

## CHAPTER 316

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**STATUTES**


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**SENATE BILL 04-239**

BY SENATOR(S) Evans, Gordon, Grossman, and Jones;  
 also REPRESENTATIVE(S) Lee, Hefley, Judd, Marshall, Smith, Carroll, Garcia, Johnson R., Paccione, Rose, Schultheis,  
 Weddig, and Williams S.

**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.** 1-1.5-102 (3), Colorado Revised Statutes, is amended to read:

**1-1.5-102. Definitions.** As used in this article, unless the context otherwise requires:

(3) "HAVA" means the federal "Help America Vote Act of 2002", P.L. No. 107-252, codified at ~~42 U.S.C. sec. 15512~~ 42 U.S.C. SEC. 15301.

**SECTION 2.** 1-7-103 (5) (c), Colorado Revised Statutes, is amended to read:

**1-7-103. No voting unless eligible - first-time voters casting a ballot in person after having registered by mail to vote.** (5) (c) Any person who desires to cast his or her ballot in person but does not satisfy the requirements of paragraph (b) of ~~this subsection (2)~~ THIS SUBSECTION (5) may cast a provisional ballot in accordance with the requirements of part 3 of article 9 of this title.

**SECTION 3.** 1-7.5-107.3 (2) (c), Colorado Revised Statutes, is amended to read:

**1-7.5-107.3. Verification of signatures - November coordinated elections.** (2) (c) In the case of a disagreement among the election judges as to whether the signature of an eligible elector on the self-affirmation on the ~~return verification envelope~~ RETURN ENVELOPE matches the signature of the eligible elector on file with

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

the county clerk and recorder pursuant to the procedures specified in paragraph (a) of this ~~subsection (1)~~ SUBSECTION (2), the mail ballot contained in the ~~return verification envelope~~ RETURN ENVELOPE shall be counted in accordance with the requirements of sections 1-7.5-107 (6) and 1-7.5-107.5.

**SECTION 4.** 1-8-114.5 (2) (c), Colorado Revised Statutes, is amended to read:

**1-8-114.5. Verification of signatures.** (2) (c) In the case of a disagreement among the election judges as to whether the signature of an eligible elector on the self-affirmation on the return envelope matches the signature of the eligible elector on file with the county clerk and recorder pursuant to the procedures specified in paragraph (a) of ~~this subsection (1)~~ THIS SUBSECTION (2), the absentee ballot contained in the return envelope shall be counted in accordance with the requirements of part 3 of this article.

**SECTION 5.** 4-9-102 (a) (77), Colorado Revised Statutes, is amended to read:

**4-9-102. Definitions and index of definitions.** (a) In this article:

(77) "Send", in connection with a record or notification, means:

(A) To deposit in the mail, deliver for transmission, or transmit by any other usual means of communication, with postage or cost of transmission provided for, addressed to any address reasonable under the circumstances; or

(B) To cause the record or notification to be received within the time that it would have been received if properly sent under subparagraph (A) of ~~this paragraph (74)~~ THIS PARAGRAPH (77).

**SECTION 6.** 5-1-301 (11) (b) (II) (A) and (15) (c), Colorado Revised Statutes, are amended to read:

**5-1-301. General definitions.** In addition to definitions appearing in subsequent articles, as used in this code, unless the context otherwise requires:

(11) (b) Unless the sale is made subject to this code by section 5-2-501, "consumer credit sale" does not include:

(II) (A) Except as required by the federal "Truth in Lending Act" or the federal "Consumer Leasing Act" with respect to disclosure contained in section 5-3-101 and ~~debtors'~~ CONSUMERS' remedies FOR TRANSACTIONS SECURED BY INTERESTS IN LAND AS contained in section 5-5-204, a sale of a mobile home or a sale of an interest in land if the finance charge does not exceed twelve percent per year calculated according to the actuarial method on the unpaid balances of the amount financed on the assumption that the debt will be paid according to the agreed terms and will not be paid before the end of the agreed term or, notwithstanding the rate of the finance charge with respect to the sale of an interest in land, the sale is secured by a first mortgage or deed of trust lien against a dwelling to finance the acquisition of that dwelling.

(15) (c) Unless the loan is made subject to this code by an agreement described in

section 5-2-501 and except as provided with respect to the disclosure described in section 5-3-101, ~~debtors'~~ CONSUMERS' REMEDIES FOR TRANSACTIONS SECURED BY INTERESTS IN LAND AS described in section 5-5-204, and powers and functions of the administrator under part 1 of article 6 of this title, "consumer loan" does not include a "loan primarily secured by an interest in land" as defined in subsection (26) of this section.

**SECTION 7.** 6-1-903 (7) (b), Colorado Revised Statutes, is amended to read:

**6-1-903. Definitions.** As used in this part 9, unless the context otherwise requires:

(7) (b) "Established business relationship", with respect to a financial institution or affiliate, as those terms are defined in section 527 of the federal "~~Gramm-Leach-Bliley Act of 1999~~" "GRAMM-LEACH-BLILEY ACT", includes any situation in which a financial institution or affiliate makes solicitation calls related to other financial services offered, if the financial institution or affiliate is subject to the requirements regarding privacy of Title V of the federal "~~Gramm-Leach-Bliley Act of 1999~~" "GRAMM-LEACH-BLILEY ACT", and the financial institution or affiliate regularly conducts business in Colorado.

**SECTION 8.** 6-7-105 (1) (b), Colorado Revised Statutes, is amended to read:

**6-7-105. Insulation and thermal performance standards and energy conserving alternatives.** (1) (b) Minimum thermal performance standards for residential buildings on which construction commences on or after November 1, 1979, shall conform to one of the alternatives provided in subsections (2), (3), AND (4) ~~and (5)~~ of this section. Renovation that commences on or after November 1, 1979, shall conform to one of the alternatives provided in subsections (2), (3), AND (4) ~~and (5)~~ of this section, or renovation standards promulgated by the board for energy efficient building standards.

**SECTION 9.** 6-16-111 (2) and (3), Colorado Revised Statutes, are amended to read:

**6-16-111. Violations.** (2) Any person who commits charitable fraud in violation of paragraph (b), (c), (d), (f), or (g) of subsection (1) of this section is guilty of a class 5 felony, and upon conviction thereof, shall be punished in accordance with section ~~18-1-105~~ 18-1.3-401, C.R.S.

(3) Any person who commits charitable fraud in violation of paragraph (a), (e), or (h) to (p) of subsection (1) of this section, or of subsection (1.5) of this section, is guilty of a class 2 misdemeanor and, upon conviction thereof, shall be punished in accordance with section ~~18-1-106~~ 18-1.3-501, C.R.S.; except that a person who commits a violation of any one or more of said paragraphs with respect to solicitations involving three separate contributors in any one solicitation campaign is guilty of a class 5 felony, and upon conviction thereof, shall be punished in accordance with section ~~18-1-105~~ 18-1.3-401, C.R.S.

**SECTION 10.** 6-18-206 (1) (e) and (2) (c), Colorado Revised Statutes, are amended to read:

**6-18-206. Powers, duties, and responsibilities of cooperatives.** (1)(e) Except for groups over fifty, offer to all members and their eligible employees the standard and basic health benefit plans promulgated pursuant to section ~~10-8-606~~ 10-16-105 (7.2) AND (7.3), C.R.S.;

(2)(c) Offer any and all health benefit packages permitted under law in addition to the standard and basic health benefit plans promulgated pursuant to section ~~10-8-606~~ 10-16-105 (7.2) AND (7.3), C.R.S.;

**SECTION 11.** 6-20-101 (1) and (2), Colorado Revised Statutes, are amended to read:

**6-20-101. Provider disclosure of average charge.** (1) Each hospital licensed or certified pursuant to section ~~25-1-107(1)-(4)~~ 25-1.5-103 (1) (a), C.R.S., shall disclose to a person seeking care or treatment his or her right to receive notice of the average facility charge for such treatment that is a frequently performed inpatient procedure prior to admission for such procedure; except that care or treatment for an emergency need not be disclosed prior to such emergency care or treatment. When requested, the average charge information shall be made available to the person prior to admission for such procedure.

(2) Other health facilities licensed or certified pursuant to section ~~25-1-107(1)-(4)~~ 25-1.5-103 (1) (a), C.R.S., shall disclose to a person seeking care or treatment his or her right to receive notice of the average facility charge for such treatment that is a frequently performed procedure prior to ordering or scheduling such procedure; except that care or treatment for an emergency need not be disclosed prior to such emergency care or treatment. When requested, such average charge information shall be made available to the person prior to the scheduling of the procedure.

**SECTION 12.** 9-5-104 (1) (a), Colorado Revised Statutes, is amended to read:

**9-5-104. Responsibility for enforcing standards.** (1) The responsibility for enforcement of this article is as follows:

(a) For factory-built housing RESIDENTIAL STRUCTURES as defined in section ~~24-32-703 (3)~~ 24-32-3302 (10), C.R.S., the division of housing created in section 24-32-704, C.R.S.;

**SECTION 13.** 10-4-628 (2) (b) (II) and (3), Colorado Revised Statutes, are amended to read:

**10-4-628. Refusal to write - changes in - cancellation - nonrenewal of policies prohibited.** (2) (b) (II) An insurer shall offer to exclude any person in a household by name pursuant to section ~~10-4-629~~ 10-4-630 if such person's driving record and claim experience would justify the refusal by such insurer to write a policy for such person if such person were applying in such person's own name and not as part of a household.

(3) An insured who believes the provisions of subsection (1) or (2) of this section have been violated shall have the right to file a protest with the commissioner pursuant to ~~this section~~ SECTION 10-4-629.

**SECTION 14.** 10-4-629 (2) (d), Colorado Revised Statutes, is amended to read:

**10-4-629. Cancellation - renewal - reclassification.** (2) (d) If there is coupled with the notice an offer to continue or renew the policy in accordance with ~~section 10-4-628~~ THIS SECTION, the name of the person or persons to be excluded from coverage and what the premium would be if the policy is continued or renewed with such person or persons excluded from coverage;

**SECTION 15.** 10-8-602 (5) and (13), Colorado Revised Statutes, are amended to read:

**10-8-602. Definitions.** As used in this part 6, unless the context otherwise requires:

(5) ~~"Committee" means the health benefit plan advisory committee created pursuant to section 10-8-606.~~

(13) "Standard health benefit plan" means a health benefit plan developed pursuant to section ~~10-8-606~~ 10-16-105 (7.2) AND (7.3).

**SECTION 16.** 10-16-102 (7), Colorado Revised Statutes, is amended to read:

**10-16-102. Definitions.** As used in this article, unless the context otherwise requires:

(7) "Capped employees" means the number of employees and dependents with health problems at the time the plan of which such employees are a part was issued who are in small groups covered by the carrier where the small employer group would have failed the carrier's normal and actuarially-based small group underwriting criteria specifically because of the health status of those employees with health problems at the time the plan was issued, but who were issued basic or standard health benefit plan coverage as required under section 10-16-105 (7.3) (c) regardless of the health status of the group. "Capped employees" only includes employees and dependents covered by a small employer group health benefit plan of a carrier at the time the carrier proposes ~~under section 10-16-105 (7.3) (d.5)~~ to suspend its duty to issue basic or standard health benefit plan coverage as required under section 10-16-105 (7.3) (c).

**SECTION 17.** 11-10.5-103 (2), Colorado Revised Statutes, is amended to read:

**11-10.5-103. Definitions.** As used in this article, unless the context otherwise requires:

(2) "Bank" means any bank organized or chartered under ~~articles 1 to 11 or 22~~ THIS ARTICLE AND ARTICLES 101 TO 109 of this title or any bank organized or chartered under chapter 2 of title 12 of the United States Code. For purposes of section 11-10.5-104 and 11-10.5-111 (1) only, the definition of "bank" also includes those banks chartered under the laws of other states.

**SECTION 18.** 11-37.5-103 (15) (b), Colorado Revised Statutes, is amended to read:

**11-37.5-103. Definitions.** As used in this article, unless the context otherwise requires:

(15) (b) The commissioner and the department, for purposes of administering and enforcing this article and the ~~"Colorado Banking Code of 1957", articles 1 to 11, 22, and 23~~ "COLORADO BANKING CODE", ARTICLES 10.5 AND 101 TO 109 of this title;

**SECTION 19.** 11-37.5-104, Colorado Revised Statutes, is amended to read:

**11-37.5-104. Scope and applicability - construction in harmony with banking law.** This part 1 and part 2 of this article set forth the terms and conditions under which a foreign or domestic financial institution may do business in Colorado as a state-chartered foreign capital depository. All provisions of the ~~"Colorado Banking Code of 1957", articles 1 to 11, 22, and 23~~ "COLORADO BANKING CODE", ARTICLES 10.5 AND 101 TO 109 of this title, shall apply to such institutions except to the extent of any conflict with the provisions of this article, in which case the provisions of this article shall control.

**SECTION 20.** 11-37.5-107, Colorado Revised Statutes, is amended to read:

**11-37.5-107. Effect of injunction, rule, or order.** An injunction, rule, or order issued under this article, including without limitation section 11-37.5-501 or 11-37.5-502, supersedes any conflicting provision of this article or of the ~~"Colorado Banking Code of 1957", articles 1 to 11, 22, and 23~~ "COLORADO BANKING CODE", ARTICLES 10.5 AND 101 TO 109 of this title.

