

CHAPTER 217

STATUTES

HOUSE BILL 05-1337

BY REPRESENTATIVE(S) Marshall, Carroll T., Hefley, King, McGihon, and Benefield;
also SENATOR(S) Veiga, Dyer, Gordon, Groff, and Grossman.

AN ACT

CONCERNING THE REVISION OF STATUTES IN THE COLORADO REVISED STATUTES, AS AMENDED, AND, IN CONNECTION THEREWITH, 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. 1-2-301 (1), Colorado Revised Statutes, is amended to read:

1-2-301. Centralized statewide registration system - secretary of state to maintain computerized statewide voter registration list - county computer records - agreement to match information. (1) No later than January 1, 2006, the secretary of state shall implement, in a uniform and nondiscriminatory manner, a single, uniform, official, centralized, interactive, computerized statewide voter registration system defined, maintained, and administered at the state level, which system shall contain a computerized statewide voter registration list maintained by the secretary of state that contains the name and registration information of every legally registered voter in the state and that assigns a unique identifier to each legally registered voter. The single, uniform, official, centralized, interactive, computerized statewide voter registration system required by this subsection (1) shall be referred to in this part 3 as the "centralized statewide registration system". The centralized statewide registration system shall replace the voter registration and election management that was required to be developed or acquired prior to May 22, 2003. On or before January 1, 2006, the centralized statewide registration system and the computerized statewide voter registration list shall be fully compliant with all applicable requirements specified in section 303 of ~~HAVA~~ THE FEDERAL "HELP AMERICA VOTE ACT OF 2002", P.L. NO. 107-252, CODIFIED AT 42 U.S.C. SEC. 15301, ET SEQ.

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

SECTION 2. 1-2-302 (6.7), Colorado Revised Statutes, is amended to read:

1-2-302. Maintenance of computerized statewide voter registration list - confidentiality. (6.7) In accordance with the requirements of section 42-1-211 (1.5) (c), C.R.S., the department of revenue shall enter into an agreement with the federal commissioner of social security for the purpose of verifying applicable information in accordance with the requirements of section 303 (a) (5) (B) (ii) of ~~HAVA~~ THE FEDERAL "HELP AMERICA VOTE ACT OF 2002", P.L. NO. 107-252, CODIFIED AT 42 U.S.C. SEC. 15301, ET SEQ".

SECTION 3. 1-5-617 (5), Colorado Revised Statutes, is amended to read:

1-5-617. Examination - testing - certification. (5) The designated election official of a political subdivision that plans to use an electronic or electromechanical voting system that has been certified in accordance with this section shall apply to the secretary of state for approval of the purchase, installation, and use of the system. The secretary of state shall prescribe the form and procedure of the application by rule ADOPTED in accordance with article 4 of title 24, C.R.S.

SECTION 4. 1-11-208 (1), Colorado Revised Statutes, is amended to read:

1-11-208. Contests for state senator or representative. (1) The election of any person as a state senator or a member of the state house of representatives may be contested by any eligible elector of the district to be represented by the senator or representative. Each house of the general assembly shall hear and determine election contests of its own members. In furtherance of resolving such a contest, the house of the general assembly before which any contest is to be tried shall certify questions pursuant to section 1-11-208.5 to the division of administrative hearings for referral to an administrative law judge who is subject to employment under ~~section 1-45-111~~ SECTION 9 OF ARTICLE XXVIII OF THE STATE CONSTITUTION.

SECTION 5. 1-11-208.5 (1), Colorado Revised Statutes, is amended to read:

1-11-208.5. Certification of questions to administrative law judge. (1) The house of the general assembly in which any contest for senator or representative, as applicable, is to be tried shall certify questions to the division of administrative hearings for referral to an administrative law judge who is subject to employment under ~~section 1-45-111~~ SECTION 9 OF ARTICLE XXVIII OF THE STATE CONSTITUTION. Such questions shall relate exclusively to the election returns in the district and the number of votes cast for each of the candidates for the contested seat. No question may be certified regarding the eligibility or qualification of any person for the contested office.

SECTION 6. 1-40-124.5 (3) (a), Colorado Revised Statutes, is amended to read:

1-40-124.5. Ballot information booklet. (3) (a) There is hereby established in the state treasury the ballot information publication and distribution revolving fund. Except as otherwise provided in paragraph (b) of this subsection (3), moneys shall be appropriated to the fund each year by the general assembly in the annual general appropriation act. All interest earned on the investment of moneys in the fund shall be credited to the fund. Moneys in the revolving fund are continuously appropriated

to the legislative council of the general assembly to pay the costs of publishing the text and title of each constitutional amendment, EACH initiated or referred measure, or part of a measure, and the text of a referred or initiated question arising under section 20 of article X of the state constitution, as defined in section 1-41-102 (3), in ~~every legal newspaper in the state~~ AT LEAST ONE LEGAL PUBLICATION OF GENERAL CIRCULATION IN EACH COUNTY OF THE STATE, as required by section 1-40-124, and the costs of distributing the ballot information booklet, as required by subsection (2) of this section. Any moneys credited to the revolving fund and unexpended at the end of any given fiscal year shall remain in the fund and shall not revert to the general fund.

SECTION 7. 1-45-109 (9), Colorado Revised Statutes, is amended to read:

1-45-109. Filing - where to file - timeliness. (9) Subsections (1), (7), and (8) of this section shall not be construed to require the secretary of ~~the~~ state to review reports electronically filed by persons required to file reports with a county clerk and recorder pursuant to this article or to impose any enforcement duties upon the secretary of state beyond the duties specified in ~~section 1-45-111~~ SECTION 9 OF ARTICLE XXVIII OF THE STATE CONSTITUTION.

SECTION 8. 2-3-114 (1) (b), Colorado Revised Statutes, is amended to read:

2-3-114. State records management - duties of state auditor. (1) For purposes of this section, unless the context otherwise requires:

(b) "Records" shall have the same meaning as set forth in section 24-80-101 (1), C.R.S., and shall include a "record" as defined in section ~~24-71.1-103 (9)~~ 24-71.3-102 (13), C.R.S.

SECTION 9. 4-3-411 (b), Colorado Revised Statutes, is amended to read:

4-3-411. Refusal to pay cashier's checks, teller's checks, and certified checks. (b) If the obligated bank wrongfully (i) refuses to pay a cashier's check or certified check, (ii) stops payment ON a teller's check, or (iii) refuses to pay a dishonored teller's check, the person asserting the right to enforce the check is entitled to compensation for expenses and loss of interest resulting from the nonpayment and may recover consequential damages if the obligated bank refuses to pay after receiving notice of particular circumstances giving rise to the damages.

SECTION 10. 7-101-401 (30) and (31), Colorado Revised Statutes, are amended to read:

7-101-401. General definitions. As used in articles 101 to 117 of this title, unless the context otherwise requires:

(30) ~~"Shares" means the units into which the proprietary interests in a corporation are divided.~~ "SHAREHOLDER" MEANS EITHER THE PERSON IN WHOSE NAME SHARES ARE REGISTERED IN THE RECORDS OF A CORPORATION OR THE BENEFICIAL OWNER OF SHARES TO THE EXTENT RECOGNIZED PURSUANT TO SECTION 7-107-204.

(31) ~~"Shareholder" means either the person in whose name shares are registered~~

~~in the records of a corporation or the beneficial owner of shares to the extent recognized pursuant to section 7-107-204. "SHARES" MEANS THE UNITS INTO WHICH THE PROPRIETARY INTERESTS IN A CORPORATION ARE DIVIDED.~~

SECTION 11. 10-1-103 (6), Colorado Revised Statutes, is amended to read:

10-1-103. Division of insurance - subject to termination - repeal of functions.

(6) (a) The provisions of section 24-34-104, C.R.S., concerning the termination schedule for regulatory bodies of this state, unless extended as provided in that section, are applicable to the division of insurance created by this section.

(b) (I) (A) The functions of the division of insurance related to the licensing of bail BONDING agents are repealed, effective July 1, ~~2004~~ 2013, PURSUANT TO THE PROVISIONS OF THIS SECTION AND SECTION 12-7-112, C.R.S.

(B) The functions of the division of insurance related to the issuance of certificates of authority for health and life insurers are repealed, effective July 1, 2006, PURSUANT TO THE PROVISIONS OF THIS SECTION AND SECTION 24-34-104 (37), C.R.S.

(C) The functions of the division of insurance related to the licensing of insurance producers are repealed, effective July 1, 2008, PURSUANT TO THE PROVISIONS OF THIS SECTION AND SECTION 24-34-104 (39), C.R.S.

(D) The functions of the division of insurance related to the issuance of certificates of authority for property and casualty, automobile, and any other entity or function that does not offer health, life, property, casualty, or automobile insurance by the division are repealed, effective July 1, 2010, PURSUANT TO THE PROVISIONS OF THIS SECTION AND SECTION 24-34-104 (41), C.R.S.

(II) Prior to such repeals, the division of insurance shall be reviewed as provided for in section 24-34-104, C.R.S.

SECTION 12. 10-3-111, Colorado Revised Statutes, is amended to read:

10-3-111. Violations - penalty. Except for violations of section 10-3-104 or ~~of part 7 of article 4~~ or article 15 of this title, any officer, director, stockholder, attorney, or agent of any corporation or association ~~which~~ WHO violates any of the provisions of this title, article 7 of title 12, and article 14 of title 24, C.R.S., who participates in or aids, abets, or advises or consents to any such violation, and any person who solicits or knowingly receives any money or property in violation of said references, is guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment in the county jail for not more than one year and by a fine of not more than one thousand dollars, and any officer aiding or abetting in any contribution made in violation of said references is liable to the company or association for the amount so contributed. No person shall be excused from attending and testifying or producing any books, papers, or other documents, before any court, upon any investigation, proceeding, or trial, for a violation of any of the provisions of said references upon the ground or for the reason that the testimony or evidence, documentary or otherwise, required of such person may tend to incriminate or degrade him or her; but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he

or she may so testify or produce evidence, documentary or otherwise, and no testimony so given or produced shall be used against him or her upon any criminal investigation or proceeding.

SECTION 13. 10-3-533.5 (1) (c), Colorado Revised Statutes, is amended to read:

10-3-533.5. Sale of insolvent insurer as a going concern. (1) (c) As used in this section, "shares" has the same meaning as set forth in section ~~7-101-401 (30)~~ 7-101-401 (31), C.R.S., and includes any secured party or other person or holder who has or claims to have any interest of any kind in any shares of the insurer.

