SUPREME  
104 COURT.

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Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)*

**Statutory Revision Committee.** The bill repeals part 5 of article 7 of title 18, Colorado Revised Statutes, concerning sexually explicit materials harmful to children to reflect a 1985 decision made by the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

Colorado supreme court that held that the entire part was unconstitutional. **Sections 3, 4, and 5** of the bill make conforming amendments.

---

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

2 **SECTION 1. Legislative declaration.** The general assembly  
3 declares that the purpose of House Bill 18-\_\_\_\_, enacted in 2018, is to  
4 repeal a section of statute ruled unconstitutional in whole by the Colorado  
5 supreme court in 1985.

6 **SECTION 2.** In Colorado Revised Statutes, **repeal** part 5 of  
7 article 7 of title 18 as follows:

8 **18-7-501. Definitions.** ~~As used in this part 5, unless the context~~  
9 ~~otherwise requires:~~

10 (1) ~~"Child" means a person under the age of eighteen years.~~

11 (2) ~~"Harmful to children" means that quality of any description or~~  
12 ~~representation, in whatever form, of sexually explicit nudity, sexual~~  
13 ~~conduct, sexual excitement, or sadomasochistic abuse, when it:~~

14 (a) ~~Taken as a whole, predominantly appeals to the prurient~~  
15 ~~interest in sex of children;~~

16 (b) ~~Is patently offensive to prevailing standards in the adult~~  
17 ~~community as a whole with respect to what is suitable material for~~  
18 ~~children; and~~

19 (c) ~~Is, when taken as a whole, lacking in serious literary, artistic,~~  
20 ~~political, and scientific value for children.~~

21 (3) ~~"Knowingly" means having general knowledge of, or reason~~  
22 ~~to know, or a belief or ground for belief which warrants further inspection~~  
23 ~~or inquiry, or both, of:~~

24 (a) ~~The character and content of any material described herein~~  
25 ~~which is reasonably susceptible of examination; and~~

1           ~~(b) The age of the child; however, an honest mistake shall~~  
2           ~~constitute an excuse from liability hereunder if a reasonable bona fide~~  
3           ~~attempt is made to ascertain the true age of such child.~~

4           ~~(4) "Sadomasochistic abuse" means actual or explicitly simulated~~  
5           ~~flagellation or torture by or upon a person who is nude or clad in~~  
6           ~~undergarments, a mask or bizarre costume, or the condition of being~~  
7           ~~fettered, bound, or otherwise physically restrained on the part of one so~~  
8           ~~clothed.~~

9           ~~(5) "Sexual conduct" means actual or explicitly simulated acts of~~  
10           ~~masturbation, homosexuality, sexual intercourse, sodomy, or physical~~  
11           ~~contact in an act of apparent sexual stimulation or gratification with a~~  
12           ~~person's clothed or unclothed genitals, pubic area, buttocks, or, if such be~~  
13           ~~female, breast.~~

14           ~~(6) "Sexual excitement" means the condition of human male or~~  
15           ~~female genitals when in a state of sexual stimulation or arousal.~~

16           ~~(7) "Sexually explicit nudity" means a state of undress so as to~~  
17           ~~expose the human male or female genitals, pubic area, or buttocks with~~  
18           ~~less than a full opaque covering, or the showing of the female breast with~~  
19           ~~less than a fully opaque covering of any portion thereof below the top of~~  
20           ~~the areola, or the depiction of covered or uncovered male genitals in a~~  
21           ~~discernibly turgid state.~~

22           ~~**18-7-502. Unlawful acts.** (1) It shall be unlawful for any person~~  
23           ~~knowingly to sell or loan for monetary consideration to a child:~~

24           ~~(a) Any picture, photograph, drawing, sculpture, motion picture~~  
25           ~~film, or similar visual representation or image of a person or portion of~~  
26           ~~the human body which depicts sexually explicit nudity, sexual conduct,~~  
27           ~~or sadomasochistic abuse and which, taken as a whole, is harmful to~~

1 children; or

2 ~~(b) Any book, pamphlet, magazine, printed matter however~~  
3 ~~reproduced, or sound recording which contains any matter enumerated in~~  
4 ~~paragraph (a) of this subsection (1), or explicit and detailed verbal~~  
5 ~~descriptions or narrative accounts of sexual excitement, sexual conduct,~~  
6 ~~or sadomasochistic abuse and which, taken as a whole, is harmful to~~  
7 ~~children.~~

8 ~~(2) It shall be unlawful for any person knowingly to sell to a child~~  
9 ~~an admission ticket or pass, or knowingly to admit a child to premises~~  
10 ~~whereon there is exhibited a motion picture, show, or other presentation~~  
11 ~~which, in whole or in part, depicts sexually explicit nudity, sexual~~  
12 ~~conduct, or sadomasochistic abuse and which is harmful to children or to~~  
13 ~~exhibit any such motion picture at any such premises which are not~~  
14 ~~designed to prevent viewing from any public way of such motion picture~~  
15 ~~by children not admitted to any such premises.~~

16 ~~(3) It shall be unlawful for any child falsely to represent to any~~  
17 ~~person mentioned in subsection (1) or (2) of this section, or to his agent,~~  
18 ~~that he is eighteen years of age or older, with the intent to procure any~~  
19 ~~material set forth in subsection (1) of this section, or with the intent to~~  
20 ~~procure his admission to any motion picture, show, or other presentation,~~  
21 ~~as set forth in subsection (2) of this section.~~

22 ~~(4) It shall be unlawful for any person knowingly to make a false~~  
23 ~~representation to any person mentioned in subsection (1) or (2) of this~~  
24 ~~section, or to his agent, that he is the parent or guardian of any juvenile,~~  
25 ~~or that any child is eighteen years of age or older, with the intent to~~  
26 ~~procure any material set forth in subsection (1) of this section, or with the~~  
27 ~~intent to procure any child's admission to any motion picture, show, or~~

1 other presentation, as set forth in subsection (2) of this section.

2 (5) ~~It shall be unlawful for any person knowingly to exhibit,~~  
3 ~~expose, or display in public at newsstands or any other business or~~  
4 ~~commercial establishment frequented by children or where children are~~  
5 ~~or may be invited as part of the general public:~~

6 (a) ~~Any picture, photograph, drawing, sculpture, motion picture~~  
7 ~~film, or similar visual representation or image of a person or portion of~~  
8 ~~the human body which depicts sexually explicit nudity, sexual conduct,~~  
9 ~~or sadomasochistic abuse and which is harmful to children; or~~

10 (b) ~~Any book, pamphlet, magazine, printed matter however~~  
11 ~~reproduced, or sound recording which contains any matter enumerated in~~  
12 ~~paragraph (a) of this subsection (5), or explicit verbal descriptions or~~  
13 ~~narrative accounts of sexual excitement, sexual conduct, or~~  
14 ~~sadomasochistic abuse and which, taken as a whole, is harmful to~~  
15 ~~children.~~

16 (6) ~~A violation of any provision of this section is a class 2~~  
17 ~~misdemeanor.~~

18 **18-7-503. Applicability.** (1) ~~Nothing contained in this part 5~~  
19 ~~shall be construed to apply to:~~

20 (a) ~~The purchase, distribution, exhibition, or loan of any work of~~  
21 ~~art, book, magazine, or other printed or manuscript material by any~~  
22 ~~accredited museum, library, school, or institution of higher education;~~

23 (b) ~~The exhibition or performance of any play, drama, tableau, or~~  
24 ~~motion picture by any theatre, museum, school, or institution of higher~~  
25 ~~education, either supported by public appropriation or which is an~~  
26 ~~accredited institution supported by private funds.~~

27 **18-7-504. Severability.** ~~If any provision of this part 5 or the~~

1 application thereof to any person or circumstances is held invalid, such  
2 invalidity shall not affect other provisions of this part 5 which may be  
3 given effect without the invalid provision or application, and, to this end,  
4 the provisions of this part 5 are declared to be severable.

5 SECTION 3. In Colorado Revised Statutes, 12-61-113 , **amend**  
6 (1)(m)(I) as follows:

7 **12-61-113. Investigation - revocation - actions against licensee**  
8 **or applicant - repeal.** (1) The commission, upon its own motion, may,  
9 and, upon the complaint in writing of any person, shall, investigate the  
10 activities of any licensee or any person who assumes to act in the capacity  
11 of a licensee within the state, and the commission, after holding a hearing  
12 pursuant to section 12-61-114, has the power to impose an administrative  
13 fine not to exceed two thousand five hundred dollars for each separate  
14 offense and to censure a licensee, to place the licensee on probation and  
15 to set the terms of probation, or to temporarily suspend a license, or  
16 permanently revoke a license, when the licensee has performed, is  
17 performing, or is attempting to perform any of the following acts and is  
18 guilty of:

19 (m) (I) Conviction of, entering a plea of guilty to, or entering a  
20 plea of nolo contendere to any crime in article 3 of title 18; parts 1, 2, 3,  
21 and 4 of article 4 of title 18; part 1, 2, 3, 4, 5, 7, 8, or 9 of article 5 of title  
22 18; article 5.5 of title 18; parts 3, 4, 6, 7, and 8 of article 6 of title 18;  
23 parts 1, 3, 4, 5, 6, 7, and 8 of article 7 of title 18; part 3 of article 8 of title  
24 18; article 15 of title 18; article 17 of title 18; section 18-18-404,  
25 18-18-405, 18-18-406, 18-18-411, 18-18-412.5, 18-18-412.7,  
26 18-18-412.8, 18-18-415, 18-18-416, 18-18-422, or 18-18-423; or any  
27 other like crime under Colorado law, federal law, or the laws of other

1 states. A certified copy of the judgment of a court of competent  
2 jurisdiction of such conviction or other official record indicating that such  
3 plea was entered shall be conclusive evidence of such conviction or plea  
4 in any hearing under this part 1.

5 **SECTION 4.** In Colorado Revised Statutes, 12-61-1010, **amend**  
6 (1) introductory portion and (1)(i) as follows:

7 **12-61-1010. Investigation - revocation - actions against**  
8 **licensee.** (1) The director, upon the director's own motion, may, and,  
9 upon the complaint in writing of any person, shall, investigate the  
10 activities of any licensee or any person who assumes to act in the capacity  
11 of a licensee within the state. The director, after holding a hearing in  
12 accordance with the "State Administrative Procedure Act", article 4 of  
13 title 24, ~~C.R.S.~~, may impose an administrative fine not to exceed two  
14 thousand five hundred dollars for each separate offense, censure a  
15 licensee, place the licensee on probation and set the terms of probation,  
16 or temporarily suspend or permanently revoke a license when the licensee  
17 has performed, is performing, or is attempting to perform any of the  
18 following acts and is guilty of:

19 (i) Performing any act that leads to a conviction of, entry of a plea  
20 of guilty to, or entry of a plea of nolo contendere to any crime in article  
21 3 of title 18; ~~C.R.S.~~; parts 1 to 4 of article 4 of title 18; ~~C.R.S.~~; parts 1 to  
22 5 and 7 to 9 of article 5 of title 18; ~~C.R.S.~~; article 5.5 of title 18; ~~C.R.S.~~;  
23 parts 1, 3, 4, and 6 to 8 of article 6 of title 18; ~~C.R.S.~~; parts 1, ~~and 3 to 8~~  
24 3, 4, AND 6 TO 8 of article 7 of title 18; ~~C.R.S.~~; part 3 of article 8 of title  
25 18; ~~C.R.S.~~; article 15 of title 18; ~~C.R.S.~~; article 17 of title 18; ~~C.R.S.~~;  
26 section 18-18-405, 18-18-411, 18-18-412.5, 18-18-412.7, 18-18-415,  
27 18-18-422, or 18-18-423; ~~C.R.S.~~; or any other like crime under Colorado

1 law, federal law, or the laws of other states. A certified copy of the  
2 judgment of a court of competent jurisdiction of such conviction or other  
3 official record indicating that such plea was entered is conclusive  
4 evidence of such conviction or plea in any hearing under this part 10.

5 **SECTION 5.** In Colorado Revised Statutes, 13-10-126, **amend**  
6 (2)(a)(I)(A) as follows:

7 **13-10-126. Prostitution offender program authorized -**  
8 **reports.** (2) A program created and administered by a municipal or  
9 county court or multiple municipal or county courts pursuant to  
10 subsection (1) of this section must:

11 (a) Permit enrollment in the program only by an offender who  
12 either:

13 (I) (A) Has no prior convictions or any charges pending for any  
14 felony; for any offense described in section 18-3-305, 18-3-306, or  
15 18-13-128; ~~C.R.S.~~, in part 4 or 5 of article 3 of title 18; ~~C.R.S.~~, in part 3,  
16 4, 6, 7, or 8 of article 6 of title 18; ~~C.R.S.~~, in section 18-7-203 or  
17 18-7-206; ~~C.R.S.~~, or in part 3 OR 4 or 5 of article 7 of title 18; ~~C.R.S.~~, or  
18 for any offense committed in another state that would constitute such an  
19 offense if committed in this state; and

20 **SECTION 6. Act subject to petition - effective date.** This act  
21 takes effect at 12:01 a.m. on the day following the expiration of the  
22 ninety-day period after final adjournment of the general assembly (August  
23 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a  
24 referendum petition is filed pursuant to section 1 (3) of article V of the  
25 state constitution against this act or an item, section, or part of this act  
26 within such period, then the act, item, section, or part will not take effect  
27 unless approved by the people at the general election to be held in

1 November 2018 and, in such case, will take effect on the date of the  
2 official declaration of the vote thereon by the governor.

