

CHAPTER 308

STATUTES

HOUSE BILL 06-1391

BY REPRESENTATIVE(S) Hefley, Carroll T., King, Marshall, McGihon, and Stengel;
also SENATOR(S) Groff, Dyer, Grossman, Mitchell, Veiga, and May R.

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

1-5-203. Certification of ballot. (1) (a) No later than sixty days before any primary election, and no later than fifty-seven days before any general or odd-year November election or congressional vacancy election, the secretary of state shall deliver by electronic transmission and registered mail to the county clerk and recorder of each county a certificate in writing of the ballot order and content for each county, as follows:

~~(a)~~ (I) For general elections, the certificate shall specify the national and state officers and the district officers of state concern for whom some or all of the eligible electors of the county are entitled to cast ballots at the general election. The certificate shall include the name and party or other designation of each candidate for whom some or all of the eligible electors of the county are entitled to cast ballots and for whom a petition or certificate of nomination has been filed with the secretary of state, the name and party of each candidate nominated at the primary election for a national or state office or a district office of state concern, and the order of the ballot and the ballot content for the election. With regard to the election of members to the general assembly, the notice shall also specify the district number and the names of the members whose terms of office will expire.

~~(b)~~ (II) For primary elections, the certificate shall specify the offices for which

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

nominations are to be made. The notice shall include a certified list of persons for whom certificates of designation or petitions have been filed with the secretary of state and the office for which each person is a candidate, together with the other details mentioned in the certificates of designation or petitions, and the order of the ballot for the primary election.

~~(c)~~ (III) For any election at which one or more ballot issues or ballot questions ~~is~~ ARE to be submitted to the eligible electors of the entire state, the secretary of state shall certify the order of ballot and ballot content with respect to such ballot issues or ballot questions to the county clerk and recorder of each county of the state.

~~(d)~~ (b) The secretary of state shall be solely responsible for the accuracy of the information contained in the certificate.

SECTION 2. 2-3-1401 (2), Colorado Revised Statutes, is amended to read:

2-3-1401. Oversight of economic development activities of state - business affairs and labor committees of senate and house of representatives - reports from governor to joint budget committee on economic development programs.

(2) The governor's office shall submit an annual report to the joint budget committee detailing the expenditures by appropriated line item and funding source in the general appropriation bill of the state for all economic development programs in all departments. The governor's office shall also make such annual report available to the full general assembly. The report shall identify which activities are funded and where such activities fall within priorities of the strategic plan ~~formulated pursuant to subsection (3) of this section~~ and identify any anticipated and actual results of such funded activities; specify dollars spent on each activity; and show a balance of funds remaining for additional economic development activities.

SECTION 3. The introductory portion to 6-1-707 (1) (b), Colorado Revised Statutes, is amended to read:

6-1-707. Use of title or degree - deceptive trade practice. (1) A person engages in a deceptive trade practice when, in the course of such person's business, vocation, or occupation, such person:

(b) Claims either orally or in writing to be a "dietitian", "dietician", "certified dietitian", OR "certified dietician" OR USES THE ABBREVIATION "C.D." or "D." to indicate that such person is a dietitian, unless such person:

SECTION 4. 7-56-607 (1) (d), Colorado Revised Statutes, is amended to read:

7-56-607. Merger, consolidation, or share or equity capital exchange with foreign business. (1) One or more domestic cooperatives may merge, consolidate, or enter into a share or equity capital exchange with one or more foreign entities if:

(d) ~~If the~~ THE foreign entity is the surviving entity in the merger or consolidation or THE acquiring entity of the share or equity capital exchange AND it complies with section 7-56-604.5 or 7-56-605, as the case may be.

SECTION 5. 8-43-101 (2), Colorado Revised Statutes, is amended to read:

8-43-101. Record of injuries - occupational disease - reported to division - rules. (2) Unless exempted by the director pursuant to rule because of a small number of filings or a showing of financial hardship, beginning July 1, 2006, reports submitted pursuant to this section shall be submitted in an electronic format as determined by the director. Exposure to an injurious substance as defined by the director by rule and injuries to employees that result in no more than three days' or three shifts' loss of time from work, or no permanent physical impairment, or no fatality to the employee shall be reported by the employer only to the insurer ~~of and exposure the~~ OF SAID employer's workers' compensation insurance liability, which injuries and exposure the insurer shall report only by monthly summary form to or as otherwise requested by the division.

SECTION 6. The introductory portion to 8-43-304 (1.5) (a), Colorado Revised Statutes, is amended to read:

8-43-304. Violations - penalty - offset for benefits obtained through fraud - rules. (1.5) (a) An insurer who knowingly or repeatedly violates any provision of articles 40 to 47 of this title shall be subject to a fine as determined by the director. If necessary, the director may conduct a hearing or may refer the matter to the ~~division of administrative hearings~~ OFFICE OF ADMINISTRATIVE COURTS for the entry of findings of fact. The director shall promulgate rules that specify, with respect to an insurer's willful or repeated violations that are subject to this subsection (1.5):

SECTION 7. 8-73-108 (3) (f) (II), Colorado Revised Statutes, is amended to read:

8-73-108. Benefit awards. (3) (f) Benefit payments shall not be charged against the experience rating account of an employer and shall be charged against the fund when:

(II) The president has declared the event a disaster pursuant to section 102 (2) of the federal "~~Disaster Relief Act of 1974~~" "ROBERT T. STAFFORD DISASTER RELIEF AND EMERGENCY ASSISTANCE ACT", AS AMENDED, 42 U.S.C.A. 5122(2); and

SECTION 8. 10-1-128 (2) (b), Colorado Revised Statutes, is amended to read:

10-1-128. Fraudulent insurance acts - immunity for furnishing information relating to suspected insurance fraud - legislative declaration. (2) (b) Colorado has addressed insurance fraud in various statutes, including but not limited to the civil and administrative provisions found in this section, ~~section 10-4-708.6~~, part 4 of article 2 of this title, parts 1, 2, 9, and 11 of article 3 of this title, and numerous other provisions of this title. It has also been addressed in criminal provisions found in parts 1, 2, and 3 of article 2 of title 18, part 1 of article 4 of title 18, part 1 of article 5 of title 18, and section 18-5-205, C.R.S. These statutory provisions impose regulatory oversight and severe civil and criminal penalties on authorized and unauthorized insurance companies and other persons who commit insurance fraud. The purpose of this section is to further improve regulatory oversight of licensed persons who commit insurance fraud and provide additional remedies to aggrieved persons.

SECTION 9. 10-3-104, Colorado Revised Statutes, is amended to read:

10-3-104. Unauthorized companies - penalties. Except for reinsurance by an authorized insurer or insurance effected pursuant to the provisions of ~~part 7 of article 4 or article 5 or article 15 of this title~~, it is unlawful for any person, company, or corporation in this state to procure, receive, or forward applications for insurance in, or to issue or to deliver policies for, any company not legally authorized to do business in this state, as provided in this title, article 7 of title 12, and article 14 of title 24, C.R.S. Any person violating the provisions of this section ~~is guilty of a~~ **COMMITTS** A class 1 misdemeanor and ~~upon conviction thereof~~, shall be punished as provided in section 18-1.3-501, C.R.S.

SECTION 10. Repeal. 10-3-207 (1) (d), Colorado Revised Statutes, is repealed as follows:

10-3-207. Fees paid by insurance companies. (1) There shall be paid to the division of insurance by every entity regulated by the division of insurance in this state the following:

(d) ~~In addition to any fee collected under paragraph (a) or (b) of this subsection (1), every insurance entity authorized to write private passenger automobile insurance coverage shall pay an annual fee not to exceed four hundred dollars to fund the costs of establishing and administering the PIP examination program established in section 10-4-706. Such fee shall be set by rule promulgated by the commissioner. Fees collected under this paragraph (d) shall be transmitted to the state treasurer, who shall credit the same to the division of insurance cash fund created in section 10-1-103 (3).~~

SECTION 11. 10-4-111 (1), Colorado Revised Statutes, is amended to read:

10-4-111. Summary disclosure forms required. (1) Every insurer issuing policies of dwelling fire insurance, homeowners insurance, or automobile insurance subject to the provisions of ~~parts 6 and 7~~ **PART 6** of this article shall, as a condition of doing business in this state, have on file for public inspection at the division of insurance a summary disclosure form ~~which~~ **THAT** contains a simple explanation of the major coverages and exclusions of such policies of insurance together with a recitation of general factors considered in cancellation, nonrenewal, and increase in premium situations. Each summary disclosure form shall provide notice in bold face letters that the policyholder should read the policy for complete details, and such disclosure form shall not be construed to replace any provision of the policy itself. In the event of any conflict between the policy and the disclosure form, the provisions of the policy shall prevail.

SECTION 12. 10-4-401 (2) (c), Colorado Revised Statutes, is amended to read:

10-4-401. Purpose - applicability. (2) This part 4 shall apply to all kinds of insurance except:

(c) Sickness and accident insurance regulated under ~~article 8~~ **PARTS 1 AND 2 OF ARTICLE 16** of this title;

SECTION 13. 10-4-604.5 (1), Colorado Revised Statutes, is amended to read:

10-4-604.5. Issuance or renewal of insurance policies - proof of insurance provided by certificate, card, or other media. (1) In addition to any other requirement, if an insurer issues or renews a policy of insurance, the insurer shall provide the insured a proof of insurance certificate or insurance identification card to accompany the insured's registration application or renewal card or provide proof of insurance in such other media as is authorized by the department under section ~~42-3-105 (1) (c)~~ 42-3-105 (1) (d), C.R.S.

SECTION 14. 10-4-621 (3), Colorado Revised Statutes, is amended to read:

10-4-621. Required coverages are minimum. (3) No insurer may surcharge, refuse to write, cancel, or nonrenew a complying policy of automobile insurance based solely on the method of compliance or level of coverage chosen, as long as the requirements are met under section ~~42-3-105 (1) (c) (f) or (1) (e)~~ 42-3-105 (1) (d) (I) OR (1) (f), C.R.S.

SECTION 15. 10-16-105 (7.6) (a) (I), Colorado Revised Statutes, is amended to read:

10-16-105. Small group sickness and accident insurance - guaranteed issue - mandated provisions for basic and standard health benefit plans - rules. (7.6) (a) No small employer carrier is required to accept applications from or offer coverage pursuant to paragraph (a) of subsection (7.3) of this section:

(I) To a small employer, where the employer is not physically located in the small employer carrier's established geographic service area, except as provided in section ~~10-16-704 (a)~~ 10-16-704 (2);

SECTION 16. 10-16-402 (2) (c) (I), Colorado Revised Statutes, is amended to read:

10-16-402. Issuance of certificate of authority - denial. (2) The commissioner shall issue or deny a certificate of authority to any person filing an application pursuant to section 10-16-401 within thirty days of receipt of the certification from the executive director. Issuance of a certificate of authority shall be granted upon payment of the application fee prescribed in section 10-16-110 (2) if the commissioner is satisfied that the following conditions are met:

(c) (I) The health maintenance organization will effectively provide or arrange for the provision of basic health care services, ~~on a prepaid basis~~, through insurance or otherwise, except to the extent of reasonable requirements for copayments, deductibles, and payments for out-of-network services received pursuant to section 10-16-704 (2).

SECTION 17. 11-42-107 (4), Colorado Revised Statutes, is amended to read:

11-42-107. Permanent stock. (4) Except as may be required by the commissioner pursuant to section 11-41-105, no association shall be required to maintain permanent stock in excess of five hundred thousand dollars; however, the

total amount of permanent stock subscribed to and paid for shall not at any time, until the maximum of five hundred thousand dollars has been reached, be less than at least the following percentages of the aggregate certificate value of the outstanding invested capital (excluding permanent stock) standing on the records of the association as of January 1 of the current year: Three percent on ~~\$5,000,000~~ FIVE MILLION DOLLARS; two percent on ~~\$5,000,001 to \$7,500,000~~ FIVE MILLION ONE DOLLARS THROUGH SEVEN MILLION FIVE HUNDRED THOUSAND DOLLARS; one percent on all over ~~\$7,500,000~~ SEVEN MILLION FIVE HUNDRED THOUSAND DOLLARS.

SECTION 18. 12-14-105 (3) (c), Colorado Revised Statutes, is amended to read:

12-14-105. Communication in connection with debt collection. (3) (c) In its initial written communication to a consumer, a collection agency shall include the following statement: "FOR INFORMATION ABOUT THE COLORADO FAIR DEBT COLLECTION PRACTICES ACT, SEE ~~WWW.AGO.STATE.CO.US/CADC/CADCMAIN.CFM~~ WWW.AGO.STATE.CO.US/CADC/CADCMAIN.CFM. If such notification is placed on the back of the written communication, there shall be a statement on the front notifying the consumer of such fact.

SECTION 19. 12-36-106 (5) (e), Colorado Revised Statutes, is amended to read:

12-36-106. Practice of medicine defined - exemptions from licensing requirements - repeal. (5) (e) No person licensed as a physician assistant may perform any act that constitutes the practice of medicine within a hospital or nursing care facility that is licensed pursuant to part 1 of article 3 of title 25, C.R.S., or that is required to obtain a certificate of compliance pursuant to section ~~25-1-107 (1) (f)~~ ~~(H)~~ 25-1.5-103 (1) (a) (II), C.R.S., without authorization from the governing board of the hospital or nursing care facility. Such governing board shall have the authority to grant, deny, or limit such authority to its own established procedures.

SECTION 20. 13-21-106.5, Colorado Revised Statutes, are amended to read:

13-21-106.5. Civil damages for destruction or bodily injury caused by a bias-motivated crime. (1) The victim, or a member of the victim's immediate family, is entitled to recover damages from any person, organization, or association ~~who~~ THAT commits or incites others to commit the offense of ~~ethnic intimidation~~ A BIAS-MOTIVATED CRIME as defined DESCRIBED in section 18-9-121 (2), C.R.S. Such person, organization, or association shall be civilly liable to the victim, or a member of the victim's immediate family for the actual damages, costs, and expenses incurred in connection with said action. For purposes of this section, "immediate family" includes the victim's spouse and the victim's parent, sibling, or child who is living with the victim.

