

CHAPTER 369

**STATUTES**

**HOUSE BILL 00-1463**

BY REPRESENTATIVES Grossman, Kaufman, Miller, Morrison, Smith, Coleman, Fairbank, Gagliardi, Gotlieb, Mace, Scott, Tapia, Taylor, Tool, Tupa, Vigil, and Webster;  
also SENATORS Blickensderfer, Matsunaka, Perlmutter, Wattenberg, Wham, and Tebedo.

**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.** 6-1-701 (1) (a), Colorado Revised Statutes, is amended to read:

**6-1-701. Hearing aid dealers - deceptive trade practices.** (1) As used in this section, unless the context otherwise requires:

(a) "Audiologist" means an individual who is registered as an audiologist pursuant to part 1 of article 5.5 of title 12, C.R.S., or who has been ~~certified~~ LICENSED as a school audiologist by the Colorado department of education pursuant to ~~section 22-60-104~~ SECTION 22-60.5-210, C.R.S.

**SECTION 2.** 8-70-130, Colorado Revised Statutes, is amended to read:

**8-70-130. Employment does not include - instrumentalities of United States.** "Employment" does not include services performed in the employ of the United States government, a national bank or state bank which is a member of the federal reserve system, or a federal savings and loan association or a state building and loan association which is a member of the federal home loan bank system, which institutions were, prior to January 1, 1972, exempt from articles 70 to 82 of this title, or any other instrumentality of the United States exempt under the constitution of the United States from the taxes imposed by articles 70 to 82 of this title; except that, to the extent that the congress of the United States permits states to require any instrumentalities of the United States to make payments into an unemployment fund

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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.*

under a state unemployment compensation law, all of the provisions of articles 70 to 82 of this title shall be applicable to such instrumentalities and to services performed for such instrumentalities in the same manner, to the same extent, and on the same terms as to all other employers, employing units, individuals, and services. If this state is not certified for any year by the United States secretary of labor under section 3304 of the federal "Internal Revenue Code of ~~1954~~ 1986", as amended, the payments required of such instrumentalities with respect to such year shall be refunded by the division from the fund in the same manner and within the same period as is provided in section 8-79-108 with respect to taxes erroneously collected.

**SECTION 3.** 8-75-101 (9), Colorado Revised Statutes, is amended to read:

**8-75-101. Definitions.** As used in this article, unless the context otherwise requires:

(9) "State law" means the unemployment insurance law of any state, approved by the United States secretary of labor under section 3304 of the FEDERAL "Internal Revenue Code of ~~1954~~ 1986", as amended.

**SECTION 4.** 8-75-103.5 (3) (a) and (5), Colorado Revised Statutes, are amended to read:

**8-75-103.5. Additional extended benefit requirements.** (3) For the purposes of this section, "suitable work" means, with respect to any individual, any work which is within such individual's capabilities. The gross average weekly remuneration payable for such work shall:

(a) Exceed the sum of the individual's extended weekly benefit amount as determined under sections 8-73-102 and 8-75-104 plus the amount, if any, of supplemental unemployment benefits, as defined in section 501 (c) (17) (D) of the FEDERAL "Internal Revenue Code of ~~1954~~ 1986", as amended, payable to such individual for such week;

(5) Notwithstanding the provisions of paragraph (b) of subsection (3) of this section to the contrary, no work shall be deemed suitable work for an individual which does not accord with the labor standards provisions required by section 3304 (a) (5) of the FEDERAL "Internal Revenue Code of ~~1954~~ 1986", as amended, and set forth under section 8-73-108 (5) (b).

**SECTION 5.** 8-76-102 (4) (d), Colorado Revised Statutes, is amended to read:

**8-76-102. Rate of tax - surcharge.** (4) (d) Effective calendar year 2000, the provisions of paragraph (a) of this subsection (4) regarding annual computation of the surcharge tax rate shall no longer apply and the annual surcharge tax rate shall be established at 0.22 percent, with fifty percent of the surcharge tax rate allocated to the unemployment compensation fund and fifty percent of the surcharge tax rate allocated to the employment SUPPORT fund created under the provisions of section 8-77-109. The surcharge tax rate shall then be added to the employer's standard or computed tax rate. This tax rate added to the employer tax rate shall also be identified separately on the employer tax rate notice as the tax surcharge for benefits not effectively charged. The combined rate shall be the employer's tax rate for the

ensuing calendar ~~years~~ YEAR. The surcharge established by this subsection (4) shall not be assessed against any employer whose benefit-charge account balance is zero; except that, if the employer is still being rated under the provisions of section 8-76-103 (3) (a), such employer is subject to the surcharge tax rate.

**SECTION 6.** 8-76-110 (1) and (2) (d), Colorado Revised Statutes, are amended to read:

**8-76-110. Financing benefits paid to employees of nonprofit organizations.** (1) Benefits paid to employees of nonprofit organizations shall be financed in accordance with the provisions of this section. For the purpose of this section, a nonprofit organization is an organization or group of organizations described in section 501 (c) (3) of the ~~"United States~~ FEDERAL "Internal Revenue Code of ~~1954~~ 1986", as amended, which are exempt from income tax under section 501 (a) of such code.

(2) (d) Any organization described in section 501 (c) (3) of the FEDERAL "Internal Revenue Code of ~~1954~~ 1986", as amended, which is exempt from income tax under section 501 (a) of such code and which was liable under the provisions of the "Colorado Employment Security Act", articles 70 to 82 of this title, prior to January 1, 1972, may elect to become liable for payments in lieu of taxes for a period of not less than eighteen calendar months beginning July 1, 1971, by filing a written notice of election with the division not later than thirty days immediately following July 1, 1971; otherwise, said employer may elect to become liable for payments in lieu of taxes for a period of not less than one calendar year beginning on or after January 1, 1972, if written notice of such election is filed with the division within thirty days after January 1, 1972.

**SECTION 7.** 10-3-216 (1) (f) (III), Colorado Revised Statutes, is amended to read:

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

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

(III) A trust for a pension or other benefit plan for employees qualified under section 401 of the FEDERAL "Internal Revenue Code of ~~1954~~ 1986", as amended;

**SECTION 8.** 10-4-707 (6), Colorado Revised Statutes, is amended to read:

**10-4-707. Benefits - how payable.** (6) When an accident involves the operation of a motor vehicle designed to seat twelve or more passengers which is owned by, and being operated on behalf of, a nonprofit religious, charitable, or educational organization entitled to tax exemption under section 501 (c) (3) of the federal "Internal Revenue Code of ~~1954~~ 1986", as amended, or an equivalent successor statutory provision, with the exception of such vehicles owned or being operated on behalf of a public school district, the policy covering said vehicle shall be secondary

and excess to any motor vehicle policy covering any person occupying said vehicle to the extent of such other policy coverages; except that the coverage of the operator or assistant operator of said vehicle, whether or not he is being paid to operate the vehicle, shall be governed by the provisions of subsection (3) of this section. Nothing in this subsection (6) shall supersede the provisions of subsection (5) of this section.

**SECTION 9.** 10-7-310 (2), Colorado Revised Statutes, is amended to read:

**10-7-310. Life and endowment reserves.** (2) Reserves according to the commissioners reserve valuation method for life insurance policies providing for a varying amount of insurance or requiring the payment of varying premiums, group annuity and pure endowment policies purchased under a retirement plan or plan of deferred compensation, established or maintained by an employer (including a partnership or sole proprietorship) or by an employee organization, or by both, other than a plan providing individual retirement accounts or individual retirement annuities under section 408 of the federal "Internal Revenue Code of ~~1954~~ 1986", as now or hereafter amended, disability and accidental death benefits in all policies and contracts, and all other benefits, except life insurance and endowment benefits in life insurance policies and benefits provided by all other annuity and pure endowment contracts, shall be calculated by a method consistent with the principles of subsection (1) of this section; except that any extra premiums charged because of impairments or special hazards shall be disregarded in the determination of modified net premiums.

**SECTION 10.** 10-7-310.5 (1), Colorado Revised Statutes, is amended to read:

**10-7-310.5. Individual annuity and pure endowment reserves.** (1) The provisions of this section shall apply to all annuity and pure endowment contracts other than group annuity and pure endowment contracts purchased under a retirement plan or plan of deferred compensation, established or maintained by an employer (including a partnership or sole proprietorship) or by an employee organization, or by both, other than a plan providing individual retirement accounts or individual retirement annuities under section 408 of the federal "Internal Revenue Code of ~~1954~~ 1986", as now or hereafter amended.

**SECTION 11.** 10-7-502, Colorado Revised Statutes, is amended to read:

**10-7-502. Exemptions.** This part 5 shall not apply to any reinsurance, group annuity purchased under a retirement plan or plan of deferred compensation established or maintained by an employer (including a partnership or sole proprietorship) or by an employee organization, or by both, other than a plan providing individual retirement accounts or individual retirement annuities under section 408 of the federal "Internal Revenue Code of ~~1954~~ 1986", as now or hereafter amended. Nor shall this part 5 apply to any premium deposit fund, variable annuity, investment annuity, immediate annuity, deferred annuity contract after annuity payments have commenced, or reversionary annuity, or to any contract delivered outside this state through an agent or other representative of the company issuing the contract.

**SECTION 12.** 11-37.5-210 (2), Colorado Revised Statutes, is amended to read:

**11-37.5-210. Grounds for quashing subpoena - duty of depository.** (2) Failure of the customer or the depository to file a motion to quash the subpoena before the time established for the return of the subpoena constitutes a waiver of the right to object to the release or disclosure of the financial record.

**SECTION 13.** 11-41-119 (13), Colorado Revised Statutes, is amended to read:

**11-41-119. Loans to members and other loans.** (13) An association may lend on the security of a first security interest on stock or a membership certificate issued to a tenant-stockholder or resident-member by a cooperative housing corporation organized under article 33.5 of title 38, C.R.S., and as defined by section 216 of the ~~United States~~ FEDERAL "Internal Revenue Code of ~~1954~~ 1986", as amended, and the assignment by way of security of the borrower's interest in the proprietary lease or right of tenancy in property covered by such cooperative housing corporation, if all of the real property owned by such corporation is located within the state and if such loan is made subject to the same limitations, restrictions, prohibitions, conditions, and provisions as are applicable in the case of federal savings and loan associations.

**SECTION 14.** 12-5.5-101 (1) (b), Colorado Revised Statutes, is amended to read:

**12-5.5-101. Definitions.** As used in this part 1, unless the context otherwise requires:

(1) "Audiologist" means a person who meets the following requirements; except that an audiologist who is engaged in the practice of audiology on or before July 1, 1995, shall demonstrate compliance with such requirements not later than July 1, 1997:

(b) Has obtained a certificate of competency in audiology from a nationally recognized certification agency or has been ~~certified~~ or licensed as a school audiologist by the Colorado department of education pursuant to ~~section 22-60-104~~ SECTION 22-60.5-210, C.R.S.

**SECTION 15.** 12-5.5-101.5, Colorado Revised Statutes, is amended to read:

**12-5.5-101.5. Scope of article.** This article shall not apply to persons who are ~~certified~~ or licensed pursuant to ~~section 22-60-104 (1)~~ SECTION 22-60.5-210, and who are not registered under this article for work undertaken as part of their employment by, or contractual agreement with, the public schools.

**SECTION 16.** 12-30-113 (3), Colorado Revised Statutes, is amended to read:

**12-30-113. Exceptions.** (3) The provisions of this article shall except any drug which is being clinically investigated as a cure, treatment, or as an aid to the diagnosis of cancer according to the regulations of the federal "~~Pure Food, Drug, and Cosmetic Act~~" "FEDERAL FOOD, DRUG, AND COSMETIC ACT".

**SECTION 17.** 12-43-201 (2) and (10), Colorado Revised Statutes, are amended, and the said 12-43-201 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**12-43-201. Definitions.** As used in this part 2, unless the context otherwise requires:

(2) ~~"Certified school psychologist" means a person who practices psychotherapy and who is a school psychologist certified pursuant to the provisions of section 22-60-104 (1) (e), C.R.S.~~

(9.7) "SCHOOL PSYCHOLOGIST" MEANS A PERSON WHO PRACTICES PSYCHOTHERAPY AND WHO IS A SCHOOL PSYCHOLOGIST LICENSED PURSUANT TO THE PROVISIONS OF SECTION 22-60.5-210, C.R.S.

(10) "Unlicensed psychotherapist" means any person whose primary practice is psychotherapy or who holds himself or herself out to the public as being able to practice psychotherapy for compensation and who is not licensed under this title to practice psychotherapy. "Unlicensed psychotherapist" also means a person who is ~~a certified or licensed school psychologist certified pursuant to section 22-60-104 (1) (e), C.R.S., or licensed pursuant to section 22-60.5-210 (1) (b), C.R.S.,~~ and who is practicing outside of a school setting.

**SECTION 18.** 12-43-215 (4), Colorado Revised Statutes, is amended to read:

**12-43-215. Scope of article - exemptions.** (4) The provisions of this article shall not apply to persons who are ~~certified~~ LICENSED pursuant to ~~section 22-60-104 (1)~~ SECTION 22-60.5-210, C.R.S., and who are not licensed under this article for work undertaken as part of their employment by, or contractual agreement with, the public schools.

**SECTION 19.** 12-43-218 (1), (2) (a), (2) (b), the introductory portion to 12-43-218 (2) (c), and 12-43-218 (2) (c) (II), Colorado Revised Statutes, are amended to read:

**12-43-218. Disclosure of confidential communications.** (1) A licensee, ~~licensed or certified~~ school psychologist, registrant, or unlicensed psychotherapist shall not disclose, without the consent of the client, any confidential communications made by the client, or advice given thereon, in the course of professional employment; nor shall a licensee's, ~~licensed or certified~~ school psychologist's, registrant's, or unlicensed psychotherapist's employee or associate, whether clerical or professional, disclose any knowledge of said communications acquired in such capacity; nor shall any person who has participated in any therapy conducted under the supervision of a licensee, ~~licensed or certified~~ school psychologist, registrant, or unlicensed psychotherapist, including, but not limited to, group therapy sessions, disclose any knowledge gained during the course of such therapy without the consent of the person to whom the knowledge relates.

