

CHAPTER 63

**HUMAN SERVICES - SOCIAL SERVICES**

**HOUSE BILL 96-1006**

BY REPRESENTATIVES Anderson, Acquafresca, Friednash, Prinster, Hagedorn, Leyba, Lyle, Mace, and Schwarz;  
also SENATORS Bishop, Hernandez, R. Powers, Thiebaut, Johnson, and Tebedo.

**AN ACT**

**CONCERNING CHILD CARE LICENSING.**

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

**SECTION 1.** 26-6-101, Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

**26-6-101. Short title.** This article shall be known and may be cited as the "Child Care LICENSING Act".

**SECTION 2.** 26-6-101.4, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

**26-6-101.4. Legislative declaration concerning the protections afforded by regulation.** (1) The general assembly finds and declares that increasing numbers of children in Colorado are spending a significant portion of their day in care settings outside their own homes. In addition, some children are placed in facilities for residential care for their protection and well-being. The general assembly finds that regulation and licensing of child care facilities contribute to a safe and healthy environment for children. The provision of such environment affords benefits to children, their families, their communities, and the larger society. The general assembly acknowledges that there is a need to balance accessibility and quality of care when regulating child care facilities. It is the intent of the general assembly that those who regulate and those who are regulated work together to meet the needs of the children, their families, and the child care industry.

(2) IN BALANCING THE NEEDS OF CHILDREN AND THEIR FAMILIES WITH THE NEEDS OF THE CHILD CARE INDUSTRY, THE GENERAL ASSEMBLY ALSO RECOGNIZES THE

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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.*

FINANCIAL DEMANDS WITH WHICH THE DEPARTMENT OF HUMAN SERVICES IS FACED IN ITS ATTEMPT TO ENSURE A SAFE AND SANITARY ENVIRONMENT FOR THOSE CHILDREN OF THE STATE OF COLORADO WHO ARE IN CHILD CARE FACILITIES. IN AN EFFORT TO REDUCE THE RISK TO CHILDREN OUTSIDE THEIR HOMES WHILE RECOGNIZING THE FINANCIAL CONSTRAINTS PLACED UPON THE DEPARTMENT, IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE LIMITED RESOURCES AVAILABLE BE FOCUSED PRIMARILY ON THOSE CHILD CARE FACILITIES THAT HAVE DEMONSTRATED THAT CHILDREN IN THEIR CARE MAY BE AT HIGHER RISK PURSUANT TO SECTION 26-6-107.

**SECTION 3.** 26-6-102 (1), (2), and (4), Colorado Revised Statutes, 1989 Repl. Vol., as amended, are amended, and the said 26-6-102 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

**26-6-102. Definitions.** As used in this article, unless the context otherwise requires:

(1) (a) ~~"Child care center" means a facility, by whatever name known, which is maintained for the whole or part of a day for the care of five or more children under the age of sixteen years and not related to the owner, operator, or manager thereof, whether such facility is operated with or without compensation for such care and with or without stated educational purposes. The term includes facilities commonly known as day care centers, day nurseries, nursery schools, kindergartens, preschools, play groups, day camps, summer camps, and centers for developmentally disabled children and those facilities which give twenty-four-hour care for dependent and neglected children and includes those facilities for children under the age of six years with stated educational purposes operated in conjunction with a public, private, or parochial college or a private or parochial school; except that the term shall not apply to any kindergarten maintained in connection with a public, private, or parochial elementary school system of at least six grades or to any preschool established pursuant to the provisions of article 28 of title 22, C.R.S., which is maintained in connection with a public school system of at least six grades so long as the school system is not also providing extended day services. The term shall not include any facility licensed as a family care home or employer-sponsored on-site child care center under the provisions of this article. "CERTIFICATION" MEANS THE PROCESS BY WHICH THE COUNTY DEPARTMENT OF SOCIAL SERVICES OR A CHILD PLACEMENT AGENCY APPROVES THE OPERATION OF A FOSTER CARE HOME.~~

~~(b) "Kindergarten" means any facility providing an educational program for children only for the year preceding their entrance to the first grade, whether such facility is called a kindergarten, nursery school, preschool, or any other name.~~

(1.5) "CHILD CARE CENTER" MEANS A FACILITY, BY WHATEVER NAME KNOWN, THAT IS MAINTAINED FOR THE WHOLE OR PART OF A DAY FOR THE CARE OF FIVE OR MORE CHILDREN WHO ARE EIGHTEEN YEARS OF AGE OR YOUNGER AND WHO ARE NOT RELATED TO THE OWNER, OPERATOR, OR MANAGER THEREOF, WHETHER SUCH FACILITY IS OPERATED WITH OR WITHOUT COMPENSATION FOR SUCH CARE AND WITH OR WITHOUT STATED EDUCATIONAL PURPOSES. THE TERM INCLUDES, BUT IS NOT LIMITED TO, FACILITIES COMMONLY KNOWN AS DAY CARE CENTERS, SCHOOL-AGE CHILD CARE CENTERS, BEFORE AND AFTER SCHOOL PROGRAMS, NURSERY SCHOOLS, KINDERGARTENS, PRESCHOOLS, DAY CAMPS, SUMMER CAMPS, AND CENTERS FOR

DEVELOPMENTALLY DISABLED CHILDREN AND THOSE FACILITIES THAT GIVE TWENTY-FOUR-HOUR CARE FOR CHILDREN AND INCLUDES THOSE FACILITIES FOR CHILDREN UNDER THE AGE OF SIX YEARS WITH STATED EDUCATIONAL PURPOSES OPERATED IN CONJUNCTION WITH A PUBLIC, PRIVATE, OR PAROCHIAL COLLEGE OR A PRIVATE OR PAROCHIAL SCHOOL; EXCEPT THAT THE TERM SHALL NOT APPLY TO ANY KINDERGARTEN MAINTAINED IN CONNECTION WITH A PUBLIC, PRIVATE, OR PAROCHIAL ELEMENTARY SCHOOL SYSTEM OF AT LEAST SIX GRADES. THE TERM SHALL NOT INCLUDE ANY FACILITY LICENSED AS A FAMILY CHILD CARE HOME OR FOSTER CARE HOME.