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

Bill J

LLS NO. 18-0152.01 Jane Ritter x4342

SENATE BILL

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SENATE SPONSORSHIP

Zenzinger and Martinez Humenik, Moreno, Tate

HOUSE SPONSORSHIP

Nordberg and Hooton, Arndt, Thurlow

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Senate Committees

House Committees

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A BILL FOR AN ACT

101 CONCERNING THE REMOVAL OF STATUTORY REFERENCES TO THE  
102 MARITAL STATUS OF PARENTS OF A CHILD.

---

Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)*

**Statutory Revision Committee.** The bill removes or modernizes outdated statutory references to a "legitimate" or "illegitimate" child and a "child born out of wedlock". Colorado only recognizes parentage of a child and acknowledges that the parent and child relationship extends equally to every child and every parent, regardless of the marital status of the parents.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

---

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

2           **SECTION 1. Legislative declaration.** The general assembly  
3 declares that the purpose of Senate Bill 18-\_\_\_, enacted in 2018, is to  
4 effect a nonsubstantive change in statute to eliminate and modernize the  
5 outdated use of the terms "illegitimate child" or "legitimate child" or  
6 related terms. The general assembly further declares that these  
7 terminology changes do not in any way alter the scope or applicability of  
8 the statutory sections in which the terminology appears.

9           **SECTION 2.** In Colorado Revised Statutes, **amend** 8-41-505 as  
10 follows:

11           **8-41-505. Minor children.** ~~Illegitimate minor children~~ A MINOR  
12 CHILD of a deceased putative father ~~shall be~~ IS entitled to compensation  
13 ~~in the same respect as a legitimate minor child of said decedent~~ when it  
14 is proved to the satisfaction of the director that the father, during his  
15 lifetime, has acknowledged ~~said children to be~~ THE CHILD AS his and has  
16 regularly contributed to ~~their~~ HIS OR HER support and maintenance for a  
17 reasonable period of time prior to his death.

18           **SECTION 3.** In Colorado Revised Statutes, 10-16-104, **amend**  
19 (6)(b) as follows:

20           **10-16-104. Mandatory coverage provisions - definitions -**  
21 **rules.** (6) **Dependent children.** (b) ~~NO~~ AN entity described in ~~paragraph~~  
22 ~~(a) of this subsection (6) shall~~ SUBSECTION (6)(a) OF THIS SECTION MUST  
23 NOT refuse to provide coverage for a dependent child under the health  
24 plan of the child's parent for the sole reason that: ~~the child:~~

25           (I) THE CHILD does not live in the home of the parent applying for  
26 the policy; or

1 (II) THE CHILD does not live in the insurer's service area,  
2 notwithstanding any other provision of law restricting enrollment to the  
3 persons who reside in an insurer's service area; or

4 (III) ~~Was born out of wedlock~~ THE CHILD'S PARENTS WERE NOT  
5 MARRIED AT THE TIME OF HIS OR HER BIRTH; or

6 (IV) THE CHILD is not claimed as a dependent on the CHILD'S  
7 PARENT'S federal or state income tax return. ~~of the child's parent.~~

8 **SECTION 4.** In Colorado Revised Statutes, 13-25-126, **amend**  
9 (1)(i) as follows:

10 **13-25-126. Genetic tests to determine parentage.** (1) (i) The  
11 presumption of ~~legitimacy~~ PARENTAGE of a child born during ~~wedlock~~ A  
12 MARRIAGE may be overcome, as provided in section 19-4-105 (2)(a),  
13 ~~C.R.S.~~, if the court finds that the conclusion of the experts conducting the  
14 tests, as disclosed by the evidence based upon the tests, shows that ~~the~~  
15 ~~husband or wife~~ ONE OF THE SPOUSES is not the parent of the child.

16 **SECTION 5.** In Colorado Revised Statutes, 14-2-110, **repeal** (2)  
17 as follows:

18 **14-2-110. Prohibited marriages.** (2) ~~Children born of a~~  
19 ~~prohibited marriage are legitimate.~~

20 **SECTION 6.** In Colorado Revised Statutes, **amend** 14-2-111 as  
21 follows:

22 **14-2-111. Putative spouse.** ~~Any~~ A person who has cohabited with  
23 another to whom he OR SHE is not legally married in the good faith belief  
24 that he OR SHE was married to that person is a putative spouse until  
25 knowledge of the fact that he OR SHE is not legally married terminates his  
26 OR HER status and prevents acquisition of further rights. ~~Children born of~~  
27 ~~putative spouses are legitimate.~~ A putative spouse acquires the rights

1 conferred upon a legal spouse, including the right to maintenance  
2 following termination of his OR HER status, whether or not the marriage  
3 is prohibited under section 14-2-110, declared invalid, or otherwise  
4 terminated by court action. If there is a legal spouse or other putative  
5 spouses, rights acquired by a putative spouse do not supersede the rights  
6 of the legal spouse or those acquired by other putative spouses, but the  
7 court shall apportion property, maintenance, and support rights among the  
8 claimants as appropriate in the circumstances and in the interests of  
9 justice.

10 **SECTION 7.** In Colorado Revised Statutes, **amend** 14-6-108 as  
11 follows:

12 **14-6-108. Citizenship - residence.** FOR ALL THE PURPOSES OF  
13 THIS ARTICLE 6, citizenship or residence once acquired in this state by any  
14 parent of ~~any legitimate or illegitimate~~ A child living in this state ~~shall be~~  
15 ~~deemed for all the purposes of this article to continue~~ CONTINUES until  
16 ~~such~~ THE child has arrived at the age of sixteen years, so long as ~~said~~ THE  
17 child continues to live in this state. In case of prosecution under this  
18 ~~article~~ ARTICLE 6 for the violation of any of the provisions of this ~~article~~  
19 ARTICLE 6, such citizenship or residence ~~shall likewise be deemed to~~  
20 ~~continue~~ CONTINUES so long as ~~such~~ THE spouse or parent resides in this  
21 state and is entitled to the support or maintenance provided for in section  
22 14-6-101.

23 **SECTION 8.** In Colorado Revised Statutes, 14-10-111, **repeal** (4)  
24 as follows:

25 **14-10-111. Declaration of invalidity.** (4) ~~Children born of a~~  
26 ~~marriage declared invalid are legitimate.~~

27 **SECTION 9.** In Colorado Revised Statutes, 14-10.5-102, **amend**

1 (1) as follows:

2 **14-10.5-102. Legislative declaration.** (1) The general assembly  
3 ~~hereby~~ finds and declares that in most situations it is important to the  
4 healthy development of children that the children spend quality time with  
5 both parents. The general assembly further finds that due to dissolution  
6 of marriage, legal separation, and ~~out-of-wedlock births~~ CHILDREN BORN  
7 TO SINGLE PARENTS, families are often divided. ~~and~~ As a result, many  
8 children do not have the opportunity to spend the time with both parents  
9 that a court may have determined is in their best interests.

10 **SECTION 10.** In Colorado Revised Statutes, 14-14-112, **amend**  
11 (2) introductory portion and (2)(c) as follows:

12 **14-14-112. Deductions for health insurance.** (2) THE OBLIGEE  
13 OR THE OBLIGEE'S REPRESENTATIVE SHALL MAIL notice of the deduction  
14 for health insurance ~~shall be mailed by first-class mail by the obligee or~~  
15 ~~the obligee's representative~~ to the obligor's employer. The notice of the  
16 deduction for health insurance ~~shall~~ MUST contain:

17 (c) A statement that the employer shall enroll an obligor's child in  
18 the health insurance plan in which the obligor is enrolled if the child can  
19 be covered under that plan or, if the obligor is not enrolled, in the least  
20 costly plan otherwise available to the child, regardless of ~~whether the~~  
21 ~~child was born out of wedlock~~, THE MARITAL STATUS OF THE CHILD'S  
22 PARENTS WHEN HE OR SHE WAS BORN OR WHETHER THE CHILD IS claimed  
23 as a dependent on the obligor's federal or state income tax return, lives  
24 with the obligor, or lives within the insurer's service area, notwithstanding  
25 any other provision of law restricting enrollment to persons who reside in  
26 an insurer's service area;

27 **SECTION 11.** In Colorado Revised Statutes, 19-5-203, **amend**

1 (1)(f) as follows:

2 **19-5-203. Availability for adoption.** (1) A child may be  
3 available for adoption only upon:

4 (f) Written and verified consent of the parent or parents as defined  
5 in section 19-1-103 (82) in a stepparent adoption where the ~~child is~~  
6 ~~conceived and born out of wedlock~~ CHILD'S PARENTS WERE NOT MARRIED  
7 AT THE TIME THE CHILD WAS CONCEIVED AND BORN;

8 **SECTION 12.** In Colorado Revised Statutes, 19-5-211, **amend**  
9 (1) as follows:

10 **19-5-211. Legal effects of final decree.** (1) After the entry of a  
11 final decree of adoption, the person adopted ~~shall be,~~ ~~to~~ IS, FOR all intents  
12 and purposes, the child of the petitioner. He ~~shall be~~ OR SHE IS entitled to  
13 all the rights and privileges and ~~be~~ IS subject to all the obligations of a  
14 child born ~~in lawful wedlock~~ to the petitioner.

15 **SECTION 13.** In Colorado Revised Statutes, **amend** 25-2-107 as  
16 follows:

17 **25-2-107. Reports of adoption, dissolution of marriage,**  
18 **parentage, and other court proceedings affecting vital statistics - tax**  
19 **on court action affecting vital statistics.** (1) The clerk of each court or,  
20 for parentage proceedings, the clerk of the court or a delegate child  
21 support enforcement unit, shall prepare a report containing ~~such~~  
22 information and using ~~such form~~ FORMS as may be prescribed and  
23 furnished by the state registrar with respect to every decree entered by the  
24 court with respect to parentage, ~~legitimacy,~~ adoption, change of name,  
25 dissolution of marriage, legal separation, or declaration of invalidity of  
26 marriage, and every decree amending or nullifying such a decree and also  
27 with respect to every decree entered pursuant to section 25-2-114. On or

1 before the tenth day of each month, or more frequently if so requested by  
2 the state registrar, ~~such~~ THE clerk shall forward to the state registrar the  
3 reports for all such decrees entered during the preceding period.

4 (2) In order to help defray the maintenance of vital statistics  
5 records, ~~there shall be levied~~; AND in addition to the tax levied under  
6 section 2-5-119, ~~C.R.S.~~, a tax of three dollars SHALL BE LEVIED upon each  
7 action with respect to parentage, ~~legitimacy~~, adoption, change of name,  
8 dissolution of marriage, legal separation, or declaration of invalidity of  
9 marriage that is filed in the office of each clerk of a court of record in this  
10 state on or after July 1, 1985. The tax ~~shall~~ MUST be paid at the time of ~~the~~  
11 ~~filing of such action~~ THE ACTION IS FILED, and the clerk shall keep ~~such~~  
12 THE tax in a separate fund and ~~shall~~ transmit ~~such~~ THE tax monthly to the  
13 state treasurer, who shall credit the same to the vital statistics records cash  
14 fund pursuant to section 25-2-121. A delegate child support enforcement  
15 unit acting pursuant to article 13 of title 26 ~~C.R.S.~~, ~~shall be~~ IS exempt  
16 from paying the tax authorized in this subsection (2).

17 **SECTION 14.** In Colorado Revised Statutes, 25-2-113, **amend**  
18 (1)(a) and (3) as follows:

19 **25-2-113. New certificates of birth following adoption -**  
20 **parentage determination.** (1) (a) THE STATE REGISTRAR SHALL PREPARE  
21 a new certificate of birth ~~shall be prepared by the state registrar~~ as to any  
22 person born in this state whenever he OR SHE receives, with respect to  
23 such a person, any of the following: A report concerning adoption  
24 ~~legitimacy~~, or parentage as required by section 25-2-107; or a report or  
25 certified copy of a decree concerning the adoption ~~legitimacy~~, or  
26 parentage of ~~such a~~ THE person from a court of competent jurisdiction  
27 outside this state; or a certified copy of the marriage certificate of the

1 parents, together with a statement of the husband, executed after ~~such~~ THE  
2 marriage, in which the husband acknowledges paternity. ~~but with respect~~  
3 ~~to adoptions~~ no THE STATE REGISTRAR SHALL NOT PREPARE A new  
4 certificate of birth ~~shall be prepared if the state registrar is requested not~~  
5 ~~to do so by~~ FOR AN ADOPTION IF the court that has decreed the adoption,  
6 ~~by an adoptive parent, or by the adopted person HAS REQUESTED THAT~~  
7 THE STATE REGISTRAR NOT PREPARE SUCH NEW CERTIFICATE OF BIRTH.  
8 Each new certificate ~~shall~~ MUST show all information shown on the  
9 original certificate of birth, except information for which substitute  
10 information is included as a result of the report or decree which prompts  
11 the preparation of the new certificate.

12 (3) Thereafter, the original certificate and evidence concerning  
13 adoption ~~legitimacy~~, or parentage ~~shall~~ MUST be sealed and ~~not be~~ IS NOT  
14 subject to inspection, except as provided in section 25-2-113.5 or in part  
15 3 of article 5 of title 19, ~~C.R.S.~~, by regulation, or upon order of a court of  
16 competent jurisdiction after the court has satisfied itself that the interests  
17 of the child or the child's descendants or the parents will best be served  
18 by opening ~~said~~ THE seal. The information obtained from opening ~~said~~  
19 THE seal may be withheld from public view or from being presented as  
20 evidence at the discretion of the judge.