(2) Subsection (1) of this section shall not apply when:

(a) A client or the heirs, executors, or administrators of a client file suit or a complaint against a licensee, ~~licensed or certified~~ school psychologist, registrant, or unlicensed psychotherapist on any cause of action arising out of or connected with the care or treatment of such client by the licensee, ~~licensed or certified~~ school psychologist, registrant, or unlicensed psychotherapist;

(b) A licensee, ~~licensed or certified~~ school psychologist, registrant, or unlicensed psychotherapist was in consultation with a physician, registered professional nurse, licensee, ~~licensed or certified~~ school psychologist, registrant, or unlicensed psychotherapist against whom a suit or complaint was filed based on the case out of which said suit or complaint arises;

(c) A review of services of a licensee, ~~licensed or certified~~ school psychologist, registrant, or unlicensed psychotherapist is conducted by any of the following:

(II) The governing board of a hospital licensed pursuant to part 1 of article 3 of title 25, C.R.S., where said licensee, ~~licensed or certified~~ school psychologist, registrant, or unlicensed psychotherapist practices or the medical staff of such hospital if the medical staff operates pursuant to written bylaws approved by the governing board of such hospital; or

**SECTION 20.** 12-43-401 (6), Colorado Revised Statutes, is amended to read:

**12-43-401. Definitions.** As used in this part 4, unless the context otherwise requires:

(6) "Independent private practice" means a practice charging a fee in a setting other than under the auspices of a public or private nonprofit agency exempt from federal income tax under section 501 (C) (3) of the FEDERAL "Internal Revenue Code of ~~1954~~ 1986", as amended.

**SECTION 21.** 12-43-701 (4), Colorado Revised Statutes, is amended to read:

**12-43-701. Definitions.** As used in this part 7, unless the context otherwise requires:

(4) "Unlicensed psychotherapist" means any person whose primary practice is psychotherapy or who holds himself or herself out to the public as being able to practice psychotherapy for compensation and who is not licensed under this title to practice psychotherapy. "Unlicensed psychotherapist" also means a person who is a ~~certified or licensed~~ school psychologist ~~certified pursuant to section 22-60-104(1)~~ (e), C.R.S., or licensed pursuant to section 22-60.5-210 (1) (b), C.R.S., and who is practicing outside of a school setting.

**SECTION 22.** 13-1-130, Colorado Revised Statutes, is amended to read:

**13-1-130. Reports of convictions to department of education.** When a person is convicted, pleads nolo contendere, or receives a deferred sentence for a violation of the provisions of section 18-3-305, 18-6-302, or 18-6-701, C.R.S., or of section 18-6-301, C.R.S., when the victim is a child who is ten years of age or older and under eighteen years of age, or of any of the provisions of part 4 of article 3 when the victim is a child, part 4 of article 6, or part 4 of article 7 of title 18, C.R.S., and the court knows the person is a current or former employee of a school district in this state or holds a ~~certificate or letter of authorization pursuant to the provisions of article 60~~ LICENSE OR AUTHORIZATION PURSUANT TO THE PROVISIONS OF ARTICLE 60.5 of title 22, C.R.S., the court shall report such fact to the department of education.

**SECTION 23.** 13-21-113 (1), Colorado Revised Statutes, is amended to read:

**13-21-113. Donation of items of food - exemption from civil and criminal liability.** (1) No farmer, ~~food service establishment~~ RETAIL FOOD ESTABLISHMENT, or processor, distributor, wholesaler, or retailer of food who donates items of food to a nonprofit organization for use or distribution in providing assistance to needy or poor persons nor any nonprofit organization in receipt of such gleaned or donated food who transfers said food to another nonprofit organization for use or distribution in providing assistance to needy or poor persons shall be liable for damages in any civil action or subject to prosecution in any criminal proceeding resulting from the nature, age, condition, or packaging of such donated foods; except that this exemption shall not apply to the willful, wanton, or reckless acts of donors which result in injury to recipients of such donated foods. For the purposes of this section, "~~food service establishment~~" "RETAIL FOOD ESTABLISHMENT" shall have the same meaning as set forth in section ~~12-44-202(5)~~ 25-4-1602 (14), C.R.S., and "nonprofit organization" means any organization which is exempt from the income tax imposed under article 22 of title 39, C.R.S.; except that the term "nonprofit organization" does not include organizations which sell or offer to sell such donated items of food.

**SECTION 24.** 14-10-108 (1.5), Colorado Revised Statutes, is amended to read:

**14-10-108. Temporary order or temporary injunction.** (1.5) The court may consider the ~~alternative of temporary joint custody~~ ALLOCATION OF PARENTAL RESPONSIBILITIES in accordance with the best interests of the child, with particular reference to the factors specified in section 14-10-124 (1.5).

**SECTION 25.** 15-1-1002 (1), (2), (3), and (5), Colorado Revised Statutes, are amended to read:

**15-1-1002. Prohibition of certain acts - amendment of governing instrument.** (1) In the administration of any trust which is a private foundation as defined in section 509 of the FEDERAL "Internal Revenue Code of ~~1954~~ 1986", a charitable trust as defined in section 4947 (a) (1) of the FEDERAL "Internal Revenue Code of ~~1954~~ 1986", or a split-interest trust as defined in section 4947 (a) (2) of the FEDERAL "Internal Revenue Code of ~~1954~~ 1986", notwithstanding any provisions to the contrary in the governing instrument or in any other law of this state, and except as otherwise provided by court decree entered on or after June 2, 1971, the following acts shall be prohibited:

(a) Engaging in any act of "self-dealing", as defined in section 4941 (d) of the FEDERAL "Internal Revenue Code of ~~1954~~ 1986", which would give rise to any liability for the tax imposed by section 4941 (a) of the FEDERAL "Internal Revenue Code of ~~1954~~ 1986";

(b) Retaining any "excess business holdings", as defined in section 4943 (c) of the FEDERAL "Internal Revenue Code of ~~1954~~ 1986", which would give rise to any liability for the tax imposed by section 4943 (a) of the FEDERAL "Internal Revenue Code of ~~1954~~ 1986";

(c) Making any investments which would jeopardize the carrying out of any of the exempt purposes of the trust, within the meaning of section 4944 of the FEDERAL

"Internal Revenue Code of ~~1954~~ 1986", so as to give rise to any liability for the tax imposed by section 4944 (a) of the FEDERAL "Internal Revenue Code of ~~1954~~ 1986"; and

(d) Making any "taxable ~~expenditures~~ EXPENDITURE", as defined in section 4945 (d) of the FEDERAL "Internal Revenue Code of ~~1954~~ 1986", which would give rise to any liability for the tax imposed by section 4945 (a) of the FEDERAL "Internal Revenue Code of ~~1954~~ 1986".

(2) The provisions of subsection (1) of this section shall not apply either to those split-interest trusts or to amounts thereof which are not subject to the prohibitions applicable to private foundations by reason of the provisions of section 4947 of the FEDERAL "Internal Revenue Code of ~~1954~~ 1986".

(3) Notwithstanding any provisions to the contrary in the governing instrument or in any other law of this state, the trustee of any charitable trust as defined in section 4947 (a) (1) or 4947 (a) (2) of the FEDERAL "Internal Revenue Code of ~~1954~~ 1986", with the consent of all the beneficiaries under the governing instrument, may, without application to any court and either before or after the funding of such trust, amend the governing instrument to conform to the provisions of sections 508 (e), 664, 2055 (e), and 2522 (c) of the FEDERAL "Internal Revenue Code of ~~1954~~ 1986", to the extent applicable, by executing a written amendment to the trust for that purpose. Consent shall not be required as to individual beneficiaries not living at the time of amendment or as to charitable beneficiaries not named or not in existence at the time of amendment. The possibility of beneficial interests arising after the amendment of the governing instruments shall not defeat the ability to amend. In the case of an individual beneficiary not competent to give consent, the consent of such beneficiary's guardian or conservator, if any, or the consent of a guardian ad litem appointed by a court of competent jurisdiction shall be treated as the consent of the beneficiary. A copy of the proposed amendment, executed by the trustee and consented to by all beneficiaries whose consent is required under this subsection (3), shall be delivered in person or by registered mail to the attorney general. The attorney general may, within sixty days after such receipt, indicate by registered mail to the trustee his specific objections to such proposed amendment, in which event the provisions of subsection (4) of this section shall apply if he does not withdraw his objections. In the case of any amendment to a trust created by will or to a trust created by inter vivos instrument, unless otherwise provided, the amendment shall be deemed to apply as of the date of death of the decedent or as of the date of gift.

(5) Unless otherwise expressly provided in the governing instrument, any devise, bequest, or transfer in a testamentary or revocable inter vivos trust for religious, educational, charitable, or benevolent uses to be determined by the trustee or any other person shall be made only to organizations and for purposes within the meaning of section 2055 (a) of the FEDERAL "Internal Revenue Code of ~~1954~~ 1986".

**SECTION 26.** 15-1-1003, Colorado Revised Statutes, is amended to read:

**15-1-1003. Requirement for distribution of certain amounts.** In the administration of any trust which is a private foundation, as defined in section 509 of the FEDERAL "Internal Revenue Code of ~~1954~~ 1986", or which is a charitable trust, as defined in section 4947 (a) (1) of the FEDERAL "Internal Revenue Code of ~~1954~~

1986", there shall be distributed, for the purposes specified in the trust instrument, for each taxable year, amounts at least sufficient to avoid liability for the tax imposed by section 4942 (a) of the FEDERAL "Internal Revenue Code of ~~1954~~ 1986". No trustee of such a trust shall be required to reimburse the trust from his own property for the amount of any liability for such tax which is incurred by the trust if the trustee acted in a prudent manner and in good faith. No trustee of such a trust shall be required to reimburse the trust from his own property for any amount which he, acting prudently and in good faith, distributes from the trust, believing it to be required to be distributed in order to avoid the liability for such tax, but which later is determined not to have been required to be distributed for that purpose.

**SECTION 27.** 15-1-1007, Colorado Revised Statutes, is amended to read:

**15-1-1007. Application of part 10.** This part 10 shall apply to all trusts established after December 31, 1969, with the exceptions contained in section 4947 (a) (2) of the FEDERAL "Internal Revenue Code of ~~1954~~ 1986". This part 10 shall also apply to all trusts established before January 1, 1970, with the exceptions contained in section 508 (e) (2) and section 4947 (a) (2) of the FEDERAL "Internal Revenue Code of ~~1954~~ 1986". Section 15-1-1002 (3) to (5) shall apply in the case of all decedents dying after December 31, 1969, and in the case of all irrevocable inter vivos trusts created after July 31, 1969.

**SECTION 28.** 15-1-1201 (2), Colorado Revised Statutes, is amended to read:

**15-1-1201. Life estate in property - rights of surviving spouse.** (2) The provisions of this part 12 shall be interpreted consistently with the requirements of section 2056 (b) (7) of the FEDERAL "Internal Revenue Code of ~~1954~~ 1986", as amended, if the personal representative of the estate of the decedent spouse elects to treat such life estate as qualified terminable interest property under said Internal Revenue Code section.

**SECTION 29.** 15-12-916 (5) (e), Colorado Revised Statutes, is amended to read:

**15-12-916. Apportionment of estate taxes.** (5) (e) To the extent that property passing to or in trust for a surviving spouse or any charitable, public, or similar gift or devise is not an allowable deduction for purposes of the tax solely by reason of an inheritance tax or other death tax imposed upon and deductible from the property, the property is not included in the computation provided for in subsection (2) of this section, and to that extent no apportionment is made against the property. The provisions of this paragraph (e) do not apply to any case if the result would be to deprive the estate of a deduction otherwise allowable under section 2053(d) of the FEDERAL "Internal Revenue Code of ~~1954~~ 1986", as amended, of the United States, relating to deduction for state death taxes on transfers for public, charitable, or religious uses.

**SECTION 30.** 18-3-305 (3), Colorado Revised Statutes, is amended to read:

**18-3-305. Enticement of a child.** (3) When a person is convicted, pleads nolo contendere, or receives a deferred sentence for a violation of the provisions of this section and the court knows the person is a current or former employee of a school district in this state or holds a ~~certificate or letter of authorization pursuant to the~~

~~provisions of article 60~~ LICENSE OR AUTHORIZATION PURSUANT TO THE PROVISIONS OF ARTICLE 60.5 of title 22, C.R.S., the court shall report such fact to the department of education.

**SECTION 31.** 18-3-416, Colorado Revised Statutes, is amended to read:

**18-3-416. Reports of convictions to department of education.** When a person is convicted, pleads nolo contendere, or receives a deferred sentence for a violation of the provisions of this part 4 when the victim is a child and the court knows the person is a current or former employee of a school district in this state or holds a ~~certificate or letter of authorization pursuant to the provisions of article 60~~ LICENSE OR AUTHORIZATION PURSUANT TO THE PROVISIONS OF ARTICLE 60.5 of title 22, C.R.S., the court shall report such fact to the department of education.

**SECTION 32.** 18-6-301 (2), Colorado Revised Statutes, is amended to read:

**18-6-301. Incest.** (2) When a person is convicted, pleads nolo contendere, or receives a deferred sentence for a violation of the provisions of this section and the victim is a child who is ten years of age or older and under eighteen years of age and the court knows the person is a current or former employee of a school district in this state or holds a ~~certificate or letter of authorization pursuant to the provisions of article 60~~ LICENSE OR AUTHORIZATION PURSUANT TO THE PROVISIONS OF ARTICLE 60.5 of title 22, C.R.S., the court shall report such fact to the department of education.

**SECTION 33.** 18-6-302 (3), Colorado Revised Statutes, is amended to read:

**18-6-302. Aggravated incest.** (3) When a person is convicted, pleads nolo contendere, or receives a deferred sentence for a violation of the provisions of this section and the court knows the person is a current or former employee of a school district in this state or holds a ~~certificate or letter of authorization pursuant to the provisions of article 60~~ LICENSE OR AUTHORIZATION PURSUANT TO THE PROVISIONS OF ARTICLE 60.5 of title 22, C.R.S., the court shall report such fact to the department of education.

