

CHAPTER 300

STATUTES

HOUSE BILL 93-1342

BY REPRESENTATIVES Owen, George, and Tucker;
also SENATOR Wells.

AN ACT

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

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

SECTION 1. 1-2-222 (3), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-2-222. Errors in recording of party affiliation. (3) For the purposes of determining the eligibility of candidates for nomination in accordance with sections 1-4-601 (4) (a) and 1-4-801 (4), the eligibility of persons to vote at any precinct caucus, assembly, or convention in accordance with section 1-3-101, or the eligibility of persons to sign petitions in accordance with section 1-4-801 ~~(3)~~ (2), the date of declaration of the party affiliation of the elector shall be the date of the declaration which the elector alleges by affidavit to have been erroneously recorded or unlawfully changed or withdrawn.

SECTION 2. 1-3-103 (2) (b), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-3-103. Party committees. (2) (b) Within ten days after the adjournment of the organizational meeting of the state central committee of any political party, the ~~chairman~~ CHAIRPERSON and secretary of the state central committee shall file under oath with the secretary of state a full and complete roll of the membership of the state central committee.

SECTION 3. 1-4-401 (1), Colorado Revised Statutes, 1980 Repl. Vol., as

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

amended, is amended to read:

1-4-401. Time of congressional vacancy elections. (1) When any vacancy occurs in the office of representative in congress from this state, the governor shall set a day to hold an election to fill the vacancy and cause notice of the election to be given as required in part 2 of article 6 5 of this title; but no congressional vacancy election shall be held within ninety days next preceding a general election or less than seventy-five days or more than ninety days after the vacancy occurs.

SECTION 4. 1-4-902 (3), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-4-902. Form of petition. (3) Directly following the warning in subsection ~~(1)~~ (2) OF THIS SECTION shall be printed in bold-faced type the following:

Petition to (nominate/recall) (name of person sought to be elected to or recalled from) the office of (title of office).

SECTION 5. 1-5-206 (2) (a), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-5-206. Post card notice and notice by publication. (2) (a) Not less than eighteen days before all nonpartisan elections except elections conducted by mail ballots, the designated election official shall mail to each household where one or more eligible electors reside a voter information card or voter information letter which shall contain the household's address, precinct number, polling location, the specific election being noticed, and any other applicable information. If a general election and an election on a tax question are being held as a concurrent election, as defined in section ~~1-1-103(4)~~ 1-1-104 (4), or as a joint election, as defined in section ~~1-1-103(21)~~ 1-1-104 (21), the voter information card or voter information letter is not required.

SECTION 6. 1-5-402 (1) (a), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-5-402. Primary election ballots. (1) No later than forty-five days before the primary election, the county clerk and recorder shall prepare a separate ballot for each political party for public inspection. The ballots shall be printed in the following manner:

(a) All official ballots shall be printed according to the provisions of ~~section~~ SECTIONS 1-5-407 AND 1-5-408; except that across the top of each ballot shall be printed the name of the political party for which the ballot is to be used.

SECTION 7. 1-7-115, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-7-115. Time in voting area. Eligible electors shall cast their ballots without undue delay and shall leave the immediate voting area as soon as voting is complete. No eligible elector shall be allowed to occupy a voting booth already occupied by another, nor to remain within the immediate voting area more than ten minutes, nor

to occupy a voting booth for more than five minutes if all the booths are in use and other eligible electors are waiting to occupy them. ~~Except for election judges,~~ No eligible elector whose name has been entered on the pollbook shall be allowed to reenter the immediate voting area during the election, except an election judge.

SECTION 8. 1-7-407, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-7-407. Close of polls - primary. In the event no election contest is filed by any candidate in a primary election within the time prescribed by section ~~1-11-214~~ 1-11-203, the county clerk and recorder may unlock and break the seals of voting machines at any time after the fifteenth day following the date of the primary election.

SECTION 9. 1-7-505 (2), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-7-505. Close of polls - count and seals in electronic voting. (2) In precincts in which voting is on a ballot or ballot card, election judges shall prepare a return in duplicate showing the number of eligible electors, as indicated by the pollbook, who have voted in the precinct, the number of official ballots or ballot cards received, and the number of spoiled and unused ballots or ballot cards returned. The original copy of the return shall be deposited in the metal or durable plastic transfer box, along with all voted and spoiled ballots. The transfer box shall then be sealed in such a way as to prevent tampering with the box or its contents. The designated election official shall provide a numbered seal. The duplicate copy of the return shall be mailed at the nearest post office or post-office box to the designated election official by an election judge other than the one who delivers the transfer box to the designated counting center. For partisan elections, two election judges of different political parties, as provided in section ~~1-7-117~~ 1-6-116, shall deliver the sealed transfer box to the counting center designated by the designated election official.

SECTION 10. 1-7.5-107 (3) (c) and (5), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are amended to read:

1-7.5-107. Procedures for conducting mail ballot election. (3) (c) No sooner than twenty-five days, nor later than 4 p.m. on election day, mail ballots shall be made available at the designated election official's office for eligible electors but who are not otherwise listed on the county voter registration records or, for special district mail ballot elections, on the property owners' list or the registration list if otherwise authorized to vote pursuant to section ~~32-1-804~~ 32-1-806, C.R.S., or other applicable law.

(5) Once the ballot is returned, a designated election official shall first qualify the submitted ballot by examining the ~~verification~~ RETURN-VERIFICATION envelope and comparing the information on the envelope to the registration records to determine whether the ballot was submitted by an eligible elector who has not previously voted in the election. If the ballot so qualifies and is otherwise valid, the official shall enter the name of the eligible elector in the poll book, open the return-verification envelope, remove the ballot stub, and deposit the ballot in an official ballot box.

SECTION 11. 1-8-101 (3), Colorado Revised Statutes, 1980 Repl. Vol., as

amended, is amended to read:

1-8-101. Ballots and supplies for absentee voting. (3) In counties including more than one state senatorial district, or more than one state representative district, or both, absentee ballots shall be provided in a manner to be determined by the county clerk and recorder for each combination of state legislative districts. Distinctive markings or colors may be used to identify political subdivisions when such colors or distinctive markings will aid in the distribution and tabulation of the ballots. A complete ballot may consist of one or more pages or cards so long as each page or card is numbered and identified as provided for paper ballots in sections ~~1-5-401~~ 1-5-407 and 1-5-410. This subsection (3) shall apply to ballots to be cast on absentee voting machines as well as to paper ballots and ballot cards which can be electronically counted.

SECTION 12. 1-8-103 (1), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-8-103. Application for absentee ballot. (1) Requests for an application for an absentee ballot may be made orally or in writing. The application for an absentee ballot shall be either the application form furnished by the designated election official, as prescribed by the secretary of state pursuant to section ~~1-1-108~~ 1-1-109, or in the form of a letter, which includes the applicant's residence address and date of birth. The application form or letter requesting an absentee ballot may be faxed to the designated election official; except that the vote cast by an absentee ballot requested via fax shall count only if an originally signed request is filed with the designated election official before or at the same time the ballot is received by the designated election official. If the application is made for a primary election ballot, the application shall name the political party with which the applicant is affiliated or wishes to affiliate.

SECTION 13. 1-8-105, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-8-105. Verification of registration of absent elector. Upon receipt of an application for an absentee ballot within the proper time, the designated election official shall examine the records of eligible electors to ascertain whether or not the applicant is eligible to vote as requested. If the applicant is eligible, the DESIGNATED ELECTION official, either personally in the office of the DESIGNATED election official or by mail to the mailing address given in the application, shall deliver an official absentee ballot, a return envelope with the affidavit properly filled in as to precinct and residence address as shown by the records in the office, and an instruction card.

SECTION 14. 1-8-107, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-8-107. List of absentee ballots. The designated election official shall keep a list of names and precinct numbers of eligible electors applying for absentee ballots, together with the date on which each application was made, the date on which the ABSENTEE ballot was sent, the date on which each absentee ballot was returned, and the number appearing on the stub of each absentee ballot. If an absentee ballot is not returned or if it is rejected and not counted, that fact shall be noted on the list. The

list is open to public inspection under proper regulations.

SECTION 15. 1-8-118 (1) (a) and (2), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are amended to read:

1-8-118. Emergency absentee voting. (1) (a) In the event an eligible elector is confined in a hospital or place of residence on election day and the confinement occurred because of conditions arising after the last day to apply for an absentee ballot, the elector may request in a personally signed written statement that the designated election official send an absentee ballot with the word "EMERGENCY" stamped on the stubs. The designated election official shall deliver the emergency absentee ballot, at the official's office during the regular hours of business, to any authorized representative of the elector who possesses a written statement from the elector's physician or practitioner that the elector will be confined in a hospital or place of residence on election day. For the purposes of this paragraph (a), "authorized representative" means a person WHO possesses a written statement from the elector containing the elector's signature, name, and address and requesting that the emergency absentee ballot be given to the authorized person as identified by name and address. The authorized person shall acknowledge receipt of the emergency absentee ballot with a signature, name, and address.

(2) Any eligible elector, including any election official, who is unable to go to the polls because of conditions arising after the closing date for absentee ballot applications which will result in the elector's absence from the precinct on election day, may apply at the office of the designated election official for an emergency absentee ballot. Upon receipt of an affidavit signed by the elector on a form provided by the designated election official and attesting to the fact that the elector will be absent from the precinct on election day because of conditions arising after the last day to apply for an absentee ballot, the designated election official shall provide the elector with an absentee ballot with the word "EMERGENCY" stamped on the stubs. The request for the ballot shall be made by 5 p.m. ON the day of the election, and the ballot shall be voted at the designated election official's office or outside of the office and returned by 7 p.m. on the day of the election.

SECTION 16. 1-9-101 (1) (b) (II), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-9-101. Challenge of illegal or fraudulent registration. (1) (b) In rendering a decision, the county clerk and recorder shall have the following options:

(II) If the county clerk and recorder finds some evidence but not sufficient evidence to support the allegations in the challenge, the registration record of the elector may be marked with the word "Inactive", and the procedures of section ~~1-2-223~~ 1-2-224 in regard to registered electors who fail to vote in a general election shall apply; or

SECTION 17. 1-10-304, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-10-304. Request by candidate or ballot issue supporters. If it appears that any candidate failed to be nominated or elected or any ballot issue failed to pass by more than the number of required votes provided in section 1-10-301, 1-10-302, or

1-10-303, the losing candidate or the supporters of a losing question may submit a certified written request for a recount at the expense of the person or group making the request. This request shall be filed within thirty days after the general or congressional vacancy election, within fifteen days after the primary election, or within ten days after any other election. Before conducting the recount, the designated election official shall determine the cost and notify the requesting candidate. If the recount is for an office greater than a county office, the cost shall be determined by the secretary of state who shall notify the candidate. The candidate shall pay on demand the cost of the recount to the county treasurer or the manager of revenue for a recount of a county office, to the state treasurer for a recount of a congressional, state, or district office, or to the governing body for a nonpartisan election. The funds shall be placed in escrow for payment of all expenses incurred in the recount. If after the recount the candidate who requested the recount is declared the winner of the election, regardless of the margin of victory, or if the winning candidate failed to be nominated or elected by more than the number of required votes provided in section 1-10-301, 1-10-302, or 1-10-303, the payment for expenses shall be refunded to the person or group who paid them, and the expenses shall be paid as provided in section ~~1-11-309~~ 1-10-309. The recount provided for in this section shall be in addition to any other recounts provided by law.

SECTION 18. 1-45-116 (4), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

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

(4) The provisions of this section shall be enforced as provided in section 1-45-113 (2) ~~(b)~~ (c).

SECTION 19. 2-3-1203 (3) (g) (XIV), (3) (g) (XVII), and (3) (i) (IV), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are amended to read:

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

(g) July 1, 1994:

(XIV) ~~The advisory committee to advise and consult on matters concerning the law enforcement radio system, which committee is appointed pursuant to section 24-30-904, C.R.S.;~~

(XVII) ~~The population advisory council, appointed pursuant to section 24-40-103, C.R.S.;~~

(i) July 1, 1996:

(IV) ~~The pharmacy advisory committee, appointed pursuant to section 26-4-120.1 (2) 26-4-408 (2) (a), C.R.S.;~~

SECTION 20. 2-4-210, Colorado Revised Statutes, 1980 Repl. Vol., is repealed as follows:

2-4-210. References in a series. ~~Wherever in the statute laws of this state a reference is made to several sections and the section numbers given in the reference are connected by the word "to", the reference includes both sections whose numbers are given and all intervening sections.~~

SECTION 21. 8-20-501, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

8-20-501. Legislative declaration. The general assembly hereby finds and declares that the leakage of regulated substances from underground storage tanks constitutes a potential threat to the waters and the environment of the state of Colorado and presents a potential menace to the public health, safety, and welfare of the people of the state of Colorado and that, to that end, it is the purpose of this part 5 to establish a program for the protection of the environment and of the public health and safety by preventing and mitigating the contamination of the subsurface soil, groundwater, and surface water which may result from leaking underground storage tanks. ~~This part 5 does not include aboveground storage tanks.~~

SECTION 22. 8-41-403 (1) and (3), Colorado Revised Statutes, 1986 Repl. Vol., as amended, are amended to read:

8-41-403. Exemption of certain lessors of real property. (1) The provisions of this ~~article~~ PART 4 shall not apply to any lessor or sublessor of real property who rents or leases real property to any lessee or sublessee for the purpose of conducting the business of such lessee or sublessee, whether as a franchise holder, independent agent, or consignee or in any other separate capacity and whether or not such person is an employer, as defined in section 8-40-203, but in no event where such lessee or sublessee is an employee, as defined in section 8-40-202.

