

CHAPTER 234

GOVERNMENT - STATE

HOUSE BILL 02-1352

BY REPRESENTATIVE(S) Hoppe, Kester, Scott, Spradley, and Stafford;
also SENATOR(S) Isgar.

AN ACT

CONCERNING RECOMMENDATIONS OF THE HOUSE COMMITTEE ON AGRICULTURE, LIVESTOCK, AND NATURAL RESOURCES RELATING TO THE CONTINUATION OF REQUIREMENTS FOR CERTAIN REPORTS TO THE GENERAL ASSEMBLY FROM EXECUTIVE AGENCIES, AND, IN CONNECTION THEREWITH, REPEALING REPORTING REQUIREMENTS TO THE GENERAL ASSEMBLY THAT ARE OBSOLETE.

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

SECTION 1. 33-1-110 (7) (c) (VI), Colorado Revised Statutes, is amended to read:

33-1-110. Duties of the director of the division. (7) (c) The duties of the council are the following:

(VI) To report to the commission and to the ~~general assembly~~ SENATE AGRICULTURE AND NATURAL RESOURCES COMMITTEE AND THE HOUSE OF REPRESENTATIVES AGRICULTURE, LIVESTOCK, AND NATURAL RESOURCES COMMITTEE pursuant to section 33-1-112 (8).

SECTION 2. 33-1-112 (7) (a) and (8) (b), Colorado Revised Statutes, are amended to read:

33-1-112. Funds and cost accounting - repeal. (7) (a) There is hereby created in the state treasury the wildlife for future generations trust fund. In addition to moneys appropriated to such fund by the general assembly, the commission is authorized to accept grants and donations for deposit in said fund. Moneys in the fund shall be accrued and maintained intact; only the interest earned on moneys in the fund shall be continuously appropriated and may be expended on such property operation and maintenance and other wildlife projects and programs as may from time

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

to time be deemed appropriate by the commission. The fund is to be under the control of and to be administered by the commission. The controller shall authorize disbursements of interest earned on said fund as directed by the commission on receipt of a voucher from said commission stating that the disbursement is in accordance with this subsection (7). The commission shall submit an annual report of the moneys expended from the trust fund and matters accomplished by such expenditures from the preceding fiscal year to the ~~general assembly~~ SENATE AGRICULTURE AND NATURAL RESOURCES COMMITTEE AND THE HOUSE OF REPRESENTATIVES AGRICULTURE, LIVESTOCK, AND NATURAL RESOURCES COMMITTEE by the convening date of each regular session of the general assembly in accordance with section 24-1-136 (9), C.R.S. The commission shall also submit to the ~~general assembly~~ SENATE AGRICULTURE AND NATURAL RESOURCES COMMITTEE AND THE HOUSE OF REPRESENTATIVES AGRICULTURE, LIVESTOCK, AND NATURAL RESOURCES COMMITTEE a report on moneys proposed to be expended from the trust fund and the matters to be accomplished by such expenditures in the upcoming fiscal year. Interest earned on such fund ~~which~~ THAT is not expended as provided shall remain in the wildlife for future generations trust fund for future expenditure as provided in this subsection (7). All moneys and interest in such fund shall remain in such fund to be used for the purposes set forth in this subsection (7) and shall not be deposited in or transferred to the general fund of the state of Colorado or any other fund.

(8) (b) The council shall submit an annual report to the commission, the senate and house agriculture committees AND the executive director of the department of natural resources ~~and the general assembly~~ specifically stating the items for which it has expended moneys from the fund and the purpose of such items.

SECTION 3. Repeal. 33-1-115 (3), Colorado Revised Statutes, is repealed as follows:

33-1-115. Migratory birds - possession of raptors - reciprocal agreements.

(3) ~~Until the Rocky Mountain falcon, also known as the American peregrine falcon or falco peregrinus anatum, is removed from the lists of threatened and endangered species maintained by the federal government and the commission, the commission shall report annually to the agricultural committees of reference in both the senate and the house of representatives on the status of the Rocky Mountain falcon population in Colorado.~~

SECTION 4. Repeal. 33-1-120.5 (3) (b), Colorado Revised Statutes, is repealed as follows:

33-1-120.5. Oversight of the division - target dates for implementation of management review recommendations. (3) The director shall:

(b) ~~Provide a written report to the members of the senate agriculture, natural resources, and energy committee and the house agriculture, livestock, and natural resources committee concerning the progress made toward the implementation of or specific departure from the management review recommendations on January 15 and April 30 of every year until the division has either implemented or specifically departed from each review recommendation;~~

SECTION 5. 33-60-106, Colorado Revised Statutes, is amended to read:

33-60-106. Report required - general appropriations act. On or before September 1 of each year beginning with 1993, each state agency ~~which~~ THAT has received or is scheduled to receive moneys from the great outdoors Colorado trust fund shall provide the ~~joint budget committee~~ SENATE AGRICULTURE AND NATURAL RESOURCES COMMITTEE AND THE HOUSE OF REPRESENTATIVES AGRICULTURE, LIVESTOCK, AND NATURAL RESOURCES COMMITTEE with a detailed accounting of all such moneys received or to be received along with a detailed accounting of how such moneys have been or will be expended. For informational purposes, the expenditure of such moneys may be indicated in the annual general appropriation act.

