

## CHAPTER 369

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**STATUTES**


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**SENATE BILL 09-292**

BY SENATOR(S) Brophy, Mitchell, Morse, Schwartz, Shaffer B., Veiga;  
 also REPRESENTATIVE(S) Labuda, Gardner B., Kagan, Levy, Roberts, Acree, Kerr J., Peniston, Summers, Vigil, Waller.

**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.** 1-5-206 (1) (a), Colorado Revised Statutes, is amended to read:

**1-5-206. Postcard notice - reimbursement of mailing cost - repeal.** (1) (a) No later than twenty-five days before the general election or a special legislative election, the county clerk and recorder shall mail a voter information card concerning the general election or special legislative election by forwardable mail to each active registered eligible elector of the county, as defined in section 1-1-104 (16), and by nonforwardable mail to each inactive registered eligible elector, except an elector whose previous communication from the county clerk and recorder was returned by the United States postal service as undeliverable or an elector whose registration record was marked "Inactive" by the county clerk and recorder pursuant to ~~subsection (2) of this~~ section 1-2-605 (2) before the general election of 2006.

**SECTION 2.** 1-7-1003 (5) (b), Colorado Revised Statutes, is amended to read:

**1-7-1003. Conduct of elections using ranked voting methods - instant runoff voting - choice voting or proportional voting - reports.** (5) (b) A local government that conducts an election using a ranked voting method shall conduct a voter education and outreach campaign to familiarize electors with ranked voting in English and in every language in which a ballot is required to be made available pursuant to this code and the federal "Voting Rights Act of 1965", 42 U.S.C. sec. ~~1973aa-1~~ 1973aa-1a.

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

**SECTION 3.** 2-3-1304 (1) (f), Colorado Revised Statutes, is amended to read:

**2-3-1304. Powers and duties of capital development committee.** (1) The capital development committee shall have the following powers and duties:

(f) To review the annual capital construction and maintenance requests from the chief information officer of the office of information technology regarding the public safety communications trust fund created pursuant to section ~~24-37.5-508~~ 24-37.5-506, C.R.S.

**SECTION 4.** 5-3-107, Colorado Revised Statutes, is amended to read:

**5-3-107. Disclosures for consumer credit sale secured by a motor vehicle.** If the property that secures a consumer credit sale includes a motor vehicle and the written agreement does not provide for automobile liability insurance, the following clause shall be in the written agreement in capital letters and bold-face type: **"THIS CONTRACT DOES NOT PROVIDE FOR AUTOMOBILE LIABILITY INSURANCE, AND SAID BUYER ALSO STATES THAT HE OR SHE HAS/HAS NOT HAS/DOES NOT HAVE (strike words not applicable) IN EFFECT AN AUTOMOBILE LIABILITY POLICY AS DEFINED IN SECTION 42-7-103 (2), COLORADO REVISED STATUTES, ON THE MOTOR VEHICLE SOLD BY THIS CONTRACT."**

**SECTION 5.** 8-15.5-105 (3) (a), Colorado Revised Statutes, is amended to read:

**8-15.5-105. Evaluation.** (3) The executive director, in consultation with the appropriate heads of executive agencies, shall prepare and furnish to the general assembly a study to determine the feasibility of and appropriate procedure for placing displaced homemakers in:

(a) Programs established under the federal ~~"Comprehensive Employment and Training Act of 1973" (29 U.S.C. § 801 et seq.)~~ "WORKFORCE INVESTMENT ACT OF 1998", 29 U.S.C. SEC. 2801 ET SEQ.;

**SECTION 6.** 8-20.5-101 (13) (a), Colorado Revised Statutes, is amended to read:

**8-20.5-101. Definitions.** As used in this article, unless the context otherwise requires:

(13) "Regulated substance" means:

(a) Any substance defined in section 101 (14) of the federal "Comprehensive Environmental Response, Compensation, and Liability Act of 1980", as amended, but not including any substance regulated as a hazardous waste under subtitle (C) OF TITLE II of the federal "Resource Conservation and Recovery Act of 1976", as amended;

**SECTION 7. Repeal.** 8-76-103 (3) (a) (III) (H), Colorado Revised Statutes, is repealed as follows:

**8-76-103. Future rates based on benefit experience.**

(3) (a) (III) (H) ~~Sub-subparagraphs (A), (B), (C), and (D) of this subparagraph (HH) are repealed, effective January 1, 2005.~~

**SECTION 8.** 8-76-104 (8), Colorado Revised Statutes, is amended to read:

**8-76-104. Transfer of experience - assignment of rates - definitions.** (8) A transfer of experience shall not occur when a work-site employer's account is made inactive as a result of entering into a contract with an employee leasing company, as defined in section ~~8-70-114(2)~~ 8-70-114 (2) (a) (V), or when a contract between a work-site employer and an employee leasing company is terminated unless there is substantial common ownership, management, and control of the work-site employer and the employee leasing company. The existence of an employee leasing arrangement, without other evidence of common control, shall not constitute substantial common ownership, management, and control.

**SECTION 9.** 10-1-133 (5.5) and (6), Colorado Revised Statutes, are amended to read:

**10-1-133. Consumer insurance council - creation - advisory body - appointment of members - meetings - consumers' choice award - repeal.**

(5.5) The ~~consumer insurance council created in this section~~ COUNCIL may issue an annual consumers' choice award to a health insurance carrier that has achieved the lowest rates, highest benefits ratio, and lowest complaint ratio for each line of insurance. In choosing the carrier to receive the award, the ~~consumer insurance council~~ may also consider carrier-provided consumer education, the extent of collaboration with the community to meet the needs of the people the carrier serves, health care transparency, health care innovation, the extent of consumer choice regarding health care plans, and other relevant consumer-related choices as determined by the council.

(6) This section is repealed, effective July 1, 2018; except that, prior to its repeal, the ~~consumer insurance council~~ shall be reviewed pursuant to section 2-3-1203, C.R.S.

**SECTION 10.** 10-2-103 (7.1), (7.3), (7.5), and (7.7), Colorado Revised Statutes, are amended to read:

**10-2-103. Definitions.** As used in this article, unless the context otherwise requires:

(7.1) ~~"Limited lines credit insurance" includes credit life, credit disability, credit property, credit unemployment, involuntary unemployment, mortgage life, mortgage guaranty, mortgage disability, guaranteed automobile protection insurance, and any other form of insurance offered in connection with an extension of credit that is limited to partially or wholly extinguishing the insured credit obligation that the commissioner determines should be designated a form of limited line credit insurance~~ "LIMITED LINE INSURANCE" MEANS THOSE LINES OF AUTHORITY OTHER THAN THOSE DEFINED IN SECTION 10-2-407 (1) (a) TO (1) (e) OR ANY OTHER LINE OF INSURANCE THAT THE COMMISSIONER MAY DEEM NECESSARY TO RECOGNIZE FOR THE PURPOSE OF COMPLYING WITH SECTION 10-2-502.

~~(7.3) "Limited lines credit insurance producer" means a person who sells, solicits, or negotiates one or more forms of limited lines credit insurance coverage to individuals through a master, corporate, group, or individual policy "LIMITED LINE PRODUCER" MEANS A PERSON AUTHORIZED BY THE COMMISSIONER TO SELL, SOLICIT, OR NEGOTIATE LIMITED LINES OF INSURANCE.~~

~~(7.5) "Limited line insurance" means those lines of authority other than those defined in section 10-2-407 (1) (a) to (1) (c), or any other line of insurance that the commissioner may deem necessary to recognize for the purpose of complying with section 10-2-502 "LIMITED LINES CREDIT INSURANCE" INCLUDES CREDIT LIFE, CREDIT DISABILITY, CREDIT PROPERTY, CREDIT UNEMPLOYMENT, INVOLUNTARY UNEMPLOYMENT, MORTGAGE LIFE, MORTGAGE GUARANTY, MORTGAGE DISABILITY, GUARANTEED AUTOMOBILE PROTECTION INSURANCE, AND ANY OTHER FORM OF INSURANCE OFFERED IN CONNECTION WITH AN EXTENSION OF CREDIT THAT IS LIMITED TO PARTIALLY OR WHOLLY EXTINGUISHING THE INSURED CREDIT OBLIGATION THAT THE COMMISSIONER DETERMINES SHOULD BE DESIGNATED A FORM OF LIMITED LINE CREDIT INSURANCE.~~

~~(7.7) "Limited line producer" means a person authorized by the commissioner to sell, solicit, or negotiate limited lines of insurance "LIMITED LINES CREDIT INSURANCE PRODUCER" MEANS A PERSON WHO SELLS, SOLICITS, OR NEGOTIATES ONE OR MORE FORMS OF LIMITED LINES CREDIT INSURANCE COVERAGE TO INDIVIDUALS THROUGH A MASTER, CORPORATE, GROUP, OR INDIVIDUAL POLICY.~~

**SECTION 11.** 10-2-902 (4), (5), and (6), Colorado Revised Statutes, are amended to read:

**10-2-902. Definitions.** As used in this part 9, unless the context otherwise requires:

(4) "Reinsurance intermediary" means a reinsurance intermediary -- producer as defined in subsection ~~(5)~~ (6) of this section or a reinsurance intermediary -- manager as defined in subsection ~~(6)~~ (5) of this section.

