

CHAPTER 270

STATUTES

SENATE BILL 96-208

BY SENATORS Perlmutter, Matsunaka, Wattenberg, Wells, Wham, Bishop, Hernandez, Pascoe, and L. Powers;
also REPRESENTATIVES DeGette, Adkins, Kaufman, Kreutz, and Snyder.

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. 1-2-217.5 (1) (b), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-2-217.5. Change in residence before close of registration - lack of knowledge - emergency registration. (1) Notwithstanding the provisions of sections 1-2-101 and 1-2-102, an elector may register to vote in an election after the registration books of the county clerk and recorder are closed for that election, if the elector:

(b) Presents a Colorado driver's license or personal identification card issued by the department of revenue pursuant to ~~part 4~~ PART 3 of article 2 of title 42, C.R.S., that contains a photograph of that person; and

SECTION 2. 2-3-1203 (3) (g) (XII) and (3) (h) (II), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are repealed as follows:

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:

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

~~(XII) The space advisory council appointed pursuant to section 24-48-102, C.R.S.;~~

~~(h) July 1, 1995:~~

~~(II) The advisory committee to the state inspector of oils for underground storage tank installers appointed pursuant to section 8-20.5-402 (1) (i), C.R.S.;~~

SECTION 3. 7-80-1001.5 (7) (b), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

7-80-1001.5. Conversion of limited liability company to partnership or limited partnership. (7) If the notice of conversion contains a statement that the limited liability company is converted directly into a registered limited liability partnership or a registered limited liability limited partnership:

(b) The members shall be deemed to have become partners in a registered limited liability partnership or a registered limited liability limited partnership without having been partners in a partnership or limited partnership that was not a registered limited liability ~~limited~~ partnership or registered limited liability limited partnership, as the case may be.

SECTION 4. 10-1-108 (15), Colorado Revised Statutes, 1994 Repl. Vol., is amended to read:

10-1-108. Duties of commissioner - reports - publications - fees - disposition of funds - adoption of rules. (15) It is the duty of the commissioner to oversee the operation of electronic data interchange projects for purposes of uniform billing and electronic data exchange for health benefit coverages in Colorado. In carrying out such duties, the commissioner shall coordinate with the departments of labor and employment, public health and environment, and health care policy and financing, ~~and the Colorado health data commission~~, as appropriate.

SECTION 5. 10-1-131 (6) (b), Colorado Revised Statutes, 1994 Repl. Vol., is amended to read:

10-1-131. Uniform billing and electronic data exchange act - advisory board - creation. (6) (b) It is the determination of the general assembly that funding for the provisions of this section shall only be from sources exempt from the definition of "fiscal year spending", as said term is defined in section 20 of article X of the state constitution. The division of insurance, the department of human services, the department of health care policy and financing, the department of labor and employment, AND the department of public health and environment ~~and the Colorado health data commission~~ are authorized to accept and expend gifts and federal funds on behalf of the advisory board for the purposes of this section.

SECTION 6. 11-51-702.5 (6) (c), Colorado Revised Statutes, 1987 Repl. Vol., as amended, is amended to read:

11-51-702.5. Securities board - creation - duties - repeal. (6) (c) The securities board shall hear the matters described in section 11-51-606 (3) (e) and (4) (d) and issue the initial decisions as provided therein. The chairperson of the securities board

shall determine the date and place for such hearings, and may appoint a panel of the securities board consisting of no less than three board members to conduct such hearings. Any hearing held regarding an order issued by the securities commissioner under section ~~11-51-604 (3) or (4)~~ 11-51-606 (3) OR (4) shall be heard by the securities board.

SECTION 7. 12-14-103 (2) (a) (II) (D), (2) (d), and (7), Colorado Revised Statutes, 1991 Repl. Vol., as amended, are amended to read:

12-14-103. Definitions. As used in this article, unless the context otherwise requires:

(2) (a) "Collection agency" means any:

(II) Person who:

(D) Collects debt for the department of ~~administration~~ PERSONNEL, but only for the purposes specified in paragraph (d) of this subsection (2).

