

CHAPTER 269

STATUTES

SENATE BILL 02-159

BY SENATOR(S) Evans, Epps, Gordon, Linkhart, and Perlmutter;
also REPRESENTATIVE(S) Plant, Groff, Hefley, Lee, Mitchell, and Coleman.

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. 4-2.5-103 (3), Colorado Revised Statutes, is amended to read:

4-2.5-103. Definitions and index of definitions. (3) The following definitions in other articles apply to this article:

"Account".	Section 4-9-102 (a) (2).
"Between merchants".	Section 4-2-104 (3).
"Buyer".	Section 4-2-103 (1) (a).
"Chattel paper".	Section 4-9-102 (a) (11).
"Consumer goods".	Section 4-9-102 (a) (23).
"Document".	Section 4-9-102 (a) (30).
"Entrusting".	Section 4-2-403 (3).
"General intangible".	Section 4-9-102 (a) (42).
"Good faith".	Section 4-2-103 (1) (b).
"Instrument".	Section 4-9-102 (a) (47).
"Merchant".	Section 4-2-104 (1).
"Mortgage".	Section 4-9-102 (a) (55).
"Pursuant to commitment".	Section 4-9-102 (a) (68) (71).
"Receipt".	Section 4-2-103 (1) (c).
"Sale".	Section 4-2-106 (1).
"Sale on approval".	Section 4-2-326.
"Sale or return".	Section 4-2-326.
"Seller".	Section 4-2-103 (1) (d).

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

SECTION 2. 5-2-202 (1) (b), Colorado Revised Statutes, is amended to read:

5-2-202. Additional charges. (1) In addition to the finance charge permitted by this article, a creditor may contract for and receive the following additional charges in connection with a consumer credit transaction:

(b) Charges for insurance as described in ~~subsection (2)~~ SUBSECTION (3) of this section;

SECTION 3. 7-111-108 (2) (a), Colorado Revised Statutes, is amended to read:

7-111-108. Redomestication as a domestic insurer. (2) The articles of redomestication shall set forth:

(a) An entity name for the corporation that satisfies the requirements of sections ~~7-104-101~~ 7-90-601 and 10-3-103, C.R.S.;

SECTION 4. 8-45-117 (1) (c), Colorado Revised Statutes, is amended to read:

8-45-117. Regulation by commissioner of insurance. (1) The Colorado compensation insurance authority shall be subject to regulation by the commissioner of insurance as provided in:

(c) Sections 10-1-108 (8), 10-1-109, and 10-1-102, C.R.S., except (2) and (4); 10-1-205, C.R.S., (1) through (6) and (8); 10-3-109, C.R.S., except for the publication requirements; 10-3-118, C.R.S.; 10-3-128, C.R.S.; 10-3-202, C.R.S.; 10-3-207, C.R.S.; 10-3-208, C.R.S. (1) and (2); 10-3-231, C.R.S.; 10-3-239, C.R.S.; ~~10-3-241, C.R.S.~~; 10-3-701, C.R.S.; and part 8 of article 3 of title 10, C.R.S., except as these sections are inconsistent with the provisions of this article.

SECTION 5. The introductory portion to 10-3-228 (1), Colorado Revised Statutes, is amended to read:

10-3-228. Collateral loans. (1) Domestic insurance companies may invest in collateral loans secured by the pledge of any one or more investments of the categories described in sections 10-3-215 to 10-3-217 and ~~10-3-223~~ to 10-3-225 AND 10-3-226, subject to the following provisions:

SECTION 6. The introductory portion to 10-3-230 (1), Colorado Revised Statutes, is amended to read:

10-3-230. Additional investments. (1) Domestic insurance companies may invest in any additional investments, except items specifically defined in this title (except part 7 of article 4 and article 15), article 7 of title 12, and article 14 of title 24, C.R.S., ~~as nonadmitted assets and investments prohibited by section 10-3-241,~~ without regard to any limitation, condition, restriction, or exclusion set forth in sections 10-3-215 to 10-3-229 and 10-3-242, and regardless of whether the same or a similar type of investment has been included in or omitted from any such section, subject to the following provisions:

SECTION 7. 10-3-235 (1) and (2), Colorado Revised Statutes, are amended to read:

10-3-235. Certain admitted assets deemed securities for deposit purposes.

(1) For purposes of the minimum capital or guaranty fund deposit required by section 10-3-201, the following admitted assets shall be deemed to be securities eligible for such deposit: Any asset qualified as an admitted asset under sections 10-3-215 to 10-3-217 and ~~10-3-223 to~~ 10-3-225.

(2) For purposes of optional reserve deposits permitted by section ~~10-7-101(4)~~ 10-7-101 (3) or other deposits permitted but not required by this title (except part 7 of article 4 and article 15), article 7 of title 12, and article 14 of title 24, C.R.S., the following admitted assets, in addition to those referred to in subsection (1) of this section, shall be deemed to be securities eligible for such deposits: Any asset qualified as an admitted asset under section 10-3-220 or 10-3-226 to 10-3-228, and any life insurance policy, ~~referred to in section 10-1-102 (1.5) (i);~~ to the extent of the company's interest in the cash value thereof.

SECTION 8. 10-3-237 (2), Colorado Revised Statutes, is amended to read:

10-3-237. Assets acquired under prior law. (2) Notwithstanding any other provision of this title (except part 7 of article 4 and article 15), article 7 of title 12, and article 14 of title 24, C.R.S., any asset held by a company on May 31, 1969, which is not an admitted asset under section 10-1-102 (1.5), ~~(a) to (1.5) (r);~~ sections 10-3-215 to 10-3-229, or subsection (1) of this section, and which did not meet the requirements of the law in effect immediately prior to such date for an investment of the company's reserves, paid-up capital stock, and other liabilities, but which, under such law, would have been taken into account as an asset in determining the surplus of the company, shall be taken into account as an admitted asset at all times at which the company has aggregate admitted assets under section 10-1-102 (1.5), ~~(a) to (1.5) (r);~~ sections 10-3-215 to 10-3-229, and subsection (1) of this section in an amount at least equal to the total of its reserves, paid-up capital stock, and all other liabilities.

SECTION 9. 11-35-101.5 (1), Colorado Revised Statutes, is amended to read:

11-35-101.5. Irrevocable letter of credit permitted - requirements.

(1) Where there is the requirement of either an irrevocable letter of credit or a bond as a condition to licensure in sections 12-16-106 (1) and 12-16-218 (1), C.R.S., or where an irrevocable letter of credit is permitted as an alternative to a surety bond, evidence of a savings account, deposit, or certificate of deposit meeting the requirements of section 11-35-101, as a condition to licensure or authority to conduct business or perform duties in this state, provided in sections 12-11-101 (1) (d), 12-11-104, 12-11-106, 12-16-105 (5), 12-16-106 (1) (a), 12-16-218 (1) (a), 33-4-101 (1), 33-12-104 (1), 37-91-107 (2), and ~~39-27-104.5~~ 39-27-104 (2.1) (c), C.R.S., the requirement shall be satisfied by an irrevocable letter of credit issued by a state or national bank or a state or federal savings and loan association doing business in this state. The requirement shall also be satisfied by an irrevocable letter of credit issued by the bank or banks for cooperatives which are organized pursuant to federal statutes and which serve the region in which the state of Colorado is located. Such letter of credit shall be in an amount specified by statute, if any, and shall name the appropriate state agency as beneficiary, in favor of the people of the

state of Colorado.

SECTION 10. 12-22-303 (9), Colorado Revised Statutes, is amended to read:

12-22-303. Definitions. As used in this part 3, unless the context otherwise requires:

(9) "Department" means the department of ~~public health and environment~~ HUMAN SERVICES.

SECTION 11. The introductory portion to 12-28-111 (1) and 12-28-111 (2), Colorado Revised Statutes, are amended to read:

12-28-111. Denial, suspension, or revocation of or refusal to renew license.

(1) The EXECUTIVE director of the department of public safety may deny, suspend, revoke, or refuse to renew any license issued or applied for under the provisions of this article for any of the following reasons:

(2) Such revocation or suspension proceedings shall be brought by the Colorado EXECUTIVE director of the department of public safety pursuant to the provisions of the "State Administrative Procedure Act", article 4 of title 24, C.R.S.

SECTION 12. 12-35-110 (1) (b), Colorado Revised Statutes, is amended to read:

12-35-110. What constitutes practicing dentistry. (1) A person shall be deemed to be practicing dentistry if, in the course of legitimate professional practice, such person:

(b) Is a proprietor of a place where dental operation, oral surgery, or dental diagnostic or therapeutic services are performed; except that nothing in this section shall be construed as prohibiting a dental hygienist or dental auxiliary from performing those tasks and procedures consistent with section 12-35-125 (2); ~~and (3);~~

SECTION 13. 12-47-310 (1), Colorado Revised Statutes, is amended to read:

12-47-310. Optional premises license - local option. (1) No optional premises license, or optional premises permit for a hotel and restaurant license, as defined in section ~~12-47-103 (21)~~ 12-47-103 (22) (a), shall be issued within any municipality or the unincorporated portion of any county unless the governing body of the municipality has adopted by ordinance, or the governing body of the county has adopted by resolution, specific standards for the issuance of optional premises licenses or for optional premises for a hotel and restaurant license. No municipality or county shall be required to adopt such standards or make such licenses available within its jurisdiction.

SECTION 14. 12-47-901 (5) (a) (I), Colorado Revised Statutes, is amended to read:

12-47-901. Unlawful acts - exceptions. (5) It is unlawful for any person licensed to sell at retail pursuant to this article:

(a) (I) To sell an alcohol beverage to any person under the age of twenty-one years, to a habitual drunkard, or to a visibly intoxicated person, or to permit any alcohol beverage to be sold or dispensed by a person under eighteen years of age, or to permit any such person to participate in the sale or dispensing thereof. If a person who, in fact, is not twenty-one years of age exhibits a fraudulent proof of age, any action relying on such fraudulent proof of age shall not constitute grounds for the revocation or suspension of any license issued under this article or article 46 of this title. Notwithstanding any provision in this subparagraph (I) to the contrary, no person under twenty-one years of age shall be employed to sell or dispense malt, vinous, or spirituous liquors unless he or she is supervised by another person who is on premise and has attained twenty-one years of age. No employee of a tavern licensed pursuant to section 12-47-412, that does not regularly serve meals as defined in section ~~12-47-103 (19)~~ 12-47-103 (20), or a retail liquor store shall sell malt, vinous, or spirituous liquors unless such person is at least twenty-one years of age.

SECTION 15. 12-47.1-301 (1) (a), Colorado Revised Statutes, is amended to read:

12-47.1-301. Colorado limited gaming control commission - creation.

(1) There is hereby created, within the division of gaming, the Colorado limited gaming control commission. The commission shall consist of five members, all of whom shall be citizens of the United States and residents of this state who have been residents of the state for the past five years. The members shall be appointed by the governor, with the consent and approval of the senate. No member shall have been convicted of a felony or gambling-related offense, notwithstanding the provisions of section 24-5-101, C.R.S. No more than three of the five members shall be members of the same political party and no more than one member shall be from any one congressional district. At the first meeting of each fiscal year, a chairman and vice-chairman of the commission shall be chosen from the membership by a majority of the members. Membership and operation of the commission shall additionally meet the following requirements:

(a) One member of the commission shall have had at least five years' law enforcement experience as a peace officer ~~qualified~~ CERTIFIED pursuant to section ~~24-31-306 (1)~~ 24-31-305, C.R.S.; one member shall be an attorney admitted to the practice of law in Colorado for not less than five years and who has experience in regulatory law; one member shall be a certified public accountant or public accountant who has been practicing in Colorado for at least five years and who has a comprehensive knowledge of the principles and practices of corporate finance; one member shall have been engaged in business in a management-level capacity for at least five years; and one member shall be a registered elector of the state who is not employed in any profession or industry otherwise described in this paragraph (a).