(5) ~~"Reinsurance intermediary -- producer", referred to in this part 9 as "RP", means any person, other than an officer or employee of the ceding insurer, firm, association, or corporation, that solicits, negotiates, or places reinsurance cessions or retrocessions on behalf of a ceding insurer without the authority or power to bind reinsurance on behalf of such insurer "REINSURANCE INTERMEDIARY -- MANAGER", REFERRED TO IN THIS PART 9 AS "RM", MEANS ANY PERSON, FIRM, ASSOCIATION, OR CORPORATION THAT HAS AUTHORITY TO BIND OR MANAGES ALL OR PART OF THE ASSUMED REINSURANCE BUSINESS OF A REINSURER (INCLUDING THE MANAGEMENT OF A SEPARATE DIVISION, DEPARTMENT, OR UNDERWRITING OFFICE) AND ACTS AS AN AGENT FOR SUCH REINSURER WHETHER KNOWN AS AN RM, MANAGER, OR OTHER SIMILAR TERM. NOTWITHSTANDING THE PROVISIONS OF THIS SUBSECTION (5), THE FOLLOWING PERSONS SHALL NOT BE CONSIDERED AN RM, WITH RESPECT TO SUCH REINSURER, FOR THE PURPOSES OF THIS PART 9:~~

- (a) AN EMPLOYEE OF THE REINSURER;
- (b) A UNITED STATES MANAGER OF THE UNITED STATES BRANCH OF AN ALIEN

REINSURER;

(c) AN UNDERWRITING MANAGER WHO, PURSUANT TO CONTRACT, MANAGES ALL THE REINSURANCE OPERATIONS OF THE REINSURER AND WHO IS UNDER COMMON CONTROL WITH THE REINSURER SUBJECT TO THE PROVISIONS OF PART 8 OF ARTICLE 3 OF THIS TITLE AND WHOSE COMPENSATION IS NOT BASED ON THE VOLUME OF PREMIUMS WRITTEN;

(d) THE MANAGER OF A GROUP, ASSOCIATION, POOL, OR ORGANIZATION OF INSURERS WHICH ENGAGE IN JOINT UNDERWRITING OR JOINT REINSURANCE AND ARE SUBJECT TO EXAMINATION BY THE COMMISSIONER OR THE EQUIVALENT INSURANCE REGULATORY AUTHORITY OF THE STATE IN WHICH THE MANAGER'S PRINCIPAL BUSINESS OFFICE IS LOCATED.

~~(6) "Reinsurance intermediary -- manager", referred to in this part 9 as "RM", means any person, firm, association, or corporation that has authority to bind or manages all or part of the assumed reinsurance business of a reinsurer (including the management of a separate division, department, or underwriting office) and acts as an agent for such reinsurer whether known as an RM, manager, or other similar term. Notwithstanding the provisions of this subsection (6), the following persons shall not be considered an RM, with respect to such reinsurer, for the purposes of this part 9:~~

~~(a) An employee of the reinsurer;~~

~~(b) A United States manager of the United States branch of an alien reinsurer;~~

~~(c) An underwriting manager who, pursuant to contract, manages all the reinsurance operations of the reinsurer and who is under common control with the reinsurer subject to the provisions of part 8 of article 3 of this title and whose compensation is not based on the volume of premiums written.~~

~~(d) The manager of a group, association, pool, or organization of insurers which engage in joint underwriting or joint reinsurance and are subject to examination by the commissioner or the equivalent insurance regulatory authority of the state in which the manager's principal business office is located~~ "REINSURANCE INTERMEDIARY -- PRODUCER", REFERRED TO IN THIS PART 9 AS "RP", MEANS ANY PERSON, OTHER THAN AN OFFICER OR EMPLOYEE OF THE CEDING INSURER, FIRM, ASSOCIATION, OR CORPORATION, THAT SOLICITS, NEGOTIATES, OR PLACES REINSURANCE CESSIONS OR RETROCESSIONS ON BEHALF OF A CEDING INSURER WITHOUT THE AUTHORITY OR POWER TO BIND REINSURANCE ON BEHALF OF SUCH INSURER.

**SECTION 12.** 10-3-803 (4.5) (c) and (4.5) (d), Colorado Revised Statutes, are amended to read:

**10-3-803. Acquisition of control of or merger with domestic insurer.**  
 (4.5) (c) The commissioner shall make public the report of the independent investigation conducted pursuant to this subsection (4.5) no later than five business days after the submission of such report to the commissioner, subject to the provisions of the "Colorado Open Records Act", PART 2 OF article 72 of title 24,

C.R.S.

(d) The commissioner shall issue an executive summary, subject to the provisions of the "Colorado Open Records Act", PART 2 OF article 72 of title 24, C.R.S., of the competitive impact analysis filed by the applicant to the transaction no later than fifteen business days after the analysis is filed with the division. The competitive impact analysis shall be filed by the applicant at the same time the applicant files its form E with the division.

**SECTION 13.** The introductory portion to 10-4-617 (1) and 10-4-617 (2), Colorado Revised Statutes, are amended to read:

**10-4-617. Insurers - biannual fee - auto theft prevention authority.** (1) Each insurer that issues a policy pursuant to this part 6 ~~or part 7 of this article~~ shall biannually pay a fee to the automobile theft prevention board, created pursuant to section 42-5-112, C.R.S., for the support of the automobile theft prevention authority. Upon receiving payment, the board shall transfer the amount received to the state treasurer for deposit in the Colorado auto theft prevention cash fund created in section 42-5-112 (4), C.R.S. The amount of the fee shall be equal to one dollar multiplied by the number of motor vehicles insured by the insurer as of July 1 of each year, divided by two. The insurer shall report the number of insured motor vehicles and pay the assessed biannual fee as follows:

(2) On or before February 1, 2009, and on or before February 1 each year thereafter, the automobile theft prevention board shall compare the list of insurers who paid the biannual fee with the list compiled by the ~~department~~ DIVISION of insurance of all insurance companies licensed to insure motor vehicles in the state and shall notify the commissioner of the ~~department~~ DIVISION of insurance of any insurer's failure to pay the fee prescribed in subsection (1) of this section. Upon receiving notice of an insurer's failure to pay the fee, the commissioner shall notify the insurer of the fee requirement. If the insurer fails to pay the fee to the automobile theft prevention board within fifteen days after receiving the notice, the commissioner may suspend the insurer's certificate of authority or impose a civil penalty of not more than one hundred twenty percent of the amount due, or both. The insurer shall pay the civil penalty to the commissioner. The commissioner shall transfer the amount received to the state treasurer who shall credit the amount to the Colorado auto theft prevention cash fund, created in section 42-5-112 (4), C.R.S.

**SECTION 14.** 10-4-634 (1), Colorado Revised Statutes, is amended to read:

**10-4-634. Assignment of payment for covered benefits.** (1) On and after thirty days after April 5, 2004, a policy of motor vehicle insurance coverage pursuant to this part 6 shall allow, but not require, an insured under the policy to assign, in writing, payments due under medical payments coverage of the policy to a licensed hospital or other licensed health care provider, as defined in section 10-4-902 (3), an occupational therapist as defined in section 12-40.5-103, C.R.S., or a massage therapist as defined in section ~~12-48.3-103 (6)~~ 12-35.5-103 (8), C.R.S., for services provided to the insured that are covered under the policy.

**SECTION 15.** 10-4-635 (5) (d), Colorado Revised Statutes, is amended to read:

**10-4-635. Medical payments coverage - disclosure - definitions.** (5) As used in this section:

(d) "Licensed health care provider" shall have the same meaning as set forth in section 10-4-902, and also includes an occupational therapist as described in section ~~6-1-707 (1) (c)~~ DEFINED IN SECTION 12-40.5-103 (8), C.R.S.

**SECTION 16.** 10-16-104 (1.5), (6) (a), and (6.7) (a), Colorado Revised Statutes, are amended to read:

**10-16-104. Mandatory coverage provisions - definitions.** (1.5) **Child immunization coverage.** An entity subject to the provisions of this article, article 8 of this title, or section 607 (1) of the federal "~~Employment~~" EMPLOYEE Retirement Income Security Act of 1974", as amended, that provided coverage for pediatric vaccinations on May 1, 1993, shall not reduce the level of the coverage in effect on that date.

(6) **Dependent children.** (a) No entity subject to the provisions of this article or section 607 (1) of the federal "~~Employment~~" EMPLOYEE Retirement Income Security Act of 1974", as amended, shall refuse to accept and honor an otherwise valid claim for a covered benefit that is filed by either parent of a covered child, or by the state department of ~~social~~ HUMAN services in the case of an assignment under section 26-13-106, C.R.S., who submits valid copies of medical bills. A claim submitted by a custodial parent who is not the insured under a policy issued by an entity subject to the provisions of this article or section 607 (1) of the federal "~~Employment~~" EMPLOYEE Retirement Income Security Act of 1974", as amended, shall be deemed a valid assignment of benefits for payment to the health care provider.

(6.7) **Medical assistance recipients - denial of coverage - liability to state.** (a) No entity subject to the provisions of this article, article 8 of this title, or section 607 (1) of the federal "~~Employment~~" EMPLOYEE Retirement Income Security Act of 1974", as amended, shall refuse to enroll a person for the sole reason that the person is a medical assistance recipient for whom coverage is sought pursuant to section 25.5-4-210, C.R.S., or refuse to accept and honor an otherwise valid claim for a covered benefit which is filed in the case of an assignment under the provisions of articles 4, 5, and 6 of title 25.5, C.R.S.

**SECTION 17.** The introductory portion to 10-16-105 (13) (a) (I) and 10-16-105 (13) (a) (I) (D), (13) (a) (I) (E), and (13) (a) (I) (F), Colorado Revised Statutes, are amended to read:

**10-16-105. Small group sickness and accident insurance - guaranteed issue - mandated provisions for basic health benefit plans - rules - benefit design advisory committee - repeal.** (13) (a) (I) On and after January 1, 2004, a small employer may be subject to premium adjustments for health status up to thirty-five percent above the modified community rate for a period no greater than twelve months if the small employer has, at any time during the past twelve months, purchased health benefit coverage as a small employer that is either self-funded or insured through a health benefit plan that is not a small group plan, except for health benefit plans sponsored by an employee leasing company, as defined in section

~~8-70-114(2)(a)(F)~~ 8-70-114(2)(a)(V), C.R.S., pursuant to sub-subparagraphs (D) to (F) of this subparagraph (I). The provisions of this subparagraph (I) shall not apply to:

(D) A small employer that had previously participated in a health benefit plan through an employee leasing company, as defined in section ~~8-70-114(2)(a)(F)~~ 8-70-114(2)(a)(V), C.R.S., if the small employer's coverage through the employee leasing company was subject to the small group laws;

(E) A small employer that had previously participated in a health benefit plan sponsored by an employee leasing company, as defined in section ~~8-70-114(2)(a)(F)~~ 8-70-114(2)(a)(V), C.R.S., and the small employer is no longer a party to an employee leasing company;

(F) A small employer that is currently using the services of an employee leasing company, as defined in section ~~8-70-114(2)(a)(F)~~ 8-70-114(2)(a)(V), C.R.S., that does not offer a health benefit plan as part of its employee leasing services or, because of an action by an insurer, has ceased offering a health benefit plan to employees assigned to client locations pursuant to an employee leasing contract; or

**SECTION 18.** 10-16-106.7 (1) (a), Colorado Revised Statutes, is amended to read:

**10-16-106.7. Assignment of health insurance benefits.** (1)(a) Any carrier that provides health coverage to a covered person shall allow, but not require, such covered person under the policy to assign, in writing, payments due under the policy to a licensed hospital, other licensed health care provider as defined in section 10-4-902 (3), an occupational therapist as defined in section 12-40.5-103, C.R.S., or a massage therapist as defined in section ~~12-48.3-103(6)~~ 12-35.5-103 (8), C.R.S., also referred to in this section as the "provider", for services provided to the covered person that are covered under the policy.