(2) A conviction for ~~criminal ethnic intimidation~~ A CRIMINAL BIAS-MOTIVATED CRIME pursuant to section 18-9-121, C.R.S., shall not be a condition precedent to maintaining a civil action pursuant to the provisions of this section.

(3) In any civil action brought pursuant to this section in which damages are assessed by a jury, upon proof of the knowledge and intent ~~defined~~ DESCRIBED in section ~~18-9-121 (2) (a) and (2) (e), C.R.S.~~ 18-9-121 (2), C.R.S., in addition to the

actual damages, the jury may award punitive damages. Said punitive damages shall not be subject to the limitations in section 13-21-102 or section 13-21-102.5.

SECTION 21. Repeal. 18-9-106 (2), Colorado Revised Statutes, is repealed as follows:

18-9-106. Disorderly conduct. (2) ~~It is an affirmative defense to prosecution under subsection (1) (b) of this section that the actor had significant provocation for his abusive or threatening conduct.~~

SECTION 22. Repeal. 18-13-119 (7), Colorado Revised Statutes, is repealed as follows:

18-13-119. Health care providers - abuse of health insurance. (7) ~~This section shall apply to automobile personal injury protection claims under section 10-4-706, C.R.S.~~

SECTION 23. 19-2-918, Colorado Revised Statutes, is amended to read:

19-2-918. Sentencing - restitution by juvenile. (1) If the court finds that a juvenile who receives a deferral of adjudication or who is adjudicated a juvenile delinquent has damaged the personal or real property of a victim, that the victim's personal property has been lost, or that personal injury has been caused to a victim as a result of the juvenile's delinquent act, the court, in addition to any other sentence or commitment that it may impose on the juvenile pursuant to section 19-2-907, shall enter a sentencing order requiring the juvenile to make restitution as required by article 18.5 of title 16 AND PART 6 OF ARTICLE 1.3 OF TITLE 18, C.R.S.

(2) Restitution shall be ordered to be paid in a reasonable manner, as determined by the court and in accordance with article 18.5 of title 16 AND PART 6 OF ARTICLE 1.3 OF TITLE 18, C.R.S.

SECTION 24. 19-3-304.5 (8), Colorado Revised Statutes, is amended to read:

19-3-304.5. Emergency possession of certain abandoned children. (8) A parent who utilizes the provisions of this section shall not, for that reason alone, ~~have his or her name added to the state central registry of child protection~~ BE FOUND TO BE RESPONSIBLE IN A CONFIRMED REPORT OF ABUSE OR NEGLECT.

SECTION 25. 22-30.5-407 (4) (b), (4) (c), and (6), Colorado Revised Statutes, are amended to read:

22-30.5-407. State charter school debt reserve fund - creation - use of fund moneys - legislative declaration. (4) (b) Whenever the trustee responsible for making payments to the holders of any qualified charter school bonds, as defined in section ~~22-30.5-408 (1) (c)~~ 22-30.5-408 (1) (d), issued on behalf of a qualified charter school by the Colorado educational and cultural facilities authority has not received payment of principal or interest on the bonds on the tenth business day immediately prior to the date on which such payment is due and the debt service reserve fund for the qualified charter school has been depleted, the trustee shall so notify the state treasurer and the qualified charter school by telephone, facsimile, or

other similar communication, followed by written verification, of such payment status. The state treasurer shall immediately contact the qualified charter school and determine whether the qualified charter school will make the payment by the date on which it is due and, if the state treasurer confirms that the qualified charter school will not make the payment, the state treasurer shall make the payment.

(c) The state treasurer shall expend all moneys in the state charter school interest savings account before expending any other moneys in the state charter school debt reserve fund. If a qualified charter school defaults on a payment with respect to outstanding qualified charter school bonds, as defined in section ~~22-30.5-408 (1) (c)~~ 22-30.5-408 (1) (d), and the amounts of such payment defaults exceed the amounts available in the state charter school interest savings account and the state charter school debt reserve fund, moneys from the account and the fund shall be allocated pro rata among the qualified charter school bonds that will have a default in the payment of principal or interest based on the ratio that the payment default on each series of such bonds bears to the total payment defaults on all series of such qualified charter school bonds.

(6) For purposes of this section, "qualified charter school" means a qualified charter school as defined in section ~~22-30.5-408 (1) (b)~~ 22-30.5-408 (1) (c).

SECTION 26. 22-30.5-408 (1), Colorado Revised Statutes, is amended to read:

22-30.5-408. Replenishment of qualified charter school debt service reserve funds. (1) As used in this section:

(a) "CHARTER SCHOOL DEBT SERVICE RESERVE FUND" MEANS A REASONABLY REQUIRED DEBT SERVICE RESERVE FUND OR ACCOUNT THAT HAS BEEN FUNDED WITH PROCEEDS DERIVED FROM THE ISSUANCE OF QUALIFIED CHARTER SCHOOL BONDS OR OTHER MONEYS OF THE QUALIFIED CHARTER SCHOOL.

~~(a)~~ (b) "Investment grade" means debt obligations that are rated in one of the four highest investment rating categories by one or more nationally recognized rating agencies.

~~(b)~~ (c) "Qualified charter school" means a charter school that is described in section 22-30.5-104 or an institute charter school as that term is defined in section 22-30.5-502 that has a stand-alone credit assessment or rating of at least investment grade by a nationally recognized rating agency at the time of issuance of any qualified charter school bonds on behalf of the charter school by the Colorado educational and cultural facilities authority pursuant to the "Colorado Educational and Cultural Facilities Authority Act", article 15 of title 23, C.R.S., and that has been certified as a qualified charter school by the state treasurer.

~~(c)~~ (d) "Qualified charter school bonds" means bonds that are issued by the Colorado educational and cultural facilities authority for the purpose of financing a facility to be used for occupancy by pupils enrolled in a qualified charter school and are secured by the state charter school debt reserve fund created by section 22-30.5-407 (2) and the provisions of this section.

~~(c.5)~~ "Charter school debt service reserve fund" means a reasonably required debt

service reserve fund or account that has been funded with proceeds derived from the issuance of qualified charter school bonds or other moneys of the qualified charter school:

(~~†~~) (e) "Qualified charter school debt service reserve fund requirement" means the level of funding required for a qualified charter school debt service reserve fund as specified in the trust indenture or resolution pursuant to which qualified charter school bonds have been issued, which level of funding shall be no less than the maximum annual principal and interest requirement for the allocable portion of the qualified charter school bonds issued for the benefit of the qualified charter school; except that an amount equal to the qualified charter school debt service reserve fund may be subtracted from the final principal payment for the allocable portion of the qualified charter school bonds issued for the benefit of the qualified charter school when determining the maximum annual principal and interest requirement amount.

(c) (~~Deleted by amendment, L. 2003, p. 1803, § 3, effective May 21, 2003.~~)

(f) "Rating agency" means any nationally recognized statistical rating organization as defined under rule 2a-7 of the "Securities Exchange Act of 1934", as amended, 17 CFR 270.2a-7 (a) (17).

SECTION 27. The introductory portion to 22-30.5-409 (1), Colorado Revised Statutes, is amended to read:

22-30.5-409. Annual reports on bonds issued on behalf of charter schools - review by state auditor. (1) Prior to January 30, 2003, and prior to January 30 of each year thereafter, the Colorado educational and cultural facilities authority created in section 23-15-104 (1) (a), C.R.S., shall submit a report to the state auditor that includes information concerning the issuance of qualified charter school bonds, as defined in section ~~22-30.5-408 (1) (c)~~ 22-30.5-408 (1) (d), that have resulted in charter schools obtaining more favorable financing terms by reliance on the existence of the state charter school debt reserve fund created in section 22-30.5-407 (2) (a) and the potential replenishment of the state charter school debt reserve fund pursuant to section 22-30.5-408 (2) (a). Such report shall include, but need not be limited to:

SECTION 28. 22-30.5-502 (10), Colorado Revised Statutes, is amended to read:

22-30.5-502. Definitions. As used in this part 5, unless the context otherwise requires:

(10) "School district" means a school district organized and existing under the laws of Colorado, except a junior college district; except that, for purposes of section 22-30.5-513, "school district" shall have the meaning set forth in section ~~22-30.5-513 (1) (o)~~ 22-30.5-513 (1) (n).

SECTION 29. 23-3.3-102 (8), Colorado Revised Statutes, is amended to read:

23-3.3-102. Assistance program authorized - procedure - audits. (8) The state auditor or his designee shall audit, in accordance with federal and commission guidelines, the program at any participating institution ~~biannually~~ EVERY OTHER

YEAR to review residency determinations, needs analyses, awards, payment procedures, and such other practices as may be necessary to ensure that the program is being properly administered, but such audit shall be limited to the administration of the program at such participating institution. The state auditor may accept an audit of the program from an institution that is not a state institution from such institution's independent auditor. The cost of conducting audits of the program at an institution that is not a state institution shall be borne by such institution.

SECTION 30. 23-3.5-104, Colorado Revised Statutes, is amended to read:

23-3.5-104. Audit and review. The state auditor or his designee shall audit, in accordance with federal and commission guidelines, the grant program at any participating institution of higher education ~~biannually~~ EVERY OTHER YEAR to review residency determinations, needs analyses, awards, payment procedures, and such other practices as may be necessary to ensure that the grant program is being properly administered, but such audit shall be limited to the administration of the grant program at the participating institution of higher education. The state auditor may accept an audit of the program from an institution not supported in whole or in part by the general fund from the institution's independent auditor. The cost of conducting audits of the program at an institution not supported in whole or in part by the general fund shall be borne by the institution.

SECTION 31. 23-15-103 (7), Colorado Revised Statutes, is amended, and the said 23-15-103 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

23-15-103. Definitions. As used in this article, unless the context otherwise requires:

(7) ~~(a) (I) (A) "Facility", in the case of a participating educational institution, means any structure or building suitable for use as a housing facility, an instructional facility, an administration building, a research facility, a laboratory, a maintenance, storage, or utility facility, an auditorium, a dining hall, a food service and preparation facility, a mental or physical health care facility, a recreational facility, or a student center facility or any other structure or facility required or useful for the operation of an educational institution, including, but not limited to: Offices, parking lots and garages, and other supporting service structures; any equipment, furnishings, and appurtenances necessary or useful in the operation of a participating educational institution; and the acquisition, preparation, and development of all real and personal property necessary or convenient as a site or sites for any such structure or facility.~~

~~(B) "Facility", in the case of a participating educational institution, also means any structure or building described in sub-subparagraph (A) of this subparagraph (I) that is located within the state or outside the state and that is operated or financed by an educational institution if such institution operating or financing such structure or building, or an affiliate of such institution, operates or finances an educational facility within this state.~~

~~(H) (A) "Facility", in the case of a cultural institution, means any property that is suitable for the particular purposes of a cultural institution, including, without~~

~~limitation, any such property suitable for use as or in connection with the operation of any one or more of the following: An administrative facility, an aquarium, an assembly hall, an auditorium, a botanical garden, an exhibition or performance hall or structure, a gallery, a greenhouse, a library, a museum, a scientific laboratory, a housing facility that serves the cultural needs of its residents and is being financed as part of a multistate program of financing educational or cultural facilities under this article, a theater, or a zoological facility; and also including, without limitation, the books, works of art or music, and the animal, plant, or aquatic life or other items contained therein for display, exhibition, or performance. The term "facility" includes any other structure or facility required or useful for the operation of a cultural institution including, but not limited to, offices, parking lots and garages, and other supporting service structures; any equipment, furnishings, and appurtenances necessary or useful in the operation of a cultural institution; and the acquisition, preparation, and development of all real and personal property necessary or convenient as a site or sites for any such structure or facility. The term "facility" also includes buildings on the national register of historic places which are owned and operated by nonprofit entities.~~

~~(B) "Facility", in the case of a cultural institution, also means any property described in sub-subparagraph (A) of this subparagraph (H) that is located within the state or outside the state and that is operated or financed by a cultural institution if such institution operating or financing such property, or an affiliate of such institution, also operates or finances a cultural facility within this state.~~

~~(b) "Facility" does not include such items as food, fuel, supplies, or other items which are customarily considered as current operating expenses or charges.~~

(8.5) (a) (I) (A) "FACILITY", IN THE CASE OF A PARTICIPATING EDUCATIONAL INSTITUTION, MEANS ANY STRUCTURE OR BUILDING SUITABLE FOR USE AS A HOUSING FACILITY, AN INSTRUCTIONAL FACILITY, AN ADMINISTRATION BUILDING, A RESEARCH FACILITY, A LABORATORY, A MAINTENANCE, STORAGE, OR UTILITY FACILITY, AN AUDITORIUM, A DINING HALL, A FOOD SERVICE AND PREPARATION FACILITY, A MENTAL OR PHYSICAL HEALTH CARE FACILITY, A RECREATIONAL FACILITY, OR A STUDENT CENTER FACILITY OR ANY OTHER STRUCTURE OR FACILITY REQUIRED OR USEFUL FOR THE OPERATION OF AN EDUCATIONAL INSTITUTION, INCLUDING, BUT NOT LIMITED TO: OFFICES, PARKING LOTS AND GARAGES, AND OTHER SUPPORTING SERVICE STRUCTURES; ANY EQUIPMENT, FURNISHINGS, AND APPURTENANCES NECESSARY OR USEFUL IN THE OPERATION OF A PARTICIPATING EDUCATIONAL INSTITUTION; AND THE ACQUISITION, PREPARATION, AND DEVELOPMENT OF ALL REAL AND PERSONAL PROPERTY NECESSARY OR CONVENIENT AS A SITE OR SITES FOR ANY SUCH STRUCTURE OR FACILITY.