21 **SECTION 15.** In Colorado Revised Statutes, 25-2-115, **amend**  
22 (1) as follows:

23 **25-2-115. Alteration of reports and certificates - amended**  
24 **reports and certificates.** (1) ~~No~~ A vital statistics report or certificate  
25 shall NOT ever be altered in any way except in accordance with this ~~article~~  
26 ARTICLE 2 and applicable ~~regulations~~ RULES. The date of alteration and a  
27 summary description of the evidence submitted in support of the

1 alteration ~~shall~~ MUST be endorsed on or made a part of each vital statistics  
2 certificate that is altered. Every vital statistics report or certificate that is  
3 altered in any way ~~shall~~ MUST be marked "Amended" except the birth  
4 report or certificate of ~~any illegitimate~~ A child altered by the addition of  
5 a father's name pursuant to section 25-2-112 (3), in which case, upon  
6 request of the parents, the surname of the child shall be changed on the  
7 report and certificate to that of the father, and also except additions and  
8 minor corrections made within one year after the date of the statistical  
9 event as may be specified by applicable ~~regulations~~ RULES. A child's  
10 surname may be changed upon affidavit of the parent that the change is  
11 being made to conform ~~such~~ THE child's surname to the parent's legal  
12 surname.

13 **SECTION 16.** In Colorado Revised Statutes, 26-2-705, **amend**  
14 (2)(c) as follows:

15 **26-2-705. Works program - purposes.** (2) The purposes of the  
16 works program are to:

17 (c) Prevent and reduce the incidence of ~~out-of-wedlock~~  
18 pregnancies OF WOMEN AND MEN WHO ARE NOT MARRIED and to establish  
19 annual numerical goals for preventing and reducing the incidences of  
20 these pregnancies;

21 **SECTION 17.** In Colorado Revised Statutes, 26-2-712, **amend**  
22 (5) introductory portion and (5)(d) as follows:

23 **26-2-712. State department duties - authority.** (5) **Oversight.**  
24 In connection with overseeing the works program, the SPECIFIC DUTIES OF  
25 THE state department ~~shall have the specific duties~~ ARE to:

26 (d) Establish statewide goals and monitor the state's progress  
27 toward meeting such goals for the reduction in the incidence of

1 ~~out-of-wedlock~~ pregnancies OF WOMEN AND MEN WHO ARE NOT MARRIED;

2           **SECTION 18. Act subject to petition - effective date.** This act  
3 takes effect at 12:01 a.m. on the day following the expiration of the  
4 ninety-day period after final adjournment of the general assembly (August  
5 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a  
6 referendum petition is filed pursuant to section 1 (3) of article V of the  
7 state constitution against this act or an item, section, or part of this act  
8 within such period, then the act, item, section, or part will not take effect  
9 unless approved by the people at the general election to be held in  
10 November 2018 and, in such case, will take effect on the date of the  
11 official declaration of the vote thereon by the governor.

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

Bill K

LLS NO. 18-0415.01 Nicole Myers x4326

SENATE BILL

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SENATE SPONSORSHIP

Zenzinger, Martinez Humenik, Moreno, Tate

HOUSE SPONSORSHIP

Thurlow, Arndt, Hooton, Nordberg

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Senate Committees

House Committees

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A BILL FOR AN ACT

101 CONCERNING THE REPEAL OF PROCEDURES TO FILL VACANCIES IN  
102 CANDIDATE NOMINATIONS FOR ELECTIONS CONDUCTED UNDER  
103 THE "COLORADO MUNICIPAL CODE OF 1965".

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Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)*

**Statutory Revision Committee.** Current law specifies the process by which a vacancy in nomination maybe filled for an election conducted under the "Colorado Municipal Code of 1965". **Section 3** of the bill repeals this process. **Section 2** makes a conforming amendment.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

---

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

2           **SECTION 1. Legislative declaration.** The general assembly  
3 hereby finds and declares that the process to fill a vacancy in nomination  
4 under the "Colorado Municipal Code of 1965" is unsuitable, confusing,  
5 and rarely, if ever, utilized in the context of nonpartisan elections. It is  
6 therefore appropriate to repeal the provisions relating to filling  
7 nominations in vacancy for municipal office elections, without disturbing  
8 the ability of a candidate to withdraw.

9           **SECTION 2.** In Colorado Revised Statutes, **amend** 31-10-103 as  
10 follows:

11           **31-10-103. Computation of time.** Calendar days shall be used  
12 in all computations of time made under ~~the provisions of this article~~ THIS  
13 ARTICLE 10. In computing time for any act to be done before any  
14 municipal election, the first day shall be included, and the last, or  
15 election, day shall be excluded. Saturdays, Sundays, and legal holidays  
16 shall be included, but, if the time for any act to be done or the last day of  
17 any period is a Saturday, Sunday, or a legal holiday, the period is  
18 extended to include the next day which is not a Saturday, Sunday, or legal  
19 holiday. If the time for ending the circulation of and filing nomination  
20 petitions provided by section 31-10-302, the time for withdrawing from  
21 nomination provided by section 31-10-303 (1), ~~the time prior to which~~  
22 ~~vacancies in nominations may be filled and by which certificates of~~  
23 ~~nomination or petitions to fill such vacancies may be filed as provided by~~  
24 ~~section 31-10-304~~, or the time for filing amended or new petitions to  
25 remedy objections as provided by section 31-10-305 falls on Saturday,  
26 Sunday, or a legal holiday, such act shall be done upon the preceding day

1 which is not a Saturday, Sunday, or legal holiday.

2           **SECTION 3.** In Colorado Revised Statutes, **repeal** 31-10-303 (2),  
3 31-10-304, and 31-10-909 (1)(c).

4           **SECTION 4. Act subject to petition - effective date -**  
5 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
6 the expiration of the ninety-day period after final adjournment of the  
7 general assembly (August 8, 2018, if adjournment sine die is on May 9,  
8 2018); except that, if a referendum petition is filed pursuant to section 1  
9 (3) of article V of the state constitution against this act or an item, section,  
10 or part of this act within such period, then the act, item, section, or part  
11 will not take effect unless approved by the people at the general election  
12 to be held in November 2018 and, in such case, will take effect on the  
13 date of the official declaration of the vote thereon by the governor.

14           (2) This act applies to elections conducted on or after the  
15 applicable effective date of this act.

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

Bill L

LLS NO. 18-0404.01 Jennifer Berman x3286

HOUSE BILL

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HOUSE SPONSORSHIP

Hooton, Arndt, Nordberg, Thurlow

SENATE SPONSORSHIP

Zenzinger, Martinez Humenik, Moreno, Tate

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House Committees

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING THE REMOVAL OF OUTDATED STATUTORY REFERENCES  
102 TO REPEALED REPORTING REQUIREMENTS THAT WERE  
103 PREVIOUSLY IMPOSED ON THE PARKS AND WILDLIFE  
104 COMMISSION WITH REGARD TO ITS RULE-MAKING AUTHORITY  
105 TO SET FEES.

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Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)*

**Statutory Revision Committee.** The bill removes obsolete references to a statutory subsection that was repealed on September 1, 2017. Because the repealed statutory subsection concerned the manner in

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

which the parks and wildlife commission sets fees by rule, the bill replaces the obsolete references with references to the parks and wildlife commission's fee-setting rules.

---

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

**SECTION 1. Legislative declaration.** (1) The general assembly hereby finds that:

(a) A provision of law that imposed reporting requirements on the parks and wildlife commission when setting fees by rule was repealed on September 1, 2017; and

(b) Twelve statutory provisions still reference the repealed provision.

(2) Now, therefore, the general assembly clarifies that the obsolete references to the repealed statute should be removed and replaced with references to the commission's rules.

**SECTION 2.** In Colorado Revised Statutes, 33-10-107, **amend** (1)(h) as follows:

**33-10-107. Powers of commission - rules - definitions.** (1) The commission has power to:

(h) Establish by ~~rules pursuant to section 33-10-111 (5)~~ RULE the amounts of fees for certificates, permits, licenses, and passes and any other special charges in order to provide for cash revenues necessary for the continuous operation of the state park and recreation system, subject to section 33-10-115; except that ~~no~~ such fees shall NOT be used for capital construction other than controlled maintenance activities. Except as provided in section 33-10-111 (1), fees and charges collected pursuant to this ~~paragraph (h)~~ SUBSECTION (1)(h) shall be credited to the ~~division of parks and outdoor recreation cash fund~~ CREATED IN SECTION 33-10-111

1 (1).

2 **SECTION 3.** In Colorado Revised Statutes, 33-13-103, **amend**  
3 (1) introductory portion as follows:

4 **33-13-103. Numbering of vessels required - rules.** (1) It is  
5 unlawful for any person to operate or use a vessel on the waters of this  
6 state or to possess a vessel at a vessel staging area unless the vessel has  
7 been numbered and THE DIVISION HAS ISSUED a certificate of the number,  
8 referred to in this ~~article~~ ARTICLE 13 as a "registration", ~~has been issued~~  
9 to the vessel. ~~by the division.~~ The operator of the vessel shall produce the  
10 registration for inspection upon demand of any officer authorized to  
11 enforce articles 10 to 15 and 32 of this ~~title~~ TITLE 33. The following are  
12 exempt from the requirements of this subsection (1) and from the vessel  
13 registration fee as specified ~~pursuant to section 33-10-111 (5)~~ BY THE  
14 COMMISSION BY RULE:

15 **SECTION 4.** In Colorado Revised Statutes, 33-13-104, **amend**  
16 (1) as follows:

17 **33-13-104. Application for vessel number.** (1) The owner of  
18 each vessel requiring numbering by this state shall file an application for  
19 a number with the division or any representative approved by the division  
20 on forms approved and furnished by the division. The OWNER OF THE  
21 VESSEL MUST SIGN THE application ~~shall be signed by the owner of the~~  
22 ~~vessel~~ and ~~shall be accompanied by a~~ PAY AN APPLICATION fee as  
23 specified ~~pursuant to section 33-10-111 (5)~~ BY THE COMMISSION BY RULE;  
24 except that those vessels owned and operated by the state or any political  
25 subdivision ~~thereof shall~~ OF THE STATE MUST be registered without  
26 payment of a registration fee. Upon receipt of the application in approved  
27 form, the division or its representative shall issue to the applicant a

1 registration stating the number issued to the vessel. The number issued  
2 shall be painted on or attached to each side of the bow on the forward half  
3 of the vessel or, if there are no such sides, at a corresponding location on  
4 both sides of the foredeck of the vessel for which it is issued. The number  
5 issued ~~shall~~ MUST read from left to right in block characters of good  
6 proportion having a minimum of three inches in height, excluding border  
7 or trim, and of a color that contrasts with the color of the background, and  
8 ~~so maintained as to be~~ MUST REMAIN clearly visible and legible. ~~No Other~~  
9 ~~number shall~~ NUMBERS MUST NOT be carried on the bow of the vessel.  
10 Any person who fails to display a vessel number as required in this  
11 subsection (1) is guilty of a class 2 petty offense and, upon conviction,  
12 shall be punished by a fine of twenty-five dollars.

13 **SECTION 5.** In Colorado Revised Statutes, 33-14-102, **amend**  
14 (3)(a) and (4)(a) as follows:

15 **33-14-102. Snowmobile registration - fees - applications -**  
16 **requirements - penalties - exemptions.** (3) (a) For all or any part of a  
17 year beginning October 1 and ending September 30, the original and each  
18 renewal registration fee TO BE PAID by an owner ~~shall~~ MUST be ~~as~~ IN THE  
19 AMOUNT specified ~~pursuant to section 33-10-111 (5)~~ BY THE COMMISSION  
20 BY RULE.

21 (4) (a) For each year beginning October 1 and ending September  
22 30 or portion ~~thereof~~ OF THE YEAR for which ~~such~~ THE registration is  
23 made, the AMOUNT OF THE registration fee for all snowmobiles owned by  
24 a dealer or manufacturer ~~which~~ THAT are operated for demonstration or  
25 testing purposes only ~~shall~~ MUST be ~~as~~ IN THE AMOUNT specified ~~pursuant~~  
26 ~~to section 33-10-111 (5)~~ BY THE COMMISSION BY RULE.

27 **SECTION 6.** In Colorado Revised Statutes, 33-14-105, **amend**

1 (2)(a) as follows:

2 **33-14-105. Transfer or other termination of ownership.**

3 (2) (a) If there is a change of ownership of a snowmobile for which a  
4 registration has been issued, the new owner shall apply for a new  
5 registration from a dealer employed as a licensing agent or from the  
6 division. ~~Such~~ THE application ~~shall~~ MUST set forth the original number  
7 issued and ~~shall~~ MUST be accompanied by the old registration properly  
8 signed by the previous owner and by the required fee for registration as  
9 IN THE AMOUNT specified ~~pursuant to section 33-10-111 (5)~~ BY THE  
10 COMMISSION BY RULE.

11 **SECTION 7.** In Colorado Revised Statutes, 33-14.5-102, **amend**  
12 (1)(b), (3)(a), (4)(a), and (9)(c)(I) as follows:

13 **33-14.5-102. Off-highway vehicle registration -**  
14 **nonresident-owned or -operated off-highway vehicle permits - fees -**  
15 **applications - requirements - exemptions.** (1) (b) The division shall  
16 employ off-highway vehicle agents, including dealers and licensing  
17 agents serving as such for the division, for off-highway vehicle  
18 registration pursuant to section 33-12-104. Upon receiving a registration  
19 application, an agent shall collect the fee specified ~~pursuant to section~~  
20 ~~33-10-111 (5)~~ BY THE COMMISSION BY RULE and issue a temporary  
21 registration and shall forward the application to the division, which shall  
22 issue the registration. An agent may retain a commission of not in excess  
23 of one dollar, as authorized by the division, for each registration issued.  
24 Any dealer is authorized to issue a temporary registration when a person  
25 purchases an off-highway vehicle from ~~such~~ THE dealer.

