

## CHAPTER 61

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**GENERAL ASSEMBLY**

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## SENATE BILL 04-067

BY SENATOR(S) Owen, Evans, Jones, Kester, May R., Nichol, Tapia, and Tupa;  
also REPRESENTATIVE(S) Smith, Coleman, Garcia, Paccione, and Schultheis.

**AN ACT****CONCERNING THE ELIMINATION OF OBSOLETE PROVISIONS OF LAW.**

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

**SECTION 1.** 1-2-213 (5), Colorado Revised Statutes, is amended to read:

**1-2-213. Registration at driver's license examination facilities.** (5) The department of revenue and the secretary of state shall jointly develop an application form and a change of name and address form, ~~by April 1, 1985,~~ which shall allow an applicant wishing to register to vote to do so by the use of a single form containing the necessary information required by this part 2 and the information required for the issuance, renewal, or correction of the driver's license or identification card. The forms shall be furnished to the local driver's license examination facilities by the department of revenue.

**SECTION 2. Repeal.** 12-59-127 (2) and (3), Colorado Revised Statutes, are repealed as follows:

**12-59-127. Transfer of governance of private occupational schools - provisions for transition - rules.** (2) ~~(a) The certificate of approval of any school holding a valid certificate of approval prior to July 1, 1990, issued by the state board for community colleges and occupational education that does not expire normally on said date shall extend to and expire on its normal date without approval of the division unless such certificate of approval is revoked or suspended by the division or unless the school ceases operation.~~

~~(b) The certificate of approval of any school holding a valid certificate of approval prior to July 1, 1998, issued by the division that does not expire normally on said date shall extend to and expire on its normal date without approval of the board unless~~

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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.*

~~such certificate of approval is revoked or suspended by the board or unless the school ceases operation:~~

~~(3) (a) The permit of any agent holding a valid permit prior to July 1, 1990, issued by the state board for community colleges and occupational education that does not expire normally on said date shall extend to and expire on its normal date without approval of the division unless such approval is revoked or suspended by the division or unless the school represented by the agent ceases operation:~~

~~(b) The permit of any agent holding a valid permit prior to July 1, 1998, issued by the division that does not expire normally on said date shall extend to and expire on its normal date without approval of the board unless such approval is revoked or suspended by the board or unless the school represented by the agent ceases operation:~~

**SECTION 3. Repeal.** 12-61-110.5 (1) (a) and (1) (b), Colorado Revised Statutes, are repealed as follows:

**12-61-110.5. Renewal of license - continuing education requirement.**

(1) Commencing January 1, 1992, except as otherwise provided in subsection (4) of this section, a salesperson or broker applying for renewal of a license pursuant to section 12-61-110 (4) shall include with such application a certified statement verifying successful completion of real estate courses in accordance with the following schedule:

~~(a) For licensees applying for renewal for 1992, passage within the previous year of the Colorado portion of the real estate exam or completion of eight hours of credit developed by the real estate commission pursuant to subsection (2) of this section:~~

~~(b) For licensees applying for renewal for 1993, passage within the previous two years of the Colorado portion of the real estate exam or completion of a minimum of sixteen hours of credit, eight of which shall be the credits developed by the real estate commission pursuant to subsection (2) of this section:~~

**SECTION 4. Repeal.** 12-64-111.5, Colorado Revised Statutes, is repealed as follows:

~~12-64-111.5. Review of board - disciplinary actions. After July 1, 1993, but no later than September 1, 1993, the sunrise and sunset review committee shall review the number of complaints received by the board from July 1, 1991, through July 1, 1993, and shall assess the disciplinary action taken by the board with respect to the disposition of such complaints:~~

**SECTION 5.** 17-1-104.3 (1) (b), Colorado Revised Statutes, is amended to read:

**17-1-104.3. Correctional facilities - locations - security level.** (1) (b) The correctional facilities operated by the department, the location of such facilities, and the designated security level of such facilities shall be as follows:

<b>Correctional facility</b>	<b>Location</b>	<b>Security level</b>
Colorado state penitentiary	Fremont county	Level V
Centennial correctional facility	Fremont county	Level IV
Limon correctional facility	Lincoln county	Level IV
Arkansas Valley correctional facility	Crowley county	Level III
Buena Vista correctional complex	Chaffee county	Level III
Colorado Territorial correctional facility	Fremont county	Level III
Fremont correctional facility	Fremont county	Level III
Arrowhead correctional center	Fremont county	Level II
Four Mile correctional center	Fremont county	Level II
<del>Pre-release correctional center</del>	<del>Fremont county</del>	<del>Level II</del>
Skyline correctional center	Fremont county	Level I
Colorado correctional center	Jefferson county	Level I
Delta correctional center	Delta county	Level I
Rifle correctional center	Garfield county	Level I
Colorado correctional alternative program	Chaffee county	Level I
Colorado women's correctional facility	Fremont county	Level IV
Denver reception and diagnostic center	City and county of Denver	Level V
Pueblo minimum center	Pueblo county	Level II
San Carlos correctional facility	Pueblo county	Level V
Sterling correctional facility	Logan county	Level V
Trinidad correctional facility	Las Animas county	Level II
Denver women's correctional facility	City and county of Denver	Level V
Youthful offender system	Pueblo county	Level V

**SECTION 6.** 19-1-123 (2), Colorado Revised Statutes, is amended to read:

**19-1-123. Expedited procedures for permanent placement - children under the age of six years - designated counties.** (2) (a) ~~On or before December 31, 1995, and each December 31 thereafter through and including December 31, 2003, the department of human services in consultation with the judicial department shall submit a written report to the joint budget committee and to the house and senate committees on health, education, welfare, and institutions regarding program effectiveness and progress toward statewide implementation. Such report shall also provide an evaluation as to whether out-of-home placement costs have been avoided as a result of the program. The implementation of expedited procedures in additional counties shall be subject to specific appropriation by the general assembly or by determination by a county that no additional resources are needed.~~

(b) ~~The final report submitted on or before December 31, 2003, shall also include any recommendations concerning the continuation of the expedited procedures, recommendations regarding any legislative modifications, including, if necessary, any recommendations for extensions of time required for statewide implementation, and any other information deemed necessary and appropriate.~~

**SECTION 7.** 19-2-309.5 (2) (a), Colorado Revised Statutes, is amended to read:

**19-2-309.5. Community accountability program - legislative declaration - creation - advisory board - repeal.** (2) (a) ~~On or before January 1, 2002,~~ The division of youth corrections, pursuant to a contract with one or more private entities, shall establish, maintain, and operate a community accountability program, referred to in this section as the "program".

**SECTION 8.** 19-3-211 (1) (a) and the introductory portion to 19-3-211 (4), Colorado Revised Statutes, are amended to read:

**19-3-211. Conflict resolution process - rules - definitions.** (1) (a) ~~On or before January 1, 1998,~~ The state department, in conjunction with the attorney general, shall adopt rules concerning the statewide implementation of a conflict resolution process in each county and city and county pursuant to the provisions of this section. The purpose of such conflict resolution process is to provide a forum for grievances concerning the conduct of county department personnel in performing their duties pursuant to this article.

(4) Each county department shall implement the conflict resolution process. ~~no later than January 1, 1998.~~ The state department shall promulgate rules governing the implementation of the process in the following areas:

**SECTION 9. Repeal.** 19-3-308 (1) (b), Colorado Revised Statutes, is repealed as follows:

**19-3-308. Action upon report of intrafamilial, institutional, or third-party abuse - child protection team.** (1) (b) ~~The rules required by paragraph (a) of this subsection (1) shall be adopted on or before January 1, 1994.~~

**SECTION 10. Repeal.** 19-3-308.5 (1) (e) (II), Colorado Revised Statutes, is repealed as follows:

**19-3-308.5. Recorded interviews of child.** (1) (e) (II) ~~The standards required in subparagraph (1) of this paragraph (c) shall be adopted on or before January 1, 1994.~~

**SECTION 11. Repeal.** 19-3.5-106 (3), Colorado Revised Statutes, is repealed as follows:

**19-3.5-106. Colorado children's trust fund - creation - source of funds.** (3) ~~Notwithstanding any provision of subsection (2) of this section to the contrary, on March 5, 2003, the state treasurer shall deduct nine hundred eighty thousand three hundred ninety-six dollars from the Colorado children's trust fund and transfer such sum to the general fund.~~

**SECTION 12.** 20-1-301 (1), Colorado Revised Statutes, is amended to read:

**20-1-301. Compensation of district attorneys.** (1) ~~Commencing January 8, 1985, and continuing until January 1, 1997, in every judicial district the district attorney shall receive as compensation for his or her services the sum of not less than~~

~~forty-seven thousand five hundred dollars per annum. Commencing January 1, 1997, in every judicial district the district attorney shall receive as compensation for his or her services the sum of not less than sixty-seven thousand dollars per annum. Any amount in excess of forty-seven thousand five hundred dollars until January 1, 1997, and sixty-seven thousand dollars after January 1, 1997, shall be set by the board or boards of county commissioners of the county or counties comprising the judicial district or the city council of the city and county of Denver for the second judicial district.~~

**SECTION 13.** 20-1-306, Colorado Revised Statutes, is amended to read:

**20-1-306. Salaries paid from state and county funds.** The salaries of district attorneys of the several judicial districts of the state as set forth in section 20-1-301 shall be paid in twelve equal monthly installments of which the state shall contribute eighty percent but not to exceed ~~thirty-eight thousand dollars annually until January 1, 1997, and~~ fifty-three thousand six hundred dollars annually, ~~thereafter,~~ and the counties making up each district the balance, each county's payment to be in the same proportion as provided in section 20-1-302.