**SECTION 21.** 11-37.5-111 (1) (a), Colorado Revised Statutes, is amended to read:

**11-37.5-111. Suspension, revocation, and restoration of charter.** (1) The board may suspend or revoke the charter of a depository if the board finds that the depository or any director, executive officer, or controlling person of the depository has:

(a) Violated any provision of this article or any rule validly adopted pursuant to this article or the ~~"Colorado Banking Code of 1957", articles 1 to 11, 22, and 23~~ "COLORADO BANKING CODE", ARTICLES 10.5 AND 101 TO 109 of this title;

**SECTION 22.** 11-37.5-121 (3), Colorado Revised Statutes, is amended to read:

**11-37.5-121. Sale or transfer of charter prohibited - penalty.** (3) Nothing in this section shall be construed to prohibit the sale or transfer of corporate shares of a foreign capital depository; except that the sale of control of an existing foreign capital depository shall be subject to the change-of-control provisions of the ~~"Colorado Banking Code of 1957"~~ "COLORADO BANKING CODE", ARTICLES 10.5 AND 101 TO 109 OF THIS TITLE.

**SECTION 23.** 11-71-102 (3) (a) (II), Colorado Revised Statutes, is amended to read:

**11-71-102. Definitions.** As used in this article, unless the context otherwise

requires:

(3) (a) "Depository institution" means:

(II) A trust company or other institution that is chartered pursuant to ~~article 23~~ ARTICLE 109 of this title.

**SECTION 24.** 11-101-401 (43), Colorado Revised Statutes, is amended to read:

**11-101-401. Definitions.** As used in this code, unless the context otherwise requires:

(43) "Lessor" means a bank, as defined in subsection (5) of this section, or subsidiary thereof, including any company operating pursuant to section 11-105-501, or any other person or persons renting or maintaining safe deposit facilities. "Lessor" does not include any financial institutions regulated by article ~~22, 23, 30, or 46~~ 30, 46, 108, OR 109 of this title or a credit union chartered under the laws of the United States.

**SECTION 25.** 12-2-123 (1) (p), Colorado Revised Statutes, is amended to read:

**12-2-123. Grounds for disciplinary action - administrative penalties.**  
(1) After notice and hearing as provided in section 12-2-125, the board may deny the issuance of, refuse to renew, revoke, or suspend any certificate of a certified public accountant issued under this article or any prior law of this state or may fine, censure, issue a letter of admonition to, or place on probation the holder of any certificate and impose other conditions or limitations for any of the following causes:

(p) Habitual intemperance with respect to or excessive use of any habit-forming drug, ~~as defined in section 12-22-102 (13)~~; any controlled substance as defined in section 12-22-303 (7), or any alcoholic beverage, any of which renders him unfit to practice public accounting;

**SECTION 26.** 12-4-111 (2) (j), Colorado Revised Statutes, is amended to read:

**12-4-111. Discipline.** (2) Grounds for disciplinary action include:

(j) Habitual intemperance with respect to or excessive use of any habit-forming drug, ~~as defined in section 12-22-102 (13)~~; any controlled substance as defined in section 12-22-303 (7), or any alcoholic beverage, any of which renders him unfit to practice architecture; or

**SECTION 27.** 12-14-114, Colorado Revised Statutes, is amended to read:

**12-14-114. Administrative enforcement.** Compliance with this article shall be enforced by the board. The board has power to make reasonable rules ~~and regulations~~ for the administration and enforcement of this article, including standards of conduct for licensees ~~and registrants~~ and collection notices and forms.

**SECTION 28.** 12-14-117 (4), Colorado Revised Statutes, is amended to read:

**12-14-117. Powers and duties of the administrator.** (4) Any complaint received by the administrator regarding violations of this article by an attorney shall be forwarded to the supreme court's ~~disciplinary counsel~~ ATTORNEY REGULATION COUNSEL.

**SECTION 29.** 12-14-120 (2), Colorado Revised Statutes, is amended to read:

**12-14-120. License - issuance - grounds for denial - appeal - contents.** (2) The administrator may deny any application for a license or its renewal if any grounds exist that would justify disciplinary action under section 12-14-130, for failure to meet the requirements of section 12-14-119, or if the applicant, the applicant's ~~principles~~ PRINCIPALS, or the applicant's collections manager have fraudulently obtained or attempted to obtain a license.

**SECTION 30.** 12-14-130 (4), Colorado Revised Statutes, is amended to read:

**12-14-130. Complaint - investigations - powers of the board - sanctions.** (4) In any proceeding held under this section, the board may accept as prima facie evidence of grounds for disciplinary or adverse action any disciplinary or adverse action taken against a licensee, the licensee's ~~principles~~ PRINCIPALS, debt collector, solicitor, or collections manager by another jurisdiction that issues professional, occupational, or business licenses, if the conduct which prompted the disciplinary or adverse action by that jurisdiction would be grounds for disciplinary action under this section.

**SECTION 31.** 12-22-125 (1) (n), Colorado Revised Statutes, is amended to read:

**12-22-125. Unprofessional conduct - grounds for discipline.** (1) The board may suspend, revoke, refuse to renew, or otherwise discipline any license or registration issued by it, after a hearing held in accordance with the provisions of this section, upon proof that the licensee or registrant:

(n) Has committed any fraudulent insurance act as defined in section ~~10-1-127~~ 10-1-128, C.R.S.;

**SECTION 32.** 12-29.5-106 (1) (m), Colorado Revised Statutes, is amended to read:

**12-29.5-106. Grounds for disciplinary action.** (1) The director may deny licensure to or take disciplinary action against an acupuncturist pursuant to section 24-4-105, C.R.S., if the director finds that the acupuncturist has committed any of the following acts:

(m) Continued in the practice of acupuncture while addicted to or dependent upon alcohol or upon any habit-forming drug ~~as defined in section 12-22-102 (13)~~, or while abusing or habitually or excessively using any such habit-forming drug or any controlled substance as defined in section 12-22-303 (7);

**SECTION 33.** 12-32-107 (3) (f), Colorado Revised Statutes, is amended to read:

**12-32-107. Issuance, revocation, or suspension of license - probation -**

**immunity in professional review.** (3) "Unprofessional conduct" as used in this article means:

(f) Habitual intemperance or excessive use of any habit-forming drug ~~as defined in section 12-22-102 (13)~~, or any controlled substance as defined in section 12-22-303 (7);

**SECTION 34.** 12-33-117 (1) (d), Colorado Revised Statutes, is amended to read:

**12-33-117. Discipline of licensees - letters of admonition, suspension, revocation, denial, and probation - grounds.** (1) Upon any of the following grounds, the board may issue a letter of admonition to a licensee or may revoke, suspend, deny, refuse to renew, or impose conditions on such licensee's license:

(d) Habitual intemperance or excessive use of a controlled substance as defined in section 18-18-102 (5), C.R.S., or a habit-forming drug; ~~as defined in section 12-22-102 (13)~~;

**SECTION 35.** 12-36-117 (1) (g) and (1) (i), Colorado Revised Statutes, are amended to read:

**12-36-117. Unprofessional conduct.** (1) "Unprofessional conduct" as used in this article means:

(g) Administering, dispensing, or prescribing any habit-forming drug ~~as defined in section 12-22-102 (13)~~, or any controlled substance as defined in section 12-22-303 (7), other than in the course of legitimate professional practice;

(i) Habitual intemperance or excessive use of any habit-forming drug ~~as defined in section 12-22-102 (13)~~, or any controlled substance as defined in section 12-22-303 (7);

**SECTION 36.** 12-37-107 (3) (d), Colorado Revised Statutes, is amended to read:

**12-37-107. Disciplinary action authorized - grounds for discipline.** (3) The director has the power to deny, revoke, or suspend any registration or to issue a letter of admonition or place a registrant on probation for any of the following acts or omissions:

(d) Habitual intemperance with regard to or excessive use of a habit-forming drug, ~~as defined in section 12-22-102 (13)~~, a controlled substance as defined in section 12-22-303 (7), or an alcoholic beverage;

**SECTION 37.** 12-38-117 (1) (s), Colorado Revised Statutes, is amended to read:

**12-38-117. Grounds for discipline.** (1) "Grounds for discipline", as used in this article, means any action by any person who:

(s) Has administered, dispensed, or prescribed any habit-forming drug ~~as defined in section 12-22-303 (13)~~, or any controlled substance as defined in section 12-22-303 (7), other than in the course of legitimate professional practice;

**SECTION 38.** 12-38.1-111 (1) (i), Colorado Revised Statutes, is amended to read:

**12-38.1-111. Grounds for discipline.** (1) The board may suspend, revoke, or deny any certification to practice as a nurse aide upon proof that such person:

(i) Has habitually abused or excessively used any habit-forming drug ~~as defined in section 12-22-102 (13)~~; or any controlled substance as defined in section 18-18-102 (5), C.R.S.;

**SECTION 39.** 12-39-111 (1) (g), Colorado Revised Statutes, is amended to read:

**12-39-111. Grounds for discipline.** (1) The board has the power to revoke, suspend, withhold, or refuse to renew any license, to place on probation a licensee or temporary license holder, or to issue a letter of admonition to a licensee in accordance with the procedures set forth in subsection (3) of this section, upon proof that such person:

(g) Is addicted to or dependent on alcohol or habit-forming drugs, ~~as defined in section 12-22-102 (13)~~, abuses or engages in the habitual or excessive use of any such habit-forming drug or any controlled substance as defined in section 12-22-303 (7) or 18-18-102 (5), C.R.S., or participates in the unlawful use of controlled substances as specified in section 18-18-404, C.R.S.; except that the board has the discretion not to discipline the licensee if such person is participating, in good faith, in a program approved by the board designed to end such addiction or dependency;

**SECTION 40.** 12-40-108 (1) (d), Colorado Revised Statutes, is amended to read:

**12-40-108. Application for license - licensure by endorsement.** (1) Every person who does not currently hold a license to practice optometry in this state and who desires to practice optometry within the state shall file with the board an application for a license, giving the information required on a form to be provided by the board, wherein it shall appear that the applicant possesses the following qualifications:

(d) The applicant is not addicted to or dependent on, and has not habitually or excessively used or abused, intoxicating liquors, habit-forming drugs, ~~as defined in section 12-22-102 (13)~~; or controlled substances as defined in section 12-22-303 (7).

**SECTION 41.** 12-40-118 (1) (e), Colorado Revised Statutes, is amended to read:

**12-40-118. Unprofessional conduct defined.** (1) The term "unprofessional conduct", as used in this article, means:

(e) Addiction to, dependence on, or the habitual or excessive use or abuse of intoxicating liquors, a habit-forming drug, ~~as defined in section 12-22-102 (13)~~; or any controlled substance as defined in section 12-22-303 (7);

**SECTION 42.** 12-41-115 (1) (l), Colorado Revised Statutes, is amended to read:

**12-41-115. Grounds for disciplinary action.** (1) The director is authorized to

take disciplinary action in accordance with section 12-41-116 if the licensee has:

(l) A dependence on or addiction to alcohol or any habit-forming drug ~~as defined in section 12-22-102 (13)~~; or abuses or engages in the habitual or excessive use of any such habit-forming drug or any controlled substance as defined in section 12-22-303 (7);

**SECTION 43.** 12-43-222 (1) (e), Colorado Revised Statutes, is amended to read:

**12-43-222. Prohibited activities - related provisions.** (1) A person licensed, registered, or regulated under part 3, 4, 5, 6, or 7 of this article is in violation of this article if such person:

(e) Is addicted to or dependent on alcohol or any habit-forming drug ~~as defined in section 12-22-102 (13)~~; or is a habitual user of any controlled substance as defined in section 12-22-303 (7), or any alcoholic beverage;

**SECTION 44.** The introductory portion to 12-54-108 (4) and 12-54-108 (4) (a) and (4) (b), Colorado Revised Statutes, are amended to read:

**12-54-108. Exceptions - safe harbor.** (4) If a funeral director or embalmer has acted in good faith, the funeral director or embalmer may rely on a signed statement from a person with the right of final disposition under section ~~12-34-302~~ 15-19-106, C.R.S., that:

(a) The person knows of no document expressing the deceased's wishes for final disposition that qualifies to direct the final disposition under section ~~12-34-303~~ 15-19-104, C.R.S.;

(b) The person has made a reasonable effort ~~as defined in section 12-34-301 (6)~~ UNDER SECTION 15-19-106, C.R.S., to contact each person with the right of final disposition and to learn his or her wishes; and

**SECTION 45.** 12-58-110 (1) (l), Colorado Revised Statutes, is amended to read:

**12-58-110. Disciplinary action by board - licenses or registrations denied, suspended, or revoked - cease and desist orders.** (1) The board may deny, suspend, revoke, or refuse to renew any license or registration issued or applied for under the provisions of this article or place a licensee on probation for any of the following reasons:

(l) Habitual intemperance with respect to or excessive use of any habit-forming drug, ~~as defined in section 12-22-102 (13)~~; any controlled substance as defined in section 12-22-303 (7), or any alcoholic beverage;

**SECTION 46.** 12-60-702 (1) (e) (II), Colorado Revised Statutes, is amended to read:

**12-60-702. Unlawful to wager, exception - excess - taxes - special provisions for simulcast races - repeal.** (1) (e) (II) Each operator of an in-state simulcast facility which receives simulcast races of horses or greyhounds shall pay to purse

funds for the racing of horses or greyhounds, respectively, depending on the animals taking part in each simulcast race, and to such in-state or out-of-state tracks and simulcast facilities as described in the simulcast agreement filed with the commission such percentages of the gross pari-mutuel wagering on such simulcast races, after deduction of any signal fee required by an out-of-state host track or an in-state host track, paid during the current year or any previous year, and the applicable amounts specified in subsection (2) (b) of this section, in section ~~12-60-701 (1) (a)~~; 12-60-701 (1), (2) (a), (2) (b), and (2) (c), and in section 12-60-704 (2), as shall be specified in such simulcast agreement.