SECTION 14. 10-16-102 (42) and (43), Colorado Revised Statutes, are amended to read:

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

(42) ~~"Standard health benefit plan" means a health benefit plan developed pursuant to section 10-16-105 (7.2).~~ "SMALL GROUP SICKNESS AND ACCIDENT INSURANCE", "SMALL GROUP PLAN", AND "SMALL GROUP POLICY" MEAN THAT FORM OF GROUP SICKNESS AND ACCIDENT INSURANCE ISSUED BY AN ENTITY SUBJECT TO PART 2 OF THIS ARTICLE, THAT FORM OF GROUP SERVICE OR INDEMNITY TYPE CONTRACT ISSUED BY AN ENTITY ORGANIZED PURSUANT TO THE PROVISIONS OF PART 3 OF THIS ARTICLE, OR THAT FORM OF POLICY ISSUED BY AN ENTITY ORGANIZED PURSUANT TO THE PROVISIONS OF PART 4 OF THIS ARTICLE WHICH PROVIDES COVERAGE TO SMALL EMPLOYERS LOCATED IN COLORADO. THESE TERMS INCLUDE A BONA FIDE ASSOCIATION PLAN IF SUCH PLAN PROVIDES COVERAGE TO ONE OR MORE ELIGIBLE EMPLOYEES OF A SMALL EMPLOYER IN COLORADO.

(43) ~~"Small group sickness and accident insurance", "small group plan", and "small group policy" mean that form of group sickness and accident insurance issued by an entity subject to part 2 of this article, that form of group service or indemnity type contract issued by an entity organized pursuant to the provisions of part 3 of this article, or that form of policy issued by an entity organized pursuant to the provisions of part 4 of this article which provides coverage to small employers located in Colorado. These terms include a bona fide association plan if such plan provides coverage to one or more eligible employees of a small employer in Colorado.~~ "STANDARD HEALTH BENEFIT PLAN" MEANS A HEALTH BENEFIT PLAN DEVELOPED PURSUANT TO SECTION 10-16-105 (7.2).

SECTION 15. 10-16-107 (1.5) (f), Colorado Revised Statutes, is amended to read:

10-16-107. Rate regulation - approval of policy forms - benefit certificates - evidences of coverage - loss ratio guarantees - disclosures on treatment of intractable pain. (1.5) Rates for an individual sickness, accident, or health insurance policy, contract, certificate, or other evidence of coverage issued or delivered to any policyholder, enrollee, subscriber, or member in Colorado by an insurer subject to the provisions of part 2 of this article or an entity subject to the provisions of part 3 or 4 of this article shall not be excessive, inadequate, or unfairly discriminatory to assure compliance with the requirements of this section that rates

are not excessive in relation to benefits. Rates on a particular individual policy form, contract, or other evidence of coverage issued or delivered to any policyholder, subscriber, or member in Colorado subject to the provisions of parts 1 to 4 of this article will not be considered excessive in relation to benefits upon filing with the commissioner if the health care coverage entity has filed with the commissioner a loss ratio guarantee which meets the requirements of this subsection (1.5) and loss ratio standards conforming with generally accepted actuarial principles and standards and regulations adopted by the commissioner of insurance. In promulgating such regulations the commissioner shall consider the standards on health rate filings adopted by the national association of insurance commissioners. Rates will not be considered excessive so long as such entity complies with the terms of the loss ratio guarantee as provided for in this subsection (1.5). This loss ratio guarantee shall be in writing, signed by an officer of the entity, and shall contain at least the following:

(f) A guarantee that refunds of less than one dollar will be aggregated by the health care coverage entity and paid to the state treasurer, who shall hold, maintain, invest, and disburse said funds according to the provisions of ~~part 1 of~~ article 13 of title 38, C.R.S.;

SECTION 16. 11-30-122 (2) (a), Colorado Revised Statutes, is amended to read:

11-30-122. Merger. (2) The merger shall thereupon be consummated in the following manner:

(a) The duly authorized representatives of each credit union shall execute, in duplicate, a certificate of merger stating: ~~that:~~

(I) THAT the board of directors of each credit union ~~have~~ HAS approved the merger;

(II) THAT more than two-thirds of the members of each merging credit union have approved the terms and conditions of the proposed merger at a meeting of the members called for that purpose; and

(III) The name and location of the continuing credit union.

SECTION 17. The introductory portion to 11-41-121 (1.5) (a), Colorado Revised Statutes, is amended to read:

11-41-121. Merger, consolidation, and transfer. (1.5) (a) A domestic association may merge with a foreign association and, subject to the limitations specified in this subsection (1.5), notwithstanding any other provision of articles 40 to 46 of this title to the contrary, if the association proposing to merge with a domestic association is a foreign association, the foreign association shall, in addition to submitting all information pertinent to the evaluation of the application under this section that the commissioner may require together with all applicable fees, MEET THE FOLLOWING CRITERIA:

SECTION 18. 12-32-107 (3) (n), 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:

(n) 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, which includes only prescriptions related to the scope of podiatric medicine as defined in section 12-32-101 ~~(3) (a) (I), (3) (a) (II), and (3) (a) (III)~~; (3) (a);

SECTION 19. 13-3-113 (5) (b) (V) (C), Colorado Revised Statutes, is amended to read:

13-3-113. "Family-friendly Courts Act" - repeal. (5) Grant applications - duties of judicial districts. (b) The judicial districts that are selected by the state court administrator to provide family-friendly court services shall be responsible for:

(V) Soliciting information from community-based organizations, faith communities, governmental entities, schools, community mental health centers, local nonprofit or not-for-profit agencies, local law enforcement agencies, businesses, and other community service providers about the following services and resources for the purpose of providing such information to patrons of the family-friendly court services:

(C) Information related to health insurance and health care coverage, including but not limited to ~~"The Colorado Care Health Insurance Program", established pursuant to article 21 of title 10, C.R.S.~~, the children's basic health plan and dental health plan, established pursuant to article 19 of title 26, C.R.S., and the baby and kid care program, established pursuant to section 26-4-508, C.R.S.;

SECTION 20. 13-22-222 (2), Colorado Revised Statutes, is repealed as follows:

~~**13-22-222. Confirmation of award.** (2) Notwithstanding the provisions of subsection (1) of this section, the fact that the relief was such that it could not or would not be granted by a court of law or equity is not ground for vacating or refusing to confirm the award.~~

SECTION 21. 13-22-223, Colorado Revised Statutes, is amended by the ADDITION OF A NEW SUBSECTION, to read:

13-22-223. Vacating award. (1.5) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION, THE FACT THAT THE RELIEF WAS SUCH THAT IT COULD NOT OR WOULD NOT BE GRANTED BY A COURT OF LAW OR EQUITY IS NOT GROUND FOR VACATING OR REFUSING TO CONFIRM THE AWARD.

SECTION 22. 14-10-107.8 (1), Colorado Revised Statutes, is amended to read:

14-10-107.8. Required notice of prior restraining, civil protection, or emergency protection orders to prevent domestic abuse - petitions for dissolution of marriage or legal separation. (1) When filing a petition for dissolution of marriage or legal separation pursuant to this article, the filing party shall have a duty to disclose to the court the existence of any prior temporary or permanent restraining orders AND CIVIL PROTECTION ORDERS to prevent domestic abuse issued pursuant to article 14 of title 13, C.R.S., any mandatory restraining

~~orders~~ ORDER AND PROTECTION ORDERS issued pursuant to section 18-1-1001, C.R.S., and any emergency protection orders issued pursuant to section 13-14-103, C.R.S., entered against either party by any court within two years prior to the filing of the petition of dissolution of marriage or legal separation. The disclosure required pursuant to this section shall address the subject matter of the previous restraining, CIVIL PROTECTION, or emergency protection orders, including the case number and jurisdiction issuing such orders.

SECTION 23. 14-11-101 (3), Colorado Revised Statutes, is amended to read:

14-11-101. Foreign decrees - how handled. (3) Notwithstanding the provisions of this article, a restraining or protection order issued by a court of any state, any Indian tribe, or any United States territory shall be enforced pursuant to section ~~18-6-803.8~~ 13-14-104, C.R.S.

SECTION 24. The introductory portion to 16-1-108 (1) and 16-1-108 (2), Colorado Revised Statutes, are amended to read:

16-1-108. Admission of records in court. (1) In a trial or hearing, all official records and documents of the state of Colorado, as defined in section ~~42-2-121 (1)~~ ~~(e)~~ 42-2-121 (2) (c), C.R.S., shall:

(2) As used in subsection (1) of this section, "official records and documents" includes any mechanically or electronically reproduced copy, photograph, or printout of a record or document or any portion of a record or document filed with, maintained by, or prepared by the department of revenue pursuant to section ~~42-2-121 (1) (e)~~ 42-2-121 (2) (c), C.R.S. The department of revenue may also permit the electronic transmission of information for direct recording in the department of revenue's records and systems. Information transmitted by an electronic means that is approved by the department of revenue constitutes an official record for the purposes of this section, regardless of whether an original source document for the information exists or ever existed. The certificate and cover page and its contents required by subsection (1) of this section may be electronically produced and transmitted. An electronic reproduction of the certificate and cover page, including an electronic signature of the executive director of the department of revenue or of the executive director's appointee and an electronic reproduction of the official seal of the department of revenue, shall be admissible in court as set forth in subsection (1) of this section.

SECTION 25. 19-5-203 (1) (b), Colorado Revised Statutes, is amended to read:

19-5-203. Availability for adoption. (1) A child may be available for adoption only upon:

(b) Order of the court decreeing the voluntary relinquishment of the parent-child legal relationship under section ~~19-5-103 or 19-5-105~~ 19-5-103, 19-5-103.5, OR 19-5-105;

SECTION 26. 18-1.3-1003 (5) (b), Colorado Revised Statutes, is amended to read:

18-1.3-1003. Definitions. As used in this part 10, unless the context otherwise requires:

(5) (b) "Sex offense" also includes criminal attempt, conspiracy, or solicitation to commit any of the offenses specified in paragraph (a) of this ~~subsection (4)~~ SUBSECTION (5) if such criminal attempt, conspiracy, or solicitation would constitute a class 2, 3, or 4 felony.

SECTION 27. 18-1.4-101 (1), Colorado Revised Statutes, is amended to read:

18-1.4-101. Applicability of procedure for the imposition of sentences in class 1 felony cases. (1) It is the expressed intention of the general assembly that there be no hiatus in the imposition of the death penalty as a sentence for the commission of a class 1 felony in the state of Colorado as a result of the holding of the United States supreme court in *Ring v. Arizona*, 536 U.S. ~~530~~ (2002) 536 U.S. 584 (2002). Toward that end, the provisions of section 16-11-103, C.R.S., as it existed prior to the passage of senate bill 95-54, enacted at the first regular session of the sixtieth general assembly, are reenacted as section 18-1.4-102, and are hereby made applicable to offenses committed on or after July 1, 1995, and prior to July 12, 2002.

SECTION 28. 18-5-117 (3), Colorado Revised Statutes, is amended to read:

18-5-117. Unlawful possession of personal identifying information. (3) As used in this section, "personal identifying information" shall have the same meaning as provided in section ~~6-1-712 (2)~~ 6-1-713 (2), C.R.S., but shall not include a financial transaction device as defined in section 18-5-701 (3).