26 (3) (a) For each year, or portion ~~thereof~~ OF THE YEAR, beginning  
27 April 1 and ending the following March 31, the original and each renewal

1 registration fee TO BE PAID by an owner ~~shall~~ MUST be IN the ~~fee~~ AMOUNT  
2 specified ~~pursuant to section 33-10-111(5)~~ BY THE COMMISSION BY RULE.

3 (4) (a) For each year, or portion ~~thereof~~ OF THE YEAR, beginning  
4 April 1 and ending the following March 31, for which ~~such~~ THE  
5 registration is made, the registration fee for all off-highway vehicles  
6 owned by a dealer or manufacturer and operated solely for demonstration  
7 or testing purposes ~~shall~~ MUST be a ~~fee~~ IN AN AMOUNT specified ~~pursuant~~  
8 ~~to section 33-10-111(5)~~ BY THE COMMISSION BY RULE.

9 (9) (c) (I) Nonresident off-highway vehicle permits shall be sold  
10 by the agents designated pursuant to section 33-12-104, and the fee TO BE  
11 PAID for ~~said~~ THE permits ~~shall~~ MUST be IN the ~~fee~~ AMOUNT provided  
12 ~~pursuant to section 33-10-111(5)~~ BY THE COMMISSION BY RULE.

13 **SECTION 8.** In Colorado Revised Statutes, 33-14.5-105, **amend**  
14 (1) as follows:

15 **33-14.5-105. Transfer or other termination of ownership.**

16 (1) If there is a change of ownership of an off-highway vehicle for which  
17 a registration has been issued, the new owner shall apply for a new  
18 registration from a dealer employed as a licensing agent or from the  
19 division. ~~Such~~ THE application shall set forth the original number issued  
20 and shall be accompanied by the old registration properly signed by the  
21 previous owner and by the ~~required~~ fee for registration ~~pursuant to section~~  
22 ~~33-10-111(5)~~ IN AN AMOUNT SPECIFIED BY THE COMMISSION BY RULE.

23 **SECTION 9.** In Colorado Revised Statutes, 33-14.5-112, **amend**  
24 (2) as follows:

25 **33-14.5-112. Off-highway use permit - fees - applications -**  
26 **requirements - exemptions.** (2) Off-highway use permits shall be sold  
27 by the agents referred to in section 33-12-104, and the fee TO BE PAID for

1 ~~said~~ THE permits ~~shall~~ MUST be IN the ~~fee~~ AMOUNT provided pursuant to  
2 ~~section 33-10-111 (5)~~ BY THE COMMISSION BY RULE.

3           **SECTION 10. Act subject to petition - effective date.** This act  
4 takes effect at 12:01 a.m. on the day following the expiration of the  
5 ninety-day period after final adjournment of the general assembly (August  
6 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a  
7 referendum petition is filed pursuant to section 1 (3) of article V of the  
8 state constitution against this act or an item, section, or part of this act  
9 within such period, then the act, item, section, or part will not take effect  
10 unless approved by the people at the general election to be held in  
11 November 2018 and, in such case, will take effect on the date of the  
12 official declaration of the vote thereon by the governor.

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

Bill M

LLS NO. 18-0111.01 Nicole Myers x4326

SENATE BILL

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SENATE SPONSORSHIP

Tate, Martinez Humenik, Moreno, Zenzinger

HOUSE SPONSORSHIP

Arndt, Hooton, Nordberg, Thurlow

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Senate Committees

House Committees

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A BILL FOR AN ACT

101 CONCERNING THE REPEAL OF THE REQUIREMENT THAT EACH STATE  
102 AGENCY ANNUALLY REPORT THE AMOUNT OF FEDERAL MONEY  
103 IT RECEIVED IN THE PRIOR FISCAL YEAR.

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Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)*

**Statutory Revision Committee.** During the 2017 legislative session, the statutory revision committee put forth House Bill 17-1058, which, in part, repealed a requirement that the state controller submit to the general assembly a report of all federal money received by state agencies during the prior fiscal year (report). State agencies are still

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

required to submit an annual report to the state controller of all federal moneys received by the state agency in the prior fiscal year for the state controller's use in preparing the report for the general assembly.

The bill repeals the state agency reporting requirement as the state controller is no longer required to prepare a report for the general assembly.

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

2           **SECTION 1. Legislative declaration.** The general assembly  
3 declares that the purpose of Senate Bill 18-\_\_\_\_, enacted in 2018, is to  
4 remove obsolete provisions from statute by repealing section 24-75-212,  
5 Colorado Revised Statutes, concerning legislative reporting of federal  
6 money. The general assembly further declares that the provisions of  
7 section 24-75-212, Colorado Revised Statutes, are antiquated and  
8 obsolete because they relate to a reporting requirement that the general  
9 assembly previously repealed.

10           **SECTION 2.** In Colorado Revised Statutes, **repeal** 24-75-212.

11           **SECTION 3. Act subject to petition - effective date.** This act  
12 takes effect at 12:01 a.m. on the day following the expiration of the  
13 ninety-day period after final adjournment of the general assembly (August  
14 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a  
15 referendum petition is filed pursuant to section 1 (3) of article V of the  
16 state constitution against this act or an item, section, or part of this act  
17 within such period, then the act, item, section, or part will not take effect  
18 unless approved by the people at the general election to be held in  
19 November 2018 and, in such case, will take effect on the date of the  
20 official declaration of the vote thereon by the governor.

**Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO**

**Bill N**

LLS NO. 18-0288.01 Nicole Myers x4326

**SENATE BILL**

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**SENATE SPONSORSHIP**

**Tate**, Martinez Humenik, Moreno, Zenzinger

**HOUSE SPONSORSHIP**

**Arndt**, Hooton, Nordberg, Thurlow

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**Senate Committees**

**House Committees**

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**A BILL FOR AN ACT**

101     **CONCERNING CERTAIN EXPENSES ALLOWED TO A STATE EMPLOYEE**  
102             **WHEN THE EMPLOYEE IS REQUIRED TO CHANGE HIS OR HER**  
103             **PLACE OF RESIDENCE IN CONNECTION WITH A CHANGE IN JOB**  
104             **DUTIES.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)*

**Statutory Revision Committee.** Current law allows an employee in the state personnel system his or her moving and relocation expenses if an appointing authority requires the employee to change his or her place of residence due to a change in job duties. While federal regulations

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*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

specify which benefits are exempt from taxation, state statute is silent in this regard. The bill specifies, in accordance with federal law, that moving expenses, including the reasonable expenses of moving household goods and personal effects and the reasonable costs of traveling to a new residence, are exempt from income tax. The bill also specifies, in accordance with federal law, that relocation expenses that are provided in the form of a per diem allowance for a certain number of days are subject to income tax.

In addition, the bill removes administrative details and requires the state controller to promulgate rules for the administration of moving and relocation deductions and reimbursements in compliance with the regulations of the federal internal revenue service.

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

2           **SECTION 1. Legislative declaration.** The general assembly  
3 declares that the purpose of Senate Bill 18-\_\_\_, enacted in 2018, is to  
4 correct a defect in the law by clarifying section 24-50-134, Colorado  
5 Revised Statutes, concerning moving and relocation expenses for certain  
6 employees in the state personnel system. The general assembly further  
7 declares that the addition of such clarifying language to section  
8 24-50-134, Colorado Revised Statutes, ensures that such moving and  
9 relocation expense provisions are administered in compliance with federal  
10 law.

11           **SECTION 2.** In Colorado Revised Statutes, **repeal and reenact,**  
12 **with amendments,** 24-50-134 as follows:

13           **24-50-134. Moving and relocation expenses.** (1) WHEN AN  
14 EMPLOYEE IN THE STATE PERSONNEL SYSTEM IS REQUIRED BY ANY  
15 APPOINTING AUTHORITY, BECAUSE OF A CHANGE IN ASSIGNMENT OR A  
16 PROMOTION OR FOR ANY OTHER REASON RELATED TO HIS OR HER DUTIES,  
17 TO CHANGE HIS OR HER PLACE OF RESIDENCE, SUCH EMPLOYEE SHALL BE  
18 ALLOWED HIS OR HER MOVING EXPENSES INCURRED BY REASON OF SUCH  
19 CHANGE OF RESIDENCE. MOVING EXPENSES MAY INCLUDE THE

1 REASONABLE EXPENSES OF MOVING HOUSEHOLD GOODS AND PERSONAL  
2 EFFECTS AND THE REASONABLE COSTS OF TRAVELING TO THE EMPLOYEE'S  
3 NEW RESIDENCE. THE EMPLOYEE MAY EITHER DEDUCT THE MOVING  
4 EXPENSES FROM HIS OR HER TAXABLE INCOME OR THE EMPLOYER MAY  
5 REIMBURSE THE EMPLOYEE FOR SUCH EXPENSES. REIMBURSEMENTS PAID  
6 PURSUANT TO THIS SECTION ARE TAX-EXEMPT AND THE EMPLOYER THAT  
7 REIMBURSES AN EMPLOYEE SHALL EXCLUDE SUCH REIMBURSEMENT FROM  
8 THE EMPLOYEE'S INCOME. ANY DEDUCTION OR REIMBURSEMENT  
9 PURSUANT TO THIS SUBSECTION (1) SHALL BE MADE IN ACCORDANCE WITH  
10 RULES PROMULGATED BY THE STATE CONTROLLER AND IN COMPLIANCE  
11 WITH THE REGULATIONS OF THE FEDERAL INTERNAL REVENUE SERVICE.

12 (2) WHEN AN EMPLOYEE IS REQUIRED BY ANY APPOINTING  
13 AUTHORITY, BECAUSE OF A CHANGE IN ASSIGNMENT OR A PROMOTION OR  
14 FOR ANY OTHER REASON RELATED TO HIS OR HER DUTIES, TO CHANGE HIS  
15 OR HER PLACE OF RESIDENCE, SUCH EMPLOYEE SHALL BE ALLOWED  
16 RELOCATION EXPENSES IN THE FORM OF A PER DIEM ALLOWANCE UP TO A  
17 MAXIMUM OF THIRTY DAYS FOR NECESSARY EXPENSES INCURRED WHILE  
18 RELOCATING A PERMANENT RESIDENCE. THE EMPLOYEE MAY CHOOSE TO  
19 EXCLUDE INTERRUPTIONS CAUSED BY SICK LEAVE, VACATION, OTHER  
20 AUTHORIZED LEAVE OF ABSENCE, OR ORDERED TRAVEL. ANY PER DIEM  
21 ALLOWANCE PAID TO AN EMPLOYEE PURSUANT TO THIS SUBSECTION (2) IS  
22 SUBJECT TO INCOME TAX AND THE EMPLOYER THAT PROVIDES SUCH PER  
23 DIEM ALLOWANCE SHALL INCLUDE THE TOTAL AMOUNT OF THE  
24 ALLOWANCE IN THE EMPLOYEE'S INCOME. THE RATES OF REIMBURSEMENT  
25 FOR RELOCATION EXPENSES SHALL NOT EXCEED THE RATES FIXED BY  
26 EXECUTIVE ORDER. ANY PER DIEM PAYMENTS MADE PURSUANT TO THIS  
27 SUBSECTION (2) SHALL BE IN ACCORDANCE WITH RULES PROMULGATED BY

1 THE STATE CONTROLLER AND IN COMPLIANCE WITH THE REGULATIONS OF  
2 THE FEDERAL INTERNAL REVENUE SERVICE.

3 (3) THE STATE CONTROLLER SHALL PROMULGATE RULES IN  
4 ACCORDANCE WITH THE "STATE ADMINISTRATIVE PROCEDURE ACT",  
5 ARTICLE 4 OF THIS TITLE 24, FOR THE IMPLEMENTATION OF THIS SECTION.  
6 SUCH RULES SHALL BE IN ACCORDANCE WITH THE REGULATIONS OF THE  
7 FEDERAL INTERNAL REVENUE SERVICE AND SHALL INCLUDE THE  
8 FOLLOWING:

9 (a) THE CIRCUMSTANCES UNDER WHICH AN EMPLOYEE IS ELIGIBLE  
10 TO CLAIM MOVING EXPENSES AND RELOCATION EXPENSES PURSUANT TO  
11 THIS SECTION;

12 (b) THE NATURE OF MOVING EXPENSES AND RELOCATION  
13 EXPENSES THAT A STATE EMPLOYEE MAY CLAIM PURSUANT TO THIS  
14 SECTION;

15 (c) THE MAXIMUM AMOUNT OF MOVING EXPENSES AN EMPLOYEE  
16 MAY CLAIM PURSUANT TO THIS SECTION; AND

17 (d) ANY OTHER RULES DEEMED NECESSARY BY THE STATE  
18 CONTROLLER FOR THE ADMINISTRATION OF THIS SECTION IN COMPLIANCE  
19 WITH THE REGULATIONS OF THE FEDERAL INTERNAL REVENUE SERVICE.

20 **SECTION 3. Act subject to petition - effective date.** This act  
21 takes effect at 12:01 a.m. on the day following the expiration of the  
22 ninety-day period after final adjournment of the general assembly (August  
23 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a  
24 referendum petition is filed pursuant to section 1 (3) of article V of the  
25 state constitution against this act or an item, section, or part of this act  
26 within such period, then the act, item, section, or part will not take effect  
27 unless approved by the people at the general election to be held in

1 November 2018 and, in such case, will take effect on the date of the  
2 official declaration of the vote thereon by the governor.