(B) "FACILITY", IN THE CASE OF A PARTICIPATING EDUCATIONAL INSTITUTION, ALSO MEANS ANY STRUCTURE OR BUILDING DESCRIBED IN SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (I) THAT IS LOCATED WITHIN THE STATE OR OUTSIDE THE STATE AND THAT IS OPERATED OR FINANCED BY AN EDUCATIONAL INSTITUTION IF SUCH INSTITUTION OPERATING OR FINANCING SUCH STRUCTURE OR BUILDING, OR AN AFFILIATE OF SUCH INSTITUTION, OPERATES OR FINANCES AN EDUCATIONAL FACILITY WITHIN THIS STATE.

(II) (A) "FACILITY", IN THE CASE OF A CULTURAL INSTITUTION, MEANS ANY

PROPERTY THAT IS SUITABLE FOR THE PARTICULAR PURPOSES OF A CULTURAL INSTITUTION, INCLUDING, WITHOUT LIMITATION, ANY SUCH PROPERTY SUITABLE FOR USE AS OR IN CONNECTION WITH THE OPERATION OF ANY ONE OR MORE OF THE FOLLOWING: AN ADMINISTRATIVE FACILITY, AN AQUARIUM, AN ASSEMBLY HALL, AN AUDITORIUM, A BOTANICAL GARDEN, AN EXHIBITION OR PERFORMANCE HALL OR STRUCTURE, A GALLERY, A GREENHOUSE, A LIBRARY, A MUSEUM, A SCIENTIFIC LABORATORY, A HOUSING FACILITY THAT SERVES THE CULTURAL NEEDS OF ITS RESIDENTS AND IS BEING FINANCED AS PART OF A MULTISTATE PROGRAM OF FINANCING EDUCATIONAL OR CULTURAL FACILITIES UNDER THIS ARTICLE, A THEATER, OR A ZOOLOGICAL FACILITY; AND ALSO INCLUDING, WITHOUT LIMITATION, THE BOOKS, WORKS OF ART OR MUSIC, AND THE ANIMAL, PLANT, OR AQUATIC LIFE OR OTHER ITEMS CONTAINED THEREIN FOR DISPLAY, EXHIBITION, OR PERFORMANCE. THE TERM "FACILITY" INCLUDES ANY OTHER STRUCTURE OR FACILITY REQUIRED OR USEFUL FOR THE OPERATION OF A CULTURAL INSTITUTION INCLUDING, BUT NOT LIMITED TO, OFFICES, PARKING LOTS AND GARAGES, AND OTHER SUPPORTING SERVICE STRUCTURES; ANY EQUIPMENT, FURNISHINGS, AND APPURTENANCES NECESSARY OR USEFUL IN THE OPERATION OF A CULTURAL INSTITUTION; AND THE ACQUISITION, PREPARATION, AND DEVELOPMENT OF ALL REAL AND PERSONAL PROPERTY NECESSARY OR CONVENIENT AS A SITE OR SITES FOR ANY SUCH STRUCTURE OR FACILITY. THE TERM "FACILITY" ALSO INCLUDES BUILDINGS ON THE NATIONAL REGISTER OF HISTORIC PLACES WHICH ARE OWNED AND OPERATED BY NONPROFIT ENTITIES.

(B) "FACILITY", IN THE CASE OF A CULTURAL INSTITUTION, ALSO MEANS ANY PROPERTY DESCRIBED IN SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (II) THAT IS LOCATED WITHIN THE STATE OR OUTSIDE THE STATE AND THAT IS OPERATED OR FINANCED BY A CULTURAL INSTITUTION IF SUCH INSTITUTION OPERATING OR FINANCING SUCH PROPERTY, OR AN AFFILIATE OF SUCH INSTITUTION, ALSO OPERATES OR FINANCES A CULTURAL FACILITY WITHIN THIS STATE.

(b) "FACILITY" DOES NOT INCLUDE SUCH ITEMS AS FOOD, FUEL, SUPPLIES, OR OTHER ITEMS WHICH ARE CUSTOMARILY CONSIDERED AS CURRENT OPERATING EXPENSES OR CHARGES.

SECTION 32. 23-41-114 (4) (b) (I) (B), (4) (b) (II) (B), (4) (b) (II) (C), (4) (b) (III) (B), (4) (b) (III) (C), (4) (b) (IV) (B), (4) (b) (IV) (C), (4) (b) (V) (B), (4) (b) (VI) (B), and (4) (b) (VI) (C), Colorado Revised Statutes, are amended to read:

23-41-114. Colorado energy research institute - creation. (4) (b) (I) (B) For the purposes authorized by this subparagraph (I), up to five hundred thousand dollars of the unencumbered balance available in the oil and gas CONSERVATION AND environmental response fund created in section ~~34-60-124~~, 34-60-122 (5), C.R.S., may be expended.

(II) (B) For the purpose authorized by this subparagraph (II), up to one million dollars of the unencumbered balance available in the oil and gas CONSERVATION AND environmental response fund created in section ~~34-60-124~~ 34-60-122 (5), C.R.S., may be expended.

(C) Of the amount specified in sub-subparagraph (B) of this subparagraph (II): Five hundred thousand dollars may be expended in the state fiscal year beginning

July 1, 2005; and five hundred thousand dollars may be expended in the state fiscal year beginning July 1, 2006, if an estimate made on or about May 1, 2006, of the projected unencumbered balance that will be available in the oil and gas CONSERVATION AND environmental response fund on July 1, 2006, exceeds two and one-half million dollars.

(III) (B) For the purpose authorized by this subparagraph (III), up to three hundred seventy-five thousand dollars of the unencumbered balance available in the oil and gas CONSERVATION AND environmental response fund created in section ~~34-60-124~~ 34-60-122 (5), C.R.S., may be expended.

(C) Of the amount specified in sub-subparagraph (B) of this subparagraph (III): One hundred seventy-five thousand dollars may be expended in the state fiscal year beginning July 1, 2005; and two hundred thousand dollars may be expended in the state fiscal year beginning July 1, 2006, if an estimate made on or about May 1, 2006, of the projected unencumbered balance that will be available in the oil and gas CONSERVATION AND environmental response fund on July 1, 2006, exceeds two and one-half million dollars.

(IV) (B) For the purpose authorized by this subparagraph (IV), up to one million dollars of the unencumbered balance available in the oil and gas CONSERVATION AND environmental response fund created in section ~~34-60-124~~ 34-60-122 (5), C.R.S., may be expended.

(C) Of the amount specified in sub-subparagraph (B) of this subparagraph (IV): Five hundred thousand dollars may be expended in the state fiscal year beginning July 1, 2005; and five hundred thousand dollars may be expended in the state fiscal year beginning July 1, 2006, if an estimate made on or about May 1, 2006, of the projected unencumbered balance that will be available in the oil and gas CONSERVATION AND environmental response fund on July 1, 2006, exceeds two and one-half million dollars.

(V) (B) For the purpose authorized by this subparagraph (V), up to fifty-six thousand dollars of the unencumbered balance available in the oil and gas CONSERVATION AND environmental response fund created in section ~~34-60-124~~ 34-60-122 (5), C.R.S., may be expended.

(VI) (B) For the purpose authorized by this subparagraph (VI), up to one hundred twenty-five thousand dollars of the unencumbered balance available in the oil and gas CONSERVATION AND environmental response fund created in section ~~34-60-124~~ 34-60-122 (5), C.R.S., may be expended.

(C) Of the amount specified in sub-subparagraph (B) of this subparagraph (VI): Seventy-five thousand dollars may be expended in the state fiscal year beginning July 1, 2005; and fifty thousand dollars may be expended in the state fiscal year beginning July 1, 2006, if an estimate made on or about May 1, 2006, of the projected unencumbered balance that will be available in the oil and gas CONSERVATION AND environmental response fund on July 1, 2006, exceeds two and one-half million dollars.

SECTION 33. 24-30-102, Colorado Revised Statutes, is amended to read:

24-30-102. Construction of terms. On and after July 1, 1995, when any law of this state refers to the executive director of the department of administration, said law shall be construed as referring to the executive director of the department of personnel, ALSO REFERRED TO AS THE STATE PERSONNEL DIRECTOR AS SPECIFIED IN SECTION 14 OF ARTICLE XII OF THE STATE CONSTITUTION. When any law of this state refers to the department of administration, said law shall be construed as referring to the department of personnel.

SECTION 34. 24-31-303 (2) (b), Colorado Revised Statutes, is amended to read:

24-31-303. Duties - powers of the P.O.S.T. board. (2) (b) There is hereby created in the state treasury a P.O.S.T. board cash fund. The fees collected pursuant to paragraph (a) of this subsection (2) and pursuant to section ~~42-3-134 (32)~~ 42-3-304 (24), C.R.S., shall be transmitted to the state treasurer who shall credit such revenue to the P.O.S.T. board cash fund. It is the intent of the general assembly that the fees collected shall cover all direct and indirect costs incurred pursuant to this section. In accordance with section 24-36-114, all interest derived from the deposit and investment of moneys in the P.O.S.T. board cash fund shall be credited to the general fund. All moneys in the P.O.S.T. board cash fund shall be subject to annual appropriation by the general assembly and shall be used for the purposes set forth in this subsection (2) and in section 24-31-310. At the end of any fiscal year, all unexpended and unencumbered moneys in the P.O.S.T. board cash fund shall remain in the fund and shall not revert to the general fund or any other fund.

SECTION 35. 24-31-310 (2) and (3), Colorado Revised Statutes, are amended to read:

24-31-310. Resources for the training of peace officers - peace officers in rural jurisdictions - legislative declaration. (2) The moneys collected and transferred to the P.O.S.T. board cash fund pursuant to section ~~42-3-134 (32)~~ 42-3-304 (24), C.R.S., shall be used to provide training programs for peace officers, especially peace officers in rural and smaller jurisdictions that have limited resources due to the size or location of such jurisdictions. The moneys shall be used and distributed pursuant to subsection (3) of this section.

(3) The moneys collected and transferred to the P.O.S.T. board cash fund pursuant to section ~~42-3-134 (32)~~ 42-3-304 (24), C.R.S., shall be used and distributed as determined by the P.O.S.T. board. The moneys in the fund shall be used to pay the salary and benefits of any employee hired by the department of law in order to administer the peace officer training programs and to cover any other costs incurred by the P.O.S.T. board in connection with such programs. Under no circumstance shall general fund moneys be used to cover such costs incurred by the department of law or the P.O.S.T. board.

SECTION 36. 24-32-114 (1) (e) and (1) (f), Colorado Revised Statutes, are amended, and the said 24-32-114 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

24-32-114. Cleanup of illegally disposed of waste tires - waste tire cleanup fund - assistance to counties - legislative declaration - repeal. (1) Moneys

appropriated from the waste tire recycling development cash fund, created in section 25-17-202 (3), C.R.S., to the division of local government in accordance with said section, shall be deposited in the waste tire cleanup fund, which fund is hereby created in the state treasury, for use in accordance with this section. In addition to moneys otherwise provided as funds are available and within appropriated amounts, moneys in the waste tire cleanup fund, less a proportionate share of the administrative costs of the department of local affairs in administering the fund, including 0.5 full-time equivalent employees (FTE), shall be expended for the following purposes:

~~(e) The division may reallocate uncommitted moneys between any funding category described in this subsection (1) at the end of each fiscal quarter.~~

~~(f) All moneys encumbered by June 30 of a fiscal year shall roll forward for expenditure in the following fiscal year.~~

(1.1) THE DIVISION MAY REALLOCATE UNCOMMITTED MONEYS BETWEEN ANY FUNDING CATEGORY DESCRIBED IN SUBSECTION (1) OF THIS SECTION AT THE END OF EACH FISCAL QUARTER.

(1.2) ALL MONEYS ENCUMBERED BY JUNE 30 OF A FISCAL YEAR SHALL ROLL FORWARD FOR EXPENDITURE IN THE FOLLOWING FISCAL YEAR.

SECTION 37. The introductory portion to 24-37-201 (1) and 24-37-201 (2), Colorado Revised Statutes, are amended to read:

24-37-201. State planning - responsibilities. (1) The office OF STATE PLANNING AND BUDGETING shall:

(2) The office OF STATE PLANNING AND BUDGETING shall exercise care so as not to duplicate the projections from data of state agencies and nonstate agencies and shall utilize such projections to the maximum extent possible.

SECTION 38. The introductory portion to 24-37-302 (1), Colorado Revised Statutes, is amended to read:

24-37-302. Responsibilities of the office of state planning and budgeting.

(1) The office OF STATE PLANNING AND BUDGETING shall assist the governor in his OR HER responsibilities pertaining to the executive budget. Specifically, it shall:

SECTION 39. 24-37-304 (1) (a), Colorado Revised Statutes, is amended to read:

24-37-304. Additional budgeting responsibilities. (1) In addition to the responsibilities enumerated in section 24-37-302, the office of state planning and budgeting shall:

(a) Annually evaluate plans, policies, programs, and budget requests of all departments, institutions, and agencies of the executive branch of state government. The office OF STATE PLANNING AND BUDGETING shall develop a financial plan encompassing all sources of revenue and expenditure. It shall propose this plan for the budget, consisting of operating expenditures, capital construction expenditures,

estimated revenues, and special surveys. Budget requests shall include a description of one or more measurable annual objectives in the areas of operational efficiency and effectiveness for each department, institution, and agency. Proposed expenditures in the budget shall not exceed estimated moneys available.

SECTION 40. Repeal of provisions being relocated in this act. 24-51-1002 (1) (a.5), Colorado Revised Statutes, is repealed.