**SECTION 34.** 18-6-405 (1), Colorado Revised Statutes, is amended to read:

**18-6-405. Reports of convictions to department of education.** (1) When a person is convicted, pleads nolo contendere, or receives a deferred sentence for a violation of the provisions of this part 4 and the court knows the person is a current or former employee of a school district in this state or holds a ~~certificate or letter of authorization pursuant to the provisions of article 60~~ LICENSE OR AUTHORIZATION PURSUANT TO THE PROVISIONS OF ARTICLE 60.5 of title 22, C.R.S., the court shall report such fact to the department of education.

**SECTION 35.** 18-6-701 (3), Colorado Revised Statutes, is amended to read:

**18-6-701. Contributing to the delinquency of a minor.** (3) When a person is convicted, pleads nolo contendere, or receives a deferred sentence for a violation of the provisions of this section and the court knows the person is a current or former employee of a school district in this state or holds a ~~certificate or letter of~~

~~authorization pursuant to the provisions of article 60 LICENSE OR AUTHORIZATION PURSUANT TO THE PROVISIONS OF ARTICLE 60.5 of title 22, C.R.S., the court shall report such fact to the department of education.~~

**SECTION 36.** 18-7-409, Colorado Revised Statutes, is amended to read:

**18-7-409. Reports of convictions to department of education.** When a person is convicted, pleads nolo contendere, or receives a deferred sentence for a violation of the provisions of this part 4 and the court knows the person is a current or former employee of a school district in this state or holds a ~~certificate or letter of authorization pursuant to the provisions of article 60 LICENSE OR AUTHORIZATION PURSUANT TO THE PROVISIONS OF ARTICLE 60.5 of title 22, C.R.S.,~~ the court shall report such fact to the department of education.

**SECTION 37.** 18-13-114 (5) (c) (IV), Colorado Revised Statutes, is amended to read:

**18-13-114. Sale of secondhand property - record - inspection - crime.** (5) As used in this section and sections 18-13-115 to 18-13-118, unless the context otherwise requires:

(c) "Secondhand dealer" means any person whose principal business is that of engaging in selling or trading secondhand property. The term also includes the following: Any person whose principal business is not that of engaging in selling or trading secondhand property but who sells or trades secondhand property through means commonly known as flea markets or any similar facilities in which secondhand property is offered for sale or trade; any person who sells or trades secondhand property from a nonpermanent location; and any person who purchases for resale any secondhand property which carries a manufacturer or serial number. The term does not include:

(IV) A person or organization which is charitable, nonprofit, recreational, fraternal, or political in nature or which is exempt from taxation pursuant to section 501 (c) (3) of the federal "Internal Revenue Code of ~~1954~~ 1986", as amended;

**SECTION 38.** 22-1-121 (1) (c), Colorado Revised Statutes, is amended to read:

**22-1-121. Nonpublic schools - employment of personnel - access to information of department of education.** (1) Prior to the employment of any person by a nonpublic school in this state, the governing board of such school may make an inquiry concerning such person to the department of education for the purpose of determining:

(c) If a holder of a ~~certificate or letter of authorization issued pursuant to the provisions of article 60 LICENSE OR AUTHORIZATION PURSUANT TO THE PROVISIONS OF ARTICLE 60.5 of this title,~~ whether such person's certificate, ~~or~~ letter of authorization, AUTHORIZATION, OR LICENSE has ever been annulled, suspended, or revoked pursuant to the provisions of section 22-60-110 (2) (b) AS SAID SECTION EXISTED PRIOR TO JULY 1, 1999, OR PURSUANT TO ARTICLE 60.5 OF THIS TITLE following a conviction, a plea of nolo contendere, or a deferred sentence for a crime involving unlawful sexual behavior or unlawful behavior involving children.

**SECTION 39.** 22-2-109 (1) (p), Colorado Revised Statutes, is amended to read:

**22-2-109. State board of education - additional duties.** (1) The state board of education shall:

(p) Adopt rules to ensure that principal and administrator programs of preparation meet the requirements concerning instruction in evaluating ~~certificated~~ LICENSED personnel specified in section 22-9-108;

**SECTION 40.** 22-2-119 (1) (c), Colorado Revised Statutes, is amended to read:

**22-2-119. Department of education - inquiries by boards of education concerning prospective employees.** (1) When an inquiry is made by a board of education of a school district pursuant to the provisions of section 22-~~32~~-109.7 (1) or (1.5) or by the governing board of a nonpublic school pursuant to the provisions of section 22-1-121 concerning a prospective or current employee, the department shall provide the following information concerning such person:

(c) If a holder of a ~~certificate or letter of authorization issued pursuant to the provisions of article 60~~ LICENSE OR AUTHORIZATION PURSUANT TO THE PROVISIONS OF ARTICLE 60.5 of this title, whether such person's certificate, ~~or~~ letter of authorization, AUTHORIZATION, OR LICENSE has ever been annulled, suspended, or revoked pursuant to the provisions of section 22-60-110 (2) (b) AS SAID SECTION EXISTED PRIOR TO JULY 1, 1999, OR PURSUANT TO ARTICLE 60.5 OF THIS TITLE following a conviction, a plea of nolo contendere, or a deferred sentence for a crime involving unlawful sexual behavior or unlawful behavior involving children.

**SECTION 41.** 22-9-101, Colorado Revised Statutes, is amended to read:

**22-9-101. Short title.** This article shall be known and may be cited as the "~~Certificated~~ "LICENSED Personnel Performance Evaluation Act".

**SECTION 42.** 22-9-102, Colorado Revised Statutes, is amended to read:

**22-9-102. Legislative declaration.** The general assembly hereby declares that a system of performance evaluation is crucial to improving the quality of education in this state and declares that such a system shall be applicable to all ~~certificated~~ LICENSED personnel in the school districts and boards of cooperative services throughout the state. The purposes of the evaluation shall be to serve as a basis for the improvement of instruction, to enhance the implementation of programs of curriculum, to serve as a measurement of the professional growth and development of ~~certificated~~ LICENSED personnel, and to evaluate the level of performance of ~~certificated~~ LICENSED personnel. The general assembly further declares that a professionally sound and credible system of ~~certificated~~ LICENSED personnel performance evaluation shall be designed with the involvement of ~~certificated~~ LICENSED personnel and citizens of the school district or board of cooperative services.

**SECTION 43.** 22-9-103 (1.5), Colorado Revised Statutes, is amended to read:

**22-9-103. Definitions.** As used in this article, unless the context otherwise

requires:

(1.5) "~~Certificated~~ "LICENSED personnel" means any persons employed to instruct students or to administer, direct, or supervise the instructional program in a school in the state who hold ~~valid teacher certificates or letters of authorization pursuant to the provisions of article 60 of this title or a valid license or authorization pursuant to the provisions of article 60.5 of this title.~~

**SECTION 44.** 22-9-104 (1), (2) (a), (2) (b), and (2) (c), Colorado Revised Statutes, are amended to read:

**22-9-104. State board - powers and duties.** (1) The state board shall promulgate guidelines relating to the planning, development, implementation, and assessment of a ~~certificated~~ LICENSED personnel performance evaluation system that may be followed by each school district and board of cooperative services within the state. In promulgating said guidelines, the state board shall allow each school district and board of cooperative services to involve and consult with the ~~certificated~~ LICENSED personnel and citizens of the school district or districts. Each school district and board of cooperative services shall have the flexibility needed to develop a system of personnel performance evaluation that is specifically designed to meet the individual needs of that school district and board of cooperative services.

(2) The state board shall:

(a) Provide training and leadership and give technical assistance to school districts and boards of cooperative services in the development of a ~~certificated~~ LICENSED personnel performance evaluation system;

(b) Work and cooperate with the state's universities and colleges that have teacher, principal, or administrator education programs to assure that principals and administrators having evaluation responsibilities will receive adequate education and training that meets the requirements specified in section 22-9-108 and will enable them to make thorough, credible, fair, and professional quality evaluations of all ~~certificated~~ LICENSED personnel whom those principals or administrators may be responsible for evaluating;

(c) Consult with the state ~~certificated~~ LICENSED personnel performance evaluation council created in section 22-9-105 with regard to the guidelines relating to the planning, development, implementation, and assessment of ~~certificated~~ LICENSED personnel performance evaluation systems;

**SECTION 45.** 22-9-105 (1), (2), and (3) (a) (I), Colorado Revised Statutes, are amended to read:

**22-9-105. State licensed personnel performance evaluation council created - duties - sunset review.** (1) The state board shall appoint an advisory state ~~certificated~~ LICENSED personnel performance evaluation council, which shall consist of the following members: Seven ~~certificated~~ LICENSED personnel, each from a different school district, four of whom shall be teachers; three citizens, each from a different school district; a representative from an existing council whose members are deans of education; and one member from the department of education. The council

shall elect its chair. No more than six members shall belong to any one political party.

(2) Said council shall meet regularly and shall report to the state board on the planning and development of and on the professional quality, credibility, implementation, and assessment of ~~certificated~~ LICENSED personnel performance evaluation systems and their processes and procedures.

(3) (a) (I) Each school district and board of cooperative services shall submit to the state board or to the state ~~certificated~~ LICENSED personnel performance evaluation council such information or data concerning said district's or board's ~~certificated~~ LICENSED personnel performance evaluation system and its processes and procedures as may be requested by the state board or such council.

**SECTION 46.** The introductory portion to 22-9-106 (1) and 22-9-106 (1) (a), (1) (b), (1) (d) (III), (1) (d) (IV), (1) (d) (V), (1) (e), (2), (2.5), (3) (b), (3.3), (4), and (5), Colorado Revised Statutes, are amended to read:

**22-9-106. Local boards of education - duties.** (1) All school districts and boards of cooperative services that employ ~~certificated~~ LICENSED personnel, as defined in section 22-9-103 (1.5), shall adopt a written system to evaluate the employment performance of school district and board of cooperative services ~~certificated~~ LICENSED personnel, including all teachers, principals, and administrators, with the exception of ~~certificated~~ LICENSED personnel employed by a board of cooperative services for a period of six weeks or less. In developing the ~~certificated~~ LICENSED personnel performance evaluation system and any amendments thereto, the local board and board of cooperative services shall consult with administrators, principals, and teachers employed within the district or participating districts in a board of cooperative services, parents, and the school district ~~certificated~~ LICENSED personnel performance evaluation council or the board of cooperative services personnel performance evaluation council created pursuant to section 22-9-107. The performance evaluation system shall contain, but shall not be limited to, the following information:

(a) The title or position of the evaluator for each ~~certificated~~ LICENSED personnel position to be evaluated;

(b) The ~~certificated~~ LICENSED personnel positions to be evaluated, which shall include all ~~certificated~~ LICENSED personnel, all part-time teachers as defined in section 22-63-103 (6), and all administrators and principals;

(d) The purposes of the evaluation, which shall include but need not be limited to:

(III) Providing the measurement of satisfactory performance for individual ~~certificated~~ LICENSED personnel and serving as documentation for an unsatisfactory performance dismissal proceeding under article 63 of this title;

(IV) Serving as a measurement of the professional growth and development of ~~certificated~~ LICENSED personnel; and

(V) Measuring the level of performance of all ~~certificated~~ LICENSED personnel

within the school district or employed by a board of cooperative services;

(e) The standards set by the local board for satisfactory performance for ~~certificated~~ LICENSED personnel and the criteria to be used to determine whether the performance of each ~~certificated~~ LICENSED person meets such standards and other criteria for evaluation for each ~~certificated~~ LICENSED personnel position evaluated. One of the standards for measuring teacher performance shall be directly related to classroom instruction and shall include multiple measures of student performance. The performance evaluation system shall also ensure that the standards and criteria are available in writing to all ~~certificated~~ LICENSED personnel and are communicated and discussed by the person being evaluated and the evaluator prior to and during the course of the evaluation.

(2) In implementing such evaluation system and procedures, the school district or board of cooperative services shall conduct all evaluations so as to observe the legal and constitutional rights of ~~certificated~~ LICENSED personnel, and no evaluation information shall be gathered by electronic devices without the consent of the ~~certificated~~ LICENSED personnel. No informality in any evaluation or in the manner of making or recording any evaluation shall invalidate such evaluation.

(2.5) The council shall actively participate with the local board or board of cooperative services in developing written standards for evaluation that clearly specify satisfactory performance and the criteria to be used to determine whether the performance of each ~~certificated~~ LICENSED person meets such standards pursuant to paragraph (e) of subsection (1) of this section.

(3) An evaluation report shall be issued upon the completion of an evaluation made pursuant to this section and shall:

(b) Contain a written improvement plan, that shall be specific as to what improvements, if any, are needed in the performance of the ~~certificated~~ LICENSED personnel and shall clearly set forth recommendations for improvements, including recommendations for additional education and training during the teacher's ~~recertification~~ RELICENSURE process;

(3.3) Each principal or administrator who is responsible for evaluating ~~certificated~~ LICENSED personnel shall keep records and documentation for each evaluation conducted. Each principal and administrator who is responsible for evaluating ~~certificated~~ LICENSED personnel shall be evaluated as to how well he or she carries out the evaluation responsibilities under the school district's evaluation system.

(4) No person shall be responsible for the evaluation of ~~certificated~~ LICENSED personnel unless such person has ~~an administrative certificate issued pursuant to article 60 of this title or~~ a principal or administrator license issued pursuant to article 60.5 of this title and has received education and training in evaluation skills approved by the department of education that will enable him or her to make fair, professional, and credible evaluations of the personnel whom he or she is responsible for evaluating. No person shall be issued ~~an administrative certificate or~~ a principal or administrator license or have ~~an administrative certificate or~~ A principal or administrator license renewed unless the state board determines that such person has received education and training approved by the department of education.

(5) The school district or board of cooperative services ~~certificated~~ LICENSED personnel performance evaluation system, processes, and procedures may be in accord with the guidelines adopted by the state board. The system shall be developed after consultation with the school district or board of cooperative services ~~certificated~~ LICENSED personnel performance evaluation council created pursuant to section 22-9-107 with regard to the planning, development, adoption, and implementation of such system, and said council shall conduct a continuous evaluation of said system.