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

Bill O

LLS NO. 18-0287.01 Nicole Myers x4326

SENATE BILL

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SENATE SPONSORSHIP

Tate, Martinez Humenik, Moreno, Zenzinger

HOUSE SPONSORSHIP

Hooton, Arndt, Nordberg, Thurlow

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Senate Committees

House Committees

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A BILL FOR AN ACT

101 CONCERNING MODIFICATIONS TO THE "STATE EMPLOYEES GROUP  
102 BENEFITS ACT".

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Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)*

**Statutory Revision Committee.** The "State Employees Group Benefits Act" (act) authorizes the state personnel director (director) to enter into contracts with carriers to provide medical, dental, life, and disability benefits to state employees. The bill modifies several provisions of the act to bring it into compliance with current state and federal law and to eliminate obsolete provisions. Specifically, the bill:

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

- To bring the act into compliance with federal law, changes the definition of "dependent" to include a child through the end of the month in which the child turns 26, eliminates the requirement that a child be a full-time student to be a dependent past the age of 19, eliminates the requirement that a child be unmarried to be a dependent, and eliminates the requirement that the employee be the major source of financial support or directed by a court to provide coverage for a child to be a dependent;
- Removes an employee's domestic partner from the definition of "dependent" as the director has repealed rules allowing a person to submit documentation demonstrating a domestic partnership with an employee;
- Removes a reference to lifetime maximum benefit per employee or employee's covered dependents to bring the act into compliance with federal law;
- Eliminates a provision requiring the director to give written notice of intent to seek a contract with insurance carriers, and authorizes the director to make such announcement in a manner that he or she determines;
- Eliminates an obsolete provision that required the director to evaluate the feasibility of offering a high deductible health plan and to forward the findings of the evaluation to the general assembly by October 1, 2004;
- Eliminates an obsolete provision that specified the amount of the state's contribution for each employee enrolled in group benefit plans for the 2003 calendar year; and
- Eliminates a requirement that the director hold a public hearing prior to the acceptance of any proposal for a group benefit plan, as this requirement is not in compliance with the "Procurement Code".

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

2           **SECTION 1. Legislative declaration.** The general assembly  
3 declares that the purpose of Senate Bill 18-\_\_\_, enacted in 2018, is to  
4 clarify language and repeal obsolete provisions in the "State Employees  
5 Group Benefits Act", part 6 of article 50 of title 24, Colorado Revised  
6 Statutes. The general assembly further declares that the addition of such  
7 clarifying language to the "State Employees Group Benefits Act" will

1 bring the act into compliance with current state and federal law.

2 **SECTION 2.** In Colorado Revised Statutes, 24-50-603, **amend**  
3 (5)(a); and **repeal** (5)(c) as follows:

4 **24-50-603. Definitions.** As used in this part 6, unless the context  
5 otherwise requires:

6 (5) "Dependent" means:

7 (a) An employee's legal spouse; each ~~unmarried~~ child, including  
8 adopted children, stepchildren, and foster children, through the end of the  
9 month in which the child turns ~~nineteen~~ TWENTY-SIX years of age; ~~for~~  
10 ~~whom the employee is the major source of financial support or for whom~~  
11 ~~the employee is directed by court order to provide coverage; each~~  
12 ~~unmarried child nineteen years of age, through the end of the month in~~  
13 ~~which that child is no longer a full-time student in an educational or~~  
14 ~~vocational institution, but no longer than through the end of the month in~~  
15 ~~which the full-time student turns twenty-four years of age, and for whom~~  
16 ~~the employee is the major source of financial support or for whom the~~  
17 ~~employee is directed by court order to provide coverage; or an unmarried~~  
18 child of any age who has either a physical or mental disability, as defined  
19 by the carrier, not covered under other government programs, and for  
20 whom the employee is the major source of financial support or for whom  
21 the employee is directed by court order to provide coverage;

22 (c) ~~An employee's domestic partner, as authorized by the director~~  
23 ~~by rule adopted in accordance with article 4 of this title, who has~~  
24 ~~submitted documentation demonstrating a domestic partnership with an~~  
25 ~~employee as required by such rules;~~

26 **SECTION 3.** In Colorado Revised Statutes, 24-50-605, **amend**  
27 (1)(a) and (1)(b); and **repeal** (5) as follows:



1 turned ~~twenty-five~~ TWENTY-SIX years old, the director shall remove the  
2 dependent from the group benefit plan by the end of the month in which  
3 the dependent turned ~~twenty-five~~ TWENTY-SIX years old. If the director  
4 fails to remove the ineligible dependent, the employee and the employee's  
5 department shall not be directly financially liable for the premiums paid  
6 for the dependent coverage if no claims have been paid for the ineligible  
7 dependent. If the director fails to remove the ineligible dependent and a  
8 claim has been paid for the ineligible dependent, the employee and the  
9 employee's department shall not be directly financially liable for the paid  
10 claim. The costs for premiums and claims paid may be paid from the  
11 group benefit plans reserve fund established in section 24-50-613.

12 **SECTION 5.** In Colorado Revised Statutes, 24-50-609, **repeal**  
13 (2)(b)(II) as follows:

14 **24-50-609. State contributions - supplemental state**  
15 **contribution fund - creation.** (2) (b) (II) ~~Effective December 1, 2002,~~  
16 ~~for the 2003 calendar year, the state of Colorado shall contribute an~~  
17 ~~amount necessary to pay one hundred sixty-six dollars and twelve cents~~  
18 ~~per month per single employee, two hundred thirty-nine dollars and~~  
19 ~~fifteen cents per month per employee with one covered dependent, and~~  
20 ~~three hundred twenty-eight dollars and eighty-seven cents per month per~~  
21 ~~employee with two or more covered dependents for each employee~~  
22 ~~enrolled in group benefit plans that include enrollment in medical~~  
23 ~~benefits. The amounts specified in this subparagraph (II) may be adjusted~~  
24 ~~for future years in accordance with subparagraph (I) of this paragraph (b)~~  
25 ~~and section 24-50-104 (4).~~

26 **SECTION 6.** In Colorado Revised Statutes, 24-50-612, **repeal** (3)  
27 as follows:

1           **24-50-612. Administrative duties.** (3) ~~The director shall hold a~~  
2 ~~public hearing prior to the acceptance of any proposal for a group benefit~~  
3 ~~plan. Notice of the hearing shall be given at least fourteen days in~~  
4 ~~advance by mailing such notice to persons on the list maintained by the~~  
5 ~~department of personnel pursuant to section 24-4-103 (3)(b).~~

6           **SECTION 7. Act subject to petition - effective date.** This act  
7 takes effect at 12:01 a.m. on the day following the expiration of the  
8 ninety-day period after final adjournment of the general assembly (August  
9 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a  
10 referendum petition is filed pursuant to section 1 (3) of article V of the  
11 state constitution against this act or an item, section, or part of this act  
12 within such period, then the act, item, section, or part will not take effect  
13 unless approved by the people at the general election to be held in  
14 November 2018 and, in such case, will take effect on the date of the  
15 official declaration of the vote thereon by the governor.

**Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO**

**Bill P**

LLS NO. 18-0418.01 Jane Ritter x4342

**SENATE BILL**

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**SENATE SPONSORSHIP**

**Zenzinger**, Martinez Humenik, Moreno, Tate

**HOUSE SPONSORSHIP**

**Nordberg**, Arndt, Hooton, Thurlow

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**Senate Committees**

**House Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING CLARIFYING LANGUAGE IN THE MENTAL HEALTH**  
102                    **PRACTICE ACT CONCERNING GENERALLY ACCEPTED STANDARDS**  
103                    **OF PRACTICE.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)*

**Statutory Revision Committee.** The bill adds clarifying language to a section in the mental health practice act, article 43 of title 12, Colorado Revised Statutes, concerning prohibited activities. Specifically, the bill clarifies what is included in the phrase "generally accepted standards of practice".

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

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

2           **SECTION 1. Legislative declaration.** The general assembly  
3 declares that the purpose of Senate Bill 18-\_\_\_, enacted in 2018, is to  
4 effect a nonsubstantive change in statute to clarify language in section  
5 12-43-222, Colorado Revised Statutes, concerning "generally accepted  
6 standards of practice". The general assembly further declares that the  
7 addition of such clarifying language to the section does not in any way  
8 alter the scope or applicability of the statutory section involved.

9           **SECTION 2.** In Colorado Revised Statutes, 12-43-222, **amend**  
10 (1)(g)(I) as follows:

11           **12-43-222. Prohibited activities - related provisions.** (1) A  
12 person licensed, registered, or certified under this article 43 violates this  
13 article 43 if he or she:

14           (g) (I) Has acted or failed to act in a manner that does not meet the  
15 generally accepted standards of the professional discipline under which  
16 the person practices. Generally accepted standards may include, at the  
17 board's discretion, ~~the standards of practice generally recognized by state~~  
18 ~~and national associations of practitioners~~ A MALPRACTICE JUDGMENT OF  
19 A COURT OF COMPETENT JURISDICTION OR THE ETHICS CODE OF AN  
20 ASSOCIATION WHERE THE PRACTITIONER HOLDS MEMBERSHIP in the field  
21 of the person's professional discipline.

22           **SECTION 3. Act subject to petition - effective date.** This act  
23 takes effect at 12:01 a.m. on the day following the expiration of the  
24 ninety-day period after final adjournment of the general assembly (August  
25 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a  
26 referendum petition is filed pursuant to section 1 (3) of article V of the

1 state constitution against this act or an item, section, or part of this act  
2 within such period, then the act, item, section, or part will not take effect  
3 unless approved by the people at the general election to be held in  
4 November 2018 and, in such case, will take effect on the date of the  
5 official declaration of the vote thereon by the governor.

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

Bill Q

LLS NO. 18-0420.01 Jane Ritter x4342

SENATE BILL

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SENATE SPONSORSHIP

Martinez Humenik, Moreno, Tate, Zenzinger

HOUSE SPONSORSHIP

Thurlow, Arndt, Hooton, Nordberg

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Senate Committees

House Committees

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A BILL FOR AN ACT

101 CONCERNING MODERNIZING STATUTORY PROVISIONS THAT REFER TO  
102 TERMS RELATED TO "MENTAL RETARDATION".

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Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)*

**Statutory Revision Committee.** The bill modernizes and makes nonsubstantive changes to provisions of statute that use terms like "mental retardation" or "mentally retarded" by replacing the terms with more appropriate "intellectual and developmental disability" language.

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Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

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

2 **SECTION 1. Legislative declaration.** The general assembly  
3 declares that the purpose of Senate Bill 18-\_\_\_\_, enacted in 2018, is to  
4 effect a nonsubstantive change in statute to modernize the outdated use  
5 of the terms "mental retardation" and "mentally retarded" where  
6 appropriate. The general assembly further declares that these terminology  
7 changes do not in any way alter the scope or applicability of the statutory  
8 sections in which the terminology appears.

9 **SECTION 2.** In Colorado Revised Statutes, 18-1.3-1101, **amend**  
10 (2) as follows:

11 **18-1.3-1101. Definitions.** As used in this part 11:

12 (2) "Mentally retarded defendant OR DEFENDANT WITH AN  
13 INTELLECTUAL AND DEVELOPMENTAL DISABILITY" means any defendant  
14 with significantly subaverage general intellectual functioning existing  
15 concurrently with substantial deficits in adaptive behavior and manifested  
16 and documented during the developmental period. The requirement for  
17 documentation may be excused by the court upon a finding that  
18 extraordinary circumstances exist.

19 **SECTION 3.** In Colorado Revised Statutes, **amend** 18-1.3-1102  
20 as follows:

21 **18-1.3-1102. Pretrial motion by defendant in class 1 felony**  
22 **case - determination whether defendant is mentally retarded or has**  
23 **an intellectual and developmental disability - procedure.** (1) Any  
24 defendant may file a motion with the trial court in which the defendant  
25 may allege that such defendant is a mentally retarded defendant ~~Such~~ OR  
26 A DEFENDANT WITH AN INTELLECTUAL AND DEVELOPMENTAL DISABILITY.  
27 THE motion ~~shall~~ MUST be filed at least ninety-one days prior to trial.

1 (2) The court shall hold a hearing upon any motion filed pursuant  
2 to subsection (1) of this section and shall make a determination regarding  
3 ~~such~~ THE motion no later than fourteen days prior to trial. At such  
4 hearing, the defendant ~~shall~~ MUST be permitted to present evidence with  
5 regard to ~~such~~ THE motion and the prosecution ~~shall~~ MUST be permitted  
6 to offer evidence in rebuttal. The defendant ~~shall have~~ HAS the burden of  
7 proof to show by clear and convincing evidence that ~~such defendant~~ HE  
8 OR SHE is mentally retarded OR HAS AN INTELLECTUAL AND  
9 DEVELOPMENTAL DISABILITY.

10 (3) The court shall enter specific findings of fact and conclusions  
11 of law regarding whether or not the defendant is a mentally retarded  
12 defendant OR A DEFENDANT WITH AN INTELLECTUAL AND  
13 DEVELOPMENTAL DISABILITY, as defined in section 18-1.3-1101.

14 **SECTION 4.** In Colorado Revised Statutes, **amend** 18-1.3-1103  
15 as follows:

16 **18-1.3-1103. Mentally retarded defendant or defendant with**  
17 **an intellectual and developmental disability - death penalty not**  
18 **imposed.** A sentence of death shall not be imposed upon any defendant  
19 who is determined to be a mentally retarded defendant OR A DEFENDANT  
20 WITH AN INTELLECTUAL AND DEVELOPMENTAL DISABILITY pursuant to  
21 section 18-1.3-1102. If any person who is determined to be a mentally  
22 retarded defendant OR A DEFENDANT WITH AN INTELLECTUAL AND  
23 DEVELOPMENTAL DISABILITY is found guilty of a class 1 felony, such  
24 defendant shall be sentenced to life imprisonment.