(2) "Child placement agency" means any corporation, partnership, association, firm, agency, institution, or person whatsoever who places or who arranges for placement for care of any child under the age of ~~sixteen~~ EIGHTEEN years with any family, person, or institution other than persons related to said child. A CHILD PLACEMENT AGENCY MAY PLACE OR ARRANGE FOR THE PLACEMENT OF A CHILD FOR THE PURPOSE OF ADOPTION OR FOSTER CARE. The natural parents or guardian of any child who places said child for care with any facility licensed as a "family CHILD care home" or "child care center" as defined by this section shall not be deemed a child placement agency.

(4) "Family CHILD care home" means a facility for child care in a place of residence of a family or person for the purpose of providing LESS THAN TWENTY-FOUR-HOUR ~~family care and training for a child~~ CHILDREN under the age of ~~sixteen~~ EIGHTEEN years who ~~is~~ ARE not related to the head of such home. ~~The term includes any family foster home receiving a child for regular twenty-four-hour care and any home receiving a child from any state-operated institution for child care or from any child placement agency, as defined in subsection (2) of this section, or any family child care home receiving a child for less than twenty-four-hour care.~~

(4.5) "FOSTER CARE HOME" MEANS A FACILITY THAT IS CERTIFIED BY THE COUNTY DEPARTMENT OR A CHILD PLACEMENT AGENCY FOR CHILD CARE IN A PLACE OF RESIDENCE OF A FAMILY OR PERSON FOR THE PURPOSE OF PROVIDING TWENTY-FOUR-HOUR FAMILY CARE FOR A CHILD UNDER THE AGE OF EIGHTEEN YEARS WHO IS NOT RELATED TO THE HEAD OF SUCH HOME, EXCEPT IN THE CASE OF RELATIVE CARE. THE TERM INCLUDES ANY FOSTER CARE HOME RECEIVING A CHILD FOR REGULAR TWENTY-FOUR-HOUR CARE AND ANY HOME RECEIVING A CHILD FROM ANY STATE-OPERATED INSTITUTION FOR CHILD CARE OR FROM ANY CHILD PLACEMENT AGENCY, AS DEFINED IN SUBSECTION (2) OF THIS SECTION. "FOSTER CARE HOME" ALSO INCLUDES THOSE HOMES LICENSED BY THE DEPARTMENT OF HUMAN SERVICES THAT RECEIVE NEITHER MONEYS FROM THE COUNTIES NOR CHILDREN PLACED BY THE COUNTIES.

(5.3) "KINDERGARTEN" MEANS ANY FACILITY PROVIDING AN EDUCATIONAL PROGRAM FOR CHILDREN ONLY FOR THE YEAR PRECEDING THEIR ENTRANCE TO THE FIRST GRADE, WHETHER SUCH FACILITY IS CALLED A KINDERGARTEN, NURSERY SCHOOL, PRESCHOOL, OR ANY OTHER NAME.

(5.5) "LICENSING" MEANS, EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (4.5) OF THIS SECTION, THE PROCESS BY WHICH THE DEPARTMENT APPROVES A FACILITY, EXCEPT FOSTER CARE HOMES, FOR THE PURPOSE OF CONDUCTING BUSINESS AS A CHILD CARE FACILITY.

(6.5) "PLACE OF RESIDENCE" MEANS THE PLACE OR ABODE WHERE A PERSON ACTUALLY LIVES AND PROVIDES CHILD CARE.

**SECTION 4.** 26-6-103 (1) (g), Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

**26-6-103. Application of article - study.** (1) This article shall not apply to:

(g) A family CHILD care home receiving one child for less than twenty-four-hour care or receiving two or more children who are related to each other as brother or sister from the same family household for less than twenty-four-hour care OR SUCH ADDITIONAL NUMBER OF CHILDREN AS MAY BE SPECIFIED BY REGULATIONS PROMULGATED BY THE STATE BOARD OF HUMAN SERVICES. THE DEPARTMENT SHALL CONDUCT A STUDY ON WHETHER RULES SHOULD BE MODIFIED TO ALLOW AN ADDITIONAL NUMBER OF CHILDREN TO BE CARED FOR IN A FAMILY HOME THAT IS EXEMPT FROM LICENSING AND SHALL PRESENT OPTIONS AND RECOMMENDATIONS TO THE STATE BOARD ON OR BEFORE OCTOBER 1, 1996. THE DEPARTMENT SHALL CONSULT WITH INDIVIDUALS AND ORGANIZATIONS WHO EXPRESS TO THE DEPARTMENT AN INTEREST IN PARTICIPATING IN THE DEVELOPMENT OF SUCH RECOMMENDATIONS, AND THE DEPARTMENT SHALL NOTIFY SUCH INDIVIDUALS AND ORGANIZATIONS OF THE DATE AND LOCATION OF THE BOARD HEARING. THE DEPARTMENT SHALL EXAMINE THE RELATIONSHIP BETWEEN THE LICENSING REGULATIONS GOVERNING LARGER FAMILY CARE HOMES AND CHILD CARE CENTERS AND SHALL PRESENT OPTIONS AND RECOMMENDATIONS TO THE STATE BOARD ON OR BEFORE OCTOBER 1, 1996. IN MAKING SUCH RECOMMENDATIONS, THE DEPARTMENT SHALL CONSULT WITH INDIVIDUALS AND ORGANIZATIONS WHO EXPRESS TO THE DEPARTMENT AN INTEREST IN PARTICIPATING IN THE DEVELOPMENT OF SUCH RECOMMENDATIONS, AND THE DEPARTMENT SHALL NOTIFY SUCH INDIVIDUALS AND ORGANIZATIONS OF THE DATE AND LOCATION OF THE BOARD HEARING.