**SECTION 14.** 22-31-131 (1), (1.5) (b) (II), (1.5) (c), (1.7), and (12), Colorado Revised Statutes, are amended to read:

**22-31-131. Election procedures in districts composed of a city and county.**

(1) The regular biennial school election in each school district coterminous with a city and county shall be held on the ~~third Tuesday in May of each odd-numbered year, shall be conducted and supervised by the election commission of the city and county, and shall be governed by the provisions of articles 1 to 13 of title 1, C.R.S.; but, beginning in 1995, the election shall be held on the first Tuesday after the first Monday in May of each odd-numbered year, shall be conducted and supervised by the election commission of the city and county, and shall be governed by the provisions of articles 1 to 13 of title 1, C.R.S.; but, beginning in 1997, the election shall be held on the~~ first Tuesday in November of each odd-numbered year, shall be conducted and supervised by the election commission of the city and county, and shall be governed by the provisions of articles 1 to 13 of title 1, C.R.S.

(1.5) (b) (II) ~~In implementing the change to a director district plan of representation and the change in the length of terms, the five school directors elected prior to January 1, 1993, whose terms expire in 1995 and 1997, shall not have their offices terminated. Therefore, the board of education shall be elected in accordance with the following provisions:~~

(A) ~~In 1993, a director shall be elected from director district 2 and a director shall be elected at large.~~

(B) ~~In 1995, directors shall be elected from director district 1 and director district 5 and a director shall be elected at large.~~

(C) ~~In 1997, directors shall be elected from director district 3 and director district 4. In addition, successors shall be elected for the director elected from director district 2 and the director elected at large who were elected in 1993 and whose terms expire in 1997.~~

(c) (I) In order to implement the director district plan of representation, the district shall be divided into five director districts as follows:

(A) ~~Director district 1 shall include the territory within the following established boundaries: Beginning at the intersection of Alameda avenue and Logan street and proceeding south on Logan street to the intersection of Logan street and Virginia avenue, then proceeding west on Virginia avenue to the intersection of Virginia avenue and Grant street, then proceeding south on Grant street to the intersection of Grant street and Exposition avenue, then proceeding west on Exposition avenue to the intersection of Exposition avenue and Broadway, then proceeding south on Broadway to the intersection of Broadway and Interstate 25, then proceeding south along Interstate 25 to the intersection of Interstate 25 and Logan street, then proceeding south on Logan street to the intersection of Logan street and Arkansas avenue, then proceeding west on Arkansas avenue to the intersection of Arkansas avenue and Lincoln street, then proceeding south on Lincoln street to the intersection of Lincoln street and Florida avenue, then proceeding west on Florida avenue to the intersection of Florida avenue and Santa Fe drive, then proceeding south on Santa Fe drive to the intersection of Santa Fe drive and Iowa avenue, then proceeding east on Iowa avenue to the intersection of Iowa avenue and Broadway, then proceeding south on Broadway to the intersection of Broadway and the county line, then proceeding east and north following the county line to the intersection of the county line and Cherry Creek, then proceeding north and west on Cherry Creek to the intersection of Cherry Creek and Holly street, then proceeding south on Holly street to the intersection of Holly street and Cherry Creek south drive, then proceeding west on Cherry Creek south drive to the intersection of Cherry Creek south drive and Mississippi Avenue, then proceeding west on Mississippi avenue to the intersection of Mississippi avenue and Birch street, then proceeding south on Birch street to the intersection of Birch street and Arizona avenue, then proceeding west on Arizona avenue to the county line, then proceeding north and west to the intersection of the county line and Arizona avenue, then proceeding west on Arizona avenue to the intersection of Arizona avenue and Colorado boulevard, then proceeding north on Colorado boulevard to the intersection of Colorado boulevard and Mississippi avenue, then proceeding west on Mississippi avenue to the intersection of Mississippi avenue and University boulevard, then proceeding north on University boulevard to the intersection of University boulevard and Center avenue, then proceeding west on Center avenue to the intersection of Center avenue and Franklin street, then proceeding north on Franklin street to the intersection of Franklin street and Virginia avenue, then proceeding west on Virginia avenue to the intersection of Virginia avenue and Downing street, then proceeding north on Downing street to the intersection of Downing street and Cedar avenue, then proceeding west on Cedar avenue to the intersection of Cedar avenue and Emerson street, then proceeding south on Emerson street to the intersection of Emerson street and Alameda avenue, and then proceeding west on Alameda avenue to the intersection of Alameda avenue and Logan street.~~

(B) ~~Director district 2 shall include the territory within the following established boundaries: Beginning at the intersection of Bayaud avenue and Sheridan boulevard and proceeding south and east following the county line to the intersection of the county line and Broadway, then proceeding north on Broadway to the intersection of Broadway and Iowa avenue, then proceeding west on Iowa avenue to the intersection of Iowa avenue and Santa Fe drive, then proceeding north on Santa Fe drive to the~~

intersection of Santa Fe drive and Florida avenue, then proceeding east on Florida avenue to the intersection of Florida avenue and Lincoln street, then proceeding north on Lincoln street to the intersection of Lincoln street and Arkansas avenue, then proceeding east on Arkansas avenue to the intersection of Arkansas avenue and Logan street, then proceeding north on Logan street to the intersection of Logan street and Interstate 25, then proceeding north along Interstate 25 to the intersection of Interstate 25 and Broadway, then proceeding north on Broadway to the intersection of Broadway and Exposition avenue, then proceeding east on Exposition avenue to the intersection of Exposition avenue and Grant street, then proceeding north on Grant street to the intersection of Grant street and Virginia avenue, then proceeding east on Virginia avenue to the intersection of Virginia avenue and Logan street, then proceeding north on Logan street to the intersection of Logan street and Alameda avenue, then proceeding west on Alameda avenue to the intersection of Alameda avenue and Broadway, then proceeding north on Broadway to the intersection of Broadway and Sixth avenue, then proceeding west on Sixth avenue to the intersection of Sixth avenue and Federal boulevard, then proceeding south on Federal boulevard to the intersection of Federal boulevard and First avenue, then proceeding west on First avenue to the intersection of First avenue and Meade street, then proceeding north on Meade street to the intersection of Meade street and Fourth avenue, then proceeding west on Fourth avenue to the intersection of Fourth avenue and Tennyson street, then proceeding south on Tennyson street to the intersection of Tennyson street and Third avenue, then proceeding east on Third avenue to the intersection of Third avenue and Stuart street, then proceeding south on Stuart street to the intersection of Stuart street and Ellsworth avenue, then proceeding east on Ellsworth avenue to the intersection of Ellsworth avenue and the precinct boundary between Utica street and Raleigh street, then proceeding south on the precinct boundary between Utica street and Raleigh street to the intersection of the precinct boundary between Utica street and Raleigh street and Bayaud avenue, and then proceeding west on Bayaud avenue to the intersection of Bayaud avenue and Sheridan boulevard.

(C) Director district 3 shall include the territory within the following established boundaries: Beginning at the intersection of Broadway and Colfax avenue and proceeding west on Colfax avenue to the intersection of Colfax avenue and Cherry Creek, then proceeding south and east on Cherry Creek to the intersection of Cherry Creek and Broadway, then proceeding south on Broadway to the intersection of Broadway and Alameda avenue, then proceeding east on Alameda avenue to the intersection of Alameda avenue and Emerson street, then proceeding north on Emerson street to the intersection of Emerson street and Cedar avenue, then proceeding east on Cedar avenue to the intersection of Cedar avenue and Downing street, then proceeding south on Downing street to the intersection of Downing street and Virginia avenue, then proceeding east on Virginia avenue to the intersection of Virginia avenue and Franklin street, then proceeding south on Franklin street to the intersection of Franklin street and Center avenue, then proceeding east on Center avenue to the intersection of Center avenue and University boulevard, then proceeding south on University boulevard to the intersection of University boulevard and Mississippi avenue, then proceeding east on Mississippi avenue to the intersection of Mississippi avenue and Colorado boulevard, then proceeding south on Colorado boulevard to the intersection of Colorado boulevard and Arizona avenue, then proceeding east on Arizona avenue to the county line, then proceeding north and east to the intersection of the county line and Arizona avenue, then proceeding east on Arizona avenue to the intersection of Arizona avenue and Birch street, then