**SECTION 47.** 12-64-111 (1) (v), Colorado Revised Statutes, is amended to read:

**12-64-111. Discipline of licensees.** (1) Upon signed complaint by any complainant or upon its own motion, the board may proceed to a hearing in conformity with section 12-64-112. After a hearing, and by a concurrence of a majority of members, the board may revoke or suspend the license of, place on probation, or otherwise discipline or fine, any licensed veterinarian for any of the following reasons:

(v) Addiction to, dependence on, or the habitual use or abuse of intoxicating liquors, a habit-forming drug, ~~as defined in section 12-22-102 (13)~~; or a controlled substance as defined in section 12-22-303 (7);

**SECTION 48.** 16-13-504 (2.1) (b), Colorado Revised Statutes, is amended to read:

**16-13-504. Forfeiture of vehicle, fixtures and contents of building, personal property, or contraband article - exceptions.** (2.1) (b) As used in paragraph (a) of this subsection (2.1), an owner was "involved in or knew of the subject act" if it is established that:

(I) The owner was involved in the subject act; or

(II) (A) The owner knew of the subject act or had notice of the acts facilitating the criminal activity or prior similar conduct and failed to take reasonable steps to prohibit or abate the illegal use of the property.

~~(B) Notwithstanding the provisions of subparagraph (B) of this paragraph (b);~~ SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (II), if the plaintiff proves by clear and convincing evidence that the owner knew or had notice of the unlawful use of the property, the owner must prove by a preponderance of the evidence that the owner took reasonable steps to prohibit or abate the unlawful use of the property for the court to find the owner was not a party to the offense or related criminal activity.

**SECTION 49.** 17-1-111, Colorado Revised Statutes, is amended to read:

**17-1-111. Certain provisions of the administrative procedure act not to apply.** The provisions of this title relating to the placement, assignment, management, discipline, and classification of inmates ~~including objective parole criteria approved by the commission on parole guidelines created pursuant to section 17-22.5-404 (7)~~; shall not be subject to section 24-4-103, 24-4-105, or 24-4-106,

C.R.S.

**SECTION 50.** 18-1.3-1302 (5) (c) (I), Colorado Revised Statutes, is amended to read:

**18-1.3-1302. Imposition of sentences in class 1 felonies for crimes committed on or after July 1, 1988, and prior to September 20, 1991 - appellate review.**

(5) For purposes of this section, aggravating factors shall be the following factors:

(c) The defendant intentionally killed any of the following persons while such person was engaged in the course of the performance of such person's official duties, and the defendant knew or reasonably should have known that such victim was such a person engaged in the performance of such person's official duties, or the victim was intentionally killed in retaliation for the performance of the victim's official duties:

(I) A peace officer or former peace officer as ~~defined~~ DESCRIBED in section ~~18-1-901(3)(f)~~ 16-2.5-101, C.R.S.; or

**SECTION 51.** 18-9-202.5 (2), Colorado Revised Statutes, is amended to read:

**18-9-202.5. Financial bonding requirements for costs of holding impounded animals.** (2) For purposes of this section, "impound agency" means an agency, including but not limited to an animal shelter as defined in section 35-80-102 (1), C.R.S., that impounds an animal pursuant to the provisions of subsection (1) of this section or section ~~18-9-202(1.7)~~ 18-9-202 (1.8).

**SECTION 52.** 18-12-203 (1) (g), Colorado Revised Statutes, is amended to read:

**18-12-203. Criteria for obtaining a permit.** (1) Beginning May 17, 2003, except as otherwise provided in this section, a sheriff shall issue a permit to carry a concealed handgun to an applicant who:

(g) Is not subject to:

(I) A ~~restraining order~~ PROTECTION ORDER issued pursuant to section 18-1-1001 or section 19-2-707, C.R.S., that is in effect at the time the application is submitted; or

(II) A permanent ~~restraining order~~ PROTECTION ORDER issued pursuant to article 14 of title 13, C.R.S.; or

(III) A temporary ~~restraining order~~ PROTECTION ORDER issued pursuant to article 14 of title 13, C.R.S., that is in effect at the time the application is submitted;

**SECTION 53.** 18-12-212 (2), Colorado Revised Statutes, is amended to read:

**18-12-212. Exemption.** (2) Notwithstanding any provision of this part 2 to the contrary, a retired peace officer, level I or Ia, as defined in section 18-1-901 (3) (I) (I) and (3) (I) (II), AS SAID SECTION EXISTED PRIOR TO ITS REPEAL IN 2003, within the first five years after retirement may obtain a permit by submitting to the sheriff of the

jurisdiction in which the retired peace officer resides a letter signed by the sheriff or chief of police of the jurisdiction by which the peace officer was employed immediately prior to retirement attesting that the retired officer meets the criteria specified in section 18-12-203 (1). A retired peace officer who submits a letter pursuant to this subsection (2) is not subject to the fingerprint or criminal history check requirements specified in this part 2 and is not required to pay the permit application fee. Upon receipt of a letter submitted pursuant to this subsection (2), the sheriff shall issue the permit. A permit issued pursuant to this subsection (2) may not be renewed. Upon expiration of the permit, the permittee may apply for a new permit as provided in this part 2.

**SECTION 54.** 20-1-201 (1) (d), Colorado Revised Statutes, is amended to read:

**20-1-201. Deputies - chief deputies - staff.** (1) (d) To prosecute felony nonsupport actions pursuant to article 6 of title 14, C.R.S., the district attorney in every judicial district is authorized to appoint any attorney performing child support enforcement services for the county department of social services pursuant to article 13 of title 26, C.R.S., as a special deputy district attorney, whether such attorney is employed by the department directly, as a contractual agent for the department, or through the services of a private company under contract with the department. In no event shall a special deputy district attorney appointed pursuant to this subsection (1) be granted all of the powers enumerated in section ~~18-1-901 (3) (i) (H) (A)~~ 16-2.5-101, C.R.S. The powers granted by this appointment shall be limited to the prosecutions delineated in this subsection (1).

**SECTION 55.** 22-7-612 (5), Colorado Revised Statutes, is amended to read:

**22-7-612. Closing the achievement gap commission - creation - members - report - repeal.** (5) This section is repealed, effective January 1, ~~2005~~ 2006.

**SECTION 56.** 22-54-107.5 (3) (b), Colorado Revised Statutes, is amended to read:

**22-54-107.5. Authorization of additional local revenues for supplemental cost of living adjustment.** (3) (b) For purposes of determining a district's total program for the 2001-02 budget year if calculated using the district's adjusted cost of living factor, "per pupil funding" under section 22-54-104 (2) (a.5) (IV), AS SAID SECTION EXISTED PRIOR TO ITS REPEAL IN 2003, shall be calculated using the size factor used in the calculation for the prior budget year or the size factor used in the calculation for the 2001-02 budget year, whichever is less, the cost of living factor for the prior budget year, and the at-risk factor calculated for the district using a base at-risk factor of eleven and one-half percent.

**SECTION 57. Repeal.** 22-54-112 (2) (b), Colorado Revised Statutes, is repealed as follows:

**22-54-112. Reports to the state board.** (2) (b) ~~On or before March 10 of each year, the secretary of the board of education of each district seeking aid for increased enrollment pursuant to section 22-54-125 shall certify to the state board the supplemental pupil enrollment of the district, as defined in section 22-54-125 (5), taken in the preceding February.~~

**SECTION 58.** 22-64-112 (2) (b) (I), Colorado Revised Statutes, is amended to read:

**22-64-112. Board may invest retirement funds - when.** (2) (b) (I) If a school district maintains a benefit or retirement system that utilizes the trust form for managing and investing the funds and assets of such system, the trustee or trustees of the trust shall manage and invest the funds and assets held in trust pursuant to the standard and other provisions for trustees set forth in the "COLORADO Uniform Prudent Investor Act", article 1.1 of title 15, C.R.S., as made applicable to any such trust in existence on July 1, 1995, pursuant to section 15-1.1-111, C.R.S.

**SECTION 59.** 23-1-104 (8) (b), Colorado Revised Statutes, is amended to read:

**23-1-104. Financing the system of postsecondary education - repeal.** (8) For fiscal years beginning on and after July 1, 2003, budget allocations for:

(b) Colorado state university and ~~the university of southern Colorado~~ COLORADO STATE UNIVERSITY - PUEBLO shall be directly appropriated to the board of governors of the Colorado state university system.

**SECTION 60.** 24-1-120 (9), Colorado Revised Statutes, is amended to read:

**24-1-120. Department of human services - creation.** (9) The powers, duties, and functions of the Colorado traumatic brain injury board, created in section ~~25-1-127, C.R.S.~~ 26-1-302, C.R.S., are transferred by a **type 2** transfer to the department of human services.

**SECTION 61.** 24-10-103 (4) (b) (V), Colorado Revised Statutes, is amended to read:

**24-10-103. Definitions.** As used in this article, unless the context otherwise requires:

(4) (b) "Public employee" includes any of the following:

(V) Any health care practitioner who volunteers services at or on behalf of a public entity, or who volunteers services as a participant in the community maternity services program. ~~established by section 26-15-109, C.R.S., as to the services which are volunteered.~~

**SECTION 62.** 24-33-304 (1), Colorado Revised Statutes, is amended to read:

**24-33-304. Repeal of part.** (1) This ~~article~~ PART 3 is repealed, effective July 1, 2013.

**SECTION 63.** 24-51-305 (1), Colorado Revised Statutes, is amended to read:

**24-51-305. District attorneys.** (1) District attorneys who have not made an election to participate in a defined contribution plan pursuant to section ~~24-54.7-106~~ 24-52-206 shall become members. Up to five years of service credit shall be granted for public service as a district attorney prior to January 11, 1977, if the district

attorney did not elect exemption from membership upon first becoming eligible for membership.

**SECTION 64.** 24-51-310 (1) (k), Colorado Revised Statutes, is amended to read:

**24-51-310. Persons not eligible for membership.** (1) Persons not eligible for membership in the association include:

(k) Participants in an optional retirement plan organized pursuant to the provisions of article 54.5 or a defined contribution plan organized pursuant to the provisions of ~~article 54.7~~ PART 2 OF ARTICLE 52 of this title to the extent required by the provisions of section 24-54.5-106 or section ~~24-54.7-106~~ 24-52-206; except that persons who do not participate in such optional retirement or defined contribution plans shall remain members of the association.

**SECTION 65.** 25-1-122 (4) (e), Colorado Revised Statutes, is amended to read:

**25-1-122. Named reporting of certain diseases and conditions - access to medical records - confidentiality of reports and records.** (4) Reports and records resulting from the investigation of epidemic and communicable diseases, environmental and chronic diseases, reports of morbidity and mortality, reports of cancer in connection with the statewide cancer registry, and reports and records resulting from the investigation of venereal diseases, tuberculosis, and rabies and mammal bites held by the state department of public health and environment or local departments of health shall be strictly confidential. Such reports and records shall not be released, shared with any agency or institution, or made public, upon subpoena, search warrant, discovery proceedings, or otherwise, except under any of the following circumstances:

(e) Medical and epidemiological information may be released to a peace officer as ~~defined~~ DESCRIBED in section ~~18-1-901(3)(1)~~ 16-2.5-101, C.R.S., the federal bureau of investigation, a federal law enforcement agency as designated by the United States attorney for the district of Colorado, or any prosecutor to the extent necessary for any investigation or prosecution related to bioterrorism; except that reasonable efforts shall be made to limit disclosure of personal identifying information to the minimal amount necessary to accomplish the law enforcement purpose. For purposes of this paragraph (e), "bioterrorism" means the intentional use of, attempted use of, conspiracy to use, or solicitation to use microorganisms or toxins of biological origin or chemical or radiological agents to cause death or disease among humans or animals.

**SECTION 66.** 25-4-506 (1) (a), Colorado Revised Statutes, is amended to read:

**25-4-506. Investigation and examination of suspected tuberculosis cases - isolation - quarantine.** (1) (a) Every chief medical health officer is directed to use every available means to investigate immediately and ascertain the existence of all reported or suspected cases of tuberculosis in the infectious stages within the chief medical health officer's jurisdiction, to ascertain the sources of such infections, AND to identify the contacts of such cases and offer treatment as appropriate. In carrying out such investigations, such chief medical health officer is invested with full powers of inspection, examination, and quarantine or isolation of all persons known to be

infected with tuberculosis in an infectious stage and is directed to make or cause to be made such examinations as are deemed necessary of persons who, on reasonable grounds, are suspected of having tuberculosis in an infectious stage and to isolate or isolate and quarantine such persons whenever necessary for the protection of the public health.

**SECTION 67.** 25-15-515 (1) (b), Colorado Revised Statutes, is amended to read:

**25-15-515. Annual fees - commercial hazardous waste incinerator or processor funds.** (1) (b) In lieu of the annual fees imposed under paragraph (a) of this subsection (1), the governing body may request that the owner or operator of any hazardous waste incinerator or processor site ~~to~~ make a lump-sum payment covering the total amount of fees imposed under this section. Such lump sum payment shall not be made unless the governing body having jurisdiction and the owner or operator of a hazardous waste incinerator or processor agree to such payment.