SECTION 29. 19-1-107 (3), Colorado Revised Statutes, is amended to read:

19-1-107. Social study and other reports. (3) In any case where placement out of the home is recommended, the social study required by subsection (1) of this section shall include the cost of the recommended placement and an evaluation for placement containing the information required by section 19-3-701 (5). Placement criteria shall be developed jointly by the department of education and the department of human services, and, in the case of matters involving juvenile delinquency, in accordance with the criteria for the placement of juveniles specified in section ~~19-2-1602 (1) (a)~~ 19-2-212 (1) (a). Such criteria shall be used by the probation department or agency designated by the court to determine its recommendation about the need for placement.

SECTION 30. 19-4-107.5, Colorado Revised Statutes, is amended to read:

19-4-107.5. Required notice of prior civil protection orders to prevent domestic abuse - determination of parent and child relationship. When filing a proceeding under this article, the filing party shall have a duty to disclose to the court the existence of any prior temporary or permanent ~~restraining orders~~ CIVIL PROTECTION ORDERS to prevent domestic abuse issued pursuant to article 14 of title 13, C.R.S., and any emergency protection orders issued pursuant to section 13-14-103, C.R.S., entered against either party by any court within ninety days prior to the filing of the proceeding to determine the parent and child relationship. The disclosure required pursuant to this section shall address the subject matter of the

previous restraining orders or emergency protection orders, including the case number and jurisdiction issuing such orders.

SECTION 31. 19-5-303 (2) (c), Colorado Revised Statutes, is amended to read:

19-5-303. Commission created - duties. (2) The commission shall have responsibility for:

(c) Maintaining an up-to-date list of persons who have completed training as confidential INTERMEDIARIES or as persons who conduct searches for child placement agencies and communicating such list to the judicial department.

SECTION 32. 22-32-133 (1) (c), Colorado Revised Statutes, is repealed as follows:

22-32-133. American sign language. (1) As used in this section, unless the context otherwise requires:

(c) ~~"State board" means the state board of education created and existing pursuant to section 1 of article IX of the state constitution.~~

SECTION 33. 22-80-118 (1) (b) and (1) (c), Colorado Revised Statutes, are amended to read:

22-80-118. Provide assistance - public education - American sign language. (1) The school may, upon request, provide assistance, advice, and guidance to:

(b) Higher education institutions regarding the development, establishment, and teaching of American sign language courses; AND

(c) ~~The state board of education regarding the promulgation of rules involving American sign language described in section 22-32-133; and~~

SECTION 34. 23-20-136 (3.5) (a), Colorado Revised Statutes, is amended to read:

23-20-136. Fitzsimons trust fund - creation - legislative declaration - repeal. (3.5) (a) For the 2004-05 fiscal year and for each fiscal year thereafter in which the state receives moneys pursuant to the master settlement agreement and in which money is due 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, the general assembly shall appropriate to the capital ~~development~~ CONSTRUCTION fund and appropriate from the capital ~~development~~ CONSTRUCTION fund to the Fitzsimons trust fund the lesser of the amount due to any lessor during the fiscal year and eight percent of the total amount received by the state pursuant to the master settlement agreement, other than attorney fees and costs, during the preceding fiscal year; except that the amount appropriated pursuant to this subsection (3.5) in any fiscal year shall not exceed eight million dollars.

SECTION 35. 24-1-114 (5) (b), Colorado Revised Statutes, is amended to read:

24-1-114. Department of higher education - creation. (5) (b) With respect to the Colorado commission on higher education and the universities, colleges, and boards specified in subsection (4) of this section, the executive director shall have only those powers, duties, and functions prescribed in article 1 of title 23, C.R.S.; except that the executive director of the Colorado commission on higher education is authorized to negotiate, implement, and monitor contracts, as described in sections ~~23-5-128 and 23-5-129~~ 23-5-129 AND 23-5-130, C.R.S., with universities, colleges, and boards, in consultation with the Colorado commission on higher education.

SECTION 36. 24-4-103 (12), Colorado Revised Statutes, is amended to read:

24-4-103. Rule-making - procedure - repeal. (12) All rules of any agency that have been submitted to the attorney general under the provisions of subsection (8) of this section and the opinion of the attorney general, when issued, shall be filed in the office of the secretary of state. The secretary of state shall require that such rules be filed in an electronic format that complies with any requirements established pursuant to sections ~~24-71.1-110~~ 24-71.3-118, 24-37.5-106, and 24-37.5-205.

SECTION 37. 24-30-1603 (3) (a), Colorado Revised Statutes, is amended to read:

24-30-1603. Functions of the GGCC. (3) (a) In accordance with rules standards, procedures, and policies adopted by the ~~executive director of the department of personnel~~ SECRETARY OF STATE pursuant to section ~~24-71.1-110~~ 24-71.3-118 (2), the GGCC shall adopt and implement standards, policies, and procedures for the use of electronic or digital signatures by governmental agencies where use of electronic or digital signatures is expressly authorized by law. The ~~executive director~~ SECRETARY OF STATE shall, prior to the adoption of any rules, standards, procedures, or policies for the use of electronic or digital signatures by governmental agencies, coordinate with the office of innovation and technology and the commission on information management on the development of such rules, standards, procedures, and policies.

SECTION 38. 24-32-706 (8), Colorado Revised Statutes, is amended to read:

24-32-706. State housing board. (8) The governor may remove any appointed member of the ~~commission~~ BOARD for malfeasance in office, FOR failure to regularly attend meetings, or for any cause that renders said member incapable or unfit to discharge the duties of his office, and any such removal, when made, shall not be subject to review.

SECTION 39. 24-33-111 (3) (a), Colorado Revised Statutes, is amended to read:

24-33-111. Conservation of native species - fund created. (3) **Species conservation eligibility list and annual report.** (a) The executive director of the department of natural resources, after consultation with the Colorado water conservation board and its director, the wildlife commission, and the director of the division of wildlife, shall annually prepare a species conservation eligibility list describing programs and associated costs that are eligible to receive funding pursuant to this section. The species conservation eligibility list shall be subject to modification and adoption through passage of a bill. ~~that is approved by a majority~~

~~vote of both houses of the general assembly.~~ At the same time as the species conservation eligibility list is submitted, the director of the department of natural resources, after consultation with the Colorado water conservation board and its director, the wildlife commission, and the director of the division of wildlife, shall also provide a detailed report to the general assembly on the progress and status of activities to date and their effectiveness in the recovery of the species and identify proposed future activities. The report shall include an assessment of habitat benefits, both public and private, attributable to such activities.

SECTION 40. 24-51-408 (3), Colorado Revised Statutes, as it will become effective January 1, 2006, is amended to read:

24-51-408. Matching employer contributions. (3) Notwithstanding subsections (1) and (2) of this section, for members of the local government division and for payments made to survivors or beneficiaries of such members who die before retirement, the amount of matching employer contributions shall be eighty percent of the amount that would be paid to members, survivors, or beneficiaries in divisions of the association other than the local government division if the ~~municipal~~ LOCAL GOVERNMENT division members had the same contribution history and age as the members of the other divisions. Notwithstanding any other provision of this subsection (3) to the contrary, the amount of matching employer contributions for members of the local government division shall be as provided in subsections (1) and (2) of this section effective on July 1 of any year in which the most recent determination of the association's actuary specifies that such contributions for the local government division will not cause the amortization period in such division to exceed thirty years.

SECTION 41. 24-51-408.5 (6) (a), Colorado Revised Statutes, as it will become effective January 1, 2006, is amended to read:

24-51-408.5. Matching employer contribution on voluntary contributions made by members to tax-deferred retirement programs. (6) (a) If a division's trust fund is determined to be overfunded pursuant to subsection (5) of this section, then commencing with the fiscal year that begins following the actuary's calculation from the preceding September 1, the employer contribution rate specified in section 24-51-401 (1.7) for state division employers, for ~~municipal division employers~~, school division employers, local government division employers, and judicial division employers shall be reduced to amortize any overfunding in the respective division's trust fund by twenty percent of the amount of any reduction in the employer contribution rates as determined in accordance with subsection (5) of this section. The calculation of the amount of any reduction in the employer contribution rates due to overfunding shall be determined using the actuary's calculation from the preceding September 1.

SECTION 42. 24-53-110, Colorado Revised Statutes, is amended to read:

24-53-110. Civil employees of national guard. Effective January 1, 1954, the provisions of this article are extended to civilian employees of the Colorado national guard who are employed pursuant to the provisions of section 90 of the "National Defense Act", NOW CODIFIED AT 32 U.S.C. sec. ~~42~~ 709, AS AMENDED, and paid from funds allotted to the Colorado national guard by the department of defense and who

are not eligible for coverage pursuant to the public employees' retirement association, and, upon presentation of reports and payment of contributions as provided in sections 24-53-104 and 24-53-105, they shall be entitled to the basic protection afforded such employees, their dependents, and their survivors accorded to others by the federal old-age, survivors', disability, and health insurance system embodied in the social security act.

SECTION 43. Article IV of the Emergency Management Assistance Compact, 24-60-2902, Colorado Revised Statutes, is amended to read:

24-60-2902. Compact approved and ratified. The general assembly hereby approves and ratifies and the governor shall enter into a compact on behalf of the state of Colorado with any of the United States or other jurisdictions legally joining therein in the form substantially as follows:

ARTICLE IV
Limitations

Any party state that is asked to render mutual aid, or to conduct exercises and training for mutual aid, shall take such action as is necessary to provide and make available the resources covered by this compact in accordance with the terms hereof, ~~one~~ ON the understanding that the state rendering aid may withhold resources to the extent reasonably necessary for its own protection.

Each party state shall afford to the emergency forces of any party state, while operating within its borders under the terms and conditions of this compact, the same powers, duties, rights, and privileges as are afforded forces of the state in which they are performing emergency services, except the power of arrest unless specifically authorized by the receiving state. Emergency forces shall continue under the command and control of their regular leaders, but the organizational units shall come under the operational control of the emergency services authorities of the state receiving assistance. These conditions may be activated, as needed, only after a declaration of a state of emergency or disaster by the Governor of the party state that is to receive assistance or after the commencement of exercises or training for mutual aid, and shall continue so long as the exercises or training for mutual aid are in progress, the state of emergency or disaster remains in effect, or loaned resources remain in the receiving state, whichever is longer.

SECTION 44. Section 1 of Article XI of the Interstate Insurance Product Regulation Compact, 24-60-3001, Colorado Revised Statutes, is amended to read:

24-60-3001. Interstate insurance product regulation compact. The following Compact is intended to help States join together to establish an interstate Compact to regulate designated insurance products. Pursuant to terms and conditions of this Act, the State of Colorado seeks to join with other States and establish the Interstate Insurance Product Regulation Compact, and thus become a member of the Interstate Insurance Product Regulation Commission. The insurance commissioner is hereby designated to serve as the representative of this State to the Commission.