SECTION 6. 34-20-103 (7) and (9) (b) (II), Colorado Revised Statutes, are amended to read:

34-20-103. Division of minerals and geology - creation - powers and duties - transfer of functions and property - change of statutory references. (7) The director of the division of minerals and geology shall prepare and submit to the executive director of the department of natural resources a plan for encouraging the development of minerals in the state. Such plan shall be formulated based upon the annual report and recommendations of the Colorado geological survey, the minerals, energy, and geology policy advisory board, and the other divisions in the department. ~~The executive director of the department of natural resources shall prepare and submit to the general assembly annually by June 30, a plan and recommendations to promote environmentally and fiscally sound development of Colorado's mineral resources.~~

~~(9) (b) (II) If the minerals, energy, and geology policy advisory board recommends that the Colorado geological survey should be administratively moved from the department of natural resources to one of the institutions of higher education in the state, such recommendation shall be reported to the general assembly by the governor, and the general assembly shall consider legislation to effectuate the recommendation of the advisory board during the 1993 regular session.~~

SECTION 7. 34-20-104 (3) (c), Colorado Revised Statutes, is amended to read:

34-20-104. Minerals, energy, and geology policy advisory board - creation. (3) The advisory board shall:

~~(c) Prepare and submit to the general assembly;~~ the governor and the office of economic development an annual report on the minerals and energy industry in the state, with cooperation and information from divisions of the department of natural resources;

SECTION 8. 34-60-124 (5), Colorado Revised Statutes, is amended to read:

34-60-124. Oil and gas environmental response fund. (5) The director of the oil and gas conservation commission shall prepare an annual report for the executive director of the department of natural resources ~~the general assembly;~~ and the governor regarding the operations of and disbursements from the fund.

SECTION 9. 35-23-114 (3), Colorado Revised Statutes, is amended to read:

35-23-114. Inspection fees - funds. (3) Fees for inspections mandated by section 35-23-111 and collected under the provisions of this section shall be deposited in the state treasury and credited to the mandatory fruit and vegetable inspection fund, which fund is hereby created. All interest derived from the deposit or investment of moneys credited to the mandatory fruit and vegetable inspection fund shall also be credited to the fund. All moneys credited to the mandatory fruit and vegetable inspection fund shall be used as provided in this section and shall not be deposited in or transferred to the general fund of this state or any other fund. All moneys in the mandatory fruit and vegetable inspection fund are to be appropriated by the general assembly to the department of agriculture to be used for the inspection services mandated by section 35-23-111, but no more than five percent of said moneys shall be used for indirect costs. Fees for all other inspection services provided pursuant to this article and collected under the provisions of this section shall be deposited in the agricultural products inspection cash fund, which fund is hereby created. All moneys in said fund are to be appropriated by the general assembly to the department of agriculture to be used for inspection services provided pursuant to this article except those inspections mandated by section 35-23-111. ~~The department shall report in full to the joint budget committee of the expenditure of this fund.~~

SECTION 10. 35-25-117, Colorado Revised Statutes, is amended to read:

35-25-117. Emergency powers. If, at any time, the commissioner determines the existence of any imminent hazard inimical to the beekeeping industry in this state, the commissioner may take appropriate action, including but not limited to: Inspecting any public or private place; establishing and enforcing quarantines; issuing and enforcing orders and ~~regulations~~ RULES for the control and eradication of said hazard; and taking such other action as may seem advisable and not contrary to law as the commissioner is empowered with pursuant to this title. ~~After the commissioner acts pursuant to any emergency power, he shall submit a written report to the general assembly within thirty days of such action detailing the underlying hazard and describing any necessary continuing activity.~~ The commissioner is hereby authorized to seek reimbursement from the general assembly for any funds expended in the exercise of these emergency powers.

SECTION 11. 35-43-114, Colorado Revised Statutes, is amended to read:

35-43-114. Fees - disposition - report. All fees and money collected by the state board of stock inspection commissioners shall be deposited in the brand inspection fund unless otherwise provided by law. The board shall prepare and transmit annually, in the form and manner prescribed by the heads of the principal departments pursuant to the provisions of section 24-1-136, C.R.S., a report accounting to the governor ~~and the general assembly~~ for the efficient discharge of all responsibilities assigned by law or directive to the board.

