

CHAPTER 323

GOVERNMENT - STATE

HOUSE BILL 00-1434

BY REPRESENTATIVES McElhany, Pfiffner, Coleman, Lee, Paschall, Scott, Sinclair, Stengel, and Young;
also SENATOR Tebedo.

AN ACT

CONCERNING RECOMMENDATIONS OF THE STATE, VETERANS, AND MILITARY AFFAIRS COMMITTEES OF THE GENERAL ASSEMBLY RELATED TO THE CONTINUATION OF REQUIREMENTS FOR CERTAIN REPORTS TO THE GENERAL ASSEMBLY FROM EXECUTIVE AGENCIES, AND, IN CONNECTION THEREWITH, REPEALING REPORTING REQUIREMENTS TO THE GENERAL ASSEMBLY THAT ARE OBSOLETE.

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

SECTION 1. 12-47-202 (1) (e), Colorado Revised Statutes, is amended to read:

12-47-202. Duties of state licensing authority. (1) The state licensing authority shall:

(e) Prepare and transmit annually, in the form and manner prescribed by the heads of the principal departments pursuant to section 24-1-136, C.R.S., a report accounting to the governor ~~and the general assembly~~ for the efficient discharge of all responsibilities assigned by law or directive to the state licensing authority;

SECTION 2. Repeal. 17-1-113 (6), Colorado Revised Statutes, is repealed as follows:

17-1-113. Medical visits - charge to inmates - legislative declaration. (6) ~~The department shall report to the legislative audit committee on or before September 1, 1999, concerning the volume of medical, dental, and optometric services rendered to inmates prior to July 1, 1998, and the associated copayments received therefor. The report shall also itemize the medical, dental, and optometric services rendered on and after July 1, 1998, to inmates and the copayments assessed for such services since that date. The department shall analyze the effectiveness of the revised copayment schedule and procedures in improving departmental practice consistency and in reducing the provision of unnecessary medical services to inmates.~~

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

SECTION 3. 19-1-109 (3), Colorado Revised Statutes, is amended to read:

19-1-109. Appeals. (3) A workgroup to consider necessary changes to practices, rules, and statutes in order to ensure that appeals in cases concerning relinquishment, adoption, and dependency and neglect be resolved within six months after being filed shall be established. The workgroup shall be known as the child welfare appeals workgroup and shall be created in the state judicial department. ~~The workgroup shall submit a written report to the general assembly no later than January 1, 1998, that shall contain recommendations for statutory, practice, and rule changes to expedite appeals and require their resolution within six months after filing.~~

SECTION 4. Repeal. 22-54-103 (1) (d), Colorado Revised Statutes, is repealed as follows:

22-54-103. Definitions. As used in this article, unless the context otherwise requires:

(1) (d) ~~During the 1999 interim, the legislative council staff shall conduct a study of the definition of at-risk pupils established by this subsection (1) and shall make a report of its findings to the general assembly no later than January 15, 2000.~~

SECTION 5. Repeal. 22-54-104 (5) (b) (I.3) (B), Colorado Revised Statutes, is repealed as follows:

22-54-104. District total program - repeal. (5) For purposes of the formulas used in this section:

(b) (I.3) (B) ~~During the 1998 interim, the legislative council staff shall conduct a study of the size factors established by this subsection (I.3) and shall make a report of its findings to the general assembly no later than January 15, 1999.~~

SECTION 6. Repeal. 23-1-116, Colorado Revised Statutes, is repealed as follows:

23-1-116. Commission directive - education degree programs. ~~It is the intent of the general assembly that the number of education programs offered at state institutions of higher education be reduced by the academic year 1989. Not later than March 30, 1986, the commission shall present to the general assembly a report on its decisions on the closure, consolidation, centralization, and reduction of duplication of undergraduate and graduate programs in education. In arriving at these decisions, the commission shall consider population, education, geographic service area, and economic factors. The governing boards shall be required to implement these directives not later than September 1, 1989.~~

SECTION 7. 23-1-121 (1) (a) and (4) (b), Colorado Revised Statutes, are amended to read:

23-1-121. Commission directive - approval of teacher preparation programs. (1) As used in this section, unless the context otherwise requires:

(a) "Approved teacher preparation program" means a teacher preparation program that has been reviewed pursuant to the provisions of this section and has been determined by the commission to meet the performance-based standards established by the commission pursuant to this section and the requirements of ~~sections~~ SECTION 23-1-108 ~~and 23-1-116~~ and to be designed and implemented in accordance with the requirements of the "Higher Education Quality Assurance Act", article 13 of this title.