25 **SECTION 5.** In Colorado Revised Statutes, 18-1.3-1104, **amend**  
26 (1), (3), (4), (6) introductory portion, and (6)(c) as follows:

27 **18-1.3-1104. Evaluation and report.** (1) When the defendant

1 files a motion alleging that the defendant is a mentally retarded defendant  
2 OR A DEFENDANT WITH AN INTELLECTUAL AND DEVELOPMENTAL  
3 DISABILITY, the court shall order one or more evaluations of the defendant  
4 with regard to such motion.

5 (3) The defendant ~~shall have~~ HAS a privilege against  
6 self-incrimination that may be invoked prior to or during the course of an  
7 evaluation ~~under~~ PURSUANT TO this section. A defendant's failure to  
8 cooperate with the evaluators or other personnel conducting the  
9 evaluation may be admissible in the defendant's HEARING CONCERNING  
10 mental retardation ~~hearing~~ OR THE PRESENCE OF AN INTELLECTUAL AND  
11 DEVELOPMENTAL DISABILITY.

12 (4) To aid in the formation of an opinion as to mental retardation  
13 OR THE PRESENCE OF AN INTELLECTUAL AND DEVELOPMENTAL DISABILITY,  
14 it is permissible in the course of an evaluation ~~under~~ CONDUCTED  
15 PURSUANT TO this section to use statements ~~of~~ MADE BY the defendant and  
16 any other evidence, including but not limited to the circumstances  
17 surrounding the commission of the offense as well as the DEFENDANT'S  
18 medical and social history, ~~of the defendant~~, in evaluating the defendant.

19 (6) The report of evaluation ~~shall~~ MUST include, but is not limited  
20 to:

21 (c) Diagnosis and an opinion as to whether the defendant is  
22 mentally retarded OR HAS AN INTELLECTUAL AND DEVELOPMENTAL  
23 DISABILITY.

24 **SECTION 6.** In Colorado Revised Statutes, **amend** 18-1.3-1105  
25 as follows:

26 **18-1.3-1105. Evaluation at insistence of defendant.** (1) If the  
27 defendant wishes to be evaluated by an expert ~~in mental retardation~~ of the

1 defendant's choice IN MENTAL RETARDATION OR INTELLECTUAL AND  
2 DEVELOPMENTAL DISABILITIES in connection with the mental retardation  
3 OR INTELLECTUAL AND DEVELOPMENTAL DISABILITY hearing ~~under~~  
4 PURSUANT TO this part 11, the court, upon timely motion, shall order that  
5 the evaluator chosen by the defendant be given reasonable opportunity to  
6 conduct the evaluation.

7 (2) Whenever an expert is endorsed as a witness by the defendant,  
8 a copy of any report of an evaluation of the defendant shall be furnished  
9 to the prosecution within a reasonable time but not less than thirty-five  
10 days prior to the mental retardation OR INTELLECTUAL AND  
11 DEVELOPMENTAL DISABILITY hearing.

12 **SECTION 7.** In Colorado Revised Statutes, 18-1.3-1201, **amend**  
13 (1)(a) as follows:

14 **18-1.3-1201. Imposition of sentence in class 1 felonies -**  
15 **appellate review.** (1) (a) Upon conviction of guilt of a defendant of a  
16 class 1 felony, the trial court shall conduct a separate sentencing hearing  
17 to determine whether the defendant should be sentenced to death or life  
18 imprisonment, unless the defendant was under the age of eighteen years  
19 at the time of the commission of the offense or unless the defendant has  
20 been determined to be a mentally retarded defendant OR A DEFENDANT  
21 WITH AN INTELLECTUAL AND DEVELOPMENTAL DISABILITY pursuant to  
22 part 11 of this ~~article~~ ARTICLE 1.3, in either of which cases, the defendant  
23 ~~shall~~ MUST be sentenced to life imprisonment. THE TRIAL JUDGE SHALL  
24 CONDUCT the hearing ~~shall be conducted by the trial judge~~ before the trial  
25 jury as soon as practicable. Alternate jurors shall not be excused from the  
26 case prior to submission of the issue of guilt to the trial jury and ~~shall~~  
27 MUST remain separately sequestered until a verdict is entered by the trial

1 jury. If the verdict of the trial jury is that the defendant is guilty of a class  
2 1 felony, the alternate jurors ~~shall~~ MUST sit as alternate jurors on the issue  
3 of punishment. If, for any reason satisfactory to the court, any member or  
4 members of the trial jury are excused from participation in the sentencing  
5 hearing, the trial judge shall replace each juror or jurors with an alternate  
6 juror or jurors. If a trial jury was waived or if the defendant pled guilty,  
7 the hearing shall be conducted before the trial judge. The court shall  
8 instruct the defendant when waiving his or her right to a jury trial or when  
9 pleading guilty that he or she is also waiving his or her right to a jury  
10 determination of the sentence at the sentencing hearing.

11 **SECTION 8.** In Colorado Revised Statutes, 18-1.4-102, **amend**  
12 (1)(a) as follows:

13 **18-1.4-102. Imposition of sentence in class 1 felonies for crimes**  
14 **committed on or after July 1, 1995, and prior to July 12, 2002 -**  
15 **appellate review.** (1) (a) Upon conviction of guilt of a defendant of a  
16 class 1 felony, the trial court shall conduct a separate sentencing hearing  
17 to determine whether the defendant should be sentenced to death or life  
18 imprisonment, unless the defendant was under the age of eighteen years  
19 at the time of the commission of the offense, or unless the defendant has  
20 been determined to be a mentally retarded defendant OR A DEFENDANT  
21 WITH AN INTELLECTUAL AND DEVELOPMENTAL DISABILITY pursuant to  
22 part 4 of article 9 of title 16, ~~C.R.S.~~, as it existed prior to October 1, 2002,  
23 in either of which cases, the defendant shall be sentenced to life  
24 imprisonment. THE TRIAL JUDGE SHALL CONDUCT the hearing ~~shall be~~  
25 ~~conducted by the trial judge~~ before the trial jury as soon as practicable.  
26 Alternate jurors shall not be excused from the case prior to submission of  
27 the issue of guilt to the trial jury and ~~shall~~ MUST remain separately

1 sequestered until a verdict is entered by the trial jury. If the verdict of the  
2 trial jury is that the defendant is guilty of a class 1 felony, the alternate  
3 jurors shall sit as alternate jurors on the issue of punishment. If, for any  
4 reason satisfactory to the court, any member or members of the trial jury  
5 are excused from participation in the sentencing hearing, the trial judge  
6 shall replace such juror or jurors with an alternate juror or jurors. If a trial  
7 jury was waived or if the defendant pled guilty, the hearing shall be  
8 conducted before the trial judge. The court shall instruct the defendant  
9 when waiving his or her right to a jury trial or when pleading guilty, that  
10 he or she is also waiving his or her right to a jury determination of the  
11 sentence at the sentencing hearing.

12 **SECTION 9.** In Colorado Revised Statutes, 22-20-103, **amend**  
13 (25) as follows:

14 **22-20-103. Definitions.** As used in this part 1, unless the context  
15 otherwise requires:

16 (25) "Specific learning disability" means a disorder in one or more  
17 of the basic psychological processes involved in understanding or in using  
18 language, spoken or written. ~~which~~ THE disorder may manifest itself in  
19 the imperfect ability to listen, think, speak, read, write, spell, or do  
20 mathematical calculations, and includes such conditions as perceptual  
21 disabilities, brain injury, minimal brain dysfunction, dyslexia, and  
22 developmental aphasia. "Specific learning disability" does not include a  
23 learning problem that is primarily the result of visual, hearing, or motor  
24 disabilities; ~~of mental retardation,~~ ~~of~~ AN INTELLECTUAL AND  
25 DEVELOPMENTAL DISABILITY; AN emotional disturbance; or ~~of~~ AN  
26 environmental, cultural, or economic disadvantage.

27 **SECTION 10.** In Colorado Revised Statutes, **amend** 25-3-403 as

1 follows:

2           **25-3-403. Department to administer federal mental health**  
3 **construction funds.** The department of public health and environment is  
4 designated as the sole agency for carrying out the purposes of Part C of  
5 Title I and Title II of the federal "Mental Retardation Facilities and  
6 Community Mental Health Centers Construction Act of 1963", Public  
7 Law 88-164 of the 88th congress of the United States, approved October  
8 31, 1963, or any amendments thereto, and is authorized to administer a  
9 state plan for carrying out ~~the~~ ITS provisions ~~thereof~~ and to accept, on  
10 behalf of the state, all funds allotted to the state under the provisions of  
11 ~~said~~ THE federal act. ~~or any amendments thereto.~~ Such THE STATE  
12 MENTAL HEALTH AUTHORITY SHALL FORMULATE THE state plan. ~~shall be~~  
13 ~~formulated by the state mental health and mental retardation authority.~~ In  
14 carrying out the purposes ~~hereof~~ OF THE FEDERAL ACT, the department of  
15 public health and environment is authorized to make such reports as may  
16 be required by ~~said~~ THE federal act, ~~or any amendments thereto,~~ and to do  
17 all things that may be required as a condition precedent to the proper  
18 application for the receipt of federal grants under ~~said~~ THE federal act,  
19 ~~and any amendments thereto and regulations thereof,~~ and to administer  
20 and supervise the expenditure of such grants ~~for the purposes hereof~~ in  
21 consultation with the mental health ~~and mental retardation~~ authority of the  
22 state of Colorado.

23           **SECTION 11.** In Colorado Revised Statutes, **amend** 25-4-801 as  
24 follows:

25           **25-4-801. Legislative declaration.** The general assembly declares  
26 that, as a matter of public policy of this state and in the interest of public  
27 health, every newborn infant should be tested for phenylketonuria and

1 other metabolic DISORDERS OR defects in order to prevent ~~mental~~  
2 ~~retardation resulting therefrom~~ INTELLECTUAL AND DEVELOPMENTAL  
3 DISABILITIES RESULTING FROM SUCH CONDITIONS and that the people of  
4 this state should be extensively informed as to the nature and effects of  
5 such METABOLIC DISORDERS OR defects.

6 **SECTION 12.** In Colorado Revised Statutes, 25-4-802, **amend**  
7 (2) as follows:

8 **25-4-802. Tests for metabolic disorders or defects.** (2) The  
9 state board of health has the duty to prescribe from time to time effective  
10 tests and examinations designed to detect phenylketonuria and such other  
11 metabolic disorders or defects likely to cause ~~mental retardation~~  
12 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES, as accepted medical  
13 practice indicates.

14 **SECTION 13.** In Colorado Revised Statutes, **amend** 25-4-803 as  
15 follows:

16 **25-4-803. Rules.** (1) The state board of health shall promulgate  
17 rules ~~and regulations~~ concerning ~~the~~ obtaining of samples or specimens  
18 from newborn infants required for the tests prescribed by the state board  
19 of health for the handling and delivery of the same and for ~~the~~ testing and  
20 examination ~~thereof~~ to detect phenylketonuria or other metabolic  
21 disorders THAT HAVE BEEN found likely to cause ~~mental retardation~~  
22 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES.

23 (2) The department of public health and environment shall furnish  
24 all physicians, public health nurses, hospitals, maternity homes, county  
25 departments of HUMAN OR social services, and the state department of  
26 human services available medical information concerning the nature and  
27 effects of phenylketonuria and other metabolic disorders and defects

1 THAT HAVE BEEN found likely to cause ~~mental retardation~~ INTELLECTUAL  
2 AND DEVELOPMENTAL DISABILITIES.

3 **SECTION 14.** In Colorado Revised Statutes, 25-4-1004.5,  
4 **amend** (1)(b) as follows:

5 **25-4-1004.5. Follow-up testing and treatment - second**  
6 **screening - legislative declaration - fee - rules.** (1) The general  
7 assembly finds that:

8 (b) Newborn testing is designed to identify metabolic disorders  
9 that cause ~~mental retardation~~ INTELLECTUAL AND DEVELOPMENTAL  
10 DISABILITIES and other health problems unless they are diagnosed and  
11 treated early in life;

12 **SECTION 15.** In Colorado Revised Statutes, 25.5-6-403, **amend**  
13 (3.3)(a) as follows:

14 **25.5-6-403. Definitions.** As used in this part 4, unless the context  
15 otherwise requires:

16 (3.3) (a) "Intellectual and developmental disability" means a  
17 disability that manifests before the person reaches twenty-two years of  
18 age, that constitutes a substantial disability to the affected person, and that  
19 is attributable to ~~mental retardation~~ AN INTELLECTUAL AND  
20 DEVELOPMENTAL DISABILITY or related conditions, ~~which include~~  
21 INCLUDING cerebral palsy, epilepsy, autism, or other neurological  
22 conditions, when those conditions result in impairment of general  
23 intellectual functioning or adaptive behavior similar to that of a person  
24 with ~~mental retardation~~ AN INTELLECTUAL AND DEVELOPMENTAL  
25 DISABILITY. Unless otherwise specifically stated, the federal definition of  
26 "developmental disability" found in 42 U.S.C. sec. 15001 et seq. ~~shall~~  
27 DOES not apply.

1           **SECTION 16.** In Colorado Revised Statutes, 25.5-10-202,  
2   **amend** (26)(a) as follows:

3           **25.5-10-202. Definitions.** As used in this article 10, unless the  
4 context otherwise requires:

5           (26) (a) "Intellectual and developmental disability" means a  
6 disability that manifests before the person reaches twenty-two years of  
7 age, that constitutes a substantial disability to the affected person, and that  
8 is attributable to ~~mental retardation~~ AN INTELLECTUAL AND  
9 DEVELOPMENTAL DISABILITY or related conditions, ~~which include~~  
10 INCLUDING cerebral palsy, epilepsy, autism, or other neurological  
11 conditions, ~~when those conditions result~~ WHEN THE CONDITION OR  
12 CONDITIONS RESULT in impairment of general intellectual functioning or  
13 adaptive behavior similar to that of a person with ~~mental retardation~~ AN  
14 INTELLECTUAL AND DEVELOPMENTAL DISABILITY. Unless otherwise  
15 specifically stated, the federal definition of "developmental disability"  
16 found in 42 U.S.C. sec. 15001 et seq. ~~shall~~ DOES not apply.