~~proceeding north on Birch street to the intersection of Birch street and Mississippi avenue, then proceeding east on Mississippi avenue to the intersection of Mississippi avenue and Cherry Creek south drive, then proceeding south and east on Cherry Creek south drive to the intersection of Cherry Creek south drive and Holly street, then proceeding north on Holly street to the intersection of Holly street and Cherry Creek, then proceeding south and east on Cherry Creek to the county line, then proceeding north following the county line to the intersection of the county line and Eleventh avenue, then proceeding west on Eleventh avenue to the intersection of Eleventh avenue and Quebec street, then proceeding north on Quebec street to the intersection of Quebec street and Colfax avenue, then proceeding west on Colfax avenue to the intersection of Colfax avenue and Adams street, then proceeding south on Adams street to the intersection of Adams street and Thirteenth avenue, then proceeding west on Thirteenth avenue to the intersection of Thirteenth avenue and Broadway, and then proceeding north on Broadway to the intersection of Broadway and Colfax avenue.~~

~~(D) Director district 4 shall include the territory within the following established boundaries: Beginning at the intersection of the county line and Colorado boulevard, then proceeding south on Colorado boulevard to the intersection of Colorado boulevard and Fortieth avenue, then proceeding west on Fortieth avenue to the intersection of Fortieth avenue and Blake street and the precinct boundary dividing precincts 506 and 518, then proceeding north and west from this intersection on the precinct boundary dividing precincts 506 and 518 to the intersection of this precinct boundary and the Union Pacific Railroad, then proceeding south along the Union Pacific Railroad to the intersection of the Union Pacific Railroad and Thirty-eighth street then proceeding east on Thirty-eighth street to the intersection of Thirty-eighth street and Blake street, then proceeding south on Blake street to the intersection of Blake street and Broadway, then proceeding south on Broadway to the intersection of Broadway and Twentieth avenue, then proceeding east on Twentieth avenue to the intersection of Twentieth avenue and Logan street, then proceeding south on Logan street to the intersection of Logan street and Colfax avenue, then proceeding west on Colfax avenue to the intersection of Colfax avenue and Broadway, then proceeding south on Broadway to the intersection of Broadway and Thirteenth avenue, then proceeding east on Thirteenth avenue to the intersection of Thirteenth avenue and Adams street, then proceeding north on Adams street to the intersection of Adams street and Colfax avenue, then proceeding east on Colfax avenue to the intersection of Colfax avenue and Quebec street, then proceeding south on Quebec street to the intersection of Quebec street and Eleventh avenue, then proceeding east on Eleventh avenue to the intersection of Eleventh avenue and the county line, and then proceeding north and west following the county line to the intersection of the county line and Colorado boulevard.~~

~~(E) Director district 5 shall include the territory within the following established boundaries: Beginning at the intersection of Forty-eighth avenue and Sheridan boulevard and proceeding south along the county line to the intersection of Sheridan boulevard and Bayaud street, then proceeding east on Bayaud street to the intersection of Bayaud street and the precinct boundary between Raleigh street and Utica street, then proceeding north on the precinct boundary between Raleigh street and Utica street to the intersection of the precinct boundary between Raleigh street and Utica street and Ellsworth avenue, then proceeding west on Ellsworth avenue to the intersection of Ellsworth avenue and Stuart street, then proceeding north on Stuart~~

street to the intersection of Stuart street and Third avenue, then proceeding west on Third avenue to the intersection of Third avenue and Tennyson street, then proceeding north on Tennyson street to the intersection of Tennyson street and Fourth avenue, then proceeding east on Fourth avenue to the intersection of Fourth avenue and Meade street, then proceeding south on Meade street to the intersection of Meade street and First avenue, then proceeding east on First avenue to the intersection of First avenue and Federal boulevard, then proceeding north on Federal boulevard to the intersection of Federal boulevard and Sixth avenue, then proceeding east on Sixth avenue to the intersection of Sixth avenue and Broadway, then proceeding north on Broadway to the intersection of Broadway and Cherry Creek, then proceeding north and west on Cherry Creek to the intersection of Cherry Creek and Colfax avenue, then proceeding east on Colfax avenue to the intersection of Colfax avenue and Logan street, then proceeding north on Logan street to the intersection of Logan street and Twentieth avenue, then proceeding west on Twentieth avenue to the intersection of Twentieth avenue and Broadway, then proceeding north on Broadway to the intersection of Broadway and Blake street, then proceeding north on Blake street to the intersection of Blake street and Thirty-eighth street, then proceeding west on Thirty-eighth street to the intersection of Thirty-eighth street and Union Pacific Railroad, then proceeding north along the Union Pacific Railroad to the intersection of the Union Pacific Railroad and the precinct boundary dividing 1994 precincts 506 and 518, then proceeding south and east on the precinct boundary to the intersection of this boundary and Fortieth avenue and Blake street, then proceeding east on Fortieth avenue to the intersection of Fortieth avenue and Colorado boulevard, then proceeding north on Colorado boulevard to the intersection of Colorado boulevard and the county line, and then proceeding along the county line to the intersection of Forty-eighth avenue and Sheridan boulevard.

(II) The board of education for school district number 1 shall provide for the revision of the director district boundaries established by this paragraph (c) following the federal census in 2000 and each federal census thereafter.

(1.7) (a) In order to implement the change in the date for holding regular biennial school elections, the following provisions shall apply:

(I) Any school district director elected at the regular biennial election held in May of 1991, whose term expires in May of 1997, shall be succeeded by a director appointed in accordance with the provisions of paragraph (b) of this subsection (1.7) who shall serve until such appointed director is succeeded by a director elected at the regular biennial school election held in November of 1997.

(II) Any school district director elected at the regular biennial election held in May of 1993, whose term expires in May of 1997, shall be succeeded by a director appointed in accordance with the provisions of paragraph (b) of this subsection (1.7) who shall serve until such appointed director is succeeded by a director elected at the regular biennial school election held in November of 1997.

(III) Any school district director elected at the regular biennial election held in May of 1995, whose term would otherwise expire in May of 1999, shall serve for a term of four years and six months and shall serve until such director is succeeded by a director elected at the regular biennial school election held in November of 1999.

~~(b)(1) The appointment of school district directors for six-month terms as provided in paragraph (a) of this subsection (1.7) shall be made by the board of education of the school district; except that no school district director whose term is expiring and who is seeking appointment to a six-month term shall participate in proceedings conducted by the board concerning the position held by that director pursuant to the provisions of this paragraph (b). A director whose term is expiring may notify the board in the time and manner prescribed by the board of such director's intention to be considered for the appointment. If the director whose term is expiring notifies the board and is otherwise qualified under this article, the board may appoint such director. If the board is not notified within the time provided that the director whose term is expiring intends to seek the appointment or such director is not appointed to the six-month term, the secretary of the board of education shall cause notice of the appointment to be published for no less than two consecutive weeks in some newspaper having general circulation in the school district, the first publication of such notice to be made not less than thirty days before the expiration of the term of office of the director in May of 1997. Any person who meets the qualifications otherwise required by this article for the election of directors and who desires to be considered for the appointment shall file a written notice of such intention with the secretary of the board of education within the time and in the manner prescribed by the board. The board shall consider all applicants and shall make the appointment no later than ten days following the expiration of the term of office of the director in May of 1997. In the event that the number of qualified applicants is less than the number of appointments to be made, the board may appoint any qualified person to any position for which there is no qualified applicant.~~

~~(H) An appointment made pursuant to this paragraph (b) shall be evidenced by an appropriate entry in the minutes of the meeting of the board of education and the delivery of the certificate of appointment to the person so appointed with a copy of such certificate forwarded to the department of education.~~

(12) (a) Within one hundred twenty days after publication of the 2000 decennial census prepared by the United States bureau of the census, the board of education of school district number 1 shall reapportion and redraw the boundaries for the director districts of the school district to maintain five director districts. In addition, two directors shall continue to be elected from the district at large. ~~Upon completion of such reapportionment and redrawing of boundaries, the board of education of school district number 1 shall submit to the revisor of statutes the new boundaries for the director districts.~~

~~(b) At the election held on the first Tuesday in November 2001, new directors shall be elected from districts 2, 3, and 4, as said districts may be reapportioned and redrawn pursuant to paragraph (a) of this subsection (12). The directors elected in November 1999 from districts 1 and 5, as said districts existed as of said date, shall serve the remainder of their terms and shall be deemed to represent districts 1 and 5, respectively, as said districts may be reapportioned and redrawn pursuant to paragraph (a) of this subsection (12), even though said directors may no longer reside in their respective districts. At the election held on the first Tuesday in November 2003, directors shall be elected who reside within the boundaries of districts 1 and 5, respectively, as said districts may be reapportioned and redrawn pursuant to paragraph (a) of this subsection (12).~~

~~(c) Subparagraph (f) of paragraph (c) of subsection (1.5) of this section is repealed upon receipt by the revisor of statutes of the new boundaries for director districts prepared pursuant to paragraph (a) of this subsection (1.2).~~