SECTION 16. Repeal. 12-47.1-835 (1) (d), Colorado Revised Statutes, is repealed as follows:

12-47.1-835. Financial interest restrictions. (1) No manufacturer or distributor of slot machines or associated equipment shall knowingly, without notification being provided to the division within ten days:

(d) ~~Allow any operator or any person with a substantial interest therein, to have~~

an interest directly or indirectly in the business;

SECTION 17. 16-5-402 (4) (b), Colorado Revised Statutes, is amended to read:

16-5-402. Limitation for collateral attack upon trial judgment. (4) For purposes of this section:

(b) "Juvenile" means a child as defined in section ~~19-1-103 (8)~~ 19-1-103 (18), C.R.S.

SECTION 18. 16-11-101.6 (5), Colorado Revised Statutes, is amended to read:

16-11-101.6. Collection of fines and fees - methods - charges. (5) During any period of time that a defendant is a state ~~prisoner~~ INMATE as defined in section 17-1-102 (8), C.R.S., the superintendent of the correctional facility to which such defendant is assigned, or his or her designee, may fix the manner and time of payment of fines and fees and may direct that a portion of the wages of such defendant under section 17-24-122 (3), C.R.S., or compensation under section 17-24-114, C.R.S., be applied to any unpaid fines or fees.

SECTION 19. 16-11.8-102 (2), Colorado Revised Statutes, is amended to read:

16-11.8-102. Definitions. As used in this article, unless the context otherwise requires:

(2) "Domestic violence offender" means any person who on or after January 1, 2001, has been convicted of, ~~plead~~ PLED guilty to, or received a deferred judgment or deferred prosecution for any domestic violence offense as defined in subsection (3) of this section.

SECTION 20. 16-18.5-106 (2), Colorado Revised Statutes, is amended to read:

16-18.5-106. Restitution for persons sentenced to the department of corrections. (2) During any period of time that a defendant is a state ~~prisoner~~ INMATE, as defined in section 17-1-102 (8), C.R.S., the executive director of the department of corrections, or his or her designee, may fix the time and manner of payment of restitution and may direct that a portion of the deposits into such inmate's bank account be applied to any unpaid restitution. At a minimum, the executive director shall order that twenty percent of all deposits into an inmate's bank account, including deposits for inmate pay shall be deducted and paid toward any outstanding order from a criminal case or for child support. If an inmate owes money on more than one order from a criminal case or for child support, the executive director may equitably apportion payments among the outstanding obligations.

SECTION 21. 17-2-106 (3), Colorado Revised Statutes, is amended to read:

17-2-106. Branch parole offices - acquisition - duty to inform public. (3) Nothing in this section shall be construed to hinder or prohibit the department of corrections, division of adult parole, from engaging in the selection or the ~~final~~ ACTUAL acquisition of any site to operate as a branch parole office that the department or division determines will best enable the division to perform and

exercise its duties and powers under this title.

SECTION 22. 17-2-201 (5) (g) (I) and (5.8), Colorado Revised Statutes, are amended to read:

17-2-201. State board of parole. (5) (g) (I) As a condition of parole, the board shall require any offender convicted of or who ~~plead~~ PLED guilty or nolo contendere to an offense for which the factual basis involved a sexual assault as defined in part 4 of article 3 of title 18, C.R.S., to submit to chemical testing of his or her blood to determine the genetic markers thereof and to chemical testing of his or her saliva to determine the secretor status thereof. Such testing shall occur prior to the offender's release from incarceration, and the results thereof shall be filed with and maintained by the Colorado bureau of investigation. The results of such tests shall be furnished to any law enforcement agency upon request.

(5.8) Notwithstanding the ~~provision~~ PROVISIONS of subsection (5.7) of this section, if, as a condition of parole, an offender who was convicted of or ~~plead~~ PLED guilty to an offense involving unlawful sexual behavior, as defined in section 18-3-412.5, C.R.S., is required to undergo counseling or treatment, such treatment or counseling shall be at a facility or with a person listed in subsection (5.7) of this section and the parole board may not determine treatment at another facility or with another person is warranted.

SECTION 23. Repeal. 19-1-311, Colorado Revised Statutes, is repealed.

SECTION 24. 22-7-205 (1) and (2), Colorado Revised Statutes, are amended to read:

22-7-205. Local goals and objectives and plans to improve educational achievement and graduation rates. (1) No later than June 15, 1989, and then no later than September 1, 1990, and September 1 of each year thereafter, the ~~advisory accountability committee~~ SCHOOL ADVISORY COUNCIL for each school building in the state shall adopt high, but achievable, goals and objectives for the improvement of education in its building and shall adopt a plan to improve educational achievement in the school, to implement methods of maximizing graduation rates from the secondary schools of the district, and to increase the ratings for the school's accreditation category established pursuant to section 22-11-202. Each building's goals and objectives and plan shall be reviewed by the district ~~advisory~~ accountability committee before its submission to the board of education of the district. Procedures for the implementation of the plan shall be included in the budget submitted to the board of education pursuant to section 22-44-108.

(2) After consultation with the district ~~advisory~~ accountability committee and review of its recommendations, the board of education shall compile school building goals and objectives and plans and shall report a district's high, but achievable, goals and objectives for the improvement of education in the district and a district plan to improve educational achievement, maximize graduation rates, and increase the ratings for the school's accreditation category established pursuant to section 22-11-202. Such report shall be made available to the public no later than October 1, 1989, and October 1 of each year thereafter.

SECTION 25. 22-7-207, Colorado Revised Statutes, is amended to read:

22-7-207. School advisory councils - recommendations - prioritization of school expenditures. In addition to any other duties and powers provided for by law, the ~~advisory accountability committee~~ SCHOOL ADVISORY COUNCIL for each school building in the state shall make recommendations to the chief executive officer of the school relative to the prioritization of expenditures of school district moneys by such school. In addition, a copy of such recommendations shall be sent to the ~~advisory~~ accountability committee of the school district and to the board of education of such school district. The chief executive officer shall consider such recommendations made by the school ~~building accountability committee~~ ADVISORY COUNCIL in formulating budget requests to be presented to the board of education.

SECTION 26. 22-7-407 (1), (4), and (5), Colorado Revised Statutes, are amended to read:

22-7-407. Adoption of content standards by districts. (1) In accordance with timelines adopted by the board pursuant to section 22-7-406 (2), but not later than January 1, 1997, each district shall adopt first priority content standards in the areas of reading, writing, mathematics, science, history, and geography which meet or exceed the state model content standards adopted pursuant to section 22-7-406 (1). In accordance with timelines adopted by the state board, districts shall also adopt second priority content standards in the areas of art, music, physical education, foreign languages, economics, and civics. Content standards may be adopted for each grade level or may be adopted for groupings of grade levels. In adopting content standards, each district shall seek input from and shall work in cooperation with educators, parents, students, business persons, members of the general community who are representative of the cultural diversity of the district, and the district's ~~advisory~~ accountability committee created pursuant to section 22-7-104.

(4) Following adoption of content standards pursuant to this section, each district shall review and revise such content standards as necessary to maintain maximum effectiveness. In revising such content standards, each district shall seek recommendations from and shall work in cooperation with educators, parents, students, business persons, members of the general community who are representative of the cultural diversity of the district, and the district's ~~advisory~~ accountability committee created pursuant to section 22-7-104.

(5) Following adoption of content standards, each school district shall, through written materials and public meetings, inform parents of students enrolled in such district of the application and effect of such content standards and standards-based education, including how students' progress in achieving content standards will be measured and how parents will be informed of such progress. Such information shall also be provided to the district ~~advisory~~ accountability committee and the ~~building~~ SCHOOL advisory ~~accountability committees~~ COUNCILS within such district.

SECTION 27. 22-25-106 (1) and (2), Colorado Revised Statutes, are amended to read:

22-25-106. Local comprehensive health education programs - establishment of comprehensive health education advisory councils. (1) Each school district

and board of cooperative services may and is encouraged to establish a local comprehensive health education program. To ensure that a local comprehensive health education program reflects the health issues and values of the community, each school district or board of cooperative services may establish a comprehensive health education advisory council, or may add necessary representatives to the school district's ~~advisory~~ accountability committee created pursuant to section 22-7-104 (1) or other appropriate committee, to address and make recommendations to the school district or board of cooperative services concerning the curriculum of the local comprehensive health education program.

(2) In establishing a comprehensive health education advisory council or in supplementing an ~~advisory~~ accountability committee or other appropriate committee, the board of a school district or board of cooperative services is encouraged to appoint members of the community who represent various points of view within the school district concerning comprehensive health education; however, a majority of the committee shall be comprised of parents of children enrolled in the district. Members may include, but shall not be limited to, parents, a member of the clergy, teachers, school administrators, pupils, health care professionals, members of the business community, law enforcement representatives, senior citizens, and other interested residents of the school district.

SECTION 28. 22-30-106 (2) (a), Colorado Revised Statutes, is amended to read:

22-30-106. School organization planning committee. (2) The committee shall consist of the following appointed members:

(a) (I) If multiple school districts are involved in the study, two members appointed by the board of education in each school district affected by the study and one member appointed by the school district ~~advisory~~ accountability committee of each school district affected by the study. Such member shall be a parent of a child attending a public school in the affected area; except that, if there are no public schools in the affected area, the member shall reside in the affected area and be a parent of a child attending a public school in one of the affected school districts. If no such parent resides in the affected area, the member shall be a person owning land located in the affected area.

(II) If a single school district is involved in the study, four members appointed by the school district board of education and three members appointed by the school district ~~advisory~~ accountability committee. The members appointed by the school district ~~advisory~~ accountability committee shall be parents of children attending public school in the affected area and members of school ~~building~~ advisory ~~accountability committees~~ COUNCILS; except that, if there are no public schools in the affected area, three of the members shall reside in the affected area and shall be parents of children attending public schools in the affected school district. If fewer than three such parents reside in the affected area, the remaining members shall be persons owning land located in the affected area.

SECTION 29. Repeal. 22-30.5-306 (5) (b), Colorado Revised Statutes, is repealed as follows:

22-30.5-306. Independent charter schools - charter - term. (5) (b) ~~If, during~~

~~the first two years of the independent charter, the independent charter school receives an academic performance rating of "low" pursuant to section 22-7-604 (5), the independent charter school shall not be subject to the provisions of section 22-7-608 that require appointment of an assessment team for low-performing schools.~~

SECTION 30. The introductory portions to 22-32-109.1 (2) and (9) (d), Colorado Revised Statutes, are amended to read:

22-32-109.1. Board of education - specific powers and duties - safe schools.

(2) **Safe school plan.** In order to provide a learning environment that is safe, conducive to the learning process, and free from unnecessary disruption, following consultation with the school district accountability committee and school advisory councils, ~~or school accountability committee, whichever is applicable;~~ parents, teachers, administrators, students, student councils where available, and, where appropriate, the community at large, each school district board of education shall adopt and implement a safe school plan, or review and revise, if necessary, any existing plans or policies already in effect, which shall include, but not be limited to, the following:

(9) **Immunity.** (d) An act of a teacher or any other person shall not be considered child abuse pursuant to sections 18-6-401 (1) and ~~19-3-303 (1)~~ 19-1-103 (1), C.R.S., if:

SECTION 31. 22-32-119 (2) (a), Colorado Revised Statutes, is amended to read:

22-32-119. Kindergartens - repeal. (2) (a) On and after May 29, 2001, but prior to July 1, 2006, a board of education may establish and maintain full-day kindergarten educational programs, in addition to any other full-day kindergarten educational programs existing on or before May 29, 2001, to serve those students who attend a school that received an academic performance ~~grade~~ RATING of "F" "UNSATISFACTORY" pursuant to section 22-7-604 (5) for the previous school year.