ARTICLE XI.
REVIEW OF COMMISSION

DECISIONS REGARDING FILINGS

1. Not later than thirty (30) days after the Commission has given notice of a disapproved Product or Advertisement filed with the Commission, the Insurer or Third-Party Filer whose filing was disapproved may appeal the determination to a review panel appointed by the Commission. The Commission shall promulgate Rules to establish procedures for appointing such review panels and provide for notice and hearing. An allegation that the Commission, in disapproving a Product or Advertisement filed with the Commission, acted arbitrarily, capriciously, or in a manner that is an abuse of discretion or otherwise not in accordance with the law, is subject to judicial review in accordance with Article III, Section 5 4.

SECTION 45. 24-61-101 (2), Colorado Revised Statutes, is amended to read:

24-61-101. Compact as basis for payments - legislative declaration. (2) It is the intent of the general assembly that, for the duration of the taxation compact set forth in this article, with respect to the taxes and charges imposed pursuant to article 29 of title 39, C.R.S., concerning severance taxes, article 60 of title 34, C.R.S., concerning the conservation levy and environmental response fund surcharge, and article 1 of this title 39, C.R.S., concerning ad valorem property taxes, the payments established pursuant to said taxation compact on property described in said taxation compact shall be made as an alternative to said taxes, charges, surcharges, and levies.

SECTION 46. 24-75-402 (5) (h), Colorado Revised Statutes, is amended to read:

24-75-402. Cash funds - limit on uncommitted reserves - reduction in amount of fees - exclusions - repeal. (5) Notwithstanding any provision of this section to the contrary, the following cash funds are excluded from the limitations specified in this section:

(h) The highway users' tax fund and the state highway fund; except that the emergency medical services account created in section 25-3.5-603, C.R.S., the ~~distributed data processing system special purpose~~ COLORADO STATE TITLING AND REGISTRATION account created in section 42-1-211 (2), C.R.S., and the AIR account created in section 42-3-134 (26), C.R.S., included in the highway users' tax fund shall be subject to the provisions of this section;

SECTION 47. 24-75-701 (4), Colorado Revised Statutes, is amended to read:

24-75-701. Definitions. As used in this part 7, unless the context otherwise requires:

(4) "Financial institution" means an institution, with its primary place of business in this state and authorized by its charter to exercise fiduciary powers, that is a state bank, an industrial bank, a savings and loan association, or a trust company chartered by this state, a national bank organized or chartered under ~~12 U.S.C. sec. 2~~ CHAPTER 2 OF TITLE 12 OF THE UNITED STATES CODE., or a federal savings and loan association organized or chartered under ~~12 U.S.C. sec. 12~~ CHAPTER 12 OF TITLE 12 OF THE UNITED STATES CODE.

SECTION 48. 24-75-1104.5 (1) (h), Colorado Revised Statutes, is amended to

read:

24-75-1104.5. Use of settlement moneys - programs. (1) For the 2004-05 fiscal year and for each fiscal year thereafter, the following programs, services, or funds shall receive appropriations in the specified amounts from the settlement moneys annually received by the state:

(h) The read-to-achieve GRANT program created in section 22-7-506, C.R.S., shall receive five percent of the total amount of settlement moneys annually received by the state, not to exceed eight million dollars in any fiscal year; except that for the 2004-05 fiscal year, the read-to-achieve GRANT program shall receive five percent of the total amount of settlement moneys received, not to exceed eight million dollars, less five hundred thousand dollars, which shall be transferred to the general fund to provide state funding for senior services.

SECTION 49. 25-7-410, Colorado Revised Statutes, is amended to read:

25-7-410. Applicability. The provisions of this part 4 do not apply to a used wood stove and shall not apply to any fireplace constructed prior to the date established in section ~~25-7-407.5~~ 25-7-407.

SECTION 50. 25.5-1-105 (1), Colorado Revised Statutes, is amended to read:

25.5-1-105. Transfer of functions - employees - property - records. (1) The state department shall, on and after July 1, 1994, execute, administer, perform, and enforce the rights, powers, duties, functions, and obligations vested prior to July 1, 1994, in the Colorado health data commission within the department of local affairs; the department of social services concerning the "Colorado Medical Assistance Act", adult foster care, home care allowance, and the treatment program for high-risk pregnant women; ~~the department of regulatory agencies concerning "The Colorado Care Health Insurance Program"~~; and the university of Colorado health sciences center concerning health care for the medically indigent.

SECTION 51. 25.5-1-201 (1) (a), Colorado Revised Statutes, is repealed as follows:

25.5-1-201. Programs to be administered by the department of health care policy and financing. (1) Programs to be administered and functions to be performed by the department of health care policy and financing shall be as follows:

(a) ~~"The Colorado Care Health Insurance Program", as specified in article 21 of title 10, C.R.S.;~~

SECTION 52. 26-6-102 (2.7) (a), Colorado Revised Statutes, is amended to read:

26-6-102. Definitions - repeal. As used in this article, unless the context otherwise requires:

(2.7) (a) "Dedicated family home" means a single-family dwelling or a group home that is licensed pursuant to section 26-6-104 for the purpose of providing twenty-four-hour family care for a child who is at least six years of age but less than

eighteen years of age and who is not related to the house parent, as that term is defined in section ~~26-6-403 (6)~~ 26-6-403 (8).

SECTION 53. 26-13.5-105 (3) (b) and (3) (c), Colorado Revised Statutes, are amended to read:

26-13.5-105. Negotiation conference - issuance of order of financial responsibility - filing of order with district court. (3) (b) If no stipulation is agreed upon at the continued negotiation conference and the evidence relating to paternity does not meet the requirements set forth in section ~~13-25-126 (1) (e) (HH)~~ 13-25-126 (1) (g), C.R.S., the delegate child support enforcement unit may dismiss the action or take such other appropriate action as allowed by law.

(c) If no stipulation is agreed upon at the negotiation conference and paternity is not an issue, or, if paternity is an issue and the evidence relating to paternity meets the requirements set forth in section ~~13-25-126 (1) (e) (HH)~~ 13-25-126 (1) (g), C.R.S., the delegate child support enforcement unit shall issue temporary orders establishing current child support, arrears, foster care maintenance, medical support, and reasonable support for a time period prior to the entry of the order for support and shall file the notice of financial responsibility and proof of service with the clerk of the district court in the county in which the notice of financial responsibility was issued and shall request the court to set a hearing for the matter.

SECTION 54. 27-10.5-135 (2), Colorado Revised Statutes, is amended to read:

27-10.5-135. Terminology. (2) Whenever the terms "~~idiot~~", "~~feeble minded person~~", "~~mental defective~~", "~~weak-minded person~~", and TERM "~~mentally deficient person~~" are IS used in the laws of the state of Colorado, ~~they~~ IT shall be deemed to mean and be included with the term "person with a developmental disability", as defined in section 27-10.5-102 (11) (b).

SECTION 55. The introductory portion to 30-15-101 (1) (a) and 30-15-101 (1) (a) (I), Colorado Revised Statutes, are amended to read:

30-15-101. Pet animal control and licensing. (1) (a) The board of county commissioners of any county may adopt a resolution for the control and licensing of dogs AND OTHER PET ANIMALS as provided in this part 1. Such resolution may:

(I) Require licensing of dogs AND OTHER PET ANIMALS by owners and impose reasonable conditions and fees on the same. No registration permit or license shall be issued by any board of county commissioners unless and until the owner of a dog shall exhibit to such board or designated official a valid rabies vaccination certificate indicating the dog has been vaccinated against rabies by a licensed veterinarian. The county dog control resolution may exempt dogs below a specified age from licensing and registration or vaccination requirements, or both; except that the recommendations of the department of public health and environment shall be followed concerning the minimum age for such vaccination.

SECTION 56. 30-28-201 (2), Colorado Revised Statutes, is amended to read:

30-28-201. Commissioners may adopt - emission performance standards

required. (2) By the date established in section ~~25-7-407.5~~ 25-7-407, C.R.S., every board of county commissioners of a county which has enacted a building code, and thereafter every board of county commissioners of a county which enacts a building code, shall enact a building code provision to regulate the construction and installation of fireplaces in order to minimize emission levels. Such building code provision shall contain standards which shall be the same as or stricter than the approved emission performance standards for fireplaces established by the air quality control commission in the department of public health and environment pursuant to section 25-7-407, C.R.S.

SECTION 57. 31-1-101 (2) and (13), Colorado Revised Statutes, are amended to read:

31-1-101. Definitions. As used in this title, except where specifically defined, unless the context otherwise requires:

(2) "City" means a municipal corporation having a population of more than two thousand incorporated pursuant to the provisions of part 1 OF ARTICLE 2 OF THIS TITLE or reorganized pursuant to the provisions of part 3 of article 2 of this title or pursuant to the provisions of any other general law on or after July 3, 1877, and a municipal corporation, regardless of population, organized as a city on December 31, 1980, and choosing not to reorganize as a town pursuant to part 2 of article 1 of this title, but does not include any city incorporated prior to July 3, 1877, which has chosen not to reorganize nor any city or city and county which has chosen to adopt a home rule charter pursuant to the provisions of article XX of the state constitution.

(13) "Town" means a municipal corporation having a population of two thousand or less incorporated pursuant to the provisions of ~~this~~ part 1 OF ARTICLE 2 OF THIS TITLE or reorganized pursuant to the provisions of part 3 of article 2 of this title or pursuant to the provisions of any other general law on or after July 3, 1877, and a municipal corporation, regardless of population, organized as a town on December 31, 1980, and choosing not to reorganize as a city pursuant to part 2 of article 1 of this title, but does not include any town incorporated prior to July 3, 1877, which has chosen not to reorganize nor any town which has chosen to adopt a home rule charter pursuant to the provisions of article XX of the state constitution.

SECTION 58. 31-10-108, Colorado Revised Statutes, is amended to read:

31-10-108. Special elections. Special elections shall be held on any Tuesday designated by ordinance or resolution of the governing body. No special election shall be held within the ninety days preceding a regular election. No special election shall be called within thirty days before the date thereof, nor shall any special election be held within the thirty-two days before or after the date of a primary, general, or congressional vacancy election. A special election may be held at the same time and place as a primary, congressional vacancy, or general election as a coordinated election pursuant to section 1-7-116, C.R.S., or may be conducted at the same time as a mail ballot election pursuant to ~~part 1 of~~ article 7.5 of title 1, C.R.S. Special elections shall be conducted as nearly as practicable in the same manner as regular elections.

SECTION 59. 31-15-601 (2), Colorado Revised Statutes, is amended to read:

31-15-601. Building and fire regulations - emission performance standards required. (2) By the date established in section ~~25-7-407.5~~ 25-7-407, C.R.S., every governing body of a municipality which has enacted a building code, and thereafter every governing body which enacts a building code, shall enact a building code provision to regulate the construction and installation of fireplaces in order to minimize emission levels. Such building code provision shall contain standards which shall be the same as or stricter than the approved emission performance standards for fireplaces established by the air quality control commission in the department of public health and environment pursuant to section 25-7-407, C.R.S.