**SECTION 68.** 26-4-410 (2) (c) (II) (B.1), Colorado Revised Statutes, is amended to read:

**26-4-410. Providers - reimbursement - fees - nursing facility - nursing facility patient program improvement fund - intermediate care facility for the mentally retarded - reimbursement - maximum allowable - nonmonetary incentive program - legislative declaration.** (2) (c) The medical services board shall adopt rules and regulations to:

(II) (B.1) For fiscal year 2003-04, and for each fiscal year thereafter, determine and pay to nursing facility providers a reasonable share of the amount by which the reasonable costs of the categories of administration, property, and room and board, excluding food costs, exceed the actual cost in these categories only of each facility provider. Such reasonable share shall be defined as twelve and one-half percent of such amount in such categories for each facility, not to exceed twelve percent of the reasonable cost. As used in this sub-subparagraph (B.1), "nursing facility provider" means a facility provider that meets the state nursing home licensing standards in section ~~25-1-107 (1) (I) (i) or (1) (I) (H)~~ 25-1.5-103 (1) (a), C.R.S., is maintained primarily for the care and treatment of inpatients under the direction of a physician, and meets the requirements in 42 U.S.C. sec. 1396d for certification as a qualified provider of nursing facility services.

**SECTION 69.** 26-15-106 (1) (c), Colorado Revised Statutes, is amended to read:

**26-15-106. Responsibility of the department of health care policy and financing - provider reimbursement.** (1) The state department shall be responsible for:

(c) Submission of the report required in section 26-15-105. ~~(+)~~

**SECTION 70.** 29-11-101 (13) and (14), Colorado Revised Statutes, are amended to read:

**29-11-101. Definitions.** As used in this article, unless the context otherwise requires:

(13) ~~"Wireless communications access" means the radio equipment and assigned mobile identification number used to connect a wireless customer to a wireless carrier for two-way interactive voice or voice-capable services. "WIRELESS CARRIER" MEANS A CELLULAR LICENSEE, A PERSONAL COMMUNICATIONS SERVICE LICENSEE, AND CERTAIN SPECIALIZED MOBILE RADIO PROVIDERS DESIGNATED AS COVERED CARRIERS BY THE FEDERAL COMMUNICATIONS COMMISSION IN 47 CFR 20.18 AND ANY SUCCESSOR TO SUCH RULE.~~

(14) ~~"Wireless carrier" means a cellular licensee, a personal communications service licensee, and certain specialized mobile radio providers designated as covered carriers by the federal communications commission in 47 C.F.R. 20.18 and any successor to such rule. "WIRELESS COMMUNICATIONS ACCESS" MEANS THE RADIO EQUIPMENT AND ASSIGNED MOBILE IDENTIFICATION NUMBER USED TO CONNECT A WIRELESS CUSTOMER TO A WIRELESS CARRIER FOR TWO-WAY INTERACTIVE VOICE OR VOICE-CAPABLE SERVICES.~~

**SECTION 71.** 29-12.5-101 (3) (f), Colorado Revised Statutes, is amended to read:

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

(3) "Energy performance contract" means a contract for evaluations, recommendations, or implementation of one or more energy saving measures designed to produce utility costs savings or operation and maintenance cost savings, which contract:

(f) Requires such board, upon termination or expiration of the contract, to return to such party any moneys deposited with such board ~~pursuant to paragraph (d) of this subsection (3) which~~ THAT are not forfeited to such board pursuant to paragraph (e) of this subsection (3);

**SECTION 72.** 31-30.5-307 (2), Colorado Revised Statutes, is amended to read:

**31-30.5-307. State contribution.** (2) On September 30, 1995, and on September 30 of each year thereafter through 2002 and on April 30, 2006, and on April 30 of each year thereafter through 2012, the state treasurer shall transfer from the proceeds of the tax imposed by section 10-3-209, C.R.S., to the fund created by section 31-31-301, an amount equal to twenty-six million six hundred thousand dollars minus the amount transferred under section 31-30-1112 (2) (g) (I). Such annual transfer to the fund under this subsection (2) shall cease when the requirements of paragraph (c) of subsection (1) of this section have been met, and the final annual transfer may be in an amount less than the amount prescribed by this subsection (2) as determined from the total amount of unfunded accrued liability of employers. ~~described in the biennial report prepared pursuant to paragraph (d) of subsection (1) of this section.~~ Moneys in said fund shall not revert to the general fund but shall be continuously available for the purposes provided in this part 3 and part 11 of article 30 of this title.

**SECTION 73.** 31-30.5-503, Colorado Revised Statutes, is amended to read:

**31-30.5-503. Alternative investment authority.** Notwithstanding any other provision of this part 5, moneys of old hire pension plans that are not affiliated with

the fire and police pension association under section 31-31-701 may be managed and invested by the trustees of such plans pursuant to the standard and other provisions for trustees set forth in the "COLORADO Uniform Prudent Investor Act", article 1.1 of title 15, C.R.S. Such investments shall be audited at least biennially.

**SECTION 74.** 31-30.5-803 (1), Colorado Revised Statutes, is amended to read:

**31-30.5-803. Investment authority.** (1) Except as provided in subsection (2) of this section, moneys of exempt alternative plans that are not affiliated with the fire and police pension association under section 31-31-702 or 31-31-706 may be managed and invested by the trustees of such plans pursuant to the standard and other provisions for trustees set forth in the "COLORADO Uniform Prudent Investor Act", article 1.1 of title 15, C.R.S. Such investments shall be audited at least biennially.

**SECTION 75.** 31-31-302 (1) (a), Colorado Revised Statutes, is amended to read:

**31-31-302. Fund - management - investment.** (1) (a) The board shall be the trustee of the fund and shall have full and unrestricted discretionary power and authority to invest and reinvest such portions of the fund as in its judgment may not be immediately required for the payment of refunds or benefits. In exercising its discretionary authority with respect to the management and investment of fund assets, the board shall be governed by the standard and other provisions for trustees set forth in the "COLORADO Uniform Prudent Investor Act", article 1.1 of title 15, C.R.S.

**SECTION 76.** 31-31-602 (1), Colorado Revised Statutes, is amended to read:

**31-31-602. Withdrawn local alternative pension plans - investment authority.** (1) Except as provided in subsection (2) of this section, any locally administered and financed alternative pension plan fund established pursuant to this part 6 may be managed and invested by the trustees of such plan pursuant to the standard and other provisions for trustees set forth in the "COLORADO Uniform Prudent Investor Act", article 1.1 of title 15, C.R.S. Such investments shall be audited at least biennially.

**SECTION 77.** 31-31-703 (2), Colorado Revised Statutes, is amended to read:

**31-31-703. Money purchase plan benefit fund - creation - management.** (2) The board shall be the trustee of the fire and police members' money purchase plan benefit fund subject to the members' allocation of moneys in their accounts to the alternatives offered by the board. A member who exercises control over the plan assets in the member's account shall not be deemed to be a fiduciary by reason of such exercise of control, and the board shall not be liable for any loss that results from such exercise of control. In exercising its discretionary authority with respect to the investment and management of the fund assets that are allocated to the fire and police members' benefit fund created pursuant to section 31-31-301 (1) (a), the board shall be governed by the standard and other provisions for trustees set forth in the "COLORADO Uniform Prudent Investor Act", article 1.1 of title 15, C.R.S.

**SECTION 78.** 33-15-113 (3), Colorado Revised Statutes, is amended to read:

**33-15-113. Unattended vehicles without valid pass.** (3) Payment of a penalty assessment pursuant to subsection (2) of this section ~~by~~ TO the division shall be

deemed to be received on the date it is postmarked.

**SECTION 79.** 35-80-116.5 (5) (a), Colorado Revised Statutes, is amended to read:

**35-80-116.5. Pet overpopulation authority - creation - duties and powers - pet overpopulation fund.** (5) (a) Donations collected pursuant to subsection (4) of this section ~~and section 39-22-2201, C.R.S.~~, shall be transmitted to the state treasurer and credited to the pet overpopulation fund, which fund is hereby created in the state treasury. All interest derived from the deposit and investment of moneys in the fund shall be credited to the fund.

**SECTION 80.** 37-92-308 (3) (a), Colorado Revised Statutes, is amended to read:

**37-92-308. Substitute water supply plans - special procedures for review - water adjudication cash fund - legislative declaration.** (3) (a) To provide sufficient time to fully integrate certain wells into the water court adjudication process for augmentation plans, during 2003, 2004, and 2005, the state engineer may approve annual substitute water supply plans for wells operating in the South Platte river basin that have been operating pursuant to substitute water supply plans approved before 2003, or for augmentation wells, using the procedures and standards set forth in this subsection (3). After December 31, 2005, all such wells shall comply with the provisions of subsection (4) of this section in order to continue operation under a substitute water supply plan. The general assembly finds that this three-year period is a sufficient amount of time to develop augmentation plan applications for these wells, and there shall be no subsequent extensions of this deadline. Beginning January 1, 2006, ground water diversions from all such wells shall be continuously curtailed unless the wells are included in a plan for augmentation approved by the water judge for water division 1, ARE INCLUDED IN a substitute water supply plan approved pursuant to subsection (4) of this section, or can be operated under their own priorities without augmentation.

**SECTION 81.** 38-2-105, Colorado Revised Statutes, is amended to read:

**38-2-105. Educational boards of control have right of eminent domain.** The regents of the university of Colorado, the board of governors of the Colorado state university system for Colorado state university and ~~the university of southern Colorado~~ COLORADO STATE UNIVERSITY - PUEBLO, the board of trustees for Fort Lewis college, the board of trustees of the Colorado school of mines, the board of trustees of the university of northern Colorado, the board of trustees for Adams state college, the board of trustees for Mesa state college, and the board of trustees for Western state college of Colorado have the power to acquire real property, which they may deem necessary, by the exercise of eminent domain through condemnation proceedings in accordance with law.

**SECTION 82.** 38-13-111 (2) (c) (I), Colorado Revised Statutes, is amended to read:

**38-13-111. Notice and publication of lists of abandoned property.** (2) The published notice must be entitled "Notice of Names of Persons Appearing to be Owners of Abandoned Property" and must contain:

(c) ~~(I) Except as provided in subparagraph (H) of this paragraph (c),~~ A statement that any person claiming an interest in the property must file a proof of claim with the administrator pursuant to section 38-13-117.

**SECTION 83.** 38-35-125 (1), Colorado Revised Statutes, is amended to read:

**38-35-125. Closing and settlement services - disbursement of funds.** (1) As used in this section, unless the context otherwise requires:

(a) ~~"Closing and settlement services" means those services which benefit the parties to the sale, lease, encumbrance, mortgage, or creation of a secured interest in and to real property and the receipt and disbursement of money in connection with any sale, lease, encumbrance, mortgage, or deed of trust. "AVAILABLE FOR IMMEDIATE WITHDRAWAL AS A MATTER OF RIGHT" INCLUDES FUNDS TRANSFERRED BY ANY OF THE FOLLOWING MEANS:~~

(I) ANY WIRE TRANSFER;

(II) ANY CERTIFIED CHECK, CASHIER'S CHECK, TELLER'S CHECK, OR ANY OTHER INSTRUMENT AS DEFINED BY FEDERAL REGULATION CC, 12 CFR PART 229, PART 229.10 (c).

(a.5) "CLOSING AND SETTLEMENT SERVICES" MEANS THOSE SERVICES WHICH BENEFIT THE PARTIES TO THE SALE, LEASE, ENCUMBRANCE, MORTGAGE, OR CREATION OF A SECURED INTEREST IN AND TO REAL PROPERTY AND THE RECEIPT AND DISBURSEMENT OF MONEY IN CONNECTION WITH ANY SALE, LEASE, ENCUMBRANCE, MORTGAGE, OR DEED OF TRUST.

(b) "Financial institution" means an entity that is authorized under the laws of this state, another state, or the United States to make loans and receive deposits and has its deposits insured by the federal deposit insurance corporation, the federal savings and loan insurance corporation, or the national credit union share insurance fund.

~~(c) "Available for immediate withdrawal as a matter of right" includes funds transferred by any of the following means:~~

~~(I) Any wire transfer;~~

~~(II) Any certified check, cashier's check, teller's check, or any other instrument as defined by federal regulation CC, 12 CFR part 229, part 229.10 (c).~~

**SECTION 84.** 38-38-109 (3) (b) and (3) (c), Colorado Revised Statutes, are amended to read:

**38-38-109. Continuance of sale.** (3) (b) When the property is to be sold by the public trustee, upon the termination of any injunction or upon the entry of a bankruptcy court order dismissing the bankruptcy case or granting relief from the automatic stay provisions of ~~Title 11 of the federal bankruptcy code of 1978~~ THE FEDERAL BANKRUPTCY CODE OF 1978, TITLE 11 OF THE UNITED STATES CODE, as amended, the public trustee shall forthwith rerecord the notice of election and demand for sale and proceed with all additional foreclosure procedures provided by this

article as though the foreclosure had just been commenced.

(c) When the property is to be sold by the sheriff under any statutory or judicial foreclosure or upon execution and levy made pursuant to any court order or decree, upon the termination of any injunction or upon the entry of a bankruptcy court order dismissing the bankruptcy case or granting relief from the automatic stay provisions of ~~Title 11 of the federal bankruptcy code of 1978~~ THE FEDERAL BANKRUPTCY CODE OF 1978, TITLE 11 OF THE UNITED STATES CODE, as amended, the sheriff shall forthwith establish a new sale date and republish a new notice of sale in accordance with the provisions of section 13-56-201 (1), C.R.S.