SECTION 32. 22-54-103 (1.5) (b) (III), Colorado Revised Statutes, is amended to read:

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

(1.5) (b) For purposes of this subsection (1.5):

(III) "District pupils eligible for free lunch" means the number of pupils included in the district pupil enrollment who are eligible for free lunch pursuant to the provisions of the federal "National School Lunch Act", 42 U.S.C. SEC. 1751 ET SEQ.

SECTION 33. The introductory portion to 22-60.5-201 (1) (c) (I), Colorado Revised Statutes, is amended to read:

22-60.5-201. Types of teacher licenses issued - term. (1) The department of education is designated as the sole agency authorized to issue the following teacher licenses to persons of good moral character:

(c) **Professional teacher license.** (I) Except as otherwise provided in subparagraphs (II) and (II.5) of this paragraph (c), ~~and section 22-60.5-113~~; the department of education may, in its discretion, issue a professional teacher license to any applicant who:

SECTION 34. The introductory portion to 22-60.5-210 (1) (b) (I), Colorado Revised Statutes, is amended to read:

22-60.5-210. Types of special services licenses issued - term. (1) The department of education is designated as the sole agency authorized to issue the following types of special services licenses to persons of good moral character:

(b) **Professional special services license.** (I) ~~Except as otherwise provided in section 22-60.5-113~~; The department of education may, in its discretion, issue a professional special services license to any applicant who:

SECTION 35. The introductory portion to 22-60.5-301 (1) (b) (I), Colorado Revised Statutes, is amended to read:

22-60.5-301. Types of principal licenses issued - term. (1) The department of education is designated as the sole agency authorized to issue the following principal licenses to persons of good moral character:

(b) **Professional principal license.** (I) ~~Except as otherwise provided in section 22-60.5-113~~; The department of education may, in its discretion, issue a professional principal license to any applicant who:

SECTION 36. The introductory portion to 22-60.5-306 (1) (b) (I), Colorado Revised Statutes, is amended to read:

22-60.5-306. Types of administrator licenses issued - term. (1) The department of education is designated as the sole agency authorized to issue the following types of administrator licenses to persons of good moral character:

(b) **Professional administrator license.** (I) ~~Except as otherwise provided in section 22-60.5-113~~; The department of education may, in its discretion, issue a professional administrator license to any applicant who:

SECTION 37. 23-1-113.3 (1) and (2) (a), Colorado Revised Statutes, are amended to read:

23-1-113.3. Commission directive - basic skills courses. (1) On or before September 1, 2000, the commission shall adopt and the governing boards shall implement standards and procedures whereby basic skills courses, as defined in section 23-1-113 ~~(4)~~ ~~(e)~~ (1) (b) (II) (A.7), may be offered by state institutions of higher education pursuant to this section.

(2) (a) Adams state college, Mesa state college, any local community college, and any community college governed by the state board for community colleges and occupational education may offer and receive course-reimbursement payments from the state for basic skills courses, as defined in section 23-1-113 ~~(4)~~ ~~(e)~~ (1) (b) (II)

(A.7).

SECTION 38. 23-61.5-112 (1) (b), Colorado Revised Statutes, is amended to read:

23-61.5-112. Additions to district - procedure. (1) If any part of the area designated by the state board for community colleges and occupational education as an area to be served by an area vocational school desires to be annexed to an existing area vocational district, it may do so by the following procedure:

(b) By obtaining approval of the eligible electors residing in the part of the designated area desiring to be annexed voting on the question of annexation at a regular biennial school election. The election shall be called only upon the filing of a petition for inclusion with the county clerk and recorder of the county in which the part is located or with the county clerk and recorder of each county in which a part is located if the part is located in more than one county. The petition shall be signed by ten percent of the eligible electors who reside in the part. The provisions of sections ~~23-61.5-103~~ to 23-61.5-104 AND 23-61.5-106 shall apply to the election. If more than a majority of all votes cast at the election are in favor of the inclusion, the part shall be included in the area vocational district.

SECTION 39. 24-1-120 (5) (c), (6) (d), and (8), Colorado Revised Statutes, are amended to read:

24-1-120. Department of human services - creation. (5) The department of human services shall include the following:

(c) The Colorado state veterans nursing homes, created by ~~part 4~~ PART 2 of article 12 of title 26, C.R.S., which are transferred by a **type 2** transfer to the department of human services;

(6) The department shall consist of the following divisions:

(d) The division of alcohol and drug abuse, created pursuant to ~~part 1~~ PART 2 of article 1 of title 25, C.R.S. The division of alcohol and drug abuse and its powers, duties, and functions, including the powers, duties, and functions relating to the alcohol and drug driving safety program specified in section 42-4-1301 (10), C.R.S., are transferred by a **type 2** transfer to the department of human services.

(8) The state ~~planning~~ council on developmental disabilities, created by part 2 of article 10.5 of title 27, C.R.S., and its powers, duties, and functions are transferred by a **type 1** transfer to the department of human services.

SECTION 40. 24-30-1606 (3), Colorado Revised Statutes, is amended to read:

24-30-1606. Department of personnel computer services revolving fund - service charges - pricing. (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 department of personnel. Agencies are encouraged to seek competitive bids from the private sector pursuant to subsection (1) of this section. If

the 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~~ PART 2 OF ARTICLE 37.5 OF THIS TITLE.

SECTION 41. 24-32-111 (1), Colorado Revised Statutes, is amended to read:

24-32-111. Statewide program for identification of matters of state interest as part of local land use planning. (1) The department of local affairs shall conduct a statewide program encouraging counties and municipalities to prepare, as a part of the comprehensive plan provided for in section 30-28-106 and ~~part 3~~ PART 2 of article 23 of title 31, C.R.S., a complete and detailed identification and designation of all matters of state interest within each county by June 30, 1976. The general assembly shall appropriate funds for this purpose to the department of local affairs for distribution to participating counties. Each county desiring to participate in the identification and designation of matters of state interest program established by this section shall be allocated an equal amount by the department of local affairs from the funds so appropriated, to be expended by each county separately or through an organized group of counties or counties and municipalities. The department of local affairs, in cooperation with applicable state agencies, shall establish reasonable standards relative to the scope, detail, and accuracy of the program and shall insure that all information is comparable for each county. Each county shall, after consultation with the municipality, prepare such identification and designation for territory located within these municipalities which request such preparation and in any municipality which fails to undertake an identification and designation of matters of state interest program. Each county shall, upon request of the municipality, assist the municipality in such program.

SECTION 42. Repeal. 24-34-104 (39) (a), Colorado Revised Statutes, is repealed as follows:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (39) (a) ~~The following agencies, functions, or both, shall terminate on July 1, 2000: The function of the commission on domestic violence in the judicial department of certifying and setting standards for domestic violence treatment programs in accordance with sections 18-6-802 and 18-6-803, C.R.S.~~

SECTION 43. 24-72-302 (4), Colorado Revised Statutes, is amended to read:

24-72-302. Definitions. As used in this part 3, unless the context otherwise requires:

(4) "Criminal justice records" means all books, papers, cards, photographs, tapes, recordings, or other documentary materials, regardless of form or characteristics, that are made, maintained, or kept by any criminal justice agency in the state for use in the exercise of functions required or authorized by law or administrative rule, including but not limited to the results of chemical blood testing to determine genetic markers conducted pursuant to sections 16-11-102.3, 16-11-104, 16-11-204.3, 16-11-308 (4.5), 17-2-201 (5) (h), ~~and (5) (i);~~ and 17-22.5-202 (3) (b.5) (II) and (3.5), C.R.S.

SECTION 44. 24-72-305 (1.5), Colorado Revised Statutes, is amended to read:

24-72-305. Allowance or denial of inspection - grounds - procedure - appeal. (1.5) On the ground that disclosure would be contrary to the public interest, the custodian of criminal justice records shall deny access to the results of chemical blood testing to determine the genetic markers conducted pursuant to sections 16-11-102.3, 16-11-104, 16-11-204.3, 16-11-308 (4.5), 17-2-201 (5) (h), ~~and (5) (i)~~; and 17-22.5-202 (3) (b.5) (II) and (3.5), C.R.S.

SECTION 45. 25-1-107 (1) (x) (VII) (C.5), Colorado Revised Statutes, is amended to read:

25-1-107. Powers and duties of the department - repeal. (1) The department has, in addition to all other powers and duties imposed upon it by law, the following powers and duties:

(x) (VII) Except as otherwise provided in the federal "Safe Drinking Water Act", the provisions of this section shall apply to each public water system in this state; except that the provisions of this section shall not apply to a public water system that:

(C.5) Does not authorize incidental use of untreated water; AND

SECTION 46. 26-6-305 (1) (c), Colorado Revised Statutes, is amended to read:

26-6-305. Child care commission - duties. (1) The commission shall have the following duties:

(c) To continue the study of criminal HISTORY background checks of child care providers; ~~including reviewing the report of the pilot study established pursuant to section 26-6-115;~~

SECTION 47. 27-10.5-102 (11) (a), Colorado Revised Statutes, is amended to read:

27-10.5-102. Definitions. As used in this article, unless the context otherwise requires:

(11) (a) "Developmental disability" means a disability that is manifested before the person reaches twenty-two years of age, which constitutes a substantial disability to the affected individual, and is attributable to mental retardation or related conditions which include cerebral palsy, epilepsy, autism, or other neurological conditions when such conditions result in impairment of general intellectual functioning or adaptive behavior similar to that of a person with mental retardation. Unless otherwise specifically stated, the federal definition of "developmental disability" found in ~~42 U.S.C. sec. 6000 et seq.~~ 42 U.S.C. SEC. 15001 ET SEQ. shall not apply.

SECTION 48. 27-10.5-201, Colorado Revised Statutes, is amended to read:

27-10.5-201. Legislative declaration. The general assembly finds that state and local agencies provide a variety of services and supports to persons with

developmental disabilities including institutional care, residential, social, and income maintenance services, diagnostic and health-related services, and educational and other programs. Because these services and supports are supported by many diverse agencies and organizations and because congress, through the federal "Developmental Disabilities Services and Facilities Construction Act", and amendments thereto, has called for the establishment of state ~~planning~~ councils to provide coordination and planning in the field of developmental disabilities, the general assembly declares that there is need to establish a state ~~planning~~ council on developmental disabilities to be responsible for the coordination of services and supports to the persons with developmental disabilities and to serve as an advocate for such persons. The general assembly further finds that there is need to carefully define the duties and responsibilities of a state ~~planning~~ council on developmental disabilities.

SECTION 49. The introductory portion to 27-10.5-202 (1) and 27-10.5-202 (1) (d) and (3), Colorado Revised Statutes, are amended to read:

27-10.5-202. Definitions. As used in this part 2, unless the context otherwise requires:

(1) "Developmental disability" means a severe, chronic disability of a person ~~five~~ NINE years of age or older which:

(d) Reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services and supports which are of lifelong or extended duration and are individually planned and coordinated; except that such term when applied to infants and young children means individuals from birth to age ~~five~~ NINE years, inclusive, who have substantial developmental delay or specific congenital or acquired conditions with a high probability of resulting in developmental disabilities if services or supports are not provided.