**SECTION 5.** 26-6-104 (1), (2), (2.5), (3), (4), (6), and (7), Colorado Revised Statutes, 1989 Repl. Vol., as amended, are amended to read:

**26-6-104. Licenses - out-of-state notices and consent.** (1) No person shall operate a ~~family care home or a child care center or maintain an employer-sponsored on-site child care center~~ ANY AGENCY OR FACILITY DEFINED IN THIS ARTICLE without first being licensed to operate or maintain such ~~home or center~~ AGENCY OR FACILITY by the department and paying the fee prescribed therefor. SUCH LICENSE ISSUED BY THE DEPARTMENT SHALL BE PERMANENT UNLESS OTHERWISE REVOKED OR SUSPENDED PURSUANT TO SECTION 26-6-108. A person operating a ~~family care home~~ FOSTER CARE HOME shall not obtain a license if such person holds a certificate to operate such home from any county department or a child placement agency licensed under the provisions of this article. Said certificate shall be in such form as prescribed and provided by the department, shall certify that such person is a suitable person to operate a home, and shall contain such information as the department requires. A placement agency issuing or renewing any such certificate shall transmit a copy or report thereof to the department. No ~~family care home~~ FOSTER CARE HOME shall be certified by more than one placement agency or county department. A ~~family care home~~ FOSTER CARE HOME, when certified by a placement agency or county department, may receive for care a child from sources other than the certifying agency or county department upon the written consent and approval of the agency or county

department as to each such child. All such certificates shall be considered licenses for the purpose of this article.

(2) No person shall receive or accept a child under ~~sixteen~~ EIGHTEEN years of age for placement, or place any child either temporarily or permanently in a home, other than with persons related to the child, without first obtaining a license as a child placement agency from the department, and paying the fee prescribed therefor.

~~(2.5) An employer shall receive or accept for care in an employer-sponsored on-site child care center only a natural child, an adoptive child, or a stepchild of an employee who works on the premises or a child who is in the permanent or temporary legal custody of such employee. However, nothing in this article shall preclude an employer from operating a child care center if such employer is properly licensed to operate a child care center.~~

(3) A provisional license for a period of six months may be issued ONCE to an applicant for an original license, permitting the applicant to operate a family CHILD care home, FOSTER CARE HOME, or child care center ~~or maintain an employer-sponsored on-site child care center~~ if the applicant is temporarily unable to conform to all ~~minimum~~ standards required under this article, upon proof by the applicant that attempts are being made to conform to such standards or to comply with any other requirements. The applicant has the right to appeal any standard ~~which~~ THAT the applicant believes works an undue hardship or has been applied too stringently by the representatives of the department. Upon filing an appeal, the department shall proceed in the manner prescribed for licensee appeals in section 26-6-106 (3).

(4) No license for a child care center, ~~or employer-sponsored on-site child care center~~ RESIDENTIAL CHILD CARE FACILITY, OR SECURE RESIDENTIAL TREATMENT CENTER shall be issued ~~or renewed~~ by the department until the facilities to be operated or maintained by the applicant or licensee are approved by the department of public health and environment as conforming to the sanitary standards prescribed by said department under the provisions of section 25-1-107 (1) (m), C.R.S., and unless such facilities conform to fire prevention and protection requirements of local fire departments in the locality of the facility or, in lieu thereof, of the division of labor.

(6) The ~~department~~ STATE BOARD OF HUMAN SERVICES shall establish rules and regulations for the approval of ~~family~~ FOSTER care homes and child care centers ~~which~~ THAT provide twenty-four-hour care of children between ~~sixteen~~ EIGHTEEN and twenty-one years of age for whom the county department is financially responsible and when placed in foster care by the county department.

(7) No license or certificate to operate a family CHILD care home, A FOSTER CARE HOME, a child care center, ~~or~~ a residential child care facility, A SECURE RESIDENTIAL CHILD CARE FACILITY, OR A CHILD PLACEMENT AGENCY shall be issued by the department, a county department, or a child placement agency licensed under the provisions of this article if: The person applying for such a license or certificate has been convicted of FELONY child abuse, as specified in section 18-6-401, C.R.S., or ~~an~~ ANY unlawful sexual offense, as defined in section 18-3-411 (1), C.R.S., according to the records of the Colorado bureau of investigation OR ANY OTHER

SOURCE or has entered into a deferred judgment agreement OR A DEFERRED PROSECUTION AGREEMENT to FELONY child abuse, as specified in section 18-6-401, C.R.S., or ~~an~~ ANY unlawful sexual offense, as defined in section 18-3-411 (1), C.R.S. A certified copy of the judgment of a court of competent jurisdiction of such conviction, ~~or~~ deferred judgment agreement, OR DEFERRED PROSECUTION AGREEMENT shall be prima facie evidence of such conviction or agreement. NO LICENSE OR CERTIFICATE TO OPERATE A FAMILY CHILD CARE HOME, A FOSTER CARE HOME, A CHILD CARE CENTER, A RESIDENTIAL CHILD CARE FACILITY, A SECURE RESIDENTIAL CHILD CARE FACILITY, OR A CHILD PLACEMENT AGENCY SHALL BE ISSUED IF THE DEPARTMENT HAS A CERTIFIED COURT ORDER FROM ANOTHER STATE INDICATING THAT THE PERSON APPLYING FOR SUCH A LICENSE OR CERTIFICATE HAS BEEN CONVICTED OF FELONY CHILD ABUSE OR ANY UNLAWFUL SEXUAL OFFENSE AGAINST A CHILD UNDER A LAW OF ANY OTHER STATE OR THE UNITED STATES OR THE DEPARTMENT HAS A CERTIFIED COURT ORDER FROM ANOTHER STATE THAT THE PERSON APPLYING FOR THE LICENSE OR CERTIFICATE HAS ENTERED INTO A DEFERRED JUDGMENT OR DEFERRED PROSECUTION AGREEMENT IN ANOTHER STATE AS TO FELONY CHILD ABUSE OR ANY SEXUAL OFFENSE AGAINST A CHILD.