**SECTION 19.** 12-5.5-101 (3.5) (a), Colorado Revised Statutes, is amended to read:

**12-5.5-101. Definitions.** As used in this part 1, unless the context otherwise requires:

(3.5) "Practice of audiology" means:

(a) The application of principles, methods, and procedures related to the development, disorders, and conditions of the human auditory-vestibular system, whether such disorders or conditions are of organic or functional origin, including, but not limited to, disorders of hearing, balance, tinnitus, auditory processing, and other neural functions, as those principles, methods, and procedures are taught in accredited programs in audiology. ~~in accredited programs.~~ The principles, methods, or procedures include diagnosis, assessment, measurement, testing, appraisal, evaluation, rehabilitation, treatment, prevention, conservation, identification, consultation, counseling, intervention, management, interpretation, instruction, or research related to hearing, vestibular function, balance and fall prevention, and associated neural systems, or any abnormal condition related to tinnitus, auditory

sensitivity, acuity, function or processing, speech, language, or other aberrant behavior resulting from hearing loss, for the purpose of diagnosing, designing, and implementing audiological management and treatment or other programs for the amelioration of such disorders and conditions. Management and treatment shall include, but not be limited to, the activities described in paragraph (b) of this subsection (3.5).

**SECTION 20.** 12-6-120.5 (2) (a) (II), Colorado Revised Statutes, as enacted by Senate Bill 09-091, is amended to read:

**12-6-120.5. Independent control of dealer - definitions.** (2) Notwithstanding subsection (1) of this section, the following activities are not prohibited:

(a) (II) Operation of a ~~dealership~~ DEALER that sells recreational vehicles for not more than eighteen months during the transition from one owner or operator to another independent owner or operator;

**SECTION 21.** 12-6-511 (1) (b), (1) (c), (1) (d), and (2), Colorado Revised Statutes, are amended to read:

**12-6-511. Fees - disposition - expenses - expiration of licenses.** (1) The fee established pursuant to subsection (5) of this section shall be collected with each application for each of the following:

- (b) Powersports VEHICLE manufacturer's license;
- (c) Powersports VEHICLE distributor's license;
- (d) Powersports VEHICLE manufacturer representative's license;

(2) Fees shall be paid to the state treasurer who shall credit the same to the ~~auto vehicle dealers license fund~~ AUTO DEALERS LICENSE FUND CREATED IN SECTION 12-6-123.

**SECTION 22.** 12-6-517 (1), Colorado Revised Statutes, is amended to read:

**12-6-517. Application - rules.** (1) An application for a powersports vehicle dealer's license, used powersports vehicle dealer's license, or powersports VEHICLE salesperson's license shall be submitted to the board.

**SECTION 23.** 12-14-119 (2) (d) (IV), Colorado Revised Statutes, is amended to read:

**12-14-119. Collection agency license - requirements - application - fee - expiration.** (2) Each applicant for a collection agency license shall submit an application providing all information in the form and manner the administrator shall designate, including, but not limited to:

- (d) For the principals and the collections manager of the applicant:
- (IV) The suspension or termination of approval of any collections manager under

this article or any other disciplinary or adverse action taken against the applicant, principal, or collections manager ~~or~~ IN any ~~other~~ jurisdiction.

**SECTION 24.** 12-47-901 (1) (h) (IV), Colorado Revised Statutes, is amended to read:

**12-47-901. Unlawful acts - exceptions.** (1) Except as provided in section 18-13-122, C.R.S., it is unlawful for any person:

(h) (IV) Notwithstanding subparagraph (I) of this paragraph (h), it shall not be unlawful for adult patrons of an art gallery permittee to consume malt, vinous, or spirituous liquor on the premises when the consumption is conducted within the limitations of a valid permit granted pursuant to section ~~12-47-122~~ 12-47-422.

**SECTION 25.** 12-47.1-1602 (1) (e), Colorado Revised Statutes, is amended to read:

**12-47.1-1602. Local government limited gaming impact advisory committee - creation - duties.** (1) There is hereby created within the department of local affairs a local government limited gaming impact advisory committee, referred to in this section as the "committee". The committee shall be composed of the following thirteen members:

(e) One member representing the special districts providing emergency services that are eligible to receive moneys from the fund pursuant to section 12-47.1-1601 (4) to be appointed by and who shall serve at the pleasure of the director ~~of the emergency medical services and prevention division~~ of the DIVISION IN THE department of public health and environment RESPONSIBLE FOR STATEWIDE EMERGENCY MEDICAL AND TRAUMA SERVICES MANAGEMENT;

**SECTION 26.** The introductory portion to 15-14-421 (6) (a) and 15-14-421 (6) (a) (I), Colorado Revised Statutes, are amended to read:

**15-14-421. Title by appointment.** (6) (a) Upon notice of the appointment of a conservator, all agents acting under a previously created power of attorney by the protected person: ~~shall~~:

(I) SHALL take no further actions without the direct written authorization of the conservator;

**SECTION 27. Repeal.** 16-11.5-102 (9), Colorado Revised Statutes, is repealed as follows:

**16-11.5-102. Substance abuse assessment - standardized procedure.** (9) ~~This subsection (9) and subsections (4), (5), (6), (7), and (8) of this section are repealed on the first day of July following receipt by the revisor of statutes of written notice from the joint budget committee staff director that an amount of money of at least two million two hundred thousand dollars generated from estimated savings from the enactment of Senate Bill 03-318, enacted at the first regular session of the sixty-fourth general assembly, during any given fiscal year commencing on or after July 1, 2007, was not appropriated to the drug offender treatment fund for the same~~

fiscal year.

**SECTION 28.** 16-11.8-103 (7) (a), Colorado Revised Statutes, is amended to read:

**16-11.8-103. Domestic violence offender management board - creation - duties - repeal.** (7) (a) This section is repealed, effective ~~July~~ SEPTEMBER 1, 2017.

**SECTION 29.** 16-12-205 (6), Colorado Revised Statutes, is amended to read:

**16-12-205. Postconviction review - appointment of new postconviction counsel - qualifications - compensation.** (6) The office of the public defender or the office of ~~alternative~~ ALTERNATE defense counsel, CREATED IN SECTION 21-2-101, C.R.S., whichever is appropriate, shall pay the compensation and reasonable litigation expenses of defendant's counsel incurred during the unitary review proceeding.

**SECTION 30.** 16-13-701 (2) and (3), Colorado Revised Statutes, are amended to read:

**16-13-701. Reporting of forfeited property.** (2) The report required in this section shall be filed with the department of local affairs and shall constitute a public record and shall be open to inspection as provided in THE "COLORADO OPEN RECORDS ACT", part 2 of article 72 of title 24, C.R.S. ~~commonly known as the "Public Records Act"~~.

(3) Any state or local law enforcement agency or multijurisdictional task force that receives proceeds from federal forfeiture actions shall submit a copy to the department of local affairs of any accounting report filed by such agency pursuant to federal law or regulation. The federal annual accounting report shall constitute a public record and shall be open to inspection as provided in THE "COLORADO OPEN RECORDS ACT", part 2 of article 72 of title 24, C.R.S. ~~commonly known as the "Public Records Act"~~. Such information shall be subject to audit in accordance with part 6 of article 1 of title 29, C.R.S.

**SECTION 31.** 17-1-103 (1) (p), Colorado Revised Statutes, is amended to read:

**17-1-103. Duties of the executive director.** (1) The duties of the executive director shall be:

(p) Notwithstanding the provisions of ~~parts 2 and 3~~ THE "COLORADO OPEN RECORDS ACT", PART 2 of article 72 of title 24, C.R.S., ~~commonly referred to as the "Open Records Act"~~ AND PART 3 OF SAID ARTICLE 72, to adopt such policies and guidelines as may be necessary concerning the release of records to inmates.

**SECTION 32.** 18-6-801 (1) (a) and (1) (b), Colorado Revised Statutes, are amended to read:

**18-6-801. Domestic violence - sentencing.** (1) (a) In addition to any sentence that is imposed upon a person for violation of any criminal law under this title, any person who is convicted of any crime, the underlying factual basis of which has

been found by the court on the record to include an act of domestic violence, as defined in section 18-6-800.3 (1), or any crime against property, whether or not such crime is a felony, when such crime is used as a method of coercion, control, punishment, intimidation, or revenge directed against a person with whom the actor is or has been involved in an intimate relationship shall be ordered to complete a treatment program and a treatment evaluation that conform with the standards adopted by the domestic violence OFFENDER management ~~treatment~~ board as required by section ~~16-11.8-104~~ 16-11.8-103 (4), C.R.S. If an intake evaluation conducted by an approved treatment program provider discloses that sentencing to a treatment program would be inappropriate, the person shall be referred back to the court for alternative disposition.

(b) The court may order a treatment evaluation to be conducted prior to sentencing if a treatment evaluation would assist the court in determining an appropriate sentence. The person ordered to undergo such evaluation shall be required to pay the cost of the treatment evaluation. If such treatment evaluation recommends treatment, and if the court so finds, the person shall be ordered to complete a treatment program that conforms with the standards adopted by the domestic violence OFFENDER management board as required by section ~~16-11.8-104~~ 16-11.8-103 (4), C.R.S.