(3) "State ~~planning~~ council" means the Colorado developmental disabilities ~~planning~~ council established pursuant to section 27-10.5-203.

SECTION 50. 27-10.5-203 (1), (2), and (3), the introductory portions to 27-10.5-203 (4) and (5), and 27-10.5-203 (6) and (7), Colorado Revised Statutes, are amended to read:

27-10.5-203. Establishment of state council. (1) There is hereby created, within the office of the executive director of the department of human services, the Colorado developmental disabilities ~~planning~~ council. The powers, duties, and functions of the state ~~planning~~ council are transferred by a **type 1** transfer, as such transfer is defined by the "Administrative Organization Act of 1968", article 1 of title 24, C.R.S., to the department of human services. The state ~~planning~~ council shall operate in accordance with the federal ~~"Developmental Disabilities Assistance and Bill of Rights Act of 1990", 42 U.S.C. sec. 6000 et seq.~~ "DEVELOPMENTAL DISABILITIES ASSISTANCE AND BILL OF RIGHTS ACT OF 2000", 42 U.S.C. SEC. 15001 ET SEQ.

(2) The state ~~planning~~ council shall consist of twenty-four members appointed by the governor for three-year terms; except that of the members first appointed, one-third shall be appointed for one-year terms, one-third shall be appointed for

two-year terms, and one-third shall be appointed for three-year terms. Vacancies shall be filled by appointment for the unexpired term.

(3) The state ~~planning~~ council shall at all times include in its membership representatives of the principal state agencies, including the state agency that administers funds provided under the federal "Rehabilitation Act of 1973", the state agency that administers funds provided under the federal "Individuals with Disabilities Education Act", the state agency that administers funds provided under the federal "Older Americans Act of 1965", and the state agency that administers funds provided under ~~Title~~ TITLES V AND XIX of the federal "Social Security Act" for persons with developmental disabilities; ~~higher education training facilities; each university-affiliated program or satellite center in the state~~ UNIVERSITY CENTERS FOR EXCELLENCE IN DEVELOPMENTAL DISABILITIES EDUCATION, RESEARCH, AND SERVICE; nongovernmental agencies; and private nonprofit groups concerned with services and supports for persons with developmental disabilities.

(4) At least one-half of the membership of the state ~~planning~~ council shall consist of persons who:

(5) Of the members of the state ~~planning~~ council described in subsection (4) of this section:

(6) Members of the state ~~planning~~ council shall serve without compensation but shall be entitled to reimbursement for their expenses while attending regular and special meetings of the state ~~planning~~ council.

(7) The state ~~planning~~ council shall operate in accordance with bylaws adopted by a quorum of its membership.

SECTION 51. 27-10.5-204, Colorado Revised Statutes, is amended to read:

27-10.5-204. Development of the state plan. The state ~~planning~~ council shall develop a FIVE-YEAR state plan for developmental disabilities ~~at least once every three years~~ in accordance with the federal "~~Developmental Disabilities Assistance and Bill of Rights Act of 1990~~", 42 U.S.C. sec. 6000 "~~DEVELOPMENTAL DISABILITIES ASSISTANCE AND BILL OF RIGHTS ACT OF 2000~~", 42 U.S.C. SEC. 15024. The state plan shall include establishment of goals and priorities for meeting the needs of persons with developmental disabilities, including recommendations concerning state program operations and funding for a comprehensive system of services and supports to persons with developmental disabilities. The state plan shall be prepared in compliance with federal requirements and shall designate the state agency responsible for administration of the state plan. The state ~~planning~~ council shall submit the state plan to the governor for approval.

SECTION 52. The introductory portion to 27-10.5-205 (1), Colorado Revised Statutes, is amended to read:

27-10.5-205. Powers and duties. (1) The state ~~planning~~ council shall:

SECTION 53. 27-10.5-206, Colorado Revised Statutes, is amended to read:

27-10.5-206. State council employees. Subject to available appropriations, the executive director of the department of human services may employ such personnel as are required by the state ~~planning~~ council, pursuant to the provisions of section 13 of article XII of the state constitution. The executive director of the department of human services will appoint the staff director to the state ~~planning~~ council, accepting the recommendations of the council.

SECTION 54. 27-10.5-207, Colorado Revised Statutes, is amended to read:

27-10.5-207. Cooperation of departments. The departments of human services, public health and environment, and education shall cooperate with the state ~~planning~~ council in the development of and implementation of the recommendations made within the state plan. Said departments shall provide documents and other assistance requested by the state ~~planning~~ council or its representatives which are essential for the state ~~planning~~ council to meet its federal and state statutory requirements.

SECTION 55. 29-12.5-101 (2), Colorado Revised Statutes, is amended, and the said 29-12.5-101 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

29-12.5-101. Definitions. As used in this article:

(2) ~~"Utility cost-savings measure" means an installation, modification, or service that is designed to reduce energy consumption and related operating costs in buildings and other facilities and includes, but is not limited to, the following:~~

~~(a) Insulation in walls, roofs, floors, and foundations and in heating and cooling distribution systems;~~

~~(b) Storm windows and doors, multiglazed windows and doors, heat absorbing or heat reflective glazed and coated window and door systems, additional glazing, reductions in glass area, and other window and door system modifications that reduce energy consumption;~~

~~(c) Automatic energy control systems;~~

~~(d) Heating, ventilating, or air conditioning and distribution system modifications or replacements in buildings or central plants;~~

~~(e) Caulking and weatherstripping;~~

~~(f) Replacement or modification of lighting fixtures to increase the energy efficiency of the system without increasing the overall illumination of a facility unless such increase in illumination is necessary to conform to the applicable building code for the proposed lighting system;~~

~~(g) Energy recovery systems;~~

~~(h) Cogeneration systems that produce steam or forms of energy such as heat, as well as electricity, for use primarily within a building or complex of buildings; or~~

- ~~(i) Renewable energy and alternate energy systems;~~
- ~~(j) Devices that reduce water consumption or sewer charges;~~
- ~~(k) Changes in operation and maintenance practices;~~
- ~~(l) Procurement of low-cost energy supplies of all types, including electricity, natural gas, and other fuel sources, and water;~~
- ~~(m) Indoor air quality improvements that conform to applicable building code requirements;~~
- ~~(n) Daylighting systems;~~
- ~~(o) Building operation programs that reduce utility and operating costs including, but not limited to, computerized energy management and consumption tracking programs, staff and occupant training, and other similar activities;~~
- ~~(p) Services to reduce utility costs by identifying utility errors and optimizing rate schedules;~~
- ~~(q) Any other modification, installation, or remodeling approved as a utility cost-savings measure by the board.~~

(9) "UTILITY COST-SAVINGS MEASURE" MEANS AN INSTALLATION, MODIFICATION, OR SERVICE THAT IS DESIGNED TO REDUCE ENERGY CONSUMPTION AND RELATED OPERATING COSTS IN BUILDINGS AND OTHER FACILITIES AND INCLUDES, BUT IS NOT LIMITED TO, THE FOLLOWING:

- (a) INSULATION IN WALLS, ROOFS, FLOORS, AND FOUNDATIONS AND IN HEATING AND COOLING DISTRIBUTION SYSTEMS;
- (b) STORM WINDOWS AND DOORS, MULTIGLAZED WINDOWS AND DOORS, HEAT ABSORBING OR HEAT REFLECTIVE GLAZED AND COATED WINDOW AND DOOR SYSTEMS, ADDITIONAL GLAZING, REDUCTIONS IN GLASS AREA, AND OTHER WINDOW AND DOOR SYSTEM MODIFICATIONS THAT REDUCE ENERGY CONSUMPTION;
- (c) AUTOMATIC ENERGY CONTROL SYSTEMS;
- (d) HEATING, VENTILATING, OR AIR CONDITIONING AND DISTRIBUTION SYSTEM MODIFICATIONS OR REPLACEMENTS IN BUILDINGS OR CENTRAL PLANTS;
- (e) CAULKING AND WEATHERSTRIPPING;
- (f) REPLACEMENT OR MODIFICATION OF LIGHTING FIXTURES TO INCREASE THE ENERGY EFFICIENCY OF THE SYSTEM WITHOUT INCREASING THE OVERALL ILLUMINATION OF A FACILITY UNLESS SUCH INCREASE IN ILLUMINATION IS NECESSARY TO CONFORM TO THE APPLICABLE BUILDING CODE FOR THE PROPOSED LIGHTING SYSTEM;
- (g) ENERGY RECOVERY SYSTEMS;

(h) COGENERATION SYSTEMS THAT PRODUCE STEAM OR FORMS OF ENERGY SUCH AS HEAT, AS WELL AS ELECTRICITY, FOR USE PRIMARILY WITHIN A BUILDING OR COMPLEX OF BUILDINGS;

(i) RENEWABLE ENERGY AND ALTERNATE ENERGY SYSTEMS;

(j) DEVICES THAT REDUCE WATER CONSUMPTION OR SEWER CHARGES;

(k) CHANGES IN OPERATION AND MAINTENANCE PRACTICES;

(l) PROCUREMENT OF LOW-COST ENERGY SUPPLIES OF ALL TYPES, INCLUDING ELECTRICITY, NATURAL GAS, AND OTHER FUEL SOURCES, AND WATER;

(m) INDOOR AIR QUALITY IMPROVEMENTS THAT CONFORM TO APPLICABLE BUILDING CODE REQUIREMENTS;

(n) DAYLIGHTING SYSTEMS;

(o) BUILDING OPERATION PROGRAMS THAT REDUCE UTILITY AND OPERATING COSTS INCLUDING, BUT NOT LIMITED TO, COMPUTERIZED ENERGY MANAGEMENT AND CONSUMPTION TRACKING PROGRAMS, STAFF AND OCCUPANT TRAINING, AND OTHER SIMILAR ACTIVITIES;

(p) SERVICES TO REDUCE UTILITY COSTS BY IDENTIFYING UTILITY ERRORS AND OPTIMIZING RATE SCHEDULES; OR

(q) ANY OTHER MODIFICATION, INSTALLATION, OR REMODELING APPROVED AS A UTILITY COST-SAVINGS MEASURE BY THE BOARD.

SECTION 56. 30-10-606 (6) (a) (II), Colorado Revised Statutes, is amended to read:

30-10-606. Coroner - inquiry, grounds - postmortem - jury - certificate of death. (6) (a) Notwithstanding the provisions of sections 12-43-218 and 13-90-107 (1) (d) or (1) (g), C.R.S., the coroner holding an inquest or investigation pursuant to this section has the authority to request and receive a copy of:

(II) Any information, record, or report related to treatment, consultation, counseling, or therapy services from any licensed psychologist, professional counselor, marriage and family therapist, social worker, ~~alcohol and drug abuse~~ ADDICTION counselor, or unlicensed psychotherapist if such report, record, or information is relevant to the inquest or investigation.

SECTION 57. 31-31-807 (4), Colorado Revised Statutes, is amended to read:

31-31-807. Death of member - survivor benefits. (4) In the event that a survivor benefit is payable for the benefit of more than one dependent child of the member pursuant to subparagraph ~~(H)~~ (III), (IV), or (V) of paragraph (b) of subsection (1) of this section and the dependent children reside in separate households from each other, the benefit shall be divided equally among the children.

