

CHAPTER 145

**PROFESSIONS AND OCCUPATIONS**

SENATE BILL 95-206

BY SENATOR Lacy;  
also REPRESENTATIVE Grampas.

**AN ACT**

**CONCERNING FEES COLLECTED BY THE PRIVATE OCCUPATIONAL SCHOOL DIVISION.**

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

**SECTION 1.** 12-59-116 (1), Colorado Revised Statutes, 1991 Repl. Vol., is amended, and the said 12-59-116 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**12-59-116. Fees - private occupational schools fund - annual adjustment.**

(1) The division by rule shall establish fees for the direct and indirect costs of the administration of this article, which fees shall accompany any application for a certificate of approval for a new school or for a school other than a new school, for an in-state or out-of-state agent's permit, or for a change of ownership. All fees collected shall be transmitted to the state treasurer, who shall credit the same to the private occupational schools fund, which fund is hereby created. The moneys in the fund shall be subject to annual appropriation by the general assembly for the direct and indirect costs of the administration of this article. ALL MONEYS CREDITED TO THE FUND SHALL BE USED FOR THE DIRECT AND INDIRECT COSTS OF THE ADMINISTRATION OF THIS ARTICLE AND SHALL NOT BE DEPOSITED IN OR TRANSFERRED TO THE GENERAL FUND OF THIS STATE OR TO ANY OTHER FUND.

(3) (a) THE DIVISION SHALL PROPOSE, AS PART OF ITS ANNUAL BUDGET REQUEST, AN ADJUSTMENT IN THE AMOUNT OF THE FEES THAT IT IS AUTHORIZED TO COLLECT PURSUANT TO THIS SECTION. THE BUDGET REQUEST AND THE ADJUSTED FEES SHALL REFLECT THE DIRECT AND INDIRECT COSTS OF ADMINISTERING THIS ARTICLE.

(b) BASED UPON THE APPROPRIATION MADE AND SUBJECT TO THE APPROVAL OF THE COLORADO COMMISSION ON HIGHER EDUCATION, THE DIVISION SHALL ADJUST ITS

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

FEES SO THAT THE REVENUE GENERATED FROM SAID FEES APPROXIMATES THE DIRECT AND INDIRECT COSTS OF ADMINISTERING THIS ARTICLE. THE ADJUSTED FEES SHALL REMAIN IN EFFECT FOR THE FISCAL YEAR FOR WHICH THE BUDGET REQUEST APPLIES.

(c) BEGINNING JULY 1, 1995, AND EACH JULY 1 THEREAFTER, WHENEVER MONEYS APPROPRIATED TO THE DIVISION FOR ITS ACTIVITIES FOR THE PRIOR FISCAL YEAR ARE UNEXPENDED, SAID MONEYS SHALL BE MADE A PART OF THE APPROPRIATION TO THE DIVISION FOR THE NEXT FISCAL YEAR, AND SUCH AMOUNT SHALL NOT BE RAISED FROM FEES COLLECTED BY THE DIVISION. IF A SUPPLEMENTAL APPROPRIATION IS MADE TO THE DIVISION FOR ITS ACTIVITIES, THE DIVISION'S FEES SHALL BE ADJUSTED IN THE FOLLOWING FISCAL YEAR BY AN ADDITIONAL AMOUNT THAT IS SUFFICIENT TO COMPENSATE FOR THE SUPPLEMENTAL APPROPRIATION. FUNDS APPROPRIATED TO THE DIVISION IN THE ANNUAL GENERAL APPROPRIATIONS BILL SHALL BE DESIGNATED AS CASH FUNDS AND SHALL NOT EXCEED THE AMOUNT ANTICIPATED TO BE RAISED FROM FEES COLLECTED BY THE DIVISION.

**SECTION 2. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 22, 1995