**SECTION 6.** The introductory portion to 26-6-105 (1) (a) and 26-6-105 (1) (a) (I), (1) (b), (1) (c), and (2) (b), Colorado Revised Statutes, 1989 Repl. Vol., as amended, are amended to read:

**26-6-105. Fees - when original applications and reapplications for licensure are required - creation of child care licensing cash fund.** (1) (a) The department is hereby authorized to establish, pursuant to rules and regulations PROMULGATED BY THE STATE BOARD OF HUMAN SERVICES, full and provisional license fees and fees for continuation of a full license for the following types of child care arrangements:

(I) Family CHILD care homes, excluding homes certified by county departments or child placement agencies;

(b) The department may also establish fees pursuant to rules and regulations PROMULGATED BY THE STATE BOARD OF HUMAN SERVICES, for the following situations:

(I) Issuance of a duplicate license;

(II) Change of license due to an increase in licensing capacity or a change in the age of children served;

(III) Obtaining the criminal record of the applicant and any person living with or employed by an applicant, which may include costs associated with the taking of fingerprints; ~~and~~

(IV) Checking the state central registry of child protection for an owner, employee, or resident of a facility or agency or an applicant for a license to operate a facility or agency;

(V) FILING OF APPEALS;

(VI) DUPLICATION OF LICENSING RECORDS FOR THE PUBLIC; AND

(VII) DUPLICATION OF LICENSING RECORDS IN ELECTRONIC FORMAT FOR THE PUBLIC.

(c) The fees established pursuant to this subsection (1) shall not exceed the direct and indirect costs incurred by the department. THE DIVISION INVOLVED IN LICENSING CHILD CARE FACILITIES SHALL DEVELOP AND IMPLEMENT AN OBJECTIVE AND SYSTEMATIC APPROACH FOR SETTING, MONITORING, AND REVISING CHILD CARE LICENSING FEES BY DEVELOPING AND USING AN ONGOING METHOD TO TRACK ALL DIRECT AND INDIRECT COSTS ASSOCIATED WITH CHILD CARE INSPECTION LICENSING, DEVELOPING A METHODOLOGY TO ASSESS THE RELATIONSHIP BETWEEN LICENSING COSTS AND FEES, AND ANNUALLY REASSESSING COSTS AND FEES AND REPORTING THE RESULTS TO THE STATE BOARD. In developing a fee schedule, the department should consider the ~~size of facilities~~ LICENSED CAPACITY OF FACILITIES AND the time needed to license facilities. ~~and the ability of facilities to pay license fees.~~

(2) (b) (I) An original application shall be required:

(A) When an individual, partnership, corporation, or association plans to open a child care center, secure residential treatment center, residential child care facility, ~~employer-sponsored on-site child care center~~, or child placement agency;

(B) When the child care center, secure residential treatment center, ~~employer-sponsored on-site child care center~~, or residential child care facility plans to move the center or facility to a different building at a different location;

(C) When the management or governing body of a child care center, secure residential treatment center, residential child care facility, or child placement agency is acquired by a different individual, association, partnership, or corporation;

(D) When a family or person plans to open a family CHILD care home OR FOSTER CARE HOME;

(E) When a family or person who operates a family CHILD care OR FOSTER CARE home moves to a new residence.

(II) A ~~renewal declaration~~ REAPPLICATION and fee shall be required and received by the department in the manner specified in rules and regulations ~~established~~ PROMULGATED by the ~~department~~ STATE BOARD OF HUMAN SERVICES.

**SECTION 7.** 26-6-106 (1), (2) (b), and (2) (c), the introductory portion to 26-6-106 (2) (1), 26-6-106 (2) (1) (V) and (2) (1) (VI), and the introductory portion to 26-6-106 (2) (n), Colorado Revised Statutes, 1989 Repl. Vol., as amended, are amended, and the said 26-6-106 (2) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

**26-6-106. Standards for facilities and agencies.** (1) (a) The department shall prescribe and publish ~~minimum~~ standards for licensing. Such standards shall be applicable to the various types of facilities and agencies for child care regulated and licensed by this article; except that the department shall prescribe AND PUBLISH separate standards for ~~licensing of employer-sponsored on-site child care centers pursuant to paragraph (b) of this subsection (1).~~ THE LICENSING OF CHILD

PLACEMENT AGENCIES OPERATING FOR THE PURPOSE OF ADOPTIVE PLACEMENT AND ADOPTION-RELATED SERVICES. The department shall seek the advice and assistance of persons representative of the various types of child care facilities and agencies in establishing such standards. ~~For employer-sponsored on-site child care centers, the department shall seek the advice and assistance of parents, providers, experts in the child care field, persons in the business community, and representatives of business, research, and advocacy organizations with an expertise and interest in child care.~~ Such standards shall be established by ~~rule of the department, and such rules shall be~~ PROMULGATED BY THE STATE BOARD OF HUMAN SERVICES AND SHALL BE ISSUED and published only in conformity with the provisions and procedures specified in article 4 of title 24, C.R.S., and shall become effective only as provided in said article.

~~(b) Standards prescribed for employer-sponsored on-site child care centers shall be restricted to:~~

~~(I) The safety and general adequacy of the premises, including maintenance of adequate fire protection and prevention and health standards in conformance with state laws and municipal ordinances, to provide for the physical comfort, care, well-being, and safety of the children served;~~

~~(II) Procedures and guidelines for the establishment of a parental advisory board to serve as an oversight body for each facility and to establish procedures for such board to provide governance and oversight concerning the general care and quality of care provided by each facility. Such procedures and guidelines shall include a schedule of issues to be addressed by the parental advisory board, and such schedule of issues shall be consistent with and based on the rules and regulations promulgated by the department pursuant to this section. Such standards, rules, or regulations adopted by the parental advisory board shall become part of the criteria on which the department shall license the employer-sponsored child care center and provide its inspection and oversight functions. For the purposes of comparing state rules and regulations with those developed by the parental advisory board, such standards, rules, or regulations adopted by the parental advisory board shall be provided, in writing, to any employee who has expressed an interest in the on-site child care services offered by the employer, and such document shall specifically note the differences between the standards, rules, and regulations adopted by the board and those adopted by the department for similar licensed facilities.~~

(2) Standards prescribed by such rules shall be restricted to:

(b) The character, suitability, and qualifications of the applicant for a license ~~either original or renewal~~; and of other persons directly responsible for the care and welfare of children served;

(c) The general financial ability and competence of the applicant for a license ~~either original or renewal~~; to provide necessary care for children and to maintain prescribed standards;

(1) Standards for security in a secure residential treatment ~~center~~ CENTERS AND RESIDENTIAL CHILD CARE FACILITIES provided through the physical environment and staffing. Such standards shall include, but not be limited to, the following:

(V) Physical requirements for program space and for secure sleeping of the residents in the secure residential treatment center OR RESIDENTIAL CHILD CARE FACILITY;

(VI) Other security considerations ~~which~~ THAT are necessary to protect the residents of the secure residential treatment center OR RESIDENTIAL CHILD CARE FACILITY or the public;

(n) Provisions ~~which~~ THAT ensure that verification in accordance with part 9 of article 4 of title 25, C.R.S., is undertaken by family CHILD care homes, FOSTER CARE HOMES, and child care centers ensuring that each child has received appropriate immunizations against contagious diseases as follows:

(o) STANDARDS FOR ADOPTION AGENCIES THAT MAY INCLUDE BUT NEED NOT BE LIMITED TO:

(I) SPECIFIC CRITERIA AND MINIMUM CREDENTIALS, QUALIFICATIONS, TRAINING, AND EDUCATION OF STAFF NECESSARY FOR EACH OF THE TYPES OF ADOPTION FOR WHICH AN APPLICANT MAY SEEK TO BE LICENSED, INCLUDING BUT NOT LIMITED TO:

(A) TRADITIONAL ADOPTIONS WITH ADOPTING PARENTS WHO ARE UNKNOWN;

(B) FAMILY ADOPTIONS, INCLUDING STEPPARENT AND GRANDPARENT ADOPTIONS;

(C) INTERSTATE ADOPTIONS;

(D) INTERNATIONAL ADOPTIONS;

(E) IDENTIFIED OR DESIGNATED ADOPTIONS; AND

(F) SPECIAL NEEDS ADOPTIONS;

(II) THE CONTINUING EDUCATION REQUIREMENTS NECESSARY TO MAINTAIN THE ADOPTION AGENCY'S LICENSE, TAKING INTO ACCOUNT THE TYPE AND SPECIALTY OF SUCH AGENCY'S LICENSE;

(III) THE OPERATION AND CONDUCT OF THE AGENCY AND THE RESPONSIBILITY IT ASSUMES IN ADOPTION CASES;

(IV) THE CHARACTER, SUITABILITY, AND QUALIFICATIONS OF THE APPLICANT FOR A LICENSE AND FOR ALL DIRECT SERVICE STAFF EMPLOYED OR CONTRACTED WITH BY THE AGENCY;

(V) THE GENERAL FINANCIAL ABILITY AND COMPETENCE OF THE APPLICANT FOR LICENSE, EITHER ORIGINAL OR RENEWAL, TO PROVIDE NECESSARY SERVICES FOR THE ADOPTION OF CHILDREN AND TO MAINTAIN PRESCRIBED STANDARDS;

(VI) PROPER MAINTENANCE OF RECORDS; AND

(VII) PROVISIONS TO SAFEGUARD THE LEGAL RIGHTS OF CHILDREN SERVED.

**SECTION 8.** 26-6-107 (1) (a) (I), (1) (b), and (2), Colorado Revised Statutes, 1989 Repl. Vol., as amended, are amended, and the said 26-6-107 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**26-6-107. Investigations and inspections - local authority - audit - reports.**

(1) (a) (I) The department shall investigate and pass on each original application ~~and each biennial renewal application~~ for a license, AND EACH APPLICATION FOR A PERMANENT LICENSE FOLLOWING THE ISSUANCE OF A PROBATIONARY OR PROVISIONAL LICENSE, to operate a facility or an agency prior to granting such license. As part of such investigation, the department shall require each applicant, owner, employee, NEWLY HIRED EMPLOYEE, licensee, and any adult who resides in the licensed facility to obtain a criminal record check by reviewing any ~~arrest record which~~ THAT shall be used to assist the department in ascertaining whether the person being investigated has been convicted of any of the following: Child abuse, as specified in section 18-6-401, C.R.S.; an unlawful sexual offense, as defined in section 18-3-411 (1), C.R.S.; or a felony. ~~It is the intent of the general assembly that the department shall require a fingerprint check of each applicant, licensee, owner, adult residing in the licensed facility, and employee of the child care facility or agency; except that the department need not require a fingerprint check of juveniles if records are not available to be searched; and except that the state board may adopt rules which exempt from said fingerprinting requirements persons employed for fewer than ninety days by programs which are in operation fewer than ninety days each year. When the quality of such person's fingerprints or when a physical ailment of an individual who is a resident of a facility precludes a search of the arrest file through fingerprints, an arrest history review, as thorough as possible, shall be conducted using the person's name and personal descriptors as required by the Colorado bureau of investigation. Also~~ THE STATE BOARD OF HUMAN SERVICES SHALL PROMULGATE RULES THAT DEFINE AND IDENTIFY WHAT THE CRIMINAL BACKGROUND CHECK SHALL ENTAIL, INCLUDING BUT NOT LIMITED TO IDENTIFYING THOSE CIRCUMSTANCES IN WHICH FINGERPRINTING SHALL BE REQUIRED. As part of said investigation, the state central registry of child protection shall be accessed to determine whether the owner, applicant, employee, NEWLY HIRED EMPLOYEE, licensee, or individual who resides in the licensed facility being investigated is the subject of a report of known or suspected child abuse. Any change in ownership of a licensed facility or the addition of a new resident adult OR NEWLY HIRED EMPLOYEE to the licensed facility shall require a new investigation as provided for in this section. The ~~department~~ STATE BOARD OF HUMAN SERVICES shall promulgate rules and regulations to implement this subparagraph (I).