**SECTION 47.** 22-9-107 (1) (b) and (2), Colorado Revised Statutes, are amended to read:

**22-9-107. School district personnel performance evaluation councils - duties.** (1) Every school district and board of cooperative services in the state subject to the provisions of this article shall have an advisory school district personnel performance evaluation council or advisory board of cooperative services personnel performance evaluation council, which shall, at a minimum, consist of the following members to be appointed by the local board of education or board of cooperative services:

(b) In the case of a board of cooperative services, one teacher, one administrator, and one principal representative of the school district or districts participating in the board of cooperative services; one person employed by the board of cooperative services who is defined as ~~certificated~~ LICENSED personnel pursuant to section 22-9-103 (1.5); one resident who is a parent of a child attending a school within said district or districts; and one resident representative of the school district or districts participating in the board of cooperative services who is not a parent with a child in said district or districts.

(2) Said council shall consult with the local board or board of cooperative services as to the fairness, effectiveness, credibility, and professional quality of the ~~certificated~~ LICENSED personnel performance evaluation system and its processes and procedures and shall conduct a continuous evaluation of said system.

**SECTION 48.** 22-9-108 (1) and (2), Colorado Revised Statutes, are amended to read:

**22-9-108. Evaluator training - universities and colleges - duties.** (1) (a) The general assembly finds that credible, fair, and professional evaluations of ~~certificated~~ LICENSED personnel depend upon high quality, effective training for principals and administrators that is consistent across the state. Therefore, the state board, in evaluating and approving educator preparation programs pursuant to section 22-2-109, and in approving evaluator training programs provided by a school district or a board of cooperative services, shall ensure that said programs meet the requirements specified in this section.

(b) Every university and college within the state that has a principal or administrator preparation program shall ensure that the program includes training in the evaluation of ~~certificated~~ LICENSED personnel that meets the requirements specified in this section. In addition, the university or college shall cooperate with the state board in connection with the state board's duties under sections 22-9-104 and 22-2-109.

(c) Every school district and board of cooperative services that provides training in the evaluation of ~~certificated~~ LICENSED personnel shall ensure that such training meets the requirements specified in this section.

(2) Each university or college that offers a principal or administrator preparation program or school district or board of cooperative services that provides evaluator training shall structure the evaluator training program on a standards-based skill outcome model that takes into account research concerning evaluation of ~~certificated~~ LICENSED personnel. At a minimum, each evaluator training program shall include standards-based performance assessments of each participant, demonstrated competency, and certification by the university, college, school district, or board of cooperative services of the skills mastered by each participant. The university, college, school district, or board of cooperative services shall work collaboratively with principals and administrators who are responsible for evaluating ~~certificated~~ LICENSED personnel to develop research-based standards for assessing and certifying evaluator skills. The university, college, school district, or board of cooperative services shall regularly review both the model for the evaluator training program and the program performance standards to ensure that they continue to reflect research concerning evaluation of ~~certificated~~ LICENSED personnel.

**SECTION 49.** 22-9-109, Colorado Revised Statutes, is amended to read:

**22-9-109. Exemption from public inspection.** Notwithstanding the provisions of section 24-72-204 (3), C.R.S., the evaluation report and all public records as defined in section 24-72-202 (6), C.R.S., used in preparing the evaluation report shall be confidential and shall be available only to the ~~certificated~~ LICENSED person being evaluated, to the duly elected and appointed public officials who supervise his work, and to a hearing officer conducting a hearing pursuant to the provisions of section 22-63-302 or the court of appeals reviewing a decision of the board of education pursuant to the provisions of section 22-63-302; except that the evaluation report of the chief executive officer of any school district, as it relates to the performance of the chief executive officer in fulfilling the adopted school district objectives, fiscal management of the district, district planning responsibilities, and supervision and evaluation of district personnel, shall be open for inspection by any person at reasonable times.

**SECTION 50.** 22-20-106 (6), Colorado Revised Statutes, is amended to read:

**22-20-106. Special educational programs.** (6) ~~By July 1, 1977, and thereafter,~~ Each administrative unit shall employ a sufficient number of appropriately ~~certified,~~ ~~endorsed,~~ or licensed special education teachers and staff to adequately carry out those functions that provide for case finding and assessment of children who may have disabilities, staffing of the special committee as provided in section 22-20-108, teacher and parent counseling and consultation, in-service education for school staff and volunteers, and necessary supporting services approved by the department. ~~In the case of school registered nurses, any persons who were registered nurses prior to July 1, 1978, and were employed as school registered nurses prior to July 1, 1978, need not be certified by the department pursuant to article 60 of this title in order to qualify for employment under this section. The provision relating to school registered nurses employed prior to July 1, 1978, applies only during continuous employment of the school registered nurse who is not so certified.~~

**SECTION 51.** 22-24-103 (5), Colorado Revised Statutes, is amended to read:

**22-24-103. Definitions.** As used in this article, unless the context otherwise requires:

(5) "Teacher" means any person ~~certified pursuant to article 60~~ LICENSED PURSUANT TO ARTICLE 60.5 of this title who is employed to administer, direct, or supervise classroom instruction in a school in this state.

**SECTION 52.** 22-25-104 (4) (b), Colorado Revised Statutes, is amended to read:

**22-25-104. Colorado comprehensive health education program - role of department of education - recommended curriculum guidelines - allocation of funds - rules and regulations.** (4) (b) As part of the plan to train teachers to instruct in comprehensive health education, the Colorado department of education and the Colorado commission on higher education shall cooperatively develop course work or instructor endorsements in health and high-risk behaviors education in order that both interested students seeking teacher ~~certification~~ LICENSURE and practicing teachers may secure ~~certification~~ ENDORSEMENT in health education.

**SECTION 53.** 22-27-102 (2) (c), Colorado Revised Statutes, is amended to read:

**22-27-102. Definitions.** As used in this article, unless the context otherwise requires:

(2) "Certified educational clinic", "educational clinic", or "clinic" means a private educational institution operated on a profit or nonprofit basis which is certified by the commissioner of education and does the following:

(c) Conducts courses of instruction taught and administered by professionally trained personnel, ~~certified~~ LICENSED pursuant to the ~~"Teacher Certification Act of 1975", article 60 of this title~~ "COLORADO EDUCATOR LICENSING ACT OF 1991", ARTICLE 60.5 OF THIS TITLE. For purposes of ~~certification~~ LICENSURE pursuant to said act and for purposes of permanent employment pursuant to the "Teacher Employment, Compensation, and Dismissal Act of 1990", article 63 of this title, one year's teaching experience in an educational clinic shall be deemed to be the equivalent of one year's teaching experience in public school.

**SECTION 54.** 22-28-108 (3), Colorado Revised Statutes, is amended to read:

**22-28-108. Criteria for district preschool programs.** (3) In establishing criteria for district preschool programs relating to qualifications for preschool teachers, the department shall not require preschool teachers to be ~~certificated pursuant to article 60~~ LICENSED PURSUANT TO ARTICLE 60.5 of this title but shall allow the district or a head start agency or child care agency to employ a ~~noncertificated~~ NONLICENSED preschool teacher so long as said teacher meets other qualifications established by the department.

**SECTION 55.** 22-30.5-104 (4), Colorado Revised Statutes, is amended to read:

**22-30.5-104. Charter school - requirements - authority.** (4) A charter school

shall be administered and governed by a governing body in a manner agreed to by the charter school applicant and the local board of education. A charter school may organize as a nonprofit corporation pursuant to the "Colorado Nonprofit Corporation Act", articles ~~20 to 29~~ 121 TO 137 of title 7, C.R.S., which shall not affect its status as a public school for any purposes under Colorado law.

**SECTION 56.** 22-32-109.7 (1) (c), Colorado Revised Statutes, is amended to read:

**22-32-109.7. Board of education - specific duties - employment of personnel.** (1) Prior to the employment of any person by a school district, the board of education shall make an inquiry concerning such person to the department of education for the purpose of determining:

(c) If a holder of a ~~certificate or letter of~~ LICENSE OR authorization issued pursuant to the provisions of ~~article 60~~ ARTICLE 60.5 of this title, whether such person's ~~certificate or letter of~~ LICENSE OR authorization has ever been annulled, suspended, or revoked pursuant to the provisions of section 22-60-110 (2) (b) following a conviction, a plea of nolo contendere, or a deferred sentence for a crime involving unlawful sexual behavior or unlawful behavior involving children.

**SECTION 57.** 22-32-109.8 (1) and (10) (a), Colorado Revised Statutes, are amended to read:

**22-32-109.8. Applicants selected for nonlicensed positions - submittal of form and fingerprints - prohibition against employing persons failing to comply.** (1) ~~On and after January 1, 1991,~~ Except as otherwise provided in subsection (10) of this section, any person applying to any school district for any position of employment for which a ~~certificate or letter of authorization~~ LICENSE issued pursuant to ~~article 60~~ ARTICLE 60.5 of this title is not required and who is selected for such position of employment by such school district shall submit a complete set of fingerprints of such applicant taken by a qualified law enforcement agency or authorized employee of such school district and a notarized, completed form as specified in subsection (2) of this section. Said fingerprints and form shall be submitted to the school district at the time requested by such school district. The provisions of this section shall not be applicable to ~~noncertificated~~ NONLICENSED personnel employed by any school district prior to January 1, 1991.

(10) (a) The provisions of this section shall not apply to any person who is enrolled as a student in any school district and who is applying to the same school district in which such student is enrolled for a position of employment for which a ~~certificate or letter of authorization~~ LICENSE issued pursuant to ~~article 60~~ ARTICLE 60.5 of this title is not required.

**SECTION 58.** 22-32-109.9 (1) (a) and (3), Colorado Revised Statutes, are amended to read:

**22-32-109.9. Licensed personnel - submittal of fingerprints.** (1) (a) If any school district finds good cause to believe that any ~~certificated~~ LICENSED personnel employed by such school district on or after January 1, 1991, has been convicted of any felony or misdemeanor, but not including any misdemeanor traffic offense or

traffic infractions, subsequent to such employment, such school district may require such person to submit a complete set of fingerprints taken by a qualified law enforcement agency unless such person has submitted a set of fingerprints to any school district in the state of Colorado pursuant to this section during the two-year period immediately preceding the date of receipt of written notification requesting fingerprints and has consented by written notice to the transfer of a copy of the previously submitted set of fingerprints to the requesting district. Said fingerprints or written notice of consent shall be submitted within twenty days of receipt of written notification from such school district.

(3) All costs arising from the taking of fingerprints and from any fingerprint processing performed by the Colorado bureau of investigation pursuant to the provisions of subsection (1) of this section shall be borne by school districts. School districts shall not charge ~~certificated~~ LICENSED personnel any fees for the direct and indirect costs of such school district for fingerprint processing performed pursuant to the provisions of subsection (1) of this section.

**SECTION 59.** 22-32-110 (1) (ee) and the introductory portion to 22-32-110 (4) (b), Colorado Revised Statutes, are amended to read:

**22-32-110. Board of education - specific powers.** (1) In addition to any other power granted to a board of education of a school district by law, each board of education of a school district shall have the following specific powers, to be exercised in its judgment:

(ee) To employ on a voluntary or paid basis teachers' aides and other auxiliary, ~~noncertificated~~ NONLICENSED personnel to assist ~~certificated~~ LICENSED personnel in the provision of services related to instruction or supervision of children and to provide compensation for such services rendered from any funds available for such purpose, notwithstanding the provisions of sections 22-63-201 and 22-63-402;

(4) (b) An act of a teacher or other employee of a school district shall not be considered child abuse pursuant to sections 18-6-401 (1) and ~~19-3-303 (1)~~ 19-1-103 (19), C.R.S., if:

**SECTION 60.** 22-33-104 (2) (i) (I), Colorado Revised Statutes, is amended to read:

**22-33-104. Compulsory school attendance.** (2) The provisions of subsection (1) of this section shall not apply to a child:

(i) Who is being instructed at home:

(I) By a teacher ~~certificated~~ LICENSED pursuant to ~~article 60 or~~ ARTICLE 60.5 OR 61 of this title; or

**SECTION 61.** 22-33-104.5 (2) (c) and (3) (a), Colorado Revised Statutes, are amended to read:

**22-33-104.5. Home-based education - legislative declaration - definitions - guidelines.** (2) As used in this section:

(c) "Qualified person" means an individual who is selected by the parent of a child who is participating in a non-public home-based educational program to evaluate such child's progress and who is a teacher ~~certified~~ LICENSED pursuant to ~~article 60~~ ARTICLE 60.5 of this title, a teacher who is employed by an independent or parochial school, a licensed psychologist, or a person with a graduate degree in education.

(3) The following guidelines shall apply to a non-public home-based educational program:

(a) A parent or an adult relative designated by a parent to provide instruction in a non-public home-based educational program shall not be subject to the requirements of the ~~"Teacher Certification Act of 1975", article 60 of this title~~ "COLORADO EDUCATOR LICENSING ACT OF 1991", ARTICLE 60.5 OF THIS TITLE, nor to the provisions of article 61 of this title relating to teacher employment.

**SECTION 62.** 22-35-104 (4.5), Colorado Revised Statutes, is amended to read:

**22-35-104. Enrollment in institution of higher education - cooperative agreement.** (4.5) No person shall be required to hold a teacher's ~~certificate or a letter of~~ LICENSE OR authorization issued pursuant to the provisions of ~~article 60~~ ARTICLE 60.5 of this title in order to instruct any pupil who is enrolled in any course offered by an institution of higher education pursuant to the provisions of this article.

**SECTION 63.** 22-60.5-111 (1) (d), Colorado Revised Statutes, is amended to read:

**22-60.5-111. Authorization - types - applicants' qualifications.** (1) Pursuant to the rules of the state board of education, the department of education is authorized to issue the following authorizations to persons of good moral character meeting the qualifications prescribed by this section and by the rules of the state board of education:

(d) A type IV authorization, extension, authorizes school districts to employ a person to teach or to perform services as a principal, administrator, or special services provider, whichever is appropriate, if such person holds a professional license issued pursuant to this article ~~or an equivalent certificate that was issued pursuant to article 60 of this title prior to July 1, 1994,~~ and is unable to renew the professional license ~~or certificate~~ because extreme hardship prevents the person from completing the professional development requirements for renewal. Any person seeking a type IV authorization shall present evidence of such extreme hardship to the state board of education and the state board shall determine whether to issue the type IV authorization. A type IV authorization shall be valid for no more than one year and may be renewed only if the person holding the authorization makes a further showing to the state board that the person continues to be unable to renew his or her professional license ~~or certificate~~ because of extreme hardship that prevents the person from completing the professional development requirements for renewal.