SECTION 12. The introductory portion to 35-65-406 (1), Colorado Revised Statutes, is amended to read:

35-65-406. Annual reports. (1) The Colorado state fair authority and its board of commissioners shall make an annual report by October 31 of each year to the governor, ~~the general assembly, the joint budget committee, and the legislative audit committee~~ THE SENATE AGRICULTURE AND NATURAL RESOURCES COMMITTEE, AND

THE HOUSE OF REPRESENTATIVES AGRICULTURE, LIVESTOCK, AND NATURAL RESOURCES COMMITTEE. The report shall include the following information for the fiscal year ending in the year the annual report is made and for the fiscal year preceding such fiscal year prepared in a comparison format and in accordance with generally accepted accounting principles:

SECTION 13. Repeal. 36-1-148 (4), Colorado Revised Statutes, is repealed as follows:

36-1-148. Land and water management fund. (4) ~~The state board of land commissioners shall prepare and submit annually, by the convening date of each regular session of each general assembly, a report of the moneys expended from the fund and matters accomplished by such expenditures for the preceding fiscal year and the use and disposition of property acquired by said board pursuant to Senate Bill No. 64, as enacted in the First Regular Session of the Fifty-fifth General Assembly. The filing of said report in accordance with section 24-1-136 (9), C.R.S., shall be deemed sufficient compliance with the provisions of this subsection (4).~~

SECTION 14. 37-60-116, Colorado Revised Statutes, is amended to read:

37-60-116. Reports. The Colorado water conservation board shall cause the results of the studies to be embodied in written reports, copies of which shall be held in the offices of said board as a public record available for the use of any interested person and a copy of each of said reports shall be sent to ~~each member of the general assembly~~ SENATE AGRICULTURE AND NATURAL RESOURCES COMMITTEE AND THE HOUSE OF REPRESENTATIVES AGRICULTURE, LIVESTOCK, AND NATURAL RESOURCES COMMITTEE.

SECTION 15. 37-60-121 (2.5) (d), Colorado Revised Statutes, is amended to read:

37-60-121. Colorado water conservation board construction fund - creation of - nature of fund - funds for investigations - contributions - use for augmenting the general fund - funds created. (2.5) (d) The board, in conjunction with the attorney general, shall report annually to the ~~general assembly~~ SENATE AGRICULTURE AND NATURAL RESOURCES COMMITTEE AND THE HOUSE OF REPRESENTATIVES AGRICULTURE, LIVESTOCK, AND NATURAL RESOURCES COMMITTEE on any litigation ~~which~~ THAT involves the use of any moneys from the litigation fund created in paragraph (a) of this subsection (2.5).

SECTION 16. 37-87-114.4, Colorado Revised Statutes, is amended to read:

37-87-114.4. Annual report. The state engineer shall submit an annual report to the general assembly by November 1 of each year concerning the activities of the state engineer and the division of water resources relating to sections 37-87-105 to 37-87-114 for the preceding fiscal year. In addition to the copies required to be filed as provided in section 24-1-136 (9), C.R.S., a copy of such report shall be provided to each of the following: the governor ~~the president of the senate, the speaker of the house of representatives, the majority and minority leaders of the senate and the house of representatives, the joint budget committee of the general assembly,~~ and the chairmen of the committees of reference of the senate and the house of representatives

dealing with agriculture and natural resources. Such report shall include but not be limited to information on the following: Approvals of plans and specifications for construction of dams and reservoirs and for alterations, modifications, repairs, and enlargements; number of safety inspections made and the results thereof; use of appropriated funds; receipts generated for inspections of dams and reservoirs; rules and regulations adopted or amended; enforcement orders and proceedings; dam failures and reasons therefor; and other available data regarding the effectiveness of the state's dam and reservoir safety program.

SECTION 17. 12-9-103.5 (3), Colorado Revised Statutes, is amended to read:

12-9-103.5. Bingo-affle cash fund - creation. (3) Fees authorized by this article shall be established by the licensing authority, in consultation with the board, in amounts sufficient to ensure that the total revenue generated by the collection of such fees approximates the direct and indirect costs incurred by the licensing authority in carrying out its duties under this article. The amounts of all fees shall be reviewed annually. The licensing authority shall annually furnish to the board an accounting of all fee revenues received pursuant to this article, together with a list of all fees in effect. ~~for purposes of inclusion in the board's annual report to the general assembly pursuant to section 12-9-202(1)(e).~~