SECTION 58. 35-7-102, Colorado Revised Statutes, is amended to read:

35-7-102. Agreement with the federal government. To the end that the situation may be speedily remedied, it is the duty of the department of agriculture, referred to in this part 1 as the "department", to enter into written agreements on behalf of the state with the ~~bureau of sport fisheries and wildlife of the United States department of the interior~~ FEDERAL AGENCY IN CHARGE OF RODENT CONTROL MATTERS, referred to in this ~~part 1~~ ARTICLE as the "bureau" "FEDERAL AGENCY", such agreements to define such procedure, in accordance with the provisions of this part 1, as they deem advisable and proper for the purpose of cooperating with ~~said bureau~~ THE FEDERAL AGENCY in the control and eradication within this state of the rodent pests mentioned in section 35-7-101.

SECTION 59. 35-7-103, Colorado Revised Statutes, is amended to read:

35-7-103. Fund. (1) For the purpose of carrying out the provisions of this part 1, there is hereby created the rodent pest control fund. To insure continuity of contractual relations with the ~~bureau of sport fisheries and wildlife of the United States department of the interior~~ FEDERAL AGENCY, said fund shall be permanent, and the same, together with all appropriations and all reimbursements or accretions thereto, from whatever source derived, is appropriated to carry out the purposes of this part 1.

(2) All disbursements from the fund shall be by warrants drawn by the controller upon itemized vouchers certified by ~~said bureau~~ THE FEDERAL AGENCY as to correctness and approved by the department which shall approve the vouchers for all lawful expenses incurred in carrying out the purposes of this part 1 and in accordance with the terms of any cooperative agreements entered into by the department with the ~~bureau~~ FEDERAL AGENCY.

SECTION 60. 35-7-104, Colorado Revised Statutes, is amended to read:

35-7-104. Cooperative agreements. Operations under the provisions of this part 1 for the control and eradication of rodent pests shall be in accordance with the approved procedure of the ~~bureau~~ FEDERAL AGENCY and in accordance with the terms of such agreements as shall be entered into by the department and the ~~bureau~~ FEDERAL AGENCY. To enable the department to carry out any such agreement or to perform the duties devolved upon the department in carrying out the purpose of this part 1, the department is authorized to enlist and pay the necessary expenses of volunteer agents and to employ and pay the salary and necessary expenses of such other agents as may be required to act in their behalf. To further enlarge and accelerate operation for the control of such rodent pests, the department, acting in conjunction with the ~~bureau~~ FEDERAL AGENCY, may enter into cooperative agreements with boards of county commissioners or with associations, corporations, or individuals owning land subject to or menaced by such infestations.

SECTION 61. 35-7-109, Colorado Revised Statutes, is amended to read:

35-7-109. Agreements with landowners. Owners of private lands may arrange, under written cooperative agreements with the department and the ~~bureau~~ FEDERAL AGENCY in charge of operations for the control and eradication of rodent pests on

their lands.

SECTION 62. 35-7-112 (2), Colorado Revised Statutes, is amended to read:

35-7-112. Eradication contracts required - procedure without contracts.

(2) If the owner, after ten days' written notice to him in person or by mail to his last known post office address, fails, neglects, or refuses to reimburse the department, or its agents, in the amount of such expenses, the department shall certify an itemized statement thereof, together with a description of such lands sufficient to identify the same to the board of county commissioners of the county wherein the same is situated. Thereupon, such an account shall be audited, allowed, and paid in like manner as provided in section 35-7-110. Public notices in this section provided for shall designate as accurately as may be the boundaries of the area to be treated; shall make specific reference to this statute and shall call upon all owners, known or unknown, of lands within the prescribed area to proceed at once to destroy the pests mentioned in such notice or to enter into cooperative agreements for their control or eradication; and shall designate reasonable times and places within or near such area where and when the ~~bureau~~ FEDERAL AGENCY, or other agents, and the department, or its agents, will be present for the purpose of entering into such cooperative agreements and proceeding with their execution.

SECTION 63. 35-7-117, Colorado Revised Statutes, is amended to read:

35-7-117. Record of poison purchased. The department, when acting in cooperation with the ~~bureau~~ FEDERAL AGENCY in rodent control operations through its officers, members, or authorized agents, may purchase and sell to landowners, lessees, contract holders, boards of county commissioners, and other cooperators strychnine and other poisons and supplies for rodent control. The department or its agents shall make and keep a record of all such sales made by showing the name and address of purchaser, date of purchase, and kind and amount of poison or rodent supplies purchased.

SECTION 64. 35-7-201 (2), Colorado Revised Statutes, is amended to read:

35-7-201. Control and eradication of rodents. (2) The boards of county commissioners of the several counties of this state are authorized to levy such taxes as are necessary to pay the obligations for rodent control work as authorized under this section and to put into operation any plan of procedure for the eradication of such rodent pests within their jurisdictions as in their discretion is deemed advisable; except that control operations under the provisions of this section shall be in accordance with the approved procedure of the ~~bureau of sport fisheries and wildlife of the United States department of the interior~~ FEDERAL AGENCY. The boards of county commissioners may solicit cooperation from the state board of stock inspection commissioners and the ~~bureau of sport fisheries and wildlife of the United States department of the interior,~~ FEDERAL AGENCY for the conduct of such rodent control work and may enter into cooperative agreements with the board of stock inspection commissioners and ~~said bureau~~ THE FEDERAL AGENCY for the furtherance of the rodent control work authorized under this section.

SECTION 65. 35-7-202 (3), Colorado Revised Statutes, is amended to read:

35-7-202. Control and eradication of predatory animals. (3) Control operations under the provisions of this section shall be in accordance with the approved procedure of the ~~bureau of sport fisheries and wildlife of the United States department of the interior~~ FEDERAL AGENCY. The boards of county commissioners may solicit cooperation from the state board of stock inspection commissioners and the ~~bureau of sport fisheries and wildlife of the United States department of the interior~~ FEDERAL AGENCY for the conduct of such predatory animal control work and may enter into cooperative agreements with the state board of stock inspection commissioners and ~~said bureau~~ THE FEDERAL AGENCY for the furtherance of the predatory animal control work authorized under this section.

SECTION 66. 39-3-101, Colorado Revised Statutes, is amended to read:

39-3-101. Legislative declaration - presumption of charitable purpose. The general assembly recognizes that only the judiciary may make a final decision as to whether or not any given property is used for charitable purposes within the meaning of the Colorado constitution; nevertheless, in order to guide members of the public and public officials alike in the making of their day-to-day decisions and to assist in the avoidance of litigation, the general assembly hereby finds, declares, and determines that the uses of property which are set forth in this ~~article~~ PART 1 as uses for charitable purposes benefit the people of Colorado and lessen the burdens of government by performing services which government would otherwise be required to perform. Therefore, property used for such purposes shall be presumed to be owned and used solely and exclusively for strictly charitable purposes and not for private gain or corporate profit, and, consequently, property used for such purposes is entitled to be exempt from the levy and collection of property tax pursuant to the provisions of this ~~article~~ PART 1 and the Colorado constitution. This legislative finding, declaration, determination, and presumption shall not be questioned by the administrator and shall be entitled to great weight in any and every court.

SECTION 67. The introductory portion to 39-3-109 (1), Colorado Revised Statutes, is amended to read:

39-3-109. Residential property - integral part of tax-exempt entities - charitable purposes - exemption - limitations. (1) Property, real and personal, which is owned and used solely and exclusively for strictly charitable purposes and not for private gain or corporate profit shall be exempt from the levy and collection of property tax if such property is residential and the structure and the land upon which such structure is located are used as an integral part of a church, an eleemosynary hospital, an eleemosynary licensed health care facility, a school, or an institution whose property is otherwise exempt from taxation pursuant to the provisions of this ~~article~~ PART 1 and which is not leased or rented at any time to persons other than:

SECTION 68. 39-3-136 (2), Colorado Revised Statutes, is amended to read:

39-3-136. Legislative declaration - taxation of exempt property - possessory interests. (2) Possessory interests in real or personal property that is exempt from taxation under this ~~article~~ PART 1 shall not be subject to property taxation unless specific statutory provisions have been enacted that direct the taxation of such possessory interests.

SECTION 69. 40-3-105 (2), Colorado Revised Statutes, is amended to read:

40-3-105. Free and reduced service or transportation prohibited - exceptions. (2) Except as otherwise provided in this section, no public utility shall charge, demand, collect, or receive a greater or lesser or different compensation for any product or commodity furnished or to be furnished, or for any service rendered or to be rendered, than the rates, tolls, rentals, and charges applicable to such product or commodity or service as specified in its schedules on file and in effect at the time, nor shall any such public utility refund or remit, directly or indirectly, in any manner or by any device, any portion of the rates, tolls, rentals, and charges so specified, nor extend to any corporation or person any form of contract or agreement or rule or regulation or any facility or privilege except those which are regularly and uniformly extended to all corporations and persons; ~~and except in the case of a rail carrier, a contract authorized under section 40-3-106 (1) (b), which shall become effective in accordance with the provisions of such section;~~ but the commission may by rule or order establish such exceptions from the operation of this prohibition as it may consider just and reasonable as to each public utility.

SECTION 70. 40-3-106 (1) (a), Colorado Revised Statutes, is amended to read:

40-3-106. Advantages prohibited - graduated schedules. (1) (a) Except when operating under paragraph ~~(b)~~ or (c) of this subsection (1) or pursuant to article 3.4 of this title, no public utility, as to rates, charges, service, or facilities, or in any other respect, shall make or grant any preference or advantage to any corporation or person or subject any corporation or person to any prejudice or disadvantage. No public utility shall establish or maintain any unreasonable difference as to rates, charges, service, facilities, or in any respect, either between localities or as between any class of service. The commission has the power to determine any question of fact arising under this section.

SECTION 71. 40-16-110 (1), Colorado Revised Statutes, is amended to read:

40-16-110. Legislative declaration - federal preemption - property carriers to surrender certificates and permits - issuance by ports of entry. (1) The general assembly finds and declares that state regulation of the prices, routes, and service of intrastate motor carriers of property was expressly preempted, subject to certain exceptions, in section ~~601 (e) of the federal "Airport Improvement Act of 1994", 49 U.S.C. sec. 11501 (h) 103 OF THE FEDERAL "ICC TERMINATION ACT OF 1995", 49 U.S.C. SEC. 14501 (c).~~ The legislative history accompanying said federal act acknowledged that such preemption would effectively eliminate the asset value of the operating authority of the affected carriers.

SECTION 72. 42-1-102 (27), Colorado Revised Statutes, is amended to read:

42-1-102. Definitions - repeal. As used in articles 1 to 4 of this title, unless the context otherwise requires:

(27) "Driver" means every person, including a minor driver ~~under the age of eighteen years and a provisional driver~~ under the age of twenty-one years, who drives or is in actual physical control of a vehicle.

SECTION 73. 42-2-105 (1), Colorado Revised Statutes, is amended to read:

42-2-105. Special restrictions on certain drivers. (1) No person under the age of eighteen years shall drive any motor vehicle used to transport explosives or inflammable material or any motor vehicle used as a school bus for the transportation of pupils to or from school. No person under the age of eighteen years shall drive a motor vehicle used as a commercial, private, or common carrier of persons or property unless such person has experience in operating motor vehicles and has been examined on such person's qualifications in operating such vehicles. The examination shall include safety regulations of commodity hauling, and the driver shall be licensed as a driver or ~~provisional driver~~ A MINOR DRIVER WHO IS EIGHTEEN YEARS OF AGE OR OLDER.