**SECTION 64.** 22-60.5-112, Colorado Revised Statutes, is amended to read:

**22-60.5-112. Fees.** The fee for the examination and review of an application for any license, endorsement, ~~certificate,~~ or authorization, or any renewal or

reinstatement thereof, shall be established by the state board of education and shall be nonrefundable. Upon determination of eligibility, such license, endorsement, ~~certificate~~, or authorization shall be issued without an additional fee. The state board of education shall adjust if necessary all such fees annually so that they generate an amount of revenue that approximates the direct and indirect costs of the state board of education and of the department of education for the administration of this article; however, the state board of education shall establish and adjust such fees for licenses issued pursuant to section 22-60.5-201 (1) (a) so that the fees generate an amount of revenue that approximates the direct and indirect costs of the state board of education and the department of education for the administration of sections 22-60.5-201 (1) (a) and 22-60.5-205. All fees collected under this section shall be transmitted to the state treasurer and credited to the educator licensure cash fund, which fund is hereby created. ~~All moneys credited to the teacher certification cash fund, as created in section 22-60-106, as of June 30, 1999, shall be transferred to the educator licensure cash fund on July 1, 1999.~~ The general assembly shall make annual appropriations from the educator licensure cash fund for expenditures of the state board of education and of the department of education incurred in the administration of this article. At the end of any fiscal year, all unexpended and unencumbered moneys in the educator licensure cash fund shall remain therein and shall not be credited or transferred to the general fund or any other fund.

**SECTION 65. Repeal.** 22-60.5-113, Colorado Revised Statutes, is repealed as follows:

**22-60.5-113. Issuance of professional licenses to certificate holders.** ~~(1) Notwithstanding the provisions of sections 22-60.5-201 (1) (e), 22-60.5-210 (1) (b), 22-60.5-301 (1) (b), and 22-60.5-306 (1) (b), any person who holds any certificate which was issued or renewed pursuant to article 60 of this title prior to July 1, 1994, may, at its expiration, make application for the issuance of a professional teacher license, a professional principal license, a professional administrator license, or a professional special services license, whichever is determined appropriate by the state board of education. Such professional license shall be issued only upon such person submitting an application, payment of the appropriate fee, and evidence of the completion of renewal credit as specified in section 22-60-107.~~

~~(2) Any applicant whose application for licensure made pursuant to subsection (1) of this section has been denied may appeal to the state board of education. If the state board of education determines that the applicant has met the criteria established by this section, the issuance of the professional license shall be approved by said board.~~

~~(3) Any application made pursuant to the provisions of this section shall not constitute an initial application for licensure for purposes of section 22-60.5-103.~~

**SECTION 66. Repeal.** 22-60.5-117, Colorado Revised Statutes, is repealed as follows:

**22-60.5-117. Prior certificates validated.** ~~This article shall not be construed as invalidating any certificate issued or renewed pursuant to article 60 of this title prior to July 1, 1994, and said certificate shall remain valid until the date of expiration, except as provided in sections 22-60-110 to 22-60-112 for the denial, suspension,~~

~~annulment, or revocation of a certificate.~~

**SECTION 67.** 22-63-103 (11), Colorado Revised Statutes, is amended to read:

**22-63-103. Definitions.** As used in this article, unless the context otherwise requires:

(11) "Teacher" means any person who holds a teacher's ~~certificate~~ LICENSE issued pursuant to the provisions of ~~article 60~~ ARTICLE 60.5 of this title and who is employed to instruct, direct, or supervise the instructional program. "Teacher" does not include those persons holding ~~letters of authorization~~ AUTHORIZATIONS and the chief administrative officer of any school district.

**SECTION 68.** 22-63-202 (2) (b), Colorado Revised Statutes, is amended to read:

**22-63-202. Employment contracts - contracts to be in writing - duration - damage provision.** (2) (b) Any teacher who violates the provisions of this subsection (2) may be subject to suspension of ~~his certificate~~ THE TEACHER'S LICENSE or ~~letter of authorization~~ as provided in section ~~22-60-111~~ 22-60.5-108.

**SECTION 69.** 22-63-204 (2), Colorado Revised Statutes, is amended to read:

**22-63-204. Interest prohibited.** (2) Any teacher who violates the provisions of subsection (1) of this section is, upon determination thereof, subject to the revocation of ~~his certificate or letter of~~ THE TEACHER'S LICENSE OR authorization as provided in ~~sections 22-60-110 to 22-60-112~~ SECTION 22-60.5-108.

**SECTION 70.** 22-63-302 (8), Colorado Revised Statutes, is amended to read:

**22-63-302. Procedure for dismissal - judicial review.** (8) The chief administrative officer shall have the burden of proving that the recommendation for the dismissal of the teacher was for the reasons given in the notice of dismissal and that the dismissal was made in accordance with the provisions of this article. Where unsatisfactory performance is a ground for dismissal, the chief administrative officer shall establish that the teacher had been evaluated pursuant to the written system to evaluate ~~certificated~~ LICENSED personnel adopted by the school district pursuant to section 22-9-106. The hearing officer shall review the evidence and testimony and make written findings of fact thereon. The hearing officer shall make only one of the two following recommendations: The teacher be dismissed or the teacher be retained. A recommendation to retain a teacher shall not include any conditions on retention. The findings of fact and the recommendation shall be issued by the hearing officer not later than twenty days after the conclusion of the hearing and shall be forwarded to said teacher and to the board.

**SECTION 71.** 23-72-128, Colorado Revised Statutes, is amended to read:

**23-72-128. Repeal of article - notice to revisor of statutes.** (1) ~~If~~ SINCE the plan for Colorado Northwestern community college ~~is~~ WAS accepted into the state system of community and technical colleges pursuant to section 23-71-207, and the voters of the Moffat county affiliated junior college district ~~approve~~ APPROVED the ballot measure set forth in section 23-71-207 (1) (b) (II), this article is repealed,

effective July 1, 2009.

(2) The state board for community colleges and occupational education ~~shall provide~~ PROVIDED written notice to the revisor of statutes ~~regarding whether~~ THAT the conditions precedent specified in subsection (1) of this section ~~have~~ occurred AT THE ELECTION IN NOVEMBER 1998, resulting in the repeal of this article, EFFECTIVE JULY 1, 2009.

**SECTION 72.** 24-1-128 (1), Colorado Revised Statutes, is amended to read:

**24-1-128. Department of personnel - creation.** (1) Pursuant to the provisions of section 14 of article XII of the state constitution, there is hereby created a department of personnel, the head of which shall be the state personnel director, ALSO REFERRED TO AS THE EXECUTIVE DIRECTOR OF PERSONNEL, who shall be appointed by the governor, with the consent of the senate, and who shall serve at the pleasure of the governor.

**SECTION 73.** 24-4-103 (1), Colorado Revised Statutes, is amended to read:

**24-4-103. Rule-making - procedure.** (1) When any agency is required or permitted by law to make rules, in order to establish procedures and to accord interested persons an opportunity to participate therein, the provisions of this section ~~and section 24-4-103.5~~ shall be applicable. Except when notice or hearing is otherwise required by law, this section ~~and section 24-4-103.5 do~~ DOES not apply to interpretative rules or general statements of policy, which are not meant to be binding as rules, or rules of agency organization.

**SECTION 74. Repeal.** 24-21-104 (3) (d) (II), Colorado Revised Statutes, is repealed as follows:

**24-21-104. Fees of secretary of state - repeal.** (3) (d) (II) ~~Notwithstanding any provision of paragraph (b) of this subsection (3) to the contrary, on July 1, 1997, the state treasurer shall deduct four million dollars from the department of state cash fund and transfer such sum to the business training and promotion cash fund created in section 24-22-114.~~

**SECTION 75.** 24-30-1601, Colorado Revised Statutes, is amended to read:

**24-30-1601. Legislative declaration.** The general assembly hereby finds, determines, and declares that there are numerous state departments, agencies, and institutions that require data processing services and that the state would benefit from the economies of scale found in a large-scale computer center. As a means of realizing those economies while providing essential support services to the citizens of this state, the general assembly deems necessary the authorization and establishment of a general government computer center (GGCC) WITHIN THE DEPARTMENT OF PERSONNEL to provide necessary automated data processing services to those governmental entities described in this part 16.

**SECTION 76.** 24-30-1602 (1), Colorado Revised Statutes, is amended to read:

**24-30-1602. General government computer center (GGCC).** (1) ~~There is~~

~~hereby created~~ The general government computer center referred to in this part 16 as "GGCC" IS WITHIN THE DEPARTMENT OF PERSONNEL. The executive director of the department of personnel shall appoint, pursuant to section 13 of article XII of the state constitution, such personnel as may be necessary for the efficient operation of the GGCC.

**SECTION 77.** 24-30-1604 (2) (a), Colorado Revised Statutes, is amended to read:

**24-30-1604. Powers of the executive director - penalty for breach of confidentiality.** (2) (a) Except in accordance with judicial order or as otherwise provided by law, neither the executive director of the department of personnel nor any GGCC employee shall divulge or make known in any way information disclosed in any restricted or protected document, program, or dataset located at or in the custody of the ~~GGCC~~ DEPARTMENT OF PERSONNEL.

**SECTION 78.** 24-30-1606, Colorado Revised Statutes, is amended to read:

**24-30-1606. Department of personnel computer services revolving fund - service charges - pricing.** (1) Users of GGCC services shall be charged BY THE DEPARTMENT OF PERSONNEL the full cost of the particular service, which shall include the cost of all material, labor, equipment, software, services, and overhead. Two months prior to the November 1 submission date as required by section 24-37-304, the executive director of the department of personnel shall establish, publish, and distribute billing rates to user entities and other interested entities effective for the following fiscal year. The billing rates shall not be increased during the fiscal year. User charges shall be paid only out of items of appropriation made specifically for the purchase of services from either the ~~GGCC~~ DEPARTMENT OF PERSONNEL or from an alternative support source approved by the commission on information management. Agencies interested in purchasing services from the private sector shall work with the commission on information management to develop bid specifications, which shall identify all services, requirements, and costs. All bids shall be consistent with the state's long-term data processing objectives. The bid process shall be completed so as to coincide with the ~~GGCC~~ DEPARTMENT OF PERSONNEL'S rate publication date.

(2) User charges collected under this part 16 shall be transmitted to the state treasurer, who shall credit the same to the ~~general government computer center~~ DEPARTMENT'S COMPUTER SERVICES revolving fund, which fund is hereby created. The moneys in such fund are subject to annual appropriations by the general assembly to the department of personnel for the purpose of acquiring such materials, supplies, labor, equipment, software, services, and overhead as are required by the ~~GGCC~~ DEPARTMENT OF PERSONNEL to supply the services purchased by users.

(3) The executive director of the department of personnel shall establish a policy of remaining competitive with the service provided by private industry with regard to the cost, timeliness, and quality of that service provided by the ~~GGCC~~ DEPARTMENT OF PERSONNEL. Agencies are encouraged to seek competitive bids from the private sector pursuant to subsection (1) of this section. If the ~~GGCC~~ DEPARTMENT OF PERSONNEL cannot meet the needs of any agency in any one of the said areas, the agency may seek services elsewhere pursuant to part 17 of this article.

**SECTION 79.** 24-32-2903, Colorado Revised Statutes, is amended to read:

**24-32-2903. Department of local affairs - assumption of obligations - powers - immunity.** After the department has assumed the powers of the board pursuant to section 32-8-103 (7), C.R.S., the department shall have authority over all of the property of the district to the same extent as other property of the department; except that, if this authority conflicts with or is limited by any provision of this part 29, the provision of this part 29 shall apply. Except as otherwise provided in this part 29 or article 8 of ~~title 24~~ TITLE 32, C.R.S., the state shall not assume any liability for the acts, omissions, indebtedness, or other obligations of the board or the district and shall be immune from any action relating to the construction, operation, or maintenance of the Moffat tunnel, its approaches, or equipment, pursuant to the provisions of the "Colorado Governmental Immunity Act", article 10 of title 24, C.R.S.

**SECTION 80.** 24-33.5-503 (1) (i), Colorado Revised Statutes, is amended to read:

**24-33.5-503. Duties of division.** (1) The division has the following duties:

(i) To promulgate rules and regulations which set minimum standards for temporary holding facilities as defined in section ~~19-1-103 (27)~~ 19-1-103 (106), C.R.S.;

**SECTION 81. Repeal.** 24-50-102 (5), Colorado Revised Statutes, is repealed as follows:

**24-50-102. Department of personnel - state personnel director.** (5) ~~The state personnel director shall prepare and transmit to the general assembly, no later than December 1, 1988, his recommendations concerning changes in the method whereby compensation is determined for state employees who serve in the military concurrently with their service to the state and his recommendations concerning the feasibility of providing state employees with long-term disability insurance.~~

**SECTION 82.** 24-53-101 (4), Colorado Revised Statutes, is amended to read:

**24-53-101. Definitions.** As used in this article, unless the context otherwise requires:

(4) "Federal insurance contributions act" means subchapter A of chapter 9 of the federal "Internal Revenue Code of 1939" and subchapters A and B of chapter 21 of the federal "Internal Revenue Code of ~~1954~~ 1986", as amended.

**SECTION 83.** 24-61-101 (1) (c) and (2), Colorado Revised Statutes, are amended to read:

**24-61-101. Compact as basis for payments - legislative declaration.** (1) The general assembly hereby finds and declares that:

(c) In approving the special provisions set forth in the taxation compact described in this article, ~~15~~; the state does not waive its claims, concede its rights, or otherwise

impair its position with respect to its authority to levy taxes and other charges on property and property interests owned or held by the Southern Ute Indian tribe except as specifically set forth in said taxation compact and acknowledges that the Southern Ute Indian tribe has similarly not impaired its position to challenge such authority except as specifically set forth in said taxation compact.

(2) It is the intent of the general assembly that, for the duration of the taxation compact set forth in this article, ~~15~~ with respect to the taxes and charges imposed pursuant to article 29 of ~~this title~~ TITLE 39, C.R.S., concerning severance taxes, article 60 of title 34, C.R.S., concerning the conservation levy and environmental response fund surcharge, and article 1 of this title concerning ad valorem property taxes, the payments established pursuant to said taxation compact on property described in said taxation compact shall be made as an alternative to said taxes, charges, surcharges, and levies.