**SECTION 33. Repeal.** 18-19-104 (5), Colorado Revised Statutes, is repealed as follows:

**18-19-104. Judicial district drug offender treatment boards.** (5) ~~This section is repealed on the first day of July following receipt by the revisor of statutes of written notice from the joint budget committee staff director that an amount of money of at least two million two hundred thousand dollars generated from estimated savings from the enactment of Senate Bill 03-318, enacted at the first regular session of the sixty-fourth general assembly, during any given fiscal year commencing on or after July 1, 2007, was not appropriated to the drug offender treatment fund for the same fiscal year.~~

**SECTION 34.** 19-1-115 (4) (a), Colorado Revised Statutes, is amended to read:

**19-1-115. Legal custody - guardianship - placement out of the home - petition for review for need of placement.** (4) (a) A decree vesting legal custody of a child in an individual, institution, or agency or providing for placement of a child pursuant to section ~~19-2-701~~ 19-2-906 or 19-3-403 or subsection (8) of this section shall be for a determinate period. Such decree shall be reviewed by the court no later than three months after it is entered, except a decree vesting legal custody of a child with the department of human services.

**SECTION 35.** 19-1-302 (1) (a), Colorado Revised Statutes, is amended to read:

**19-1-302. Legislative declaration.** (1) (a) The general assembly declares that information obtained by public agencies in the course of performing their duties and functions under this title is considered public information under the "Colorado Open Records Act", PART 2 OF ARTICLE 72 OF TITLE 24, C.R.S. The general assembly, however, recognizes that certain information obtained in the course of the implementation of this title is highly sensitive and has an impact on the privacy of

children and members of their families. The disclosure of sensitive information carries the risk of stigmatizing children; however, absolute confidentiality of such information may result in duplicated services in some cases, fragmented services in others, and the delivery of ineffective and costly programs and, in some situations, may put other members of the public at risk of harm. In addition, disclosure may result in serving the best interests of the child and may be in the public interest.

**SECTION 36.** 19-2-402 (3) (c) (II), Colorado Revised Statutes, is amended to read:

**19-2-402. Juvenile detention services and facilities to be provided by department of human services - education.** (3) (c) (II) For the purpose of this paragraph (c), "total district enrollment" means the total of the pupil enrollment in the school district, plus the district on-line enrollment, the district preschool ~~and kindergarten~~ program enrollment, and the pupil enrollment in each institute charter school that is located within the school district, as determined in accordance with article 54 of title 22, C.R.S.

**SECTION 37.** 19-2-1301 (2), Colorado Revised Statutes, is amended to read:

**19-2-1301. Mental incompetency to proceed - effect - how and when raised.** (2) A juvenile shall not be tried or sentenced if the juvenile is incompetent to proceed, as defined in section ~~16-8.5-101(8)~~ 16-8.5-101 (11), C.R.S., at that stage of the proceedings against him or her.

**SECTION 38.** 19-2-1302 (4) (c), Colorado Revised Statutes, is amended to read:

**19-2-1302. Determination of incompetency to proceed.** (4) (c) The competency evaluation shall, at a minimum, include an opinion regarding whether the juvenile is competent to proceed as defined in section ~~16-8.5-101(3)~~ 16-8.5-101 (4), C.R.S. If the evaluation concludes the juvenile is incompetent to proceed, the evaluation shall include a recommendation as to whether the juvenile may be restored to competency and identify appropriate services to restore the juvenile to competency.

**SECTION 39.** 19-2-1304 (1), Colorado Revised Statutes, is amended to read:

**19-2-1304. Restoration to competency.** (1) The court may order a restoration hearing, as defined in section ~~16-8.5-101(10)~~ 16-8.5-101 (13), C.R.S., at any time on its own motion, on motion of the prosecuting attorney, or on motion of the juvenile. The court shall order a hearing if a mental health professional who has been treating the juvenile files a report certifying that the juvenile is mentally competent to proceed.

**SECTION 40.** The introductory portion to 22-2-106 (1) (a.5), Colorado Revised Statutes, is amended to read:

**22-2-106. State board - duties.** (1) It is the duty of the state board:

(a.5) To adopt, on or before December 15, 2009, a comprehensive set of guidelines for the establishment of high school graduation requirements to be used

by each school district board of education in developing local high school graduation requirements. Each school district board of education shall retain the authority to develop its own unique high school graduation requirements, so long as those local high school graduation requirements meet or exceed any minimum standards or basic core competencies or skills identified in the comprehensive set of guidelines for high school graduation developed by the state board pursuant to this paragraph (a.5). In developing the guidelines for high school graduation, the state board shall utilize the recommendations of the state graduation guidelines development council established in section 22-7-414, AS IT EXISTED PRIOR TO JULY 1, 2008, and shall:

**SECTION 41.** 22-2-107 (1) (q), Colorado Revised Statutes, is amended to read:

**22-2-107. State board - power.** (1) The state board has the power:

(q) To promulgate rules and regulations to define the types and amounts of costs in excess of applicable revenues that a school district of residence of a child with a disability shall pay as tuition to educate that child elsewhere within Colorado at a facility, as defined by the department in its regulations, approved by the ~~state board pursuant to paragraph (p) of this subsection~~ (1) FACILITY SCHOOLS UNIT IN THE DEPARTMENT PURSUANT TO SECTION 22-2-407, or at an administrative unit as defined in section 22-20-103 (1) other than the administrative unit of residence; however, a school district may pay a higher amount, as provided in section 22-20-109 (1);

**SECTION 42. Repeal.** 22-7-414, Colorado Revised Statutes, is repealed as follows:

**22-7-414. State graduation guidelines development council - creation - membership - duties - repeal.** (1) (a) ~~There is hereby created within the department of education the state graduation guidelines development council, referred to in this section as the "graduation guidelines council".~~

~~(b) The graduation guidelines council shall consist of twelve members appointed by the governor. Council members shall be residents of Colorado and shall be appointed for two-year terms. Council members shall include:~~

~~(I) Experts in the areas of curriculum, standards and assessments, career and technical skills, and learning and thinking skills;~~

~~(II) Representatives from the business community, public schools, institutions of higher education, community colleges, and career and technical institutions;~~

~~(III) Representatives from all areas of the state, including urban and rural areas, and large and small school districts. The graduation guidelines council shall represent the ethnic, racial, cultural, and gender diversity of the state.~~

~~(IV) At least one resident of the western slope; and~~

~~(V) At least one person with expertise in addressing the needs of exceptional students.~~

~~(2) Any member of the graduation guidelines council may be removed at any time for cause by the governor. Vacancies in the membership shall be filled by the governor to serve the remainder of the term of the vacating member.~~

~~(3) The department shall provide such office space, equipment, and staff services to the graduation guidelines council as may be necessary for the council to carry out its duties pursuant to this section.~~

~~(4)(a) On or before May 1, 2008, the graduation guidelines council shall develop and recommend to the state board for adoption a comprehensive set of guidelines for the establishment of high school graduation requirements. The guidelines for high school graduation shall take into account the factors set forth in section 22-2-106 (1) (a.5) and recognize and address the multiple and diverse pathways to diplomas offered by school districts of the state.~~

~~(b) In developing the state guidelines for high school graduation, the graduation guidelines council shall utilize the expertise of school district personnel and other education experts.~~

~~(c) In developing the state guidelines for high school graduation, the graduation guidelines council, in collaboration with the state board, shall provide appropriate public notice and hold a series of at least six public meetings throughout the state at which it shall hear testimony regarding the state guidelines for high school graduation. The graduation guidelines council shall also specifically seek recommendations from and work in cooperation with school districts, educators, parents, students, representatives from postsecondary education, business persons, and members of the community who are representative of the cultural diversity of the state.~~

~~(5) The graduation guidelines council is repealed, effective July 1, 2008.~~

**SECTION 43.** 22-7-603.5 (4), Colorado Revised Statutes, is amended to read:

**22-7-603.5. Legislative declaration - measurement of value added to academic progress.** (4) The state board may adopt rules necessary for implementation and administration of this section including, but not limited to, provisions to uniquely identify individual students, including students enrolled in the Colorado preschool ~~and kindergarten~~ program, created pursuant to section 22-28-104.

**SECTION 44.** 22-28-101, Colorado Revised Statutes, is amended to read:

**22-28-101. Short title.** This article shall be known and may be cited as the "Colorado Preschool ~~and Kindergarten~~ Program Act".

**SECTION 45.** 22-28-102 (2), Colorado Revised Statutes, is amended to read:

**22-28-102. Legislative declaration.** (2) The general assembly intends to fully fund the ~~state~~ COLORADO preschool ~~and kindergarten~~ program by increasing the number of children who may be served through the program over the 2006-07, 2007-08, and 2008-09 budget years.

**SECTION 46.** 22-28-103 (4), Colorado Revised Statutes, is amended to read:

**22-28-103. Definitions.** As used in this article, unless the context otherwise requires:

(4) "District advisory council" means the district preschool ~~and kindergarten~~ program advisory council established by a school district pursuant to the provisions of section 22-28-105.

**SECTION 47.** 22-28-104 (1), (2) (a) (III), (2) (b), (2) (c), (3), (4), and (5) (a), Colorado Revised Statutes, are amended to read:

**22-28-104. Establishment of public preschool programs.** (1) There is hereby established a ~~state~~ COLORADO preschool program, which shall be implemented in school districts beginning in the 2006-07 budget year. The purposes of the program are:

(a) To serve three-year-old, four-year-old, and five-year-old children who lack overall learning readiness due to significant family risk factors, who are in need of language development, or who are receiving services from the department of human services pursuant to article 5 of title 26, C.R.S., as neglected or dependent children and who would benefit from participation in the ~~state~~ COLORADO preschool ~~and kindergarten~~ program;

(b) To determine the school districts in which participation in the ~~state~~ COLORADO preschool ~~and kindergarten~~ program would be the most beneficial;

(c) To establish criteria to be followed by school districts in establishing district preschool ~~and kindergarten~~ programs; and

(d) To encourage parents to participate with their children in district preschool ~~and kindergarten~~ programs.