SECTION 41. 24-51-1002, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION CONTAINING RELOCATED PROVISIONS, WITH AMENDMENTS, to read:

24-51-1002. Annual percentages to be used. (3) (a) **[Formerly 24-51-1002 (1) (a.5) (I)]** Notwithstanding subsection (1) of this section, the increase applied to benefits of persons who become members on or after July 1, 2005, and were not members, inactive members, or retirees on July 1, 2005, shall be the lesser of three percent or the actual increase, as calculated by the United States department of labor, in the national consumer price index for urban wage earners and clerical workers during the calendar year preceding the increase in the benefit. The increase applied to such benefits shall be recalculated annually as of March 1, and shall be the compounded annual percentage of the annual increases applied to such benefits. If the benefit has not been paid during all twelve months of the calendar year preceding March 1, then the annual increase shall be prorated.

(b) **[Formerly 24-51-1002 (1) (a.5) (II)]** Benefits for vested inactive members with at least twenty-five years of service credit who become members on or after July 1, 2005, and were not members, inactive members, or retirees on July 1, 2005, as well as benefits for survivors of such deceased vested inactive members who had at least twenty-five years of service credit shall be increased by the annual increase specified in sections 24-51-1001 and 24-51-1003 and ~~subparagraph (I) of this paragraph (a.5)~~ PARAGRAPH (a) OF THIS SUBSECTION (3), from the date of termination of membership to the date benefits commence.

(c) **[Formerly 24-51-1002 (1) (a.5) (III)]** Subsection (1) of this section shall apply to persons who:

(I) **[Formerly 24-51-1002 (1) (a.5) (III) (A)]** Were hired on or before June 30, 2005, by an employer participating in a school district retirement system created pursuant to part 2 of article 64 of title 22, C.R.S.;

(II) **[Formerly 24-51-1002 (1) (a.5) (III) (B)]** On the day before the effective date of the merger, were members of the school district retirement system created pursuant to part 2 of article 64 of title 22, C.R.S.; and

(III) **[Formerly 24-51-1002 (1) (a.5) (III) (C)]** Become members of the association because of the merger described in sections 22-64-220 (4) (a) and 22-64-221, C.R.S.

SECTION 42. 24-51-1003, Colorado Revised Statutes, is amended to read:

24-51-1003. Annual increases in the base benefit. The percentage recalculated

pursuant to the provisions of section ~~24-51-1002(1)~~ 24-51-1002 shall be multiplied by the base benefit to determine the increased benefit. In no case shall the benefit paid be less than the base benefit.

SECTION 43. 24-72-202 (1.7), (1.8) and (1.9), Colorado Revised Statutes, are amended to read:

24-72-202. Definitions. As used in this part 2, unless the context otherwise requires:

(1.7) ~~"Local government-financed entity" shall have the same meaning as provided in section 29-1-901(1), C.R.S.~~ "INSTITUTIONALLY RELATED HEALTH CARE FOUNDATION" MEANS A NONPROFIT CORPORATION, FOUNDATION, INSTITUTE, OR SIMILAR ENTITY THAT IS ORGANIZED FOR THE BENEFIT OF ONE OR MORE INSTITUTIONS AND THAT HAS AS ITS PRINCIPAL PURPOSE RECEIVING OR USING PRIVATE DONATIONS TO BE HELD OR USED FOR MEDICAL OR HEALTH CARE RELATED PROGRAMS OR SERVICES AT AN INSTITUTION. AN INSTITUTIONALLY RELATED HEALTH CARE FOUNDATION SHALL BE DEEMED NOT TO BE A GOVERNMENTAL BODY, AGENCY, OR OTHER PUBLIC BODY FOR ANY PURPOSE.

(1.8) ~~"Institutionally related health care foundation" means a nonprofit corporation, foundation, institute, or similar entity that is organized for the benefit of one or more institutions and that has as its principal purpose receiving or using private donations to be held or used for medical or health care related programs or services at an institution. An institutionally related health care foundation shall be deemed not to be a governmental body, agency, or other public body for any purpose.~~ "INSTITUTIONALLY RELATED REAL ESTATE FOUNDATION" MEANS A NONPROFIT CORPORATION, FOUNDATION, INSTITUTE, OR SIMILAR ENTITY THAT IS ORGANIZED FOR THE BENEFIT OF ONE OR MORE INSTITUTIONS AND THAT HAS AS ITS PRINCIPAL PURPOSE RECEIVING OR USING PRIVATE DONATIONS TO BE HELD OR USED FOR THE ACQUISITION, DEVELOPMENT, FINANCING, LEASING, OR DISPOSITION OF REAL PROPERTY FOR THE BENEFIT OF AN INSTITUTION. AN INSTITUTIONALLY RELATED REAL ESTATE FOUNDATION SHALL BE DEEMED NOT TO BE A GOVERNMENTAL BODY, AGENCY, OR OTHER PUBLIC BODY FOR ANY PURPOSE.

(1.9) ~~"Institutionally related real estate foundation" means a nonprofit corporation, foundation, institute, or similar entity that is organized for the benefit of one or more institutions and that has as its principal purpose receiving or using private donations to be held or used for the acquisition, development, financing, leasing, or disposition of real property for the benefit of an institution. An institutionally related real estate foundation shall be deemed not to be a governmental body, agency, or other public body for any purpose.~~ "LOCAL-GOVERNMENT-FINANCED ENTITY" SHALL HAVE THE SAME MEANING AS PROVIDED IN SECTION 29-1-901 (1), C.R.S.

SECTION 44. 24-80-102 (4) and (10), Colorado Revised Statutes, are amended to read:

24-80-102. State archives and public records - personnel - duties - cash fund.
(4) To effectuate the purposes of this part 1, the governor may direct any political subdivision of the state to designate a records administrator to cooperate with and

assist and advise the executive director OF THE DEPARTMENT OF PERSONNEL in the performance of the duties and functions concerning state archives and public records and to provide such other assistance and data as will enable the department of personnel to properly carry out its activities and effectuate the purposes of this part 1.

(10) The executive director OF THE DEPARTMENT OF PERSONNEL shall establish by rule and regulation such fees as are necessary to pay for the direct and indirect costs of responding to requests for information from nonstate agencies, including requests which are processed through other state agencies. All fees collected shall be transmitted to the state treasurer, who shall credit the same to the state archives and public records cash fund, which fund is hereby created. The moneys in the fund shall be subject to annual appropriation by the general assembly for the direct and indirect costs of responding to requests for information from nonstate agencies, including requests which are processed through other state agencies. All interest derived from the deposit and investment of moneys in the fund shall be credited to the general fund. In no event shall the executive director charge any fee to any public entity to produce information which the public entity is required by law to file with the state archives.

SECTION 45. 25-3.5-303, Colorado Revised Statutes, is amended to read:

25-3.5-303. Vehicular liability insurance required. No ambulance shall operate in this state unless it is covered by a complying policy as defined in section ~~10-4-703, C.R.S.~~ 10-4-601 (2), C.R.S.

SECTION 46. 25-7-103, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW INTRODUCTORY PORTION to read:

25-7-103. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

SECTION 47. 26-2-103 (6), Colorado Revised Statutes, is amended, and the said 26-2-103 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

26-2-103. Definitions. As used in this article, unless the context otherwise requires:

(6) (a) ~~"Total disability", for the purpose of providing public assistance to persons not receiving federal financial benefits pursuant to Title XVI of the social security act, means a physical or mental impairment which is disabling and which, because of other factors such as age, training, experience, and social setting, substantially precludes the person having such disability from engaging in a useful occupation as a homemaker or as a wage earner in any employment which exists in the community for which he has competence.~~

(b) ~~For the purpose of the state-funded supplement to persons receiving federal financial benefits pursuant to Title XVI of the social security act, federal definitions promulgated pursuant to the said Title XVI shall apply.~~

(14) (a) "TOTAL DISABILITY", FOR THE PURPOSE OF PROVIDING PUBLIC ASSISTANCE TO PERSONS NOT RECEIVING FEDERAL FINANCIAL BENEFITS PURSUANT TO TITLE XVI OF THE SOCIAL SECURITY ACT, MEANS A PHYSICAL OR MENTAL IMPAIRMENT WHICH IS DISABLING AND WHICH, BECAUSE OF OTHER FACTORS SUCH AS AGE, TRAINING, EXPERIENCE, AND SOCIAL SETTING, SUBSTANTIALLY PRECLUDES THE PERSON HAVING SUCH DISABILITY FROM ENGAGING IN A USEFUL OCCUPATION AS A HOMEMAKER OR AS A WAGE EARNER IN ANY EMPLOYMENT WHICH EXISTS IN THE COMMUNITY FOR WHICH HE HAS COMPETENCE.

(b) FOR THE PURPOSE OF THE STATE-FUNDED SUPPLEMENT TO PERSONS RECEIVING FEDERAL FINANCIAL BENEFITS PURSUANT TO TITLE XVI OF THE SOCIAL SECURITY ACT, FEDERAL DEFINITIONS PROMULGATED PURSUANT TO THE SAID TITLE XVI SHALL APPLY.

SECTION 48. 26-2-106 (6) (b), Colorado Revised Statutes, is amended to read:

26-2-106. Applications for public assistance. (6) (b) Determination of the existence of total disability shall be made by the county department after consideration of the factors under the provisions of section ~~26-2-103 (6)~~ 26-2-103 (14) and on the basis of the medical examination or from medical and social data collected and verified by the county departments under the rules and regulations of the state department.

SECTION 49. 26-2-111 (4) (a), Colorado Revised Statutes, is amended to read:

26-2-111. Eligibility for public assistance. (4) **Aid to the needy disabled.** Public assistance in the form of aid to the needy disabled shall be granted to any person who meets the requirements of subsection (1) of this section and all of the following requirements:

(a) He or she has a total disability, as defined by section ~~26-2-103 (6)~~ 26-2-103 (14) and the rules and regulations of the state department that has lasted or can be expected to last for a period of six months or more or he or she is determined to be disabled and eligible for social security disability insurance benefits under Title II of the social security act.

SECTION 50. Repeal. 26-6.5-106 (2) (a), Colorado Revised Statutes, is repealed as follows:

26-6.5-106. School-readiness quality improvement program. (2) **Definitions.** As used in this section, unless the context otherwise requires:

(a) "~~CSAP~~" ~~means the Colorado student assessment program implemented pursuant to section 22-7-409, C.R.S.~~

SECTION 51. 26-19-107 (1) (a) (I), Colorado Revised Statutes, is amended to read:

26-19-107. Duties of the department - schedule of services - premiums - copayments - subsidies. (1) In addition to any other duties pursuant to this article, the department shall have the following duties:

(a) (I) To design, on or after April 21, 1998, and from time to time revise, a schedule of health care services included in the plan and to propose said schedule to the medical services board for approval or modification. The schedule of health care services as proposed by the department and approved by the medical services board shall include, but shall not be limited to, preventive care, physician services, prenatal care and postpartum care, inpatient and outpatient hospital services, prescription drugs and medications, and other services that may be medically necessary for the health of enrollees. The department shall design and revise this schedule of health care services included in the plan to be based upon the basic and standard health benefit plans defined in section 10-16-102 (4) and ~~(42)~~ (43), C.R.S.; except that the department may modify the basic and the standard health benefit plans to meet specific federal requirements or to accommodate those changes necessary for a program designed specifically for children.

SECTION 52. 32-13-105 (5) (a) (III), Colorado Revised Statutes, is amended to read:

32-13-105. Authorizing elections. (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:

(III) A uniform sales and use tax throughout said geographical area at a rate of one hundred thirty-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 fourteen 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 (11)~~ 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) (c).

SECTION 53. 33-6-201 (1) (a), Colorado Revised Statutes, is amended to read:

33-6-201. Legislative declaration - scope and purpose of part. (1) The general assembly finds, determines, and declares that:

(a) The purpose of this part 2 is to implement section ~~13~~ 12b of article XVIII of the state constitution, adopted by the people at the 1996 general election.

SECTION 54. 33-10-106 (1) (j) (II), Colorado Revised Statutes, is amended to read:

33-10-106. Duties of the board - rules. (1) The board shall:

(j) (II) In adopting rules pursuant to this paragraph (j), the board shall consult with the director and personnel of the division and shall not initiate any special or additional rule-making hearings outside the board's normal rule-making schedule. The intent of this subparagraph (II) is to allow the board and the division to implement section ~~38-10-108.5~~ 33-10-108.5 within existing appropriations.

SECTION 55. 35-14-112, Colorado Revised Statutes, is amended to read:

35-14-112. Method of sale - general. Except as otherwise provided by the commissioner, ~~or as provided in section 35-14-114(2)~~, commodities in liquid form shall be sold by liquid measure or by weight, and commodities not in liquid form shall be sold only by weight, by measure, or by count, so long as the method of sale provides accurate quantity information.

SECTION 56. 35-33-203 (2), Colorado Revised Statutes, is amended to read:

35-33-203. Slaughter methods. (2) The commissioner shall promulgate rules ~~and regulations which~~ THAT conform substantially to the rules and regulations of the secretary of agriculture of the United States pursuant to the federal "Humane METHODS OF Slaughter Act of 1958", as amended; but the use of a manually operated hammer, sledge, or poleax shall not be permitted.