(4) (b) Each program review conducted pursuant to paragraph (a) of this subsection (4) shall ensure that the program meets the minimum requirements adopted pursuant to subsections (2) and (3) of this section and the requirements of ~~sections~~ SECTION 23-1-108 ~~and 23-1-116~~ and any policies adopted pursuant thereto. In addition, the commission shall ensure that the program is designed and implemented in accordance with the requirements of the "Higher Education Quality Assurance Act", article 13 of this title. In determining whether to initially approve or continue the approval of a teacher preparation program, the commission shall consider any recommendations made by the state board of education pursuant to section 22-2-109 (5), C.R.S., concerning the effectiveness of the program content. If the state board of education recommends that a program not be approved, the commission shall follow said recommendation by refusing initial approval of said program or placing said program on probation.

SECTION 8. 23-70-115 (1) (b), Colorado Revised Statutes, is amended to read:

23-70-115. Directive - master plans. (1) (b) The commission shall review the master plans and shall, after consultation with the governing boards, order revisions to the extent that the plans fail to maximize efficiency and academic program effectiveness. When approved by the commission, the academic master plans shall be submitted to the Auraria board which shall prepare a comprehensive facilities master plan for the Auraria constituent institutions. The facilities master plan shall be submitted to the commission at a date to be established by the commission. ~~The commission shall submit a report on both the academic and facilities master plans, together with its own review and comments, to the general assembly not later than January 15, 1989. The general assembly shall not consider new facilities funding requests for the Auraria center or constituent institutions for the 1989-90 fiscal year and ensuing fiscal years that are not consistent with the commission-approved master plans.~~

SECTION 9. Repeal. 24-1-136 (11) (a) (II) (C), Colorado Revised Statutes, is repealed as follows:

24-1-136. "Information Coordination Act" - policy - functions of the heads of principal departments. (11) (a) (II) All requirements for reports to the general assembly by executive agencies or the judicial branch that were in existence before July 1, 1996, or that otherwise are not covered by subparagraph (I) of this paragraph (a), shall expire on the following dates:

(C) ~~Requirements imposed under article 60.5 of title 22 to part 1 of article 32 of title 24, C.R.S., July 1, 1999;~~

SECTION 10. 24-32-305 (3) (a), Colorado Revised Statutes, is amended to read:

24-32-305. Offices of division - expenses and salaries - reports and publications. (3) (a) The director shall prepare and transmit annually, in the form and manner prescribed by the heads of the principal departments pursuant to the provisions of section 24-1-136, a report accounting to the governor ~~and the general assembly~~ for the efficient discharge of all responsibilities assigned by law or directive to the division.

SECTION 11. Repeal. 24-32-309 (1) (c), Colorado Revised Statutes, is repealed as follows:

24-32-309. Functions of commission - legislative declaration. (1) The commission shall have the following functions:

~~(c) To report annually to the general assembly on the status of the motion picture and television industry in this state.~~

SECTION 12. Repeal. 24-32-705 (3), Colorado Revised Statutes, is repealed as follows:

24-32-705. Functions of division. (3) ~~A full report on the weatherization grants program shall be made by the division to the general assembly within six months after the end of each fiscal year. The report shall contain but not be limited to the following:~~

~~(a) The actual program expenses, itemized appropriately;~~

~~(b) The total number of eligible residences upon which weatherization services were performed, with a differentiation to distinguish between repair and maintenance and weatherization;~~

~~(c) The income eligibility guidelines for residences receiving weatherization services;~~

~~(d) The average energy savings realized by such residences;~~

~~(e) Recommendations for improvements and changes in program design and administration.~~

SECTION 13. Repeal. 24-33-108 (4), Colorado Revised Statutes, is repealed as follows:

24-33-108. Gifts and devises to the department. (4) ~~The department of natural resources shall annually submit to the general assembly and the joint budget committee a report on the expenditures from the fund and the purpose for which the expenditures were made. The general assembly and the joint budget committee shall consider such report when making appropriations to the department for the ensuing year. The general assembly may make appropriations from the Colorado natural resources foundation fund for the purpose of reimbursing any general fund expenditures made as a result of a gift or devise under this section.~~

SECTION 14. 24-33.5-103 (3), Colorado Revised Statutes, is amended to read:

24-33.5-103. Department created - divisions. (3) The executive director shall prepare and transmit annually, in the form and manner prescribed by the heads of the principal departments pursuant to the provisions of section 24-1-136, a report accounting to the governor ~~and the general assembly~~ for the efficient discharge of all responsibilities assigned by law or directive to the department and the divisions thereof.

SECTION 15. 24-33.5-415.1 (2) (c), Colorado Revised Statutes, is amended to read:

24-33.5-415.1. List of missing children. (2) (c) The bureau shall release general statistical information to the public at least once each calendar year and shall report such statistics and other information the bureau deems appropriate to the ~~general assembly and to the~~ governor at least once each calendar year.

SECTION 16. 24-34-101 (2), Colorado Revised Statutes, is amended to read:

24-34-101. Department created - executive director. (2) The executive director shall prepare and transmit annually, in the form and manner prescribed by the heads of the principal departments pursuant to the provisions of section 24-1-136, a report accounting to the governor ~~and the general assembly~~ for the efficient discharge of all responsibilities assigned by law or directive to the department of regulatory agencies and divisions thereof.

SECTION 17. 24-34-104 (8) (a), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (8) (a) (III) THIS SUBSECTION (8) IS EXEMPT FROM THE PROVISIONS OF SECTION 24-1-136 (11), AND THE PERIODIC REPORTING REQUIREMENT OF THIS SUBSECTION (8) SHALL REMAIN IN EFFECT UNTIL CHANGED BY THE GENERAL ASSEMBLY ACTING BY BILL.

SECTION 18. 24-34-104.1, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

24-34-104.1. General assembly sunrise review of new regulation of occupations and professions. (7) THIS SECTION IS EXEMPT FROM THE PROVISIONS OF SECTION 24-1-136 (11), AND THE PERIODIC REPORTING REQUIREMENT OF THIS SECTION SHALL REMAIN IN EFFECT UNTIL CHANGED BY THE GENERAL ASSEMBLY ACTING BY BILL.

SECTION 19. 24-34-305 (1) (f), Colorado Revised Statutes, is amended to read:

24-34-305. Powers and duties of commission. (1) The commission has the following powers and duties:

(f) To prepare and transmit annually, in the form and manner prescribed by the heads of the principal departments pursuant to the provisions of section 24-1-136, a report accounting to the governor ~~and the general assembly~~ for the efficient discharge of all responsibilities assigned by law or directive to the commission;

SECTION 20. 24-34-901, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

24-34-901. Proposed continuing education requirements for regulated occupations and professions - review by office of executive director. (2) THIS SECTION IS EXEMPT FROM THE PROVISIONS OF SECTION 24-1-136 (11), AND THE PERIODIC REPORTING REQUIREMENT OF THIS SECTION SHALL REMAIN IN EFFECT UNTIL CHANGED BY THE GENERAL ASSEMBLY ACTING BY BILL.

SECTION 21. 24-35-102 (3), Colorado Revised Statutes, is amended to read:

24-35-102. Executive director - annual report. (3) The executive director shall prepare and transmit annually, in the form and manner prescribed by the heads of the principal departments pursuant to the provisions of section 24-1-136, a report accounting to the governor ~~and the general assembly~~ for the efficient discharge of all responsibilities assigned by law or directive to the department of revenue or to any subdivisions thereof.

SECTION 22. 24-35-211 (2), Colorado Revised Statutes, is amended to read:

24-35-211. Audits and annual reports. (2) The commission and director shall make an annual report by March 1 of each year to the governor ~~the general assembly, and the legislative audit committee, which~~ THAT shall include a summary of the division's activities for the previous year, a statement of lottery revenues, prize disbursements, expenses of the division, allocation of remaining revenues, and any recommendations for change in the statutes which the commission or director deems necessary or desirable. The report shall be public.