(d) For the purposes of section 12-14-108 (1) (f), "collection agency" includes any person engaged in any business the principal purpose of which is the enforcement of security interests. For purposes of sections 12-14-104, 12-14-105, 12-14-106, 12-14-107, 12-14-108, and 12-14-109 only, but not for purposes of section 12-14-109 (1) (g), "collection agency" includes a debt collector for the department of ~~administration~~ PERSONNEL.

(7) "Debt collector" means any person employed or engaged by a collection agency to perform the collection of debts owed or due or asserted to be owed or due to another, and includes any person employed by the department of ~~administration~~ PERSONNEL, or any division of said department, when collecting debts due to the state on behalf of another state agency.

SECTION 8. 12-14-109 (1) (f), Colorado Revised Statutes, 1991 Repl. Vol., as amended, is amended to read:

12-14-109. Validation of debts. (1) (f) That collection agencies are licensed by the collection agency board. The address of the board shall also be disclosed. If, however, the debt collector is a person employed by the department of ~~administration~~ PERSONNEL for the purpose of collecting debts due to the state on behalf of another state agency, the disclosure required under this paragraph (f) shall state that the activities of such debt collector are subject to sections 12-14-104 to 12-14-109, Colorado Revised Statutes, as contained in the "Colorado Fair Debt Collection Practices Act", that complaints may be filed with the executive director of the department of ~~administration~~ PERSONNEL, and that disciplinary actions will be subject to the rules and regulations of the state personnel system.

SECTION 9. 12-14-130.1, Colorado Revised Statutes, 1991 Repl. Vol., as amended, is amended to read:

12-14-130.1. Debt collectors for the department of personnel - complaint - disciplinary procedures. (1) Any interested person may file a written complaint

with the executive director of the department of ~~administration~~ PERSONNEL charging a debt collector in the employ of the department of ~~administration~~ PERSONNEL with a violation of:

- (a) This article or a rule promulgated pursuant thereto;
- (b) A lawful order of the state board of ethics; or
- (c) The standards of conduct set forth in the code of conduct developed by the department of ~~administration~~ PERSONNEL for such debt collectors.

(2) Each complaint filed pursuant to this section shall be referred to the executive director of the department of ~~administration~~ PERSONNEL who shall conduct an investigation to determine if a violation of subsection (1) of this section occurred. If the executive director makes a determination that a violation did occur, the debt collector who is the subject of the complaint shall be subject to the disciplinary procedures set forth in rules adopted by the state personnel board. If a determination made pursuant to this subsection (2) is unsatisfactory to any party, an appeal may be made to the board of ethics for the executive branch of state government in the office of the governor.

(3) If the executive director of the department of ~~administration~~ PERSONNEL, or the board of ethics in the case of an appeal, makes a determination that a debt collector in the employ of the department of ~~administration~~ PERSONNEL has acted in violation of this article or a rule promulgated pursuant thereto, a lawful order of the state board of ethics, or the code of conduct described in paragraph (c) of subsection (1) of this section, such determination shall be made a part of the personnel file of the debt collector against whom the complaint was filed.

SECTION 10. 12-47.1-703, Colorado Revised Statutes, 1991 Repl. Vol., is amended to read:

12-47.1-703. Enforcement. It is the duty of all sheriffs and police officers in this state to enforce the provisions of this article, or ~~article 19~~ ARTICLE 20 of title 18, C.R.S., and the rules and regulations promulgated by the commission, either on their own motion or upon complaint of any person, including any authorized agent of the commission. Such sheriffs and police officers may exercise any authority of inspection and examination specified in this article. The district attorneys of the respective judicial districts of this state shall prosecute all violations of this article in the same manner as provided for other crimes and misdemeanors.