**SECTION 15. Repeal.** 23-1-102 (3) (b), Colorado Revised Statutes, is repealed as follows:

**23-1-102. Commission abolished - commission reestablished - terms of office.**

~~(3) (b) Notwithstanding paragraph (a) of this subsection (3), of the members of the commission appointed on July 1, 1989, two members shall serve for terms of three years, and two members shall serve four-year terms. Of the members of the commission appointed on July 1, 1991, two members shall serve three-year terms, and three members shall serve four-year terms. Thereafter, members shall serve for terms of four years.~~

**SECTION 16.** 23-1-113 (1) (b) (I) (B), (1) (c), and (3) (a), Colorado Revised Statutes, are amended to read:

**23-1-113. Commission directive - admission standards for baccalaureate and graduate institutions of higher education.**

(1) (b) (I) (B) In lieu of the established statewide criteria, additional criteria may be used for up to twenty percent of the admitted freshmen. ~~except as otherwise provided in subsection (3) of this section.~~ Beginning with the fall semester 2001, each governing board shall adopt policies and procedures that ensure each matriculated first-time freshman shall take basic skills placement or assessment tests in English and mathematics. Such tests shall be determined by the institution such freshman attends, shall meet the standards adopted by the commission pursuant to section 23-1-113.3 (1), and shall be administered by such institution. Students identified by institutions as needing basic skills remedial course work shall take appropriate course work no later than the end of their freshman year. The commission, in consultation with the governing boards, shall ensure the comparability of these placement or assessment tests for the purpose of providing consistent reporting data as such data are required by section 23-1-113.3 (4). The commission, in consultation with the governing boards, shall ensure that each student identified as needing basic skills remedial course work is provided with written notification identifying which state institutions offer such basic skills courses and the approximate cost and relative availability of such courses, including any electronic on-line courses.

(c) The standards established for transfer students shall use college academic performance indicators as the eligibility criteria for admitted transfer students. In lieu of such criteria, additional criteria may be used for up to twenty percent of the admitted transfer students. ~~except as otherwise provided in subsection (3) of this section.~~ The academic admission standards and policies established for transfer students shall be consistent with the student transfer agreements established by the commission pursuant to section 23-1-108 (7). Students who meet the minimum criteria for admission shall not be guaranteed admission to the institution to which they have applied, but they shall be eligible for consideration.

~~(3) (a) Notwithstanding the provisions of paragraphs (b) and (c) of subsection (1) of this section, any institution that used criteria other than standardized test scores, high school and college grade point averages, and high school class rank to admit~~

~~greater than twenty percent of its freshman or transfer students for the fall semester of 1994 may use said other criteria to admit the same greater percentage of freshmen and transfer students for the school year beginning fall semester, 1995.~~

**SECTION 17.** 23-1-118 (1), Colorado Revised Statutes, is amended to read:

**23-1-118. Commission directive - programs of excellence.** (1) The governing boards of state institutions of higher education may nominate, in order of importance, selected programs at their institutions to be designated as programs of excellence. ~~For nominations made in 1992 through 1997, the governing boards shall give special consideration to both undergraduate and graduate programs in schools of education that represent significant and innovative responses to the major reform of the Colorado educator licensing system as set forth in article 60.5 of title 22, C.R.S.~~ Program nominations by the governing boards shall be submitted to the commission at a time to be prescribed by the commission. As used in this section, "programs of excellence" means any academic program or consortium of programs of a state-supported institution of higher education that directly enrolls students and is distinguished by the quality of the educational experience that it offers and by the quality of the faculty and students it can attract.

**SECTION 18. Repeal.** 23-3.1-107 (1) (f), Colorado Revised Statutes, is repealed as follows:

~~**23-3.1-107. Student loan guarantee fund - created.** (1) (f) On March 28, 2001, the effective date of the repeal and reenactment of this subsection (1), all moneys remaining in the fund known as the loan guarantee fund, created pursuant to this subsection (1) as it existed prior to March 28, 2001, shall be transferred to the student loan guarantee fund created by the repeal and reenactment of this subsection (1).~~

**SECTION 19.** The introductory portion to 23-6-104 (2), Colorado Revised Statutes, is amended to read:

~~**23-6-104. Fund - limitation on pension.** (2) All moneys remaining in the state institutions of higher education emeritus retirement fund created under this article before June 8, 1967, shall remain in said fund for the purpose of paying retirement benefits under this article until the end of the fiscal year ending June 30, 1968. If at any time there are insufficient moneys in said THE STATE INSTITUTIONS OF HIGHER EDUCATION EMERITUS RETIREMENT fund to pay the full amount of the retirement benefits provided by this article, said moneys shall be distributed as follows:~~

**SECTION 20. Repeal.** 23-7-107 (7), Colorado Revised Statutes, is repealed as follows:

~~**23-7-107. Tuition classification of Chinese and Russian students in graduate public policy programs.** (7) On or before January 1, 1996, the dean and the faculty council of the graduate school of public affairs at the university of Colorado at Denver shall submit a written review of the tuition classification program established pursuant to this section to the Colorado commission on higher education and to the chairmen of the education committees of reference in the house of representatives and the senate.~~

**SECTION 21.** 23-9-103 (2), Colorado Revised Statutes, is amended to read:

**23-9-103. Establishment of council - members - term of office - chairman - compensation.** (2) ~~Members of the council, except the chairman, who were appointed prior to July 1, 1990, shall hold office until the completion of the terms to which they were appointed; except that the three members appointed by the governor in July of 1987 whose terms are due to expire on June 30, 1991, shall serve until June 30, 1992. On and after July 1, 1990, members appointed to the council, except the chairman, shall hold office for terms of three years, commencing on July 1 of the year of appointment. Members of the council, except the chairman, shall not be eligible to serve for more than two consecutive terms nor be eligible for reappointment to the council during the three-year period following the expiration of the second of two consecutive terms. Members of the council shall hold office until the expiration of the appointed terms or until successors are duly appointed. Any vacancy occurring on the council other than by expiration of term shall be filled by the governor by the appointment of a qualified person for the unexpired term.~~

**SECTION 22. Repeal.** 25-27-110 (2), Colorado Revised Statutes, is repealed as follows:

**25-27-110. Advisory committee - sunset review.** (2) (a) ~~The department in consultation with the advisory committee shall develop recommendations and report such recommendations to the health, environment, welfare, and institutions committees of the house of representatives and the senate and the joint budget committee no later than February 15, 2003, on whether or not risk-based inspections provide more efficient expenditures of department resources and at the same time adequately protect the health, safety, and well-being of residents of assisted living residences. Such report shall include an evaluation of at least the following elements:~~

~~(I) The determination of other states regarding the effectiveness of risk-based inspections;~~

~~(II) Necessary components to be included by the department as standards if a risk-based inspection is adopted, including, but not limited to, changes in management composition of assisted living residences under a risk-based inspection process and how changes in such management should be addressed;~~

~~(III) Whether a risk-based inspection process is the most effective method of protecting the health, safety, and well-being of residents of assisted living residences;~~

~~(IV) Necessary reporting requirements for a risk-based inspection process;~~

~~(V) Any differences in the cost of administering a risk-based inspection program and how any differences in costs would be reflected in fees assessed to licensees; and~~

~~(VI) Any other matter the advisory committee determines to be necessary for the evaluation of risk-based inspections.~~

~~(b) The department and the advisory committee may consult with any party necessary to evaluate risk-based inspections. In addition to the nine members appointed pursuant to subsection (1) of this section, the executive director may~~

~~appoint members to the advisory committee to evaluate risk-based inspections as determined necessary by the executive director. Any additional member to the advisory committee shall serve on a voluntary basis and without compensation. Any additional member shall serve until May 1, 2003.~~

**SECTION 23.** 26-2-119.5 (1), Colorado Revised Statutes, is amended to read:

**26-2-119.5. Health and medical care program - aid to the needy disabled.**

(1) The department of health care policy and financing, in consultation with the department of human services, shall develop and administer a program to rank health and medical care needs and to provide health and medical care based on such ranking to persons who qualify to receive aid to the needy disabled and who are not receiving medical assistance. Such program, referred to in this section as the "health and medical care program" shall evaluate and rank the health and medical care needs of all persons who qualify for aid to the needy disabled on or after January 1, 2002, and shall be provided to qualifying persons only during the interim period after the person qualifies for the aid to the needy disabled program and until the determination is made as to whether the person qualifies for federal supplemental security income benefits. ~~The department of health care policy and financing shall submit a written plan to the joint budget committee of the general assembly on or before January 1, 2001, on what type of health and medical care services can be provided for such recipients within available appropriations. Such plan shall include recommendations regarding how the program can be limited to available appropriations for the program, such as limitations on eligibility for the program, how utilization of services can be managed, and how services can be provided, such as the use of managed care organizations or purchasing medicaid. The department's plan shall include any recommendations for any legislative changes or budgetary changes that may be needed to implement the health and medical care program.~~