(3) The provisions of this ~~article~~ PART 4 shall not apply to any lessor or sublessor of real property who leases or rents real property to any lessee or sublessee for the purpose of conducting any agricultural production business of such lessee or sublessee, and no such lessee or sublessee, or any employee or insurer thereof, shall have any right of contribution from or action against such lessor or sublessor under articles 40 to 47 of this title.

SECTION 23. 8-73-101 (2), Colorado Revised Statutes, 1986 Repl. Vol., is amended to read:

8-73-101. Payment of benefits. (2) An individual's eligibility and benefit amounts shall be determined weekly. Unemployment insurance benefit checks shall be issued once every two weeks; except that the division, when it determines it to be necessary for proper administration of articles 70 to 82 of this title, including the effecting of administrative economies, may ~~with the approval of the advisory council to the division of employment and training,~~ issue benefit checks on a weekly basis. Under no circumstance shall benefit checks be issued less frequently than once every two weeks. This subsection (2) shall be implemented by the division no later than July 1, 1985.

SECTION 24. 10-1-102 (1.5) (s) and (9) (e), Colorado Revised Statutes, 1987 Repl. Vol., as amended, are amended to read:

10-1-102. Definitions. (1.5) "Admitted assets" includes the investments which are admitted assets of a domestic company under parts 1 and 2 of article 3 and part 4 of article 7 of this title and, in addition thereto, only the following:

(s) Any asset acquired pursuant to section ~~10-17-105 (2)~~ 10-16-403 (2).

(9) "Nonadmitted assets" includes but is not limited to the following assets of a domestic company, which assets shall not be taken into account in determining the financial condition of such company:

(e) Furniture, fixtures, furnishings, safes, vehicles, libraries, stationery, literature, and supplies, other than data processing or accounting systems that are admitted assets under subsection (1) of this section, except such personal property as qualifies as an admitted asset under section 10-3-221 or ~~10-17-105 (2)~~ 10-16-403 (2).

SECTION 25. 10-3-216 (1) (f) (II), Colorado Revised Statutes, 1987 Repl. Vol., is amended to read:

10-3-216. First liens on real property. (1) Domestic insurance companies may invest in loans secured by first liens on real property, subject to the following provisions:

(f) The entire obligation secured by a first lien on real estate shall be owned by the company; except that the company may own such an obligation in common with other participants if, at the time of the company's investment, each participant is:

(II) A savings and loan association whose members are insured by the federal savings and loan insurance corporation OR ANY SUCCESSOR AGENCY THERETO;

SECTION 26. 10-16-402 (2) (d) (V), Colorado Revised Statutes, 1987 Repl. Vol., as amended, is amended to read:

10-16-402. Issuance of certificate of authority. (2) The commissioner shall issue or deny a certificate of authority to any person filing an application pursuant to section 10-16-401 within thirty days of receipt of the certification from the executive director. Issuance of a certificate of authority shall be granted upon payment of the application fee prescribed in section 10-16-110 (2) if the commissioner is satisfied that the following conditions are met:

(d) The health maintenance organization is financially responsible and may reasonably be expected to meet its obligations to enrollees and prospective enrollees. In making this determination, the commissioner may consider:

(V) Any surety bond or deposit of cash or securities submitted in accordance with section ~~10-16-411~~ 10-16-412 as a guarantee that the obligations will be duly performed.

SECTION 27. 11-35-101 (1), Colorado Revised Statutes, 1987 Repl. Vol., as amended, is amended to read:

11-35-101. Alternatives to surety bonds permitted - requirements. (1) The

requirement of a surety bond as a condition to licensure or authority to conduct business or perform duties in this state provided in sections 10-2-104 (1) (g), 10-2-111 (1) and (3), 10-2-207 (8) (a) and (8) (b) (II), 12-6-111, 12-6-112, 12-6-112.2, 12-11-101 (1) (d), 12-11-104, 12-11-106, 12-14-124 (1), ~~12-53-103 (2) (e) (f)~~; 12-59-115 (1), 12-60-112 (2) and (2.5) (b), 33-4-101 (1), 33-12-104 (1), 35-33-403 (3), 35-55-104 (1), 37-91-107 (2) and (3), 38-29-119 (2), 38-39-102 (3) (b), 39-21-105 (4), 39-27-104 (2) (a), (2.5) (a), and (2.5) (b), 39-27-204 (4) (a), (4.5), and (6), 39-28-105 (1), 42-6-113 (2), and 42-7-301 (6), C.R.S., may be satisfied by a savings account or deposit in or a certificate of deposit issued by a state or national bank doing business in this state or by a savings account or deposit in or a certificate of deposit issued by a state or federal savings and loan association doing business in this state. Such savings account, deposit, or certificate of deposit shall be in the amount specified by statute, if any, and shall be assigned to the appropriate state agency for the use of the people of the state of Colorado. The aggregate liability of the bank or savings and loan association shall in no event exceed the amount of the deposit. For the purposes of the sections referred to in this section, "bond" includes the savings account, deposit, or certificate of deposit authorized by this section.

SECTION 28. 12-46-109 (1) (d) (III) (C), Colorado Revised Statutes, 1991 Repl. Vol., is amended to read:

12-46-109. Licenses - state license fees - requirements. (1) The licenses to be granted and issued by the state licensing authority pursuant to this article for the manufacture, importation, and sale of fermented malt beverages shall be as follows:

(d) (III) The licenses referred to in subparagraphs (I) and (II) of this paragraph (d) shall be issued for the following purposes only:

(C) To solicit orders from retail licensees and fill such orders ~~through~~ THROUGH licensed wholesalers.

SECTION 29. 12-47.1-301 (1) (a), Colorado Revised Statutes, 1991 Repl. Vol., is amended to read:

12-47.1-301. Colorado limited gaming control commission - creation. (1) There is hereby created, within the division of gaming, the Colorado limited gaming control commission. The commission shall consist of five members, all of whom shall be citizens of the United States and residents of this state who have been residents of the state for the past five years. The members shall be appointed by the governor, with the consent and approval of the senate. No member shall have been convicted of a felony or gambling-related offense, notwithstanding the provisions of section 24-5-101, C.R.S. No more than three of the five members shall be members of the same political party and no more than one member shall be from any one congressional district. At the first meeting of each fiscal year, a chairman and vice-chairman of the commission shall be chosen from the membership by a majority of the members. Membership and operation of the commission shall additionally meet the following requirements:

(a) One member of the commission shall have had at least five years' law enforcement experience as a peace officer qualified pursuant to section ~~24-33.5-307~~ ~~(f)~~ 24-31-306 (1), C.R.S.; one member shall be an attorney admitted to the practice

of law in Colorado for not less than five years and who has experience in regulatory law; one member shall be a certified public accountant or public accountant who has been practicing in Colorado for at least five years and who has a comprehensive knowledge of the principles and practices of corporate finance; one member shall have been engaged in business in a management-level capacity for at least five years; and one member shall be a registered elector of the state who is not employed in any profession or industry otherwise described in this paragraph (a).

SECTION 30. 13-5-201 (2), Colorado Revised Statutes, 1987 Repl. Vol., as amended, is amended to read:

13-5-201. District court magistrates. (2) A district court magistrate shall be a qualified attorney-at-law admitted to practice in this state and in good standing. Nothing in this part 2 shall affect the qualifications of water ~~magistrates~~ REFEREES appointed pursuant to section 37-92-203 (6), C.R.S.

SECTION 31. 13-6-201 (2) (b) and (2) (d), Colorado Revised Statutes, 1987 Repl. Vol., as amended, are amended to read:

13-6-201. Classification of counties. (2) Classes of counties for this part 2 are:

(b) ~~(b)~~ Class B. Class B shall consist of the counties of Adams, Arapahoe, Boulder, ~~Clear Creek~~, Douglas, Eagle, El Paso, Jefferson, La Plata, Larimer, Mesa, Pueblo, and Weld.

~~(H) Effective January 12, 1993, or upon the occurrence of a vacancy in the Clear Creek county judgeship, whichever occurs first, Clear Creek county will change its designation from a class B county to a class D county pursuant to subparagraph (H) of paragraph (d) of subsection (2) of this section.~~

(d) ~~(d)~~ Class D. Class D shall consist of the counties of Archuleta, Baca, Bent, Chaffee, Cheyenne, Conejos, Costilla, Crowley, Custer, Dolores, Elbert, Gilpin, Grand, Gunnison, Jackson, Hinsdale, Huerfano, Kiowa, Kit Carson, Lake, Lincoln, Mineral, Moffat, Ouray, Park, Phillips, Pitkin, Saguache, San Juan, San Miguel, Sedgwick, Summit, Rio Blanco, Routt, Teller, Washington, and Yuma.

~~(H) Effective January 12, 1993, or upon the occurrence of a vacancy in the Clear Creek county judgeship, whichever occurs first, Class D shall consist of the counties of Archuleta, Baca, Bent, Chaffee, Cheyenne, Clear Creek, Conejos, Costilla, Crowley, Custer, Dolores, Elbert, Gilpin, Grand, Gunnison, Jackson, Hinsdale, Huerfano, Kiowa, Kit Carson, Lake, Lincoln, Mineral, Moffat, Ouray, Park, Phillips, Pitkin, Saguache, San Juan, San Miguel, Sedgwick, Summit, Rio Blanco, Routt, Teller, Washington, and Yuma.~~

SECTION 32. 13-6-410, Colorado Revised Statutes, 1987 Repl. Vol., is amended to read:

13-6-410. Appeal of a claim. If the plaintiff and defendant do not agree at or prior to trial that there shall be no appeal and that the decision of the ~~referee~~ MAGISTRATE or judge shall be final and binding on both parties, a record shall be made, and either the plaintiff or the defendant may appeal pursuant to county court rules. Upon appeal,

all provisions of law and rules concerning appeals from the county court shall apply, including right to counsel. A tape recording of the trial proceedings shall satisfy any requirements of a transcript for appeal, upon the payment of a nominal fee by the appellant.

SECTION 33. 13-6-502, Colorado Revised Statutes, 1987 Repl. Vol., is amended to read:

13-6-502. Jury trials. Notwithstanding the provisions of section 16-10-109, C.R.S., or any other provision of law, the right to a jury trial shall not be available at a hearing before a referee MAGISTRATE where the cited person is charged with a class A or a class B traffic infraction.

SECTION 34. 13-85-101, Colorado Revised Statutes, 1987 Repl. Vol., as amended, is amended to read:

13-85-101. Legislative declaration. The general assembly hereby determines, finds, and declares that traffic congestion and other transportation difficulties in the Denver metropolitan area seriously threaten the public health and welfare. In an effort to reduce air pollution and stimulate the economic development of the Denver metropolitan area, the general assembly has ~~created the transit construction authority and has~~ directed the regional transportation district to proceed with the planning, construction, and operation of a fixed guideway mass transit system. Since the success of the mass transit system depends on its prompt construction and commencement of operation, the general assembly finds that it is necessary to avoid any possible delays in such construction and operation. To that end, the general assembly further finds that the trial of lawsuits arising out of the planning, development, financing, or construction of these projects should be given priority in the district and appellate courts of this state.

SECTION 35. 13-85-103, Colorado Revised Statutes, 1987 Repl. Vol., as amended, is amended to read:

13-85-103. Civil actions entitled to priority. The trial of all civil actions pertaining to or arising out of the planning, development, financing, or construction of the fixed guideway mass transit system or the fixed guideway rapid transit system in the Denver metropolitan area, or any election pertaining to either of said projects, or any action against or pertaining to the authority of ~~the transit construction authority~~ or the regional transportation district to plan, develop, finance, or construct either of said projects shall be entitled to priority in the county and district courts of this state.

SECTION 36. 16-3-109, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

16-3-109. Peace officer, level I - authority to make arrest while off duty. A peace officer, level I, as defined in section 18-1-901 (3) (I) (I), C.R.S., who, while off duty, is employed in a capacity specifically permitted by policies and procedures adopted by such officer's governmental entity employer shall possess the status and authority which would otherwise be afforded an on duty level I peace officer acting within the course and scope of such officer's employment. To be within the scope of this section, a level I peace officer employed by a nongovernmental entity must be in

uniform with the peace officer's public entity badge plainly visible, or such level I peace officer ~~has~~ MUST HAVE been approved for plain clothes work by the peace officer's governmental employer.

SECTION 37. 17-27.8-104 (1), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

17-27.8-104. Home detention program - operated by the judicial department.

(1) The judicial department is hereby authorized to develop, administer, and operate a home detention program which may be utilized by any sentencing judge pursuant to section ~~17-27.8-102 (2)~~ 17-27.8-102 (1), or to contract with the division of criminal justice of the department of public safety for the utilization of home detention programs contracted for by that division.

SECTION 38. 18-1-901 (3) (1) (II) (B), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

18-1-901. Definitions. (3) (1) (II) (B) Any investigator who is employed by the department of corrections may be certified pursuant to section ~~24-33.5-306~~ 24-31-305, C.R.S.