SECTION 11. 13-25-126.5 (2) (c), Colorado Revised Statutes, 1987 Repl. Vol., as amended, is amended to read:

13-25-126.5. Documents arising from environmental self-evaluation - admissibility in evidence. (2) (c) "Environmental law" means any requirement contained in ARTICLE 20.5 OF TITLE 8, C.R.S., ~~articles 7, 8, 11, 15, and 18~~ ARTICLES 7, 8, 11, AND 15 of title 25, C.R.S., or article 20 of title 30, C.R.S., in regulations promulgated under such provisions, or in any orders, permits, licenses, or closure plans under such provisions.

SECTION 12. 18-6-805 (1), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

18-6-805. Repeal of sections - repeal. (1) Sections 18-6-802 and 18-6-803 are repealed, effective July 1, 1998. Prior to such repeal, the functions of certifying and setting standards for domestic violence ~~intervention program providers~~ TREATMENT PROGRAMS by local boards and the commission on domestic violence shall be reviewed as provided for in section 24-34-104, C.R.S. Such review shall be made by the sunrise and sunset review committee which conducts such review pursuant to section 12-43-712, C.R.S.

SECTION 13. 24-34-104 (27) (e), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (27) (e) The following function of the commission on domestic violence in the judicial department shall terminate on July 1, 1998: The function of certifying and setting standards for domestic violence ~~intervention program providers~~ TREATMENT PROGRAMS in accordance with sections 18-6-802 and 18-6-803, C.R.S.

SECTION 14. 24-34-104.4 (1) (a) (II), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

24-34-104.4. Excise tax on fees. (1) Notwithstanding any provision of law to the contrary except as provided in sections 12-38.1-104 and 12-38.1-109, there is imposed, and the executive director of the department of regulatory agencies shall collect, an excise tax of nine dollars upon the payment of the following fees:

(a) Within the division of insurance:

(II) License and examination fees for insurance producers authorized pursuant to ~~sections SECTION 10-2-413 and 10-3-207 (1) (g), (1) (h), (1) (i), and (2),~~ C.R.S.;

SECTION 15. 24-46.1-101 (2) (a), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

24-46.1-101. Economic development central information system - information - availability. (2) (a) The department of ~~administration~~ PERSONNEL;

SECTION 16. 24-72-204 (3) (a) (VIII), Colorado Revised Statutes, 1988 Repl. Vol., is repealed as follows:

24-72-204. Allowance or denial of inspection - grounds - procedure - appeal. (3) (a) (VIII) ~~Data collected by and furnished to the Colorado health data commission pursuant to article 28 of title 25, C.R.S.~~

SECTION 17. 24-82-602 (3), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

24-82-602. Required energy performance goal. (3) State buildings which are

not office buildings shall be designed for maximum use of passive solar concepts, economically feasible renewable energy systems, and ease of renewable energy system retrofit but may exceed the fifty-five thousand Btu/square foot/year energy performance goal if approved by the department of personnel for each building on a case-by-case basis. Said goal may also be adjusted by the department of ~~administration~~ PERSONNEL to accommodate different climate zones in the state.

SECTION 18. 25-3-401 (2), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

25-3-401. Department of public health and environment to administer plan.

(2) The state plan established under subsection (1) of this section shall provide for adequate hospital facilities for the people residing in the state, without discrimination on account of race, creed, or color, and shall provide for adequate hospital facilities for persons unable to pay therefor. The department of public health and environment shall ~~after consultation with the Colorado health facilities review council established in section 25-3-504,~~ provide minimum standards for the maintenance and operation of hospitals which receive federal aid under this part 4, and compliance with such standards shall be required in the case of hospitals which have received federal aid under the provisions of said federal acts, or any amendments thereto.

SECTION 19. 25-3.5-704 (1), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

25-3.5-704. Statewide trauma care system - development and implementation - duties of the department - rules adopted by board. (1) The department shall develop, implement, and monitor a statewide trauma care system in accordance with the provisions of this part 7 and with rules adopted by the state board. The system shall be implemented statewide no later than July 1, 1997. In addition, the board shall cooperate with the department of ~~administration~~ PERSONNEL in adopting criteria for adequate communications systems that counties shall be required to identify in area trauma plans in accordance with subsection (2) of this section. Pursuant to section 24-50-504 (2), C.R.S., the department may contract with any public or private entity in performing any of its duties concerning education, the statewide trauma registry, and the verification process as set forth in this part 7.