(2) (a) (III) For the 2008-09 budget year and each budget year thereafter, twenty thousand one hundred sixty children may annually participate in the ~~state~~ COLORADO preschool program.

(b) (I) For the 2006-07 and 2007-08 budget years, the department shall allow school districts to apply to the department for authorization to serve no more than fifteen percent of the total number of children authorized to participate in the ~~state~~ COLORADO preschool program pursuant to paragraph (a) of this subsection (2) through a full-day kindergarten portion of the district's preschool program. The department, using established criteria, shall select school districts to participate in the full-day kindergarten portions until the total number of full-day kindergarten positions applied for has been filled or the fifteen-percent limitation has been reached, whichever event occurs first. Notwithstanding any other provision of law, the department shall not grant waivers that would allow more than a total of fifteen percent of the total number of children authorized to participate in the ~~state~~ COLORADO preschool program pursuant to paragraph (a) of this subsection (2) to be served through the full-day kindergarten portion of all district preschool programs statewide.

(II) For the 2008-09 budget year and each budget year thereafter, none of the children participating in the ~~state~~ COLORADO preschool program shall participate in the program through a full-day kindergarten portion of the program.

(c) If a school district that participates in the ~~state~~ COLORADO preschool ~~and kindergarten~~ program does not enroll the maximum number of pupils allowed to participate in that school district's preschool ~~and kindergarten~~ program as established by the department in accordance with section 22-28-107 (3), the school district shall immediately notify the department of the number of unused positions. A school district participating in the ~~state~~ COLORADO preschool ~~and kindergarten~~ program that has any unused positions in a given budget year is prohibited from transferring to another school district any or all of the unused positions, regardless of whether the unused positions are transferred in exchange for monetary or any other form of consideration.

(3) A school district that participates in the ~~state~~ COLORADO preschool program shall be entitled to count children enrolled in the district preschool program in accordance with the provisions of section 22-54-103 (9.5) for purposes of determining preschool program enrollment under the "Public School Finance Act of 1994", article 54 of this title.

(4) (a) Subject to the limitations in paragraph (b) of this subsection (4), the per pupil operating reimbursement provided to any school district that participates in the ~~state~~ COLORADO preschool program shall be increased to allow a single child to enroll in the program using two positions so that the child may attend a full day of preschool.

(b) For the 2006-07 budget year and budget years thereafter, the department shall allow school districts to apply for authorization to serve no more than five percent of the total number of children authorized to participate in the ~~state~~ COLORADO preschool ~~and kindergarten~~ program pursuant to paragraph (a) of subsection (2) of this section through a full-day preschool portion of the district's preschool ~~and kindergarten~~ program. The department, using established criteria, may select qualified school districts to participate in and serve children through a full-day preschool portion of the district's preschool ~~and kindergarten~~ program. Notwithstanding any other provision of law, the department shall not grant waivers that would allow more than a total of five percent of the total number of children authorized to participate in the ~~state~~ COLORADO preschool ~~and kindergarten~~ program pursuant to paragraph (a) of subsection (2) of this section to be served through the full-day preschool portion of all district preschool and kindergarten programs statewide.

(5) Nothing in this article shall be construed to:

(a) Require school districts to participate in the ~~state~~ COLORADO preschool ~~and kindergarten~~ program; or

**SECTION 48.** 22-28-105 (1) (a), (1) (b) (I), (1) (d), (2) (a), (2) (a.3), (2) (a.5), (2) (b), (2) (c), (2) (d), and (2) (e), the introductory portion to 22-28-105 (2) (f), and 22-28-105 (2) (g), (2) (j), (2) (k), (2) (l), and (2) (m), Colorado Revised Statutes, are amended to read:

**22-28-105. District preschool program advisory council - duties.** (1)(a) Any school district wishing to participate in the ~~state~~ COLORADO preschool ~~and kindergarten~~ program shall establish a district preschool ~~and kindergarten~~ program advisory council consisting of the superintendent of the school district or his or her designee and such other members as the superintendent of the school district may appoint pursuant to paragraph (b) of this subsection (1).

(b) The appointed members of the district advisory council shall include, but shall not be limited to, the following:

(1) Two parents of children in the district preschool ~~and kindergarten~~ program;

(d) The board of education shall have final responsibility for submittal of the application to participate in the Colorado preschool program and for operation and maintenance of the ~~preschool program within the school~~ district PRESCHOOL PROGRAM. No action taken by the district advisory council shall be final until approved by the board of education.

(2) The district advisory council shall:

(a) Develop and recommend to the board of education the school district plan for identifying those children in the school district that would be eligible for participation in the district preschool ~~and kindergarten~~ program based upon the criteria established in section 22-28-106 (1) (a);

(a.3) Study and assess the need for establishing a district preschool ~~and kindergarten~~ program in the school district and, upon completion of such assessment, if there is an identified need, submit a request for proposals to any privately funded child care center and publicly funded early childhood education agency. The request for proposals shall state the criteria and guidelines established by the department for determining the eligibility of children to participate in a district preschool ~~and kindergarten~~ program, for district preschool ~~and kindergarten~~ programs, and for parental involvement in a district preschool ~~and kindergarten~~ program. At least once every two years, the district advisory council shall assess whether alternative community providers are available and shall ensure the highest quality service delivery at the lowest cost.

(a.5) Review and evaluate proposals received pursuant to paragraph (a.3) of this subsection (2) and annually submit a list to the board of education of the head start agencies or public and private child care agencies that are licensed by the department of human services and are in good standing whose proposals meet or exceed the criteria and guidelines specified in said paragraph (a.3) and are designated as eligible for participation in the district preschool ~~and kindergarten~~ program, including the number of district preschool ~~and kindergarten~~ children each agency will be eligible to serve under the program;

(b) Recommend to the board of education a plan for operating the district preschool ~~and kindergarten~~ program, including whether the program should be provided by the school district itself or provided, in whole or in part, by a head start agency or by child care agencies under contract with the school district;

(c) Recommend to the board of education a proposal for the district preschool ~~and kindergarten~~ program to be submitted to the department pursuant to the provisions of section 22-28-107 (1);

(d) Assist the school district in the implementation of the district preschool ~~and kindergarten~~ program;

(e) Develop and recommend to the board of education, if appropriate, a plan for coordinating the district preschool ~~and kindergarten~~ program with extended day services for children participating in the program and their families in order to achieve an increased efficiency in the services provided;

(f) Following consultation and planning with social services and health agencies, develop and recommend to the board of education a plan for coordinating the district preschool ~~and kindergarten~~ program with family support services for children participating in the program and their families. For purposes of this paragraph (f), "family support services" includes, but is not limited to, information and referral and educational materials relating to:

(g) Develop and recommend to the board of education a plan for coordinating the district preschool ~~and kindergarten~~ program with a program to train parents to provide teaching activities in the home prior to the entrance of their children into the district preschool ~~and kindergarten~~ program;

(j) Develop a district preschool ~~and kindergarten~~ program evaluation component specific to the ~~school~~ district PRESCHOOL program involved;

(k) Develop a training program for district preschool ~~and kindergarten~~ program staff using all available community resources;

(l) Recommend to the board of education a plan for the annual evaluation of the district preschool ~~and kindergarten~~ program; and

(m) Provide any other appropriate assistance to the school district in the implementation of the district preschool ~~and kindergarten~~ program.

**SECTION 49.** The introductory portion to 22-28-106 (1) (a) and 22-28-106 (1) (a) (I), (1) (a) (II), and (1) (a) (III), Colorado Revised Statutes, are amended to read:

**22-28-106. Eligibility of children for participation in district preschool program.** (1) (a) The state board shall establish, by rule, criteria for each school district to use in determining which children in the school district shall be eligible for participation in the district preschool ~~and kindergarten~~ program, subject to the following requirements:

(I) A child who is three, four, or five years old and meets the criteria specified in subparagraphs (II) to (IV) of this paragraph (a) and any other criteria established by rule may participate in the district preschool ~~and kindergarten~~ program.

(II) No child shall participate in the district preschool ~~and kindergarten~~ program unless the child lacks overall learning readiness due to significant family risk

factors, is in need of language development, including but not limited to the ability to speak English, or is receiving services from the department of human services pursuant to article 5 of title 26, C.R.S., as a neglected or dependent child; except that no child who is three years of age shall participate in the district preschool ~~and kindergarten~~ program unless the child lacks overall learning readiness that is attributable to at least three of the significant family risk factors.

(III) No child shall participate in the district preschool ~~and kindergarten~~ program unless one or both of his or her parents agree to assume all the parental responsibilities established by the school district pursuant to section 22-28-110 with respect to the program.

**SECTION 50.** 22-28-107 (1) (a), (1) (c), (1) (d) (I), and (1) (d) (II), the introductory portion to 22-28-107 (1) (e), 22-28-107 (1) (e) (III), (1) (f), (1) (f.3), (1) (f.4), (1) (f.7), (1) (g), (1) (h), and (1.4), the introductory portion to 22-28-107 (2), and 22-28-107 (2) (a), (2) (b), (2) (f), (3), (4) (a), (4) (b) (I), and (4) (b) (III), Colorado Revised Statutes, are amended to read:

**22-28-107. Eligibility of school districts for participation in Colorado preschool program.** (1) By a date to be determined by rule of the state board for the 2006-07 budget year and each budget year thereafter, any school district may apply to the department for participation in the Colorado preschool program using forms provided by the department. Along with the application, the school district shall submit a proposal for the implementation of its district preschool program, which shall include, but need not be limited to, the following information requested by the department:

(a) The number of eligible children to be served in the district preschool ~~and kindergarten~~ program;

(c) Whether the district preschool ~~and kindergarten~~ program will be provided by the school district itself or provided, in whole or in part, by a head start agency or one or more child care agencies under contract with the school district;

(d) If the district preschool program is to be provided by the school district:

(I) The number of schools in the school district that would be involved in the district preschool ~~and kindergarten~~ program;

(II) The number of additional personnel needed to staff the district preschool ~~and kindergarten~~ program;

(e) If the district preschool ~~and kindergarten~~ program is to be provided, in whole or in part, by a head start agency or child care agencies under contract with the school district:

(III) The procedure to be used to monitor the district preschool ~~and kindergarten~~ program being provided to the school district by the head start agency or child care agencies;

(f) The extended day services, if any, to be provided in connection with the

district preschool ~~and kindergarten~~ program;

(f.3) The plan for coordinating the district preschool ~~and kindergarten~~ program with family support services for children participating in the program and their families;

(f.4) The plan for involving the parent or parents of each child enrolled in the ~~preschool and kindergarten~~ DISTRICT PRESCHOOL program in participation in the program;

(f.7) The plan for coordinating the district preschool ~~and kindergarten~~ program with a parenting program;

(g) The plan for involving parents and the community in the district preschool ~~and kindergarten~~ program; and

(h) The procedure to be followed to evaluate the current and continuing effectiveness of the district preschool ~~and kindergarten~~ program.