SECTION 39. 18-18-102 (16), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

18-18-102. Definitions. (16) "Isomer" means an optical isomer, but in paragraph (e) of subsection (20) of this section and sections ~~18-18-204 (1) (a) (XII) and (1) (a) (XXXIV) and 18-18-206 (1) (a) (IV)~~ 18-18-203 (2) (a) (XII) AND (2) (a) (XXXIV) AND 18-18-204 (2) (a) (IV) the term includes a geometric isomer; in sections ~~18-18-204 (1) (a) (VIII) and (1) (a) (XLII) and 18-18-210 (1) (c)~~ 18-18-203 (2) (a) (VIII) AND (2) (a) (XLII) AND 18-18-206 (2) (c) the term includes a positional isomer; and in sections ~~18-18-204 (1) (a) (XXXV) and (1) (e) and 18-18-208 (1) (a)~~ 18-18-206 (2) (b) (XXXV) AND (2) (c) AND 18-18-205 (2) (a) the term includes any positional or geometric isomer.

SECTION 40. Part 4 of article 18 of title 18, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

18-18-432. Drug offender public service and rehabilitation program. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "CONVICTED" AND "CONVICTION" MEAN A PLEA OF GUILTY, INCLUDING A PLEA OF GUILTY ENTERED PURSUANT TO A DEFERRED SENTENCE UNDER SECTION 16-7-403, C.R.S., OR A VERDICT OF GUILTY BY A JUDGE OR JURY, AND INCLUDES A PLEA OF NO CONTEST ACCEPTED BY THE COURT.

(b) "DRUG OFFENDER" MEANS ANY PERSON CONVICTED OF ANY OFFENSE UNDER THIS ARTICLE.

(c) "USEFUL PUBLIC SERVICE" MEANS ANY WORK WHICH IS BENEFICIAL TO THE PUBLIC AND WHICH INVOLVES A MINIMUM OF DIRECT SUPERVISION OR OTHER PUBLIC

COST. "USEFUL PUBLIC SERVICE" DOES NOT INCLUDE ANY WORK WHICH WOULD ENDANGER THE HEALTH OR SAFETY OF A DRUG OFFENDER.

(2) (a) UPON CONVICTION, EACH DRUG OFFENDER, OTHER THAN AN OFFENDER SENTENCED TO THE DEPARTMENT OF CORRECTIONS OR AN OFFENDER SENTENCED DIRECTLY TO A COMMUNITY CORRECTIONS FACILITY, SHALL BE SENTENCED BY THE COURT TO PAY FOR AND COMPLETE, AT A MINIMUM, FORTY-EIGHT HOURS OF USEFUL PUBLIC SERVICE FOR ANY FELONY, TWENTY-FOUR HOURS OF USEFUL PUBLIC SERVICE FOR ANY MISDEMEANOR, AND SIXTEEN HOURS OF USEFUL PUBLIC SERVICE FOR ANY PETTY OFFENSE. SUCH USEFUL PUBLIC SERVICE SHALL BE IN ADDITION TO, AND NOT IN LIEU OF, ANY OTHER SENTENCE RECEIVED BY THE DRUG OFFENDER. THE COURT SHALL NOT SUSPEND ANY PORTION OF THE MINIMUM NUMBER OF USEFUL PUBLIC SERVICE HOURS ORDERED. IF ANY DRUG OFFENDER IS SENTENCED TO PROBATION, WHETHER SUPERVISED BY THE COURT OR BY A PROBATION OFFICER, THE ORDER TO PAY FOR AND COMPLETE THE USEFUL PUBLIC SERVICE HOURS SHALL BE MADE A CONDITION OF PROBATION.

(b) THE PROVISIONS OF THIS SUBSECTION (2) RELATING TO THE PERFORMANCE OF USEFUL PUBLIC SERVICE ARE ALSO APPLICABLE TO ANY DRUG OFFENDER WHO RECEIVES A DEFERRED PROSECUTION IN ACCORDANCE WITH SECTION 16-7-401, C.R.S., OR WHO RECEIVES A DEFERRED SENTENCE IN ACCORDANCE WITH SECTION 16-7-403, C.R.S., AND THE COMPLETION OF ANY STIPULATED AMOUNT OF USEFUL PUBLIC SERVICE HOURS TO BE COMPLETED BY THE DRUG OFFENDER SHALL BE ORDERED BY THE COURT IN ACCORDANCE WITH THE CONDITIONS OF SUCH DEFERRED PROSECUTION OR DEFERRED SENTENCE AS STIPULATED TO BY THE PROSECUTION AND THE DRUG OFFENDER.

(c) IF NOT ALREADY ESTABLISHED PURSUANT TO LAW, THERE MAY BE ESTABLISHED IN EACH JUDICIAL DISTRICT IN THE STATE A USEFUL PUBLIC SERVICE PROGRAM UNDER THE DIRECTION OF THE CHIEF JUDGE OF THE JUDICIAL DISTRICT. IT SHALL BE THE PURPOSE OF THE USEFUL PUBLIC SERVICE PROGRAM TO IDENTIFY AND SEEK THE COOPERATION OF GOVERNMENTAL ENTITIES AND POLITICAL SUBDIVISIONS THEREOF AND CORPORATIONS ORGANIZED NOT FOR PROFIT FOR THE PURPOSE OF PROVIDING USEFUL PUBLIC SERVICE JOBS; TO INTERVIEW AND ASSIGN PERSONS WHO HAVE BEEN ORDERED BY THE COURT TO PERFORM USEFUL PUBLIC SERVICE TO SUITABLE USEFUL PUBLIC SERVICE JOBS; AND TO MONITOR COMPLIANCE OR NONCOMPLIANCE OF SUCH PERSONS IN PERFORMING USEFUL PUBLIC SERVICE ASSIGNMENTS AS SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (2).

(d) ANY GENERAL PUBLIC LIABILITY INSURANCE POLICY OBTAINED PURSUANT TO THIS SUBSECTION (2) SHALL BE IN A SUM OF NOT LESS THAN THE CURRENT LIMIT ON GOVERNMENT LIABILITY UNDER THE "COLORADO GOVERNMENTAL IMMUNITY ACT", ARTICLE 10 OF TITLE 24, C.R.S.

(e) FOR THE PURPOSES OF THE "COLORADO GOVERNMENTAL IMMUNITY ACT", ARTICLE 10 OF TITLE 24, C.R.S., "PUBLIC EMPLOYEE" DOES NOT INCLUDE ANY PERSON WHO IS SENTENCED PURSUANT TO THIS SUBSECTION (2) TO PARTICIPATE IN ANY TYPE OF USEFUL PUBLIC SERVICE.

(f) NO GOVERNMENTAL ENTITY SHALL BE LIABLE UNDER THE "WORKERS' COMPENSATION ACT OF COLORADO", ARTICLES 40 TO 47 OF TITLE 8, C.R.S., OR

UNDER THE "COLORADO EMPLOYMENT SECURITY ACT", ARTICLES 70 TO 82 OF TITLE 8, C.R.S., FOR ANY BENEFITS ON ACCOUNT OF ANY PERSON WHO IS SENTENCED PURSUANT TO THIS SECTION TO PARTICIPATE IN ANY TYPE OF USEFUL PUBLIC SERVICE, BUT NOTHING IN THIS SUBSECTION (2) SHALL PROHIBIT A GOVERNMENTAL ENTITY FROM ELECTING TO ACCEPT THE PROVISIONS OF THE "WORKERS' COMPENSATION ACT OF COLORADO" BY PURCHASING AND KEEPING IN FORCE A POLICY OF WORKERS' COMPENSATION INSURANCE COVERING SUCH PERSON.

(3) UPON A PLEA OF GUILTY, INCLUDING A PLEA OF GUILTY ENTERED PURSUANT TO A DEFERRED SENTENCE UNDER SECTION 16-7-403, C.R.S., OR A VERDICT OF GUILTY BY THE COURT OR A JURY, TO ANY OFFENSE UNDER THIS ARTICLE, OR UPON ENTRY OF A DEFERRED PROSECUTION PURSUANT TO SECTION 16-7-401, C.R.S., FOR ANY OFFENSE UNDER THIS ARTICLE, THE COURT SHALL ORDER THE DRUG OFFENDER TO IMMEDIATELY REPORT TO THE SHERIFF'S DEPARTMENT IN THE COUNTY WHERE THE DRUG OFFENDER WAS CHARGED, AT WHICH TIME THE DRUG OFFENDER'S FINGERPRINTS AND PHOTOGRAPHS SHALL BE TAKEN AND RETURNED TO THE COURT, WHICH FINGERPRINTS AND PHOTOGRAPHS SHALL BECOME A PART OF THE COURT'S OFFICIAL DOCUMENTS AND RECORDS PERTAINING TO THE CHARGES AGAINST THE DRUG OFFENDER AND THE DRUG OFFENDER'S IDENTIFICATION IN ASSOCIATION WITH SUCH CHARGES. ON ANY TRIAL FOR A VIOLATION OF ANY CRIMINAL LAW OF THIS STATE, A DULY AUTHENTICATED COPY OF THE RECORD OF FORMER CONVICTIONS AND JUDGMENTS OF ANY COURT OF RECORD FOR ANY OF SAID CRIMES AGAINST THE DRUG OFFENDER NAMED IN SAID CONVICTIONS AND JUDGMENTS SHALL BE PRIMA FACIE EVIDENCE OF SUCH CONVICTIONS AND MAY BE USED IN EVIDENCE AGAINST THE DRUG OFFENDER. IDENTIFICATION PHOTOGRAPHS AND FINGERPRINTS THAT ARE PART OF THE RECORD OF SUCH FORMER CONVICTIONS AND JUDGMENTS OF ANY COURT OF RECORD OR WHICH ARE PART OF THE RECORD AT THE PLACE OF THE DRUG OFFENDER'S INCARCERATION AFTER SENTENCING FOR ANY OF SUCH FORMER CONVICTIONS AND JUDGMENTS SHALL BE PRIMA FACIE EVIDENCE OF THE IDENTITY OF THE DRUG OFFENDER AND MAY BE USED IN EVIDENCE AGAINST SUCH DRUG OFFENDER. ANY DRUG OFFENDER WHO FAILS TO IMMEDIATELY COMPLY WITH THE COURT'S ORDER TO REPORT TO THE SHERIFF'S DEPARTMENT, TO FURNISH FINGERPRINTS, OR TO HAVE PHOTOGRAPHS TAKEN MAY BE HELD IN CONTEMPT OF COURT.

SECTION 41. 18-19-103 (3) (c), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

18-19-103. Source of revenues - allocation of moneys. (3) The clerk of the court shall disperse the surcharge required by subsection (1) of this section as follows:

(c) One percent shall be dispersed to the sheriff of the county in which the conviction or deferred sentence is entered, to cover the costs of fingerprinting and photographing offenders pursuant to ~~section 18-18-412 (3)~~ SECTION 18-18-432 (3).

SECTION 42. 19-1-120 (2) (k) and (2) (l), Colorado Revised Statutes, 1986 Repl. Vol., as amended, are amended to read:

19-1-120. Confidentiality of records - dependency and neglect. (2) Only the following persons or agencies shall be given access to child abuse or neglect records and reports:

(k) The state central registry of child protection, when requested in writing by any operator of a facility or agency that is licensed by the department of social services pursuant to section 26-6-107, C.R.S., to check the state central registry of child protection for the purpose of screening an applicant for employment or a current employee. Any such operator who requests such information concerning an individual who is neither a current employee nor an applicant for employment commits a class 1 misdemeanor and shall be punished as provided in section 18-1-106, C.R.S. Within ten days of the operator's request, the central registry shall provide the incident date, the location of investigation, the type of abuse and neglect, and the county which investigated THE INCIDENT contained in the confirmed reports of child abuse and neglect. Any such operator who releases any information obtained under this paragraph (k) to any other person shall be deemed to have violated the provisions of section 19-3-313 (10) and shall be subject to the penalty therefor.

(l) The state central registry of child protection, when requested in writing by the department of education to check the central registry for the purpose of aiding the department in its investigation of an allegation of abuse by an employee of a school district in this state. Within ten days of the department's request, the central registry shall provide the incident date, the location of investigation, the type of abuse and neglect, and the county which investigated the incident contained in the confirmed reports of child abuse and neglect. The department of education shall be subject to the fee assessment established in ~~paragraph (k) of this subsection (2)~~ SUBSECTION (2.5) OF THIS SECTION. Any employee of the department of education who releases any information obtained under this paragraph (l) to any person not authorized to receive such information pursuant to the provisions of section 22-32-109.7, C.R.S., or any member of the board of education of a school district who releases such information obtained pursuant to said section shall be deemed to have violated the provisions of section 19-3-313 (10) and shall be subject to the penalty therefor.

SECTION 43. 19-4-114 (1) (b), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

19-4-114. Pretrial recommendations. (1) On the basis of the information produced at the pretrial hearing, the judge or magistrate conducting the hearing shall evaluate the probability of determining the existence or nonexistence of the father and child relationship in a trial and whether a judicial declaration of the relationship would be in the best interest of the child. On the basis of the evaluation, an appropriate recommendation for settlement shall be made to the parties, which may include any of the following:

(b) That the matter be compromised by an agreement among the alleged father, the mother, and the child in which the father and child relationship is not determined but in which a defined economic obligation is undertaken by the alleged father in favor of the child and, if appropriate, in favor of the mother, subject to approval by the judge or magistrate conducting the hearing. In reviewing the obligation undertaken by the alleged father in a compromise agreement, the judge or magistrate conducting the hearing shall consider the best interest of the child, in the light of the factors enumerated in section ~~19-4-116 (5)~~ 19-4-116 (6), discounted by the improbability, as it appears to him, of establishing the alleged father's paternity or nonpaternity of the child in a trial of the action. In the best interest of the child, the court may order that the alleged father's identity be kept confidential. In that case, the court may

designate a person or agency to receive from the alleged father and disburse on behalf of the child all amounts paid by the alleged father in fulfillment of obligations imposed on him.