SECTION 20. 25-6.5-102 (1) and (2), Colorado Revised Statutes, 1989 Repl. Vol., as amended, are amended to read:

25-6.5-102. Requirements for environmental rules - publication. (1) All agency policies and guidance, including any amendments or revisions thereto, relating to the implementation, administration, and enforcement of ~~article 7, 8, 11, 15, or 18~~ ARTICLE 7, 8, 11, OR 15 of this title, ARTICLE 20.5 OF TITLE 8, C.R.S., or article 20 of title 30, C.R.S., except for policies relating to personnel or other internal administrative matters not directly related to enforceable requirements under such articles, shall be reduced to writing and published. Three copies shall be filed with the state librarian for the state publications depository and distribution center. Copies of each such policy or guidance issued under ~~article 7, 8, 11, 15, or 18~~ ARTICLE 7, 8, 11, OR 15 of this title, ARTICLE 20.5 OF TITLE 8, C.R.S., or article 20 of title 30, C.R.S., shall be made available to the public upon request. Interpretive rules issued under article 15 of this title shall also be made available to the public upon request.

Each affected agency shall maintain and make available to the public a current index of all such policies, guidance, and interpretive rules in effect. Copies of any policy, guidance, interpretive rule, or index shall be provided to the public at cost.

(2) No policy or guidance referred to in subsection (1) of this section shall have the force and effect of a rule unless it has been promulgated by the relevant commission pursuant to the provisions of the "State Administrative Procedure Act", article 4 of title 24, C.R.S., and applicable provisions of ~~article 7, 8, 11, 15, or 18~~ ARTICLE 7, 8, 11, OR 15 of this title, ARTICLE 20.5 OF TITLE 8, C.R.S., or article 20 of title 30, C.R.S., pertaining to rule-making procedures or authorizing the promulgation of rules, and made available to the public in accordance with section 24-4-103, C.R.S.

SECTION 21. 25-7-122.1 (1) (a) and (1) (b), Colorado Revised Statutes, 1989 Repl. Vol., as amended, are amended to read:

25-7-122.1. Criminal penalties. (1) **General provisions.** (a) Whenever the division has reason to believe that a person has knowingly, as defined in section 18-1-501 (6), C.R.S., violated any requirement or prohibition of an applicable emission control regulation of the commission, state implementation plan, permit required under this article, or any provision for the prevention of significant deterioration under part 2 of this article, any provision related to attainment under part 3 of this article, or any provision of section 25-7-105, 25-7-106, 25-7-106.3, 25-7-106.8, 25-7-106.9, 25-7-108, 25-7-109, 25-7-111, 25-7-112, 25-7-113, 25-7-114.2, 25-7-114.5, 25-7-118, 25-7-135, 25-7-206, 25-7-403, 25-7-404, 25-7-405, 25-7-407, ~~25-7-407.5~~, 42-4-403, 42-4-404, 42-4-405, 42-4-406, 42-4-407, 42-4-409, or 42-4-410, C.R.S., the division may request either the attorney general or the district attorney for the district in which the alleged violation occurs to pursue criminal penalties under this section.

(b) Except for those violations identified in paragraph (c) of this subsection (1) and subsections (2) and (3) of this section, any person who knowingly, as defined in section 18-1-501 (6), C.R.S., violates any requirement or prohibition of an applicable emission control regulation of the commission, state implementation plan, permit required under this article, or any provision for the prevention of significant deterioration under part 2 of this article, any provision related to attainment under part 3 of this article, or any provision of section 25-7-105, 25-7-106, 25-7-106.3, 25-7-106.8, 25-7-106.9, 25-7-108, 25-7-109, 25-7-109.6, 25-7-111, 25-7-112, 25-7-113, 25-7-114.2, 25-7-114.5, 25-7-118, 25-7-135, 25-7-206, 25-7-403, 25-7-404, 25-7-405, 25-7-407, ~~25-7-407.5~~, 42-4-403, 42-4-404, 42-4-405, 42-4-406, 42-4-407, 42-4-409, or 42-4-410, C.R.S., is guilty of a misdemeanor, and upon conviction thereof, may be punished by a fine of not more than twenty-five thousand dollars per day for each day of violation. Upon a second conviction for a violation of this paragraph (b) within two years, the maximum punishment shall be doubled.