SECTION 57. 35-55-102 (1) (e), Colorado Revised Statutes, is amended to read:

35-55-102. License requirements. (1) Any person, partnership, or corporation may procure a license to establish and operate, for a term of one year, a public livestock market within the state of Colorado by making written application to the state board of stock inspection commissioners, which application shall provide the following:

(e) Proof of the ability of the applicant to comply with the federal ~~"Packers and Stockyards Act"~~ "PACKERS AND STOCKYARDS ACT, 1921", as amended (7 U.S.C. sec. 181 et seq.);

SECTION 58. The introductory portion to 35-55-107 (1) and 35-55-107 (1) (l), Colorado Revised Statutes, are amended to read:

35-55-107. Discipline of licensees. (1) Any violation of the provisions of this article or of any rule ~~or regulation~~ adopted and published by the state board of stock inspection commissioners shall be deemed sufficient cause for the state board of stock inspection commissioners to revoke or suspend the license of the offending operator of such public livestock market or to place on probation such licensee, and the following shall also be specific grounds for the imposition of any of the disciplinary actions specified in this introductory portion:

(l) If the state board of stock inspection commissioners finds that the licensee has

violated or has aided or abetted in the violation of the federal "~~Packers and Stockyards Act~~" "PACKERS AND STOCKYARDS ACT, 1921", as amended (7 U.S.C. sec. 181 et seq.);

SECTION 59. The introductory portion to 39-26-713 (2) (b) (II), Colorado Revised Statutes, is amended to read:

39-26-713. Tangible personal property. (2) The following shall be exempt from taxation under the provisions of part 2 of this article:

(b) (II) For purposes of this paragraph (b), any motor vehicle purchased and held for resale in this state by a licensed motor vehicle dealer, as defined in section 12-6-102 (13), C.R.S., who meets the eligibility requirements to receive a full-use dealer plate set forth in section ~~42-3-127(6)(a)(I)~~ 42-3-116 (6) (a) (I), C.R.S., shall be considered to be in the regular course of business and shall not be subject to taxation under part 2 of this article. A motor vehicle shall be considered to be purchased and held for resale if:

SECTION 60. 39-30-103.5 (2), Colorado Revised Statutes, is amended to read:

39-30-103.5. Credit against tax - contributions to enterprise zone administrators to implement economic development plans. (2) (a) FOR INCOME TAX YEARS COMMENCING PRIOR TO JANUARY 1, 1999, monetary or in-kind contributions to promote child care in enterprise zones shall be deemed to be for the purpose of implementing the economic development plan for the enterprise zone and shall include but shall not be limited to the following types of contributions:

~~(a) For income tax years commencing prior to January 1, 1999, monetary or in-kind contributions to promote child care in enterprise zones shall be deemed to be for the purpose of implementing the economic development plan for the enterprise zone and shall include but shall not be limited to the following types of contributions:~~

(I) Donating money, real estate, or property to the enterprise zone for the establishment of a child care facility;

(II) Donating money to the enterprise zone to establish a grant or loan program for a parent or parents requiring financial assistance for child care;

(III) Pooling moneys of several businesses and donating such moneys to the enterprise zone for the establishment of a child care facility;

(IV) Donating money to the enterprise zone for the training of child care providers; and

(V) Donating money, services, or equipment to the enterprise zone for the establishment of an information dissemination program to provide information and referral services to assist a parent or parents in obtaining child care.

(b) Notwithstanding any other provision to the contrary, nothing in this subsection (2) shall be construed to limit the ability of a taxpayer to claim a credit

under this subsection (2) for contributions made on or after January 1, 1999, pursuant to the terms of an agreement entered into prior to such date between the taxpayer and an enterprise zone administrator.

SECTION 61. 40-8.7-103 (1), Colorado Revised Statutes, is amended to read:

40-8.7-103. Definitions. As used in this article, unless the context otherwise requires:

(1) "Alternative energy assistance program" means a program operated by a municipally owned electric and gas utility or ~~rural electric cooperative~~ COOPERATIVE ELECTRIC ASSOCIATION that is not part of the energy assistance program established pursuant to this article.

SECTION 62. 42-1-102 (102.7), Colorado Revised Statutes, is amended to read:

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

(102.7) "Temporary special event license plate" means a special license plate valid for a limited time period that is issued to a person or group of people in connection with a special event. "Temporary special event license plate" does not mean a special plate for the purposes of section ~~42-3-122~~ 42-3-207.

SECTION 63. 42-2-127.4 (1) (a), Colorado Revised Statutes, is amended to read:

42-2-127.4. Authority to suspend license - forgery of a penalty assessment notice issued to minor under the age of eighteen years. (1) (a) Whenever the department receives notice that a person has been convicted of an offense involving the forgery of a penalty assessment notice issued to a minor under the age of eighteen years or any attempt, conspiracy, or solicitation to commit said offense, the department, pursuant to section ~~18-5-117~~ 18-5-118, C.R.S., shall immediately suspend the license of the person for a period of not less than six months.

SECTION 64. 42-3-104 (8), Colorado Revised Statutes, is amended to read:

42-3-104. Exemptions - specific ownership tax - registration. (8) Either one Class B or one Class C motor vehicle weighing less than sixteen thousand pounds empty weight owned by a natural person who received a purple heart and who is authorized to use the special license plate for purple heart recipients pursuant to section ~~42-3-115.5~~ 42-3-213 shall be exempt from the imposition of the annual specific ownership tax imposed by this article. Only one such Class B or Class C motor vehicle per purple heart recipient shall be exempted.

SECTION 65. 42-3-105 (1) (a) (II), Colorado Revised Statutes, as it exists until January 1, 2007, is amended to read:

42-3-105. Application for registration - tax. (1) (a) Application for the registration of a vehicle required to be registered under this article shall be made by the owner or the owner's agent and, if applicable, simultaneously with the

application for certificate of title, as required by this section. The application for registration, which shall be in writing and signed by the owner of such vehicle or the owner's duly authorized agent, shall include:

(II) The name and correct address of the owner determined pursuant to section ~~42-6-138~~ 42-6-139, designating the county, school district, and city or town within the limits of which the owner resides;

SECTION 66. 42-3-105 (1) (a) (II), Colorado Revised Statutes, as it will become effective January 1, 2007, is amended to read:

42-3-105. Application for registration - tax. (1) (a) Application for the registration of a vehicle required to be registered under this article shall be made by the owner or the owner's agent and, if applicable, simultaneously with the application for certificate of title, as required by this section. The application for registration, which shall be in writing and signed by the owner of the vehicle or the owner's duly authorized agent, shall include:

(II) The name and correct address of the owner determined pursuant to section ~~42-6-138~~ 42-6-139, designating the county, school district, and city or town within the limits of which the owner resides;

SECTION 67. 42-3-105 (1) (d) (I), Colorado Revised Statutes, is amended to read:

42-3-105. Application for registration - tax. (1) (d) (I) The department or its designated agents shall not register a motor vehicle unless the applicant has a complying motor vehicle insurance policy pursuant to part 6 of article 4 of title 10, C.R.S., or a certificate of self-insurance in full force and effect as required by sections 10-4-619 and 10-4-624, C.R.S. The requirements of this paragraph (d) apply only to motor vehicles classified as Class C personal property under section ~~42-3-106 (1) (c)~~ 42-3-106 (2) (c), to light trucks that do not exceed sixteen thousand pounds empty weight and that are not insured through a commercial line of insurance, and to sports utility vehicles that are classified as Class B personal property under section ~~42-3-106 (1) (b)~~ 42-3-106 (2) (b). The applicant shall provide the department or its designated agents with the proof of insurance certificate or insurance identification card provided to the applicant by the applicant's insurer pursuant to section 10-4-604.5, C.R.S., or provide proof of insurance in such other media as is authorized by the department. Nothing in this paragraph (d) shall be interpreted to preclude the department from electronically transmitting insurance information to designated agents pursuant to section 42-7-604 for the purpose of ensuring compliance with mandatory insurance requirements.

SECTION 68. 42-3-115 (2) (b) (II), Colorado Revised Statutes, is amended to read:

42-3-115. Registration upon transfer. (2) (b) A transferee may operate a motor vehicle on the highway before registering it if:

(II) The vehicle has been temporarily registered pursuant to section ~~42-3-124 (3)~~

42-3-203 (3); or

SECTION 69. 42-3-126 (1), Colorado Revised Statutes, is amended to read:

42-3-126. Notice - primary body color. (1) If the primary body color of a motor vehicle is subsequently changed from the primary body color that is identified in the application for registration for the motor vehicle, the owner of the motor vehicle shall notify the department in writing, within thirty days after the color of such motor vehicle is changed, ~~notifying the department~~ of the new primary body color of the motor vehicle. The primary body color of a motor vehicle shall be identified using the standard color descriptions of the department that are established pursuant to section 42-3-105 (1) (e).

SECTION 70. 42-3-217.5 (3) (b), (4) and (5), Colorado Revised Statutes, are amended to read:

42-3-217.5. Special plates - breast cancer awareness. (3) (b) The amount of the taxes and fees for special license plates issued under this section is the same as the amount of the taxes and fees specified for regular motor vehicle license plates; except that the department shall collect a one-time fee of twenty-five dollars for issuing or replacing each such special license plate. The department shall transmit the additional one-time fee to the state treasurer, who shall credit the same to the highway users tax fund ~~created in section~~ FOR ALLOCATION AND EXPENDITURE AS SPECIFIED IN SECTION 43-4-201, C.R.S.

(4) Any renewal of a special license plate issued under this section shall be handled in the same manner as other license plates under the provisions of section ~~42-3-112~~ 42-3-113 or, for personalized plates, under the provisions of section ~~42-3-114~~ 42-3-211.

(5) An applicant may apply for personalized breast cancer awareness special plates. If the applicant complies with the requirements of section ~~42-3-114~~ 42-3-211, the department may issue such plates upon payment of the additional fee required by section ~~42-3-114 (7)~~ 42-3-211 (6) for personalized license plates. If the applicant has existing personalized license plates for a motor vehicle, the applicant may transfer the combination of letters or numbers to a new set of breast cancer awareness special license plates for the vehicle upon paying the fee imposed by section ~~42-3-114 (7)~~ 42-3-211 (6) and upon turning in such existing plates to the department. A person who has obtained personalized license plates under this subsection (5) shall pay the annual fee imposed by section ~~42-3-114 (7)~~ 42-3-211 (6) to renew such plates. The fees imposed by this subsection (5) shall be in addition to all other taxes and fees imposed for breast cancer awareness special license plates.

SECTION 71. 42-3-304 (10) (b), Colorado Revised Statutes, is amended to read:

42-3-304. Registration fees - passenger and passenger-mile taxes - clean screen fund - repeal. (10) (b) In addition to the registration fees imposed by section ~~42-3-305 (5) (a) and (12) (d) or subparagraph (IV) of paragraph (a) of subsection (14) of this section;~~ 42-3-305 (5) (b), (5) (c), OR (12) (b), an additional

registration fee of ten dollars shall be assessed.

SECTION 72. Repeal. 42-4-236 (10), Colorado Revised Statutes, is repealed as follows:

42-4-236. Child restraint systems required - definitions - exemptions.

(10) ~~For one year following August 1, 2003, a law enforcement officer who stops a driver of a motor vehicle with an occupant of the vehicle in violation of subparagraph (I) of paragraph (b) of subsection (2) of this section shall warn such driver that such violation is a class B traffic infraction and shall not cite such driver for such violation.~~

SECTION 73. 42-4-310 (1) (a) (II) (A), Colorado Revised Statutes, is amended to read:

42-4-310. Periodic emissions control inspection required. (1) (a) (II) (A) If title to a roadworthy motor vehicle, as defined in section ~~42-6-102 (11)~~ 42-6-102 (15), for which a certification of emissions compliance or emissions waiver must be obtained pursuant to this paragraph (a) is being transferred to a new owner, the new owner may require at the time of sale that the prior owner provide said certification as required for the county of residence of the new owner.

SECTION 74. 42-4-1406 (5) (b) (I), Colorado Revised Statutes, is amended to read:

42-4-1406. Foreign matter on highway prohibited. (5) (b) (I) Any person who violates any provision of paragraph (b) of subsection (1) of this section commits a class 2 misdemeanor and shall be punished as provided in ~~title 18, C.R.S.~~ SECTION 18-1.3-501 C.R.S.

SECTION 75. 42-4-1407.5 (3) (a) and (3) (b), Colorado Revised Statutes, are amended to read:

42-4-1407.5. Splash guards - when required. (3) This section does not apply to:

(a) Passenger-carrying motor vehicles registered pursuant to section ~~42-3-134 (4)~~ 42-3-305 (2);

(b) Trucks and truck tractors registered pursuant to section ~~42-3-134 (12) or (13)~~ 42-3-305 (4) OR (5) having an empty weight of ten thousand pounds or less;

SECTION 76. 42-4-1409 (9), Colorado Revised Statutes, is amended to read:

42-4-1409. Compulsory insurance - penalty. (9) It is the intent of the general assembly that the moneys collected as fines imposed pursuant to paragraphs (a) and (b) of subsection (4) of this section are to be used for the supervision of the public highways. The general assembly determines that law enforcement agencies that patrol and maintain the public safety on public highways are supervising the public highways. The general assembly further determines that a clerk and recorder for a county is supervising the public highways through his or her enforcement of the

requirements for demonstration of proof of motor vehicle insurance pursuant to section ~~42-3-105 (1) (c) (i)~~ 42-3-105 (1) (d). Therefore, of the moneys collected from fines pursuant to paragraphs (a) and (b) subsection (4) of this section, fifty percent of these moneys shall be transferred to the law enforcement agency that issued the ticket for a violation of this section. The remaining fifty percent of the moneys collected from fines for violations of paragraph (a) or (b) of subsection (4) of this section shall be transmitted to the clerk and recorder for the county in which the violation occurred.

SECTION 77. 42-6-114, Colorado Revised Statutes, is amended to read:

42-6-114. Transfers by bequest, descent, law. Upon the transfer of ownership of a motor vehicle by inheritance or by operation of law, as in proceedings in bankruptcy, insolvency, replevin, attachment, execution, or other judicial sale, or whenever such vehicle is sold to satisfy storage or repair charges or repossessed to satisfy a secured debt, the director or the authorized agent MAY ISSUE, upon the surrender of any available certificate of title and presentation of such proof of ownership as the director may reasonably require or a court order, ~~as required in section 42-6-116,~~ a new certificate of title ~~may be filed~~ on behalf of the new owner, and disposition shall be made as in other cases.