SECTION 44. 22-5-111 (1), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

22-5-111. Buildings and facilities. (1) A school district which is participating in a cooperative service agreement, when authorized by a vote of the ~~registered~~ ELIGIBLE electors as provided in article 42 of this title, may contract for bonded indebtedness for the purpose of purchasing sites, constructing buildings or other structures, and equipping buildings which are necessary for the operation of a cooperative educational service program. The district which contracts for bonded indebtedness may charge the other members participating in the cooperative service agreement for the use of the building and equipment. The rental proceeds may be applied to the retirement of said bonded indebtedness. This article shall not be construed to create liability for retirement of such bonded indebtedness upon the other members participating in the cooperative service agreement.

SECTION 45. 22-31-104 (3), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

22-31-104. Regular biennial school election. (3) Beginning with the regular biennial school election held in November of 1993, school district directors elected shall serve until their successors are elected and qualified. In order for such directors to take office within such time period, the county clerk and recorder shall complete the ~~canvass~~ SURVEY of votes no later than ten days following the election. Such director shall take office upon completion of ~~canvass~~ THE SURVEY of votes, but no later than fifteen days following such ~~canvassing~~ SURVEYING.

SECTION 46. 22-31-105 (4.5), (7) (a) (II), and (9) (c), Colorado Revised Statutes, 1988 Repl. Vol., as amended, are amended to read:

22-31-105. School directors - number - election - term. (4.5) On and after January 1, 1993, in each school district coterminous with a city and county, there shall be elected a seven-member board of education with one ~~registered~~ ELIGIBLE elector elected from each of five director districts and two ~~registered~~ ELIGIBLE electors elected from the district at large. School directors shall be elected at the respective regular biennial school elections, each for a term of four years and until a successor has been elected and qualified. Elections shall be held in accordance with the procedures established in section 22-31-131.

(7) (a) (II) Notwithstanding the provisions of subparagraph (I) of this paragraph (a) and paragraph (b) of this subsection (7), the board of education of any school district whose directors serve six-year terms shall be required to submit to the ~~registered~~ ELIGIBLE electors of the school district, at the regular biennial school election to be held in November of 1993, a proposal to change the terms of office of such board from six years to four years. Notice of the election on such proposal shall be made in the manner provided by paragraph (d) of this subsection (7). The ballot shall contain the words "For the continuation of the current six-year term of office for school directors" and "For the change in the current six-year term of office for school

directors to a four-year term of office". Otherwise the ballots and election procedures shall be the same as prescribed for the regular biennial school election. If a majority of the votes at said election shall be "For the continuation of the current six-year term of office for school directors", the school directors of said district shall continue to be elected or appointed as prescribed in this section. If a majority of the votes at said election shall be "For the change in the current six-year term of office for school directors to a four-year term of office", the plan shall become effective upon canvass of election returns.

(9) (c) The resolution extending or reducing the terms of office shall be adopted not less than forty-five days prior to the next regular biennial school election. A candidate shall run for and, if elected, shall serve the term as is appropriate for the director district in which the candidate resides; however, if the school district has an at-large method of representation, each candidate shall run for and, if elected, shall serve for the designated term as provided for in section ~~22-31-107(3)~~ 1-4-803 (3).

SECTION 47. 22-31-129 (4), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

22-31-129. Vacancies. (4) Whenever the filling of a vacancy, as provided in subsection (3) of this section, causes terms of different duration to be open at the time of the regular election in a school district which has an at-large method of representation, candidates shall designate the term for which they are running in accordance with section ~~22-31-107(3)~~ 1-4-803 (3), C.R.S.

SECTION 48. 22-31-131 (1.5) (b) (I), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

22-31-131. Election procedures in districts composed of a city and county. (1.5) (b) (I) On and after January 1, 1993, each school district coterminous with a city and county shall elect a seven-member board of education with one ~~registered~~ ELIGIBLE elector elected from each of five director districts and two ~~registered~~ ELIGIBLE electors elected from the district at large. Directors elected from each of the five director districts shall be voted on by the ~~registered~~ ELIGIBLE electors residing within the director district only, but the two directors elected at large shall be voted on by the electors of the entire district. Directors shall be elected for four-year terms.

SECTION 49. 22-31-132, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

22-31-132. Article not applicable to junior colleges. This article shall not apply to junior college districts, unless the junior college board of trustees elects to participate in the regular biennial school election, as provided in section 23-71-110 (5) and ~~(6)~~ (7), C.R.S.

SECTION 50. 22-32-113 (5) (a), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

22-32-113. Transportation of pupils - when. (5) (a) The board of education of any school district that furnishes transportation to pupils pursuant to the provisions of this section, at a special election called for such purpose, may submit to the

~~registered~~ ELIGIBLE electors of the district the question of whether to impose and collect a fee for the payment of excess transportation costs. If a majority of the votes cast at any such election are in favor of the question, the board may impose and collect a fee for the payment of excess transportation costs pursuant to a fee schedule adopted by a resolution of the board of education of such district. Any special election held pursuant to the provisions of this paragraph (a) shall be held in the manner provided in section 22-40-102 (1.5). Any revenues received from the imposition of a fee pursuant to the provisions of this subsection (5) shall be deposited in the transportation fund of the district created in section 22-45-103 (1) (f).

SECTION 51. 22-40-102 (1.7) (a), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

22-40-102. Certification - tax revenues. (1.7) (a) The board of education of any school district, at the regular biennial election for school district directors or on one of the dates authorized by section 22-53-117 for elections for additional local property tax revenues under the "Public School Finance Act of 1988", shall submit to the ~~registered~~ ELIGIBLE electors of the district the question of whether to impose a mill levy for the payment of excess transportation costs. If a majority of the votes cast at any such election are in favor of the question, an additional mill levy shall be levied each year, and revenues received therefrom shall be deposited into the transportation fund of the district created in section 22-45-103 (1) (f).

SECTION 52. 22-60-106, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

22-60-106. Fees. The fee for the examination and review of an application for a certificate or letter of authorization, or any renewal thereof, shall be established by the state board of education and shall be nonrefundable. Upon determination of eligibility, such certificate or letter of authorization shall be issued without an additional fee. The state board of education shall adjust if necessary all such fees annually so that they generate an amount of revenue that approximates the direct and indirect costs of the state board of education and of the department of education for the administration of this article. ~~however, the state board of education shall establish and adjust such fees for certificates issued pursuant to section 22-60-104 (1) (f) (VI) so that they generate an amount of revenue that approximates the direct and indirect costs of the state board of education and of the department of education for the administration of said section 22-60-104 (1) (f) (VI).~~ In addition, the state board of education shall establish and adjust such fees for certificates initially issued pursuant to section 22-60-104 so that the fees generate an amount of revenue that approximates the direct and indirect costs of the state board of education and the department of education for the administration of sections 22-60-103 (1.3), 22-60-104 (1) (g), and 22-60-105.2. All fees collected under this section shall be transmitted to the state treasurer and credited to the teacher certification cash fund, which fund is hereby created. The general assembly shall make annual appropriations from the teacher certification cash fund for expenditures of the state board of education and of the department of education incurred in the administration of this article. At the end of any fiscal year, all unexpended and unencumbered moneys in the teacher certification cash fund shall remain therein and shall not be credited or transferred to the general fund or any other fund.

SECTION 53. 24-1-117 (4), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

24-1-117. Department of revenue - creation. (4) The department of revenue shall consist of the following divisions: Division of enforcement, motor vehicle division, ports of entry division, liquor enforcement division, state lottery division, division of gaming, including the Colorado limited gaming control commission, DIVISION OF RACING EVENTS, INCLUDING THE COLORADO RACING COMMISSION, and such other divisions, sections, and units as the executive director of the department of revenue may create pursuant to section 24-35-103. The lottery division shall be headquartered in the city of Pueblo in facilities provided at lottery division expense at a location to be determined by the department of revenue. After 1992, the general assembly will review whether such headquarters should remain in the city of Pueblo in facilities provided at lottery division expense at a location to be determined by the department of revenue.

SECTION 54. 24-1-122 (2) (f), Colorado Revised Statutes, 1988 Repl. Vol., is repealed as follows:

24-1-122. Department of regulatory agencies - creation. (2) The department of regulatory agencies shall consist of the following divisions:

~~(f) Division of racing events, the head of which shall be the director of the division of racing events. The Colorado racing commission, the division of racing events, and the office of the director of the division of racing events, created by article 60 of title 12, C.R.S., and their powers, duties, and functions are transferred by a type 1 transfer to the department of regulatory agencies as the division of racing events.~~

SECTION 55. 24-32-104 (1) (k), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is repealed as follows:

24-32-104. Functions of the division. (1) The division shall perform the following functions:

~~(k) Effective January 1, 1985, provide an annual report to the general assembly of all taxing entities, as defined in section 29-1-303 (1), C.R.S., which adopt the procedures set forth in section 29-1-303, C.R.S., for public disclosure of the property tax levy to be imposed by such taxing entities; and~~

SECTION 56. 24-34-104.3, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is repealed as follows:

24-34-104.3. General assembly review of reprocessing fee - motor vehicle registration. ~~In addition to all other duties imposed by this article, the sunrise and sunset review committee shall receive reports from all authorized agents, as defined in section 42-1-102 (4), C.R.S., pursuant to section 42-3-111 (2.5) and shall study such reports to determine whether the reprocessing fee required by said subsection (2.5) should be repealed. The sunrise and sunset review committee shall report its findings and recommendations to the next regular session of the general assembly.~~

SECTION 57. 24-34-502 (9), Colorado Revised Statutes, 1988 Repl. Vol., as

amended, is repealed as follows:

24-34-502. Unfair housing practices prohibited. (9) ~~Unless the general assembly receives written verification prior to the repealer date from the Colorado civil rights division that paragraphs (a), (b), (d), (e), (g), and (h) of subsection (1) and subsections (6) to (8) of this section are substantially equivalent to the federal law as determined by the United States department of housing and urban development, paragraphs (a), (b), (d), (e), (g), and (h) of subsection (1) and subsections (6) to (8) of this section and this subsection (9) are repealed, effective September 13, 1992.~~

SECTION 58. 24-34-504 (5), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is repealed as follows:

24-34-504. Time limits on filing of charges - repeal. (5) ~~Unless the general assembly receives written verification prior to the repealer date from the Colorado civil rights division that this section is substantially equivalent to the federal law as determined by the United States department of housing and urban development, this section is repealed, effective September 13, 1992.~~

SECTION 59. 24-34-505.5 (5), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is repealed as follows:

24-34-505.5. Enforcement by the attorney general - repeal. (5) ~~Unless the general assembly receives written verification prior to the repealer date from the Colorado civil rights division that this section is substantially equivalent to the federal law as determined by the United States department of housing and urban development, this section is repealed, effective September 13, 1992.~~

SECTION 60. 24-34-505.6 (7), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is repealed as follows:

24-34-505.6. Enforcement by private persons - repeal. (7) ~~Unless the general assembly receives written verification prior to the repealer date from the Colorado civil rights division that this section is substantially equivalent to the federal law as determined by the United States department of housing and urban development, this section is repealed, effective September 13, 1992.~~

SECTION 61. 24-34-506.5 (5), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is repealed as follows:

24-34-506.5. Conciliation agreements - repeal. (5) ~~Unless the general assembly receives written verification prior to the repealer date from the Colorado civil rights division that this section is substantially equivalent to the federal law as determined by the United States department of housing and urban development, this section is repealed, effective September 13, 1992.~~

SECTION 62. 24-50-118 (4), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

24-50-118. Service and performance evaluations - system and use. (4) The state personnel director shall monitor compliance with subsection (3) of this section

and shall report his findings annually on January 1 to the joint budget committee of the general assembly. Said report shall include: The number of supervisors ~~whose salary increases were withheld~~ WHO WERE FINED, the number of supervisors who were demoted or terminated, and the percentage of all supervisors who acted in compliance with this section.