SECTION 22. 25-8-201 (1) (a), Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

25-8-201. Water quality control commission created. (1) (a) There is hereby created in the department of PUBLIC health AND ENVIRONMENT a water quality control

commission which shall exercise its powers and perform its duties and functions as if it were transferred to said department by a **type 1** transfer. The commission shall consist of nine citizens of the state who shall be appointed by the governor, with the consent of the senate, for terms of three years each; except that, of the members appointed to take office in 1984, one shall be appointed for a one-year term, one shall be appointed for a two-year term, and three shall be appointed for three-year terms. Members of the commission shall be appointed so as to achieve geographical representation and to reflect the various interests in water in the state. At least two members shall reside in that portion of the state which is west of the continental divide.

SECTION 23. 25-15-310 (2), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

25-15-310. Criminal offenses - penalties. (2) Except as provided in section 18-13-112, 29-22-108, or ~~43-6-113~~ 42-20-113, C.R.S., any person acting with criminal negligence as defined in section 18-1-501 (3), C.R.S., who violates any of the provisions of paragraph (a), (c), (d), or (e) of subsection (1) of this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than twenty-five thousand dollars for each day of violation. If such conviction is for a violation committed after a previous conviction under this subsection (2), the maximum fine shall be doubled.

SECTION 24. 25-19-105 (2), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

25-19-105. Integrated environmental compliance agreements. (2) The environmental requirements that may be addressed in an integrated environmental compliance agreement are the requirements established by or pursuant to ~~article 7, 8, 11, 15, or 18~~ ARTICLE 7, 8, 11, OR 15 of this title, ARTICLE 20.5 OF TITLE 8, C.R.S., or article 20 of title 30, C.R.S. An integrated environmental compliance agreement may address environmental requirements applicable to a solid waste disposal site and facility only if such site and facility receives twenty tons per day or less of solid waste.

SECTION 25. 25.5-1-103 (1), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is repealed as follows:

25.5-1-103. Definitions. (1) ~~"Commission" means the Colorado health data commission created in article 28 of title 25, C.R.S.~~

SECTION 26. 25.5-1-104 (2), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

25.5-1-104. Department of health care policy and financing created - executive director - powers, duties, and functions. (2) The department of health care policy and financing shall consist of an executive director of the department of health care policy and financing, the medical services board, ~~the Colorado health data commission,~~ and such divisions, sections, and other units as shall be established by the executive director pursuant to the provisions of subsection (3) of this section.

SECTION 27. 25.5-1-201 (1) (b) and (1) (h) (I), Colorado Revised Statutes, 1989 Repl. Vol., as amended, are repealed as follows:

25.5-1-201. Programs to be administered by the department of health care policy and financing. (1) (b) ~~The "Colorado Health Data Commission Act", as specified in article 28 of title 25, C.R.S.;~~

~~(h) (I) For the fiscal year beginning July 1, 1994, the state department shall contract with and allocate funds for a poison information center, pursuant to section 25-3.5-403, C.R.S., for the purpose of disseminating information, on a statewide basis, for the care and treatment of individuals exposed to poisonous substances.~~

SECTION 28. 26-1-111 (2) (f), Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

26-1-111. Activities of the state department under the supervision of the executive director. (2) The state department, under the supervision of the executive director, shall:

(f) Designate child placement agencies licensed pursuant to article 6 of this title or county departments to act as agents of the state department for the purpose of authorizing child care placement as set forth in ~~paragraph (k) of this subsection (2)~~ SECTION 26-1-107 (6) (e) and county departments to serve as agents of the state department in the performance of certain public assistance and welfare and related activities in the county;