SECTION 23. Repeal. 24-35-218 (1) (b), (1) (c), and (1) (d), Colorado Revised Statutes, are repealed as follows:

24-35-218. Division subject to termination. (1) (b) ~~The state auditor shall conduct an analysis and evaluation of the performance of the division. The analysis and evaluation shall be completed by January 1, 1998. The state auditor shall submit a written report, and such supporting materials as may be requested, to the general assembly no later than January 15, 1999.~~

~~(c) In conducting the analysis and evaluation, the state auditor shall take into consideration, but not be limited to considering, the following factors:~~

~~(I) The amount of revenue generated by the lottery for the conservation trust fund and the percentage that amount bears to total state revenues;~~

~~(II) The administrative and other expense of lottery dollar collections as compared to revenue derived;~~

~~(III) An evaluation of the performance of lottery equipment contractors and licensed sales agents;~~

~~(IV) Whether there has been an increase in organized crime related to gambling within the state;~~

~~(V) A comparison of the participation in illegal gambling before and after the establishment of the lottery;~~

~~(VI) The competitive effect of the lottery on other forms of legal gambling in this state, both profit and nonprofit in nature;~~

~~(VII) A socioeconomic profile of persons who play the lottery;~~

~~(VIII) Whether the commission encourages public participation in its decisions rather than participation only by the people it regulates;~~

~~(IX) Whether the division's complaint, investigation, and disciplinary procedures adequately protect the public;~~

~~(X) Whether the division performs its statutory duties efficiently and effectively;~~

~~(XI) Whether administrative or statutory changes are necessary to improve the operation of the lottery in the best interests of the state's citizens;~~

~~(XII) Any other matters of concern about the operation and functioning of the lottery.~~

~~(d) Prior to the termination, continuation, reestablishment, or revision of the division's functions, a committee of reference in each house of the general assembly shall hold a public hearing thereon to consider the report provided by the state auditor, said hearing to include the factors set forth in paragraph (c) of this subsection (1).~~

SECTION 24. 24-36-104 (1), Colorado Revised Statutes, is amended to read:

24-36-104. Moneys to be deposited. (1) All moneys received by the treasury department shall be promptly deposited in such national or state banks doing business in this state as the state treasurer shall select. Accounts in such depositories shall be carried in the name of "Treasurer, State of Colorado", and withdrawals therefrom shall be made by checks or drafts drawn and signed in such manner as the state treasurer shall direct. The state treasurer may make payments, without appropriation, of all actual and necessary charges made by such depositories for expenses related to the deposit of moneys received by the treasury department in accordance with the constitution or statutes of Colorado. Such payments shall be made from investment income or any other available revenues. The state treasurer shall contract for all such bank services in accordance with the provisions of the "Procurement Code", articles 101 to 112 of this title. The state treasurer shall make the criteria used in selecting a vendor for bank services available to the finance committees of both houses of the general assembly prior to the award of a contract and shall make all contracts submitted or entered into pursuant to this section available for public inspection in accordance with the provisions of part 2 of article 72 of this title. ~~Subsequent to the award of a contract for bank services, the state treasurer shall submit a report to the general assembly which shall contain a summary of the bids submitted and the contract awarded.~~

SECTION 25. 24-37-103 (1) (c), Colorado Revised Statutes, is amended to read:

24-37-103. Director - duties. (1) The director shall:

(c) Review pending legislation and determine the economic impact, if any, of such legislation upon the people of this state. The director shall report his OR HER findings, together with any projections he OR SHE deems necessary, to the governor. ~~and to the general assembly.~~

SECTION 26. 24-50-102 (3), Colorado Revised Statutes, is amended to read:

24-50-102. Department of personnel - state personnel director. (3) The state personnel director shall prepare and transmit annually, in the form and manner prescribed by the heads of the principal departments pursuant to the provisions of section 24-1-136, a report accounting to the governor ~~and the general assembly~~ for the efficient discharge of all responsibilities assigned by law or directive to the department of personnel.

SECTION 27. 24-50.5-107, Colorado Revised Statutes, is amended to read:

24-50.5-107. Reports to the governor. The state personnel board shall report annually to the ~~general assembly~~ and the governor concerning the complaints filed, hearings held, and actions taken pursuant to this article.