SECTION 63. 24-51-602 (1) (b), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

24-51-602. Service retirement eligibility. (1) (b) State troopers who have met the age and service credit requirements stated in the following table shall, upon written application and approval of the board, receive service retirement benefits pursuant to the benefit formula set forth in section 24-51-603 ~~(1) (b)~~ (1) and (3):

TABLE B.1
SERVICE RETIREMENT ELIGIBILITY

<u>Age Requirement</u> <u>(years)</u>	<u>Service Credit Requirement</u> <u>(years)</u>
Any Age	30
50	25
55	20
65	5

SECTION 64. The introductory portion to 24-60-401 (1), Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

24-60-401. Authority to enter into compacts. (1) Pursuant to the consent of the congress of the United States heretofore granted by Section ~~111~~, 112, Title 4, United States Code Annotated, being Section 129, Public Law 72, 81st Congress, First Session of 1949, entitled "Compacts between States for Cooperation in Prevention of Crime", and wherein the consent of congress is given "to any two or more states to enter into agreements or compacts for cooperative effort and mutual assistance in the prevention of crime and in the enforcement of their respective criminal laws and policies and to establish such agencies, joint or otherwise, as they may deem desirable for making effective such agreements and compacts", the governor of the state of Colorado is authorized to:

SECTION 65. 24-101-301 (7), Colorado Revised Statutes, 1988 Repl. Vol., is repealed as follows:

24-101-301. Definitions. (7) ~~"Council" means the procurement advisory council established in section 24-102-502.~~

SECTION 66. 24-113-103 (3) (i), Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

24-113-103. State competition with private enterprise prohibited - exceptions. (3) The restrictions on competition with private enterprise contained in

this section do not apply to:

- (i) The regional transportation district. ~~and the transit construction authority.~~

SECTION 67. 25-1-107 (1) (ee) (I) (B), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

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

(ee) (I) To establish and maintain by rule and regulation a program for the administration of medications in facilities, which program shall be developed and conducted in cooperation with the department of social services, the department of institutions, and the department of corrections within the following guidelines:

(B) Any individual who is not otherwise authorized by law to administer medication in a facility shall be allowed to perform such duties only after passing a competency evaluation. An individual who administers medications in facilities in compliance with the provisions of this paragraph (ee) shall be exempt from the licensing requirements of the "Colorado Medical Practice Act", the "Nurse Practice Act", and the laws of this state pertaining to possession of controlled substances as contained in part 1 of article 22 of title 12, C.R.S., or ~~under the "Colorado Controlled Substances Act"~~ THE "UNIFORM CONTROLLED SUBSTANCES ACT OF 1992", ARTICLE 18 OF TITLE 18, C.R.S.

SECTION 68. 25-7-114.1 (3) (d) and (5) (b) (I), Colorado Revised Statutes, 1989 Repl. Vol., as amended, are amended to read:

25-7-114.1. Air pollutant emission notices (APEN). (3) The commission shall promulgate a list of air pollutants which are required to be reported in an air pollutant emission notice. Prior to the commission's promulgation of such a list of air pollutants to be reported in an air pollutant emission notice, sources shall report any emissions of the following which are in excess of de minimis quantities:

(d) All extremely hazardous substances listed pursuant to section 302(a)(2) of the federal "Superfund Amendments and Reauthorization Act of 1986", 42 U.S.C. sec. ~~10002(a)(2)~~ 11002 (a)(2).

- (5) (b) If the information contained in such updated notice reveals that:

(I) The source is a major source OR subject to a new source performance standard or a synthetic minor source whose actual emission removes it from synthetic minor source status; and

SECTION 69. 25-7-407 (10), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is repealed as follows:

25-7-407. Commission - rule-making for fireplaces. (10) ~~Subsections (1) to (7) of this section are repealed, effective January 1, 1993.~~

SECTION 70. 25-15-512 (1), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

25-15-512. Inspections of hazardous waste incinerator sites. (1) Each hazardous waste incinerator site shall be physically and structurally accessible at all times for inspection by the department. The department shall conduct inspections of each hazardous waste incinerator site at intervals determined by regulations of the ~~board~~ COMMISSION based upon the volume and toxicity of the wastes being received at such site. Such inspections shall include, but are not limited to, inspections conducted during the reception of hazardous wastes, during the incineration of hazardous wastes, and during the shipment of incineration by-products. The department shall be permitted reasonable access to all operations at any hazardous waste incinerator site for the purpose of monitoring and inspecting such operations.

SECTION 71. 26-2-133 (2), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

26-2-133. State income tax refund offset. (2) As a condition of certifying an overpayment to the department of revenue as provided in subsection (1) of this section, the state department shall ensure that the obligated person has been afforded the opportunity for an evidentiary conference at the county department level pursuant to section 26-2-126 or 26-2-303 and the opportunity for an appeal to the state department pursuant to section 26-2-127 or 26-2-304. In addition, the state department, prior to final certification of the information specified in subsection (1) of this section to the department of revenue, shall notify the obligated person, in writing, at his last known address, that the state intends to refer the person's name to the department of revenue in an attempt to offset the obligation against the person's state income tax refund. Such notification shall inform the obligated person of the opportunity for an evidentiary conference with the county department pursuant to section 26-2-126 or 26-2-303 and of the opportunity for an appeal to the state department pursuant to section 26-2-127 or 26-2-304. In addition, the notice shall specify issues that may be raised at an evidentiary conference or on appeal, as provided by this subsection (2), by the obligated person in objecting to the offset and shall specify that the obligated person may not object to the fact that an overpayment occurred. A person who has received a notice pursuant to this subsection (2) shall request, within thirty days from the date such notice was mailed, an administrative review or evidentiary ~~hearing~~ CONFERENCE, as provided in this subsection (2).

SECTION 72. 26-4-504 (2) (a), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

26-4-504. Personal needs benefits - amount - patient personal needs trust fund required - funeral and burial expenses - penalty for illegal use. (2) (a) ~~Except as otherwise provided in paragraph (b) of this subsection (2),~~ The basic maximum amount payable pursuant to subsection (1) of this section for personal needs to any recipient admitted to a nursing facility or intermediate care facility for the mentally retarded shall be thirty-four dollars monthly.

SECTION 73. 26-5-102, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

26-5-102. Provision of child welfare services. The state department shall adopt rules and regulations to establish a program of child welfare services, administered by the state department or supervised by the state department and administered by the county departments, and, where applicable, in accordance with the conditions accompanying available federal funds for such purpose. Said rules and regulations shall include a fee schedule based upon ability to pay, requiring those persons legally responsible for the child who are financially able as determined by the state department to pay for all or a portion of the services provided under this article. Upon appropriate request and within available appropriations, child welfare services shall be provided for any child residing or present in the state of Colorado who is in need of such services. Foster care fees shall be considered child support obligations, and all remedies for the enforcement and collection of child support shall apply. Foster care fees established pursuant to this section may be collected pursuant to the administrative procedures to establish child support enforcement set forth in article 13.5 of this title. Due process is guaranteed in all actions regarding any such administrative process concerning foster care fees, and any obligor may request a court hearing of the matter before the district court in the manner prescribed in section ~~26-13.5-108~~ 26-13.5-105. Nothing contained in article 13.5 of this title shall be construed to deprive a court of competent jurisdiction from determining the duty of support of any obligor against whom an administrative order is issued pursuant to this article.

SECTION 74. 26-17-103 (8), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

26-17-103. Definitions. (8) "Health sciences center" means the schools of medicine, dentistry, nursing, and pharmacy established by the regents under section 5 of ~~article VII~~ ARTICLE VIII of the state constitution.

SECTION 75. 27-10.5-104 (1) (a), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

27-10.5-104. Authorized services and supports - conditions of funding - purchase of services and supports - boards of county commissioners - appropriation. (1) Subject to annual appropriations by the general assembly, the department of institutions shall provide or purchase, pursuant to subsection (4) of this section, authorized services and supports through the community centered boards for persons who have been determined to be eligible for such services and supports pursuant to section 27-10.5-106, and as specified in the eligible person's individualized plan. Those services and supports may include, but are not limited to, the following:

(a) Family support services, including an array of supportive services provided to the person receiving services and the person's family which enable the family to maintain such person in the family home, thereby preventing or delaying the need for out-of-home placement which is unwanted by the person or the family, pursuant to section ~~27-10.5-301~~ 27-10.5-401;

SECTION 76. 29-13-102 (5), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

29-13-102. Authority for units of local government to pool insurance coverage. (5) The commissioner of insurance, or any person authorized by him, shall conduct an insurance examination at least once a year to determine that proper underwriting techniques and sound funding, loss reserves, and claims procedures are being followed. This examination shall be paid for by the self-insurance pool out of its funds at the same rate as provided for foreign insurance companies under section ~~10-1-110 (5)~~; 10-1-204 (9), C.R.S.

SECTION 77. 32-1-104 (1), Colorado Revised Statutes, as amended, is amended to read:

32-1-104. Establishment of a special districts file. (1) The division shall promptly establish and maintain on a current basis, as a public record, a file listing by name all special districts, listing the names and addresses of all the members of the boards of the special districts, and recording all changes in the boundaries of the special districts. The file shall also list the names of the officers of each special district and a business address, a telephone number, and the name of a contact person for each district. Annually, the division shall compile and maintain a current and revised list of special districts for public inspection. Each special district shall register its business address, its telephone number, and the name of a contact person with the division when certifying the results of a district election pursuant to section ~~1-10-202~~ 1-10-203 (1), C.R.S.

SECTION 78. 32-1-401 (3), Colorado Revised Statutes, as amended, is amended to read:

32-1-401. Inclusion of territory - procedure. (3) Not more than thirty days nor less than twenty days prior to a meeting of the board held pursuant to paragraph (b) of subsection (1) of this section or paragraph (b) of subsection (2) of this section, the secretary of the special district shall send postcard or letter notification of said meeting to the property owners within the area proposed to be included within the special district as listed on the records of the county assessor on the date requested unless the petitioners represent one hundred percent of the property owners. The notification shall indicate that it is a notice of a meeting for consideration of the inclusion of real property within a special district and shall indicate the date, time, location, and purpose of the meeting, a reference to the type of special district proposed for inclusion, the maximum mill levy, if any, or stating that there is no maximum which may be imposed if the proposed area is included within the special district, and procedures for the filing of a petition for exclusion pursuant to section 32-1-203 ~~(2.5)~~ (3.5). Except as provided in this subsection (3), the mailing of the postcard notification to all addresses, except post office box addresses, within the area proposed to be included within the special district shall constitute a good-faith effort to comply with this section, and failure to notify all electors thereby shall not provide grounds for a challenge to the meeting being held.

SECTION 79. 32-9-103 (7) (a), Colorado Revised Statutes, as amended, is amended to read:

32-9-103. Definitions. (7) (a) "Mass transportation system" or "system" means any system of the district or any other system, the owner or operator of which contracts with the district for the provision of transportation services, which

transports the general public by bus, rail, air, or any other means of conveyance ~~except the fixed guideway rapid transit system provided for in section 32-9.5-103~~, or any combination thereof, within the district.

SECTION 80. 32-9-151 (2), Colorado Revised Statutes, as amended, is amended to read:

32-9-151. Conduct and costs of elections. (2) The district shall reimburse each affected county for all true and actual costs of conducting a district election pursuant to sections 1-5-505 AND 1-5-506, ~~and 1-5-507~~, C.R.S.

SECTION 81. 32-10-138 (1), Colorado Revised Statutes, as amended, is amended to read:

32-10-138. Persons entitled to vote at district elections. (1) No person shall be permitted to vote in any election unless that person is an ELIGIBLE elector as defined in section 32-10-103 (5) (a).

SECTION 82. 33-1-105.5 (1), Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

33-1-105.5. Acquisition of property - procedure. (1) Except as provided in subsection ~~(9)~~ (7) of this section, before the commission purchases any fee title interest in real property pursuant to section 33-1-105 (1) (a), it shall solicit bid proposals from all interested parties through the issuance of a request for proposals. Notice of such request for proposals shall be published in a newspaper of general circulation in the area where the commission plans to purchase the real property.

SECTION 83. 34-21-108 (3), Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

34-21-108. Report of director - bulletins. (3) Materials prepared under the authority of this section or any other materials of the ~~division of mines~~ OFFICE OF ACTIVE AND INACTIVE MINES of the state of Colorado circulated in quantity outside the department shall be issued subject to the approval and control of the executive director of the department of natural resources.

SECTION 84. 35-11.5-109 (2), Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

35-11.5-109. Prohibited acts. (2) It shall be unlawful for any person to utilize any organic label if that person fails to comply with any standard promulgated for the use of such label pursuant to section 35-11.5-104 ~~(1) (g)~~ (1) (h). Any person who violates this subsection (2) may be subject to appropriate civil or administrative proceedings or both.

SECTION 85. 35-53-101 (2), Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

35-53-101. Brand inspection tax - service charge - waiver permit. (2) When any individual, firm, association, partnership, or corporation, referred to in this article

as "person", who owns or has had under his control by lease or grazing permit for not less than five years a headquarters ranch or farm and who moves any cattle, horses, or mules from such headquarters place to another grazing or feeding ground which is also owned by such person or which has been controlled by lease or by grazing permit for not less than five years by such person or when such person moves any cattle, horses, or mules from such grazing or feeding ground within this state to his headquarters ranch or farm in this state, such person, upon payment of a fee in the amount of twenty-five dollars, may apply to the state board of stock inspection commissioners for and may be granted a brand inspection fee waiver permit, irrespective of the fact such headquarters ranch or farm and such other grazing or feeding grounds exceed ~~the seventy-five-mile radius~~ SEVENTY-FIVE MILES FROM THE POINT OF ORIGIN provided for in section 35-53-105 (4) (f) or that said grazing or feeding grounds are outside this state. If such brand inspection fee waiver permit is granted by the state board of stock inspection commissioners, it shall entitle the permittee to move cattle, horses, and mules for grazing or feeding purposes, with no change of ownership involved, between such headquarters ranch or farm and such other grazing or feeding grounds, with no charge for brand inspection and no collection of a beef board fee. If such livestock are moved outside this state, the permittee shall guarantee that, if, for any reason, the livestock are not returned to the Colorado ranch or farm, the permittee will immediately pay the required brand inspection and beef board fee to the state board of stock inspection commissioners.