SECTION 60. 31-25-534 (1), Colorado Revised Statutes, is amended to read:

31-25-534. Issuing bonds - property specially benefited. (1) For the purpose of paying all or such portion of the cost of any improvement constructed under the provisions of this part 5 as may be assessed against the property specially benefited, special assessment bonds of the municipality may be issued of such date, in such form, and on such terms, including, without limitation, provisions for their sale, payment, and redemption, as may be prescribed by the governing body, bearing the name of the street, alley, or district improved and payable in a sufficient period of years after date to cover the period of payment provided ~~but subject to call as provided in section 31-25-536~~; and in convenient denominations. All such bonds shall be issued upon estimates approved by the governing body, and the municipal treasurer shall preserve a record of the same in a suitable book kept for that purpose. All such bonds shall be subscribed by the mayor, countersigned by the municipal treasurer, with the corporate seal thereto affixed, and attested by the clerk. Such bonds shall be payable out of the moneys collected on account of the assessments made for said improvements. Whenever three-fourths of the bonds for an improvement constructed under the provisions of this part 5 have been paid and cancelled and for any reason the remaining assessments are not paid in time to pay the remaining bonds for the district and the interest due thereon, the municipality shall pay, if so provided in the ordinance authorizing issuance of the bonds, the bonds when due and the interest due thereon and reimburse itself by collecting the unpaid assessments due the district. All moneys collected from such assessments for any improvement shall be applied to the payment of the bonds issued until payment in full is made of all the bonds, both principal and interest. The bonds may be used in payment of the cost of the improvement as specified; or the governing body, upon advertisement published at least once in a newspaper of general circulation in such municipality and in such other newspapers as may be designated by the governing body, may sell a sufficient number of said bonds to pay such cost in cash for the best bid submitted in accordance with the terms of the notice of sale. All bids may be rejected at the discretion of the governing body. In addition, the bonds may be sold on such terms and conditions at a private sale if determined by the governing body to be in the best interests of the municipality.

SECTION 61. 31-30-1112 (6) (a), Colorado Revised Statutes, is amended to read:

31-30-1112. State contributions - intent - advisory committee - repeal. (6) (a) There is hereby established a volunteer firefighter advisory committee. The department of local affairs shall consult with the committee in the performance of its duties in connection with the distribution of state contribution moneys to municipal

and district volunteer firefighter pension funds pursuant to this section and to the ACCIDENTAL death and disability insurance policy for volunteer firefighters pursuant to section 31-30-1134. The members of the advisory committee shall not receive compensation or reimbursement from the state or the department for expenses incurred in the performance of their duties. The committee shall consist of five members that the executive director of the department shall appoint as follows: three members shall be members of a board, one member shall be an active volunteer firefighter, and one member shall be a representative of a municipality or district that has volunteer firefighters.

SECTION 62. 31-30-1132, Colorado Revised Statutes, is amended to read:

31-30-1132. Retired firefighter - return to active service - benefits. If the governing body of any municipality, fire protection district, or county improvement district, by resolution, determines that a fire department is in need of additional volunteer firefighters, a retired fire department member shall be eligible to serve as an active volunteer firefighter of such fire department. Any retired fire department member who, subsequent to retirement, serves as an active volunteer firefighter for a fire department pursuant to this ~~subsection (1)~~ SECTION shall continue to receive pension benefits from the volunteer firefighter pension fund under this article during the period in which the person is an active volunteer firefighter of the fire department. During the period such person is receiving a pension and acting as an active volunteer firefighter pursuant to this section, such person shall not receive service credit for the purpose of increasing such pension.

SECTION 63. 31-30.5-602, Colorado Revised Statutes, is amended to read:

31-30.5-602. Firefighters' old hire pension plans - municipalities and districts under one hundred thousand in population. In municipalities, fire protection districts, and county improvement districts having a population of less than one hundred thousand, any old hire member who has reached the age of fifty years and who has served for a period of twenty years of active service in any such department in this state is entitled to a monthly pension equal to one-half the amount of the member's monthly salary as of the date of the member's retirement plus, if the governing body of the municipality, the board of directors of the fire protection district, or the board of the county improvement district authorizes such additional benefits, one-half of any increase in salary and longevity or additional pay based on length of service granted during the period of the member's retirement to the rank occupied by the member in said department. Any old hire member of a paid fire department of a municipality, fire protection district, or county improvement district, who has served prior time in a volunteer fire department in any municipality, fire protection district, or county improvement district in this state, in the event the member becomes a paid member, may be credited service time at their discretion, at the rate of one year of paid service for each four complete years of volunteer time; except that they shall not receive both a pension under part 11 OF ARTICLE 30 of this ~~article~~ TITLE and a service credit under this section.

SECTION 64. 31-30.5-801 (1), Colorado Revised Statutes, is amended to read:

31-30.5-801. Exempt alternative programs authorized. (1) Notwithstanding any other provision of this article or the provisions of article 31 OF THIS TITLE that

specifically refer to exempt plans, any municipality, fire protection district, or county improvement district, prior to January 1, 1980, may establish an alternative police officers' or firefighters' pension benefit program or combination pension and insurance benefit program for police officers or firefighters that, if found by an actuarial study to be actuarially sound, shall be exempt from all provisions of parts 3 to 7 of this article. Such program and any amendments thereto must be approved in an election held or vote called for that purpose by at least sixty-five percent of the total votes cast by all police officers or firefighters actively employed by the municipality, fire protection district, or county improvement district and all former old hire members who have earned pension rights or benefits under this article at the time the program is adopted or amended. No amendment of an exempt alternative program may be adopted that would adversely affect the accrued pension benefits of former old hire members. Once established, such exempt alternative program shall cover all police officers or firefighters employed by the municipality, fire protection district, or county improvement district, regardless of the date of hire. Any municipality, fire protection district, or county improvement district having established an exempt alternative program pursuant to this section shall be entitled to receive its appropriate share of state contributions to local police officers' or firefighters' pension funds and shall file any reports required to receive such state contributions. The date limitation of January 1, 1980, established in this subsection (1) shall not be construed as limiting the ability of an employer to establish an exempt money purchase plan in accordance with the provisions of subsection (2) of this section and section 31-30.5-802.

SECTION 65. 31-31-803 (8) (b), Colorado Revised Statutes, is amended to read:

31-31-803. Retirement for disability. (8) (b) A member shall be deemed to have elected option 3 specified in ~~subparagraph (f)~~ SUBPARAGRAPH (III) of paragraph (a) of this subsection (8) if the member is awarded a permanent occupational disability benefit under subsection (2.1) of this section or an occupational disability benefit under section 31-31-806.5, is survived by a spouse or dependent child, and dies before making an election allowed under paragraph (a) of this subsection (8).

SECTION 66. 32-13-105 (1) (a), (4) (a) (I), (5) (a) (I), and (5) (a) (II), Colorado Revised Statutes, are amended to read:

32-13-105. Authorizing elections. (1) The district created in section 32-13-104 may submit to the registered electors within the geographical boundaries of the district, at one or more general elections, the question of whether the district shall be authorized to levy and collect the following sales and use taxes:

(a) A uniform sales and use tax throughout said geographical area at a rate of sixty-five one-thousandths of one percent upon every transaction or other incident with respect to which a sales and use tax is levied by the state, pursuant to the provisions of article 26 of title 39, C.R.S., except such sales and use tax shall be levied on purchases of machinery or machine tools which are otherwise exempt pursuant to section 39-26-709 (1), C.R.S., to the extent such purchases are subject to a sales and use tax levied by the regional transportation district pursuant to section 29-2-105 (1) (d), C.R.S., to be distributed to the Denver museum of ~~natural history~~ NATURE AND SCIENCE, the Denver zoological gardens, the Denver art museum, and the Denver botanical gardens, pursuant to the provisions of section 32-13-107 (3) (a);

(4) (a) For purposes of complying with the provisions of section 20 (4) of article X of the state constitution and upon proper submittal of a valid initiative petition to or upon the adoption of a resolution by the board of the district created in section 32-13-104, the district may submit to the registered electors within the geographical boundaries of the district, at a general election or an election held on the first Tuesday in November of an odd-numbered year, the question of whether the district shall be authorized to levy and collect the following sales and use taxes in lieu of the sales and use taxes specified in subsection (1) of this section for a period of time not to exceed ten years from the date upon which the authority of the district to levy and collect the sales and use taxes specified in subsection (1) of this section is scheduled to expire:

(I) A uniform sales and use tax throughout said geographical area at a rate of fifty-nine one-thousandths of one percent upon every transaction or other incident with respect to which a sales and use tax is levied by the state, pursuant to the provisions of article 26 of title 39, C.R.S., except such sales and use tax shall be levied on purchases of machinery or machine tools that are otherwise exempt pursuant to section 39-26-709 (1), C.R.S., to the extent such purchases are subject to a sales and use tax levied by the regional transportation district pursuant to section 29-2-105 (1) (d), C.R.S., to be distributed to the Denver museum of ~~natural history~~ NATURE AND SCIENCE, the Denver zoological gardens, the Denver art museum, and the Denver botanical gardens pursuant to the provisions of section 32-13-107 (3) (a);

(5) (a) For purposes of complying with the provisions of section 20 (4) of article X of the state constitution and upon proper submittal of a valid initiative petition to or upon the adoption of a resolution by the board of the district created in section 32-13-104, the district may submit to the registered electors within the geographical boundaries of the district, at a general election or an election held on the first Tuesday in November of an odd-numbered year, the question of whether the district shall be authorized to continue the levy and collection of the aggregate one-tenth of one percent sales and use tax as specified in paragraph (a) of subsection (4) of this section, as modified pursuant to subparagraphs (I), (II), and (III) of this paragraph (a), for a period of twelve years from the date upon which the authority of the district to levy and collect the sales and use taxes is scheduled to expire, as follows:

(I) A uniform sales and use tax throughout said geographical area at a rate of six hundred fifty-five ten-thousandths of one percent for total annual revenues collected by the district up to and including thirty-eight million dollars and at a rate of sixty-four one-thousandths of one percent after total annual revenues collected by the district exceed thirty-eight million dollars, upon every transaction or other incident with respect to which a sales and use tax is levied by the state, pursuant to the provisions of article 26 of title 39, C.R.S.; except that such sales and use tax shall be levied on purchases of machinery or machine tools that are otherwise exempt pursuant to section ~~39-26-114 (1)~~ 39-26-709 (1), C.R.S., to the extent such purchases are subject to a sales and use tax levied by the regional transportation district pursuant to section 29-2-105 (1) (d), C.R.S., to be distributed to the Denver museum of nature and science, the Denver zoological gardens, the Denver art museum, the Denver botanical gardens, and the Denver center for the performing arts pursuant to the provisions of section 32-13-107 (3) (a);