**SECTION 24. Repeal.** 26-2-714 (6) (b), Colorado Revised Statutes, is repealed as follows:

**26-2-714. County block grants formula - use of moneys.** (6) (b) ~~**Actual spending levels - 1997-98.** (I) For state fiscal year 1997-98, all counties collectively shall be required to meet an actual level of spending on the works program that constitutes eighty percent of what all counties collectively spent on AFDC, JOBS, and the administrative costs related to those programs in state fiscal year 1993-94.~~

~~(II) Subject to the provisions of subsection (8) of this section, the state department shall determine a specific spending level for each county for state fiscal year 1997-98 based upon the county's proportionate share of expenditures on AFDC, JOBS, and the administrative costs related to those programs in state fiscal year 1995-96, as compared to the total level of spending on such programs and costs for all counties for state fiscal year 1995-96.~~

~~(III) In no event shall a county's specific spending level for state fiscal year 1997-98 exceed the actual total expenditures in such county for the works program for state fiscal year 1997-98.~~

**SECTION 25. Repeal.** 26-2-720 (2.5), Colorado Revised Statutes, is repealed

as follows:

**26-2-720. Short-term works emergency fund.** (2.5) ~~In addition to the allocations authorized by the state department under subsection (2) of this section, for fiscal year 1999-2000, the general assembly may appropriate moneys in the short-term works emergency fund for the purpose of making transfers that are allowed under the federal law for transfers to programs funded by Title XX of the social security act or for transfers to the child care development fund.~~

**SECTION 26. Repeal.** 26-4-703 (3), Colorado Revised Statutes, is repealed as follows:

**26-4-703. Cost-containment and utilization control plan.** (3) ~~On or before December 31, 1993, the state department shall seek any waiver necessary for the implementation of the cost-containment and utilization control measures described in paragraphs (a) to (e) of subsection (1) of this section.~~

**SECTION 27. Repeal.** 39-1-105.5 (1) (a), Colorado Revised Statutes, is repealed as follows:

**39-1-105.5. Reappraisal ordered based on valuation for assessment study - state school finance payments.** (1) (a) ~~(I) If the study conducted pursuant to section 39-1-104 (16) during the property tax year which commences January 1, 1983, shows that an assessor did not comply with the property tax provisions of the Colorado constitution or the statutes or did not determine the actual value or the valuation for assessment of any class or classes of taxable property consistent with such provisions, the state board of equalization shall, prior to the end of 1983, order the assessor to reappraise such class or classes. Such reappraisal shall be conducted during the property tax year which commences January 1, 1984, and shall be the valuation for assessment of such class or classes for such property tax year. Such reappraisal shall be performed at the expense of the county.~~

~~(II) If the study conducted pursuant to section 39-1-104 (16) during the property tax year which commences January 1, 1984, shows that the assessor failed to reappraise such class or classes or failed in the reappraisal to meet the objections of the state board of equalization, the state board of equalization shall cause a reappraisal of such class or classes to be performed. Such reappraisal shall be performed during the property tax year which commences January 1, 1985. The general assembly shall make an appropriation to meet the cost of such reappraisal; however, the board of county commissioners of the county shall, upon certification by the state board of equalization of such cost, reimburse the state for such cost if the reappraisal caused to be performed shows that the assessor did not value or assess such class or classes consistent with the provisions of the Colorado constitution or the statutes.~~

~~(III) The reappraisal caused to be performed pursuant to subparagraph (II) of this paragraph (a) during the property tax year which commences January 1, 1985, shall be the county's abstract for assessment with regard to such reappraised class or classes for the property tax year which commences January 1, 1985. The state board of equalization shall order the board of county commissioners to levy, and the board of county commissioners shall levy, in 1985 for collection in 1986 an additional~~

~~property tax on all taxable property in the county. Such additional levy shall be in an amount which is sufficient to reimburse the state for the excess state equalization payments made to school districts within the county during 1985. The board of county commissioners shall reimburse the state for such excess state equalization payments. Such excess shall be that amount of the state equalization payments actually paid by the state to the county during 1985 based on the incorrect 1984 valuation for assessment which amount exceeds the state equalization payments the state would have paid during 1985 had the 1984 valuation for assessment been determined by the assessor consistent with the provisions of the Colorado constitution and the statutes.~~

**SECTION 28. Repeal.** 39-2-109 (1) (j), Colorado Revised Statutes, is repealed as follows:

**39-2-109. Duties, powers, and authority.** (1) It is the duty of the property tax administrator, and the administrator shall have and exercise authority:

~~(j) To administer the program set forth in section 39-2-109.5 for the distribution of state moneys to counties for the automation of the assessment duties of assessors;~~

**SECTION 29. Repeal.** 39-2-109.5, Colorado Revised Statutes, is repealed as follows:

**39-2-109.5. Computers for property assessment - state assistance.** ~~(1) During the fiscal year beginning July 1, 1983, and during the two fiscal years immediately following such fiscal year, the administrator shall establish and administer a program for the distribution during such fiscal years of state moneys made available for the implementation of this section. Such state moneys shall be used by counties for the purpose of automating the assessment duties of assessors, including but not limited to the assessment of mineral interests, through the use of data processing as provided in this section. Such moneys shall be used only for the purpose of meeting the cost of acquiring a data processing system or enhancing an existing data processing system or for one-time nonrecurring costs associated with a data processing system and shall not be used for the purpose of meeting the cost of operating a data processing system. Any state moneys which are undistributed at the end of any fiscal year shall revert to the state general fund.~~

~~(2) Any county may apply to the administrator for state moneys under this section. The administrator shall develop application forms which shall require the inclusion of such information as the administrator deems necessary, including but not limited to a detailed explanation of the use of the moneys and the period of time within which the moneys are to be used. The administrator shall review each application and may disapprove applications which in the judgment of the administrator do not promote the objective of this section or are unreasonable. Upon the request of any assessor or board of county commissioners, the administrator shall make recommendations on data processing systems to aid the county in automating the assessment duties of the assessor or in securing state moneys under this section.~~

~~(3) No state moneys under this section shall be distributed to any county until and unless the county:~~

~~(a) Provides an equal amount of county moneys to be used for the same purpose for which state moneys are to be used; and~~

~~(b) Agrees to use such state and county moneys consistently with the following priorities, as applicable:~~

~~(I) First, the automation of the assessor's administrative function;~~

~~(II) Second, the automation of the assessor's appraisal function.~~

~~(4) In any fiscal year, no county may receive an amount of state moneys that is more than is actually necessary to pay for one-half of the cost of the county's undertaking, and in no case shall any county receive in any fiscal year more than seven thousand five hundred dollars.~~

~~(5) State moneys received under this section may be used only for the purposes specified in the application and must be used within the period of time specified in the approved application. The administrator shall monitor the use of the state moneys. If the administrator finds a county is in violation of this subsection (5), the administrator may request the executive director of the department of revenue to withhold, and upon such request the executive director shall withhold, from the county out of any tax revenues to be distributed to the county by the department of revenue an amount which is equal to the amount of the state moneys distributed to the county under this section during the fiscal year.~~

~~(6) The revenue-raising limitation imposed by section 29-1-301, C.R.S., shall not apply to revenue raised to provide county funds for use pursuant to this section.~~

**SECTION 30. Repeal.** 39-10-103 (3), Colorado Revised Statutes, is repealed as follows:

**39-10-103. Tax statement.** (3) ~~The taxpayer statement required by subsection (1) of this section for 1990 taxes payable in 1991 shall include information explaining the change in the payment dates for property taxes which will be effective on and after January 1, 1992.~~

**SECTION 31. Repeal.** 39-21-108 (1) (b), Colorado Revised Statutes, is repealed as follows:

**39-21-108. Refunds.** (1) (b) ~~This subsection (1) shall apply to all claims for refunds filed after July 1, 1971.~~

**SECTION 32. Repeal.** 39-22-113, Colorado Revised Statutes, is repealed as follows:

**39-22-113. Tax credit or refund for persons with disabilities who are employed - amount - applicability.** (1) ~~There shall be allowed to resident persons with disabilities, as a credit or refund with respect to the income taxes imposed by this article, the amounts specified in this section, based upon expenses incurred by reason of their employment. In order to qualify for a credit or refund under this section, a person with a disability shall be employed for a period of at least six~~

months during the income tax year:

~~(2) For the purposes of this section, "disability" means a physical impairment which substantially limits one or more of a person's major life activities.~~

~~(3) The amount of the credit or refund under this section shall be:~~

~~(a) The actual cost incurred for a home attendant required to enable the person with a disability to be employed, but not to exceed fifty dollars for each month (or portion of a month constituting at least one-half of the month) during which the person with a disability is employed;~~

~~(b) (i) For the income tax year in which the person with a disability purchases durable medical equipment to enable such person to be employed and for each of the three subsequent income tax years, twenty percent of the cost of such equipment.~~