SECTION 86. 39-2-130 (6), Colorado Revised Statutes, 1982 Repl. Vol., as amended, is repealed as follows:

39-2-130. Membership of the advisory committee - terms - compensation - meetings. (6) (a) ~~This section is repealed, effective July 1, 1993.~~

~~(b) Prior to said repeal the advisory committee shall be reviewed pursuant to section 39-2-129 (2) (b).~~

SECTION 87. 39-2-131 (2), Colorado Revised Statutes, 1982 Repl. Vol., as amended, is repealed as follows:

39-2-131. Function of the committee. (2) (a) ~~This section is repealed, effective July 1, 1993.~~

~~(b) Prior to said repeal, the advisory committee shall be reviewed pursuant to section 39-2-129 (2) (b).~~

SECTION 88. 39-23-142 (6) and (8), Colorado Revised Statutes, 1982 Repl. Vol., are amended to read:

39-23-142. Assessment of the tax - payment. (6) To be valued as agricultural land under subsection (5) of this section, a parcel of land must, as of the decedent's date of death, qualify as agricultural land for general property tax purposes under section ~~39-1-103 (6)~~; 39-1-102 (1.6), subject to subsection (8) of this section.

(8) If the executive director is of the opinion that the value of land established under subsection (5) of this section has not been properly determined under section 39-1-103 (5) or properly classified as agricultural land under section ~~39-1-103 (6)~~,

39-1-102 (1.6), the executive director may appeal such valuation or classification to the state board of assessment appeals as provided in section 39-2-125 (1) (g). Such appeal must be brought within one year after the filing of the statement required by section 39-23-138, or within twenty-one months after the decedent's date of death, whichever is later. The decision of the state board of assessment appeals, with respect to such appeal, shall be binding for all purposes under this section.

SECTION 89. 40-3.4-108 (2), Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

40-3.4-108. Funding - federal requirements - program participation.

(2) Upon collecting the charge imposed pursuant to subsection (1) of this section, each provider may retain, from the total charges collected, an amount sufficient to reimburse such provider for its provision of low-income telephone assistance and shall transmit the remaining portion of the total charges collected to the state treasurer, who shall credit the same to the low-income telephone assistance fund, which fund is hereby created. For the fiscal years beginning on or after July 1, 1991, the moneys in the fund shall be subject to annual appropriation by the general assembly for the direct and indirect costs incurred by the department of social services under this article. ~~Notwithstanding any provision of section 40-17-103 to the contrary, for the fiscal year beginning July 1, 1990, the state treasurer is hereby directed to transfer to the low-income telephone assistance fund, out of any unexpended and unencumbered moneys at the end of the fiscal year beginning July 1, 1989, in the Colorado disabled telephone users fund created in section 40-17-103, the sum of eight hundred thousand dollars, which sum is available to and may be expended by the public utilities commission for the purpose of reimbursing the commission, telecommunications providers, and the department of social services in administering the low-income telephone assistance program in accordance with this article. Such moneys shall be available only for the fiscal year beginning July 1, 1990.~~

SECTION 90. 40-6.5-109, Colorado Revised Statutes, 1984 Repl. Vol., is repealed as follows:

~~**40-6.5-109. Consumer counsel report.** The consumer counsel shall report to the general assembly no later than July 1, 1987, all of the moneys which the existence of the counsel has saved consumers as defined herein due to the existence of the counsel between July 1, 1984, and July 1, 1987.~~

SECTION 91. 40-14-106 (3), Colorado Revised Statutes, 1984 Repl. Vol., is repealed as follows:

~~**40-14-106. Jurisdiction of courts.** (3) Any district attorney for the county having jurisdiction to prosecute violations of this article shall send copies of any complaints received during each of the fiscal years 1984-85 through 1986-87 which refer to violations of this article no later than the October 1 following each such fiscal year to the public utilities commission. In the event that such complaints are not in written form, any district attorney may provide a summary of such complaints instead of a copy.~~

SECTION 92. 40-14-107, Colorado Revised Statutes, 1984 Repl. Vol., is

repealed as follows:

40-14-107. Office of regulatory reform - report to general assembly. ~~During each of the years 1985 through 1990, the office of regulatory reform shall conduct a survey of district attorneys regarding compliance with this article. The office shall include the findings of each survey in its annual report required pursuant to section 24-34-904 (1) (j), C.R.S., following each such survey.~~

SECTION 93. 40-17-103 (3) (e), Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

40-17-103. Commission - powers and duties. (3) The commission shall, through the promulgation of rules, develop and implement a mechanism to recover its costs and the cost to local exchange companies in implementing and administering telecommunications relay services required by this article. The mechanism shall, at a minimum, provide for the following:

(e) The authority of a local exchange company to deduct and retain as reimbursement for its administrative costs an amount not to exceed three-quarters of one percent of the amount of total monthly surcharges collected by such local exchange company. In addition, the mechanism shall include a requirement that any remaining amount of moneys be transmitted to the state treasurer who shall credit the same to the "Colorado Disabled Telephone Users Fund" created by section ~~40-17-105~~ 40-17-104.

SECTION 94. 41-3-105 (2), Colorado Revised Statutes, 1984 Repl. Vol., is amended to read:

41-3-105. Board of commissioners. (2) The board of commissioners of an authority created by the formation of a combination shall consist of at least five members, but no more than nine members, representing the counties or municipalities participating in the combination. The authorizing resolution, filed with the director of the division of local government in the department of local affairs, as provided in section 41-3-104 (1), shall contain a provision as to the representation of the counties and municipalities participating in the combination. The members of the board of an authority created by a combination shall be appointed by resolution of the governing boards of the counties or municipalities that are members of the combination, the initial appointments, at the election of such municipality or county, to be made by the authorizing resolution filed with the director of said division. If the county in which the airport is to be located is not a member of the combination, then the member or members, if any, to which such county is entitled shall be appointed by the board of county commissioners of such county. The board created by the independent action of a county shall consist of five members who shall be appointed by the board of county commissioners of the county, and initial appointments to such board, at the election of the board of county commissioners, may be made in the authorizing resolution filed with the director of said division. Board members shall be taxpaying electors, as defined in section ~~1-1-104 (29)~~ 1-1-104 (49), C.R.S., at the time of their appointment, residing in the municipality or county from which appointed. After an authority is organized by the formation of a combination, the inclusion of additional counties or municipalities shall entitle the included municipalities or counties to representation on the same basis as other counties or municipalities. Each member

of the board may receive as compensation for his services a sum not in excess of sixty dollars per year. No member of the board shall receive any compensation as an employee of the authority or otherwise, other than that provided in this section, and no member of the board shall be interested in any contract or transaction with the authority except in his official respective capacity.

SECTION 95. 42-1-204, Colorado Revised Statutes, 1984 Repl. Vol., is amended to read:

42-1-204. Uniform rules and regulations. The executive director of the department has the power to make uniform rules and regulations not inconsistent with articles 1 to 4 of this title AND to enforce the same. ~~Nothing in this section shall be construed to authorize the executive director to promulgate regulations relating to subsections (2) and (3) of section 42-4-228, but the authority to promulgate additional regulations governing the transportation of explosives and other dangerous articles by vehicles upon the highways as they are considered advisable for the protection of the public shall be vested in the public utilities commission.~~

SECTION 96. 42-2-122.1 (6) (b), Colorado Revised Statutes, 1984 Repl. Vol., is amended to read:

42-2-122.1. Revocation of license based on administrative determination. (6) (b) Upon the expiration of the period of revocation under this section, if the person's license is still suspended or revoked on other grounds, the person may seek a probationary license as authorized by ~~sections 42-2-122 (4) and~~ SECTION 42-2-123 (13) subject to the requirements of paragraph (c) of this subsection (6).

SECTION 97. 42-2-508 (1), Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

42-2-508. Unlawful acts - penalty. (1) It is unlawful for any person other than an employee of the department to perform commercial driver's license driving tests, to act as a commercial driver's license testing unit, or to act as a commercial driver's license driving tester unless such person has been duly licensed by the department under the provisions of section ~~42-4-507~~ 42-2-507.

SECTION 98. 42-3-106 (26) (a) and (26) (b), Colorado Revised Statutes, 1984 Repl. Vol., as amended, are amended to read:

42-3-106. Taxable value of classes of property - rate of tax - when and where payable - department duties - apportionment of tax collections. (26) (a) During the month of January of each year, the treasurer of each county shall calculate the percentages which the dollar amount of ad valorem taxes levied in his county during the preceding calendar year for county purposes and for the purposes of each political and governmental subdivision located within the boundaries of his county were of the aggregate dollar amount of ad valorem taxes levied in his county during the preceding calendar year for said purposes. ~~Except as provided in paragraph (d) of this subsection (26);~~ The percentages so calculated shall be used for the apportionment between the county itself and each political and governmental subdivision located within its boundaries of the aggregate amount of specific ownership tax revenue to be paid over to him during the current calendar year.

(b) On the tenth day of each month, the aggregate amount of specific ownership taxes on Class A, B, C, D, and F personal property received or collected by the county treasurer during the preceding calendar month shall be apportioned between the county and each political and governmental subdivision located within the boundaries of the county according to the percentages calculated in the manner prescribed in ~~paragraphs (a) and (d)~~ PARAGRAPH (a) of this subsection (26), and the respective amounts so determined shall be credited or paid over to the county and each such subdivision.

SECTION 99. 42-3-123 (21) (b) and (23) (c), Colorado Revised Statutes, 1984 Repl. Vol., as amended, are amended to read:

42-3-123. Registration fees - passenger and passenger-mile taxes. (21) (b) The department shall furnish appropriate identification, by means of tags or otherwise, to indicate that a vehicle registered under this section is not subject to the payment of ton-mile taxes or to clearance by a port of entry weigh station.

(23) (c) In addition to the alternative fuels financial incentive subaccount created pursuant to section 25-7-106.9 ~~(2) (c)~~ (1) (e) (II), C.R.S., there shall be established two separate subaccount within the AIR account, one for the revenues available for appropriation to the department of health pursuant to paragraphs (a) and (b) of this subsection (23) and one for the revenues available for appropriation to the department of revenue pursuant to paragraph (b) of this subsection (23) and section 42-4-308. Any moneys remaining unexpended and unencumbered in either subaccount at the end of any fiscal year shall be appropriated by the general assembly for other purposes, subject to any limitations imposed by section 18 of article X of the state constitution.

SECTION 100. 42-3-127, Colorado Revised Statutes, 1984 Repl. Vol., as amended, is repealed as follows:

42-3-127. Highway construction vehicles exempt from tax. ~~Motor vehicles operated within the confines of highway construction projects of the department of transportation and motor vehicles operated within the confines of highway construction projects of all political subdivisions of the state of Colorado and used in the construction of such projects shall be exempt from all ton-mile taxes imposed by law while working within the confine of the project.~~

SECTION 101. 42-4-307 (7), Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

42-4-307. Definitions relating to automobile inspection and readjustment program. (7) "Motor vehicle", as applicable to emissions inspections, includes only a motor vehicle which is operated with four wheels or more on the ground, self-propelled by any gaseous fuel, liquid gasoline, or motor fuel containing a blend of liquid gasoline and alcohol and also includes any motor vehicle having a personal property classification of A, B, or C pursuant to section 42-3-105, as specified on its vehicle registration, and for which registration in this state is required for operation on the public roads and highways or which motor vehicle is owned or operated or both by a nonresident who meets the requirements set forth in section 42-4-312 (1) (b.5). "Motor vehicle" does not include vehicles registered pursuant to section

~~42-3-122.5~~, 42-3-123 (11) or 42-3-128 or vehicles registered pursuant to section 42-15-102 which are of model year 1959 or earlier or which have two-stroke cycle engines.

SECTION 102. 42-4-309.5 (3) (a), Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

42-4-309.5. Powers and duties of the executive director of the department of health - automobile inspection and readjustment program. (3) (a) The executive director may establish and operate such technical or administrative centers as may be necessary for the proper administration of the automobile inspection and readjustment program and for the state smoking vehicle programs provided for in sections 18-13-110, C.R.S., ~~25-7-130 (5)~~; 42-4-319, and 42-4-320. ~~C.R.S.~~

SECTION 103. 8-82-101, Colorado Revised Statutes, 1986 Repl. Vol., is amended to read:

8-82-101. Nonprofit corporation - authorization and purposes. For the purpose of performing the functions required under the provisions of the "Colorado Employment Security Act", articles 70 to 82 of this title, the division is hereby authorized to create a nonprofit corporation or authority under the laws of this state and, in the name of such nonprofit corporation or authority, to purchase land and cause to be erected thereon a building or buildings suitable for offices, or for housing equipment, or for both such purposes. Any land so purchased or buildings so constructed may be thereafter sold or exchanged when, in the determination of the directors of the corporation or authority, ~~with the advice and consent of the advisory council created under section 8-72-105~~, the division no longer has need for such property, and any funds or proceeds obtained from such sale or exchange shall be the sole property of the division and distributed by it as required by the terms of articles 70 to 82 of this title.

SECTION 104. Repeal. 10-14-131, Colorado Revised Statutes, 1987 Repl. Vol., is repealed.

SECTION 105. 12-14.5-107 (1)(a), Colorado Revised Statutes, 1991 Repl. Vol., is amended to read:

12-14.5-107. Content of written disclosure. (1) The information statement required pursuant to section 12-14.5-106 shall be printed in at least ten-point type and shall include:

(a) The following statements concerning consumer credit reports and consumer credit agencies:

"RIGHTS UNDER COLORADO AND FEDERAL LAW

You have a right to obtain a copy of your credit report from a credit bureau for a small fee. You have a right to dispute inaccurate information by contacting the credit bureau directly. However, you have no right to have accurate information removed from your credit bureau report. Under the federal "Fair CREDIT Reporting Act", the credit bureau must remove accurate negative information from your report only if it

is over 7 years old. Bankruptcy can be reported for 10 years. Even when a debt has been completely repaid, your report can show that it was paid late if that is accurate. You have a right to sue a credit repair company that violates the "Colorado Credit Services Organization Act". This law prohibits deceptive practices by repair companies. The "Colorado Credit Services Organization Act" also gives you a right to cancel your contract for any reason within 5 working days from the date you sign it.