**SECTION 85.** 38-38-111 (2), Colorado Revised Statutes, is amended to read:

**38-38-111. Treatment of excess funds.** (2) Upon the expiration of all redemption periods provided in sections 38-38-302 and 38-38-303, the excess moneys shall be paid first to the last redeeming lienor up to the amount due on such last redeeming lienor's lien, and the balance, if any, shall be paid, in order of priority, to junior lienors who have duly filed notice of intent to redeem as provided in section 38-38-303 (2) and who have failed to redeem, in each case up to the amount of each such lienor's lien and finally to the owner of record as of the day of the foreclosure sale. A lienor holding a consensual lien pursuant to section ~~38-38-303 (2) (e)~~ 38-38-303 (2) (d) that is not entitled to redeem pursuant to section ~~38-38-303 (2) (d)~~ 38-38-303 (2) (c) shall not claim any portion of the excess moneys. Any excess moneys not claimed by the person entitled thereto shall be transferred by the public trustee to the county treasurer within forty-five days after the expiration of all redemption periods as provided in sections 38-38-302 and 38-38-303 and held in escrow for five years from the date of sale. The county shall be answerable for such funds without interest at any time within said five-year period to such persons as shall be legally entitled thereto. Any interest earned on such escrowed funds shall be paid to the county at least annually. Any funds not claimed within five years from the date of sale shall be paid by the county treasurer to the general fund of said county. After the lapse of five years from the date of sale, no claim therefor having been made and established by any person entitled thereto, said moneys shall become the property of the county, and the county treasurer and public trustee shall be discharged from any further liability or responsibility for such moneys; except that, if said moneys exceed five hundred dollars and have not been claimed by any person entitled thereto within sixty days from the expiration of the property redemption period, the county treasurer, within ninety days from the expiration of the proper redemption period, shall commence publication of a notice for four weeks, which means publication once each week for five successive weeks in some newspaper of general circulation in the county in which the subject real estate is located. Said notice shall contain the name of the owner of record as of the day of the foreclosure sale, his OR HER address as given in the recorded instrument evidencing his OR HER interest, and the legal description and street address, if any, of the property sold at foreclosure sale and shall state that excess moneys were realized from said sale and that, unless said funds are claimed by the owner of record as of the day of the foreclosure sale or other person entitled thereto within five years from the date of sale, said funds shall become the property of the county in the manner provided in this subsection (2). The county treasurer shall also mail a copy of such notice to such record owner at the address provided in the recorded instrument evidencing his OR HER interest and at the property address. The costs of publication and mailing shall be paid from such moneys

escrowed by the county treasurer.

**SECTION 86.** 39-1-102 (1.6) (a) (I), Colorado Revised Statutes, is amended to read:

**39-1-102. Definitions.** As used in articles 1 to 13 of this title, unless the context otherwise requires:

(1.6) (a) "Agricultural land", whether used by the owner of the land or a lessee, means one of the following:

(I) A parcel of land, whether located in an incorporated or unincorporated area and regardless of the uses for which such land is zoned, that was used the previous two years and presently is used as a farm or ranch, as defined in subsections (3.5) and (13.5) of this section, or that is in the process of being restored through conservation practices. Such land must have been classified or eligible for classification as "agricultural land", consistent with this subsection (1.6), during the ten years preceding the year of assessment. Such land must continue to have actual agricultural use. "Agricultural land" under this subparagraph (I) includes land underlying any residential improvement located on such agricultural land and also includes the land underlying other improvements if such improvements are an integral part of the farm or ranch and if such other improvements and the land area dedicated to such other improvements are typically used as an ancillary part of the operation. The use of a portion of such land for hunting, fishing, or other wildlife purposes, for monetary profit or otherwise, shall not affect the classification of agricultural land. For purposes of this subparagraph (I), a parcel of land shall be "in the process of being restored through conservation practices" if: The land has been placed in a conservation reserve program established by the natural ~~resource~~ RESOURCES conservation service pursuant to 7 U.S.C. secs. 1 to 5506; or a conservation plan approved by the appropriate conservation district has been implemented for the land for up to a period of ten crop years as if the land has been placed in such a conservation reserve program.

**SECTION 87.** 39-4-102 (1) (b), Colorado Revised Statutes, is amended to read:

**39-4-102. Valuation of public utilities.** (1) The administrator shall determine the actual value of the operating property and plant of each public utility as a unit, giving consideration to the following factors and assigning such weight to each of such factors as in the administrator's judgment will secure a just value of such public utility as a unit:

(b) Its intangibles, such as special privileges, franchises, contract rights and obligations, and rights-of-way; except that licenses granted by the federal communications commission to a wireless carrier, as defined in section ~~29-11-101~~ (14); 29-11-101 (13) C.R.S., shall not be considered, nor shall the value of such licenses be reflected, in the administrator's valuation of the carrier's tangible property;

**SECTION 88.** 39-22-104 (3) (g), Colorado Revised Statutes, is amended to read:

**39-22-104. Income tax imposed on individuals, estates, and trusts - single rate - definitions.** (3) There shall be added to the federal taxable income:

(g) For the income tax years commencing on or after January 1, 2000, an amount equal to the charitable contribution deduction allowed by section 170 of the federal "~~Internal Revenue Code of 1986~~" INTERNAL REVENUE CODE, as amended, to the extent such deduction includes a contribution of real property to a charitable organization for a conservation purpose for which an income tax credit is claimed pursuant to section 39-22-522;

**SECTION 89.** 39-22-120 (10), Colorado Revised Statutes, is amended to read:

**39-22-120. Legislative declaration - state sales tax refund - offset against state income tax.** (10) The department of revenue shall identify any qualified individual who has been convicted of a felony and who, at the time of filing for a refund pursuant to this section, is incarcerated in a correctional facility operated by or under contract with the department of corrections or in a county or municipal jail awaiting transfer to a correctional facility pursuant to section 16-11-308, C.R.S. The department of revenue shall transfer the amount of any refund owed to said qualified individual to the department of corrections. The department of corrections shall transmit the amount of said refund to the clerk of the district court which issued an order for payment of restitution ~~entered pursuant to section 16-11-101.5, C.R.S.~~, or an order for costs pursuant to section 18-1.3-701, C.R.S. Such refund shall be credited in the priority specified in section 16-11-101.6 (1), C.R.S.

**SECTION 90.** 39-22-303 (12) (b), Colorado Revised Statutes, is amended to read:

**39-22-303. Apportionment of income - domestic and foreign.** (12) (b) As used in this subsection (12), the term "stock" does not include nonvoting stock which is limited and preferred as to dividends, employer securities, within the meaning of section ~~409A(1)~~ 409(1) of the internal revenue code, while such securities are held under a tax credit employee stock ownership plan, or qualifying employer securities, within the meaning of section 4975(e)(8) of the internal revenue code, while such securities are held under an employee stock ownership plan which meets the requirements of section 4975(e)(7) of the internal revenue code.

**SECTION 91.** 39-22-304 (2) (f), Colorado Revised Statutes, is amended to read:

**39-22-304. Net income of corporation.** (2) There shall be added to federal taxable income:

(f) For the income tax years commencing on or after January 1, 2000, an amount equal to the charitable contribution deduction allowed by section 170 of the federal "~~Internal Revenue Code of 1986~~" INTERNAL REVENUE CODE, as amended, to the extent such deduction includes a contribution of real property to a charitable organization for a conservation purpose for which an income tax credit is claimed pursuant to section 39-22-522;

**SECTION 92.** 39-22-611, Colorado Revised Statutes, is amended to read:

**39-22-611. Property exempt from ad valorem taxes.** Notwithstanding any other provisions of law, all intangible personal property, whether or not owned by a resident of Colorado, and whether or not such property or evidence thereof is situated

or held or has its legal situs within the state, shall be exempt from ad valorem tax imposed by the state of Colorado, or by any political subdivision thereof; but nothing in this section shall be construed to repeal, or in any way affect, the use or inclusion of intangible property other than licenses granted by the federal communications commission to a wireless carrier, as defined in section ~~29-11-101 (14)~~ 29-11-101 (13), C.R.S., as a factor in arriving at the valuation of public utility property assessed by the property tax administrator under provisions of articles 1 to 13 of this title.

**SECTION 93.** 39-22-703 (1), Colorado Revised Statutes, is amended to read:

**39-22-703. Contributions credited to nongame and endangered wildlife cash fund - appropriation.** (1) The department of revenue shall determine annually the total amount designated pursuant to ~~sections 33-4-118 (2) (c), C.R.S., and SECTION 39-22-702~~ and shall report such amount to the state treasurer who shall credit such amount to the nongame and endangered wildlife cash fund, which is hereby established in the state treasury. The controller, upon presentation of vouchers properly drawn and signed by the director of the division of wildlife or an authorized employee of the division of administration, shall issue warrants drawn on the appropriate fund. All moneys so deposited in the nongame and endangered wildlife cash fund shall remain in such fund to be used for the purposes set forth in subsection (2) of this section and shall not be deposited in or transferred to the general fund of the state of Colorado or any other fund.

**SECTION 94.** 39-22-1902, Colorado Revised Statutes, is amended to read:

**39-22-1902. Voluntary contribution designation - procedure.** For income tax years commencing on or after January 1, 2001, ~~but prior to January 1, 2004~~, each Colorado state individual income tax return form shall contain a line whereby each individual taxpayer may designate the amount of the contribution, if any, such individual wishes to make to the western slope military veterans' cemetery fund created in section 28-5-708 (1) (a), C.R.S. Such moneys credited to the fund shall be used for the operation and maintenance of a western slope military veterans' cemetery pursuant to section 28-5-708, C.R.S.

**SECTION 95. Repeal.** 39-22-1904, Colorado Revised Statutes, is repealed as follows:

**39-22-1904. Repeal of part.** ~~(1) This part 19 is repealed, effective January 1, 2005.~~

~~(2) Prior to the repeal of this part 19, a committee of reference in each house of the general assembly shall hold a hearing on whether the voluntary contribution should be continued.~~

~~(3) The change of the date in section 39-22-1902 from January 1, 2002, to January 1, 2004, and the change of the repeal date in subsection (1) of this section from January 1, 2002, to January 1, 2005, were made by the general assembly during the first regular session of the sixty-third general assembly to continue and reestablish the western slope military veterans' cemetery voluntary contribution program established by this part 19.~~

**SECTION 96.** 39-27-105.5 (2), Colorado Revised Statutes, is amended to read:

**39-27-105.5. Lien to secure payment of taxes - exemption - recovery.** (2) If a distributor fails to comply with the provisions of section 39-27-105, ~~or 39-27-105.3~~, the executive director of the department of revenue may seek to enforce collection of the unpaid taxes, penalties, and interest in accordance with the provisions of article 21 of this title.

**SECTION 97.** 39-29-107 (1), Colorado Revised Statutes, is amended to read:

**39-29-107. Tax on severance of oil shale.** (1) In addition to any other tax, there shall be levied, collected, and paid for each taxable year a tax upon the severance of oil shale as to all such severance occurring on and after January 1, 1978. Such tax shall be levied against every person engaged in the severance of oil shale. Subject to the provisions of subsections (2) AND (3) ~~and (4)~~ of this section, such tax shall be levied on the gross proceeds from each commercial oil shale facility at a rate of four percent of such gross proceeds.

**SECTION 98.** The introductory portion to 40-7-113 (1), Colorado Revised Statutes, is amended to read:

**40-7-113. Civil penalties - fines.** (1) In addition to any other penalty otherwise authorized by law and except as otherwise provided in subsections (3) and (4) of this section, any person who violates any provision of article 10, 11, 13, ~~or 14~~, OR 16 of this title or any rule promulgated by the commission pursuant to such articles, which provision or rule is applicable to such person, may be subject to fines as specified in the following paragraphs:

**SECTION 99.** 42-3-107 (26) (e), Colorado Revised Statutes, is amended to read:

**42-3-107. Taxable value of classes of property - rate of tax - when and where payable - department duties - apportionment of tax collections - definitions.** (26) (e) The annual specific ownership tax on each fleet vehicle for which the registration renewal is processed in the county in which the fleet owner's principal office OR PRINCIPAL FLEET MANAGEMENT FACILITY is located shall become due and payable to the authorized agent in such county pursuant to this article. The authorized agent in such county shall apportion the specific ownership taxes collected for all fleet vehicles for which the registration renewal is processed in such county pursuant to this subsection (26) to the counties in which the fleet vehicles are located at the time of registration in proportion to the number of fleet vehicles located in each county.

**SECTION 100.** 42-4-505 (1) (a), Colorado Revised Statutes, is amended to read:

**42-4-505. Longer vehicle combinations.** (1) (a) Notwithstanding any other provision of this article to the contrary, the department of transportation, in the exercise of its discretion, may issue permits for the use of longer vehicle combinations. An annual permit for such use may be issued to each qualified carrier company. The carrier company shall maintain a copy of such annual permit in each vehicle operating as a longer vehicle combination; except that, if a peace officer, as ~~defined~~ DESCRIBED in section ~~18-1-901(3)(1)~~, 16-2.5-101, C.R.S., or an authorized

agent of the department of transportation may determine that the permit can be electronically verified at the time of contact, a copy of the permit need not be in each vehicle. The fee for the permit shall be two hundred fifty dollars per year.

**SECTION 101.** 42-4-510 (4), Colorado Revised Statutes, is amended to read:

**42-4-510. Permits for excess size and weight and for manufactured homes.**

(4) The original or a copy of every such permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer or authorized agent of any authority granting such permit; except that, if a peace officer, as ~~defined~~ DESCRIBED in section ~~18-1-901 (3) (f)~~ 16-2.5-101, C.R.S., or an authorized agent of the authority that granted a permit may determine that the permit can be electronically verified at the time of contact, a copy of the permit need not be carried in the vehicle or combination of vehicles to which it refers. No person shall violate any of the terms or conditions of such permit.