17           **SECTION 17.** In Colorado Revised Statutes, **amend** 25.5-10-239  
18 as follows:

19           **25.5-10-239. Evaluations to determine whether a defendant is**  
20 **mentally retarded or has an intellectual and developmental disability**  
21 **for purposes of class 1 felony trials.** Upon request of the court, the  
22 executive director, or his or her designee, shall recommend specific  
23 professionals who are qualified to perform an evaluation to determine  
24 whether a defendant is mentally retarded OR IS A DEFENDANT WITH AN  
25 INTELLECTUAL AND DEVELOPMENTAL DISABILITY, as defined in section  
26 18-1.3-1101. ~~C.R.S. Any professional who is recommended shall~~ A  
27 RECOMMENDED PROFESSIONAL MUST be licensed as a psychologist in the

1 state of Colorado and ~~shall~~ MUST have experience in and ~~shall have~~  
2 demonstrated competence in determination and evaluation of persons  
3 with ~~mental retardation~~ INTELLECTUAL AND DEVELOPMENTAL  
4 DISABILITIES. The executive director shall convene a panel of not fewer  
5 than three persons with expertise in ~~mental retardation~~ who shall  
6 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES TO assess the  
7 qualifications of licensed psychologists and make recommendations to the  
8 executive director OR HIS OR HER DESIGNEE.

9 **SECTION 18.** In Colorado Revised Statutes, 26-11-207, **amend**  
10 (5) as follows:

11 **26-11-207. Family caregiver support program - creation.**

12 (5) The area agency on aging shall give priority for services under the  
13 program to older individuals with greatest social and economic need, with  
14 particular attention to low-income older individuals, and to older  
15 individuals providing care and support to persons with ~~mental retardation~~  
16 ~~and related~~ INTELLECTUAL AND developmental disabilities.

17 **SECTION 19.** In Colorado Revised Statutes, 27-66-105, **amend**  
18 (1)(e) as follows:

19 **27-66-105. Standards for approval.** (1) In approving or  
20 rejecting community mental health clinics for the purchase of behavioral  
21 or mental health services, the executive director shall:

22 (e) Require that each clinic from which services may be purchased  
23 be under the control and direction of a county or community board of  
24 health, a board of directors or trustees of a corporation, for profit or not  
25 for profit, a regional mental health ~~and mental retardation~~ board, or a  
26 political subdivision of the state;

27 **SECTION 20.** In Colorado Revised Statutes, **amend** 27-66-106

1 as follows:

2 **27-66-106. Federal grants-in-aid - administration.** The  
3 department is designated the official mental health and ~~mental retardation~~  
4 authority, and is authorized to receive grants-in-aid from the federal  
5 government under the provisions of 42 U.S.C. sec. 246, and shall  
6 administer said grants in accordance therewith.

7 **SECTION 21. Act subject to petition - effective date.** This act  
8 takes effect at 12:01 a.m. on the day following the expiration of the  
9 ninety-day period after final adjournment of the general assembly (August  
10 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a  
11 referendum petition is filed pursuant to section 1 (3) of article V of the  
12 state constitution against this act or an item, section, or part of this act  
13 within such period, then the act, item, section, or part will not take effect  
14 unless approved by the people at the general election to be held in  
15 November 2018 and, in such case, will take effect on the date of the  
16 official declaration of the vote thereon by the governor.

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

Bill R

LLS NO. 18-0419.01 Jane Ritter x4342

HOUSE BILL

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HOUSE SPONSORSHIP

Hooton, Arndt, Nordberg, Thurlow

SENATE SPONSORSHIP

Zenzinger, Martinez Humenik, Moreno, Tate

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House Committees

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING THE REMOVAL OF OUTDATED REFERENCES IN STATUTE  
102 TO "EARLY CHILDHOOD CARE AND EDUCATION COUNCILS".

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Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)*

**Statutory Revision Committee.** The bill removes outdated references in statute to "early childhood care and education councils". The term is no longer used. Instead, these entities are referred to as "early childhood councils".

---

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

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

2 **SECTION 1. Legislative declaration.** The general assembly  
3 declares that the purpose of House Bill 18-\_\_\_\_, enacted in 2018, is to  
4 effect a nonsubstantive change in statute to modernize the outdated term  
5 "early childhood care and education council" to the term that is currently  
6 utilized, "early childhood council". The general assembly further declares  
7 that these terminology changes do not in any way alter the scope or  
8 applicability of the statutory sections in which the terminology appears.

9 **SECTION 2.** In Colorado Revised Statutes, 22-2-134, **amend** (2)  
10 as follows:

11 **22-2-134. Unique student identifier - early childhood**  
12 **education - rules.** (2) The working group shall adopt protocols by which  
13 the department of education, the department of human services, school  
14 districts, charter schools, AND the early childhood councils, as described  
15 in ~~section 26-6.5-103.3, C.R.S., and the early childhood care and~~  
16 ~~education councils, as defined in section 26-6.5-101.5 (6), C.R.S.~~ PART  
17 1 OF ARTICLE 6.5 OF TITLE 26, shall cooperate in assigning the uniquely  
18 identifying student numbers. The working group shall also consider  
19 methods by which to encourage and facilitate the assignment of uniquely  
20 identifying student numbers to students who are receiving early childhood  
21 education services that are not subsidized by state or federal funding.

22 **SECTION 3.** In Colorado Revised Statutes, 22-7-304, **amend** (1)  
23 introductory portion as follows:

24 **22-7-304. Council - advisory duties - technical assistance -**  
25 **report.** (1) The council shall inform, at a minimum, the early childhood  
26 councils ~~and the early childhood care and education councils~~ created  
27 pursuant to PART 1 OF article 6.5 of title 26, ~~C.R.S.~~, public schools, school

1 districts, the state charter school institute, the department, the state board,  
2 the department of higher education, the Colorado commission on higher  
3 education, and the governing boards for the state institutions of higher  
4 education concerning best practices and strategies, aligned with the  
5 national standards for family-school partnerships, for increasing parent  
6 involvement in public education and promoting family and school  
7 partnerships, including but not limited to best practices and strategies in  
8 the following areas:

9 **SECTION 4.** In Colorado Revised Statutes, 22-7-1010, **amend**  
10 (1)(a)(II) as follows:

11 **22-7-1010. State board - commission - public input - staff**  
12 **assistance.** (1) In fulfilling their duties under this part 10, the state board  
13 and the commission, at a minimum, shall:

14 (a) Meet with interested persons throughout the state, including  
15 but not limited to:

16 (II) Representatives of early childhood councils; ~~and early~~  
17 ~~childhood care and education councils;~~

18 **SECTION 5.** In Colorado Revised Statutes, 24-37.5-703.5,  
19 **amend** (1) introductory portion and (1)(f)(VII) as follows:

20 **24-37.5-703.5. Education data subcommittee - created - duties**  
21 **- repeal.** (1) The education data subcommittee is ~~hereby~~ created as a  
22 subcommittee of the advisory board. The education data subcommittee  
23 ~~shall consist~~ CONSISTS of the following members:

24 (f) At least ten members appointed by the governor with expertise  
25 in data sharing by education agencies, including at least one  
26 representative from each of the following groups:

27 (VII) Early childhood councils established pursuant to ~~section~~

1 ~~26-6.5-103, C.R.S., and early childhood care and education councils~~  
2 ~~established pursuant to section 26-6.5-106, C.R.S. PART 1 OF ARTICLE 6.5~~  
3 ~~OF TITLE 26;~~

4 **SECTION 6.** In Colorado Revised Statutes, 26-6-121, **amend** (2)  
5 as follows:

6 **26-6-121. Preschools - unique student identifying numbers -**  
7 **rules.** (2) The working group shall adopt protocols by which the  
8 department of education, the department of human services, school  
9 districts, charter schools, AND the early childhood councils, as described  
10 in ~~section 26-6.5-103.3, and the early childhood care and education~~  
11 ~~councils, as defined in section 26-6.5-101.5 (6)~~ PART 1 OF ARTICLE 6.5 OF  
12 TITLE 26, shall cooperate in assigning the uniquely identifying student  
13 numbers. The working group shall also consider methods by which to  
14 encourage and facilitate the assignment of uniquely identifying student  
15 numbers to students who are receiving early childhood education services  
16 that are not subsidized by state or federal funding.

17 **SECTION 7.** In Colorado Revised Statutes, 26-6.5-101.5, **amend**  
18 (2); and **repeal** (6) as follows:

19 **26-6.5-101.5. Definitions.** As used in this part 1, unless the  
20 context otherwise requires:

21 (2) "Council" means an early childhood council identified or  
22 established locally in communities throughout the state pursuant to  
23 section 26-6.5-103 OR 26-6.5-106 for the purpose of developing and  
24 ultimately implementing a comprehensive system of early childhood  
25 services to ensure the school readiness of children five years of age or  
26 younger in the community. ~~A council may be an early childhood care and~~  
27 ~~education council so long as no more than one council exists in a given~~

1 ~~service area.~~

2 (6) ~~"Early childhood care and education council" means a council~~  
3 ~~that represents public and private stakeholders identified or established~~  
4 ~~locally in communities throughout the state pursuant to section~~  
5 ~~26-6.5-106. An early childhood care and education council shall provide~~  
6 ~~school-readiness quality improvement funding to early care and education~~  
7 ~~providers pursuant to section 26-6.5-106 (3) to enhance the school~~  
8 ~~readiness of children five years of age or younger.~~

9 **SECTION 8.** In Colorado Revised Statutes, 26-6.5-106, **amend**  
10 (3), (3.5)(a)(I) introductory portion, (3.5)(a)(II) introductory portion,  
11 (3.5)(b), (4), (6) introductory portion, (7)(a), (8)(a), (8)(b), (9)(a)  
12 introductory portion, (9)(b), (9)(c), and (9)(d) as follows:

13 **26-6.5-106. School-readiness quality improvement program -**  
14 **rules. (3) School-readiness quality improvement program created.**

15 On and after January 1, 2003, and continuing thereafter subject to  
16 sufficient and available federal funding, there is ~~hereby~~ created the  
17 school-readiness quality improvement program, referred to in this section  
18 as the "program", pursuant to which the state department ~~of human~~  
19 ~~services~~ shall award three years of school-readiness quality improvement  
20 funding to eligible early childhood ~~care and education~~ councils identified  
21 or established throughout the state pursuant to subsection (3.5) of this  
22 section. School-readiness quality improvement funding shall be awarded  
23 to improve the school readiness of children five years of age and younger  
24 who are enrolled in early care and education facilities. School-readiness  
25 quality improvement funding shall be awarded to eligible early childhood  
26 ~~care and education~~ councils based upon allocations made at the discretion  
27 of the state department and subject to available federal funding. Nothing

1 in this section or in any rules promulgated pursuant to this section ~~shall~~  
2 ~~be interpreted to create~~ CREATES a legal entitlement in any early  
3 childhood ~~care and education~~ council to school-readiness quality  
4 improvement funding pursuant to the program. ~~Moneys~~ MONEY awarded  
5 through the program shall be used to improve the school readiness of  
6 children, five years of age and younger, cared for at such facilities, who  
7 ultimately attend eligible elementary schools.

8 (3.5) **Early childhood councils.** (a) (I) Communities throughout  
9 the state that do not have a pilot site agency may identify an existing  
10 entity or establish a new entity to serve as the early childhood ~~care and~~  
11 ~~education~~ council to work toward the development and implementation  
12 of a comprehensive early childhood system to ensure the school readiness  
13 of young children in the community. A community may identify an  
14 existing entity, such as a consolidated child care pilot site agency, ~~or~~ an  
15 interagency coordinating council, or a district preschool program advisory  
16 council, to serve as its early childhood ~~care and education~~ council, or it  
17 may establish a new council. To the extent it is practical, early childhood  
18 ~~care and education~~ councils shall be representative of the various public  
19 and private stakeholders in the community, as specified in this subsection  
20 (3.5), who are committed to supporting the preparedness of young  
21 children for school. ~~Such stakeholders shall~~ STAKEHOLDERS include:

22 (II) In addition, each early childhood ~~care and education~~ council  
23 may include ~~but is not limited to~~, representation from any combination of  
24 the following:

25 (b) For purposes of this section, ~~the~~ AN early childhood ~~care and~~  
26 ~~education~~ council, whether newly established in a community or newly  
27 identified to serve as such, shall work toward consolidating and

1 coordinating funding, including school-readiness quality improvement  
2 funding, to create a seamless early childhood system of collaboration  
3 among the various public and private stakeholders for the effective  
4 delivery of early childhood care and education to young children in the  
5 community.

6 (4) **Application for funding.** (a) (I) An early childhood ~~care and~~  
7 ~~education~~ council seeking school-readiness quality improvement funding  
8 from the state department pursuant to this section shall apply directly to  
9 the state department in the manner specified by rule of the state board. ~~of~~  
10 ~~human services.~~ An early childhood ~~care and education~~ council applying  
11 for school-readiness quality improvement funding pursuant to this section  
12 shall meet the following minimum criteria:

13 (A) The community represented by the early childhood ~~care and~~  
14 ~~education~~ council shall include one or more eligible elementary schools;

15 (B) The early childhood ~~care and education~~ council shall develop  
16 and submit a school-readiness plan to improve the school readiness of  
17 children in the community as described in subsection (6) of this section;  
18 and

19 (C) The early childhood ~~care and education~~ council shall  
20 demonstrate the commitment of the early care and education facilities  
21 identified in the school-readiness plan to cooperate with and participate  
22 in the school-readiness quality rating system described in subsection (5)  
23 of this section.