(1.4) For the 2008-09 budget year and each budget year thereafter, a school district that applies to the department to participate in the ~~state~~ COLORADO preschool program by offering a nine-month program may apply for permission from the department to receive funding for a nine-month program but to use up to half of the moneys allocated for the program to prepare, during the first half of the school year, to offer a preschool program and to use the remainder of the moneys to offer, during the second half of the school year, a four-and-one-half-month preschool program.

(2) The state board shall establish, by rule, criteria for determining which school districts shall be eligible for participation in the ~~state~~ COLORADO preschool ~~and kindergarten~~ program. The state board may consider any or all of the following:

(a) The number of eligible children to be served by the district preschool ~~and kindergarten~~ program;

(b) The number of schools in the school district or the number of head start agencies or child care agencies that would be involved in the district preschool ~~and kindergarten~~ program;

(f) The demographic and geographic distribution of school districts making application for or participating in the ~~state~~ COLORADO preschool ~~and kindergarten~~ program throughout the state.

(3) The department shall evaluate each school district's application, using the criteria established pursuant to subsection (2) of this section as well as the proposal of the school district for the implementation of the district preschool ~~and kindergarten~~ program based upon the criteria established pursuant to section 22-28-108. The department shall give priority to school districts with proposals that include exemplary plans for the coordination of the district preschool ~~and kindergarten~~ program with family support services, to school districts with proposals that indicate efforts to collaborate with public and private child care

agencies located in the school district, and to school districts with proposals that demonstrate the greatest degree of community involvement. By a date to be determined by rule of the state board for the 2006-07 budget year and for each budget year thereafter, the department shall determine the school districts that have been accepted for participation in the ~~state~~ COLORADO preschool ~~and kindergarten~~ program. To comply with the limitations on the number of children that may participate in the ~~state~~ COLORADO preschool ~~and kindergarten~~ program, the department shall set the maximum number of pupils in the district preschool ~~and kindergarten~~ program for each participating school district.

(4) (a) Upon the request of a school district, the department shall provide, subject to available resources, such technical assistance as may be necessary for the school district to submit a proposal for the implementation of its district preschool ~~and kindergarten~~ program and for ongoing training of personnel for the successful implementation of the program.

(b) The department shall annually select a reasonable number of school districts that have implemented preschool programs pursuant to this article and shall conduct on-site visits to determine whether:

(I) Each school district's screening process and the eligibility criteria for children participating in the district preschool ~~and kindergarten~~ program comply with all applicable state law;

(III) The school district's quality assurance activities, evaluation efforts, and financial activities regarding the district preschool ~~and kindergarten~~ program comply with all applicable state law.

**SECTION 51.** 22-28-108 (1) (b) (I), (1.6), (2), (3), (4), (5), and (6), Colorado Revised Statutes, are amended to read:

**22-28-108. Criteria for district preschool programs.** (1) (b) The state board shall establish, by rule, criteria for school districts to use in establishing district preschool programs, subject to the following requirements:

(I) The maximum number of pupils in a district preschool ~~and kindergarten~~ program shall not exceed the number set by the department pursuant to section 22-28-107 (3).

(1.6) The criteria established by the state board shall require that each head start agency and public and private child care agency that is providing services under the district preschool ~~and kindergarten~~ program afford all children that are eligible under section 22-28-106 an equal opportunity to receive services regardless of their race, ethnicity, or place of residence within the school district.

(2) In addition to the criteria established pursuant to subsection (1) of this section, the state board shall establish, by rule, additional criteria for school districts to use in establishing district preschool ~~and kindergarten~~ programs that will be provided, in whole or in part, by a head start agency or child care agencies in accordance with the provisions of section 22-28-109.

(3) In establishing criteria for district preschool ~~and kindergarten~~ programs relating to qualifications for preschool teachers, the state board shall not require preschool teachers to be licensed pursuant to article 60.5 of this title but shall allow the school district, a head start agency, or a child care agency to employ a nonlicensed preschool teacher as long as the teacher meets other qualifications established by the state board.

(4) The criteria established by the state board shall be made available to each school district no later than August 1 of each year and shall be used by the district advisory council and the school district in drawing up the district preschool ~~and kindergarten~~ program proposal to be submitted with the school district's application for participation in the ~~state~~ COLORADO preschool ~~and kindergarten~~ program.

(5) Any school district whose district preschool ~~and kindergarten~~ program proposal does not meet the requirements of the state board shall be allowed to modify its proposal so that it meets said requirements. Notice to the department of said modifications shall be a prerequisite to final acceptance in the ~~state~~ COLORADO preschool ~~and kindergarten~~ program.

(6) At any time during the year, the department may request from a school district any information about its district preschool ~~and kindergarten~~ program that the department deems necessary to ensure that the district is complying with the requirements of this section.

**SECTION 52.** 22-28-109 (1) (b), (1) (c), (1) (d), and (2), Colorado Revised Statutes, are amended to read:

**22-28-109. District preschool programs provided by a head start agency or child care agencies.** (1) The state recognizes that there is significant value in using existing and established infrastructure through a head start agency or child care agencies, where available, for the provision of a district preschool program. Before the board of education of any school district whose pupil enrollment was less than or equal to seven hundred fifty pupils for the preceding budget year expends money for capital projects to provide additional facilities for a district preschool program, the board shall consider whether the district preschool program may be contracted out, in whole or in part, to a head start agency or one or more child care agencies located in the school district. The board of any school district, regardless of pupil enrollment, may contract out the district preschool program only if the provisions of this section are satisfied. In making its determination on whether to contract out the district preschool program, the board shall consider the recommendation of the district advisory council along with the following:

(b) Whether the district preschool ~~and kindergarten~~ program could be provided more efficiently by a head start agency or one or more child care agencies while still maintaining a quality program;

(c) Whether the head start agency or the child care agencies could provide a district preschool ~~and kindergarten~~ program that would meet the criteria established by the state board pursuant to the provisions of section 22-28-108 (1) and (2);

(d) Whether the school district or the head start agency or child care agencies

providing the district preschool ~~and kindergarten~~ program could also provide extended day services for children enrolled in the program in need of such services.

(2) No board of education shall contract out the district preschool ~~and kindergarten~~ program unless the board is assured that the head start agency or child care agency will provide a quality program meeting the requirements of section 22-28-108 (1) and (2). At any time during the year, the board may request from the agency any information about the program that the board deems necessary to ensure that the agency is complying with said requirements. In addition, the board of education shall ensure that the services provided by the head start agency or child care agency with respect to the district preschool ~~and kindergarten~~ program shall be in addition to services then currently provided by said agency and that the moneys transmitted to said agency for the services provided in the district preschool ~~and kindergarten~~ program shall not supplant moneys available to fund other services provided by said agency.

**SECTION 53.** 22-28-110, Colorado Revised Statutes, is amended to read:

**22-28-110. Parental involvement in district preschool programs.** In establishing criteria for district preschool ~~and kindergarten~~ programs pursuant to the provisions of section 22-28-108, the state board shall include guidelines for a school district to follow in establishing the responsibilities of parents in the district preschool ~~and kindergarten~~ program. The responsibilities shall be set forth in writing and provided to the parents of eligible children. Approved written or verbal communication between the parent and program personnel may be considered as fulfillment of responsibilities for program visitation. No child shall be accepted in the district preschool ~~and kindergarten~~ program unless one or both of the parents agree to assume the responsibilities, and failure of the parent or parents to fulfill the responsibilities shall result in the child being dismissed from the district preschool ~~and kindergarten~~ program.

**SECTION 54.** 22-28-111 (1)(a), Colorado Revised Statutes, is amended to read:

**22-28-111. Coordination of district preschool program with extended day services.** (1) (a) Any school district that establishes a district preschool ~~and kindergarten~~ program may coordinate the program with extended day services if the district advisory council and the school district find that there exists a need for the services. The services may be coordinated by the school district through one or more privately funded child care centers or publicly funded early childhood education agencies or through the school district itself.

**SECTION 55.** 22-28-111.5, Colorado Revised Statutes, is amended to read:

**22-28-111.5. Coordination of district preschool program with family support services - establishment of parenting program.** In coordinating a district preschool ~~and kindergarten~~ program with family support services and in establishing a parenting program as required by section 22-28-107 as a part of the proposal for the district preschool ~~and kindergarten~~ program, the school district is encouraged to apply for federal child care and development block grant funds and to seek support, advice, and technical and financial assistance from members of the community, from businesses, and from community and state agencies. In addition

to other moneys available to the school district to fund the requirements of this section, the school district is authorized to seek and accept gifts, donations, or grants of any kind from any private source or from any governmental agency. All such gifts, donations, and grants shall be transmitted to the treasurer of the school district, who shall credit the same to a special account in the school district general fund to be used solely to fund the requirements of this section.

**SECTION 56.** 22-28-112, Colorado Revised Statutes, is amended to read:

**22-28-112. Reports to legislative committees.** By January 15, 2007, and by January 15 of each year thereafter, the department shall report to the education committees of the senate and house of representatives, or any successor committees, on the effectiveness of the ~~state~~ COLORADO preschool ~~and kindergarten~~ program. The department is authorized to request from any participating school district such information and data as may be necessary to make such reports.