SECTION 29. 26-2-403, Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

26-2-403. Scope of welfare reform. The elements of welfare reform which are necessary to move an individual and his family from public assistance to economic independence shall include, at a minimum, the creation and implementation of the job ~~opportunities~~ OPPORTUNITY and basic skills TRAINING (JOBS) program created in section 26-2-405 and as set forth in this part 4, and the extension of child care and medical assistance for JOBS participants as provided in section 26-2-409.

SECTION 30. 26-2-404 (1) and (7), Colorado Revised Statutes, 1989 Repl. Vol., as amended, are amended to read:

26-2-404. Definitions. (1) "Action plan" means the plan which the county department of social services is required to submit to the state department of human services and which outlines how the job ~~opportunities~~ OPPORTUNITY and basic skills TRAINING program is to be implemented within the county. Such plan must meet the provisions of section 26-2-406.

(7) "JOBS" means the job ~~opportunities~~ OPPORTUNITY and basic skills TRAINING program created in section 26-2-405 and set forth in this part 4.

SECTION 31. 26-4-203 (1) (d), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

26-4-203. Mandated programs with special state provisions. (1) (d) The program for qualified DISABLED and working ~~disabled~~ individuals, as specified in section 26-4-511;

SECTION 32. 26-4-505 (1) (a), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

26-4-505. Collection of penalties assessed against nursing facilities - creation of cash fund. (1) (a) The state department shall assess, enforce, and collect any civil penalties which are recommended by the department of PUBLIC health AND ENVIRONMENT pursuant to the authority granted under section 25-1-107.5, C.R.S.

SECTION 33. 26-4-603 (5) (a) (II), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

26-4-603. Definitions. (5) (a) (II) ~~Subparagraph (I) of this paragraph (a) is repealed, effective July 1, 1995.~~ Case management agencies providing services on and before ~~said date~~ JULY 1, 1995, for home and community-based programs for the elderly, blind, and disabled and for persons living with AIDS shall be terminated July 1, 1995, and case management functions shall thereafter be performed in accordance with sections 26-4-521 to 26-4-525 and this part 6.

SECTION 34. 26-4-645 (7), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

26-4-645. Services for long-term-care eligible persons. (7) No service listed in subsection (1) of this section ~~except case management services~~, may be provided to an eligible person unless authorized pursuant to a case plan.

SECTION 35. 26-4-682 (2), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

26-4-682. Legislative declaration - no entitlement created. (2) Nothing in this subpart 6 shall be construed to establish that eligible persons as defined in section ~~26-4-673 (1)~~ 26-4-683 (4) are entitled to receive services from the department of health care policy and financing. The provision of any services pursuant to this subpart 6 shall be subject to federal waiver authorization and available appropriations.

SECTION 36. 26-5.3-106 (1) (c), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is repealed as follows:

26-5.3-106. State's savings - cash fund created - use of moneys in fund - plan required. (1) There is hereby created a family issues cash fund. Moneys shall be deposited in the fund as follows:

(c) ~~Any moneys credited to the fund in accordance with section 26-5.5-105.~~

SECTION 37. 27-10.5-103.5, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

27-10.5-103.5. Community centered boards and service agencies - local public procurement units. For purposes of entering into a cooperative purchasing agreement pursuant to section 24-110-201, C.R.S., a nonprofit community centered board or a nonprofit service agency may be certified as a local public procurement ~~agency~~ UNIT as provided in section 24-110-207.5, C.R.S.

SECTION 38. 32-7-109 (2), Colorado Revised Statutes, as amended, is amended to read:

32-7-109. Election for formation, selection of services, and initial board of directors. (2) The election committee shall publish a second notice of the election pursuant to section ~~1-5-204~~ 1-5-205, C.R.S., which shall include the names of the candidates nominated for the first board of directors, and shall again list the services to be decided upon.