SECTION 28. 24-51-204 (8), Colorado Revised Statutes, is amended to read:

24-51-204. Duties of the board. (8) The board or its designated agent shall prepare and transmit annually a report to the governor ~~and general assembly~~ regarding the policies, financial condition, and administration of the association.

SECTION 29. 25-7-137 (2), Colorado Revised Statutes, is amended to read:

25-7-137. Requirements for legislative approval of Grand Canyon visibility transport commission or successor body advisory recommendations, reports, and interpretations. (2) The governor or the governor's designee is encouraged to attend and participate in the successor body to the GCVTC. A stakeholder process shall be implemented to include representatives of the general assembly. The governor shall provide an annual report of the activities of the GCVTC or its successor bodies to the general assembly UNTIL SUCH TIME AS THE GOVERNOR HAS FORWARDED TO THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY NOTIFICATION THAT THE STATE SHALL COMPLY WITH THE PROVISIONS OF TITLE 40, CODE OF FEDERAL REGULATIONS, PART 51.308, ADOPTED IN ACCORDANCE WITH THE FEDERAL ACT. The goal of this process is to protect the interest of Colorado over air quality issues.

SECTION 30. 26-12-201.5 (1), (3), (4), and (5), Colorado Revised Statutes, are amended to read:

26-12-201.5. Nursing home at former Fitzsimons authorized. (1) Subject to available appropriations, ~~and the provisions of subsection (3) of this section;~~ there is hereby authorized the establishment and construction of a state veterans nursing home on the site of the former Fitzsimons army medical center.

~~(3) No later than January 1, 2000, and prior to commencement of construction at Fitzsimons, the state department shall submit a report to the state, veterans, and military affairs committees of the house of representatives and the senate and to the capital development committee and the joint budget committee of the general assembly that shall address the following issues:~~

~~(a) The projected increased need for veterans beds in the Denver metropolitan area;~~

~~(b) The impact or benefits that a facility in the Denver metropolitan area would have in terms of enhancing and continuing support for veterans and their families;~~

~~(c) The impact, if any, that the facility authorized pursuant to subsection (1) of this section would have upon existing state veterans nursing homes and any recommendations for ways to mitigate any adverse impact the facility would have upon such existing state veterans nursing homes;~~

~~(d) The efforts of the state department to identify and evaluate an existing nursing facility within the Denver metropolitan area that would be suitable to be leased or purchased such that the facility meets or can be renovated to meet U.S. department of veterans affairs nursing facility standards. The evaluation shall include a review of space requirements as well as a determination of the staff efficiency and cost-effectiveness of operating the existing nursing facility.~~

~~(e) Opportunities and benefits of contracting with other private or public entities for all or part of the operation and management of the facility authorized pursuant to subsection (1) of this section.~~

~~(4) Prior to obtaining a construction grant from the federal department of veterans affairs and in conjunction with the report required pursuant to subsection (3) of this section, the state department shall present a business plan to the state, veterans, and military affairs committees of the house of representatives and the senate, the capital development committee, and the joint budget committee of the general assembly that identifies potential alternative sources of funding the remaining construction costs, as well as start-up costs necessary for the initial operation of the facility.~~

~~(5) Subject to the provisions of subsection (3) of this section, Construction of the facility authorized pursuant to subsection (1) of this section shall begin no later than October 1, 2001, or upon receipt of the federal funding for such construction.~~

SECTION 31. 39-22-1803 (1), Colorado Revised Statutes, is amended to read:

39-22-1803. Contributions credited to the Colorado special olympics fund - appropriation. (1) The department of revenue shall determine annually the total amount designated pursuant to section 39-22-1802 and shall report such amount to the state treasurer. ~~and to the general assembly.~~ The state treasurer shall credit such amount to the Colorado special olympic fund, which fund is hereby created in the state treasury. At the end of each fiscal year, the state treasurer shall transfer all designated moneys in the fund and all interest derived from the deposit and investment of such moneys to the Colorado special olympics. All interest derived from the deposit and investment of moneys in the fund shall be credited to the fund.

SECTION 32. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: June 1, 2000