24 (II) An early childhood ~~care and education~~ council seeking  
25 school-readiness quality improvement funding pursuant to this section  
26 shall, in addition to the requirements set forth in ~~subparagraph (I) of this~~  
27 ~~paragraph (a)~~ SUBSECTION (4)(a)(I) OF THIS SECTION, meet any additional

1 eligibility requirements specified by rule of the state board.

2 (b) Early childhood ~~care and education~~ councils that receive  
3 school-readiness quality improvement funding pursuant to this section  
4 shall distribute such ~~moneys~~ MONEY to early care and education facilities  
5 identified in the school-readiness plan described in subsection (6) of this  
6 section.

7 (6) **School-readiness plans.** Each early childhood ~~care and~~  
8 ~~education~~ council seeking to apply for school-readiness quality  
9 improvement funding pursuant to this section shall prepare and submit to  
10 the state department a three-year school-readiness plan that outlines  
11 strategies to improve the school readiness of children who reside in  
12 neighborhoods with eligible elementary schools. The school-readiness  
13 plan, at a minimum, shall include:

14 (7) **Rules.** (a) The state board of ~~human services~~ shall promulgate  
15 rules for the implementation of this section, including but not limited to  
16 rules that:

17 (I) Specify the procedure by which an early childhood ~~care and~~  
18 ~~education~~ council may apply for school-readiness quality improvement  
19 funding pursuant to the program;

20 (II) Specify the manner in which school-readiness quality  
21 improvement funding is distributed to early childhood ~~care and education~~  
22 councils, ensuring an equitable distribution between rural and urban  
23 communities; and

24 (III) Identify any additional eligibility requirements for early  
25 childhood ~~care and education~~ councils seeking school-readiness quality  
26 improvement funding, as described in ~~subparagraph (II) of paragraph (a)~~  
27 ~~of subsection (4)~~ SUBSECTION (4)(a)(II) of this section.

1           (8) **Funding.** (a) The school-readiness quality improvement  
2 program shall be funded using federal child care development fund  
3 ~~moneys~~ MONEY annually appropriated for the program. ~~Such moneys shall~~  
4 ~~be allocated by~~ The state department SHALL ALLOCATE THE MONEY to the  
5 eligible early childhood ~~care and education~~ councils for implementation  
6 of the rating system and for distribution to early care and education  
7 providers, as provided in this section.

8           (b) (I) If ~~moneys are~~ MONEY IS required to match the federal child  
9 care development funds, such matching ~~moneys~~ MONEY may be from, but  
10 need not be limited to, general fund ~~moneys~~ MONEY appropriated by the  
11 general assembly, local ~~moneys~~ MONEY, or private matching ~~moneys~~  
12 MONEY. Any state department staff that may be necessary to support the  
13 school-readiness quality improvement program shall be funded by federal  
14 child care development funds appropriated for the program and not from  
15 general funds. The FTE authorization for any staff necessary to support  
16 the school-readiness quality improvement program shall be eliminated  
17 should federal funds no longer be available for the program.

18           (II) Notwithstanding the provisions of ~~subparagraph (I) of this~~  
19 ~~paragraph (b)~~ SUBSECTION (8)(b)(I) OF THIS SECTION, the general  
20 assembly shall not be obligated to appropriate general fund ~~moneys~~  
21 MONEY if private matching ~~moneys are~~ MONEY IS not available or later  
22 ~~become~~ BECOMES unavailable.

23           (9) **Evaluation - report.** (a) Each early childhood ~~care and~~  
24 ~~education~~ council shall submit to the state department a summative  
25 thirty-month report on or before January 1, 2009, and on or before  
26 January 1 every three years thereafter. The report shall address the quality  
27 improvement of the participating early care and education facilities and

1 the overall effectiveness of the school-readiness quality improvement  
2 program at preparing low-income children, residing in communities with  
3 eligible elementary schools, for school. ~~Such~~ THE reports, at a minimum,  
4 shall address:

5 (b) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), on or before  
6 April 1, 2009, and on or before April 1 every three years thereafter, the  
7 state department, or any private entity with which the state department is  
8 ~~hereby~~ authorized to contract for this purpose, shall submit a consolidated  
9 statewide report, based upon the reports prepared and submitted by the  
10 early childhood ~~care and education~~ councils, addressing the items set  
11 forth in ~~paragraph (a) of this subsection (9)~~ SUBSECTION (9)(a) OF THIS  
12 SECTION to the early childhood and school-readiness legislative  
13 commission and to the members of the education committees of the house  
14 of representatives and the senate of the general assembly, OR ANY  
15 SUCCESSOR COMMITTEES.

16 (c) Reporting early childhood ~~care and education~~ councils, as well  
17 as the state department or any private entity with which it may contract  
18 for reporting purposes, may draw upon the evaluations and studies  
19 prepared by a nationally recognized research firm to report on the  
20 school-readiness of children in quality-rated early care and education  
21 facilities.

22 (d) Each early childhood ~~care and education~~ council shall work  
23 with state and local agencies, such as school districts, to support efforts  
24 to track, through high school graduation, the future academic  
25 performance of children who receive school-readiness services from early  
26 care and education providers who receive funding pursuant to this  
27 section.

1           **SECTION 9. Act subject to petition - effective date.** This act  
2 takes effect at 12:01 a.m. on the day following the expiration of the  
3 ninety-day period after final adjournment of the general assembly (August  
4 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a  
5 referendum petition is filed pursuant to section 1 (3) of article V of the  
6 state constitution against this act or an item, section, or part of this act  
7 within such period, then the act, item, section, or part will not take effect  
8 unless approved by the people at the general election to be held in  
9 November 2018 and, in such case, will take effect on the date of the  
10 official declaration of the vote thereon by the governor.

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

Bill S

LLS NO. 18-0402.01 Esther van Mourik x4215

SENATE BILL

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SENATE SPONSORSHIP

Tate, Martinez Humenik, Moreno, Zenzinger

HOUSE SPONSORSHIP

Thurlow, Arndt, Gray, Hooton, Nordberg

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Senate Committees

House Committees

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A BILL FOR AN ACT

101 CONCERNING OBSOLETE STATUTORY PROVISIONS RELATED TO A  
102 LOCAL GOVERNMENT'S PLEDGING OF SALES OR USE TAX  
103 REVENUES TO PAY FOR REVENUE BONDS ISSUED FOR THE  
104 PURPOSE OF FINANCING CAPITAL IMPROVEMENTS.

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Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)*

**Statutory Revision Committee.** Current law specifies that a county, city, or incorporated town may include the creation of a sales and use tax capital improvement fund (special fund) when the county, city, or

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

incorporated town seeks voter approval to levy a sales or use tax. Before the adoption of section 20 of article X of the state constitution (TABOR), the statute provided that a county, city, or incorporated town needed to create the special fund in order to issue revenue bonds payable solely from the fund for financing capital improvements.

Current law also specifies that if a county, city, or incorporated town wishes to create a special fund after it has already obtained voter approval for the levying of a sales or use tax, then the county, city, or incorporated town must seek voter approval for the creation of the special fund.

The creation of the special fund does not have a purpose for a county, city, or incorporated town post-TABOR because the question of using sales or use tax revenues for financing capital improvements is asked when the county, city, or incorporated town seeks voter approval for the bond issuance. Thus, the language regarding the creation of the fund is unnecessary.

Furthermore, the requirement to seek voter approval for the creation of the special fund after a county, city, or incorporated town has already obtained voter approval for the levying of a sales or use tax predates the adoption of TABOR. Because TABOR requires any district, including a county, city, or incorporated town, to seek voter approval for the issuance of any revenue bonds, the requirement to seek voter approval for the creation of the special fund is unnecessary and duplicative.

The bill repeals the unnecessary and duplicative law and clarifies that the use of sales and use tax revenue bonds for capital improvements requires voter approval under TABOR.

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

2           **SECTION 1. Legislative declaration.** The general assembly  
3 declares that the purpose of Senate Bill 18-\_\_\_, enacted in 2018, is to  
4 effect a nonsubstantive change in statute to repeal section 29-2-111,  
5 Colorado Revised Statutes, concerning a local government's pledging of  
6 sales or use tax revenues to pay for revenue bonds issued for the purpose  
7 of financing capital improvements. The general assembly further declares  
8 that the repeal of this statutory section does not in any way alter the scope  
9 or applicability of the remaining statutory sections and in fact clarifies  
10 that section 20 of article X of the state constitution (TABOR) applies

1 when a local government seeks to issue revenue bonds for the purpose of  
2 financing capital improvements.

3 **SECTION 2.** In Colorado Revised Statutes, **repeal** 29-2-111 as  
4 follows:

5 **29-2-111. Pledging of sales and use tax for capital**  
6 **improvements.** ~~(1) A sales or use tax proposal made pursuant to this~~  
7 ~~article by, or on behalf of, any county, city, or incorporated town may~~  
8 ~~contain a provision for the creation of a special fund, to be known as a~~  
9 ~~"sales and use tax capital improvement fund", for the deposit of all or any~~  
10 ~~part of the revenue from the sales or use tax, or both, and to be used~~  
11 ~~solely to provide capital improvements. A sales or use tax proposal of any~~  
12 ~~county, city, or incorporated town which has been approved by the~~  
13 ~~registered electors and which does not contain a provision for the creation~~  
14 ~~of such a special fund may be subsequently amended by ordinance or~~  
15 ~~resolution of the governing body to provide for such a special fund. Any~~  
16 ~~such amendment shall take effect only after approval by a majority of the~~  
17 ~~registered electors of the county, city, or town voting at a regular or~~  
18 ~~special election, but no election shall be required in order to create a~~  
19 ~~capital improvement fund for the deposit of any portion of sales or use tax~~  
20 ~~revenue allocated for capital improvement purposes in a sales or use tax~~  
21 ~~proposal previously approved by the voters.~~

22 ~~(2) A city or town by ordinance adopted by the governing body~~  
23 ~~may pledge all or any part of the sales or use tax revenue, or both, it~~  
24 ~~receives from the countywide sales or use tax for capital improvement~~  
25 ~~purposes. Any such pledge shall take effect only after approval by a~~  
26 ~~majority of the registered electors of the city or town voting at a regular~~  
27 ~~or special election.~~

1           ~~(3) When sales or use tax revenue, or both, is pledged solely for~~  
2 ~~capital improvement purposes, it shall be deposited immediately upon~~  
3 ~~being received or collected into the sales and use tax capital improvement~~  
4 ~~fund. Upon deposit in this fund, such revenue is thereafter not available~~  
5 ~~to be pledged or expended for any general municipal or county purpose.~~

6           ~~(4) For purposes of this section and section 29-2-112, "capital~~  
7 ~~improvement purposes" include:~~

8           ~~(a) Paying the costs of acquiring or constructing any capital~~  
9 ~~improvement;~~

10           ~~(b) Acquiring land or equipment;~~

11           ~~(c) The costs of issuing bonds;~~

12           ~~(d) The costs of capitalized interest and reserves; and~~

13           ~~(e) The costs of operating and maintaining the capital~~  
14 ~~improvements to be financed.~~

15           ~~(5) Notwithstanding any other provision to the contrary, no sales~~  
16 ~~or use tax revenues in the sales and use tax capital improvement fund may~~  
17 ~~be expended in any year for the purposes specified in subsection (4) of~~  
18 ~~this section unless said fund contains sufficient revenues to pay the~~  
19 ~~anticipated annual debt service on any sales and use tax revenue bonds for~~  
20 ~~which moneys in the fund have been pledged.~~

21           **SECTION 3.** In Colorado Revised Statutes, 29-2-112, **amend** (1),  
22 (2), and (9) as follows:

23           **29-2-112. Sales and use tax revenue bonds.** (1) SUBJECT TO THE  
24 APPROVAL OF THE REGISTERED ELECTORS OF A COUNTY, CITY, OR  
25 INCORPORATED TOWN PURSUANT TO SECTION 20 OF ARTICLE X OF THE  
26 STATE CONSTITUTION, any county, city, or incorporated town ~~which has~~  
27 ~~pledged sales or use tax revenue, or both, solely for capital improvement~~

1 ~~purposes and has created a sales and use tax capital improvement fund~~  
2 may, in anticipation of collection of sales or use tax revenues, issue  
3 revenue bonds payable ~~solely from the fund~~ THE REVENUES for the  
4 purpose of financing capital improvements.

5 (2) The revenue bonds may be authorized and issued by ordinance  
6 or resolution of the governing body of the county, city, or incorporated  
7 town. ~~without further election.~~

8 (9) The revenue bonds shall not constitute an indebtedness of the  
9 county, city, or incorporated town within the meaning of any  
10 constitutional or statutory debt limitation or provision. Each bond issue  
11 under this section shall recite in substance that said bonds, including the  
12 interest thereon, are payable solely from ~~a special fund~~ THE SALES AND  
13 USE TAX REVENUES and that said bonds do not constitute a debt within the  
14 meaning of any constitutional or statutory limitation.

15 **SECTION 4. Act subject to petition - effective date.** This act  
16 takes effect at 12:01 a.m. on the day following the expiration of the  
17 ninety-day period after final adjournment of the general assembly (August  
18 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a  
19 referendum petition is filed pursuant to section 1 (3) of article V of the  
20 state constitution against this act or an item, section, or part of this act  
21 within such period, then the act, item, section, or part will not take effect  
22 unless approved by the people at the general election to be held in  
23 November 2018 and, in such case, will take effect on the date of the  
24 official declaration of the vote thereon by the governor.