**SECTION 57.** 22-30.5-112 (1) (a), Colorado Revised Statutes, is amended to read:

**22-30.5-112. Charter schools - financing - definitions - guidelines.** (1) (a) For purposes of the "Public School Finance Act of 1994", article 54 of this title, pupils enrolled in a charter school shall be included in the pupil enrollment, the on-line pupil enrollment, or the preschool ~~and kindergarten~~ program enrollment, whichever is applicable, of the school district that granted its charter. The school district that granted its charter shall report to the department the number of pupils included in the school district's pupil enrollment, the school district's on-line pupil enrollment, and the school district's preschool ~~and kindergarten~~ program enrollment that are actually enrolled in each charter school.

**SECTION 58. Repeal.** 22-30.5-112.1 (1) (k) (I), Colorado Revised Statutes, is repealed as follows:

**22-30.5-112.1. Charter schools - definitions - exclusive jurisdiction districts - authorized on or after July 1, 2004 - financing.** (1) (k) "On-line pupil enrollment" means:

(I) ~~For the 2007-08 budget year, the number of pupils, on October 1 within the applicable budget year or the school day nearest said date, enrolled in, attending, and actively participating in an on-line program created pursuant to article 30.7 of this title by the district charter school, which pupils meet the requirements specified in section 22-30.7-107 (1) (a) or are exempt pursuant to rules adopted by the state board pursuant to section 22-30.7-107 (1) (c).~~

**SECTION 59. Repeal.** 22-30.5-513 (1) (j) (I), Colorado Revised Statutes, is repealed as follows:

**22-30.5-513. Institute charter schools - definitions - funding.** (1) (j) "On-line pupil enrollment" means:

(I) ~~For the 2007-08 budget year, the number of pupils, on October 1 within the applicable budget year or the school day nearest said date, enrolled in, attending,~~

and actively participating in an on-line program created pursuant to article 30.7 of this title by the institute charter school, which pupils meet the requirements specified in section ~~22-30.7-107 (1) (a)~~ or are exempt pursuant to rules adopted by the state board pursuant to section ~~22-30.7-107 (1) (c)~~.

**SECTION 60.** 22-32-115 (2) (a), Colorado Revised Statutes, is amended to read:

**22-32-115. Tuition for resident school-age children.** (2) (a) The tuition, to be paid as authorized by subsection (1) of this section, shall not exceed one hundred twenty percent of the current per pupil general fund cost in the school district of attendance during the preceding school year. ~~The pupil enrollment for a pupil not attending the pupil's school district of residence under the provisions of this section shall be allocated as provided in section 22-54-109 (3).~~

**SECTION 61.** 22-32-119.5 (2) (c) (II), Colorado Revised Statutes, is amended to read:

**22-32-119.5. Full-day kindergarten - legislative declaration - phase-in plan - report.** (2) Each local board of education shall develop a plan to potentially phase in a full-day kindergarten program in the school district to be funded with state or local moneys provided specifically for such program. In developing the plan, each local board shall consider the following:

(c) A method to identify the children who would most benefit from attending a full day of kindergarten, including but not limited to:

(II) Children who are currently enrolled in the Colorado preschool ~~and kindergarten program as preschoolers~~ PROGRAM;

**SECTION 62.** 22-32-138 (1) (c), Colorado Revised Statutes, is amended to read:

**22-32-138. Out-of-home placement students - transfer procedures - absences - exemptions.** (1) As used in this section, unless the context otherwise requires:

(c) "School" means a public school of a school district, a school or educational program operated by a board of cooperative services pursuant to article 5 of this title, an institute charter school authorized pursuant to part 5 of article 30.5 of this title, a state-licensed day treatment facility, or ~~a~~ AN APPROVED facility school as defined in section ~~22-86-102 (3)~~ 22-2-402 (1).

**SECTION 63.** 22-43.7-109 (9) (c) (IV), Colorado Revised Statutes, is amended to read:

**22-43.7-109. Financial assistance for public school capital construction - application requirements - evaluation criteria - local match requirements.** (9) Except as otherwise provided in subsection (10) of this section, the board shall recommend and the state board shall approve financial assistance for a public school facility capital construction project only if the applicant provides matching moneys in an amount equal to a percentage of the total financing for the project determined by the board after consideration of the applicant's financial capacity, as determined by the following factors:

(c) With respect to a charter school's application for financial assistance:

(IV) The percentage of children enrolled in the charter school who are eligible for the federal free and ~~reduced~~ REDUCED-COST lunch program; and

**SECTION 64.** 22-54-103 (1.5) (b) (II), (5.5), (8.5) (a) (I), and (14), Colorado Revised Statutes, are amended to read:

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

(1.5) (b) For purposes of this subsection (1.5):

(II) "District pupil enrollment" means the pupil enrollment of the district, as determined in accordance with subsection (10) of this section, minus the number of pupils enrolled in the ~~preschool portion of district preschool and kindergarten programs~~ COLORADO PRESCHOOL PROGRAM pursuant to article 28 of this title and the number of three-year-old or four-year-old pupils with disabilities receiving educational programs pursuant to article 20 of this title.

(5.5) "District percentage of at-risk pupils" means the number of at-risk pupils in the district, as determined in accordance with subsection (1.5) of this section, divided by the pupil enrollment of the district, as determined in accordance with subsection (10) of this section; except that pupil enrollment shall not include the number of pupils enrolled in the ~~preschool portion of district preschool and kindergarten programs~~ COLORADO PRESCHOOL PROGRAM pursuant to article 28 of this title and the number of three-year-old or four-year-old pupils with disabilities receiving educational programs pursuant to article 20 of this title.

(8.5) (a) "On-line pupil enrollment" means:

(I) ~~For the 2007-08 budget year, the number of pupils, on October 1 within the applicable budget year or the school day nearest said date, enrolled in, attending, and actively participating in an on-line program created pursuant to article 30.7 of this title, minus any such pupils who were enrolled in any such on-line programs for the 2001-02 school year. In addition, "on-line pupil enrollment" means the number of pupils who meet the requirements specified in section 22-30.7-107 (1) and transfer to an on-line program after October 1 of a school year.~~

(14) "Statewide average percentage of at-risk pupils" means the total number of at-risk pupils in all districts, as determined in accordance with subsection (1.5) of this section, divided by the pupil enrollment of all districts, as determined in accordance with subsection (10) of this section; except that pupil enrollment shall not include the number of pupils enrolled in the ~~preschool portion of district preschool and kindergarten programs~~ COLORADO PRESCHOOL PROGRAM pursuant to article 28 of this title and the number of three-year-old or four-year-old pupils with disabilities receiving educational programs pursuant to article 20 of this title.

**SECTION 65.** 22-54-112 (2) (a), Colorado Revised Statutes, is amended to read:

**22-54-112. Reports to the state board.** (2) (a) On or before November 10 of

each year, the secretary of the board of education of each district shall certify to the state board the pupil enrollment, the on-line pupil enrollment, and the preschool ~~and kindergarten~~ program enrollment of the district taken in the preceding October or previously in November.

**SECTION 66.** 22-54-126 (1) (a), Colorado Revised Statutes, is amended to read:

**22-54-126. Declining enrollment districts with new charter schools - additional aid - definitions.** (1) As used in this section, unless the context otherwise requires:

(a) "Declining enrollment district" means a district whose funded pupil count is greater than the sum of the district's pupil enrollment, preschool ~~and kindergarten~~ program enrollment, and on-line pupil enrollment.

**SECTION 67.** 22-55-102 (8) and (10), Colorado Revised Statutes, are amended to read:

**22-55-102. Definitions.** As used in this article, unless the context otherwise requires:

(8) "~~Kindergarten programs~~" includes, but is not limited to, the full-day kindergarten portion of a district preschool and kindergarten program described in section 22-28-104.

(10) "Preschool programs" includes, but is not limited to, the preschool portion of the state preschool and kindergarten program COLORADO PRESCHOOL PROGRAM created pursuant to section 22-28-104.

**SECTION 68.** 22-60.5-108 (4), Colorado Revised Statutes, is amended to read:

**22-60.5-108. Procedure - denial, suspension, annulment, or revocation - license, certificate, endorsement, or authorization.** (4) When the department of education DENIES, ANNULS, OR revokes a license, certificate, endorsement, or authorization because the applicant or holder was convicted of felony child abuse or a felony offense involving unlawful sexual behavior pursuant to section 22-60.5-107 (2.5), the department shall enter into a settlement agreement with that individual that prohibits the individual from ever teaching at a public or private school in the United States.

**SECTION 69.** 23-1-106 (8) and (9) (a), Colorado Revised Statutes, are amended to read:

**23-1-106. Duties and powers of the commission with respect to capital construction and long-range planning.** (8) Any acquisition or utilization of real property by a state-supported institution of higher education that is conditional upon or requires expenditures of state-controlled funds or federal funds shall be subject to the approval of the commission, whether acquisition is by lease-purchase, purchase, gift, or otherwise; EXCEPT THAT ACQUISITIONS BY LEASE SHALL NOT BE SUBJECT TO THE APPROVAL REQUIREMENTS OF THIS SUBSECTION (8).

(9) (a) The commission shall review and approve any plan for a capital construction project that is estimated to require total expenditures exceeding two million dollars and that is to be constructed, operated, and maintained solely from student fees, auxiliary facility funds, wholly endowed gifts and bequests, research building revolving funds, or a combination of such sources, as provided in sections 23-5-102, 23-5-103, 23-5-112, 23-20-124, ~~23-31-129~~ 23-31-112, and 23-41-117 and section 24-75-303 (3), C.R.S. Any such plan for a capital construction project that is estimated to require total expenditures of two million dollars or less shall not be subject to review or approval by the commission.

**SECTION 70.** 23-2-103.3 (5) (b), Colorado Revised Statutes, is amended to read:

**23-2-103.3. Authorization to do business in Colorado.** (5) (b) The commission may revoke the private college's or university's ~~bible college's, or seminary's~~ authorization if it finds that the private college or university is no longer accredited. The commission may place the private college or university on probationary status if the commission finds the private college or university has been placed on probation or the equivalent by an accrediting agency.

