

CHAPTER 268

PROFESSIONS AND OCCUPATIONS

HOUSE BILL 05-1040

BY REPRESENTATIVE(S) Balmer, Berens, Coleman, Frangas, Green, Marshall, Riesberg, Schultheis, Stafford, Todd, and Kerr;
also SENATOR(S) Takis, and Fitz-Gerald.

AN ACT

CONCERNING THE SUBMISSION OF FINGERPRINTS BY PERSONS APPLYING FOR A REAL ESTATE BROKER LICENSE TO THE COLORADO BUREAU OF INVESTIGATION INSTEAD OF THE REAL ESTATE COMMISSION, AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. 12-61-103 (1) (b) (I), Colorado Revised Statutes, is amended to read:

12-61-103. Application for license. (1) (b) (I) ~~With the submission of~~ PRIOR TO SUBMITTING an application for a license pursuant to paragraph (a) of this subsection (1), each applicant shall submit a set of fingerprints to the ~~real estate commission~~. ~~The commission shall forward such fingerprints to the~~ Colorado bureau of investigation for the purpose of conducting a state and national fingerprint-based criminal history record check utilizing records of the Colorado bureau of investigation and the federal bureau of investigation. THE APPLICANT SHALL PAY THE FEE ESTABLISHED BY THE COLORADO BUREAU OF INVESTIGATION FOR CONDUCTING THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK TO THE BUREAU. UPON COMPLETION OF THE CRIMINAL HISTORY RECORD CHECK, THE BUREAU SHALL FORWARD THE RESULTS TO THE REAL ESTATE COMMISSION.

SECTION 2. Adjustments to the 2005 Long Bill. (1) For implementation of this act, appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 2005, shall be adjusted as follows:

(a) The cash funds appropriation to the department of regulatory agencies, division of real estate, for Colorado and federal bureau of investigation record checks, is decreased by one hundred eighty-five thousand two hundred fifty-five dollars (\$185,255). Said sum shall be from the division of real estate cash fund.

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

(b) The cash funds exempt appropriation to the department of public safety, Colorado bureau of investigation, Colorado crime information center (CCIC), identification, for program costs, is decreased by eighty-nine thousand ninety-three dollars (\$89,093). Said sum shall be from fingerprint and name check processing fees from other state agencies.

(c) The cash funds appropriation to the department of public safety, Colorado bureau of investigation, Colorado crime information center (CCIC), identification, for program costs, is increased by eighty-nine thousand ninety-three dollars (\$89,093). Said sum shall be from fingerprint and name check processing fees collected by the department.

SECTION 3. Effective date - applicability. (1) This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution (August 10, 2005, if adjournment sine die is on May 11, 2005); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

(2) The provisions of this act shall apply to all applications for a real estate broker license submitted on or after the applicable effective date of this act.

Approved: June 3, 2005