(b) When the department, county department, or child placement agency is satisfied that the applicant or licensee is competent and will operate adequate facilities to care for children under the requirements of this article and that ~~minimum~~ standards are being met and will be complied with, it shall issue the license for which applied. The department shall inspect or cause to be inspected the facilities to be operated by an applicant for an original license before the license is granted and shall ~~biennially~~ thereafter inspect or cause to be inspected the facilities of all licensees THAT, ~~except that the department shall not inspect the facilities of a family care home providing less than twenty-four-hour care if such inspection is solely for the purpose of renewal of the license, unless during the period of licensure, the facility was~~ HAVE BEEN found to be the subject of complaints or to be out of compliance with the standards set forth in section 26-6-106 and the rules of the department OR THAT

OTHERWISE APPEAR TO BE PLACING CHILDREN AT RISK. ~~Each licensee shall certify in writing at the time of applying for renewal that it is in compliance with all applicable licensing standards.~~ The department may make such other inspections as it deems necessary to ~~insure~~ ENSURE that the requirements of this article are being met and that the health, safety, and welfare of the children being placed are protected. THE BOARD SHALL ADOPT RULES CONCERNING A REQUIREMENT THAT CHILD CARE FACILITIES POST THE LICENSE AND THE ON-SITE PUBLIC AVAILABILITY OF THE RESULTS OF THE MOST RECENT INSPECTION REPORT.

(1.5) THE STATE AUDITOR'S OFFICE SHALL CONDUCT A PERFORMANCE AUDIT OF THE DEPARTMENT'S RISK-BASED APPROACH TO MONITORING AND INSPECTING CHILD CARE FACILITIES SET FORTH IN PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION ON OR BEFORE DECEMBER 1, 1998.

(2) The department may authorize or contract with any county department of social services, the county department of health, or any other publicly or privately operated organization ~~which~~ THAT has a declared interest in children and experience working with children or on behalf of children to investigate and inspect the facilities applying for an original ~~or renewal~~ license OR APPLYING FOR A PERMANENT LICENSE FOLLOWING THE ISSUANCE OF A PROBATIONARY OR PROVISIONAL LICENSE under this article and may accept reports on such investigations and inspections from such agencies or organizations as a basis for such licensing. When contracting for investigations and inspections, the department shall assure that the contractor is qualified by training and experience and has no conflict of interest with the facilities to be inspected. A city, COUNTY, or city and county may impose and enforce higher standards and requirements for facilities licensed under this article than the ~~minimum~~ standards and requirements specified under this article.

**SECTION 9.** The introductory portion to 26-6-108 (2) and 26-6-108 (2) (a), (2) (b), (2) (h), and (3), Colorado Revised Statutes, 1989 Repl. Vol., as amended, are amended, and the said 26-6-108 (2) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

**26-6-108. Denial of original license - suspension - revocation - probation.**

(2) The department may deny, ~~the original license or~~ suspend, revoke, OR make probationary ~~or refuse to renew~~ the license of any facility regulated and licensed under this article should the licensee, person employed by the licensee, or person who resides with the licensee:

(a) Be convicted of any felony, OTHER THAN THOSE OFFENSES SPECIFIED IN SECTION 26-6-104 (7), OR child abuse, as specified in section 18-6-401, C.R.S., ~~or an unlawful sexual offense, as defined in section 18-3-411 (1), C.R.S.~~, the record of conviction being conclusive evidence thereof, notwithstanding section 24-5-101, C.R.S., OR HAVE ENTERED INTO A DEFERRED JUDGMENT AGREEMENT OR A DEFERRED PROSECUTION AGREEMENT TO ANY FELONY, OTHER THAN THOSE OFFENSES SPECIFIED IN SECTION 26-6-104 (7), CHILD ABUSE, AS SPECIFIED IN SECTION 18-6-401, C.R.S., OR SHOULD THE DEPARTMENT HAVE A CERTIFIED COURT ORDER FROM ANOTHER STATE INDICATING THAT THE APPLICANT, LICENSEE, PERSON EMPLOYED BY THE LICENSEE, OR ANY PERSON RESIDING WITH THE LICENSEE HAS BEEN CONVICTED OF A FELONY, OTHER THAN THOSE OFFENSES SPECIFIED IN SECTION 26-6-104 (7), UNDER A LAW OF ANY OTHER STATE OR THE UNITED STATES OR HAS ENTERED INTO A DEFERRED

JUDGMENT AGREEMENT OR A DEFERRED PROSECUTION AGREEMENT IN ANOTHER STATE AS TO A FELONY, OTHER THAN THOSE OFFENSES SPECIFIED IN SECTION 26-6-104 (7); or

(b) Be determined to be insane or mentally incompetent by a court of competent jurisdiction and, should a court enter, pursuant to part 3 or part 4 of article 14 of title 15, C.R.S., or section 27-10-109 (4) or 27-10-125, C.R.S., an order specifically finding that the mental incompetency or insanity is of such a degree that the licensee is incapable of operating a family CHILD care home, FOSTER CARE HOME, or child care center, the record of such determination and entry of such order being conclusive evidence thereof; or

(c.5) BE CONVICTED OF UNLAWFUL USE OF A CONTROLLED SUBSTANCE AS SPECIFIED IN SECTION 18-18-404, C.R.S., UNLAWFUL DISTRIBUTION, MANUFACTURING, DISPENSING, SALE, OR POSSESSION OF A CONTROLLED SUBSTANCE AS SPECIFIED IN SECTION 18-18-405, C.R.S., OR UNLAWFUL OFFENSES RELATING TO MARIHUANA OR MARIHUANA CONCENTRATE AS SPECIFIED IN SECTION 18-18-406, C.R.S.; OR

(h) Fail to provide, maintain, equip, and keep in safe and sanitary condition premises established or used for child care pursuant to ~~minimum~~ standards prescribed by the department of public health and environment AND THE DEPARTMENT OF HUMAN SERVICES or by ordinances or regulations applicable to the location of such facility; or

(3) The department shall suspend OR revoke ~~or refuse to renew~~ a license only in conformity with the provisions and procedures specified in article 4 of title 24, C.R.S., and after a hearing thereon as provided in said article 4; except that all hearings under this article shall be conducted by an administrative law judge of the department who shall render his OR HER ~~decision, which shall be the final decision of the department,~~ RECOMMENDATION TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES WHO SHALL RENDER THE FINAL DECISION OF THE DEPARTMENT, and no licensee shall be entitled to a right to cure any of the charges described in paragraph (a), (b), (c), or (k) (I) of subsection (2) of this section. No such hearing shall prevent or delay any injunctive proceedings instituted under the provisions of section 26-6-111.