**SECTION 102.** 42-20-203 (1), Colorado Revised Statutes, is amended to read:

**42-20-203. Carrying of permit and shipping papers.** (1) Any person transporting hazardous materials that require placarding under 49 CFR 172 or 173 in this state shall carry a copy of the shipping papers required in 49 CFR 172.200 and a copy of the hazardous materials transportation permit issued by the public utilities commission or the port of entry weigh station in the transporting motor vehicle while in this state; except that, if a peace officer, as ~~defined~~ DESCRIBED in section ~~18-1-901 (3) (f)~~ 16-2.5-101, C.R.S., or any other enforcement official may determine that the hazardous materials transportation permit can be electronically verified at the time of contact, a copy of the permit need not be carried by the person transporting hazardous materials. Such permit shall be open to inspection or electronic verification by any enforcement official.

**SECTION 103.** 42-20-204 (2), Colorado Revised Statutes, is amended to read:

**42-20-204. Permit violations - penalties.** (2) Any person who has obtained an annual or a single trip hazardous materials transportation permit but fails to have a copy of said permit in the cab of the motor vehicle while transporting hazardous materials in, to, from, or through this state commits a class B traffic infraction and shall be assessed a penalty of twenty-five dollars in accordance with the procedure set forth in section 42-4-1701 (4) (a) (V); except that, if a peace officer, as ~~defined~~ DESCRIBED in section ~~18-1-901 (3) (f)~~ 16-2.5-101, C.R.S., or any other enforcement official may determine that the permit can be electronically verified at the time of contact, a copy of the permit need not be in the cab of the motor vehicle.

**SECTION 104.** 43-4-201 (3) (a) (II) (K), Colorado Revised Statutes, is amended to read:

**43-4-201. Funds created - repeal.** (3) (a) (II) The general assembly shall not make any annual appropriation or statutory distribution from the highway users tax fund except as follows:

(K) To the department of revenue for completion of the license plate replacement pursuant to section 42-3-113 (5) (b), C.R.S. This sub-subparagraph (K) is repealed,

effective July 1, ~~2004~~ 2007.

**SECTION 105.** 22-54-103 (10) (e.5), Colorado Revised Statutes, is amended to read:

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

(10) (e.5) A pupil who is enrolled as less than a full-time student, other than a student described in paragraph (b) ~~(c)~~, or (d) of this subsection (10), shall be counted in accordance with rules promulgated by the state board for students who are enrolled as less than full-time students.

**SECTION 106.** 23-20-136 (3) (a), Colorado Revised Statutes, is amended to read:

**23-20-136. Fitzsimons trust fund - creation - legislative declaration - repeal.**

(3) (a) There is hereby created in the state treasury the university of Colorado health sciences center at Fitzsimons trust fund, referred to in this section as the "Fitzsimons trust fund", the principal of which shall consist of those general fund revenues in excess of the limitation in section 24-75-201.1 (1) (a) (II), C.R.S., that may be transferred to the capital construction fund as provided in section 24-75-302 (2), C.R.S., and then appropriated from the capital construction fund to the Fitzsimons trust fund and of moneys appropriated to the Fitzsimons trust fund from the capital ~~development~~ CONSTRUCTION fund pursuant to subsection (3.5) of this section. The principal and interest of the Fitzsimons trust fund shall not be expended or appropriated for any purpose other than that stated in subsection (5) of this section. The state treasurer may, in the state treasurer's discretion, deposit, redeposit, invest, and reinvest moneys accrued or accruing to the Fitzsimons trust fund in the types of deposits and investments authorized in sections 24-36-109, 24-36-112, and 24-36-113, C.R.S.

**SECTION 107.** 23-20-207 (1) (a) (I.5) (A), Colorado Revised Statutes, is amended to read:

**23-20-207. Funding of research grants - tobacco- and substance-abuse-related research fund - creation - administrative costs.**

(1) (a) (I.5) Notwithstanding the provision of subparagraph (I) of this paragraph (a), in any year in which money is owed to a lessor under a lease-purchase agreement authorized pursuant to section 3 of House Bill 03-1256, as enacted at the first regular session of the sixty-fourth general assembly:

(A) Moneys specified in subparagraph (I) of this paragraph (a) shall first be appropriated to the capital ~~development~~ CONSTRUCTION fund pursuant to section 23-20-136 (3.5); and

**SECTION 108.** Section 31 of House Bill 04-1227, enacted at the Second Regular Session of the Sixty-fourth General Assembly, is amended to read:

Section 31. **Effective date.** This act shall take effect upon passage, except that sections 3, ~~20, 21, and 28~~ 21, 22, and 30 of this act shall take effect January 1, 2006.

**SECTION 109.** 10-16-105.2 (1) (c) (I) (A), Colorado Revised Statutes, as enacted by Senate Bill 04-105, enacted at the Second Regular Session of the Sixty-fourth General Assembly, is amended to read:

**10-16-105.2. Small employer health insurance availability program.**

(1) (c) (I) The provisions of this article concerning small employer carriers and small group plans shall not apply to an individual health benefit plan newly issued to a business group of one that includes only a self-employed person who has no employees, or a sole proprietor who is not offering or sponsoring health care coverage to his or her employees, together with the dependents of such a self-employed person or sole proprietor if, pursuant to rules adopted by the commissioner, all of the following conditions are met:

(A) As part of the application process, the carrier determines whether or not the applicant is a self-employed person who meets the definition of a business group of one pursuant to section ~~10-8-602 (2.5)~~ 10-16-102 (6).

**SECTION 110. Effective date.** (1) Except as otherwise provided in subsection (2) and (3) of this section, this act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution (August 4, 2004, if adjournment sine die is on May 5, 2004); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

(2) Section 79 of this act shall not take effect if Senate Bill 04-207 is enacted at the Second Regular Session of the Sixty-fourth General Assembly and becomes law.

(3) Section 106 of this act shall only take effect if Senate Bill 04-105 is enacted at the Second Regular Session of the Sixty-fourth General Assembly and becomes law.

Approved: May 27, 2004

## APPENDIX

| C.R.S.<br>Section   | Section<br>in bill | Reason   |
|---------------------|--------------------|--|
| 1-1.5-102 (3)       | 1                  | In a provision of the "Uniform Election Code of 1992" as amended by HB03-1356, chapter 326, page 2064, concerning the implementation of the federal "Help America Vote Act of 2002", changes an internal reference to the provision defining HAVA from "42 U.S.C. sec. 15512" to "42 U.S.C. sec. 15301" to correct a drafting error that occurred in the original draft of the bill.   |
| 1-7-103 (5) (c)     | 2                  | In a provision of the "Uniform Election Code of 1992" explaining when an elector may cast a provisional ballot, changes an internal reference from "this subsection (2)" to "this subsection (5)", to correct a drafting error that occurred in the original draft of HB03-1356, chapter 326, page 2064.   |
| 1-7.5-107.3 (2) (c) | 3                  | Substitutes "return envelope" for "return verification envelope" in a provision of the "Mail Ballot Election Act" pertaining to disagreements among election judges as to the authenticity of a voter's signature, to conform with the change made when HB03-1241, chapter 200, page 1438, concerning signature verification on election ballots and SB03-102, chapter 164, page 1280, concerning voter identification, were harmonized. Also changes an internal reference from "subsection (1)" to "subsection (2)" to correct an error that occurred in a Senate second reading amendment to HB03-1241. |
| 1-8-114.5 (2) (c)   | 4                  | In a provision of the "Uniform Election Code of 1992", amended by HB03-1241, chapter 200, page 1438, concerning signature verification on election ballots, changes an internal reference from "this subsection (1)" to "this subsection (2)" to correct a drafting error that originated in Senate second reading floor amendment L.004.  |

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| 4-9-102 (a) (77)                          | 5 | In a provision of the "Uniform Commercial Code - Secured Transactions" that defines the term "send", changes an internal reference from "this paragraph(74)" to "this paragraph (77)", to correct a drafting error in the original draft of SB01-240, chapter 321, page 1313, concerning article 9 of the uniform commercial code, which was repealed and reenacted.   |
| 5-1-301 (11) (b) (II)<br>(A) and (15) (c) | 6 | Corrects obsolete language in a provision of the "Uniform Consumer Credit Code" by replacing "debtors" with "consumers" to reflect the changes made when the code was repealed and reenacted by HB00-1185, chapter 265, page 1178. Furthermore, the language "for transactions secured by interests in land as" has been added to clarify the meaning of the internal reference to section 5-5-204, which provides consumers with a right to rescind a transaction secured by an interest in land. |
| 6-1-903 (7) (b)                           | 7 | In a provision of the "Colorado No-Call List Act" enacted by HB01-1405, chapter 324, page 1454, concerning the creation of a telemarketing no-call list for telephone subscribers, changes an internal reference in a section defining "established business relationship" from "Gramm-Leach-Bliley Act of 1999" to "Gramm-Leach-Bliley Act", because the referenced short title incorrectly adds the language "of 1999", which is not contained in the short title of the federal act.            |

- 6-7-105 (1) (b) 8 In a provision of the "Residential Building Energy Conservation Act of 1977", which discusses minimum thermal performance standards for residential buildings on or after November 1, 1979, deletes an internal reference to subsection (5) of this section, which provided for the distribution of energy conservation performance information to those who obtained a homeowner's permit, because paragraph (e) of subsection (5) enacted by SB79-292, chapter 57, page 321, concerning energy conservation standards for residential buildings, contained a future repeal provision that provided for the repeal of subsection (5), effective March 31, 1980.
- 6-16-111 (2) and (3) 9 In a provision of the "Colorado Charitable Solicitations Act", which provides the penalties for those who commit charitable fraud, changes an internal reference from "18-1-105" to "18-1.3-401" and "18-1-106" to "18-1.3-501" to correspond with the renumbering of those sections by HB02-1046, chapter 318, page 1365, which relocated certain existing criminal sentencing statutes to a new article in title 18.
- 6-18-206 (1) (e) and (2) (c) 10 Changes an internal reference from section "10-8-606" to "10-16-105 (7.2) and (7.3)", because subsection (4) of section 10-8-606 contained a future repeal provision, which repealed the section pertaining to the health benefit advisory committee, effective July 1, 2001. Furthermore, HB94-1210, chapter 311, page 1902, concerning measures to improve the system of financing health care costs using arrangements with private third-party payers pursuant to existing mandatory coverage, added section 10-16-105, which addresses basic and standard health benefit plans in subsections (7.2) and (7.3), which were formerly discussed by the health benefit advisory committee.

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|----------------------|----|--|
| 6-20-101 (1) and (2) | 11 | In a provision addressing hospital fee disclosures to consumers, changes an internal reference from "25-1-107" to a provision in article 1.5 of title 25 to correspond with the repeal and relocation of the section by SB03-002, chapter 57, page 676, concerning a nonsubstantive recodification of the statutes relating to the powers of the department of public health and environment.  |
| 9-5-104 (1) (a)      | 12 | In a provision assigning the division of housing to enforce the standards of factory-built homes, changes an internal reference from "24-32-703 (3)" to "24-32-3302 (10)", because SB03-182, chapter 29, page 532, concerning the consolidation of programs implemented by the department of local affairs that pertain to the regulation of construction, repealed section 24-32-703 (3), which formerly defined "factory-built housing", and added similar language defining a "factory-built residential structure" to section 24-32-3302 (10). |

- 10-4-628 (2) (b) (II) and (3) 13 In a section enacted by HB03-1188, chapter 234, page 1558, concerning compulsory insurance coverage for motor vehicles, which explains a motor vehicle insurer's obligation to offer to exclude any person in a household if such person's record and claim experience would justify refusal if such person were not applying as part of a household, changes an internal reference from "10-4-629" to "10-4-630" to correct a drafting error which originated when amendment L.006 was adopted by the House Business Affairs and Labor Committee. The amendment added a new section but did not correct the internal references in the succeeding sections of the bill. In addition, sections 10-4-616 through 10-4-630 were renumbered on revision to sections 10-4-619 through 10-4-633. The internal reference was changed to reflect renumbering on revision, but remained incorrect due to the original drafting error in amendment L.006. In subsection (3) which addresses the rights of the insured to file a protest with the commissioner of insurance, changes an internal reference from "this section" to "section 10-4-629", to correct a drafting error which originated in the said amendment L.006.
- 10-4-629 (2) (d) 14 In a section enacted by HB03-1188, chapter 234, page 1558, informing the insured of rate changes if a person or persons are to be excluded from coverage if the policy is renewed or continued, changes an internal reference from "section 10-4-628" to "this section" to correct a drafting error which originated in amendment L.006. (See 10-4-628 (2) (b) (II) and (3).)
- 10-8-602 (5) and (13) 15 Same as 6-18-206 (1) (e) and (2) (c).