SECTION 74. 42-2-132 (2) (a) (III), Colorado Revised Statutes, is amended to read:

42-2-132. Period of suspension or revocation. (2) (a) (III) In the case of a minor driver ~~or a provisional driver~~ whose license has been revoked as a result of one conviction for any offense provided for in section 42-4-1301 (1) or (2), the minor driver, ~~or provisional driver~~, unless otherwise required after an evaluation made by an alcohol and drug evaluation specialist certified by the division of alcohol and drug abuse, must complete a level I alcohol and drug education program certified by the division of alcohol and drug abuse pursuant to section 42-4-1301 (10).

SECTION 75. The introductory portion to 42-4-237 (3), Colorado Revised Statutes, is amended to read:

42-4-237. Safety belt systems - mandatory use - exemptions - penalty. (3) Except as provided in section ~~42-4-105.5~~ 42-2-105.5, the requirement of subsection (2) of this section shall not apply to:

SECTION 76. 42-6-138 (2), Colorado Revised Statutes, is amended to read:

42-6-138. Disposition of fees - repeal. (2) All fees collected by the director's authorized agent under the provisions of section 42-6-137 (5) shall be disposed of as follows: For a copy of a recorded certificate of title, six dollars and fifty cents shall be retained by the authorized agent and disposition made as provided by law; and one dollar AND SEVENTY CENTS shall be credited to the special purpose account established by section 42-1-211; and, for assignment of a new identifying number to a motor vehicle, two dollars and fifty cents shall be retained by the authorized agent and disposition made as provided by law; and one dollar shall be credited to the special purpose account established by section 42-1-211. All fees collected by the department under the provisions of section 42-6-137 (5) shall be credited to such special purpose account.

SECTION 77. 42-7-604 (7), Colorado Revised Statutes, is amended to read:

42-7-604. Motorist insurance identification database program - creation - administration - selection of designated agent - legislative declaration. (7) The division of insurance in the department of regulatory agencies shall contract with a company that gathers statistical information concerning personal lines of property and

casualty insurance. Said company shall be paid from the motorist insurance identification account within the highway users tax fund, and shall report the frequency of uninsured motorist claims to the division of insurance on a regular basis. Such report shall include ~~a comparison of the number~~ **PROPORTION** of uninsured motorist claims with the average number of such claims reported MOTORISTS for the twelve-month period immediately preceding July 1, ~~1997~~ 2001. The division of insurance shall transmit such information to the general assembly no later than ~~January 1, 1999~~ OCTOBER 15, 2002, and each ~~January 1~~ OCTOBER 15 thereafter.

SECTION 78. 19-3-501 (2) (a), Colorado Revised Statutes, is amended to read:

19-3-501. Petition initiation - preliminary investigation - informal adjustment. (2) (a) Upon receipt of a report filed by a law enforcement agency, or any other person required to report pursuant to section 19-3-304 (2) indicating that a child has suffered abuse as defined in section ~~19-3-103~~ 19-1-103 (1) and that the best interests of the child require that he be protected from risk of further such abuse, the court shall then authorize and may order the filing of a petition.

SECTION 79. 23-50-102 (1) (b) (I) and (1.5) (a), Colorado Revised Statutes, are amended to read:

23-50-102. Appointment and election of board - terms. (1) (b) (I) An advisory committee of ~~four~~ THREE members who are full-time junior or senior students elected from the student bodies of each of the ~~four~~ THREE schools governed by the board shall elect one of its members to fill the remaining office on the board. The term of said elected office shall be one year, beginning each July 1. This elected office shall be advisory, without the right to vote and without the right to attend executive sessions of the board as provided by section 24-6-402, C.R.S. The student member of the board shall have resided in the state of Colorado not less than three years prior to his election. For the purposes of this section, "full-time student" means the equivalent of the definition of "full-time equivalent student" used by the joint budget committee of the general assembly.

(1.5) (a) A faculty trustee shall be elected from the faculties of the colleges comprising the state colleges in Colorado and shall be a voting member of the trustees of the state colleges in Colorado without the right to attend executive sessions of the board as provided by section 24-6-402, C.R.S. The faculty trustee shall be elected for a term of one year and shall be: For the term ~~commencing July 1, 1983;~~ COMMENCING JULY 1, 2003, and every ~~fourth~~ THIRD year thereafter, a faculty member of Adams state college of Colorado elected by the faculty of Adams state college of Colorado; for the term ~~commencing July 1, 1984;~~ COMMENCING JULY 1, 2004, and every ~~fourth~~ THIRD year thereafter, a faculty member of Mesa state college elected by the faculty of Mesa state college; ~~for the term commencing July 1, 1985, and every fourth year thereafter, a faculty member of Metropolitan state college of Denver elected by the faculty of Metropolitan state college of Denver;~~ for the term ~~commencing July 1, 1986;~~ COMMENCING JULY 1, 2002, and every ~~fourth~~ THIRD year thereafter, a faculty member of Western state college of Colorado elected by the faculty of Western state college of Colorado.

SECTION 80. 29-2-103.5 (3) (a), Colorado Revised Statutes, is amended to read:

29-2-103.5. Sales tax for mass transit. (3) (a) No sales tax, use tax, or both shall be levied pursuant to the provisions of subsection (1) of this section until such proposal has been referred to and approved by the registered electors of the county in accordance with the provisions of this article. The ballot question for any proposal for a sales or use tax increase pursuant to this section shall clearly state that the approval of such sales or use tax may result in a sales or use tax rate in excess of the current ~~seven percent~~ limitation IMPOSED BY SECTION 29-2-108.

SECTION 81. 29-2-105 (1) (f), Colorado Revised Statutes, is amended to read:

29-2-105. Contents of sales tax ordinances and proposals. (1) The sales tax ordinance or proposal of any incorporated town, city, or county adopted pursuant to this article shall be imposed on the sale of tangible personal property at retail or the furnishing of services, as provided in paragraph (d) of this subsection (1). Any countywide or incorporated town or city sales tax ordinance or proposal shall include the following provisions:

(f) A provision that, in the event the ~~seven percent~~ limitation provided in section 29-2-108 is to be exceeded in any municipality within the county by a proposed county sales or use tax, such limitation shall be exceeded by a stated rate in the named municipality.

SECTION 82. 29-2-106 (3) (a), Colorado Revised Statutes, is amended to read:

29-2-106. Collection - administration - enforcement. (3) (a) The executive director of the department of revenue shall, at no charge, except as provided in paragraph (b) of this subsection (3), administer, collect, and distribute any sales tax imposed in conformity with this article. The executive director shall make monthly distributions of sales tax collections to the appropriate official in each county and in each incorporated city or town in the amount determined under the distribution formula established in accordance with this article. Except as provided in ~~sections~~ SECTION 39-26-208, ~~and 39-26-304~~, C.R.S., any use tax imposed pursuant to section 29-2-109 shall be collected, administered, and enforced by the city, town, or county as provided by ordinance or resolution.

SECTION 83. 30-28-106 (5), Colorado Revised Statutes, is amended to read:

30-28-106. Adoption of master plan - contents. (5) A master plan adopted in accordance with the requirements of ~~this subsection (5)~~ SUBSECTION (4) OF THIS SECTION shall contain a recreational and tourism uses element pursuant to which the county shall indicate how it intends to provide for the recreational and tourism needs of residents of the county and visitors to the county through delineated areas dedicated to, without limitation, hiking, mountain biking, rock climbing, skiing, cross country skiing, rafting, fishing, boating, hunting, shooting, or any other form of sports or other recreational activity, as applicable, and commercial facilities supporting such uses.

SECTION 84. 31-23-206 (5), Colorado Revised Statutes, is amended to read:

31-23-206. Master plan. (5) A master plan adopted in accordance with the requirements of ~~this subsection (5)~~ SUBSECTION (4) OF THIS SECTION shall contain a

recreational and tourism uses element pursuant to which the municipality shall indicate how it intends to provide for the recreational and tourism needs of residents of the municipality and visitors to the municipality through delineated areas dedicated to, without limitation, hiking, mountain biking, rock climbing, skiing, cross country skiing, rafting, fishing, boating, hunting, and shooting, or any other form of sports or other recreational activity, as applicable, and commercial facilities supporting such uses.

SECTION 85. 38-31-102, Colorado Revised Statutes, is amended to read:

38-31-102. Joint tenant - proof of death. A certified copy of the affidavit CERTIFICATE of death required by the provisions of section 25-2-110, C.R.S., may be placed of record with the county clerk and recorder of the county in which the real estate concerned is located, together with a supplementary affidavit by one of legal age having personal knowledge of the fact stating that the person referred to in the death certificate was at the time of death the owner in joint tenancy of the property described in the affidavit. Said ~~two affidavits~~ CERTIFICATE AND AFFIDAVIT when recorded, or certified copies thereof, shall be accepted in all courts of the state of Colorado as prima facie proof of the decease of such joint tenant. Such supplementary affidavit may not be made by anyone who has record interest in the real property described in such affidavit.

SECTION 86. 38-31-103, Colorado Revised Statutes, is amended to read:

38-31-103. Joint tenant - death outside of state - proof. In the event that such joint tenant may have died outside the state of Colorado, and a certified copy of said affidavit CERTIFICATE of death referred to in section 25-2-110, C.R.S., cannot be procured, an affidavit properly sworn to by two or more disinterested persons who are residents of the state of Colorado and who have no record interest in the property affected by such joint tenancy may be placed of record in the office of the county clerk and recorder of the county in which such real estate is situated. When recorded, the original or a certified copy thereof shall be accepted in all courts in the state of Colorado as prima facie proof of the facts therein stated. The affidavit shall state the last place of residence of such decedent, the time and place of death, a description of the real estate affected by the joint tenancy, and that the deceased person was in fact an owner in joint tenancy of said real estate at the time of his death.

SECTION 87. Section 7 of House Bill 02-1078, enacted at the Second Regular Session of the Sixty-third General Assembly, is amended to read:

Section 7. **Transfer of appropriation.** Any appropriation made in the annual general appropriation act for the fiscal year beginning ~~July 1, 2001~~, JULY 1, 2002, to the department of regulatory agencies, office of the executive director, office of boxing, and any corresponding FTE, are hereby transferred to the department of regulatory agencies, division of registrations, for the implementation of this act.

SECTION 88. Effective date. This act shall take effect upon passage; except that section 79 of this act shall take effect July 1, 2002, only if House Bill 02-1165 is enacted at the Second Regular Session of the Sixty-third General Assembly and becomes law.

SECTION 89. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 1, 2002

**APPENDIX
SENATE BILL 02-159**

C.R.S. Section	Section in bill	Reason
4-2.5-103 (3)	1	Changes an internal reference to the provision defining the term "pursuant to commitment" to correct an error in the draft supplied by the National Conference of Commissioners on Uniform State Laws for SB01-240, chapter 321, page 1438, which repealed and reenacted article 9 of title 4, the "Uniform Commercial Code - Secured Transactions".
5-2-202 (1) (b)	2	Changes an internal reference from "subsection (2)" to "subsection (3)" to correct a drafting error in HB00-1185, chapter 265, page 1197, concerning the "Uniform Consumer Credit Code" (UCCC). The original draft of this bill was supplied by the UCCC administrator, and in a subsequent draft, the provisions of this section were renumbered, but this internal reference was not changed accordingly.
7-111-108 (2) (a)	3	In a provision of the "Colorado Business Corporation Act", changes an internal reference to correspond with changes made by HB00-1489, chapter 220, page 948, concerning business entities, which repealed section 7-104-101, describing requirements for corporate names, and relocated the naming requirements for business entities to a new provision in the "Colorado Corporations and Associations Act" that was enacted in the same bill.
8-45-117 (1) (c)	4	Deletes an internal reference to a provision that was repealed by HB01-1064, chapter 105, page 278, concerning uniform accounting principles for insurers authorized to conduct business within Colorado.
10-3-228 IP (1)	5	Same as 8-45-117 (1) (c).
10-3-230 IP (1)	6	Same as 8-45-117 (1) (c).