~~(ii) In no income tax year shall the credit or refund under this paragraph (b) exceed one thousand two hundred dollars. A person shall not be eligible for a credit or refund under this paragraph (b) if the cost of all medical equipment purchased by him to enable him to be employed is, in the aggregate, less than three hundred dollars.~~

~~(4) The credit or refund provided by this section shall apply only with respect to expenditures made during the taxable years beginning on or after January 1, 1980, but before January 1, 1987.~~

~~(5) The provisions of section 39-22-121, as said section existed prior to January 1, 1987, so far as they are applicable, shall apply to the credit or refund provided by this section.~~

**SECTION 33. Repeal.** 39-22-114, Colorado Revised Statutes, is repealed as follows:

**39-22-114. Residential energy credit.** ~~(1) There shall be allowed to each resident individual, as a credit against the income taxes imposed by this article, a residential energy credit equal to the total of:~~

~~(a) Twenty percent of net expenditures up to two thousand dollars made by the taxpayer for installation of energy-conserving measures in the taxpayer's principal residence, with a maximum credit of four hundred dollars; and~~

~~(b) Thirty percent of net expenditures up to ten thousand dollars per residence made by the taxpayer for renewable energy source property installed to benefit the taxpayer's principal residence, with a maximum credit of three thousand dollars.~~

~~(2) If the credit allowed under this section exceeds the income taxes otherwise due on the claimant's income, the amount of the credit not used as an offset against income taxes may be carried forward as a tax credit against subsequent years' income tax liability for a period not exceeding five years and shall be applied first to the earliest years possible.~~

~~(3) This section applies only to expenditures made on or after January 1, 1980, but~~

before January 1, 1986:

~~(4) As used in this section:~~

~~(a) "Energy-conserving measures" includes insulation and those energy-conserving components specified in section 44C (c) (4) (A) of the internal revenue code, as said section existed on January 1, 1979, and the regulations pursuant thereto.~~

~~(b) "Net expenditures" means the taxpayer's expenditures as determined by reducing his gross expenditures by an amount equal to the value of any special consideration received from the seller or installing contractor of energy-conserving measures or renewable energy source property. Such special consideration includes, but is not limited to, any gifts, rebates, refunds, reimbursements, payment of indebtedness, or payment for buyer's services.~~

~~(c) "Principal residence" means the dwelling in which the taxpayer principally resides and includes a rental unit, an owner-occupied home, a condominium unit, and an interest in a cooperative housing corporation.~~

~~(d) "Renewable energy source property" means property as defined in section 44C (c) (5) (A) of the internal revenue code, as said section existed on January 1, 1979. For the purposes of this section, such term includes passive solar energy systems. "Passive solar energy systems" includes passive structural features which are designed to provide a calculated net energy gain to the structure from renewable energy sources but does not include those parts of the structural system that would be required regardless of the energy source being utilized.~~

~~(5) (a) In lieu of taking the credit allowed in subsections (1) to (4) of this section, each resident individual may allocate to a commercial lending institution, as defined in section 39-22-513 (4), all or any part of the credit to which he is entitled. Such allocation of credit shall be in accordance with section 39-22-513.~~

~~(b) Any individual who allocates such a credit shall be entitled to claim only that portion of the credit not allocated.~~

~~(c) Any person who violates the provisions of this subsection (5) commits a class 5 felony and shall be punished as provided in section 18-1.3-401, C.R.S.~~

~~(6) With the income tax return upon which credit is claimed for renewable energy source property, the taxpayer shall submit a form, approved by the executive director, for certification of his qualification for the credit.~~

**SECTION 34. Repeal.** 39-22-115, Colorado Revised Statutes, is repealed as follows:

**39-22-115. Credit for crops or livestock contributed to charitable organizations - definitions.** ~~(1) As used in this section:~~

~~(a) "Charitable organization" means a charitable organization exempt from federal income taxation under the provisions of the internal revenue code.~~

(b) ~~"Crop" means an agricultural crop, including but not limited to grains, fruits, and vegetables, which is usable as food for human beings.~~

(c) ~~"Crop contribution" means a contribution of a crop or portion of a crop to a charitable organization by a taxpayer engaged in the trade or business of farming or processing of a crop.~~

(d) ~~"Livestock" means cattle, swine, poultry, or other animals raised for profit and usable as food for human beings.~~

(e) ~~"Livestock contribution" means a contribution of livestock to a charitable organization by a taxpayer engaged in the trade or business of raising or processing of livestock.~~

(f) ~~"Most recent sale price" means an amount equal to the price which the taxpayer would have received for the crop or livestock contributed, determined as if the crop or livestock had been sold on the date of the most recent sale of such a crop or livestock and at the same price per unit as the crop or livestock which was sold on that date.~~

(g) ~~"Taxpayer" means:~~

(i) ~~A resident individual; or~~

(ii) ~~A domestic or foreign corporation subject to the provisions of part 3 of this article.~~

(h) ~~"Wholesale market price" means the average wholesale market price for the crop or livestock contributed in the nearest regional market during the month in which the contribution is made, determined without consideration of grade or quality of the crop or livestock and as if the quantity of the crop or livestock contributed were marketable.~~

(2) ~~There shall be allowed to taxpayers, as a credit with respect to the income taxes imposed by this article, an amount equal to twenty-five percent of the wholesale market price or twenty-five percent of the most recent sale price of crop contributions or livestock contributions, or both, made to a tax-exempt charitable organization during a taxable year beginning on or after January 1, 1982, but before January 1, 1987.~~

(3) ~~Unused portions of such credit may be carried forward to subsequent tax years as credit against income taxes due for those years. However, such credit must be used within five years of the end of the tax year in which the contribution was made.~~

(4) ~~The credit under this section is available only if the following conditions are met:~~

(a) ~~The crop is harvested or the livestock is slaughtered by or on behalf of the donee charitable organization;~~

(b) ~~The use of the crop or livestock by the donee charitable organization is related~~

~~to the purpose or function constituting the basis for the organization's tax-exempt status;~~

~~(c) The crop or livestock is not transferred by the donee charitable organization in exchange for money, other property, or services. This condition shall not apply in those cases where the donee charitable organization functions as a clearinghouse for distribution, without expectation of remuneration, of such crops or livestock, or both, to other charitable organizations. These secondary donees shall be subject to the provisions of this section in the same measure as if the contribution were received by that tax-exempt charitable organization directly from the original donor.~~

~~(d) The taxpayer and any subsequent donors shall receive from the donee charitable organization a written statement declaring that its use and disposition of the crop or livestock will be in accordance with this section;~~

~~(e) No taxpayer who donates items of food to a tax-exempt charitable organization for use or distribution in providing assistance shall be liable for damages in any civil action or subject to prosecution in any criminal proceeding resulting from the nature, age, condition, or packaging of such crop contributions or livestock contributions, or both. However, the exemption shall not apply to the willful, wanton, or reckless acts of donors which result in injury to the recipients of such contributed foods.~~

~~(5) This section shall apply to income tax years beginning on or after January 1, 1982.~~

**SECTION 35. Repeal.** 39-22-309, Colorado Revised Statutes, is repealed as follows:

**39-22-309. Tax credit for investment in technologies for recycling plastics.**

~~(1) There shall be allowed to each domestic C corporation and foreign C corporation, as a credit against the income taxes imposed by this part 3, a plastic recycling credit equal to twenty percent of net expenditures to third parties for rent, wages, supplies, consumable tools, equipment, test inventory, and utilities up to ten thousand dollars made by the taxpayer for new plastic recycling technology in Colorado, with a maximum credit of two thousand dollars. The tax credit allowed in this section shall be applicable only to income related to the expenditures described in this subsection (1).~~

~~(2) If the credit allowed under this section exceeds the income taxes otherwise due on the claimant's income, the amount of the credit not used as an offset against income taxes may be carried forward as a tax credit against subsequent years' income tax liability for a period not exceeding five years and shall be applied first to the earliest years possible.~~

~~(3) Any form filed with the department of revenue for the purpose of claiming the credit allowed by this section shall be accompanied by copies of any receipts, bills, or other documentation of the qualified expenditures claimed for the purpose of receiving such credit.~~

**SECTION 36.** 39-22-507.5 (3) (a) and (9) (a), Colorado Revised Statutes, are amended to read:

**39-22-507.5. Credits against tax - investment in certain property.** (3) The credit allowed by this section for any income tax year shall not exceed:

(a) The taxpayer's actual tax liability for the income tax year after reduction for the ~~credits~~ CREDIT allowed by ~~sections 39-22-508 and 39-22-508.3~~ SECTION 39-22-508.3 to the extent such liability does not exceed five thousand dollars; plus

(9) (a) For any income tax year beginning on or after January 1, 1979, if any taxpayer is required to redetermine the credit allowed by section 38 of the internal revenue code due to the provisions of section 47 of the internal revenue code, such taxpayer must redetermine the credit allowed by subsection (1) of this section for the same income tax year. If such redetermination results in a reduction of the credit allowed by this section for such income tax year or for any income tax year to which such credit was carried back or carried forward, such reduction shall constitute an increase in the tax imposed by this article for the income tax year during which the disposition or reclassification of the nature of the property occurs, and the amount of any unused investment tax credit carryback or carryover must be redetermined as appropriate. Such increase in tax shall not be included as tax liability for the purposes of subsection (3) of this section or for determining the credits allowed by section ~~39-22-508~~ or 39-22-508.3.