**SECTION 84.** 24-82-403 (1) (c), Colorado Revised Statutes, is amended to read:

**24-82-403. State agency - powers and duties.** (1) The state agency is hereby authorized:

(c) To distribute such property within the state to tax-supported medical institutions, hospitals, clinics, health centers, school systems, schools, colleges, and universities within the state, and to other nonprofit medical institutions, hospitals, clinics, health centers, schools, colleges, and universities which are exempt from taxation under section 501 (c) (3) of the FEDERAL "Internal Revenue Code of ~~1954~~ 1986", as amended, to civil defense organizations of the state, or political subdivisions and instrumentalities thereof, which are established pursuant to state law, and to such other types of institutions or activities as may become eligible under federal law to acquire such property.

**SECTION 85.** 24-102-101, Colorado Revised Statutes, is amended to read:

**24-102-101. Authority and duties of the executive director.** Subject to the provisions of part 4 of this article, the executive director of the department of personnel has the authority and responsibility to promulgate rules, consistent with this code, governing the procurement and disposal of any and all supplies, services, and construction to be procured by the state, except for excess or surplus equipment and supplies as provided in section 17-24-106.6, C.R.S., and except as provided in ~~part 17 of article 30~~ PART 2 OF ARTICLE 37.5 and part 4 of article 82 of this title. The executive director shall consider and decide matters of policy within the provisions of this code.

**SECTION 86.** 25-1-507 (1) (h), Colorado Revised Statutes, is amended to read:

**25-1-507. Powers and duties of boards of health.** (1) In addition to all other powers and duties conferred and imposed upon county and district boards of health by the provisions of this part 5, such boards have and exercise the following specific powers and duties:

(h) To provide the environmental health services described in section 25-1-709 (1) (b) and to assess fees to offset the actual, direct cost of such services; except that no

fee for such a service shall be assessed against any person who has already paid a fee to the state or federal government for such service and except that the only fee which shall be charged for annual ~~food service establishment~~ RETAIL FOOD ESTABLISHMENT inspections shall be the fee set forth in section ~~12-44-208, C.R.S.~~ 25-4-1607.

**SECTION 87.** 25-1-608 (3), Colorado Revised Statutes, is amended to read:

**25-1-608. County board of health.** (3) The board of health may provide the environmental health services described in section 25-1-709 (1) (b) and may assess fees to offset the actual, direct costs of such services; except that a fee for any such service shall not be assessed against any person who has already paid a fee to the state or federal government for the same service and except that the only fee which shall be charged for annual ~~food service establishment~~ RETAIL FOOD ESTABLISHMENT inspections shall be the fee set forth in section ~~12-44-208, C.R.S.~~ 25-4-1607.

**SECTION 88.** 25-1-711 (1) (e), Colorado Revised Statutes, is amended to read:

**25-1-711. Regional board of health - duties - powers.** (1) In addition to any other duties conferred and imposed upon a regional board of health by the provisions of this part 7, such board has the following duties:

(e) To provide the environmental health services described in section 25-1-709 (1) (b) and to assess fees to offset the actual, direct cost of such services; except that no fee for such a service shall be assessed against any person who has already paid a fee to the state or federal government for such service and except that the only fee which shall be charged for annual ~~food service establishment~~ RETAIL FOOD ESTABLISHMENT inspections shall be the fee set forth in section ~~12-44-208, C.R.S.~~ 25-4-1607.

**SECTION 89.** 31-31-402 (1), Colorado Revised Statutes, is amended to read:

**31-31-402. Employer and member contributions.** (1) On and after January 1, 1980, until the board is able to determine a contribution rate from the first annual actuarial valuation, every member covered under the statewide defined benefit plan established by this part 4 shall pay into the fire and police members' benefit fund eight percent of salary paid. The payment shall be made by the employer by deduction from the salary paid such member. Each employer shall pick up the employee contributions required for all salaries paid after July 1, 1985, and the contributions so picked up shall be treated as employer contributions pursuant to section 414(h) (2) of the federal "Internal Revenue Code of ~~1954~~ 1986", as amended, in determining tax treatment under such code. The employer shall pay these employee contributions directly to the retirement association, instead of paying such amounts to employees, and such contributions shall be paid from the same funds that are used in paying salaries to the employees. Such contributions, although designated as employee contributions, shall be paid by the employer in lieu of contributions by employees. Employees may not elect to choose to receive such contributions directly instead of having them paid by the employer to the pension plan. Employee contributions so picked up shall be treated for all purposes of this article, other than federal tax, in the same manner as employee contributions made before the date picked up. Payment shall be made by one voucher for the aggregate amount deducted and shall be made no later than the tenth day after the end of each pay period. All such payments shall be credited to the fire and police members' benefit fund.

**SECTION 90. Repeal.** 31-31-803 (11), Colorado Revised Statutes, is repealed as follows:

~~**31-31-803. Retirement for disability.** (11) (a) A member eligible for a total disability benefit under subsection (1) of this section or a total disability benefit under section 31-31-806.5 may elect to receive one of the disability benefit options listed in paragraph (a) of subsection (8) of this section in lieu of such disability benefit. A member shall be deemed to have elected option 1 specified in subparagraph (I) of paragraph (a) of subsection (8) of this section if the member is awarded a total disability benefit under subsection (1) of this section or a total disability benefit under section 31-31-806.5, is survived by a spouse or dependent child, and dies before making an election allowed under paragraph (a) of subsection (8) of this section.~~

~~(b) This subsection (11) shall not apply if House Bill 99-1062 is enacted at the first regular session of the sixty-second general assembly and becomes law.~~

**SECTION 91.** Part 8 of article 22 of title 39, Colorado Revised Statutes, is RECREATED AND REENACTED, WITH AMENDMENTS, to read:

PART 8  
DOMESTIC ABUSE PROGRAM  
VOLUNTARY CONTRIBUTION

**39-22-801. Voluntary contribution designation - procedure.** For income tax years commencing on or after ~~January 1, 1984~~ JANUARY 1, 2000, but prior to January 1, 2007, each Colorado state individual income tax return form shall contain a line whereby each individual taxpayer may designate the amount of the contribution, if any, the taxpayer wishes to make to the Colorado domestic abuse program fund.

**39-22-802. Contributions credited to Colorado domestic abuse program fund - appropriation.** (1) The department of revenue shall determine annually the total amount designated pursuant to section 39-22-801 and shall report such amount to the state treasurer and to the general assembly. The state treasurer shall credit such amount to the Colorado domestic abuse program fund, a cash fund which is hereby established in the state treasury. The controller, upon presentation of vouchers properly drawn and signed by the executive director of the department of human services, pursuant to section 26-7.5-105, C.R.S., shall issue warrants drawn on the Colorado domestic abuse program fund. All moneys in the Colorado domestic abuse program fund at the end of a fiscal year, after appropriations made pursuant to subsection (3) of this section, shall remain in the fund to be used for the purposes set forth in article 7.5 of title 26, C.R.S., and shall not revert to the general fund. Any interest earned on moneys in the fund shall remain in the fund to be used for the purposes of article 7.5 of title 26, C.R.S.

(2) The executive director of the department of human services shall sign vouchers to draw on the Colorado domestic abuse program fund exclusively for the purpose of exercising his authority under section 26-7.5-104, C.R.S.

(3) The general assembly shall appropriate annually from the Colorado domestic abuse program fund:

(a) To the department of human services such amount as is necessary for carrying out the purposes set forth in article 7.5 of title 26, C.R.S., including the department's administrative costs in connection therewith;

(b) To the department of revenue its costs of administering the income tax refunds designated as contributions to the fund.

(c) Repealed.

**39-22-803. Repeal of part.** This part 8 is repealed, effective ~~January 1, 2000~~ JANUARY 1, 2007.

**SECTION 92.** 39-23-107 (1), Colorado Revised Statutes, is amended to read:

**39-23-107. Proceeds of insurance policies and annuities taxable - pension and profit-sharing plans not taxable.** (1) Proceeds of life insurance policies on the life of a decedent, in which he had any of the incidents of ownership, annuity contracts issued by life insurance companies, which are owned by the decedent, and payments by reason of pension or profit-sharing plans in which the decedent had a right to designate beneficiaries whether or not the decedent contributed to the plan shall be taxable; except that proceeds under such life insurance policies or annuity contracts, and payments by reason of such pension or profit-sharing plans including, without limitation, all payments exempt from the federal gross estate by reason of section 2039 (c) of the "Internal Revenue Code of ~~1954~~ 1986", as amended, shall not be taxable if such proceeds or payments are to be made in annual or more frequent periodic installments over the life of the surviving beneficiary even if terminable by some contingent event and such beneficiary has no right or option to commute such proceeds or payments into a lump sum.

**SECTION 93.** 39-23-122 (1), Colorado Revised Statutes, is amended to read:

**39-23-122. Additional tax to absorb federal credit.** (1) In the event that the total credit against the federal estate tax, allowable under section 2011 of the "Internal Revenue Code of ~~1954~~ 1986", as amended, or any similar section hereafter enacted, shall be greater than the inheritance tax finally found due in the estate of any domiciliary decedent computed without regard to sections 39-23-121 to 39-23-126, then, whenever the federal estate tax on transfers from the decedent shall have been determined, an additional tax shall be imposed on the transfers from the decedent equal to the difference between the inheritance tax finally determined on such transfers under the provisions of this article, as computed without regard to said sections 39-23-121 to 39-23-126, and the credit allowable under said "Internal Revenue Code of ~~1954~~ 1986", as amended, with respect to such transfers.

**SECTION 94.** 39-23-123 (1) and (3), Colorado Revised Statutes, are amended to read:

**39-23-123. Report of federal tax due - additional tax.** (1) Within thirty days after the time when the executor, administrator, or trustee of the estate of any decedent has filed the federal estate tax return, pursuant to the provisions of section 6018 of the "Internal Revenue Code of ~~1954~~ 1986", as amended, it is the duty of said executor, administrator, trustee, or person filing the inheritance tax application,

required under the provisions of this article, to furnish a true copy of said federal estate tax return to the executive director. Thereafter, when such federal tax is determined, it is the duty of the executor, administrator, or trustee of the estate of said decedent to advise the executive director of such determination and supply him with such additional information as may be reasonably necessary for the computation of the tax imposed by sections 39-23-121 to 39-23-124 and 39-23-126, and it is then the duty of the executive director to compute and assess such additional tax, and he shall immediately thereafter give notice thereof by mail to the executor, administrator, trustee, or person filing the inheritance tax application and file, in the court, if any, under whose jurisdiction the estate is, or was, undergoing administration, a report of said assessment.

(3) No tax imposed by said sections 39-23-121 to 39-23-124 and 39-23-126 shall be levied or assessed subsequent to the expiration of the period and the exceptions thereto within which such tax could be applied as a credit under the provisions of section 2011 of the "Internal Revenue Code of ~~1954~~ 1986" and the amendments thereto; except that, should the executor, administrator, trustee, or person filing the inheritance tax application fail to furnish a true copy of said federal estate tax return, as is required under the provisions of subsection (1) of this section, or to supply the executive director with such information as may be reasonably necessary for the computation of the tax imposed by sections 39-23-121 to 39-23-124 and 39-23-126, or to advise the executive director that such federal estate tax has not been determined within the time prescribed in this section, then, in that event, the tax imposed by said sections 39-23-121 to 39-23-124 and 39-23-126 may be levied and assessed within one year after the expiration of the period and the exceptions thereto within which such tax could be applied as a credit under the provisions of section 2011, and amendments thereto, of the "Internal Revenue Code of ~~1954~~ 1986".

**SECTION 95.** 40-2-115 (1) and (1.5), Colorado Revised Statutes, are amended to read:

**40-2-115. Cooperation with other states and with the United States.** (1) The commission is authorized to confer with or hold joint hearings with the authorities of any state or any agency of the United States in connection with any matter arising in proceedings under this title, under the laws of any state, or under the laws of the United States; to avail itself of the cooperation, services, records, and facilities of authorities of this state, any other state, or any agency of the United States as may be practicable in the enforcement or administration of the provisions of this title; and to enter into cooperative agreements with the various states and with any agency of the United States to enforce the economic and safety laws and regulations of this state and of the United States. The commission is authorized to provide for the exchange of information concerning the enforcement of the economic and safety laws and regulations of this state, of any other state, and of the United States relating to public utilities or to safety of transportation of gas by any person including a municipality; and, in particular, the commission may enforce the regulations of the United States department of transportation concerning pipeline safety drug testing promulgated under the federal "~~Natural Gas Pipeline Safety Act of 1968~~", 49 U.S.C. Appx. ~~1671-1687~~, "NATURAL GAS PIPELINE SAFETY ACT", 49 U.S.C. SECS. 60101 TO 60125 and may adopt such regulations as are necessary and proper to comply with federal requirements under said act.

(1.5) The commission is authorized to adopt such rules as may be necessary to enforce and administer, in cooperation with the United States department of transportation, the provisions of the "~~Natural Gas Pipeline Safety Act of 1968~~", 49 U.S.C. ~~1671 to 1687~~ "NATURAL GAS PIPELINE SAFETY ACT", 49 U.S.C. SECS. 60101 TO 60125, for the purpose of gas pipeline safety. Such rules shall apply to all public utilities and all municipal or quasi-municipal corporations transporting natural gas or providing natural gas service, all operators of master meter systems, as defined in 49 C.F.R. 191.3, and all operators of pipelines providing natural gas directly to the ultimate consumer for the purpose of manufacturing goods or generating power.

**SECTION 96.** 40-16-101 (1.5), Colorado Revised Statutes, is amended to read:

**40-16-101. Definitions.** As used in this article, unless the context otherwise requires:

(1.5) "Children's activity bus" means a motor vehicle hired to transport groups of eight or more children, eighteen years of age or younger and any adults over eighteen years of age accompanying or participating with said group, to or from activities which are sponsored by nonprofit organizations entitled to a tax exemption under the federal "Internal Revenue Code of ~~1954~~ 1986", as amended.