SECTION 78. 42-6-120 (1), Colorado Revised Statutes, is amended to read:

42-6-120. Security interests upon motor vehicles. (1) Except as provided in this section, the provisions of the "Uniform Commercial Code", title 4, C.R.S., relating to the filing, recording, releasing, renewal, and extension of chattel mortgages, as the term is defined in section ~~42-6-102 (6)~~ 42-6-102 (9), shall not apply to motor vehicles. Any mortgage or refinancing of a mortgage intended by the parties to the mortgage or refinancing to encumber or create a lien on a motor vehicle, or to be effective as a valid lien against the rights of third persons, purchasers for value without notice, mortgagees, or creditors of the owner, shall be filed for public record. The fact of filing shall be noted on the owner's certificate of title or bill of sale substantially in the manner provided in section 42-6-121. The filing of a mortgage with an authorized agent substantially in the manner provided in section 42-6-121 shall constitute notice to the world of each and every right of the person secured by such mortgage. Such notice shall be effective on the date accepted as noted on the certificate of title.

SECTION 79. The introductory portions to 42-7-605 (1) (b) and (1) (c), Colorado Revised Statutes, are amended to read:

42-7-605. Notice of lack of financial responsibility. (1) (b) If the comparison made pursuant to section 42-7-604 (6) (b) shows that a motor vehicle, which has not been exempted under section ~~42-3-134 (1) (b)~~ 42-3-304 (1) (b), has not been insured for the second time within five years after the first determination for two consecutive months, the department of revenue shall direct the designated agent to notify the owner of the motor vehicle that said owner has twenty days to provide the designated agent with one of the following, or said owner's registration will be subject to immediate administrative suspension after the expiration of said twenty-day period:

(c) If the comparison made pursuant to section 42-7-604 (6) (b) shows that a motor vehicle, which has not been exempted under section ~~42-3-134 (1) (b)~~ 42-3-304 (1) (b), has not been insured for the third or subsequent time within five years after the first determination for one month, the department of revenue shall direct the designated agent to notify the owner of the motor vehicle that said owner has ten days to provide the designated agent with one of the following, or said owner's registration will be subject to immediate administrative suspension after the expiration of said ten-day period:

SECTION 80. 42-8-104 (2), Colorado Revised Statutes, is amended to read:

42-8-104. Powers and duties. (2) The personnel of a port of entry weigh station, during the time that they are actually engaged in performing their duties as such and while acting under proper orders or regulations issued by the executive director of the department of revenue, shall have and exercise all the powers invested in peace officers in connection with the enforcement of the provisions of this article, articles 2 and 20 of this title, part 5 of article 4 of this title, and sections ~~42-3-107 (16.5)~~ 42-3-107 (17), 42-4-225 (1.5), and 42-4-235; except that they shall not have the power to serve civil writs and process and, in the exercise of their duties, such personnel shall have the authority to restrain and detain persons or vehicles and may impound any vehicle until any tax or license fee imposed by law is paid or until compliance is had with any tax or regulatory law or regulation issued thereunder.

SECTION 81. 42-8-105 (1), Colorado Revised Statutes, is amended to read:

42-8-105. Clearance of motor vehicles at port of entry weigh stations.

(1) Every owner or operator of a motor vehicle that is subject to payment of registration fees under the provisions of section 42-3-305 (5) (b) or 42-3-306 (5) (b) and every owner or operator of a motor vehicle or combination of vehicles having a manufacturer's gross vehicle weight rating or gross combination weight rating of twenty-six thousand one pounds or more shall secure a valid clearance from an office of the department of revenue, from an officer of the Colorado state patrol, or from a port of entry weigh station before operating such vehicle or combination of vehicles or causing such vehicle or combination of vehicles to be operated on the public highways of this state, but an owner or operator shall be deemed to have complied with the provisions of this subsection (1) if the owner or operator secures a valid clearance from the first port of entry weigh station located within five road miles of the route that the owner or operator would normally follow from the point of departure to the point of destination. An owner or operator shall not be required to seek out a port of entry weigh station not located on the route such owner or operator is following if the owner or operator secures a special revocable permit from the department of revenue in accordance with the provisions of subsection (4) of this section. A vehicle with a seating capacity of fourteen or more passengers registered under the provisions of section 42-3-304 (13), ~~42-3-305 (4) (c) (f), or 42-3-306 (4) (c) (f)~~ 42-3-305 (2) (c) (I), OR 42-3-306 (2) (c) (I) shall not be required to secure a valid clearance pursuant to this section.

SECTION 82. 43-1-1001 (2), Colorado Revised Statutes, is amended to read:

43-1-1001. Urban mass transportation grants. (2) The authority contained in

subsection (1) of this section shall not apply to federal grant funds where there exists a designated recipient for such funds, and funds made available under section 3 of the federal "Urban Mass Transportation Act of 1964", AS AMENDED, within the Denver regional transportation district, and funds for other projects in urbanized areas with populations in excess of two hundred thousand persons, except as provided in sections 43-1-601 and 43-1-901.

SECTION 83. 43-4-201 (3) (a) (II) (K), Colorado Revised Statutes, is amended to read:

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

(K) To the department of revenue for completion of the license plate replacement pursuant to section ~~42-3-113(5)(b)~~ 42-3-201 (5) (b), C.R.S. This sub-subparagraph (K) is repealed, effective July 1, 2007.

SECTION 84. 43-4-205 (5.5) (b), (5.5) (c), (5.5) (d), and (5.5) (f), Colorado Revised Statutes, are amended to read:

43-4-205. Allocation of fund. (5.5) The following highway users tax fund revenues shall be allocated and expended in accordance with the formula specified in subsection (5) of this section:

(b) Revenues from motor vehicle license plate, identification plate, and placard fees that are credited to the fund pursuant to sections ~~42-3-113(6), 42-3-114(9), 42-3-115(4)(a), 42-3-115.5(1)(c)(I), 42-3-115.7(5)(a), 42-3-115.8(5)(a), 42-3-116.5(6)(a), 42-3-116.7(5), 42-3-117(5)(a), 42-3-121(2)(d), 42-3-122(4), 42-3-124(3)(b), and 42-4-202(4)(d), C.R.S.~~; 42-3-301 (1), 42-3-211 (7), 42-3-212 (4), 42-3-213 (1) (b), 42-3-214 (4), 42-3-215 (4) (a), 42-3-216 (5) (a), 42-3-217 (4), 42-3-218 (4), 42-3-204 (2) (e), 42-3-207 (4), 42-3-203 (3) (b), AND 42-4-202 (4) (d), C.R.S.;

(c) Revenues from driver's license fees, motor vehicle title and registration fees, and motorist insurance identification fees that are credited to the fund pursuant to sections ~~42-2-132(4)(b), 42-3-134(14), (15), (17)(c), and (26)(d)(I), and 42-3-134.5(14) and (15), C.R.S.~~; 42-2-132 (4) (b), 42-3-304 (18) (d) (I), 42-3-305 (6), (7), AND (8) (c), AND 42-3-306 (6) AND (7), C.R.S.;

(d) Revenues from the imposition of passenger-mile taxes on vehicles, any additional penalties or interest imposed thereon, or any fee or payment substituted therefor that is imposed pursuant to sections ~~42-3-134(21), 42-3-134.5(21)(b) and (21)(c), and 42-3-136(5), C.R.S., and credited to the fund pursuant to section 43-4-203(1)(c);~~ 42-3-304 (13), 42-3-306 (11) (a) AND (11) (b), AND 42-3-308 (5), C.R.S., AND CREDITED TO THE FUND PURSUANT TO SECTION 43-4-203 (1) (c);

(f) Revenues from fees that are credited to the fund pursuant to sections 42-2-406 (3) and (6) and ~~42-3-144(1)~~ 42-3-311 (1), C.R.S., and that exceed the amount of appropriations made from the fund pursuant to those sections for the purpose of defraying specified administrative expenses;

SECTION 85. Section 10 of chapter 288, Session Laws of Colorado 2005, is amended to read:

Section 10. The ~~introductory portions to 35-14-127 (4) (a) (I), and (4) (a.5)~~ INTRODUCTORY PORTION TO 35-14-127 (4) (a) (I), 35-14-127 (4) (a) (II), THE INTRODUCTORY PORTION TO 35-14-127 (4) (a.5), and 35-14-127 (4) (c), (5), (6), (7), (8), (9), (10), (12), and (13), Colorado Revised Statutes, are amended to read:

35-14-127. Licenses - fees - stickers - certificates - repeal. (4) (a) (I) To and including June 30, 2007, the agricultural commission shall establish annual license fees for scales based on capacity, in the following classifications:

(II) This paragraph (a) is repealed, effective ~~July 1, 2005~~ JULY 1, 2007.

(a.5) On and after July 1, 2007, the annual license fee for scales is based on capacity as follows:

(c) The annual license fee for belt conveyor and in-motion railroad scales shall be as determined by the agricultural commission; except that, on and after July 1, 2007, such annual license fee shall be one hundred twenty-five dollars per scale.

(5) (a) (I) To and including June 30, 2007, the annual license fee for textile meters, cordage meters, moisture meters, certified weighers, persons who sell or install weighing and measuring devices, and persons who service weighing and measuring devices shall be as determined by the agricultural commission.

(II) This paragraph (a) is repealed, effective July 1, 2007.

(b) On and after July 1, 2007, the annual license fee for textile meters is five dollars per meter.

(6) On and after July 1, 2007, the annual license fee for cordage meters is five dollars per meter.

(7) On and after July 1, 2007, the annual license fee for moisture meters is twenty dollars per meter.

(8) On and after July 1, 2007, the license fee for certified weighers is five dollars.

(9) On and after July 1, 2007, the license fee for persons who sell or install weighing and measuring devices is five dollars.

(10) On and after July 1, 2007, the license fee for persons who service weighing and measuring devices is five dollars.

(12) (a) (I) To and including June 30, 2007, the fees for special tests where scale test trucks, passenger vehicles, or light duty pickup trucks are used shall be as determined by the agricultural commission. The agricultural commission shall review and set the fees annually. If any test of a device at one location requires time beyond the first day, the special test fee shall be effective for the balance of time after one day and until the test is completed. The special test fee may be charged

for any test made at the request of the owner of the device.

(II) This paragraph (a) is repealed, effective July 1, 2007.

(b) On and after July 1, 2007, the fee for a special test where passenger vehicles or light duty pickup trucks are used shall not exceed twenty-five dollars per hour plus the mileage charge set forth in section 24-9-104, C.R.S. The fee for a special test where scale test trucks are used shall not exceed twenty-five dollars per hour plus one dollar and twenty-five cents per mile traveled. The commissioner shall review and set the fees annually at a rate not to exceed actual costs. If any test of a device at one location requires time beyond the first day, the special test fee shall be effective for the balance of time after one day and until the test is completed. The special test fee may be charged for any test made at the request of the owner of the device.

(13) All license fees and testing fees collected by the department under this article shall be transmitted to the state treasurer, who shall credit the same to the inspection and consumer services cash fund created in section 35-1-106.5 or, on or after July 1, 2007, to the general fund.

SECTION 86. The introductory portion to 26-6-104 (7) (a) (I), Colorado Revised Statutes, as amended by Senate Bill 06-199, enacted at the Second Regular Session of the Sixty-fifth General Assembly, is amended to read:

26-6-104. Licenses - out-of-state notices and consent. (7) (a) (I) The state department, a county department, or a child placement agency licensed under the provisions of this part 1 shall not issue a license or certificate to operate a family child care home, a foster care home, a child care center, a residential child care facility, a secure residential treatment center, or a child placement agency, and any license or certificate issued prior to the effective date of ~~Senate Bill 06-199~~ SENATE BILL 06-199 shall be revoked or suspended, if the applicant for the license or certificate, an affiliate of the applicant, a person employed by the applicant, or a person who resides with the applicant at the facility has been convicted of:

SECTION 87. 8-70-141 (1) (b) (I) and the introductory portion to 8-70-141 (1) (d) (I), Colorado Revised Statutes, are amended to read:

8-70-141. Wages - definition. (1) "Wages" means:

(b)(I) Any employer contribution under a qualified cash or deferred arrangement, as defined in 26 U.S.C. section 401 (k), to the extent not included in gross income by reason of ~~26 U.S.C. section 402 (a) (8)~~ 26 U.S.C. SECTION 402 (e) (3); and

(d)(I) With respect to weeks of unemployment beginning on or after January 1, 1978, wages for insured work paid for previously uncovered services. For the purposes of this paragraph (d), "previously uncovered services" means services which were not employment as defined in sections 8-70-126 to ~~8-70-140.7~~ 8-70-140.8 and were not services covered pursuant to section 8-76-107 at any time during the one-year period ending December 31, 1975, and:

SECTION 88. 8-76-103 (3) (b) (II) (B), Colorado Revised Statutes, is amended

to read:

8-76-103. Future rates based on benefit experience. (3) (b) (II) (B)

TAX RATE SCHEDULE - POSITIVE EXCESS EMPLOYERS

Fund Level in Millions of Dollars

Percent of Excess	450 Million plus	396 to Million	342 to Million	306 to Million	270 to Million	234 to Million	198 to Million	162 to Million	126 to Million	90 to Million	More than Zero to 90 Million	0 or Deficit
+20 or more	.000	.000	.000	.000	.001	.002	.003	.003	.003	.003	.003	.010
+19	.000	.000	.000	.001	.002	.003	.003	.003	.003	.003	.003	.010
+18	.000	.000	.000	.001	.002	.003	.003	.003	.003	.003	.003	.010
+17	.000	.000	.001	.001	.003	.003	.003	.003	.003	.003	.003	.010
+16	.000	.000	.001	.001	.003	.003	.003	.003	.003	.003	.004	.011
+15	.000	.001	.001	.001	.003	.003	.003	.003	.003	.003	.005	.012
+14	.000	.001	.001	.001	.003	.003	.003	.003	.003	.004	.006	.013
+13	.001	.001	.001	.001	.003	.003	.003	.003	.004	.005	.007	.014
+12	.001	.001	.001	.001	.003	.003	.003	.004	.005	.006	.008	.015
+11	.001	.001	.001	.001	.003	.003	.004	.005	.006	.007	.009	.016
+10	.001	.001	.001	.002	.003	.004	.005	.006	.007	.008	.010	.017

SECTION 89. 7-90-104, Colorado Revised Statutes, as enacted by Senate Bill 06-187, enacted at the Second Regular Session of the Sixty-fifth General Assembly, is amended to read:

7-90-104. Nonapplication of uniform commercial code to owner's interest. Sections ~~4-90-406~~ and ~~4-90-408~~ 4-9-406 AND 4-9-408, C.R.S., shall not apply to an owner's interest.