The Federal Trade Commission enforces the federal "Fair Credit Reporting Act". For more information, call or write the Denver regional office of the Federal Trade Commission. The administrator of the uniform consumer credit code enforces the "Colorado Credit Services Organization Act". For more information, call or write the Colorado attorney general's office."

SECTION 106. 23-71-203 (2) (c), Colorado Revised Statutes, 1988 Repl. Vol., as enacted by Senate Bill 93-135, enacted at the First Regular Session of the Fifty-ninth General Assembly, is amended to read:

23-71-203. Submission of plan for joining state system. (2) (c) If a petition and plan of dissolution is submitted pursuant to this section, and dissolution of the junior college district ~~is~~ SHOULD NOT BE effected because of rejection or nonapproval of the plan, or otherwise, at any stage of the process provided for by subsection (1) of this section and section 23-71-204, no further petition or plan of dissolution pursuant to this section shall be submitted or accepted for a period of five years from the date of rejection or nonapproval or other action causing the prior plan of dissolution not to be effected.

SECTION 107. 24-4-105 (9) (b) (V) (B), Colorado Revised Statutes, as enacted by House Bill 93-1146, enacted at the First Regular Session of the Fifty-ninth General Assembly, is amended to read:

24-4-105. Hearings and determinations. (9) (b) (V) For purposes of this paragraph (b), unless the context requires otherwise:

(B) "Document" means any pleading or any other paper submitted as an appendix to such pleading by an attorney, which document is required or permitted to be filed with a ~~clerk of court~~ STATE AGENCY concerning any action to be commenced or which is pending before a ~~court of record~~ SUCH AGENCY.

SECTION 108. The introductory portion to 43-4-206 (1), Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

43-4-206. State allocation. (1) After the payments to the highway crossing protection fund required by law have been made ~~after any distributions pursuant to section 43-4-205 (9) or (10) have been made,~~ and after paying the costs of the Colorado state patrol and such other costs of the department, exclusive of highway construction, highway improvements, or highway maintenance, as are appropriated by the general assembly, sixty-five percent of the balance of the highway users tax fund shall be paid to the state highway fund and shall be expended for the following purposes:

SECTION 109. 43-4-207 (1), Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

43-4-207. County allocation. (1) After the payments required by law have been made to the highway crossing protection fund ~~after any distributions pursuant to section 43-4-205 (9) or (10) have been made~~, and after paying the costs of the Colorado state patrol and such other costs of the department, exclusive of highway construction, highway improvements, or highway maintenance, as are appropriated by the general assembly, twenty-six percent of the balance of the highway users tax fund shall be paid to the county treasurers of the respective counties and shall be allocated and expended as provided in this section. The moneys thus received shall be allocated to the counties as provided by law and shall be expended by said counties only on the construction, engineering, reconstruction, maintenance, repair, equipment, improvement, and administration of the county highway systems and any other public highways, including any state highways, together with acquisition of rights-of-way and access rights for the same and for no other purpose. The amount to be expended for administrative purposes shall not exceed five percent of each county's share of the funds available.

SECTION 110. 43-4-208 (1), Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

43-4-208. Municipal allocation. (1) After the payments required by law have been made to the highway crossing protection fund ~~after any distributions pursuant to section 43-4-205 (9) or (10) have been made~~, and after paying the costs of the Colorado state patrol and such other costs of the department, exclusive of highway construction, highway improvements, or highway maintenance, as are appropriated by the general assembly, and making allocation as provided by sections 43-4-206 and 43-4-207, the remaining nine percent of the highway users tax fund shall be paid to the cities and incorporated towns within the limits of the respective counties and shall be allocated and expended as provided in this section. Each city treasurer shall account for the moneys thus received as provided in this part 2. Such moneys so allocated shall be expended by said cities and incorporated towns for the construction, engineering, reconstruction, maintenance, repair, equipment, improvement, and administration of the system of streets of such city or incorporated town or of any public highways located within such city or incorporated town, including any state highways, together with the acquisition of rights-of-way and access rights for the same, and for no other purpose. The amount to be expended for administrative purposes shall not exceed five percent of each city's share of the funds available.

SECTION 111. Section 15 of House Bill 93-1324, enacted at the First Regular Session of the Fifty-ninth General Assembly, is amended to read:

Section 15. Effective date. Sections 1 through 4 AND 15 AND 16 of this act shall take effect July 1, 1993, and the remainder of this act shall take effect March 1, 1994.

SECTION 112. Effective date. Sections 104, 107, and 111 of this act shall take effect July 1, 1993, and the remainder of the act shall take effect upon passage.

SECTION 113. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 6, 1993

APPENDIX - HB93-1342

C.R.S. Section No.	Section in Bill	Change	Reason
1-2-222 (3)	1	Amended	In the "Uniform Election Code of 1992", changes a reference to correspond with the relocation of provisions in the recodification of the election laws in HB92-1333, Session Laws of Colorado 1992, chapter 118.
1-3-103 (2)(b)	2	Amended	Changes "chairman" to chairperson" to correspond with other changes in the "Uniform Election Code of 1992", enacted in HB92-1333, Session Laws of Colorado 1992, chapter 118, where gender neutral language was used throughout the act.
1-4-401 (1)	3	Amended	Same as 1-2-222 (3).
1-4-902 (3)	4	Amended	Same as 1-2-222 (3).
1-5-206 (2)(a)	5	Amended	Same as 1-2-222 (3).
1-5-402 (1) (a)	6	Amended	Same as 1-2-222 (3).
1-7-115	7	Amended	Deletes language from the beginning of the last sentence because it is duplicated at the end of the sentence. This change corresponds with other similar language in the "Uniform Election Code of 1992" enacted in HB92-1333, Session Laws of Colorado 1992, chapter 118.
1-7-407	8	Amended	Same as 1-2-222 (3).
1-7-505 (2)	9	Amended	Same as 1-2-222 (3).
1-7.5-107 (3)(c)	10	Amended	Same as 1-2-222 (3).
1-7.5-107 (5)	10	Amended	Changes "verification" to "return-verification" to correspond with like changes in the "Uniform Election Code of 1992" enacted in HB92-1333, Session Laws of Colorado 1992, chapter 118.

Ch. 300

Statutes

1-8-101 (3)	11	Amended	Same as 1-2-222 (3).
1-8-103 (1)	12	Amended	Same as 1-2-222 (3).
1-8-105	13	Amended	Clarifies the use of the terms "official" and "election official" to correspond with the definition "designated election official" added by HB92-1333, Session Laws of Colorado 1992, chapter 118, to section 1-1-104 (8).
1-8-107	14	Amended	Adds the term "absentee" before "ballot" to be consistent within the section.
1-8-118 (1)(a), (2)	15	Amended	Makes grammatical clarification changes.
1-9-101 (1)(b)(II)	16	Amended	Same as 1-2-222 (3).
1-10-304	17	Amended	Same as 1-2-222 (3).
1-45-116 (4)	18	Amended	Changes an erroneous internal reference which resulted when the section referenced was renumbered by HB92-1185, Session Laws of Colorado 1992, chapter 115, and the corresponding change to the reference was not made.
2-3-1203 (3)(g)(XIV), (3)(g)(XVII)	19	Amended (Deleted by Amendment)	Deletes two committees from the listing of advisory committees scheduled for repeal on July 1, 1994, to conform with the repeal in HB91-1065 (Session Laws of Colorado 1991, chapter 161, page 883, section 2) of the sections where the advisory committees were established.
2-3-1203 (3)(i)(IV)	19	Amended	In a listing of advisory committees scheduled for repeal, corrects an erroneous internal reference to where the pharmacy advisory committee was created.
2-4-210	20	Repealed	Repeals a provision which is duplicated by section 2-4-113.

8-20-501	21	Amended	In a legislative declaration in a part concerning underground storage tanks, deletes language which specifies that the part does not include aboveground storage tanks to conform with the intent of HB92-1134, Session Laws of Colorado 1992, chapter 234, page 1818, which amended sections 8-20-206.5, 8-20-506, and 8-20-509 to include aboveground storage tanks.
8-41-403 (1), (3)	22	Amended	Changes references from "this article" to "this part 4" to express the legislative intent of HB90-1160 (Session Laws of Colorado 1990, chapter 62, page 476) which recodified the "Workers' Compensation Act of Colorado". The provisions contained in said part 4 were contained in a separate article prior to the 1990 recodification, and the reference to article should have been changed to part 4. This change is consistent with the findings in part V of <u>Bailey v. C.P. Construction, Inc.</u> , No. 91CA0462, issued April 23, 1992.
8-73-101 (2)	23	Amended	In a provision which gives the division of employment and training the authority to issue benefits on a weekly basis under certain conditions and with the approval of the advisory council, deletes the requirement that the approval of the advisory council be given, because the section where the advisory council was created (8-72-105) was repealed effective July 1, 1990, pursuant to House Bill 1101, Session Laws of Colorado 1986, chapter 57, page 409, section 7.
10-1-102 (1.5)(s), (9)(e)	24	Amended	Corrects internal references to sections which were relocated as a result of the recodification in SB92-104 of the health care coverage statutes. (See Session Laws of Colorado 1992, chapter 207.)

10-3-216 (1)(f)(II)	25	Amended	In a provision which requires that savings and loan associations be insured by the federal savings and loan insurance corporation, adds after reference to that agency "or any successor agency thereto" since the federal savings and loan insurance corporation was abolished by Title IV, section 401 (a), of the federal "Financial Institutions Reform, Recovery, and Enforcement act of 1989". This is consistent with sections 11-5-105 (1) and 11-10.5-103 (8), which contain similar references.
10-16-402 (2)(d)(V)	26	Amended	Same as 10-1-102 (1.5)(s).
11-35-101 (1)	27	Amended	In a provision which lists sections where surety bonds are required, deletes a reference to a section which was repealed by SB92-90. (See Session Laws of Colorado 1992, chapter 206, page 1615, section 174.)
12-46-109 (1)(d)(III)(C)	28	Amended	Changes "though" to "through" to correct a typographical error in House Bill 1498, Session Laws of Colorado 1983, chapter 138, page 551.
12-47.1-301 (1)(a)	29	Amended	Changes a reference to qualification of peace officers to correspond to the relocation of the provision by HB92-1192, Session Laws of Colorado 1992, chapter 167, page 1095, section 1.
13-5-201 (2)	30	Amended	In a provision concerning water referees appointed under section 37-92-203 (6), changes "magistrate" to "referee". SB91-144, Session Laws of Colorado 1991, chapter 60, changed court referees to court magistrates. This provision was erroneously changed. No other provisions concerning water referees were changed to water magistrate, including the section referenced by this section.
13-6-201 (2)(b), (2)(d)	31	Amended	Conforms language to a change in the classifications of counties that became effective January 12, 1993.

13-6-410	32	Amended	Changes "referee" to "magistrate" to comply with the intent of SB91-144, Session Laws of Colorado 1991, chapter 60, page 354, which made this change to other sections in title 13 but inadvertently missed this provision.
13-6-502	33	Amended	Same as 13-6-410.
13-85-101	34	Amended	Deletes reference to a provision relating to the transit construction authority which was repealed in 1989 by House Bill 1356, Session Laws of Colorado 1989, chapter 291, page 1321.
13-85-103	35	Amended	Same as 13-85-101.
16-3-109	36	Amended	For correct grammatical construction and to conform with other language in the section, changes "has been" to "must have been".
17-27.8-104 (1)	37	Amended	In a section added by HB90-1227, Session Laws of Colorado 1990, chapter 124, page 969, section 1, corrects an erroneous internal reference. The change reflects the correct cite and also corresponds with the same reference in section 17-27.8-103 which was also added by HB90-1227.
18-1-901 (3)(I)(II)(B)	38	Amended	In a reference to where "security officer" is defined, changes the cite to correspond with HB92-1192, Session Laws of Colorado 1992, chapter 167, page 1094, which moved the definition.
18-18-102 (16)	39	Amended	Within the definition of "isomer" in the "Uniform Controlled Substances Act of 1992", corrects references which were not changed in HB92-1015, Session Laws of Colorado 1992, chapter 71, page 324, section 1, when an amendment to the bill changed the numbering.