**SECTION 97.** 36-1-116 (1), Colorado Revised Statutes, is amended to read:

**36-1-116. Disposition of rentals, royalties, and timber sale proceeds.** (1) (a) Proceeds received by the state for the sale of timber on public school lands; rental payments for the use and occupation of the surface of said lands; and rentals or lease payments for sand, gravel, clay, stone, coal, oil, gas, geothermal resources, gold, silver, or other minerals on said lands shall be credited to the ~~public school fund~~ PUBLIC SCHOOL INCOME FUND for distribution as provided by law.

(b) Royalties and other payments for the depletion or extraction of a natural resource on said lands shall be credited to the ~~public school fund~~ PERMANENT SCHOOL FUND.

**SECTION 98.** 39-22-104 (2), Colorado Revised Statutes, is amended to read:

**39-22-104. Income tax imposed on individuals, estates, and trusts - single rate.** (2) Prior to the application of the rate of tax prescribed in ~~subsection~~ SUBSECTIONS (1) AND (1.5) of this section, the federal taxable income shall be modified as provided in subsections (3) and (4) of this section.

**SECTION 99.** 39-26-402 (2), Colorado Revised Statutes, is amended to read:

**39-26-402. Refund of state sales and use tax - application requirements and procedures.** (2) To claim the refund allowed by subsection (1) of this section, a qualified taxpayer shall submit a refund application to the department of revenue on a form provided by the department. Such application shall be submitted no earlier than January 1 and no later than April 1 of the calendar year following the calendar year for which the refund is claimed. The application shall be accompanied by proof of payment of state sales and use taxes paid by the qualified taxpayer in the immediately preceding ~~state fiscal~~ CALENDAR year. The application shall also include

any additional information that the department of revenue may require by rule, which may include, without limitation, a detailed list of all expenditures that support a claim for a refund, the name and addresses of an individual who maintains records of such expenditures, and a statement that the qualified taxpayer agrees to furnish records of all such expenditures to the department of revenue upon request. No refund shall be allowed if the qualified taxpayer has not complied with this subsection (2).

**SECTION 100.** 1-1-104 (48), Colorado Revised Statutes, is amended to read:

**1-1-104. Definitions.** As used in this code, unless the context otherwise requires:

(48) "Taxable property" means real or personal property subject to general ad valorem taxes. For all elections and petitions ~~which~~ THAT require ownership of real property or land, ownership of a mobile home or manufactured home, as defined in ~~section 5-1-301 (9.7)~~ SECTION 5-1-301 (29), 38-12-201.5 (2), or 42-1-102 (106) (b), C.R.S., is sufficient to qualify as ownership of real property or land for the purpose of voting rights and petitions.

**SECTION 101.** 5-10-202 (1) (a), (1) (b), (1) (c), (1) (f), and (1) (g), Colorado Revised Statutes, are amended to read:

**5-10-202. Exclusions.** (1) This article shall not apply to, and an agreement ~~which~~ THAT complies with this article is not governed by the provision relating to:

(a) A "consumer credit sale" as that term is defined in ~~section 5-2-104~~ SECTION 5-1-301 (11);

(b) A "consumer lease" as that term is defined in ~~section 5-2-106~~ SECTION 5-1-301 (14);

(c) A "consumer loan" as that term is defined in ~~section 5-3-104~~ SECTION 5-1-301 (15);

(f) A "home solicitation sale" as that term is defined in ~~section 5-2-501~~ SECTION 5-3-401;

(g) A "sale of goods" as that term is defined in ~~section 5-2-105 (4)~~ SECTION 5-1-301 (39);

**SECTION 102.** 5-10-801 (1) (b) and (1) (e), Colorado Revised Statutes, are amended to read:

**5-10-801. Administrator responsibility.** (1) The administrator shall enforce this article. To carry out this responsibility, the administrator shall be authorized to:

(b) Issue and enforce cease and desist or other administrative enforcement orders in the same manner as set forth in ~~section 5-6-108~~ SECTION 5-6-109;

(e) Bring a civil action to restrain a person from violating this article and for other appropriate relief in the same manner as set forth in ~~sections 5-6-110 to 5-6-113~~ SECTIONS 5-6-111 TO 5-6-114; and

**SECTION 103.** 6-1-302 (1) (e) and (1) (f), Colorado Revised Statutes, are amended to read:

**6-1-302. Definitions.** As used in this part 3, unless the context otherwise requires:

(1) "Commercial telephone seller" or "seller" means a person who, in the course of such person's business, vocation, or occupation, on the person's own behalf or on behalf of another person, causes or attempts to cause a commercial telephone solicitation to be made; except that "commercial telephone seller" or "seller" does not include the following:

(e) A supervised financial organization, as defined in ~~section 5-1-301 (17)~~ SECTION 5-1-301 (45), C.R.S., and its employees, when acting within the scope of their employment;

(f) A supervised lender, as defined in ~~section 5-3-501 (2)~~ SECTION 5-1-301 (46), C.R.S., and its employees, when acting within the scope of their employment;

**SECTION 104.** 6-1-708 (1) (a), Colorado Revised Statutes, is amended to read:

**6-1-708. Motor vehicle sales - deceptive trade practices.** (1) A person engages in a deceptive trade practice when, in the course of such person's business, vocation, or occupation, such person:

(a) Commits any of the following acts pertaining to the sale of a motor vehicle or a used motor vehicle:

(I) Guarantees to a purchaser of a motor vehicle or used motor vehicle who conditions such purchase on the approval of a consumer credit sale as defined in ~~section 5-2-104~~ SECTION 5-1-301 (11), C.R.S., or a consumer loan as defined in ~~section 5-3-104~~ SECTION 5-1-301 (15), C.R.S., that such purchaser has been approved for either a consumer credit sale or a consumer loan if such approval is not final. For purposes of this subparagraph (I), "guarantee" means a written document or oral representation between the purchaser and the person selling the vehicle that leads such purchaser to a reasonable good faith belief that the financing of such vehicle is certain.

(II) Accepts a used motor vehicle as a trade-in on the purchase of a motor vehicle or used motor vehicle and sells such used motor vehicle before the purchaser has been approved for a consumer credit sale as defined in ~~section 5-2-104~~ SECTION 5-1-301 (11), C.R.S., or a consumer loan as defined in ~~section 5-3-104~~ SECTION 5-1-301 (15), C.R.S., if such approval is a condition of the purchase;

(III) Fails to return to the purchaser any collateral or down payment tendered by such purchaser conditioned upon a guarantee by a motor vehicle or used motor vehicle dealer that a consumer credit sale as defined in ~~section 5-2-104~~ SECTION 5-1-301 (11), C.R.S., or a consumer loan as defined in ~~section 5-3-104~~ SECTION 5-1-301 (15), C.R.S., has been approved for such purchaser, if such approval was a condition of the sale and if such financing is not approved and the purchaser is required to return the vehicle;

**SECTION 105.** 11-6.5-105 (1), Colorado Revised Statutes, is amended to read:

**11-6.5-105. Conditions for retailers.** (1) Notwithstanding the provisions of section 11-6.5-104, any agreement between a person owning or establishing a communications facility or utilizing a communications facility owned by another and the retailer at whose retail location the facility is operated shall be upon such commercially reasonable terms and conditions as the parties may agree. The parties to such agreement shall not discriminate in price with the intent to destroy or prevent competition in the offering of banking transactions through communications facilities, after making allowance for the differences, if any, in costs. A retailer at whose retail location one or more communications facilities are operated may limit by contract the types of banking transactions performed at each such facility, but, subject to the exceptions in this subsection (1), all such banking transactions, including those involving account overlines, ~~which~~ THAT are performed at each such communications facility shall be made available upon request to all Colorado banks. Banking transactions, other than account overline transactions, that involve a seller or lender credit card or similar arrangement as defined in ~~section 5-1-301 (9) and (16)~~ SECTION 5-1-301 (24) AND (43), C.R.S., are excepted from the availability requirement of this subsection (1).

**SECTION 106.** 11-38-105 (3), Colorado Revised Statutes, is amended to read:

**11-38-105. Interest - periodic advances.** (3) The interest rate contracted for in any reverse mortgage shall not exceed the loan finance charge rates provided by ~~section 5-3-508~~ SECTION 5-2-201, C.R.S., although the effective rate may exceed those rates. Such interest rate shall be calculated on the assumption that the reverse mortgage will be repaid according to the agreed terms and will not be repaid before the end of the agreed term.

**SECTION 107.** 11-38-108 (1) (b), Colorado Revised Statutes, is amended to read:

**11-38-108. Inapplicability of related statutes.** (1) A reverse mortgage may be made or acquired without regard to the following provisions for other types of mortgage transactions set out in the statutes specified in this subsection (1):

(b) Prohibitions on balloon payments pursuant to ~~section 5-3-402~~ SECTION 5-3-208, C.R.S.;

**SECTION 108.** 13-80-101 (1) (g), Colorado Revised Statutes, is amended to read:

**13-80-101. General limitation of actions - three years.** (1) The following civil actions, regardless of the theory upon which suit is brought, or against whom suit is brought, shall be commenced within three years after the cause of action accrues, and not thereafter:

(g) All claims under the "Uniform Consumer Credit Code", except ~~section 5-5-202~~ ~~(6)~~ SECTION 5-5-201 (5), C.R.S.;

**SECTION 109.** 18-15-101 (6) (b), Colorado Revised Statutes, is amended to

read:

**18-15-101. Definitions.** As used in this article, unless the context otherwise requires:

(6) (b) The term does not include the charges as a result of additional charges as defined in section 5-2-202, ~~or 5-3-202~~, C.R.S., delinquency charges as defined in section 5-2-203, ~~or 5-3-203~~, C.R.S., deferral charges as defined in section 5-2-204, ~~or 5-3-204~~, C.R.S., similar charges specifically authorized by law, or additional interest charges permitted by section 5-12-107 (3), C.R.S.

**SECTION 110.** 18-15-109 (1) (b), (1) (c) (I), and (1) (c) (II), Colorado Revised Statutes, are amended to read:

**18-15-109. Loan finder - definitions - prohibited fees.** (1) As used in this section, unless the context otherwise requires:

(b) "Loan" has the same meaning as set forth in ~~section 5-3-106~~ SECTION 5-1-301 (25), C.R.S.

(c) "Loan finder" means any person who, directly or indirectly, serves or offers to serve as a lender or as an agent to obtain a loan or who holds himself out as capable of obtaining a loan for any person; except that the following persons shall be exempt from the provisions of this section:

(I) A supervised financial organization, as defined in ~~section 5-1-301(17)~~ SECTION 5-1-301 (45), C.R.S., and its employees, when acting within the scope of their employment;

(II) A person duly licensed to make supervised loans pursuant to ~~part 5 of article 3~~ PART 3 OF ARTICLE 2 of title 5, C.R.S.;

**SECTION 111.** 24-72-204 (3.5) (c) (VI), Colorado Revised Statutes, is amended to read:

**24-72-204. Allowance or denial of inspection - grounds - procedure - appeal.** (3.5) (c) The custodian of any records described in paragraph (a) of this subsection (3.5) which concern an individual who has made a request of confidentiality pursuant to this subsection (3.5) and paid any required processing fee shall deny the right of inspection of the individual's address contained in such records on the ground that disclosure would be contrary to the public interest; except that such custodian shall allow the inspection of such records by such individual, by any person authorized in writing by such individual, and by any individual employed by one of the following entities who makes a request to the custodian to inspect such records and who provides evidence satisfactory to the custodian that the inspection is reasonably related to the authorized purpose of the employing entity:

(VI) A supervised lender licensed pursuant to ~~section 5-3-503~~ SECTION 5-1-301 (46), C.R.S.;

**SECTION 112.** 35-33-304 (3), Colorado Revised Statutes, is amended to read:

**35-33-304. Limitations on contract - delivery.** (3) No contract shall contain any provision whereby the buyer agrees to waive any warranties, rights, or defenses he OR SHE may have under article 2 of title 4, C.R.S., or ~~article 2~~ THE "UNIFORM CONSUMER CREDIT CODE", ARTICLES 1 TO 9 of title 5, C.R.S.

**SECTION 113.** The introductory portion to 38-39-102 (3.5) (b) (IV) and 38-39-102 (3.5) (b) (V), Colorado Revised Statutes, are amended to read:

**38-39-102. When liens of deeds of trust shall be released.** (3.5) (b) Only the following financial institutions shall be entitled to submit a certification pursuant to paragraph (a) of this subsection (3.5):

(IV) A supervised lender, as defined in ~~section 5-3-501(2)~~ SECTION 5-1-301 (46), C.R.S., that is licensed to make supervised loans pursuant to ~~section 5-3-503~~ SECTION 5-2-302, C.R.S., and that is either:

(V) An entity in which all of the outstanding voting securities are held, directly or indirectly, by a public entity also owning, directly or indirectly, all of the voting securities of a supervised lender, as defined in ~~section 5-3-501(2)~~ SECTION 5-1-301 (46), C.R.S., that is licensed to make supervised loans pursuant to ~~section 5-3-503~~ SECTION 5-2-302, C.R.S.;

**SECTION 114.** 38-40-101 (6), Colorado Revised Statutes, is amended to read:

**38-40-101. Mortgage broker fees - escrow accounts - unlawful act - penalty.** (6) As used in this section, unless the context otherwise requires, "mortgage broker" means a person, firm, partnership, association, or corporation, other than a bank, trust company, savings and loan association, credit union, supervised lender as defined in ~~section 5-3-501(2)~~ SECTION 5-1-301 (46), C.R.S., insurance company, federal housing administration approved mortgagee, land mortgagee, or farm loan association or duly appointed loan correspondents, acting through officers, partners, or regular salaried employees for any such entity, that engages in negotiating or offering or attempting to negotiate for a borrower, and for commission, money, or other thing of value, a loan to be consummated and funded by someone other than the one acting for the borrower.

**SECTION 115.** 38-40-102 (4), Colorado Revised Statutes, is amended to read:

**38-40-102. Disclosure of costs - statement of terms of indebtedness.** (4) The provisions of this section shall not apply to a loan to be made by a bank, trust company, savings and loan association, credit union, federal housing administration approved mortgagee, or supervised lender as defined in ~~section 5-3-501(2)~~ SECTION 5-1-301 (46), C.R.S., ~~which~~ THAT will be secured by a mortgage or deed of trust other than a first mortgage or deed of trust having priority as a lien on the real property over any other mortgage or deed of trust.