SECTION 39. 35-70-105 (7) (a), Colorado Revised Statutes, 1995 Repl. Vol., is amended to read:

35-70-105. Hearing on petition - election. (7) (a) Except as may be otherwise provided in this article, the state board and each local district board of supervisors in the conduct of all elections shall follow, as much as practicable, the election procedures set forth in ~~section 32-1-803.5~~ PART 8 OF ARTICLE 1 OF TITLE 32, C.R.S.

SECTION 40. 12-47.1-206, Colorado Revised Statutes, 1991 Repl. Vol., as amended by House Bill 96-1067, enacted at the Second Regular Session of the Sixtieth General Assembly, is amended to read:

12-47.1-206. Repeal of division - review of functions. Unless continued by the general assembly, this part 2 is repealed, effective ~~July 1, 2001~~, JULY 1, 2003, and those powers, duties, and functions of the director specified in this part 2 are abolished. The provisions of section 24-34-104 (5) to (12), C.R.S., concerning a windup period, an analysis and evaluation, public hearings, and claims by or against an agency shall apply to the powers, duties, and functions of the director of said division.

SECTION 41. 18-8-104 (1) and (4), Colorado Revised Statutes, 1986 Repl. Vol., as amended, are amended to read:

18-8-104. Obstructing a peace officer or firefighter. (1) (a) A person commits obstructing a peace officer or ~~fireman~~ FIREFIGHTER when, by using or threatening to use violence, force, physical interference, or an obstacle, ~~he~~ SUCH PERSON knowingly obstructs, impairs, or hinders the enforcement of the penal law or the preservation of the peace by a peace officer, acting under color of his OR HER official authority, or knowingly obstructs, impairs, or hinders the prevention, control, or abatement of fire by a ~~fireman~~ FIREFIGHTER, acting under color of his OR HER official authority.

(b) To assure that animals used in law enforcement or fire prevention activities are protected from harm, a person commits obstructing a peace officer or ~~fireman~~ FIREFIGHTER when, by using or threatening to use violence, force, physical interference, or an obstacle, he OR SHE knowingly obstructs, impairs, or hinders any such animal.

(4) Obstructing a peace officer or ~~fireman~~ FIREFIGHTER is a class 2 misdemeanor.

SECTION 42. 24-31-301 (5), Colorado Revised Statutes, 1988 Repl. Vol., as amended by Senate Bill 96-15, enacted at the second regular session of the sixtieth General Assembly, is amended to read:

24-31-301. Definitions. As used in this part 3, unless the context otherwise requires:

(5) ~~Except as otherwise provided in paragraph (b) of this subsection (5),~~ "Peace officer" means any person described in section 18-1-901 (3) (1) (I), C.R.S., and any district wildlife manager or special district wildlife manager described as a "peace officer, level II," in section 18-1-901 (3) (1) (III), C.R.S.

SECTION 43. The introductory portion to 25-9-104 (6), Colorado Revised Statutes, 1989 Repl. Vol., as amended by House Bill 96-1074, enacted at the second regular session of the sixtieth General Assembly, is amended to read:

25-9-104. Duties of the board. (6) The board shall exercise such other powers and duties as are deemed necessary within the scope of this article. The board, in accordance with the "State Administrative Procedure Act", article 4 of title 24, C.R.S., shall establish criteria for the discipline or reprimand of any water treatment plant operator, DOMESTIC wastewater treatment plant operator, or industrial wastewater treatment plant operator and for the suspension or revocation of the certification of any such operator. Such criteria are as follows:

SECTION 44. 42-4-1810 (2)(a), Colorado Revised Statutes, 1993 Repl. Vol., as amended by House Bill 96-1302, enacted at the second regular session of the sixtieth General Assembly, is amended to read:

42-4-1810. Proceeds of sale. (2) (a) The proceeds shall first satisfy the operator's charges. ~~and shall be credited to the owner for purposes of calculating the amount due under section 42-4-1710 (1).~~

SECTION 45. 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 1, 1996