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|------------------------|----|--|
| 10-16-102 (7)          | 16 | Deletes "under section 10-16-105 (7.3) (d.5)", which formerly listed the criteria used to determine when a small employer carrier may suspend its duty to issue a health benefit plan, because the internal reference refers to a provision that was deleted by SB97-054, chapter 154, page 630, concerning measures necessary for Colorado to maintain regulatory authority over certain aspects of health care coverage under the federal "Health Insurance Portability and Accountability Act of 1996". |
| 11-10.5-103 (2)        | 17 | Changes an internal reference from "articles 1 to 11, 22, and 23" to "this article and articles 101 to 109" in various provisions of the "Colorado Banking Code" because the "Colorado Banking Code of 1957" was repealed and those articles were relocated by HB03-1257, chapter 152, page 1051, concerning a nonsubstantive recodification of Colorado's banking laws.   |
| 11-37.5-103 (15) (b)   | 18 | Same as section 11-10.5-103 (2).   |
| 11-37.5-104            | 19 | Same as section 11-10.5-103 (2).   |
| 11-37.5-107            | 20 | Same as section 11-10.5-103 (2).   |
| 11-37.5-111 (1) (a)    | 21 | Same as section 11-10.5-103 (2).   |
| 11-37.5-121 (3)        | 22 | Same as section 11-10.5-103 (2).   |
| 11-71-102 (3) (a) (II) | 23 | Same as section 11-10.5-103 (2).   |
| 11-101-401 (43)        | 24 | Same as section 11-10.5-103 (2).   |
| 12-2-123 (1) (p)       | 25 | In various provisions of title 12, deletes an internal reference to section 12-22-102 (13), which defined a habit-forming drug, because the definition was deleted by SB03-119, chapter 128, page 944, concerning the continuation of the regulatory functions of the state board of pharmacy.   |
| 12-4-111 (2) (j)       | 26 | Same as section 12-2-123 (1) (p).  |

- 12-14-114 27 Deletes "and registrants" in a section of "The Colorado Fair Debt Collection Practices Act" that provides the collection agency board with the authority to promulgate rules to enforce the provisions of article 14 of title 12, because HB00-1185, chapter, 938, page 218, concerning the authority of the administrator of the "Uniform Consumer Credit Code" to license collection agencies, repealed the requirement that a person acting as a solicitor or as a debt collector be registered. In addition to the aforementioned change, deletes "and regulations" from the powers of the board to conform to standard drafting practice.
- 12-14-117 (4) 28 In a provision of the "Colorado Fair Debt Collection Practices Act" instructing the administrator to forward any complaint received by the administrator regarding violations of the act by an attorney to the supreme court's disciplinary counsel, changes the name of "disciplinary counsel" to "attorney regulation counsel" pursuant to an order adopted June 25, 1998, by the Colorado supreme court that repealed and reenacted rules 241.1 through 241.6 C.R.C.P., changing the name of the counsel and relocating the rule from 241.4 to 251.3 C.R.C.P., effective July 1, 1999.
- 12-14-120 (2) 29 Substitutes "principles" for "principals" to correct a misspelling in a House second reading floor amendment to HB00-1182, chapter 218, page 940, concerning the authority of the administrator of the "Uniform Consumer Credit Code" to license collection agencies. (See House Journal, pages 722 and 724, February 22, 2000.)
- 12-14-130 (4) 30 Same as section 12-14-120 (2).

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|----------------------------------|----|--|
| 12-22-125 (1) (n)                | 31 | In a provision describing the disciplinary actions that the state board of pharmacy may consider for unprofessional conduct, amended by SB03-119, chapter 128, page 950, concerning the continuation of the regulatory functions of the state board of pharmacy, changes an internal reference from "10-1-127" to "10-1-128" to correspond with the renumbering of that section by SB03-059, chapter 40, page 601, concerning the recreation of the division of insurance. |
| 12-29.5-106 (1) (m)              | 32 | Same as section 12-2-123 (1) (p).  |
| 12-32-107 (3) (f)                | 33 | Same as section 12-2-123 (1) (p).  |
| 12-33-117 (1) (d)                | 34 | Same as section 12-2-123 (1) (p).  |
| 12-36-117 (1) (g)<br>and (1) (i) | 35 | Same as section 12-2-123 (1) (p).  |
| 12-37-107 (3) (d)                | 36 | Same as section 12-2-123 (1) (p).  |
| 12-38-117 (1) (s)                | 37 | Same as section 12-2-123 (1) (p).  |
| 12-38.1-111 (1) (i)              | 38 | Same as section 12-2-123 (1) (p).  |
| 12-39-111 (1) (g)                | 39 | Same as section 12-2-123 (1) (p).  |
| 12-40-108 (1) (d)                | 40 | Same as section 12-2-123 (1) (p).  |
| 12-40-118 (1) (e)                | 41 | Same as section 12-2-123 (1) (p).  |
| 12-41-115 (1) (l)                | 42 | Same as section 12-2-123 (1) (p).  |
| 12-43-222 (1) (e)                | 43 | Same as section 12-2-123 (1) (p).  |

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| 12-54-108 IP (4), (4)<br>(a), and (4) (b) | 44 | <p>Changes internal references to provisions that permit a funeral director or embalmer the right of final disposition if a signed statement is provided, because HB03-1305, chapter 303, page 1916, concerning standards and conduct regarding dead human bodies, added a new subsection (4) to section 12-54-108. Subsection (4) included internal references to sections 12-34-302, 12-34-303, and 12-34-301 (6), which were found in section 5 of the introduced version of the bill. Section 5 was subsequently removed by the House Health, Environment, Welfare, &amp; Institutions Committee Report, C.001; however, the conforming amendments to section 12-54-108 (4) were not made. HB03-1312, chapter 185, page 1348, concerning the authority to direct the disposition of a person's last remains, created the "Disposition of Last Remains Act" in article 19 of title 15. Article 19 of title 15 contains similar language to section 5 of the introduced version of HB03-1305 and the internal references found in section 12-54-108 (4) are therefore changed to reflect the sections found in article 19 of title 15. Accordingly, the following internal references are changed from "12-34-302" to "15-19-106", from "12-34-303" to "15-19-104", and from "12-34-301 (6)" to "15-19-106".</p> |
| 12-58-110 (1) (l)                         | 45 | Same as section 12-2-123 (1) (p).  |

- 12-60-702 (1) (e) (II) 46 In a provision addressing the fees that must be paid to purse funds by an in-state simulcast facility that receives simulcast races of horses or greyhounds, as amended by HB93-1268, chapter 234, page 1228, changes an internal reference from "12-60-701 (1) (a)" to "12-60-701 (1)", to correct an error that originated in the drafting of the bill because the conforming amendment incorrectly retained the internal reference to paragraph (a) even though the paragraph (a) designation had been deleted when provisions within section 12-60-109 were relocated and renumbered as 12-60-701 by HB93-1268, concerning the regulation of racing by the division of racing events in the department of revenue.
- 12-64-111 (1) (v) 47 Same as section 12-2-123 (1) (p).
- 16-13-504 (2.1) (b) 48 In a section of the "Colorado Contraband Forfeiture Act" establishing the criteria to ascertain whether the owner of the property was "involved in or knew of the subject act", renumbers the provisions of subsection (2.1) (b) and changes an internal reference in subsection (2.1) (b) (III) from "subparagraph (II) of this paragraph (b)" to "sub-subparagraph (A) of this subparagraph (II)" to conform to standard drafting practice.
- 17-1-111 49 In a section explaining when certain provisions of the "Administrative Procedure Act" do not apply, deletes "including objective parole criteria approved by the commission on parole guidelines created pursuant to section 17-22.5-404 (7)", because HB00-1133, chapter 202, page 845, concerning the department of corrections, amended section 17-22.5-404 (7) to abolish the Colorado commission of parole guidelines and its power to approve objective parole criteria.

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| 18-1.3-1302 (5) (c) (I) | 50 | In numerous provisions that define the term "peace officer", changes "18-1-903 (3) (I)" to "16-2.5-101" to conform with the repeal and relocation of section 18-1-903 (3) (I) to section 16-2.5-101 by HB03-1266, chapter 242, page 1605, concerning recodification of statutes related to peace officers and to comply with the legislative intent of HB03-1266, which amended various internal references to a peace officer by substituting "defined" with "described". |
| 18-9-202.5 (2)          | 51 | Changes an internal reference from "18-9-202 (1.7)" to "18-9-202 (1.8)" in a provision of the "Colorado Criminal Code" defining an "impound agency", because the Senate Agriculture, Natural Resources & Energy Committee Report for SB03-065, chapter 330, page 2094, concerning animal protection, did not make the conforming amendment when the subsection was renumbered. (See Senate Journal, page 78, January 17, 2003.)  |
| 18-12-203 (1) (g)       | 52 | In a provision enacted by SB03-024, chapter 44, page 638, concerning permits that authorize persons who demonstrate competence with handguns to carry concealed handguns in all statutorily authorized areas of the state, changes "restraining order" to "protection order" to conform with the changes made by HB03-1117, chapter 139, page 995, concerning protection orders.   |
| 18-12-212 (2)           | 53 | Same as section 18-1.3-1302 (5) (c) (I).   |
| 20-1-201 (1) (d)        | 54 | Same as section 18-1.3-1302 (5) (c) (I).   |
| 22-7-612 (5)            | 55 | In a section of the education accountability statutes that creates the closing gap commission, extends the repeal date from January 1, 2005, to January 1, 2006, to correct an error in the drafting of SB03-254, chapter 384, page 2510, that specifies that the commission shall provide a written final report to the state board of education and the Education Committees of the Senate and House of Representatives by December 1, 2005.                             |

- 22-54-107.5 (3) (b) 56 In a section of the "Public School Finance Act of 1994" that specifies how "per pupil funding" is to be calculated when determining the districts total program for the 2001-02 budget year if calculated using the district's adjusted cost of living factor, inserts "as said section existed prior to its repeal" because section 22-54-104 (2) (a.5) was repealed by SB03-248, chapter 337, page 2139, concerning the financing of public schools. The section number was retained for historical purposes.
- 22-54-112 (2) (b) 57 Repeals a provision of the "Public School Finance Act of 1994" that specifies the reporting requirement needed to receive pupil enrollment aid, because section 22-54-125, which authorized aid for school districts with increasing enrollment, was repealed by SB03-183, chapter 28, page 522, concerning the modification of preschool through twelfth grade public education programs.
- 22-64-112 (2) (b) (I) 58 In a provision instructing the trustees of a school district's benefit or retirement system to invest and manage the moneys of that system, changes an internal reference from "Uniform Prudent Investor Act" to "Colorado Uniform Prudent Investor Act" to correct a drafting error that occurred in the original draft of HB98-1095, chapter 6, page 13, concerning a requirement that trustees who manage the assets of a benefit retirement system that is maintained for employees of a school district shall be governed by the standard for trustees contained in the "Colorado Uniform Prudent Investor Act".

- 23-1-104 (8) (b) 59 In a provision enacted by HB02-1419, chapter 303, page 1250, concerning budget allocations for specified institutions of higher education for fiscal years beginning on and after July 1, 2003, substitutes "Colorado state university - Pueblo" for "university of southern Colorado" to conform with the name change made by HB02-1324, chapter 205, page 706, concerning the establishment of a Colorado state university at Pueblo.
- 24-1-120 (9) 60 Changes an internal reference from "25-1-127" to "26-1-302" to correct a drafting error originating in HB02-1281, page 1605, chapter 324, concerning the creation of the Colorado traumatic brain injury board. Drafts of the bill originally placed the creation of the traumatic brain injury board in section 25-1-127 but later moved it to section 26-1-203 before the bill was introduced. After the bill became law, section 26-1-203 was relocated to section 26-1-302 for ease of location in the 2002 Colorado Revised Statutes.
- 24-10-103 (4) (b) (V) 61 In a provision of the "Colorado Governmental Immunity Act" defining a public employee, deletes an internal reference and language referring to the community maternity services program, which awarded contracts for community maternity services, because SB03-112, chapter 115, page 879, concerning modifications to the program for the medically indigent, repealed this section.
- 24-33-304 (1) 62 In a provision enacted by HB03-1323, chapter 307, page 1961, that provides for the repeal of article 33 of title 24, which would repeal the department of natural resources, substitutes "part 3" for "article" to correct an error that occurred in the original draft of the bill and to reflect the legislative intent of the bill. The bill created the Colorado coordination council in part 3 of article 33 of title 24, and intended for the council, not the department, to sunset in 2013 as shown in section 24-34-104 (44) (c).

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| 24-51-305 (1)                  | 63 | In sections listing whether or not persons are eligible to be members of the public employees' retirement association, changes internal references to indicate the relocation of article 54.7 of title 24 to article 52 of title 24, because SB02-231, chapter 278, page 1090, concerning the administration of retirement plans by the state deferred compensation committee, repealed and relocated that article, effective July 1, 2002.   |
| 24-51-310 (1) (k)              | 64 | Same as section 24-51-305 (1).  |
| 25-1-122 (4) (e)               | 65 | Same as section 18-1.3-1302 (5) (c) (I).  |
| 25-4-506 (1) (a)               | 66 | Inserts "and" after "infections," to correct a drafting error in the House Committee on Health, Environment, Welfare, and Institutions Report for SB02-185, chapter 313, page 1313, concerning measures to oppose certain forms of tuberculosis, because the committee amendment omitted "and" when existing language was struck and new language was added, which resulted in a grammatical error. (See House Journal, page 1223, April 9, 2002, and page 1458, April 19, 2002.)   |
| 25-15-515 (1) (b)              | 67 | In a provision of the "Hazardous Waste Incinerator or Processor Siting Act" authorizing the governing body of a hazardous waste incinerator to request a lump-sum payment in lieu of annual fees from the owner or operator of any hazardous waste incinerator or processor, strikes "to" to correct a drafting error in the House Committee on Health, Environment, Welfare, & Institutions Report for SB02-041, chapter 36, page 94, concerning local regulation of hazardous waste sites, that resulted in a grammatical error. (See House Journal, page 925, March 19, 2002.) |
| 26-4-410 (2) (c) (II)<br>(B.1) | 68 | Same as section 6-20-101 (1) and (2).   |