**SECTION 116. 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

### APPENDIX

<b>C.R.S. Section in bill</b>	<b>Section</b>	<b>Reason</b>
6-1-701 (1) (a)	1	Changes references from article 60 to article 60.5 of title 22, and changes references to "certification" to references to "licensure" to conform with HB 91-1005, chapter 87, page 468, that provided for teachers to be licensed instead of certified on and after July 1, 1994. The bill created a new article 60.5 of title 22, concerning teacher licensure and established the repeal of article 60 of title 22, concerning teacher certification, effective July 1, 1999, since this was the date by which any teacher certification issued prior to July 1, 1994, would expire.
8-70-130	2	Changes an internal reference to the federal "Internal Revenue Code of 1986" to more accurately reflect the cite of the present code.
8-75-101 (9)	3	Same as 8-70-130.
8-75-103.5 (3)(a) and (5)	4	Same as 8-70-130.
8-76-102 (4) (d)	5	Changes "employment fund" to "employment support fund" to accurately reflect the correct name of the fund created in 8-77-109. "Support" was inadvertently left out by the Senate Committee on Local Government amendment to SB 99-228, chapter 246, page 973. In addition, changes "years" to "year" to conform to similar language used in paragraph (a) of subsection (4).
8-76-110 (1) and (2) (d)	6	Same as 8-70-130.
10-3-216 (1) (f) (III)	7	Same as 8-70-130.

10-4-707 (6)	8	Same as 8-70-130.
10-7-310 (2)	9	Same as 8-70-130.
10-7-310.5 (1)	10	Same as 8-70-130.
10-7-502	11	Same as 8-70-130.
11-37.5-210 (2)	12	Deletes the word "depository" to conform with changes made in subsection (1) of this section by a senate second reading floor amendment to SB 99-083, chapter 217, page 827.
11-41-119 (13)	13	Same as 8-70-130.
12-5.5-101 (1) (b)	14	Same as 6-1-701.
12-5.5-101.5	15	Same as 6-1-701.
12-30-113 (3)	16	Changes an internal reference from the "Pure Food, Drug, and Cosmetic Act" to the "Federal Food, Drug, and Cosmetic Act" to correspond with the recodification of the federal act in 1938.
12-43-201 (2), (9.7), and (10)	17	Same as 6-1-701.
12-43-215 (4)	18	Same as 6-1-701.
12-43-218 (1), (2) (a), (2) (b), IP (2) (c), and (2) (c) (II)	19	Same as 6-1-701.
12-43-401 (6)	20	Same as 8-70-130.
12-43-701 (4)	21	Same as 6-1-701.
13-1-130	22	Same as 6-1-701.
13-21-113 (1)	23	Provisions concerning food service establishments, part 2 of article 44 of title 12, were repealed and the food protection cash fund act contained in part 16 of article 4 of title 25 was repealed and reenacted as the "Food Protection Act" by SB98-189, chapter 296, page 1244. Makes changes to correspond with the changes made by SB98-189, language is changed from the collection of inspection fees for "food service establishments" to collection of inspection fees for "retail food establishments". Internal references are changed from a reference to the repealed part to the correct cite under the said part 16.

14-10-108 (1.5)	24	Changes language to conform with HB 98-1183, chapter 310, page 1376, in which "child custody" was changed to "allocation of parental responsibilities" and the change to this section was erroneously omitted from the act.
15-1-1002 (1), (2), (3), and (5)	25	Same as 8-70-130.
15-1-1003	26	Same as 8-70-130.
15-1-1007	27	Same as 8-70-130.
15-1-1201 (2)	28	Same as 8-70-130.
15-12-916 (5) (e)	29	Same as 8-70-130.
18-3-305 (3)	30	Same as 6-1-701.
18-3-416	31	Same as 6-1-701.
18-6-301 (2)	32	Same as 6-1-701.
18-6-302 (3)	33	Same as 6-1-701.
18-6-405 (1)	34	Same as 6-1-701.
18-6-701 (3)	35	Same as 6-1-701.
18-7-409	36	Same as 6-1-701.
18-13-114 (5) (c) (IV)	37	Same as 8-70-130.
22-1-121 (1) (c)	38	Same as 6-1-701.
22-2-109 (1) (p)	39	Same as 6-1-701.
22-2-119 (1) (c)	40	Same as 6-1-701.
22-9-101	41	Same as 6-1-701.
22-9-102	42	Same as 6-1-701.
22-9-103 (1.5)	43	Same as 6-1-701.
22-9-104 (1), (2) (a), (2) (b), and (2) (c)	44	Same as 6-1-701.
22-9-105 (1), (2), and (3) (a) (I)	45	Same as 6-1-701.

22-9-106 IP (1), (1) (a), (1) (b), (1) (d) (III), (1) (d) (IV), (1) (d) (V), (1) (e), (2), (2.5), (3) (b), (3.3), (4), and (5)	46	Same as 6-1-701.
22-9-107 (1) (b) and (2)	47	Same as 6-1-701.
22-9-108 (1) and (2)	48	Same as 6-1-701.
22-9-109	49	Same as 6-1-701.
22-20-106 (6)	50	Same as 6-1-701.
22-24-103 (5)	51	Same as 6-1-701.
22-25-104 (4) (b)	52	Same as 6-1-701.
22-27-102 (2) (c)	53	Same as 6-1-701.
22-28-108 (3)	54	Same as 6-1-701.
22-30.5-104 (4)	55	Changes an internal reference from "articles 20 to 29 of title 7" to "articles 121 to 137 of title 7" to conform to the changes made by SB 97-091, chapter 155, page 645, which repealed articles 20 to 29 of title 7 effective July 1, 1998, and relocated the "Colorado Nonprofit Corporation Act" to the "Colorado Revised Nonprofit Corporation Act", articles 121 to 137.
22-32-109.7 (1) (c)	56	Same as 6-1-701.
22-32-109.8 (1) and (10) (a)	57	Same as 6-1-701.
22-32-109.9 (1) (a) and (3)	58	Same as 6-1-701.
22-32-110 (1) (ee) and IP (4) (b)	59	Same as 6-1-701. Changes an internal reference to correspond with the relocation of definitions within the Children's Code made by HB 96-1019, chapter 19, page 68.
22-33-104 (2) (i) (I)	60	Same as 6-1-701.
22-33-104.5 (2) (c) and (3) (a)	61	Same as 6-1-701.

22-35-104 (4.5)	62	Same as 6-1-701.
22-60.5-111 (1) (d)	63	Same as 6-1-701.
22-60.5-112	64	Same as 6-1-701.
22-60.5-113	65	Same as 6-1-701.
22-60.5-117	66	Same as 6-1-701.
22-63-103 (11)	67	Same as 6-1-701.
22-63-202 (2) (b)	68	Same as 6-1-701.
22-63-204 (2)	69	Same as 6-1-701.
22-63-302 (8)	70	Same as 6-1-701.
23-72-128	71	The Revisor of Statutes received notice from the Colorado Community College and Occupational Education System that the ballot measures set forth in 23-71-207 were approved by the respective voters in November 1998, and that the 1999 general appropriations act, SB99-215, chapter 364, page 1829, appropriated sufficient funds to the State Board for Community Colleges and Occupational Education for it to assume operating costs for Colorado Northwestern Community College, including the Moffat County Affiliated Local District College, effective July 1, 1999. Therefore, pursuant to subsection (1), the article concerning affiliated junior college districts is repealed, effective July 1, 2009.
24-1-128 (1)	72	Specifies that the state personnel director may also be referred to as the executive director of personnel in those provisions formerly referencing the department of administration or the executive director thereof, which was repealed by HB 95-1362, chapter 167, page 622, and the powers, duties, and functions of the department of administration were transferred to the department of personnel. Amendments to change references to the executive director to the state personnel director were not made.
24-4-103 (1)	73	Deletes reference to a section that required submittal of proposed rules affecting small business to the office of regulatory reform because that section was repealed and the office was terminated, effective July 1, 1997, in SB 97-107, chapter 139, page 523.

24-21-104 (3) (d) (II)	74	Repeals as obsolete a provision that transferred funds from the state cash fund on July 1, 1997, to the "business training and promotion cash fund", since the date of the transfer has passed and the fund was repealed, effective July 1, 1998, by SB 97-228, chapter 258, page 1484.
24-30-1601	75	Pursuant to the authority given to the Revisor of Statutes under section 24-50.3-106, makes technical changes to references to the general government computer center to correspond with HB 95-1362, chapter 167, page 622, and SB 96-228, chapter 273, page 1493, in which the departments of administration and personnel were merged.
24-30-1602	76	Same as 24-30-1601.
24-30-1604 (2) (a)	77	Same as 24-30-1601.
24-30-1606	78	Same as 24-30-1601.
24-32-2903	79	Corrects an error in the drafting of SB 96-233, chapter 213, page 1045, in which a reference to a provision concerning the governance of the Moffat tunnel was cited as "article 8 of title 21", which does not exist, rather than "article 8 of title 32" which pertains to the Moffat Tunnel Improvement district.
24-33.5-503 (1) (i)	80	Same as 22-32-110 IP (4) (b).
24-50-102 (5)	81	Repeals as obsolete a provision that required the state personnel director to report to the General Assembly on recommendations concerning compensation to state employees who serve in the military by December 1, 1988.
24-53-101 (4)	82	Same as 8-70-130.

- 24-61-101 (1) (c) and (2) 83 Changes "article 15" to "this article" to conform to statutory format and changes a reference to the severance tax provisions, because early drafts of HB 96-1367, chapter 285, page 1705, had located the taxation compact between the Southern Ute Indian Tribe, La Plata County, and the state of Colorado in a new article 15 under title 39, but the taxation compact was subsequently placed in a new article 61 under title 24 prior to the bill's introduction. The change to this section was not made.
- 24-82-403 84 Same as 8-70-130.
- 24-102-101 85 Changes an internal reference from "part 17 of article 30" to "part 2 of article 37.5" to correspond with the relocation of provisions made by HB 99-1372, chapter 224, page 864, which repealed part 17 of article 30 of title 24 relating to the commission on information management and relocated the commission in part 2 of article 37.5 of title 24.
- 25-1-507 (1) (h) 86 Same as 13-21-113 (1).
- 25-1-608 (3) 87 Same as 13-21-113 (1).
- 25-1-711 (1) (e) 88 Same as 13-21-113 (1).
- 31-31-402 (1) 89 Same as 8-70-130.
- 31-31-803 (11) 90 Subsection (11) concerning disability benefits was enacted by SB 99-032, chapter 16, page 40, and specified that it would not apply if HB 99-1062, chapter 7, page 20, became law. HB 99-1062 became law and therefore the subsection has no applicability and is repealed.

Part 8 of article 22 of article 39	91	Recreates a part concerning voluntary income tax deductions for domestic abuse programs that was repealed on January 1, 2000, and changes the repeal date to January 1, 2007, to conform with HB 99-1115, chapter 291, page 1177. In that bill, in 39-22-801 where the voluntary checkoff on the income tax form is authorized, the time that it would remain on the tax form was changed from January 1, 2000, to January 1, 2007, but the conforming amendment to 39-22-803 where the January 1, 2000, repeal date appears was inadvertently not changed.
39-23-107 (1)	92	Same as 8-70-130.
39-23-122 (1)	93	Same as 8-70-130.
39-23-123 (1) and (3)	94	Same as 8-70-130.
40-2-115 (1) and (1.5)	95	Changes an internal reference from ""Natural Gas Pipeline Safety Act of 1968", 49 U.S.C. Appx. 1671-1687" to ""National Gas Pipeline Safety Act", 49 U.S.C. 60101 to 60125" to correspond with the reorganization and renumbering of title 49 of the United States Code, pursuant to Public Law 103-272 S7(b).
40-16-101 (1.5)	96	Same as 8-70-130.
36-1-116 (1)	97	Corrects references that specify the "public school fund" to the correct names of the funds as they appeared in the statutes prior to the preparation of the 1990 Replacement Volume where they were erroneously changed.
39-22-104 (2)	98	To conform with a provision added by HB99-1207, chapter 333, page 1376, that changed the tax imposed on the federal taxable income in a new subsection (1.5) and that clarified that the rate specified in subsection (1) applied only until January 1, 1999, adds a cross reference of "(1.5)" to the applicable provision that contains the income tax rate.
39-26-402 (2)	99	To conform with changes made to HB99-1335, chapter 184, page 609, by Senate Appropriation Committee, where "fiscal year" was changed to "calendar year", but one reference to "fiscal year" was inadvertently not changed.

1-1-104 (48)	100	Makes conforming amendments to correspond with HB00-1185 concerning the "Uniform Consumer Credit Code". The amendments were contained in the rerevised version of the bill, but the House adhered to its position and the Senate receded from its position, resulting in the reengrossed bill being adopted by both houses.
5-10-202 (1)(a), (1)(b), (1)(c), (1)(f), and (1)(g)	101	Same as 1-1-104 (48)
5-10-801 (1)(b) and (1)(e)	102	Same as 1-1-104 (48)
6-1-302 (1)(e) and (1)(f)	103	Same as 1-1-104 (48)
6-1-708 (1)(a)	104	Same as 1-1-104 (48)
11-6.5-105 (1)	105	Same as 1-1-104 (48)
11-38-105 (3)	106	Same as 1-1-104 (48)
11-38-108 (1)(b)	107	Same as 1-1-104 (48)
13-80-101 (1)(g)	108	Same as 1-1-104 (48)
18-15-101 (6)(b)	109	Same as 1-1-104 (48)
18-15-109 (1)(b), (1)(c)(I), and (1)(c)(II)	110	Same as 1-1-104 (48)
24-72-204 (3.5)(c)(VI)	111	Same as 1-1-104 (48)
35-33-304 (3)	112	Same as 1-1-104 (48)
38-39-102 IP(3.5)(b)(IV) and (3.5)(b)(V)	113	Same as 1-1-104 (48)
38-40-101 (6)	114	Same as 1-1-104 (48)
38-40-102 (4)	115	Same as 1-1-104 (48)