18-18-432	40	Recreated & Reenacted	In the "Controlled Substances Act of 1992", adds a provision that was enacted by HB91-1173 Session Laws of Colorado 1991, Chapter 82, page 442, as section 18-18-112. When the provisions relating to controlled substances were recodified in HB92-1015 Session Laws of Colorado 1992, Chapter 71, page 324, the provisions was inadvertently omitted from the initial draft of that act which was based on a 1991 draft to recodify the controlled substances provisions and was prepared prior to the enactment of HB91-1173.
18-19-103 (3)(c)	41	Amended	Corrects a reference to section 18-18-432 which is reenacted in the previous section.
19-1-120 (2)(k), (2)(l)	42	Amended	In paragraph (k) of subsection (2), adds wording to clarify the intent of the sentence and to parallel same language in paragraph (l). In paragraph (l), corrects a reference to correspond with change made by HB91-1002, Session Laws of Colorado 1991, chapter 37, page 221, where the cite was moved.
19-4-114 (1)(b)	43	Amended	Corrects a reference to a cite concerning factors relating to the best interests of a child.
22-5-111 (1)	44	Amended	Changes "registered" electors to "eligible" electors to conform with changes made to article 42 of title 22 in the "Uniform Election Code of 1992" in HB92-1333, Session Laws of Colorado 1992, chapter 118.
22-31-104 (3)	45	Amended	Changes "canvass" to "survey" to conform with changes made in the "Uniform Election Code of 1992", in HB92-1333, Session Laws of Colorado 1992, chapter 118.
22-31-105 (4.5), (7)(a)(II)	46	Amended	Same as 22-5-111 (1).

22-31-105 (9)(c)	46	Amended	Corrects an internal reference to correspond with the relocation of provisions caused by the recodification of the election laws in HB92-1333, Session Laws of Colorado 1992, chapter 118.
22-31-129 (4)	47	Amended	Same as 22-31-105 (9)(c).
22-31-131 (1.5)(b)(I)	48	Amended	Same as 22-5-111 (1).
22-31-132	49	Amended	Same as 22-31-105 (9)(c).
22-32-113 (5)(a)	50	Amended	Same as 22-5-111 (1).
22-40-102 (1.7)(a)	51	Amended	Same as 22-5-111 (1).
22-60-106	52	Amended	Deletes obsolete language which references a provision relating to the issuance of instructor certificates. The provision which authorized the issuance of such certificates was repealed effective July 1, 1992. See House Bill 1334, Session Laws of Colorado 1988, chapter 148, page 834, section 4.
24-1-117 (4)	53	Amended	In a provision which lists the divisions under the department of revenue, includes the division of racing events to conform with HB92-1206, Session Laws of Colorado 1992, chapter 285, which transferred the division from the department of regulatory agencies to the department of revenue.
24-1-122 (2)(f)	54	Repealed	Repeals reference to the division of racing events from a listing of the divisions under the department of regulatory agencies to conform with HB92-1206, Session Laws of Colorado 1992, chapter 285, which transferred the division from the department of regulatory agencies to the department of revenue.

24-32-104 (1)(k)	55	Repealed	Repeals as obsolete a provision under the duties of the division of local government which required the division to report to the General Assembly concerning provisions related to taxing entities which adopt procedures under a section which was repealed effective January 1, 1990.
24-34-104.3	56	Repealed	Repeals an obsolete provision which required reports by the sunrise and sunset review committee to the General Assembly during the 1991 session.
24-34-502 (9)	57	Repealed	Repeals a provision which would have repealed specified provisions of the statutes relating to the Colorado Civil Rights Division effective September 13, 1992, unless the General Assembly received written verification prior to that date of compliance with federal law (pursuant to House Bill 90-1202, Session Laws of Colorado 1990, chapter 173, page 1232, section 12). Such verification was received September 11, 1992.
24-34-504 (5)	58	Repealed	Same as 24-34-502 (9).
24-34-505.5 (5)	59	Repealed	Same as 24-34-502 (9).
24-34-505.6 (7)	60	Repealed	Same as 24-34-502 (9).
24-34-506.5 (5)	61	Repealed	Same as 24-34-502 (9).

24-50-118 (4)	62	Amended	In a provision relating to state employee performance evaluations, changes a requirement that the state personnel director report to the joint budget committee annually on the number of supervisors "whose salary increases were withheld" under subsection (3) for not evaluating their employees to the number of supervisors "who were fined" to correspond with House Bill 1352, Session Laws of Colorado 1989, chapter 217, page 1067, which amended subsection (3) of the section to change the penalty to a fine.
24-51-602 (1)(b)	63	Amended	Corrects an internal reference to employer contribution of state troopers under PERA to conform with changes made by HB92-1335, chapter 175.
24-60-401 IP(1)	64	Amended	In a provision which grants authority to the state to enter into a compact concerning crime prevention, corrects an erroneous cite to the federal law where authority is granted.
24-101-301 (7)	65	Repealed	Repeals a provision which defines "council" as the procurement advisory council, because said council was repealed by HB90-1301, Session Laws of Colorado 1990, chapter 197, page 1308, section 5.
24-113-103 (3)(i)	66	Amended	Same as 13-85-101.
25-1-107 (1)(ee)(I)(B)	67	Amended	Changes a reference to correspond with changes made to the controlled substances laws by HB92-1015, Session Laws of Colorado 1992, chapter 71.
25-7-114.1 (3)(d)	68	Amended	Corrects an erroneous cite to the United States Code.
25-7-114.1 (5)(b)(I)	68	Amended	Adds a word included by amendment but inadvertently omitted from the section. (See SB92-105 Session Laws of Colorado 1992, chapter 179, page 1200, section 18).

25-7-407 (10)	69	Repealed	Repeals subsection (10) which provided for the repeal of other subsections effective January 1, 1993, since that date has passed and the repeal has taken effect.
25-15-512 (1)	70	Amended	In a provision concerning when hazardous waste incinerator sites should be inspected, specifies that the determination will be made by regulation of the board instead of the commission since the commission is given authority to promulgate regulations and board is not defined or used anywhere else in the article.
26-2-133 (2)	71	Amended	Changes "hearing" to "conference" to conform with terminology used in HB91-1165, Session Laws of Colorado 1991, chapter 297.
26-4-504 (2)(a)	72	Amended	In a provision of the Colorado Medical Assistance Act which sets out maximum benefits, deletes language concerning an exception to the maximum benefit allowed, because the provision containing the exception was repealed effective September 30, 1992, by SB91-138, Session Laws of Colorado 1991, chapter 291, page 1868, section 20.
26-5-102	73	Amended	Changes a reference to a section which was repealed effective August 1, 1992, by HB92-1232, Session Laws of Colorado 1992, chapter 40, page 217. The substantive provisions were moved by said bill to the cite now referenced.
26-17-103 (8)	74	Amended	In a provision which references the state constitution, changes "article VII" to "article VIII" to correct an error made in SB90-25, Session Laws of Colorado 1990, chapter 225, page 1424, section 1, and to reflect the correct cite.
27-10.5-104 (1)(a)	75	Amended	Changes a statutory reference to correctly cite provisions relating to out-of-home placements and other family support services.

29-13-102 (5)	76	Amended	Changes an internal reference from "10-1-110 (5)" to "10-1-204 (9)", because said subsection (5) was repealed by SB92-12, Session Laws of Colorado 1992, chapter 203, page 1413, and in the same bill the language that was contained in subsection (5) was added as a subsection (9) to section 10-1-204. Other such references were corrected in the conference committee report to SB92-12.
32-1-104 (1)	77	Amended	Same as 22-31-105 (9) (c).
32-1-401 (3)	78	Amended	Corrects an erroneous internal reference.
32-9-103 (7)(a)	79	Amended	Same as 13-85-101.
32-9-151 (2)	80	Amended	Same as 22-31-105 (9)(c).
32-10-138 (1)	81	Amended	Changes "elector" to "eligible elector" in a provision which references where the term is defined in section 32-10-103 (5)(a), because that provision was changed to "eligible elector" by HB92-1333, Session Laws of Colorado 1992, chapter 118.
33-1-105.5 (1)	82	Amended	Corrects an erroneous reference to a subsection which occurred when the conference committee report to SB92-167, Session Laws of Colorado 1992, chapter 255, page 1898, section 2, changed the numbering of the subsections but failed to correct the internal reference accordingly.
34-21-108 (3)	83	Amended	In accordance with section 34-20-103 (6), changes "the division of mines" to "the office of active and inactive mines".
35-11.5-109 (2)	84	Amended	Corrects an erroneous reference made in the preparation of House Bill 1211, Session Laws of Colorado 1989, chapter 302, page 1378, section 1. When provisions in the original draft were renumbered, the reference was not changed accordingly.

35-53-101 (2)	85	Amended	In a provision which references section 35-53-105 (4)(f) pertaining to exemptions from brand inspection requirements, changes the language to conform with changes made to said paragraph (f) by SB92-151, Session Laws of Colorado 1992, page 161, section 1.
39-2-130 (6)	86	Repealed	Repeals July 1, 1993, repealer in order to continue provisions which establish the membership of the property tax administrator advisory committee and set out their function to conform with the intent of section 12 of SB93-8 which continued section 39-2-129 where the committee is established.
39-2-131 (2)	87	Repealed	Same as 39-2-130 (6).
39-23-142 (6), (8)	88	Amended	Changes a reference to a definition for "agricultural land", because the definition was repealed in 1983 by Senate Bill 6, Session Laws of Colorado 1983, chapter 426, page 1486, and relocated to section 39-1-102 (1.6).
40-3.4-108 (2)	89	Amended	Deletes obsolete language concerning moneys available to the low-income assistance fund for fiscal year 1990 only.
40-6.5-109	90	Repealed	Repeals an obsolete section which required the consumer counsel to report to the general assembly since the date has passed and the report was filed.
40-14-106 (3)	91	Repealed	Repeals an obsolete provision which required certain complaints received by district attorneys through fiscal year 1984-85 to be sent to the public utilities commission, since the date has passed.

40-14-107	92	Repealed	Repeals an obsolete section which required that a report be filed with the general assembly by the office of regulatory reform each fiscal year through 1990, since that date has passed.
40-17-103 (3)(e)	93	Amended	Changes a reference to correctly cite where the "Colorado Disabled Telephone User's Fund" is created.
41-3-105 (2)	94	Amended	Changes a reference to correspond with the relocation of provisions in the recodification of the election laws in HB92-1333, Session Laws of Colorado 1992, chapter 118.
42-1-204	95	Amended	Deletes language relating to the promulgation of rules and regulations by the public utilities commission for the transport of explosives and other dangerous materials to conform with changes made by Senate Bill 241, Session Laws of Colorado 1989, chapter 370, page 1638, and conforming changes made by HB92-1002, chapter 195, page 1338, which consolidated the authority to adopt rules and regulations for the transport of hazardous materials with the state patrol.
42-2-122.1 (6)(b)	96	Amended	Deletes reference to a provision which allowed for probationary licenses to be issued. The section referenced was repealed and reenacted in 1990 resulting in the elimination of the probationary license provision. (See HB90-1272, Session Laws of Colorado 1990, chapter 298, page 1782, section 9.)
42-2-508 (1)	97	Amended	Corrects an apparent typographical error in a reference to provisions for licensing of a commercial driver's license tester.
42-3-106 (26)(a), (26)(b)	98	Amended	Deletes reference to a provision which was repealed in 1991 by SB91-159, Session Laws of Colorado 1991, chapter 332, page 2425, section 5.

Ch. 300

Statutes

42-3-123 (21)(b)	99	Amended	Deletes language concerning the ton-mile tax which was repealed by Senate Bill 159, Session Laws of Colorado 1989, chapter 356.
42-3-123 (23)(c)	99	Amended	Corrects a reference which was incorrect as adopted by HB92-1305, Session Laws of Colorado 1992, chapter 190, page 1316, section 1.
42-3-127	100	Repealed	Repeals a section which exempted certain vehicles from the ton-mile tax, because that tax was repealed by Senate Bill 159, Session Laws of Colorado 1989, chapter 356.
42-4-307 (7)	101	Amended	In a definition of "motor vehicle", which references several sections where certain types of vehicles are registered and are not considered motor vehicles, deletes a reference to electric-powered motor vehicles because that section was repealed effective July 1, 1987, by Senate Bill 114, Session Laws of Colorado 1980, chapter 167, page 752, section 7.
42-4-309.5 (3)(a)	102	Amended	In a section which lists references to various sections where automobile adjustment and inspection programs are authorized, deletes a reference to a provision which was repealed effective June 30, 1986, by Senate Bill 193, Session Laws of Colorado 1984, chapter 308, page 1085, section 2.
8-82-101	103	A	Same as 8-73-101 (2).
10-14-131	104	R	Repeals a section in article 14 of title 10 to conform with Senate Bill 93-72, which amended article 14 of title 10 and relocated provisions contained therein. Section 3 of the bill repealed all sections in the article which were not relocated, but this section was not included even though it was not relocated.

12-14.5-107 (1)(a)	105	A	Corrects an error made in Senate Bill 90-123 when it was enrolled and printed in the Session Laws of Colorado 1990, page 800, chapter 88,V wherein the word "credit" was inadvertently dropped from a reference to the "Fair Credit Reporting Act".
23-71-203 (2)(c)	106	A	Corrects language added by Senate Bill 93-135 in which a second reading amendment to make technical amendments to the Business Affairs and Labor committee report inadvertently dropped the word "not" in substitute language and "should not be effected" became "is effected".
24-4-105 (9)(b)(V)(B)	107	A	In House Bill 93-1146 concerning the use of recycled paper, changes "clerk of court" and "court of record" to "state agency", because the section where the terms are used deals with the use of recycled paper by state agencies.
43-4-206 IP (1)	108	A	Deletes language referring to subsections which were repealed and which concerned moneys transferred in past fiscal years.
43-4-207 (1)	109	A	Same as 43-4-206 IP (1).
43-4-208	110	A	Same as 43-4-206 IP (1).
Section 15 of House Bill 93-1324	111	A	Amends the effective date provision to make the effective date and safety clause of the bill effective on the same date as the earliest provisions in the act become effective.