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| 26-15-106 (1) (c)       | 69 | In a provision of the "Reform Act for the Provision of Health Care for the Medically Indigent" specifying a reporting requirement for the department of health care policy and financing, changes an internal reference from "26-15-105 (1)" to "26-15-105" because SB03-112, chapter 115, page 874, concerning modifications to the program for the medically indigent, amended the section, resulting in the elimination of subsection designations.  |
| 29-11-101 (13) and (14) | 70 | In a provision defining terms used to explain 9-1-1 emergency assistance services, in which SB97-132, chapter 149, page 572, concerning the provision of emergency services via telephone added subsections (13) and (14) to section 29-11-101, changes the order of definitions, alphabetizing the definitions to conform to standard drafting practice.   |
| 29-12.5-101 (3) (f)     | 71 | In a section defining energy performance contract, deletes "pursuant to paragraph (d) of this subsection (3)", which required a party to deposit with such board an amount of money equal to all payments, except payments for maintenance, repairs, and obligations to the contract before the contract expired, because HB01-1381, chapter 291, page 1094, concerning utility cost-savings measures that may be financed by governmental agencies, repealed this paragraph, effective August 8, 2001. |

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| 31-30.5-307 (2)   | 72 | In a section describing the state treasurer's role in transferring moneys to the fire and police members' benefit fund, deletes as obsolete "described in the biennial report prepared pursuant to paragraph (d) of subsection (1) of this section", because SB01-208, chapter 303, page 1180, concerning recommendations of the Senate Committee on Government, Veterans and Military Relations, and Transportation relating requirements for certain reports to the general assembly from executive agencies, repealed section 31-30.5-307 (1) (d), which required the board of trustees to submit to the Joint Budget Committee a biennial report on employers that had accrued unfunded liability. |
| 31-30.5-503       | 73 | In provisions addressing the fire and police members' benefit fund, changes an internal reference from "Uniform Prudent Investor Act" to "Colorado Uniform Prudent Investor Act" to correct a drafting error that occurred in the original draft of HB97-1006, chapter 7, page 10, concerning the management of assets held by fire and police pension plans that provide benefits for paid firefighters and police officers.  |
| 31-30.5-803 (1)   | 74 | Same as section 31-30.5-503.   |
| 31-31-302 (1) (a) | 75 | Same as section 31-30.5-503.   |
| 31-31-602 (1)     | 76 | Same as section 31-30.5-503.   |
| 31-31-703 (2)     | 77 | Same as section 31-30.5-503.   |
| 33-15-113 (1)     | 78 | In a section that addresses payment of penalty assessments for violations incurred when an unattended vehicle is parked where a permit is required, enacted by HB03-1319, chapter 305, page 1953, concerning the augmentation of law enforcement tools used to gain compliance with laws regulating the recreational use of Colorado's natural resources, substitutes "to" for "by" to correct a drafting error which occurred in the original draft of the bill to clarify that the payment is made to and not by the division of wildlife.   |

- 35-80-116.5 (5) (a) 79 In a provision of the "Pet Animal Care and Facilities Act" that creates the pet overpopulation fund, deletes an internal reference to section "39-22-2201", which required Colorado state individual income tax returns to contain a line that allowed a taxpayer to contribute to the fund, because section 39-22-2203 enacted by HB01-1337, chapter 282, page 1055, concerning the welfare of pets, provided for the repeal of part 22, effective January 1, 2004.
- 37-92-308 (3) (a) 80 Makes a grammatical correction to a provision curtailing diversions from specified wells unless certain criteria are met by inserting "are included in" immediately prior to "a substitute water plan". The error originated in Senate second reading floor amendment L.012 to SB03-073, chapter 204, page 1446, concerning an increase in the state engineer's authority to approve the use of water.
- 38-2-105 81 Substitutes "Colorado state university - Pueblo" for "university of southern Colorado" to conform with the name change made by HB02-1324, chapter 205, page 706, concerning the establishment of a Colorado state university at Pueblo.
- 38-13-111 (2) (c) (I) 82 In a provision of the "Unclaimed Property Act" addressing the "Notice of Names of Persons Appearing to be Owners of Abandoned Property", deletes "Except as provided in subparagraph (II) of this paragraph (c)," which formerly required the notice to contain a statement that the property had been placed in the custody of the administrator, because SB95-008, chapter 141, page 524, concerning the remittance of property to the state under the "Unclaimed Property Act", repealed subparagraph (II) of paragraph (c), effective May 16, 1995.

- 38-35-125 (1) 83 In a provision defining terms used to explain closing and settlement services and the disbursement of funds, in which SB89-115, chapter 322, page 1445, concerning the disbursement of funds as a part of real estate closing and settlement services added paragraph (c) of subsection (1), alphabetizes the definitions to conform to standard drafting practice.
- 38-38-109 (3) (b) and (3) (c) 84 In a provision enacted by SB90-109, chapter 275, page 1648, concerning recodification of the statutes governing encumbrances on real property, which discusses the protocol for the disbursement of property in foreclosure proceedings, changes an internal reference from "Title 11 of the federal bankruptcy code of 1978" to "the federal bankruptcy code of 1978, title 11 of the United States Code", because the current citation indicates that title 11 is in the bankruptcy code, when actually the said title 11 is codified and enacted as title 11 of the United States Code.
- 38-38-111 (2) 85 In a provision enacted by SB02-161, chapter 315, page 1341, concerning the modification of procedures for the foreclosure of deeds of trust, changes an internal reference from "38-38-303 (2) (e)" to "38-38-303 (2) (d)" and changes "38-38-303 (2) (d)" to "38-38-303 (2) (c)" in a provision which explains how moneys made in excess of the expenses at a foreclosure sale shall be handled after all redemption periods have elapsed, because Senate second reading floor amendment L.006 added a new paragraph (b) to subsection (2), which resulted in the succeeding paragraphs (c) and (d) of subsection (2) being relettered as paragraphs (d) and (e) of subsection (2). The House Finance Committee Report added the internal reference changes of 38-38-303 (2) (e) and 38-38-303 (2) (d) to this section. However, the House Finance Committee Report also struck paragraph (b) of subsection (2), which required subsection (2) to be relettered again by changing 38-38-303 (2) (e) to 38-38-303 (2) (d) and 38-38-303 (2) (d) to 38-38-303 (2) (c).

- 39-1-102 (1.6) (a) (I) 86 In a provision defining agricultural land for taxation purposes, changes language in an internal reference to 7 U.S.C. by substituting "resource" with "resources" to correct a drafting error in the original draft of SB97-039, chapter 136, page 509, concerning expansion of requirements for classification as agricultural property for property tax purposes, because section 6962 of title 7 of the United States Code established the natural resources conservation service, which was cited incorrectly by SB97-039.
- 39-4-102 (1) (b) 87 In a provision instructing the property tax administrator to determine the actual value of the operating property and plant of each public utility unit by using certain considerations, changes an internal reference from "29-11-101 (14)" to "29-11-101 (13)" to correspond with changes made in section 70 of this bill, which conformed that section to standard drafting practice.
- 39-22-104 (3) (g) 88 In a provision addressing federal taxable income, changes an internal reference from "federal "Internal Revenue Code of 1986", as amended," to "internal revenue code" to correct an error made in the enrolling process of HB99-1155, chapter 247, page 977, concerning the creation of an income tax credit for taxpayers who donate real property for conservation purposes, because HB92-1263, chapter 330, page 2265, concerning the enactment of the "Colorado S Corporation Income Tax Act", defined "federal "Internal Revenue Code of 1986", as amended," as "internal revenue code" for purposes of article 22 of title 39.
- 39-22-120 (10) 89 Deletes an internal reference to "16-11-101.5, C.R.S." of the "Colorado Income Tax Act of 1987" which instructs that an incarcerated individual's tax refund be sent to the court which issued an order for payment of restitution, because HB00-1169, chapter 232, page 1044, concerning restitution in criminal cases, repealed section 16-11-101.5, effective September 1, 2000.

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| 39-22-303 (12) (b) | 90 | Changes an internal reference from "409A(1)" to "409(1)" in a provision of the "Colorado Income Tax Act of 1987", which defines "affiliated group" as it relates to includible C corporations connected through stock ownership, enacted by HB85-1010, chapter 309, page 1273, concerning application of the unitary method of determining the taxable income of corporations, to correct a drafting error in the original draft of the bill, because the federal "Tax Reform Act of 1984", approved July 18, 1984, redesignated section 409A(1) as 409(1). |
| 39-22-304 (2) (f)  | 91 | Same as section 39-22-104 (3) (g).  |
| 39-22-611          | 92 | In a provision explaining property exempt from ad valorem taxes, changes an internal reference from "29-11-101 (14)" to "29-11-101 (13)" to correspond with changes made in section 70 of this bill, which conformed that section to standard drafting practice.  |
| 39-22-703 (1)      | 93 | In a provision concerning moneys credited to the nongame and endangered wildlife cash fund, deletes an internal reference to 33-4-118 (2) (c), which dealt with the issuance of hiking certificates, because SB01-057, chapter 184, page 599, concerning the imposition of surcharges on certain outdoor recreation activities in order to fund rescue activities, repealed that section, effective July 1, 2001.   |

- 39-22-1902 94 Deletes the sunset provision of the Western Slope Military Veterans' Cemetery Voluntary Contribution tax checkoff, created in part 19 of article 22 of title 39, located in the "Colorado Income Tax Act of 1987", because the conference committee to HB03-1147, chapter 325, page 2059, concerning existing income tax checkoffs, removed the requirement that the checkoff sunset and intended that the program continue indefinitely. The conference committee report removed the tax checkoff from the three-year sunset provision in section 39-22-1001 (1) (b), but did not make the conforming amendments in part 19 of article 22 of title 39.
- 39-22-1904 95 Same as 39-22-1902.
- 39-27-105.5 (2) 96 In a provision authorizing the director of the department of revenue to seek to enforce unpaid taxes, penalties, and interest, deletes an internal reference to section 39-27-105.3. In the process of drafting HB00-1479, chapter 371, page 1927, concerning administration of the excise tax on fuels, language from the then existing section 39-27-105, which describes the report that a distributor of special fuels must file with the department of revenue, was relocated to the newly created section 39-27-105.3. Section 39-27-105.3 was later deleted from the draft and the majority of the provisions in that section were relocated to section 39-27-105.
- 39-29-107 (1) 97 In a provision requiring taxation on the severance of oil shale, deletes an internal reference to subsection (4), which allowed a severance tax credit to be applied to shale oil production, because subsection (4) was repealed by HB82-1158, chapter 159, page 580.

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| 40-7-113 IP (1)   | 98  | In a provision of the "Public Utilities Law" authorizing and setting financial limits for civil penalties, inserts "14," after "13," to correct an error that occurred when SB03-225, chapter 257, page 1703, concerning recommendations from the department of regulatory agencies regarding the public utilities commission, and HB03-1289, chapter 358, page 2380, concerning consumer protection for intrastate household moves, were harmonized, but inadvertently omitted article 14, which was added by HB03-1289, from the list of articles to which the civil penalties within this introductory portion pertain.  |
| 42-3-107 (26) (e) | 99  | In a provision of the "Uniform Motor Vehicle Law" pertaining to the specific ownership tax on each fleet vehicle and how the tax must be apportioned, inserts "or principal fleet management facility" to follow "fleet owner's principal office" to correct a drafting error that occurred in the House Transportation & Energy Committee Report for SB03-060, chapter 88, page 809, concerning the authority of a fleet owner to process the registration renewal for a fleet vehicle in the county in which the fleet owner's principal office is located instead of in the county in which the fleet vehicle is located at the time of registration, which inadvertently omitted the language when conforming amendments were made to the bill. (See House Journal, page 950, February 27, 2003.) |
| 42-4-505 (1) (a)  | 100 | Same as section 18-1.3-1302 (5) (c) (I).  |
| 42-4-510 (4)      | 101 | Same as section 18-1.3-1302 (5) (c) (I).  |
| 42-20-203 (1)     | 102 | Same as section 18-1.3-1302 (5) (c) (I).  |
| 42-20-204 (2)     | 103 | Same as section 18-1.3-1302 (5) (c) (I).  |

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| 43-4-201 (3) (a) (II)<br>(K)       | 104 | Changes the repeal date from "July 1, 2004" to "July 1, 2007", in a section of the highway user's tax fund that allows the general assembly to make an annual appropriation or statutory distribution to the department of revenue to require the replacement of illegible license plates, because HB02-1066, chapter 223, page 812, concerning measures that will stabilize the cash flow associated with the issuance of license plates, extended the time frame that the department of revenue has to require the replacement of such license plates but did not make the conforming amendment to this section. |
| 22-54-103 (10) (e.5)               | 105 | In a provision of the "Public School Finance Act of 1994" instructing how students enrolled as less than full-time students shall be counted, deletes the internal reference to paragraph (c), because SB03-248, chapter 337, page 2119, concerning the financing of public schools, deleted said paragraph, effective May 22, 2003.   |
| 23-20-136 (3) (a)                  | 106 | Changes a reference from "capital development fund" to "capital construction fund" to correct a drafting error in HB03-1256, chapter 190, page 1378, concerning the authority of the state to enter into lease-purchase agreements, because the reference refers to the nonexistent capital development fund.  |
| 23-20-207 (1) (a) (I.5)<br>(A)     | 107 | Same as section 23-20-136 (3) (a).   |
| HB04-1227<br>Effective date clause | 108 | In a provision of a HB04-1227, concerning voting systems, changes the effective date clause designating certain sections of the bill to become effective January 1, 2006, because the House State, Veterans, & Military Affairs Committee Report for the bill and House floor amendment L.017 did not make the necessary conforming amendments to the effective date clause when sections of the bill were renumbered.   |

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| 10-16-105.2 (1) (c) (I)<br>(A) | 109 | In a provision of SB04-105, concerning the regulation of health insurance, changes an internal reference from "10-8-602 (2.5)" to "10-16-102 (6)" because part 6 of article 8 of title 10 is repealed in Section 23 of SB04-105 and similar language is relocated to part 1 of article 16 of title 10. |
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