(II) A uniform sales and use tax throughout said geographical area at a rate of twenty-one one-thousandths of one percent for total annual revenues collected by the

district up to and including thirty-eight million dollars and at a rate of twenty-two one-thousandths of one percent after total annual revenues collected by the district exceed thirty-eight million dollars, upon every transaction or other incident with respect to which a sales and use tax is levied by the state, pursuant to the provisions of article 26 of title 39, C.R.S.; except that such sales and use tax shall be levied on purchases of machinery or machine tools that are otherwise exempt pursuant to section ~~39-26-114 (1)~~ 39-26-709 (1), C.R.S., to the extent such purchases are subject to a sales and use tax levied by the regional transportation district pursuant to section 29-2-105 (1) (d), C.R.S., to be distributed to scientific and cultural facilities pursuant to the provisions of section 32-13-107 (3) (b);

SECTION 67. 32-13-107 (3) (a) (I) (A), (3) (a) (II), (3) (a) (III), (3) (b) (III) (A), and (3) (c) (III), as they exist until July 1, 2006, Colorado Revised Statutes, are amended to read:

32-13-107. Sales and use tax imposed - collection - administration of tax - use. (3) The proceeds of such sales and use tax collections shall be used by the board to assist scientific and cultural facilities within the district. After deducting costs, not exceeding three-fourths of one percent of the sales and use tax revenues annually collected, which are incurred by the district for the administration of such moneys, distributions by the board to scientific and cultural facilities shall be made as follows:

(a) Upon voter approval of the levy and collection of the sales and use tax specified in section 32-13-105 (1) (a) or 32-13-105 (4) (a) (I), as applicable, the sales and use tax revenues levied and collected by the district shall be distributed annually by the board as follows:

(I) Except as otherwise provided in subparagraph (II) of this paragraph (a), ninety percent of said sales and use tax revenues shall be distributed as follows:

(A) Thirty-three percent shall be distributed to the Denver museum of ~~natural history~~ NATURE AND SCIENCE;

(II) After the first five years said sales and use tax is levied and collected, up to ten percent of said sales and use tax revenues specified in subparagraph (I) of this paragraph (a) may be distributed by the board to the Denver museum of ~~natural history~~ NATURE AND SCIENCE, the Denver art museum, the Denver zoological gardens, and the Denver botanical gardens pursuant to a formula adopted by the board. Such formula shall be binding on the board and may only be modified every five years thereafter.

(III) (A) Up to five percent of said sales and use tax revenues may be distributed by the board to the Denver museum of ~~natural history~~ NATURE AND SCIENCE, the Denver art museum, the Denver zoological gardens, and the Denver botanical gardens in such amounts as the board may determine appropriate based upon one or more of the following factors: Regional impact, accessibility, quality, need, and collaboration with the Denver museum of ~~natural history~~ NATURE AND SCIENCE, the Denver art museum, the Denver zoological gardens, or the Denver botanical gardens or with scientific and cultural facilities which qualify to receive moneys pursuant to subparagraph (I) of paragraph (b) or subparagraph (I) of paragraph (c) of this

subsection (3).

(B) Up to five percent of said sales and use tax revenues may be distributed by the board to the Denver museum of ~~natural history~~ NATURE AND SCIENCE, the Denver art museum, the Denver zoological gardens, and the Denver botanical gardens for enhanced or innovative programs, and any distribution made pursuant to this sub-subparagraph (B) shall be based upon the formula set forth in subparagraph (I) of this paragraph (a).

(b) Upon voter approval of the levy and collection of the sales and use tax specified in section 32-13-105 (1) (b) or 32-13-105 (4) (a) (II), as applicable, the sales and use tax revenues levied and collected by the district shall be distributed annually by the board as follows:

(III) (A) Up to five percent of said sales and use tax revenues may be distributed by the board to the scientific and cultural facilities which qualify to receive moneys pursuant to the provisions of subparagraph (I) of this paragraph (b) in such amounts as the board determines appropriate based upon one or more of the following factors: Regional impact, accessibility, quality, need, and collaboration with the Denver museum of ~~natural history~~ NATURE AND SCIENCE, the Denver art museum, the Denver zoological gardens, or the Denver botanical gardens or with scientific and cultural facilities which qualify to receive moneys pursuant to subparagraph (I) of paragraph (b) or subparagraph (I) of paragraph (c) of this subsection (3).

(c) Upon voter approval of the levy and collection of the sales and use tax specified in section 32-13-105 (1) (c) or 32-13-105 (4) (a) (III), as applicable, the sales and use tax revenues levied and collected by the district shall be distributed annually by the board as follows:

(III) Up to ten percent of said sales and use tax revenues collected in each county comprising the district pursuant to the provisions of section 32-13-105 (1) (c) may be distributed by the board to the scientific and cultural facilities which qualify to receive moneys pursuant to subparagraph (I) of this paragraph (c) as the board may determine appropriate based upon one or more of the following factors: Accessibility, quality, need, enhanced or innovative programs, and collaboration with the Denver museum of ~~natural history~~ NATURE AND SCIENCE, the Denver art museum, the Denver zoological gardens, or the Denver botanical gardens or with scientific and cultural facilities which qualify to receive moneys pursuant to subparagraph (I) of paragraph (b) or subparagraph (I) of paragraph (c) of this subsection (3). Any distribution made pursuant to this subparagraph (III) shall be based upon the provisions of the plan submitted by each county cultural council as required by subparagraph (II) of this paragraph (c).

SECTION 68. 33-4-102 (1.4) (v) (I), Colorado Revised Statutes, is amended to read:

33-4-102. Types of licenses and fees - repeal. (1.4) The division is authorized to issue the following resident and nonresident licenses and shall collect the following fees therefor, except as otherwise provided pursuant to subsection (1.6) of this section:

	Fees	
	Resident	Nonresident
(v) (I) Resident low-income senior lifetime fishing	2.00 FREE	Not available

SECTION 69. 33-4-120 (3) (b), Colorado Revised Statutes, is repealed as follows:

33-4-120. Wildlife management public education advisory council - creation. (3) (b) ~~Prior to said repeal, the council created in this section shall be reviewed as provided for in section 2-3-1203, C.R.S.~~

SECTION 70. 35-43-122, Colorado Revised Statutes, is repealed as follows:

35-43-122. Penalty. ~~Any person who violates the prohibitions of section 35-43-121 shall pay a fine of twenty-five dollars for each day in which the offense is continued, and such fine may be recovered in the name of the people in the county court or the district court of the proper county.~~

SECTION 71. 38-33.3-308 (3) and (5), Colorado Revised Statutes, are amended to read:

38-33.3-308. Meetings. (3) The members of the executive board or any committee thereof may hold an executive or closed door session and may restrict attendance to executive board members and such other persons requested by the executive board during a regular or specially announced meeting or a part thereof. The matters to be discussed at such an executive session shall include only matters enumerated in paragraphs (a) to ~~(e)~~ (f) of subsection (4) of this section.

(5) Prior to the time the members of the executive board or any committee thereof convene in executive session, the chair of the body shall announce the general matter of discussion as enumerated in paragraphs (a) to ~~(e)~~ (f) of subsection (4) of this section.

SECTION 72. The introductory portion to 39-1-104 (12.2) (a), Colorado Revised Statutes, is amended to read:

39-1-104. Valuation for assessment - definitions. (12.2) (a) Except as provided in subsection (12) of this section, for property tax years commencing on or after January 1, 1987, the requirement stated in subsections ~~(9) to~~ (10.2) AND (11) of this section that the actual value of real property be determined according to a specified year's level of value and manuals and associated data published by the administrator for said specified year pursuant to section 39-2-109 (1) (e) shall apply to the assessment of all classes of real property, including but not limited to the following classes of real property:

SECTION 73. 39-28-113, Colorado Revised Statutes, is amended to read:

39-28-113. Provisions not applicable. The provisions of section 39-26-706 (1) (a), relating to exemption from the "Emergency RETAIL Sales Tax Act of 1935", and

section 39-26-706 (1) (b), relating to exemption from the use tax, shall not apply to or render inoperative the provisions of this article.

SECTION 74. 40-7-112 (1), Colorado Revised Statutes, is amended to read:

40-7-112. Carriers subject to civil penalties. (1) A person who operates a motor vehicle carrier as defined in section 40-10-101 (4) (a), a contract carrier by motor vehicle as defined in section 40-11-101 (3), a towing carrier as defined in section 40-13-101 (3), a mover as defined in section ~~40-14-101 (9)~~ 40-14-102 (9), a motor vehicle carrier exempt from regulation as a public utility as defined in section 40-16-101, and interstate carriers required to register under section 40-10-120 or 40-11-115 shall be subject to civil penalties as provided in this section and sections 40-7-113 to 40-7-116, which shall be paid and credited to the general fund, in addition to any other sanctions that may be imposed pursuant to law.

SECTION 75. 42-1-206 (3.5) (d), Colorado Revised Statutes, is amended to read:

42-1-206. Records open to inspection - furnishing of copies. (3.5) (d) The department of revenue shall make every effort to retrieve all copies of photographs, electronically stored photographs, or digitized images that may have been sold by the department under subsection (3), AS SAID SUBSECTION EXISTED PRIOR TO ITS REPEAL IN 1999, of this section.

SECTION 76. 42-6-102 (4.2), (10.5), and (13.5), Colorado Revised Statutes, are amended to read:

42-6-102. Definitions. As used in this part 1, unless the context otherwise requires:

(4.2) "Electronic record" has the same meaning as defined in section ~~24-71.1-103~~ ~~(3)~~ 24-71.3-102 (7), C.R.S., and shall have the same effect as set forth in section ~~24-71.1-105~~ 24-71.3-105, C.R.S.

(10.5) "Record" has the same meaning as defined in section ~~24-71.1-103 (9)~~ 24-71.3-102 (13), C.R.S.

(13.5) "Signature" means either a written signature or an electronic signature as ~~described~~ DEFINED in section ~~24-71.1-106~~ 24-71.3-102 (8), C.R.S.

SECTION 77. Effective date. (1) Except as otherwise provided for in subsection (2) of this section, this act shall take effect upon passage.

(2) (a) Sections 4 and 5 of this act shall not take effect if Senate Bill 05-185 is enacted at first regular session of the sixty-fifth general assembly and becomes law.

(b) Section 68 of this act shall take effect January 1, 2006, only if House Bill 05-1266 is enacted at first regular session of the sixty-fifth general assembly and becomes law.

(c) Section 76 of this act shall not take effect if Senate Bill 05-038 is enacted at first regular session of the sixty-fifth general assembly and becomes law.