**SECTION 10.** 26-6-108, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**26-6-108. Denial of original license - suspension - revocation - probation - refusal to renew license.** (2.5) (a) THE DEPARTMENT SHALL DENY A LICENSE UNDER THE CIRCUMSTANCES DESCRIBED IN SECTION 26-6-104 (7). THE DEPARTMENT SHALL REVOKE A LICENSE PREVIOUSLY ISSUED IF:

(I) THE LICENSEE, PERSON EMPLOYED BY THE LICENSEE, OR PERSON RESIDING WITH THE LICENSEE IS THEREAFTER CONVICTED OR IF IT IS LATER DISCOVERED THAT THE LICENSEE, PERSON EMPLOYED BY THE LICENSEE, OR PERSON RESIDING WITH THE LICENSEE HAD PREVIOUSLY BEEN CONVICTED OF FELONY CHILD ABUSE, AS DEFINED IN SECTION 18-6-401, C.R.S., OR ANY UNLAWFUL SEXUAL OFFENSE AGAINST A CHILD, AS DEFINED IN SECTION 18-3-411 (1), C.R.S.; OR

(II) THE DEPARTMENT HAS A CERTIFIED COURT ORDER FROM ANOTHER STATE INDICATING THAT THE LICENSEE, PERSON EMPLOYED BY THE LICENSEE, OR PERSON RESIDING WITH THE LICENSEE IS THEREAFTER CONVICTED OF, OR IF IT IS LATER DISCOVERED THAT THE LICENSEE, PERSON EMPLOYED BY THE LICENSEE, OR PERSON RESIDING WITH THE LICENSEE HAD PREVIOUSLY BEEN CONVICTED OF, FELONY CHILD ABUSE OR ANY UNLAWFUL SEXUAL OFFENSE AGAINST A CHILD UNDER A LAW OF ANY OTHER STATE OR OF THE UNITED STATES; OR

(III) THE LICENSEE, PERSON EMPLOYED BY THE LICENSEE, OR PERSON RESIDING WITH THE LICENSEE HAS ENTERED INTO A DEFERRED JUDGMENT AGREEMENT OR A DEFERRED PROSECUTION AGREEMENT AS TO FELONY CHILD ABUSE, AS DEFINED IN SECTION 18-6-401, C.R.S., OR ANY UNLAWFUL SEXUAL OFFENSE AGAINST A CHILD, AS DEFINED IN SECTION 18-3-411 (1), C.R.S., OR IF THE DEPARTMENT HAS A CERTIFIED COURT ORDER FROM ANOTHER STATE INDICATING SUCH AN AGREEMENT FROM ANOTHER STATE.

(b) A CERTIFIED COPY OF THE JUDGMENT OF A COURT OF COMPETENT JURISDICTION OF SUCH CONVICTION OR DEFERRED JUDGMENT AGREEMENT OR DEFERRED PROSECUTION AGREEMENT SHALL BE PRIMA FACIE EVIDENCE OF SUCH CONVICTION OR AGREEMENT.

**SECTION 11.** 26-6-113, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

**26-6-113. Periodic review of licensing regulations and procedures.** (1) The general assembly finds that changes in demographics and economic trends in Colorado have increased the need for high quality and affordable child care. The general assembly also recognizes that the provision of child care in this state and in the nation is a rapidly growing industry subject to many changes. The general assembly further finds that there is a need for continuing comprehensive review of the rules and regulations and the licensing procedures governing child care centers, ~~and~~ family CHILD care homes, AND FOSTER CARE HOMES THAT ~~which~~ includes the adequate and full participation of parents, consumers, child care providers, and interested persons. The general assembly finds that such a review with the goal of identifying problems in the fragmentation and lack of uniformity of standards in the licensing process would benefit the state and result in improvements in the regulation of this industry ~~which~~ THAT is so vital to the health and well-being of the state's children and citizens.

(2) Beginning with fiscal year ~~1992-93 and every third~~ 1995-1996, AN INITIAL COMPREHENSIVE RULE AND REGULATION REVIEW SHALL BE CONDUCTED IN CONJUNCTION WITH THE PERFORMANCE AUDIT REQUIRED BY SECTION 26-6-107 (1.5), AND, AT LEAST EVERY FIFTH fiscal year thereafter, a comprehensive review of the licensing rules and regulations for child care centers, ~~and~~ family CHILD care homes, AND FOSTER CARE HOMES and the procedures relating to and governing child care centers, ~~and~~ family CHILD care homes, AND FOSTER CARE HOMES shall be conducted by the ~~state~~ department, including procedures for the review of backgrounds of employees and owners. In conducting such periodic review, the ~~state~~ department shall consult with parents and consumers of child care, child care providers, the department of public health and environment, experts in the child care field, and other interested parties throughout the state. The periodic review shall include an

examination of the rules and regulations applicable to child care centers, ~~and~~ family CHILD care homes, AND FOSTER CARE HOMES, the process of licensing such facilities, uniformity of standards or lack thereof in the licensing process, statewide standardization of investigations and enforcement of licensing by the ~~state~~ department, duplication and conflicts in regulations, requirements, or procedures between the ~~state~~ department and the department of public health and environment, and recommendations for streamlining and unifying the licensing process. Said review shall also include an examination of regulations and procedures regarding the general physical and mental health of employees and owners. At the conclusion of each review, the ~~state~~ department shall report its findings and conclusions and its recommendations for administrative changes and for legislation to the state board, the advisory committee on licensing of child care facilities, the executive director of the department of public health and environment, and to the general assembly.

**SECTION 12.** 26-6-114 (4), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

**26-6-114. Civil penalties - fines.** (4) The department may assess a civil penalty in conformity with the provisions and procedures specified in article 4 of title 24, C.R.S.; except that all hearings conducted pursuant to this section shall be before an administrative law judge of the department, ~~whose decision shall be the final decision of the department.~~ WHO SHALL RENDER HIS OR HER RECOMMENDATION TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT WHO SHALL RENDER THE FINAL DECISION OF THE DEPARTMENT.

**SECTION 13.** 19-1-103 (12), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended, and the said 19-1-103 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**19-1-103. Definitions.** As used in this title, unless the context otherwise requires:

(12) "Family CHILD care home" means a family CHILD care home licensed and approved pursuant to article 6 of title 26, C.R.S. If such facility is located in another state, it shall be designated by the department of human services upon certification that no appropriate available space exists in a facility in this state and shall be licensed or approved as required by law in that state.