- 10-3-235 (1) and (2) 7 Same as 8-45-117 (1) (c). However, in subsection (2), also changes an internal reference to a provision permitting optional reserve deposits from "10-7-101 (4)" to "10-7-101 (3)" to correct a printing error that was made in Volume 4 of the 1973 Colorado Revised Statutes.
- 10-3-237 (2) 8 Same as 8-45-117 (1) (c).
- 11-35-101.5 (1) 9 Changes an internal reference from "39-27-104.5" to "39-27-104 (2.1) (c)" to correct an error in the drafting of HB00-1479, chapter 371, page 1937, concerning administration of the excise tax on fuels, in which the referenced provision was cited correctly in an early draft of the bill but was relocated in a subsequent draft, and the internal reference was not changed accordingly.
- 12-22-303 (9) 10 In the definitions section of the "Colorado Licensing of Controlled Substances Act", which authorizes the licensing of researchers and addiction programs by the department of human services, substitutes "department of human services" for "department of public health and environment" to conform with HB93-1317, chapter 230, page 1079, concerning the restructuring of the health and human services delivery systems in Colorado. HB93-1317, chapter 230, page 1092, abolished the department of social services, created the department of human services, and transferred the alcohol and drug abuse division from the department of health, whose name was changed to the department of public health and environment by the same bill, to the department of human services. However, the Senate Health, Environment, Welfare, and Institutions Report erroneously amended section 12-22-303 (9) by changing the definition of department, as it is used in part 3 of article 22 of title 12, from department of health to the department of public health and environment. (See Senate Journal, page 1140, May 4, 1993.) Although HB93-1317 renamed the department of health, it also transferred the powers, duties, and functions of the renamed department of health concerning the administration of alcohol and drug abuse programs to the department of human services.

- 12-28-111 IP (1) and (2) 11 Substitutes "executive director" for "director" to reflect the proper title of the head of the Colorado department of public safety pursuant to the provisions of section 24-1-128.6 (1).
- 12-35-110 (1) (b) 12 In a provision of the "Dental Practice Law of Colorado" describing the procedures that constitute the practice of dentistry, deletes a reference to section 12-35-125 (3), which authorized dental auxiliaries to perform specified tasks, because it was deleted by amendment in SB96-087, chapter 262, page 1411, concerning regulation of the practice of dentistry.
- 12-47-310 (1) 13 Changes an internal reference to correct an error made in HB97-1076, chapter 80, page 224, which recodified the Colorado Beer Code and the Colorado Liquor Code. The Senate Business Affairs and Labor Committee Report amended the reengrossed version of HB97-1076 to add a definition to section 12-47-103, which resulted in the renumbering of succeeding subsections, but the committee report did not make any conforming amendments for those subsections that were renumbered. (See Senate Journal, page 360, February 26, 1997.)
- 12-47-901 (5) (a) (I) 14 Same as 12-47-310 (1).
- 12-47.1-301 (1) (a) 15 In a provision of the "Limited Gaming Act of 1991" requiring that one member of the Colorado limited gaming control commission have had law enforcement experience as a peace officer, changes the internal reference to the provision describing the requirements for certification as a peace officer from "24-31-306 (1)" to "24-31-305" because the certification requirements are specifically contained in the latter section and HB94-1159, chapter 288, page 1730, concerning the peace officers standards and training board, provided for the repeal of section 24-31-306 (1), which stated that a person seeking to become a peace officer must be "certified as having met the basic standards established pursuant to this part 3", effective January 1, 1995.

- 12-47.1-835 (1) (d) 16 Repeals a provision in the "Limited Gaming Act of 1991" that was inadvertently duplicated in a House floor amendment to SB91-149, chapter 263, page 1569, concerning the implementation of section 9 of article XVIII of the state constitution with respect to limited gaming. (See House Journal, page 1914, May 1, 1991.) The floor amendment added a new section containing several paragraphs, and paragraphs (d) and (e) were virtually identical. Furthermore, the floor amendment originally located these provisions in section 12-47.1-629, but that section was later renumbered in a conference committee report due to the addition of new parts to article 47.1 of title 12. (See House Journal, page 2109, May 7, 1991.)
- 16-5-402 (4) (b) 17 Changes an internal reference to a provision in the "Colorado Children's Code" defining "child" from "19-1-103 (8)" to "19-1-103 (18)" to correct a typographical error in the drafting of HB01-1187, chapter 217, page 734, concerning procedural changes for the strengthening of criminal laws.
- 16-11-101.6 (5) 18 Substitutes "state inmate" for "state prisoner" to conform with changes made to the definition of this term by HB00-1133, chapter 202, page 829, concerning the department of corrections.
- 16-11.8-102 (2) 19 Changes language for grammatical correctness.
- 16-18.5-106 (2) 20 Same as 16-11-101.6 (5).
- 17-2-106 (3) 21 Changes language in a provision authorizing the division of adult parole in the department of corrections to select and acquire a branch parole office site from "final acquisition" to "actual acquisition" to correct an error in the drafting of HB01-1113, chapter 201, page 662, which enacted section 17-2-106 in which the term "actual acquisition" is defined, but the term "final acquisition" was inadvertently used in subsection (3).
- 17-2-201 (5) (g) (I) and (5.8) 22 Same as 16-11.8-102 (2).

- 19-1-311 23 Repeals as obsolete a section enacted by HB96-1017, chapter 230, page 1156, concerning the management of information related to children who receive services under the Colorado Children's Code, which created the children's information management committee to develop a legislative proposal to implement the business and technology plans submitted by a strategic planning team to create a centralized integrated database system to track children subject to the "Colorado Children's Code". Although the required plans were submitted to the committee by the dates set out in section 19-1-311, the legislative proposal that was submitted by the committee for the 1999 legislative session was not approved by the Legislative Council, and no legislation was enacted pursuant to the work of this committee.
- 22-7-205 (1) and (2) 24 Substitutes "school advisory council" for "advisory accountability committee" and "school district accountability committee" for "district advisory accountability committee" to conform with SB00-186, chapter 107, page 323, concerning education reform, which required the board of education of each school district to create a school district accountability committee and required each public school to establish a school advisory council, but these requirements were waived if comparable committees/councils were established prior to January 1, 2000, resulting in similar terms that are used interchangeably to refer to different entities.
- 22-7-207 25 Same as 22-7-205 (1) and (2).
- 22-7-407 (1), (4), and (5) 26 Same as 22-7-205 (1) and (2).
- 22-25-106 (1) and (2) 27 Same as 22-7-205 (1) and (2).
- 22-30-106 (2) (a) 28 Same as 22-7-205 (1) and (2).

- 22-30.5-306 (5) (b) 29 Repeals as obsolete a provision exempting an independent charter school from the requirements of section 22-7-608, which required the commissioner of education to appoint a voluntary assessment team when a public school received a low academic performance grade on the school report card to review school performance data and make recommendations to address the public school's low performance, because that section was repealed by SB01-098, chapter 330, page 1489, concerning school improvement.
- 22-32-109.1 IP (2) and IP (9) (d) 30 In IP (2), same as 22-7-205 (1) and (2). In IP (9) (d), changes an internal reference to a provision in the "Colorado Children's Code" defining "abuse" or "child abuse or neglect" from "19-3-303 (1)" to "19-1-103 (1)" to correct a drafting error in SB00-133, chapter 374, page 1957, concerning safe schools, which repealed section 22-32-110 (4) and relocated those provisions granting immunity from civil and criminal liability to teachers who act in good faith in implementing safe school policies to a new section 22-32-109.1 (9). However, the repealed provision, whose language was largely duplicated in the new section, contained an internal reference to section 19-3-303 (1), which was repealed by HB96-1019, chapter 19, page 85, concerning the relocation of definitions affecting children, and relocated to 19-1-103 (1).
- 22-32-119 (2) (a) 31 Changes language in a provision enacted by SB01-091, chapter 174, page 561, that authorizes a school district board of education to provide full-day kindergarten educational programs for those students who attend a school that received an academic performance grade of "F" for the previous year, to conform with SB01-098, chapter 330, page 1476, concerning school improvement, which changed terminology describing the academic performance of a public school from school "grades" to school "ratings" and changed the letter grades to descriptive ratings.
- 22-54-103 (1.5) (b) (III) 32 Inserts the statutory cite for the federal "National School Lunch Act" in the United States Code.

- 22-60.5-201 IP (1) (c) (I) 33 Deletes an internal reference to section 22-60.5-113, which allowed a person holding a teaching certificate that was issued or renewed pursuant to article 60 of title 22 prior to July 1, 1994, to apply for a professional license upon the expiration of the certificate, because that section was repealed in HB00-1463, chapter 369, page 1859, to conform with HB91-1005, chapter 87, page 468, concerning the licensure of educators, which established a new licensing system for educators by providing for the repeal of the "Teacher Certification Act of 1975", article 60 of title 22, effective July 1, 1999, the date by which a teaching certificate issued prior to July 1, 1994, would expire, and enacting the "Colorado Educator Licensing Act of 1991", article 60.5 of title 22.
- 22-60.5-210 IP (1) (b) (I) 34 Same as 22-60.5-201 IP (1) (c) (I).
- 22-60.5-301 IP (1) (b) (I) 35 Same as 22-60.5-201 IP (1) (c) (I).
- 22-60.5-306 IP (1) (b) (I) 36 Same as 22-60.5-201 IP (1) (c) (I).
- 23-1-113.3 (1) and (2) (a) 37 Changes internal references to correct a drafting error in the House Committee on Education Report for HB00-1464, chapter 308, page 1482, concerning students admitted to institutions of higher education. The introduced version of HB00-1464 located the definition of "basic skills courses" in section 23-1-113 (4) (c). However, the House Committee on Education Report relocated this definition to 23-1-113 (1) (b) (II) (A.7) but did not make conforming amendments to this section, which was enacted in the same bill. (See House Journal, page 1616, April 18, 2000.)
- 23-61.5-112 (1) (b) 38 In a provision describing the procedures for voting on a question of annexation to an existing area vocational district at a regular biennial school election, changes an internal reference from "sections 23-61.5-103 to 23-61.5-106" to "sections 23-61.5-104 and 23-61.5-106" to correspond to the repeal of sections 23-61.5-103 and 23-61.5-105 in HB92-1333, chapter 118, pp. 845, 846, concerning elections, which recodified the "Colorado Election Code of 1980" as the "Uniform Election Code of 1992".