**SECTION 37. Repeal.** 39-22-508, Colorado Revised Statutes, is repealed as follows:

**39-22-508. Credit for property taxes attributable to pollution control property.** ~~(1) There shall be allowed to all taxpayers as a credit against the income taxes imposed by this article a tax credit equal to thirty percent of: The amount of general property taxes; that portion of lease payments providing revenue for payments in lieu of taxes; or payments in lieu of taxes paid in Colorado for the taxable year on pollution control property, as defined in section 39-1-102 (12.1), certified as such under the provisions of section 39-4-110 or 39-5-131; except that no credit shall be allowed for general property taxes assessed on pollution control property which is used in or on any residential structure or building.~~

~~(2) Said credit against income taxes may be based, at the option of the taxpayer, on general property taxes assessed during the taxable year or paid during the taxable year, and the same option shall be allowed in the cases of payments in lieu of taxes and lease payments providing revenue for payments in lieu of taxes. If the credit claimed under this section is based on an estimate of property taxes assessed for a taxable year and the property taxes actually paid differ from said estimate or are not paid, the taxpayer shall file an amended income tax return for the appropriate taxable year reflecting said difference or nonpayment; the requirement of filing an amended return shall also apply in the cases of payments in lieu of taxes and lease payments providing revenue for payments in lieu of taxes.~~

~~(3) If the tax credit provided by this section exceeds the amount of income tax due for the taxable year, the excess amount may be carried over and applied against the income tax due in each of the five succeeding years, but such carry-over credit shall be applied against the tax due for the earliest of the taxable years to which such credit may be carried. The portion of such credit which may be applied to each succeeding year to which such credit is applicable shall be the excess, if any, of the amount of~~

~~such credit over the income tax due for each of the prior taxable years from which such credit may be carried. Any tax credit claimed under this section shall be deducted from those property taxes allowed as a deduction in determining taxable income.~~

~~(4) Repealed.~~

~~(5) This section shall apply to income tax years commencing on or after January 1, 1979, but before January 1, 1983.~~

**SECTION 38. Repeal.** 39-22-512, Colorado Revised Statutes, is repealed as follows:

**39-22-512. Commercial, industrial, and agricultural energy credit.** ~~(1) There shall be allowed to any person as a credit against the income taxes imposed by this article an amount equal to the total of:~~

~~(a) Ten percent of expenditures for energy property which is located in Colorado; and~~

~~(b) Thirty percent of expenditures for solar or wind energy property which is located in Colorado.~~

~~(2) This section applies only to expenditures made by the taxpayer during the taxable years 1981 through 1986.~~

~~(3) The maximum expenditure for which a credit shall be allowed shall be one million two hundred fifty thousand dollars for the taxable year 1981, one million seven hundred fifty thousand dollars for the taxable year 1982, and two million two hundred fifty thousand dollars for each of the taxable years 1983, 1984, 1985, and 1986.~~

~~(4) If the credit allowed under this section exceeds the income taxes due on the claimant's income, the amount of credit not used as an offset against income taxes may be carried forward as a tax credit against subsequent years' income tax liability for a period not to exceed five years. The credit shall be applied first to the earliest years possible.~~

~~(5) As used in this section:~~

~~(a) "Energy property" means property which is:~~

~~(I) Alternative energy property, as defined in section 48 (1) (3) of the internal revenue code, as said section existed on January 1, 1979, excluding pollution control equipment (sub-subparagraph (vi) of subparagraph (A) of paragraph (3) of subsection (1) of said section 48), and for the purposes of this section includes equipment used to produce gasohol for farm use;~~

~~(II) Specially defined energy property, as defined in section 48 (1) (5) of the internal revenue code, as said section existed on January 1, 1979;~~

~~(H) Recycling equipment, as defined in section 48 (1) (6) of the internal revenue code, as said section existed on January 1, 1979.~~

~~(b) "Solar or wind energy property" means such property as defined in section 48 (1) (4) of the internal revenue code, as said section existed on January 1, 1979.~~

~~(6) Repealed.~~

**SECTION 39. Repeal.** 39-22-513, Colorado Revised Statutes, is repealed as follows:

**39-22-513. Credit to lending institutions for making residential energy-related loans.** ~~(1) There shall be allowed to each commercial lending institution as a credit against the income taxes imposed by part 3 of this article an amount as determined under subsection (2) of this section for the making of loans for the purchase of energy-conserving measures and renewable energy source property. The allowable credit under this section may be claimed only for that portion of the loan repayment received and only for the year of receipt of such loan repayment and may be claimed only if the person receiving the loan was entitled to a residential energy credit pursuant to section 39-22-127, as said section existed prior to January 1, 1987, and if said person allocates all or any part of such residential energy credit to the commercial lending institution.~~

~~(2) The credit provided in subsection (1) of this section shall be an amount equal to the difference between the average annual prime interest rate for commercial lending institutions in this state for the year in which the loan is made, as determined by the banking board, and ten percent, multiplied by the amount of principal loan repayment received during the year; except that the maximum allowable differential between such interest rates shall be five percent.~~

~~(3) For a loan to qualify under this section, the following criteria must be met:~~

~~(a) The loan shall be for the purchase of energy-conserving measures or renewable energy source property, as defined in subsection (4) of this section;~~

~~(b) The interest rate on such loan or portion of the principal amount of such loan attributable to energy-conserving measures or renewable energy source property shall not exceed ten percent per annum;~~

~~(c) (i) The loan shall be made to a resident individual for the benefit of his principal residence in this state, as defined in section 39-22-127 (4) (b), as said paragraph (b) existed prior to January 1, 1987; or~~

~~(ii) The loan shall be made to an owner of a multiple-family residence building in this state for the benefit of such building, such multiple-family residence to include rental units rented by the week or longer, condominiums, and cooperative housing units;~~

~~(d) The maximum amount of loan principal attributable to energy-conserving measures or renewable energy source property for each loan shall not exceed the amount of credit allocated to the commercial lending institution by the person~~

receiving the loan; and

~~(e) The loan application shall contain:~~

~~(f) A place for the applicant to indicate how much of his residential energy credit will be allocated to the commercial lending institution;~~

~~(H) A sworn statement that the applicant is eligible for such a credit; and~~

~~(HH) A clearly printed warning that an applicant who falsely allocates a credit or who makes a false claim regarding such a credit shall be subject to criminal prosecution in accordance with section 39-21-118 or section 39-22-127 (5), as said subsection (5) existed prior to January 1, 1987.~~

~~(4) For the purposes of this section:~~

~~(a) "Commercial lending institution" means any bank, industrial bank, mortgage banking company, trust company, savings bank, savings and loan association, credit union, national banking association, federal savings and loan association, or federal credit union maintaining an office in this state.~~

~~(b) "Energy-conserving measures" shall include those specified in section 39-22-127 (4) (a), as said paragraph (a) existed prior to January 1, 1987.~~

~~(c) "Renewable energy source property" shall have the meaning specified in section 39-22-127 (4) (c), as said paragraph (c) existed prior to January 1, 1987.~~

~~(5) Any credit claimed under the provisions of this section, up to the amount of credit claimed, shall be in lieu of any other credit or deduction available to a commercial lending institution for loss resulting from the making of a loan qualifying under the provisions of this section.~~

**SECTION 40. Repeal.** 39-22-515, Colorado Revised Statutes, is repealed as follows:

**39-22-515. Tax credit for qualified equipment utilizing postconsumer waste.**

~~(1) For income tax years commencing on and after January 1, 1991, but prior to January 1, 1996, there shall be allowed a credit against the tax imposed pursuant to part 3 of this article for each taxpayer who purchases qualified equipment on and after January 1, 1991, but prior to January 1, 1996; except that said credit shall be allowed only if the total capacity of qualified equipment owned by the taxpayer on the last day of the income tax year in which said credit is claimed exceeds the total capacity of qualified equipment owned by the taxpayer on the last day of the base year.~~

~~(2) The credit provided for pursuant to the provisions of subsection (1) of this section shall be an amount equal to twenty percent of the costs incurred by the taxpayer for purchases of qualified equipment and shall be claimed in the income tax year in which at least ninety percent of the total production capacity of such qualified equipment is used by the taxpayer to manufacture products; except that the credit shall not be claimed in any income tax year commencing on and after January 1,~~

~~1996:~~

~~(3) (a) If the amount of the credit provided for pursuant to the provisions of subsection (2) of this section exceeds the amount of income taxes otherwise due on the income of the taxpayer in the income tax year for which the credit is being claimed, the amount of the credit not used as an offset against income taxes in said income tax year may be carried forward as a credit against subsequent years' income tax liability for a period not exceeding seven years and shall be applied first to the earliest income tax years possible. Any amount of the credit which is not used after said period shall not be refundable to the taxpayer.~~