SECTION 78. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 1, 2005

APPENDIX

C.R.S. Section	Section in bill	Reason
1-2-301 (1)	1	Changes "HAVA" to "the federal "Help America Vote Act of 2002", P.L. No. 107-252, codified at 42 U.S.C. sec. 15301, et seq." in a provision amended by HB03-1356, chapter 326, page 2073, concerning implementation of the federal "Help America Vote Act of 2002", because the acronym is not defined for the section, part, article, or title.
1-2-302 (6.7)	2	Same as section 1-2-301 (1).
1-5-617 (5)	3	Inserts "adopted" after "rule" in a provision of the "Uniform Election Code of 1992" requiring an election official to submit an application to the secretary of state to purchase, install, and use electronic or electromechanical voting systems, to conform the language in section 1-5-617 (5) to the other provisions added by HB04-1227, chapter 334, page 1350.
1-11-208 (1)	4	Changes "section 1-45-111" to "section 9 of article XXVIII of the state constitution" in a provision of the "Uniform Election Code of 1992" because a 2002 initiated measure concerning campaign finance passed that repealed section 1-45-111 of the "Fair Campaign Practices Act", effective December 6, 2002, and relocated the provisions of section 1-45-111 to section 9 of article XXVIII of the state constitution.
1-11-208.5 (1)	5	Same as 1-11-208 (1).
1-40-124.5 (3) (a)	6	In a provision establishing a revolving fund to pay for the publication and distribution of a state ballot information booklet, changes "in every legal newspaper in the state" to "at least one legal publication of general circulation in each county of the state" to conform this section with the provisions of SCR94-005, page 2850, concerning information about statewide ballot issues, and HB04-1425, chapter 268, page 961, concerning the legal publication of state ballot measures, in which the publication requirement changed.

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| 1-45-109 (9) | 7 | Same as 1-11-208 (1); in addition, corrects a reference to the secretary of state. |
| 2-3-114 (1) (b) | 8 | Corrects an internal reference to reflect the repeal of article 71.1 of title 24, concerning government electronic transactions, and the enactment of article 71.3 of title 24, concerning the "Uniform Electronic Transactions Act", in HB02-1326, chapter 229. |
| 4-3-411 (b) | 9 | In a provision of the "Uniform Commercial Code", inserts "on" after "payment" to correct a grammatical drafting error originating in the introduced version of HB94-1132, chapter 159, page 866, concerning amendments to articles 3 and 4 of title 4. |
| 7-101-401 (30) and (31) | 10 | Standard drafting practice requires terms in definition sections to be alphabetized by letter. To conform to the standard C.R.S. format requirement, certain terms have been realphabetized resulting in the renumbering of subsections. |
| 10-1-103 (6) | 11 | Inserts "bonding" after "bail" to conform to the language in article 7 of title 12 for licensing of bail bonding agents. Also, changes the repeal date from "2004" to "2013" in a provision addressing the functions of the division of insurance relating to the licensing of bail bonding agents because a conforming amendment to subsection (6) (b) (I) (A) was overlooked in HB04-1240, chapter 368, page 1755. In addition, cross references have been added to sub-subparagraphs (A), (B), (C), and (D) of subparagraph (I) of paragraph (b) of subsection (6) to identify provisions containing repeal information relevant to the sub-subparagraphs. |
| 10-3-111 | 12 | Deletes an internal reference to part 7 of article 4 of title 10, commonly referred to as Colorado's no-fault insurance law, because section 10-4-726 provided for its repeal effective, July 1, 2003. |
| 10-3-533.5 (1) (c) | 13 | See the explanation for section 7-101-401 (30) and (31). |
| 10-16-102 (42) and (43) | 14 | Same as 7-101-401 (30) and (31). |

- 10-16-107 (1.5) (f) 15 Changes "part 1 of article 13 of title 38" to "article 13 of title 38" in a section of the "Colorado Health Care Coverage Act" to correct an error made in HB87-1376 in which a part 1 heading was assigned to article 38 but subsequently deleted on revision in 1994.
- 11-30-122 (2) (a) 16 Corrects grammatical errors in the House Business Affairs & Labor Committee Report to HB04-1126, chapter 42, page 133, concerning the continued regulation of institutions by the division of financial services, wherein (2) (a) was subdivided in such a manner that (2) (a) (III) did not follow the introductory portion to (2) (a) and, in (2) (a) (I), changes "have" to "has".
- 11-41-121 IP (1.5) (a) 17 Inserts "meet the following criteria" after "fees," to correct a drafting error in SB88-121, chapter 76, page 458, concerning the acquisition of, control of, or merger of savings and loan associations, which resulted in subparagraphs that do not grammatically follow the introductory portion.
- 12-32-107 (3) (n) 18 Deletes an internal reference to section 12-22-102 (13), which defines 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.
- 13-3-113 (5) (b) (V) (C) 19 Repeals an internal reference to "The Colorado Care Health Insurance Program" because article 21 of title 10, which formerly contained "The Colorado Care Health Insurance Program", was repealed by SB04-105, chapter 274, page 1011, concerning the regulation of health insurance.
- 13-22-222 (2) 20 Repeals section 13-22-222 (2) of the "Uniform Arbitration Act of 1975" and relocates this section to 13-22-223 (1.5) to correct a series of errors that occurred in enrolling HB04-1080, chapter 363, page 1728, in which subsection (1.5) was enrolled into the bill but was inadvertently placed in section 13-22-222 and renumbered as subsection (2) to conform to standard C.R.S. format, which requires a section containing only two subsections to have the subsections chronologically designated in whole numbers;

therefore, the misplaced subsection is being repealed from section 13-22-222 (2) and is being relocated to section 13-22-223 (1.5). (See Senate Journal, pp. 834-835, April 15, 2004.)

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| 13-22-223 (1.5) | 21 | See the explanation for 13-22-222 (2). |
| 14-10-107.8 (1) | 22 | Section 5 of HB03-1117, chapter 139, page 1003, provides that "protection orders" includes restraining orders entered prior to July 1, 2003. |
| 14-11-101 (3) | 23 | Changes "18-6-803.8" to "13-14-104" as a conforming amendment to reflect the repeal of section 18-6-803.8 and the relocation of provisions concerning foreign protection orders to section 13-14-104 in HB04-1305, chapter 178. |
| 16-1-108 IP (1) and (2) | 24 | Corrects a typographical error made in the drafting of HB04-1387, chapter 340, page 1379, concerning changes to the procedural criminal laws, in which an internal reference to a section defining the official records and documents of the state of Colorado was incorrectly cited as "42-2-121 (1) (c)" instead of "42-2-121 (2) (c)". |
| 19-5-203 (1) (b) | 25 | In a provision concerning children that may be available for adoption, inserts "19-5-103.5" after "19-5-103" to correct a drafting error in HB03-1286, chapter 114, page 869, concerning acceleration of the process for terminating the parent-child legal relationship of children under one year of age. House Bill 03-1286 created section 19-5-103.5, which adds a new method by which a parent can relinquish his or her parental rights in an expedited manner. However, the conforming amendment to add the internal reference to section 19-5-203 (1) (b) was overlooked. |
| 18-1.3-1003 (5) (b) | 26 | In HB98-1156, chapter 303, page 1279, a House second reading floor amendment added a new subsection (2) to section 16-13-803 and renumbered the succeeding subsections accordingly; however, a conforming amendment to change an internal reference from (4) to (5) in 16-13-803 (5) (b) was overlooked. House Bill 02-1046, chapter 318, page 1434, relocated the provisions of former |

16-13-803 to 18-1.3-1003 with the same incorrect internal reference in (5) (b).

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| 18-1.4-101 (1) | 27 | Inserts the official United States supreme court case citation for <i>Ring v. Arizona</i> . |
| 18-5-117 (3) | 28 | In a provision of the "Colorado Criminal Code" concerning the unlawful possession of personal identifying information, changes an internal reference to the statute defining personal identifying information from section "6-1-712 (2)" to "6-1-713 (2)". House Bill 04-1177, chapter 269, page 968, concerning health insurance, and HB04-1311, chapter 393, page 1959, concerning identity theft, both enacted section 6-1-712. Section 6-1-712, as enacted by HB04-1311, was renumbered on revision as section 6-1-713 (2) in the 2004 Colorado Revised Statutes. |
| 19-1-107 (3) | 29 | Changes an internal reference from section "19-2-1602 (1) (a)" to section "19-2-212 (1) (a)" to conform with HB96-1005, chapter 283, page 1607, concerning juvenile justice, which relocated certain provisions in article 2 of title 19. |
| 19-4-107.5 | 30 | To comply with the legislative intent of HB03-1117, chapter 139, page 995, changes references to orders entered for the protection of persons from "restraining orders" to "civil protection orders". |
| 19-5-303 (2) (c) | 31 | In a provision listing the responsibilities of the adoption intermediary commission, inserts "intermediaries" after "confidential" because intermediaries was inadvertently deleted in the House Judiciary Committee Report to HB00-1336, chapter 281, page 1373, concerning access to adoption records. (See House Journal, page 466, February 11, 2000.) |
| 22-32-133 (1) (c) | 32 | The defined term does not appear in the section; therefore, the definition of "state board" is obsolete and is being repealed. |
| 22-80-118 (1) (b) and (1) (c) | 33 | See the explanation for the repeal of section 22-32-133 (1) (c). |
| 23-20-136 (3.5) (a) | 34 | Changes "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 is to a nonexistent fund.

- 24-1-114 (5) (b) 35 Both SB04-057, chapter 161, page 484, and SB04-189, chapter 215, page 712, enacted section 23-5-128. In SB04-189, section 23-5-128 was renumbered to 23-5-129 and 23-5-129 was renumbered to 23-5-130 by correction schedule; however the internal references in (5) (b) were overlooked.
- 24-4-103 (12) 36 Same as 2-3-114 (1) (b).
- 24-30-1603 (3) (a) 37 Same as 2-3-114 (1) (b).
- 24-32-706 (8) 38 In a provision granting the governor the authority to remove an appointed member of the state housing board, changes "commission" to "board" to correct a drafting error in the Local Government Committee Report to HB70-1055, chapter 65, page 241, concerning housing, in which the term "commission" was inadvertently used to describe the board. (See 1970 Senate Journal, p. 440.)
- 24-33-111 (3) (a) 39 Senate Bill 04-238, chapter 212, page 692, requires that additions or modifications to the eligibility list for the species conservation trust fund be approved in a bill rather than a resolution; therefore, since a bill must be approved by both houses of the general assembly in order to advance through the legislative process, it is unnecessary to include this language.
- 24-51-408 (3) 40 Senate Bill 04-257, chapter 392, page 1944, concerning modifications to the retirement plans for public employees, changed "municipal division" to "local government division" but inadvertently missed a reference to "municipal division".
- 24-51-408.5 (6) (a) 41 See the explanation for 24-51-408 (3).
- 24-53-110 42 Changes an internal reference to a section pertaining to the employment, use, and status of technicians employed by the national guard from "32 U.S.C. sec. 42" to "32 U.S.C. sec. 709, as amended," to reflect the recodification in 1956 of title 32 of the United States Code by H.R. 7049, which was to revise, codify, and enact into law title 10 of the United States

Code, entitled "Armed Forces", and title 32, United States Code, entitled "National Guard".