- 24-1-120 (5) (c), (6) (d), and (8) 39 In subsection (5) (c), changes an internal reference to the statutes under which the Colorado state veterans nursing homes are created from "part 4" to "part 2" of article 12 of title 26 to conform with the relocation of these statutes by HB98-1204, chapter 72, page 183, concerning the administration of state nursing homes, which repealed and reenacted article 12 of title 26.
In subsection (6) (d), changes an internal reference to the statutes under which the division of alcohol and drug abuse in the department of human services is established from "part 1" to "part 2" of article 1 of title 25 to correct a drafting error in HB93-1317, chapter 230, page 1092, concerning the restructuring of the health and human services delivery system in Colorado, which repealed and reenacted section 24-1-120.
In subsection (8), makes various changes to Colorado statutes pertaining to the state council on developmental disabilities to conform with Public Law 106-402, to improve service systems for individuals with developmental disabilities, which enacted the federal "Developmental Disabilities Assistance and Bill of Rights Act of 2000" (42 U.S.C. sec. 15001 et seq.) and repealed the federal "Developmental Disabilities Assistance and Bill of Rights Act" (42 U.S.C. sec. 6000 et seq.).
- 24-30-1606 (3) 40 Changes an internal reference to the statutes pertaining to the commission on information management from "part 17 of this article" (article 30 of title 24) to "part 2 of article 37.5 of this title" (title 24) to conform with HB99-1372, chapter 224, page 864, concerning the creation of the office of innovation and technology in the governor's office, which transferred the commission on information management from the department of personnel to the newly created office.
- 24-32-111 (1) 41 Changes an internal reference to the statutes providing for the adoption by a municipality of a master plan for development from "part 3" to "part 2" of article 23 of title 31 to correct a printing error made in the 1978 Cumulative Supplement to Volume 10, Colorado Revised Statutes, which contained title 24.

- 24-34-104 (39) (a) 42 Repeals as obsolete the provision establishing a sunset date of July 1, 2000, for "the function of the commission on domestic violence in the judicial department of certifying and setting standards for domestic violence treatment programs in accordance with sections 18-6-802 and 18-6-803", because HB00-1263, chapter 215, page 907, provided for the repeal of the aforementioned sections (local domestic violence treatment boards and the domestic violence treatment commission), created the domestic violence offender management board in the department of public safety to, among other duties, adopt and implement standards for programs for the evaluation and treatment of domestic violence offenders, and established a sunset date of July 1, 2008, for the newly created board (see section 24-34-104 (39) (b) (XI)).
- 24-72-302 (4) 43 Deletes an internal reference to section "17-2-201 (5) (i)", which contained a list of offenses requiring chemical testing of blood and saliva as a condition of parole, because it was deleted by amendment in HB01-1130, chapter 264, page 955, concerning DNA testing of felons sentenced to the department of corrections.
- 24-72-305 (1.5) 44 Same as 24-72-302 (4).
- 25-1-107 (1) (x) (VII) (C.5) 45 In a provision describing the powers and duties of the department of public health and environment as they pertain to the quality of drinking water provided to the public, inserts the word "and", which was inadvertently omitted during the editorial review of the 2000 Colorado Revised Statutes, following a provision exempting a public water system that "does not authorize incidental use of untreated water" from penalties under the federal "Safe Drinking Water Act".

26-6-305 (1) (c)	46	Deletes an internal reference to section 26-6-115, which required the department of human services to conduct a 9-month pilot study on the best means to conduct criminal background checks of child care facility license applicants and submit a report by August 1, 2000, because it was repealed by SB01-032, chapter 188, page 614, concerning criminal background checks. In addition, substitutes "criminal history background checks" for "criminal background checks" to conform with a change in terminology made by the same bill.
27-10.5-102 (11) (a)	47	Same as 24-1-120 (8).
27-10.5-201	48	Same as 24-1-120 (8).
27-10.5-202 IP (1), (1) (d), and (3)	49	Same as 24-1-120 (8).
27-10.5-203 (1), (2), (3), IP (4), IP (5), (6), and (7)	50	Same as 24-1-120 (8).
27-10.5-204	51	Same as 24-1-120 (8).
27-10.5-205 IP (1)	52	Same as 24-1-120 (8).
27-10.5-206	53	Same as 24-1-120 (8).
27-10.5-207	54	Same as 24-1-120 (8).
29-12.5-101 (2)	55	Relocates a definition amended in HB01-1381, chapter 291, page 1093, concerning utility cost-savings measures that may be financed by governmental agencies, which changed references to an "energy conservation measure" to a "utility cost-savings measure" and expanded the definition of that term but did not place it in the correct alphabetical order.
30-10-606 (6) (a) (II)	56	Changes "alcohol and drug abuse counselor" to "addiction counselor" to conform with SB01-022, chapter 144, page 441, concerning the licensure of addiction counselors, which redesignated alcohol and drug abuse counselors as addiction counselors.

- 31-31-807 (4) 57 In a provision requiring the equal division of survivor benefits among two or more dependent children of a member of the statewide death and disability pension plan for police officers and firefighters who dies while in active service, and the dependent children reside in separate households, changes an internal reference to the provision describing the payment of benefits when there is a surviving spouse and two or more dependent children from "subparagraph (II)" to "subparagraph (III)" to correct a typographical error made in the drafting of HB01-1027, chapter 39, page 80.
- 35-7-102 58 In a provision regarding the Colorado department of agriculture's authority to contract with the federal government for rodent control services, substitutes "federal agency in charge of rodent control matters" for "bureau of sport fisheries and wildlife of the United States department of the interior" to conform with Public Law 100-202, which transferred responsibilities for the control and eradication of rodents from the U.S. Secretary of the Interior to the U.S. Secretary of Agriculture.
- 35-7-103 59 Same as 35-7-102.
- 35-7-104 60 Same as 35-7-102.
- 35-7-109 61 Same as 35-7-102.
- 35-7-112 (2) 62 Same as 35-7-102.
- 35-7-117 63 Same as 35-7-102.
- 35-7-201 (2) 64 Same as 35-7-102.
- 35-7-202 (3) 65 Same as 35-7-102.
- 39-3-101 66 Changes an internal reference from "this article" to "this part 1" to reflect the addition of a second part to article 3 of title 39 by HB01-1224, chapter 148, page 460, concerning the administration of the property tax exemption for qualifying seniors created under section 3.5 of article X of the state constitution by a vote of the people at the 2000 general election, to which the current reference does not apply.
- 39-3-109 IP (1) 67 Same as 39-3-101.
- 39-3-136 (2) 68 Same as 39-3-101.

- 40-3-105 (2) 69 In a provision of the "Public Utilities Law" prohibiting a public utility from charging discriminatory rates, deletes an internal reference to section 40-3-106 (1) (b), which authorized one or more rail carriers to "enter into a contract with one or more purchasers of rail services to provide specified services under specified rates and conditions", to conform with the repeal of that section by SB00-129, chapter 69, page 217, concerning economic deregulation of intrastate railroads, which repealed numerous provisions that have been preempted by federal law.
- 40-3-106 (1) (a) 70 Same as 40-3-105 (2).
- 40-16-110 (1) 71 Changes an internal reference to the federal preemption of state regulations pertaining to the prices, routes, and services of intrastate motor carriers of property from "section 601 (c) of the federal "Airport Improvement Act of 1994", 49 U.S.C. sec. 11501 (h)" to "section 103 of the federal "ICC Termination Act of 1995", 49 U.S.C. sec. 14501 (c)" to correspond to amendments made to subtitle IV of title 49, United States Code, in section 103 of the federal "ICC Termination Act of 1995", P.L. No. 104-88.
- 42-1-102 (27) 72 In a provision of the "Uniform Motor Vehicle Law", deletes language pertaining to a "provisional driver" to conform with SB00-011, chapter 278, page 1337, concerning documents issued by the division of motor vehicles, which eliminated the provisional driver's license for persons 18 to 21 years of age.
- 42-2-105 (1) 73 Same as 42-1-102 (27), but also adds language to specify the age of a minor driver who can operate certain vehicles.
- 42-2-132 (2) (a) (III) 74 Same as 42-1-102 (27).

- 42-4-237 IP (3) 75 In a provision of the "Uniform Safety Code of 1935" listing exceptions to the requirement that every driver and every front seat passenger in a motor vehicle wear a safety belt, changes an internal reference to a provision imposing certain restrictions on minor drivers under seventeen years of age from "42-4-105.5" to "42-2-105.5" to correct a typographical error in a Senate second reading floor amendment to HB99-1158, chapter 334, page 1382, which enacted the referenced section to, among other restrictions, require occupants in vehicles driven by a minor driver under seventeen years of age to wear seat belts. (See Senate Journal, page 899, April 22, 1999.)
- 42-6-138 (2) 76 In a provision of the "Certificate of Title Act" that provides for the disposition of fees collected for a copy of a certificate of title to a motor vehicle, adds "seventy cents" to the "one dollar" that is currently credited to the Colorado state titling and registration account (special purpose account) to conform with HB01-1100, chapter 236, page 814, concerning the administration of the distributive data processing system, which increased the fee to obtain a duplicate certificate of title from \$7.50 to \$8.20 to help pay for the operation of the Colorado state titling and registration system.
- 42-7-604 (7) 77 In a provision of the "Motorist Insurance Identification Database Program Act", changes language to conform with SB01-109, chapter 165, page 522, concerning motor vehicle insurance, which changed the reporting requirements to the general assembly from the number of uninsured motorist claims reported by insurers to the proportion of uninsured motorists.

- 19-3-501 (2) (a) 78 In a provision of the "Colorado Children's Code" concerning a court's authority to file a petition upon receipt of a report indicating that a child has suffered abuse, changes an internal reference to the provision defining "abuse" from "19-3-103" to "19-1-103 (1)" to correct a typographical error made in the 1999 Colorado Revised Statutes. The internal reference in section 19-3-501 (2) (a) to section 19-3-303 was correct when title 19 was recodified in SB87-144, chapter 138, page 695, concerning the repeal and reenactment of the "Colorado Children's Code". However, HB96-1019, chapter 19, page 85, concerning the relocation of definitions affecting children, repealed section 19-3-303 and relocated the definitions that were contained in that section to section 19-1-103, but no conforming amendment was made to section 19-3-501 (2) (a), and the reference was erroneously changed on revision in 1999.
- 23-50-102 (1) (b) (I) and (1.5) (a) 79 To conform to the enactment of HB02-1165, which makes Metropolitan state college an independent institution and deletes it from the control of the governing board for state colleges.
- 29-2-103.5 (3) (a) 80 Deletes language specifying a "seven percent" limitation on the total sales tax or total use tax imposed by the state of Colorado, any county, and any city or town in any locality in the state pursuant to section 29-2-108 to conform with HB00-1259, chapter 298, page 1430, which amended that section when the state sales and use tax rate was reduced.
- 29-2-105 (1) (f) 81 Same as 29-2-103.5 (3) (a).
- 29-2-106 (3) (a) 82 In a provision that cites an exemption to the requirement that a city, town, or county collect any use tax imposed pursuant to section 29-2-109, deletes an internal reference to section 39-26-304, because HB90-1003, chapter 289, page 1744, concerning the collection of sales and use taxes on purchases of tangible personal property by persons in Colorado from out-of-state retailers, enacted part 3 of article 26 of title 39 and provided for its repeal, effective December 31, 1994.

- 30-28-106 (5) 83 Changes an internal reference from "this subsection (5)" to "subsection (4) of this section" to correct a drafting error in a Senate floor amendment to HB01S2-1006, chapter 5, page 21, concerning the mandatory adoption of local government master plans. (See Senate Journal, page 78, October 4, 2001.) The floor amendment added a new subsection (5) that refers to "a master plan adopted in accordance with the requirements of this subsection (5)", but those requirements are actually contained in subsection (4) which was enacted in the same bill.
- 31-23-206 (5) 84 Same as 30-28-106 (5).
- 38-31-102 85 Changes "affidavit" of death to "certificate" to reflect the correct reference to the document.
- 38-31-103 86 Same as 38-31-102.
- Section 7 of
HB02-1078 87 Changes "July 1, 2001" to "July 1, 2002" to correct a drafting error in the section of HB02-1078 that transfers an appropriation. Makes the transfer consistent with the July 1, 2002, effective date contained in the bill.