~~(b) Any taxpayer who has refunded an amount pursuant to the provisions of subsection (4) of this section shall no longer be eligible to carry forward any amount of the credit which had not been used as of the date such refund is made.~~

~~(4) Notwithstanding any other law to the contrary, if qualified equipment which is purchased by any taxpayer who subsequently claimed the credit pursuant to the provisions of this section is disposed of or otherwise ceases to be qualified equipment which at least ninety percent of the total production capacity thereof is used by the taxpayer to manufacture products within three years of the income tax year for which the credit is allowed, the taxpayer shall refund the amount of the credit which is used to offset income taxes which exceeds the following amounts:~~

~~(a) Within the first year, an amount equal to zero percent of the amount of the credit allowed;~~

~~(b) Within the second year, an amount equal to thirty-three percent of the amount of the credit allowed;~~

~~(c) Within the third year, an amount equal to sixty-seven percent of the amount of the credit allowed.~~

~~(5) Repealed.~~

~~(6) As used in this section, unless the context otherwise requires:~~

~~(a) "Base year" means the income tax year immediately preceding the income tax year for which the credit allowed pursuant to the provisions of this section is claimed.~~

~~(b) "Capacity" means the volume of postconsumer waste which qualified equipment is capable of processing or handling.~~

~~(c) "Collection" means:~~

~~(i) The acquisition of materials from businesses or the general public through purchase or donation, including the organization of systems for such acquisition;~~

~~(ii) The preparation of materials for over-the-road transportation through cleaning, densification by shredding, baling, or any other method, or coalescence, including the organization of systems for such preparation; or~~

~~(H) The transportation of postconsumer waste between separate geographical locations:~~

~~(d) "Cost" means the amount of the purchase price or the amount of the annual lease payment.~~

~~(e) "Energy conversion" means the use of postconsumer waste for the transformation of materials into heat to be converted into steam, electrical power, or other forms of energy which results in a corresponding decrease in the use of coal, natural gas, or other naturally occurring fuel for such purposes. "Energy conversion" includes, but is not limited to, methods by which gases generated by the decomposition of organic waste are captured in order to be sold in lieu of other energy-producing gas. "Energy conversion" does not include any incineration of solid waste for the primary purpose of reducing the quantity of such solid waste.~~

~~(f) "Postconsumer waste" means only those products and materials generated by businesses or consumers which have served their intended end use or usefulness and either have been or would normally be disposed of as solid waste except for the fact that they are separated from solid waste for purposes of collection, recycling, or reuse. "Postconsumer waste" shall not include radioactive waste, as defined in section 25-11-201 (3), C.R.S., or hazardous waste, as defined in section 25-15-101 (6), C.R.S.~~

~~(g) "Product" means any material resulting from a manufacturing process and offered for sale to the private or public sector which is composed of at least twenty-five percent postconsumer waste, including energy conversion occurring in such manufacturing process, and which is used exclusively for any purpose other than as virgin material in a separate manufacturing process. "Product" does not include any shredded material unless such shredded material is incorporated directly into the manufacturing process, is to be used for energy conversion, or is to be used as compost.~~

~~(h) "Purchase" means:~~

~~(I) Any transaction under which title to qualified equipment is transferred for consideration; or~~

~~(II) Any lease contract for qualified equipment for a period of at least three years regardless of whether title to qualified equipment is transferred at the end of such period.~~

~~(i) (I) "Qualified equipment" means machinery or equipment located within Colorado which has at least an estimated three-year useful life and which at least ninety percent of the total production capacity thereof is used by the taxpayer to manufacture products within three years of the date of purchase.~~

~~(II) "Qualified equipment" shall not include any machinery or equipment which is used for the collection of postconsumer waste.~~

**SECTION 41. Repeal.** 39-22-903 (2) and (3), Colorado Revised Statutes, are repealed as follows:

**39-22-903. Repeal of part.** (2) ~~The change of the date in section 39-22-901 from January 1, 1994, to January 1, 1998, and the change of the repeal date in subsection (1) of this section from January 1, 1995, to January 1, 1999, were made by the general assembly during the second regular session of the fifty-ninth general assembly to continue and reestablish the olympic committee program established by this part 9.~~

(3) ~~The change of the date in section 39-22-901 from January 1, 1998, to January 1, 2001, and the change of the repeal date in subsection (1) of this section from January 1, 1999, to January 1, 2002, were made by the general assembly during the second regular session of the sixty-first general assembly to continue and reestablish the olympic committee program established by this part 9.~~

**SECTION 42. Repeal.** 39-22-1403, Colorado Revised Statutes, is repealed as follows:

**39-22-1403. Late filing of income tax returns.** ~~Any contribution to the Operation Desert Storm active duty military fund designated on Colorado state individual income tax return forms for income tax years commencing on or after January 1, 1991, but prior to January 1, 1993, which are filed on or after March 15, 1994, shall be refunded to the taxpayer as if such contribution was not so designated.~~

**SECTION 43. Repeal.** 43-1-106 (16), Colorado Revised Statutes, is repealed as follows:

**43-1-106. Transportation commission - powers and duties.** (16) (a) ~~The commission shall establish a pilot program for the warranty of qualified hot bituminous pavement projects. The pilot program shall begin no later than July 1, 1997, and shall end July 1, 2002, unless extended by the general assembly acting by bill. The commission is hereby authorized to prepare contract specifications and enter into contracts for qualified bituminous pavement projects in the state and require contractors to warrant work on such projects for a period not to exceed three years following the completion of a qualified hot bituminous pavement project. No contractor shall be held responsible under a warranty imposed pursuant to this subsection (16) for pavement distresses that are caused by factors beyond the control of the contractor. No contractor shall be held responsible under a warranty imposed pursuant to this subsection (16) unless the department complies with the conditions stated therein. For purposes of this subsection (16):~~

(I) ~~"Qualified hot bituminous pavement project" means a project undertaken as part of a pilot program comprised of three projects bid during 1997 or 1998 and approved by the commission and a technical advisory committee selected pursuant to paragraph (d) of this subsection (16). Such projects must be constructed along the front range.~~

(II) ~~"Warranty" means a written warranty, so labeled, of the hot bituminous pavement work to be performed in connection with a qualified hot bituminous pavement project, including any terms or conditions precedent to the enforcement of obligations under such warranty.~~

(b) ~~Any warranty obtained by the commission pursuant to paragraph (a) of this subsection (16) shall remain valid for the duration of the warranty's term unless the~~

~~commission and contractor agree otherwise.~~

~~(c) When a provision has been made for the necessary funds, including any federal funds, for any qualified hot bituminous pavement project and when the project has been approved by the proper federal authorities, the commission may proceed to require a warranty for a qualified hot bituminous pavement project as provided in this subsection (16) with due regard to any applicable federal requirement or regulation.~~

~~(d) A technical advisory committee shall select those paving projects that will be constructed as part of the pilot program created pursuant to this subsection (16) and the bituminous pavement warranty program developed by the department of transportation. Such committee shall be selected by the commission and consist of private bituminous pavement contractors and department officials who are knowledgeable about bituminous paving and the United States department of transportation strategic highway research program, as it applies to the provisions of this subsection (16).~~

~~(e) All paving projects constructed pursuant to this subsection (16) shall be subject to a cost-benefit evaluation by a committee selected by the commission. Such committee shall consist of two representatives from the state department of transportation, two individuals from the asphalt paving construction industry, and an independent engineer who shall be compensated by the department for reasonable fees. Committee members shall not be connected with the pavement project that is the subject of such cost-benefit evaluation. Said committee shall gather data on actual costs, including maintenance costs, of warranted projects and comparable nonwarranted projects.~~

**SECTION 44. Repeal.** 43-1-113 (18), Colorado Revised Statutes, is repealed as follows:

**43-1-113. Funds - budgets - fiscal year - reports and publications.**

~~(18) Moneys available to the state pursuant to section 1007 (c) of the federal "Intermodal Surface Transportation Efficiency Act of 1991" for transportation enhancement activities shall be used first and foremost to maximize the amount of moneys available to the department to enhance the surface condition of the highways of the state, including scenic and historic byways and mitigation of water pollution resulting from highway runoff.~~

**SECTION 45. Repeal.** 43-2-105, Colorado Revised Statutes, is repealed as follows:

~~**43-2-105. Secondary road unit.** In order that the state of Colorado may avail itself of the benefits of funds apportioned for expenditure on federal-aid secondary roads, in conformance with Public Law 769 of the 81st congress amending and supplementing the "Federal-Aid Road Act of 1916", and any other subsequent acts of congress, the department of transportation is authorized to establish within its department a secondary road unit to be suitably organized to discharge to the satisfaction of the secretary of commerce the duties required.~~

**SECTION 46. Effective date.** This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the

general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution (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.

Approved: April 1, 2004