(12.4) "FOSTER CARE HOME" MEANS A FOSTER CARE HOME CERTIFIED PURSUANT TO ARTICLE 6 OF TITLE 26, C.R.S.

**SECTION 14.** 19-2-703 (1) (j), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

**19-2-703. Juvenile delinquent - sentencing - disposition - restitution - parental liability.** (1) (j) The court, following the criteria for out-of-home placement established pursuant to section 19-2-1602, may place legal custody in the county department of social services or a child placement agency for placement in a family CHILD care home, FOSTER CARE HOME, or a child care center.

**SECTION 15.** 19-3-303 (4.5), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

**19-3-303. Definitions.** As used in this part 3, unless the context otherwise requires:

(4.5) "Institutional abuse" means any case of abuse, as defined in subsection (1) of this section, that occurs in any public or private facility in the state that provides child care out of the home, supervision, or maintenance. "Facility" includes, but is not limited to, FAMILY CHILD CARE HOMES, FOSTER CARE HOMES, AND any OTHER facility subject to the Colorado "Child Care LICENSING Act" and ~~which is~~ defined in section 26-6-102, C.R.S. "Institutional abuse" shall not include abuse that occurs in any public, private, or parochial school system, including any preschool operated in connection with said system; except that, to the extent the school system provides extended day services, abuse that occurs while such services are provided shall be institutional abuse.

**SECTION 16.** 19-3-304 (2) (m), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

**19-3-304. Persons required to report child abuse or neglect.** (2) Persons required to report such abuse or neglect or circumstances or conditions shall include any:

(m) Social worker or worker in a family CHILD care home, FOSTER CARE HOME, ~~employer-sponsored on-site child care center~~, or child care center as defined in section 26-6-102, C.R.S.;

**SECTION 17.** The introductory portion to 19-3-508 (1) and 19-3-508 (1) (c), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

**19-3-508. Neglected or dependent child - disposition.** (1) When a child has been adjudicated to be neglected or dependent, the court may enter a decree of disposition the same day, but in any event it shall do so within forty-five days unless the court finds that the best interests of the child will be served by granting a delay. In a county designated pursuant to section 19-1-123, if the child is under six years of age at the time a petition is filed in accordance with section 19-3-501 (2), the court shall enter a decree of disposition within thirty days after the adjudication and shall not grant a delay unless good cause is shown and unless the court finds that the best interests of the child will be served by granting the delay. It is the intent of the general assembly that the dispositional hearing be held on the same day as the adjudicatory hearing, whenever possible. If a delay is granted, the court shall set forth the reasons why a delay is necessary and the minimum amount of time needed to resolve the reasons for the delay and shall schedule the hearing at the earliest possible time following the delay. When the decree does not terminate the parent-child legal relationship, the court shall approve an appropriate treatment plan ~~which~~ THAT shall include but not be limited to one or more of the following provisions of paragraphs (a) to (d) of this subsection (1):

(c) The court may place legal custody in the county department of social services or a child placement agency for placement in a ~~family care home~~ FOSTER CARE HOME or other child care facility.

**SECTION 18.** 22-28-103 (2), Colorado Revised Statutes, 1995 Repl. Vol., is

amended to read:

**22-28-103. Definitions.** As used in this article, unless the context otherwise requires:

(2) "Child care agency" means a facility defined as a child care center pursuant to the provisions of section 26-6-102 ~~(1)-(a)~~ (1.5), C.R.S.

**SECTION 19.** 22-28-111 (1) (b), Colorado Revised Statutes, 1995 Repl. Vol., is amended to read:

**22-28-111. Coordination of district preschool program with extended day services.** (1) (b) Any extended day services provided pursuant to paragraph (a) of this subsection (1), regardless of whether provided by a school district, head start agency, or public or private child care agencies, shall meet the appropriate ~~minimum~~ standards for licensing established by the department of human services pursuant to section 26-6-106, C.R.S.

**SECTION 20.** 25-4-901 (2), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

**25-4-901. Definitions.** As used in this part 9, unless the context otherwise requires:

(2) "School" means a public, private, or parochial nursery school, day care center, child care facility, family CHILD care home, FOSTER CARE HOME, head start program, kindergarten, elementary or secondary school through grade twelve, or college or university. "School" does not include college or university courses of study ~~which~~ THAT are offered off-campus, or are offered to nontraditional adult students, as defined by the governing board of the institution, or are offered at colleges or universities ~~which~~ THAT do not have residence hall facilities.

**SECTION 21.** 26-1-201 (1) (h), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

**26-1-201. Programs administered - services provided - department of human services.** (1) This section specifies the programs to be administered and the services to be provided by the department of human services. These programs and services include the following:

(h) The "Child Care LICENSING Act", as specified in article 6 of this title;

**SECTION 22.** 39-22-517 (1), Colorado Revised Statutes, 1994 Repl. Vol., is amended to read:

**39-22-517. Tax credit for child care center investments.** (1) With respect to taxable years commencing on or after January 1, 1992, there shall be allowed to any person operating a child care center, ~~or~~ family CHILD care home, ~~OR~~ FOSTER CARE HOME ~~which is~~ licensed pursuant to the provisions of section 26-6-104, C.R.S., a credit against the tax imposed by this article in the amount of twenty percent of the taxpayer's annual investment in tangible personal property to be used in such child

care center, ~~or~~ family CHILD care home, OR FOSTER CARE HOME. Such credit shall be in addition to any credit for which the taxpayer may be eligible pursuant to the provisions of section 39-22-507.5 or section 39-22-507.6.

**SECTION 23.** 42-4-236 (1) (a), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

**42-4-236. Child restraint systems required - definitions - exemptions.** (1) As used in this section, unless the context otherwise requires:

(a) "Child care center" means a facility required to be licensed under the "Child Care LICENSING Act", article 6 of title 26, C.R.S.

**SECTION 24. Effective date.** This act shall take effect July 1, 1996.

**SECTION 25. 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: April 8, 1996