- 24-60-2902 43 Amends Article IV of the Emergency Management Assistance Compact by changing "one" to "on" to correct a typographical error originating in the introduced version of SB01-141, chapter 77, page 187, concerning adoption of an interstate compact governing emergency management assistance.
- 24-60-3001 44 An internal reference contained in Article XI of the Interstate Insurance Product Regulation Compact is being changed from "Article III, Section 5" to "Article III, Section 4" to correspond with changes made by Senate floor amendment L.001 to SB04-022, chapter 32, page 105. Amendment L.001 struck Article III, Section 3, as it existed in the introduced bill, and renumbered Article III, Section 5, to Article III, Section 4. The conforming amendment was missed resulting in the incorrect reference.
- 24-61-101 (2) 45 Changes an internal reference to ad valorem taxes in the legislative declaration to the Taxation Compact between the Southern Ute Indian Tribe, La Plata County, and the state of Colorado from "article 1 of this title" to "article 1 of title 39", because early drafts of HB96-1367, chapter 285, page 1705, had located the taxation compact between the Southern Ute Indian Tribe, La Plata County, and the state of Colorado in title 39, but the taxation compact was subsequently placed in a new article 61 under title 24 prior to the bill's introduction. When the compact was relocated to title 24, the conforming amendment was not made to clarify that the internal reference is to article 1 of title 39 rather than to article 1 of title 24.
- 24-75-402 (5) (h) 46 Substitutes "Colorado state titling and registration account" for "distributed data processing system special purpose account" to conform with the name change made by HB01-1100, chapter 236, page 815, concerning the administrative and data processing system.

- 24-75-701 (4) 47 In a provision defining a financial institution, enacted by HB93-1157, chapter 93, page 317, concerning the requirements for a local government investment pool trust fund, changes an incorrect cite to national banks and federal savings and loan associations from "12 U.S.C. sec. 2" to "chapter 2 of title 12 of the United States Code" and "12 U.S.C. sec. 12" to "chapter 12 of title 12 of the United States Code".
- 24-75-1104.5 (1) (h) 48 Corrects a drafting error in HB04-1421, chapter 362, page 1707, concerning the allocation of tobacco settlement moneys received by the state, by inserting "grant" after "read-to-achieve" to accurately reflect the correct name of the program created in section 22-7-506.
- 25-7-410 49 House Bill 92-1321 prohibited the sale or installation of used non-certified wood-burning devices on and after January 1, 1993. Because 25-7-407.5 (2), as amended by HB92-1321, chapter 191, page 1323, provided for the repeal of 25-7-407.5 concerning the certification of fireplaces, effective January 1, 1993, changes the reference "25-7-407.5" to "25-7-407" as a conforming amendment. Section 25-7-407 (8) contains similar restrictions to those that were located in 25-7-407.5.
- 25.5-1-105 (1) 50 See the explanation for section 13-3-113 (5) (b) (V) (C).
- 25.5-1-201 (1) (a) 51 See the explanation for section 13-3-113 (5) (b) (V) (C).
- 26-6-102 (2.7) (a) 52 Changes an internal reference to a section defining a "house parent" from section "26-6-403 (6)" to section "26-6-403 (8)" in a provision of the "Child Care Licensing Act" to correct an error in the House Health, Environment, Welfare, & Institution Committee Report to HB04-1271, chapter 177, page 543, concerning the establishment of a pilot program for the placement of children in dedicated out-of-home settings. The committee report added two new subsections to section 26-6-403 and renumbered succeeding subsections accordingly; however, the committee report

did not include a conforming amendment to section 26-6-102 (2.7) (a).

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| 26-13.5-105 (3) (b) and (3) (c) | 53 | Changes an internal reference from "13-25-126 (1) (e) (III)" to "13-25-126 (1) (g)" to conform to changes made by SB03-079, chapter 163, page 1238, concerning support obligations, because SB03-079 removed the presumption of paternity set forth in section 13-25-126 (1) (e) (III) and placed it in section 13-25-126 (1) (g). |
| 27-10.5-135 (2) | 54 | Deletes certain terms because they are no longer used in the Colorado Revised Statutes to describe a person with a developmental disability. |
| 30-15-101 IP (1) (a) and (1) (a) (I) | 55 | House Bill 94-1137, chapter 213, page 1239, concerning county ordinance authority in matters of local concern, granted county commissioners the authority to adopt a resolution to control and license dogs and other pet animals. However, due to an enrolling error, the language "and other pet animals" was dropped from the provision. |
| 30-28-201 (2) | 56 | See the explanation for section 25-7-410. |
| 31-1-101 (2) and (13) | 57 | Corrects internal references made in the repeal and reenactment of title 31 by HB75-1089, chapter 275, page 1004, concerning municipal government, and recodifying the law thereto. |
| 31-10-108 | 58 | In a section pertaining to special elections, enacted by HB95-1241, chapter 187, page 856, concerning elections, changes an internal reference from "part 1 of article 7.5 of title 1" to "article 7.5 of title 1" to conform to standard drafting practice. Since article 7.5 of title 1 contains only one part, it is not necessary to include "part 1" in the internal reference. |
| 31-15-601 (2) | 59 | See the explanation for section 25-7-410. |
| 31-25-534 (1) | 60 | Deletes a reference to section 31-25-536 and accompanying language in a provision addressing the issuance of bonds because SB02-103, chapter 98, page 274, concerning improvement districts of local general purpose governments, repealed section 31-25-536, effective August 7, 2002. |

- 31-30-1112 (6) (a) 61 In a provision establishing the volunteer firefighter advisory committee, which was enacted by SB04-198, chapter 302, page 1136, concerning the transfer of the responsibility of administering the state contribution to assist in providing certain benefits for volunteer firefighters from the fire and police pension association to the department of local affairs, inserts "accidental" before "death and disability insurance policy" to accurately reflect the correct name of the policy created in section 31-30-1134.
- 31-30-1132 62 Changes an internal reference from "this subsection (1)" to "this section" because SB97-166, chapter 64, page 169, never divided the section into subsections.
- 31-30.5-602 63 In a section pertaining to firefighters' old hire pension plans, changes an internal reference from "part 11 of this article" to "part 11 of article 30 of this title" to correct an error in the drafting of SB96-011, chapter 183, page 880, in which a conforming amendment was inadvertently missed to the internal reference when section 31-30-408 was relocated to section 31-30.5-602.
- 31-30.5-801 (1) 64 In a section allowing for the establishment of an exempt alternative police officers' or firefighters' pension benefit program or combination pension and insurance benefit program, changes an internal reference from "article 31" to "article 31 of this title" to correct a drafting error in the House Local Government Committee Report amending SB96-011, chapter 183, page 889, concerning the recodification of the fire and police pension law.
- 31-31-803 (8) (b) 65 In a provision addressing occupational disability benefits, changes "subparagraph (I)" to "subparagraph (III)" because a conforming amendment was overlooked in SB02-026, chapter 66, page 175, concerning death and disability benefits for members of the statewide death and disability plan for police officers and firefighters.
- 32-13-105 (1) (a),
(4) (a) (I), (5) (a) (I), 66 Changes "Denver museum of natural history" to "Denver museum of nature and science" to

- and (5) (a) (II) reflect the museum's current name and changes an internal reference to correspond with the nonsubstantive recodification of statutory provisions that address sales and use tax exemptions made by SB04-087, chapter 277, page 1016, which repealed section 39-26-114 and relocated provisions within this section to part 7 of article 26 of title 39, resulting in the relocation of section 39-26-114 (11) to section 39-26-709 (1).
- 32-13-107 (3) (a) (I) (A), 67 See the explanation for 32-13-105 (1) (a), (3) (a) (II), (3) (a) (III), (3) (b) (III) (A), and (3) (c) (III) (4) (a) (I), (5) (a) (I), and (5) (a) (II).
- 33-4-102 (1.4) (v) (I) 68 House Bill 05-1266, concerning an increase in certain wildlife fees, eliminated the annual fishing license fee for resident senior citizens. However, a conforming amendment to remove the fee from the resident low-income senior lifetime fishing license was not made. Since the intent of the general assembly was to remove fees on fishing licenses for resident senior citizens, "2.00" is being changed to "free".
- 33-4-120 (3) (b) 69 Repeals as obsolete a provision requiring the wildlife management public education advisory council to be reviewed as provided for in section 2-3-1203. House Bill 04-1431, chapter 347, page 1525, continued the council indefinitely by repealing sections 33-4-120 (3) (a), which repealed the council on July 1, 2005, and 2-3-1203 (3) (r) (II), which lists advisory committees scheduled to be repealed. Since section 33-4-120 (3) (b) has no relevance apart from sections 33-4-120 (3) (a) and 2-3-1203 (3) (r) (II), it is repealed.
- 35-43-122 70 Repeals as obsolete a section that assigns fines to those who violate rules regarding the herding of sheep near towns. House Bill 95-1020, chapter 71, page 200, concerning the repeal of outdated provisions of law, repealed section 35-43-121, which contained the sheep herding offenses. Since section 35-43-122 has no relevance apart from section 35-43-121, it is repealed.
- 38-33.3-308 (3) and (5) 71 Changes internal references within the "Colorado Common Interest Ownership Act"

to correspond with a change made by HB02-1191, chapter 212, page 768, which added a topic to the list of matters that may be discussed during an executive or closed session. When the topic was added to paragraph (f) of subsection (4), conforming amendments were not made, resulting in the need to change internal references from "paragraphs (a) to (e) of subsection (4)" to "paragraphs (a) to (f) of subsection (4)".

- 39-1-104 (12.2) (a) 72 An internal reference to provisions determining how the actual value of real property is determined is being changed from "subsections (9) to (11)" to subsections (10.2) and (11)" because subsections (9), (10), (10.1), and (10.3) of this section have been repealed as reflected in the source note and editor's note following the section.
- 39-28-113 73 Corrects an error in the drafting of HB64-1086, chapter 98, page 826, concerning a tax on cigarettes, in which a short title reference to the "Emergency Retail Sales Tax Act of 1935", as it is defined in section 39-26-101, was incorrectly cited as the "Emergency Sales Tax Act of 1935".
- 40-7-112 (1) 74 In a section listing carriers that are subject to civil penalties, an internal reference defining a mover is being changed from section "40-14-101 (9)" to section "40-14-102 (9)" to correct a typographical error that first occurred in the original draft of HB03-1289, chapter 358, page 2380, concerning consumer protection for intrastate household moves.
- 42-1-206 (3.5) (d) 75 Inserts "as said subsection existed prior to its repeal in 1999" in a provision addressing the retrieval of images sold by the department of revenue under former subsection (3), because subsection (3) was deleted by amendment in SB99-174, chapter 118, page 345, and repealed in HB99-1293, chapter 298, page 1241.
- 42-6-102 (4.2), (10.5), and (13.5) 76 Same as 2-3-114 (1) (b).