SECTION 18. Repeal. 12-9-202 (1) (c), Colorado Revised Statutes, is repealed as follows:

12-9-202. Board - duties. (1) In addition to any other duties set forth in this part 2, the board shall have the following duties:

~~(c) To prepare and make available an annual report to the general assembly and the licensing authority setting forth the findings and recommendations of the board for changes to this article or the rules promulgated thereunder.~~

SECTION 19. 16-11-311 (10) (a) and (10) (c), Colorado Revised Statutes, are amended to read:

16-11-311. Sentences - youthful offenders - legislative declaration - powers and duties of district court - authorization for youthful offender system - powers and duties of department of corrections - repeal. (10) (a) ~~On or before January 30, 1999, and on or before each January 30 thereafter, the department of corrections shall submit a report to the house and senate judiciary committees concerning the youthful offender system containing:~~

~~(I) A summary of the recidivism rate for offenders who complete the programs in the youthful offender system that tracks such offenders for five years following release from the youthful offender system;~~

~~(II) An accounting of the amount annually spent per offender sentenced to the youthful offender system; and~~

~~(III) An evaluation of the operations of the youthful offender system.~~

(c) The division of criminal justice shall independently monitor and evaluate, or

contract with a public or private entity to independently monitor and evaluate, the youthful offender system. ~~addressing the criteria described in paragraph (a) of this subsection (10).~~ On or before November 1, 2002, and on or before November 1 every two years thereafter, the division of criminal justice shall report its findings, or the findings of the contract entity, to the judiciary committees of the senate and the house of representatives. THE DEPARTMENT OF CORRECTIONS SHALL COOPERATE IN PROVIDING THE NECESSARY DATA TO THE DIVISION OF CRIMINAL JUSTICE OR AN ENTITY DESIGNATED BY THE DIVISION OF CRIMINAL JUSTICE TO COMPLETE THE EVALUATION REQUIRED IN THIS SECTION.

SECTION 20. Repeal. 19-5-216 (2), Colorado Revised Statutes, is repealed as follows:

19-5-216. Increased access for adoption - study - report. ~~(2) The department shall make a preliminary progress report by December 31, 1999, and it shall make a final report of its findings, conclusions, and recommendations to the members of the general assembly no later than December 31, 2001.~~

SECTION 21. Repeal. 24-30-1504 (1) (I) (II), Colorado Revised Statutes, is repealed as follows:

24-30-1504. Powers and duties of the department. (1) The department of personnel shall have the following powers and duties:

(I) To establish and administer a pilot program beginning July 1, 1999, for the purpose of developing a statewide database and uniform reporting system to track employment claims brought against state agencies and the losses incurred as a result of such claims. The pilot program shall include:

(II) ~~A report to the general assembly not later than June 30, 2001, detailing the results of the pilot program.~~

SECTION 22. Repeal. 24-32-114 (5), Colorado Revised Statutes, is repealed as follows:

24-32-114. Cleanup of illegally disposed of waste tires - waste tire cleanup fund - assistance to counties - legislative declaration - repeal. ~~(5) No later than January 1, 2001, the director shall prepare a report to the general assembly concerning the items listed in this subsection (5). The director shall notify, in the most cost-effective manner available, each member of the general assembly of the availability of the report and offering to provide each member with a copy of the report. The report shall address the following:~~

- ~~(a) Expenditures made pursuant to this section;~~
- ~~(b) The status of waste tire disposal and recycling activities pursuant to this section;~~
- ~~(c) The status of illegal waste tire dumping or storage facilities by county;~~
- ~~(d) The amount of tires recycled, expressed in weight or as a number of tires; and~~

~~(e) The cost-effectiveness of making grants pursuant to this section for the proper disposal of waste tires.~~

SECTION 23. 24-37.5-205, Colorado Revised Statutes, is amended to read:

24-37.5-205. Annual report by commission. The commission shall report to the governor and the ~~communications and information technology committee created in House Bill 99-1348, enacted at the first regular session of the sixty-second general assembly,~~ BUSINESS AFFAIRS AND LABOR COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE BUSINESS, LABOR AND FINANCE COMMITTEE OF THE SENATE regularly on at least an annual basis concerning the implementation of the provisions of this part 2.

SECTION 24. Repeal. 25-4-2004 (5), Colorado Revised Statutes, is repealed as follows:

25-4-2004. Powers and duties of the executive director - hepatitis C program.
~~(5) On or before January 1, 2000, the department of public health and environment shall report to the joint budget committee of the general assembly on the effectiveness of and the necessity for the hepatitis C program in order for such committee to consider the reasonableness and amount of any future funding to the department of public health and environment for the hepatitis C program.~~

SECTION 25. 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: May 30, 2002