SECTION 90. 24-30-1603 (3) (b), (3) (c), and (3) (d), Colorado Revised Statutes, are amended to read:

24-30-1603. Functions of the GGCC. (3) (b) The executive director of each agency or department of state government, including institutions of higher education, shall designate a chief information officer who shall ensure compliance with the rules adopted by the ~~executive director of the department of personnel~~ SECRETARY OF STATE.

(c) The local authorities of any county, city, town, or city and county authorizing the use of digital or electronic signatures shall adopt rules, standards, policies, and procedures for their own use of electronic or digital signatures or shall ensure compliance with the rules adopted by the ~~executive director~~ SECRETARY OF STATE.

(d) ~~Initial rules shall be adopted no later than January 1, 2000.~~

SECTION 91. Effective date. (1) Except as otherwise provided in subsection (2) of this section, this act shall take effect upon passage.

(2) (a) Section 28 of this act shall not take effect if Senate Bill 06-042 is enacted at the second regular session of the sixty-fifth general assembly and becomes law.

(b) Section 73 of this act shall not take effect if House Bill 06-1302 is enacted at the second regular session of the sixty-fifth general assembly and becomes law.

(c) Section 79 of this act shall not take effect if House Bill 06-1178 is enacted at the second regular session of the sixty-fifth general assembly and becomes law.

(d) Section 85 of this act shall take effect July 1, 2005.

(e) Section 86 of this act shall only take effect if Senate Bill 06-199 is enacted at the second regular session of the sixty-fifth general assembly and becomes law and said section 86 shall become effective on the same date as Senate Bill 06-199.

(f) Section 89 of this act shall only take effect if Senate Bill 06-187 is enacted at the second regular session of the sixty-fifth general assembly and becomes law and said section 89 shall take effect on July 1, 2006.

SECTION 92. 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, 2006

APPENDIX

C.R.S. Section	Section in bill	Reason
1-5-203 (1)	1	Section 1-5-203 (1) is being amended to conform with standard C.R.S. numbering format and to correct a grammatical error in which "is" should be "are".
2-3-1401 (2)	2	Deletes as obsolete a reference to subsection (3) of section 2-3-1401, because the subsection was repealed by HB94-1191, chapter 302, page 1820, concerning economic development.
6-1-707 IP (1) (b)	3	Changes ""certified dietitian", "certified dietitian", "C.D.," to ""certified dietitian", or "certified dietitian" or uses the abbreviation "C.D."" to correct a grammatical error made in the introduced version of HB94-1102, chapter 25, page 94, and carried forward in SB99-143, chapter 188, page 647.
7-56-607 (1) (d)	4	Corrects an error in the introduced version of SB96-039, chapter 117, page 516, concerning the expansion of regulation of agricultural cooperatives to include cooperative organizations of all forms that elect to be regulated, which resulted in a paragraph that does not grammatically follow the introductory portion.
8-43-101 (2)	5	Language inadvertently added due to a publications error has been removed and the correct language has been inserted to preserve the intent of the general assembly when it passed HB05-1139, chapter 49, page 200, concerning increased enforcement of the workers' compensation laws.
8-43-304 IP (1.5) (a)	6	Substitutes "office of administrative courts" for "division of administrative hearings" to conform with the name change made by SB05-185, chapter 228, page 851, concerning state administrative hearings.
8-73-108 (3) (f) (II)	7	Public Law 100-707 changed the short title of the "Disaster Relief Act of 1974" to the "Robert T. Stafford Disaster Relief and Emergency Assistance Act". To conform to the change, "Disaster Relief Act of 1974" is being changed to "Robert T. Stafford Disaster

Relief and Emergency Assistance Act" in section 8-73-108.

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| 10-1-128 (2) (b) | 8 | 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. |
| 10-3-104 | 9 | 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. In addition, language has been changed to conform to standard drafting practice when writing penalty clauses. |
| 10-3-207 (1) (d) | 10 | Because provisions concerning personal injury protection (PIP) were repealed in 2003 and because auto insurance companies are no longer charged the PIP fee that was applied to the cost of the independent medical examination administrator, section 10-3-207 (1) (d) is being repealed as obsolete. |
| 10-4-111 (1) | 11 | See the explanation for section 10-1-128 (2) (b). |
| 10-4-401 (2) (c) | 12 | Changes an internal reference from "article 8 of this title" to "parts 1 and 2 of article 16 of this title" because provisions in article 8 of title 10 were repealed and reenacted and provisions similar to those in article 8 were added to parts 1 and 2 of article 16 of title 10 by SB92-104, chapter 207, page 1617. For additional information, see the editor's note following sections in parts 1 and 2 of article 16 of title 10. |
| 10-4-604.5 (1) | 13 | When article 3 of title 42 was recodified by HB05-1107, chapter 270, page 1071, certain conforming amendments were missed or separate bills were enacted that contained references to article 3 of title 42 prior to its recodification. To correct the inaccuracies, conforming amendments are being made to update incorrect references to reflect the current location of provisions contained in article 3 of title 42. |
| 10-4-621 (3) | 14 | See the explanation for section 10-4-604.5 (1). |
| 10-16-105 (7.6) (a) (I) | 15 | Changes section "10-16-704 (a)" to section "10-16-704 (2)" to correct an internal reference |

error made in the Senate Health, Environment, Children & Families committee report dated May 3, 2002. To view the report, see page 1148 of the 2002 Senate Journal.

- 10-16-402 (2) (c) (I) 16 To preserve the intent of the 1999 general assembly, a conforming amendment deleting "on a prepaid basis" from a provision describing the responsibilities of the health maintenance organization is being made to conform to HB99-1275, chapter 33, page 84, which struck "on a fixed prepayment basis" from the definition of a "health maintenance organization" in section 10-16-102 (23).
- 11-42-107 (4) 17 Standard drafting practice discourages the use of digits when defining a dollar amount in the statutes; therefore, the dollar amounts expressed as digits have been replaced with dollar amounts expressed as words.
- 12-14-105 (3) (c) 18 The department of law web address to access information concerning the "Colorado Fair Debt Collection Practices Act" changed; therefore, section 12-14-105 (3) (c) is being amended to reflect the web address transfer.
- 12-36-106 (5) (e) 19 Changes an internal reference from "25-1-107 (1) (I) (II)" to "25-1.5-103 (1) (a) (II)" because section 25-1-107 was repealed and relocated to part 1 of article 1.5 of title 25 by SB03-002, chapter 57, page 682, concerning a nonsubstantive recodification of statutes relating to the powers of the department of public health and environment. For additional information, see the editor's notes following sections 25-1-107 and 25-1.5-103.
- 13-21-106.5 20 Changes "ethnic intimidation" to "a bias-motivated crime", "criminal ethnic intimidation" to "a criminal bias-motivated crime", and "defined" to "described" as conforming amendments to HB05-1014, chapter 321, page 1498, concerning substantive changes to strengthen the state criminal law, because the bill changed the crime of ethnic intimidation to a bias-motivated crime by adding physical or mental disability and sexual orientation to the classes of victims against which such a crime may be committed.
- 18-9-106 (2) 21 Due to the deletion of section 18-9-106 (1) (b)

by HB00-1107, chapter 171, page 708, concerning substantive changes for the strengthening of the criminal laws, section 18-9-106 (2) is being repealed as a conforming amendment because the provisions of subsection (2) provide an affirmative defense for the violation formerly contained in section 18-9-106 (1) (b).

- 18-13-119 (7) 22 Section 18-13-119 (7) is being repealed as obsolete, because the section applies to auto insurance personal injury protection claims (PIP), which was part of Colorado's no-fault insurance law that was repealed in 2003.
- 19-2-918 23 Inserts "and part 6 of article 1.3 of title 18" after "article 18.5 of title 16" because HB02-1046 relocated the provisions of certain criminal sentencing statutes concerning the procedures for the collection and the assessment of restitution in titles 16 and 18 to a new article in title 18; however, a conforming amendment in section 19-2-918 was inadvertently missed with reference to the assessment of restitution in part 6 of article 1.3 of title 18.
- 19-3-304.5 (8) 24 House Bill 03-1095, chapter 80, page 769, concerning procedural requirements related to certain abandoned children, added a provision to the safe haven statute to specify that "A parent who utilizes the provisions of this section shall not, for that reason alone, have his or her name added to the state central registry of child protection." The bill was signed into law on March 25, 2003. House Bill 03-1211, chapter 196, page 1395, concerning records of child abuse or neglect for the protection of children, eliminated the "state central registry of child protection" and was signed into law on April 29, 2003. Since the intention of HB03-1211 was to eliminate the concept of the state central registry of child protection, and it was signed into law after HB03-1095 became law, the provision added by HB03-1095 is being changed to, "A parent who utilizes the provisions of this section shall not, for that reason alone, be found to be responsible in a confirmed report of abuse or neglect." to be consistent with other conforming amendments made in HB03-1211.

- 22-30.5-407 (4) (b),
(4) (c), and (6) 25 Changes "22-30.5-408 (1) (b)" to "22-30.5-408 (1) (c)" and "22-30.5-408 (1) (c)" to "22-30.5-408 (1) (d)" as conforming amendments, because the terms in section 22-30.5-408 are being relettered to conform to standard drafting practice.
- 22-30.5-408 (1) 26 Standard drafting practice requires terms in definition sections to be alphabetized by letter. To conform to the standard C.R.S. drafting format requirement, a term has been realphabetized resulting in new paragraph designations.
- 22-30.5-409 IP (1) 27 Changes "22-30.5-408 (1) (c)" to "22-30.5-408 (1) (d)" as a conforming amendment, because the terms in section 22-30.5-408 are being relettered to conform to standard drafting practice.
- 22-30.5-502 (10) 28 House Bill 04-1362, chapter 358, page 1611, concerning the authorization of institute charter schools by the state charter school institute, as amended by the House Education committee, page 734 of the 2004 House Journal, struck section 22-30.5-513 (1) (e) and subsequently relettered the succeeding paragraphs accordingly. As a result of the relettering, "school district" as defined in section 22-30.5-513 (1) (o) was changed to section 22-30.5-513 (1) (n) to correct the internal reference.
- 23-3.3-102 (8) 29 For clarity, the term "biannually" is being replaced with "every other year".
- 23-3.5-104 30 See the explanation for section 23-3.3-102 (8).
- 23-15-103 (7) and (8.5) 31 Standard drafting practice requires terms in definition sections to be alphabetized by letter. To conform to the standard C.R.S. drafting format requirement, a term has been realphabetized resulting in a new subsection designation.
- 23-41-114 (4) (b) (I) (B),
(4) (b) (II) (B), (4) (b)
(II) (C), (4) (b) (III) (B),
(4) (b) (III) (C), (4) (b)
(IV) (B), (4) (b) (IV)
(C), (4) (b) (V) (B), (4)
(b) (VI) (B), and (4) (b) 32 The name and location of the "oil and gas environmental response fund created in section 34-60-124, C.R.S." is being changed to the "oil and gas conservation and environmental response fund created in 34-60-122 (5), C.R.S." to conform with the name change made by HB05-1285, chapter 211, page 731,

- (VI)(C) concerning the management of oil and gas fund balances, and to provide a correct cross reference to the section in which the fund is created, which is located in section 34-60-122 (5).
- 24-30-102 33 House Bill 95-1362, chapter 167, page 622, abolished the department of administration and transferred the duties, functions, and divisions to the department of personnel. Section 24-1-128 (1) states that the executive director of the department of personnel shall head the department of personnel, and that the executive director shall also be known as the state personnel director pursuant to the provisions of section 14 of article XII of the state constitution. Section 24-30-102 is being amended to clarify that the executive director of the department of personnel may also be referred to as the state personnel director.
- 24-31-303 (2) (b) 34 See the explanation for section 10-4-604.5 (1).
- 24-31-310 (2) and (3) 35 See the explanation for section 10-4-604.5 (1).
- 24-32-114 (1) (e), (1) (f), (1.1), and (1.2) 36 Because section 24-32-114 (1) (e) and (1) (f) do not follow the introductory portion, paragraph "(e)" from HB00-1167 is being changed to subsection "(1.1)" and paragraph "(f)" from HB01-1018 is being changed to subsection "(1.2)" to correct errors in the introduced versions of HB00-1167, chapter 192, page 807, concerning maximization of the use of the waste tire cleanup fund, and HB01-1018, chapter 231, page 798, concerning moneys available to the division of local government in the department of local affairs from the waste tire recycling development cash fund, to conform the section to standard C.R.S. numbering format.
- 24-37-201 (IP) (1) and (2) 37 Provisions located in parts 2 and 3 of article 37 of title 24 contain the term "office"; however, the term "office" is only defined for part 1 of article 37 of title 24. Since the term "office" is used to describe the "office of state planning and budgeting", the full name of the office has been inserted into the provisions where "office" is undefined. This corrects the oversight made in the preparation of SB83-275, chapter 273, page 964, concerning the creation of a department of public safety.

24-37-302 IP (1)	38	See the explanation for section 24-37-201 IP (1) and (2).
24-37-304 (1) (a)	39	See the explanation for section 24-37-201 IP (1) and (2).
24-51-1002 (1) (a.5)	40	Repeals section 24-51-1002 (1) (a.5) as a conforming amendment to section 41 of this bill, because section 41 relocates provisions formerly in section 24-51-1002 (1) (a.5) to section 24-51-1002 (3) to conform to standard drafting practice. For additional information, see the explanation for section 41 of this bill.
24-51-1002 (3)	41	Renumbers section 24-51-1002 (1) (a.5) to conform to standard C.R.S. format to correct an error initially made to SB04-132, chapter 214, page 700, on second reading in the Senate in which (1) (a.5) was added as a new paragraph instead of a subsection. (See page 662 of the 2004 Senate Journal for March 29) In 2005, the error was compounded in SB05-171, chapter 150, page 528, when the Senate Finance committee amended the bill to add a (1) (a.5) (III). (See page 897 of the 2005 Senate Journal for April 15.)
24-51-1003	42	See the explanation for section 24-51-1002 (1) (a.5).
24-72-202 (1.7), (1.8), and (1.9)	43	Standard drafting practice requires terms in definition sections to be alphabetized by letter. To conform to the standard C.R.S. drafting format requirement, certain terms have been realphabetized resulting in new subsection designations.
24-80-102 (4) and (10)	44	Since "executive director" is not defined for article 80 of title 24, "of the department of personnel" is being inserted after "executive director" to conform the language to SB96-228, chapter 273, page 1493, concerning the organization of the department of personnel, to standard C.R.S. format.
25-3.5-303	45	Since part 7 of article 4 of title 10 was repealed in 2003 by section 10-4-726, the internal reference defining a complying policy is being changed from section "10-4-703" to section "10-4-601 (2)" to reflect the definition's current location.
25-7-103 IP	46	To correct an oversight in the preparation of

HB79-1109, chapter 266, page 1017, concerning air pollution control, section 25-7-103 is being amended to explain that the definitions in this section are specific to article 7 of title 25.

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| 26-2-103 (6) and (14) | 47 | Section 26-2-103 (6) is being deleted and the contents of subsection (6) are being relocated to a new subsection (14) in order to conform to standard drafting practice of placing defined terms in alphabetical order in definition sections. |
| 26-2-106 (6) (b) | 48 | See the explanation for section 26-2-103 (6) and (14). |
| 26-2-111 (4) (a) | 49 | See the explanation for section 26-2-103 (6) and (14). |
| 26-6.5-106 (2) (a) | 50 | The defined term does not appear in the section; therefore, the definition of "CSAP" is obsolete and is being repealed. |
| 26-19-107 (1) (a) (I) | 51 | House Bill 05-1337, chapter 217, page 762, concerning the revision of statutes in the Colorado Revised Statutes, alphabetized the definitions in section 10-16-102. Due to an oversight, the conforming amendment in section 26-19-107 (1) (a) (I) was not made. The internal reference to "standard health benefit plans" has been corrected to reflect its current location in the statutes. |
| 32-13-105 (5) (a) (III) | 52 | 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, in which section 39-26-114 was repealed and the provisions within that section were relocated 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). |
| 33-6-201 (1) (a) | 53 | Changes "section 13 of article XVIII" to "section 12b of article XVIII" to correct an oversight in SB97-052, chapter 206, page 1065, which inadvertently referenced section 13 rather than section 12b in a legislative declaration proclaiming the general assembly's intent to implement the constitutional language concerning prohibited methods of taking wildlife adopted by the people in the 1996 |

election. Although the initial measure was numbered as section 12, as it appeared on the ballot and in the Session Laws of Colorado 1997, page 2397, it was renumbered as 12b. For information on the renumbering, see the editor's note following section 12b of article XVIII of the state constitution.

- 33-10-106 (1) (j) (II) 54 Changes "38-10-108.5" to "33-10-108.5" to correct a typographical error originally occurring in the introduced version of HB05-1082, chapter 8, page 29, concerning authorization for the department of natural resources to enter into agreements with private nonprofit entities to augment the services available to park visitors.
- 35-14-112 55 Section 35-14-114 (2) (b) provided for the repeal of section 35-14-114 (2), concerning the use of gallon equivalents as units of measurement in the sale of motor fuels, effective July 1, 1997; therefore, the reference to 35-14-114 (2) is being deleted as obsolete. For additional information, see the editor's note following section 35-14-114.
- 35-33-203 (2) 56 An internal reference to the federal "Humane Methods of Slaughter Act of 1958" was incorrectly cited as the "Humane Slaughter Act of 1958" by SB89-187, chapter 303, page 1389, concerning the regulation of the slaughter, processing, and sale of meat animals. The reference has been corrected to accurately reflect the name of the act as it was created by Public Law 85-765, adopted on August 27, 1958. In addition, section 24-4-102 (15) of the "State Administrative Procedure Act" provides that "rule" includes "regulation"; therefore, it is unnecessary to authorize an agency to promulgate "rules and regulations".
- 35-55-102 (1) (e) 57 An internal reference to the federal "Packers and Stockyards Act, 1921" was incorrectly cited as the "Packers and Stockyards Act" by HB91-1018, chapter 28, page 166, concerning the continuation of the licensing of public livestock markets through the state board of stock inspection commissioners. The reference has been corrected to accurately reflect the name of the act as it was adopted on August 15, 1921. For additional information, see 7

U.S.C. 181 for the short title as it appears in the United States Code.

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| 35-55-107 IP (1)
and (1) (l) | 58 | See the explanation for section 35-55-102 (1) (e). |
| 39-26-713 (2) (b) (II) | 59 | See the explanation for section 10-4-604.5 (1). |
| 39-30-103.5 (2) | 60 | Senate Bill 98-154, chapter 308, page 1371, amended section 39-30-103.5 (2). Due to a publications error made when incorporating amendments from the bill into the 1998 Colorado Revised Statutes, the introductory portion of subsection (2) was inadvertently created and contains nearly identical language to that of paragraph (a) of subsection (2). To accurately reflect the language adopted in SB98-154, the introductory portion of subsection (2) is being amended and paragraph (a) is being deleted from section 39-30-103.5. |
| 40-8.7-103 (1) | 61 | The Senate Business, Labor, and Technology committee report for SB05-001, as printed in the Senate Journal, February 23, 2005, pages 259 through 264, was written in part with the intention of changing the term "rural electric cooperative" to "cooperative electric association". The report was adopted by the Senate committee of the whole on February 23, 2005, page 353 of the Senate Journal; therefore, section 40-8.7-103 (1) is being amended to change "rural electric cooperative" to "cooperative electric association". |
| 42-1-102 (102.7) | 62 | See the explanation for section 10-4-604.5 (1). |
| 42-2-127.4 (1) (a) | 63 | House Bill 04-1199, chapter 331, page 1336, and HB04-1311, chapter 393, page 1960, created a new section 18-5-117. In order to avoid two separate sections with the same designation, section 18-5-117, as created by HB04-1199, was redesignated by the revisor as section 18-5-118. However, the conforming amendment changing the internal reference from 18-5-117 to 18-5-118 in section 42-2-127.4 was overlooked. To correct the internal reference, "18-5-117" is being changed to "18-5-118". |
| 42-3-104 (8) | 64 | See the explanation for section 10-4-604.5 (1). |
| 42-3-105 (1) (a) (II)
(Effective until | 65 | Due to an oversight in HB05-1107, chapter 270, page 1076, concerning the recodification |

January 1, 2007)		of statutes governing the registration of motor vehicles, the internal reference to section 42-6-139 was inadvertently stricken and replaced with section 42-6-138. To correct the error, the reference to section 42-6-138 is being restored to section 42-6-139.
42-3-105 (1) (a) (II) (Effective January 1, 2007)	66	See the explanation for section 42-3-105 (1) (a) (II) that is effective until January 1, 2007.
42-3-105 (1) (d) (I)	67	See the explanation for section 10-4-604.5 (1).
42-3-115 (2) (b) (II)	68	See the explanation for section 10-4-604.5 (1).
42-3-126 (1)	69	Deletes "notifying the department" to correct a grammatical error made in the introduced version of HB05-1107, chapter 270, page 1106, concerning the recodification of statutes governing the registration of motor vehicles.
42-3-217.5 (3) (b), (4), and (5)	70	To conform the provisions of section 42-3-217.5 (3) (b) to standard drafting practices for the transfer of funds to the state treasurer for allocation to the highway users tax fund for specified purposes, inserts "for allocation and expenditure as specified in section" after "fund". Also, internal references are being corrected due to the recodification of article 3 of title 42 by HB05-1107. For additional information, see the explanation for section 10-4-604.5 (1).
42-3-304 (10) (b)	71	See the explanation for section 10-4-604.5 (1).
42-4-236 (10)	72	House Bill 02-1070, chapter 301, page 1217, concerning the use of child passenger restraints in motor vehicles, enacted a section that requires, for one year following August 1, 2003, a law enforcement officer to issue a warning to a driver who does not properly restrain a child in a booster seat, but not cite the driver for the violation. Since this section only placed restrictions on law enforcement officers for one year following August 1, 2003, this section is being repealed as obsolete.
42-4-310 (1) (a) (II) (A)	73	Changes "42-6-102 (11)" to "42-6-102 (15)" as a conforming amendment, because SB05-038, chapter 223, page 806, renumbered the definitions in section 42-6-102 but inadvertently missed the conforming amendment in section 42-4-310 (1) (a) (II) (A).

42-4-1406 (5) (b) (I)	74	In section 42-4-1406 (5) (b) (I), changes "title 18, C.R.S." to "section 18-1.3-501, C.R.S." to correct an error made in the introduced version of SB02S-012, chapter 7, page 52, concerning increased penalties for expelling burning materials from a motor vehicle, because the misdemeanor penalty citation was incorrectly referenced. Section 18-1.3-501 sets forth the classification of misdemeanors and the presumptive range of imprisonment to be applied upon conviction.
42-4-1407.5 (3) (a) and (3) (b)	75	See the explanation for section 10-4-604.5 (1).
42-4-1409 (9)	76	See the explanation for section 10-4-604.5 (1).
42-6-114	77	Senate Bill 05-038, chapter 223, page 814, concerning the clarification of statutes addressing the titling of motor vehicles, amended section 42-6-114 by striking "and upon presentation of an application for a certification of title"; however, the internal reference to the stricken language remained in the section. To correct the error, "as required in section 42-6-116," has been deleted. In addition, grammatical errors carried forward from the section's original inception in 1949 by HB49-808 are being corrected.
42-6-120 (1)	78	Senate Bill 05-038, chapter 223, page 806, concerning the clarification of statutes addressing the titling of motor vehicles, renumbered subsection (6) as subsection (9) in section 42-6-102; however, the conforming amendment to section 42-6-120 was not made. To correct the oversight, the internal reference to section 42-6-102 (6) is being changed to section 42-6-102 (9).
42-7-605 IP (1) (b) and IP (1) (c)	79	See the explanation for section 10-4-604.5 (1).
42-8-104 (2)	80	See the explanation for section 10-4-604.5 (1).
42-8-105 (1)	81	See the explanation for section 10-4-604.5 (1).
43-1-1001 (2)	82	To preserve the intent of the 1989 general assembly, ""Urban Mass Transportation Act of 1964"" is being changed to ""Urban Mass Transportation Act of 1964", as amended"", because the Senate Transportation committee report to SB89-150, chapter 367, page 1630,

inadvertently omitted "as amended" after the reference to the act. For additional information, see page 187 of the 1989 Senate Journal.

- 43-4-201 (3) (a) (II) (K) 83 See the explanation for section 10-4-604.5 (1).
- 43-4-205 (5.5) (b),
(5.5) (c), (5.5) (d),
and (5.5) (f) 84 See the explanation for section 10-4-604.5 (1).
- 35-14-127 (4) (a) (II) 85 In keeping with the legislative intent of SB05-176, chapter 288, page 1270, section 10 of chapter 288 - 2005 Session Laws, is being amended to extend the repeal date in section 35-14-127 (4) (a) (II), because the intent of the bill was to extend the department of agriculture's authority to set certain fees and penalties to administer and enforce certain agricultural standards until July 1, 2007; however, a conforming amendment extending the repeal date in section 35-14-127 (4) (a) (II) was missed resulting in the repeal of section 35-14-127 (4) (a), which, if the repeal date is not extended, would result in the agricultural commission's inability to establish annual license fees for scales between July 1, 2005, and June 30, 2007.
- 26-6-104 IP (7) (a) (I) 86 Senate Bill 06-199 amended section 26-6-104 (7) (a) (I); however, due to an oversight, the bill number referenced in section 26-6-104 (7) (a) (I) was left out. To correct the oversight, "Senate Bill 06-____" is being changed to "Senate Bill 06-199".
- 8-70-141 (1) (b) (I)
and IP (1) (d) (I) 87 Public Law 102-318 relocated provisions concerning cash or deferred arrangements to 26 U.S.C. section 402 (e) (3). To conform with this change, "26 U.S.C. section 402 (a) (8)" is being changed to "26 U.S.C. section 402 (e) (3)". Also, HB98-1067, chapter 22, page 69, added section 8-70-140.8; however, the conforming internal reference amendment in section 8-70-141 (1) (d) (I) was overlooked. To correct the oversight, "8-70-140.7" is being changed to "8-70-140.8".
- 8-76-103 (3) (b) (II) (B) 88 House Bill 97-1159, chapter 223, page 1141, revised the tax rate for unrated employers. The text of the statute was revised; however, a conforming amendment reflecting the new rate

was not changed in the tax-rate table.

- 7-90-104 89 Corrects two typographical errors in SB06-187 that make reference to article 90 of title 4 rather than article 9 of title 4.
- 24-30-1603 (3) (b),
(3) (c), and (3) (d) 90 24-30-1603 (3) (a) was amended by HB05-1337, chapter 217, page 768, to conform language made in HB02-1326, chapter 229, page 845, in which a reference to "executive director of the department of personnel" was changed to "secretary of state" but conforming amendments changing "executive director of the department of personnel" to "secretary of state" were missed in (3) (b) and (3) (c). In addition, (3) (d) is being deleted as obsolete because the date for adopting the initial rules has passed.