**SECTION 71.** 23-19.7-104, Colorado Revised Statutes, is amended to read:

**23-19.7-104. Innovative higher education research fund - funding.** There is hereby created in the state treasury the innovative higher education research fund, which shall consist of moneys transferred to the research fund from the waste tire recycling development cash fund created in section 25-17-202 (3) (a), C.R.S., pursuant to section 25-17-202 (3) (b) (III), C.R.S., and the advanced technology fund created in section 25-16.5-105 (2) (a), C.R.S., pursuant to section ~~25-16.5-105 (2) (f)~~ 25-16.5-105 (2) (e), C.R.S., any moneys that the general assembly may appropriate to the research fund, any moneys received pursuant to section 23-19.7-103 (1) (j), and all income and interest derived from the deposit and investment of moneys in the research fund. Moneys in the research fund shall be subject to annual appropriation by the general assembly for the direct and indirect costs associated with the implementation of this article. Unexpended and unencumbered moneys remaining in the research fund at the end of any fiscal year shall remain in the research fund and shall not be credited or transferred to the general fund or any other fund.

**SECTION 72.** 23-31-311 (3) (c), Colorado Revised Statutes, is amended to read:

**23-31-311. Watershed protection projects and forest health projects.** (3) In carrying out such watershed protection projects and forest health projects, the Colorado state forest service shall, whenever feasible, contract with the Colorado youth corps association or an accredited Colorado youth corps to provide labor. For purposes of this section:

(c) "Governmental agencies" has the meaning set forth in section ~~37-95-112.5 (3)~~ 37-95-112.5 (4), C.R.S.

**SECTION 73.** 23-31-803 (1), Colorado Revised Statutes, is amended to read:

**23-31-803. Water research fund.** (1) There is hereby established in the state treasury the water research fund, referred to in this part 8 as the "fund". The fund shall consist of fees received by the institute pursuant to section 23-31-801 (7), transfers made to the fund pursuant to section 39-29-109.3 (2) (j), C.R.S., and gifts, grants, and donations accepted by the institute. The moneys in the fund are hereby continuously appropriated to the institute, and the institute may expend moneys from the fund for any purpose consistent with this ~~article~~ PART 8. Any interest derived from the deposit and investment of moneys in the fund shall be credited to the fund. At the end of any fiscal year, all unexpended and unencumbered moneys in the fund shall remain therein and shall not be credited or transferred to the general fund or any other fund.

**SECTION 74.** 24-6-402 (4) (g), Colorado Revised Statutes, is amended to read:

**24-6-402. Meetings - open to public - definitions.** (4) The members of a local public body subject to this part 4, upon the announcement by the local public body to the public of the topic for discussion in the executive session, including specific citation to the provision of this subsection (4) authorizing the body to meet in an executive session and identification of the particular matter to be discussed in as much detail as possible without compromising the purpose for which the executive session is authorized, and the affirmative vote of two-thirds of the quorum present, after such announcement, may hold an executive session only at a regular or special meeting and for the sole purpose of considering any of the following matters; except that no adoption of any proposed policy, position, resolution, rule, regulation, or formal action, except the review, approval, and amendment of the minutes of an executive session recorded pursuant to subparagraph (II) of paragraph (d.5) of subsection (2) of this section, shall occur at any executive session that is not open to the public:

(g) Consideration of any documents protected by the mandatory nondisclosure provisions of THE "COLORADO OPEN RECORDS ACT", part 2 of article 72 of this title; ~~commonly known as the "Open Records Act";~~ except that all consideration of documents or records that are work product as defined in section 24-72-202 (6.5) or that are subject to the governmental or deliberative process privilege shall occur in a public meeting unless an executive session is otherwise allowed pursuant to this subsection (4);

**SECTION 75.** 24-30-1303 (1) (cc), (1) (dd), and (1) (ee), Colorado Revised Statutes, are amended to read:

**24-30-1303. Department of personnel - responsibilities.** (1) The department shall:

(cc) Develop procedures for the submission of facility management plans and updates pursuant to section 24-30-1303.5 (3.5); AND

(dd) Review facility management plans and updates submitted pursuant to section 24-30-1303.5 (3.5) and submit a report regarding such plans and updates to the office of state planning and budgeting and the capital development committee. ~~and~~

(ee) ~~Negotiate and execute property sale agreements and lease-purchase~~

~~agreements pursuant to part 11 of article 82 of this title.~~

**SECTION 76.** 24-32-2226 (1), Colorado Revised Statutes, is amended to read:

**24-32-2226. Qualified volunteers - leave of absence - private employees.**

(1) Any qualified volunteer who is employed by a private employer ~~or by the state or any political subdivision, municipal corporation, or other public agency of the state~~ and who is called into service by a volunteer organization for a disaster is entitled to a leave of absence from the qualified volunteer's employment, other than employment of a temporary nature, for the time when the qualified volunteer is serving. The leave allowed for a qualified volunteer pursuant to this section shall not exceed a total of fifteen work days in any calendar year, and the leave shall be allowed only if the volunteer is called into service for a disaster and provides proof that he or she is a qualified volunteer pursuant to section 24-32-2224 (2).

**SECTION 77.** 24-38.7-103 (2) (b) and (3) (a), Colorado Revised Statutes, are amended to read:

**24-38.7-103. Governor's energy office - powers and duties - program - fund created.**

(2) (b) The program fund and the accounts of the program fund shall consist of such moneys as the general assembly may appropriate thereto from the clean energy fund created in section ~~27-75-1201 (1)~~ 24-75-1201 (1), C.R.S., and any gifts, grants, or donations that may be made to the program fund. In accordance with section 24-36-113 (1) (a), which requires the state treasurer, in making investments, to use prudence and care to preserve the principal and to secure the maximum rate of interest consistent with safety and liquidity, if the general assembly chooses not to appropriate moneys to the program fund or to the accounts of the program fund, nothing in this article shall be deemed to require the state treasurer to credit any moneys to the program fund or the accounts of the program fund. All interest and income earned on the deposit and investment of moneys in the program fund and the accounts of the program fund shall be used for the loan buy-down account and the loan loss reserve account. Moneys in the loan buy-down account and loan loss reserve account of the program fund shall remain in the accounts and shall not be transferred to the general fund or any other fund at the end of any fiscal year.

(3) (a) All moneys in the program fund are continuously appropriated to the office, and the office shall make payments from the loan buy-down account of the program fund to participating public lenders and private lenders to compensate the lenders for the reduction in the amount of future interest payments resulting from the provision of clean energy loans to first tier and second tier qualified borrowers at the below-market interest rates ~~specified in~~ DETERMINED PURSUANT TO section ~~24-38.7-104 (2) (a) (I) and (2) (a) (II)~~ 24-38.7-104 (2). The office shall pay the compensation for each clean energy loan by paying to the lender a lump sum equal to the present value of the reduction in future interest payments on the date the loan closes.

**SECTION 78. Repeal.** 24-72-100.1, Colorado Revised Statutes, is repealed as follows:

**24-72-100.1. Short title.** ~~This article shall be known and may be cited as the~~

~~"Colorado Open Records Act" or "CORA".~~

**SECTION 79.** Part 2 of article 72 of title 24, Colorado Revised Statutes, is amended by THE ADDITION OF A NEW SECTION to read:

**24-72-200.1. Short title.** PART 2 OF THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "COLORADO OPEN RECORDS ACT" OR "CORA".

**SECTION 80.** 24-72-502 (1) (c), Colorado Revised Statutes, is amended to read:

**24-72-502. Creation of a privacy policy for governmental entities.** (1) Each governmental entity of the state shall create a privacy policy for the purpose of standardizing within such governmental entity the collection, storage, transfer, and use of personally identifiable information by such governmental entity. The policy of each governmental entity shall address, but shall not be limited to, the following:

(c) Clear notice of the applicability of the ~~state open records act~~ "COLORADO OPEN RECORDS ACT" pursuant to part 2 of this article;

**SECTION 81.** 25-1-311 (3), Colorado Revised Statutes, is amended to read:

**25-1-311. Involuntary commitment of alcoholics.** (3) At the hearing the court shall hear all relevant testimony, including, if possible, the testimony of at least one licensed physician OR ADVANCED PRACTICE NURSE who has examined the person whose commitment is sought. The person shall be present unless the court believes that the person's presence is likely to be injurious to the person; in this event, the court shall appoint a guardian ad litem to represent the person throughout the proceeding. If the person has refused to be examined by a licensed physician or advanced practice nurse he or she shall be given an opportunity to be examined by a court-appointed licensed physician or advanced practice nurse. If the person refuses and there is sufficient evidence to believe that the allegations of the petition are true or if the court believes that more medical evidence is necessary, the court may commit the person to a licensed hospital for a period of not more than five days for a diagnostic examination. In such event, the court shall schedule a further hearing for final determination of commitment, in no event later than five days after the first hearing.

**SECTION 82.** 25-1-512 (2), Colorado Revised Statutes, is amended to read:

**25-1-512. Allocation of moneys - public health services support fund - created.** (2) The public health services support fund is hereby created in the state treasury and shall be known in this section as the "fund". The principal of the fund shall consist of tobacco litigation settlement moneys transferred by the state treasurer to the fund pursuant to section 24-75-1104.5 (1.5) (a) (IV), C.R.S., and shall, subject to annual appropriation by the general assembly to the state department, be allocated by the state department to all agencies authorized pursuant to this part 5 as specified in subsection (1) of this section; except that, at the end of the 2007-08 fiscal year and at the end of each fiscal year thereafter, all unexpended and unencumbered principal of the fund shall be transferred to the short-term innovative health program grant fund created in section 25-36-101 (2) in accordance with section 24-75-1104.5 (1.5) (b), C.R.S. Interest and income earned on the

deposit and investment of moneys in the public health services ~~per capita~~ support fund shall be credited to the fund and shall remain in the fund until the end of the fiscal year in which credited, when it shall be transferred to the short-term innovative health program grant fund created in section 25-36-101 (2) in accordance with section 24-75-1104.5 (1.5) (b), C.R.S.

**SECTION 83.** 25-1-518 (1), Colorado Revised Statutes, is amended to read:

**25-1-518. Nuisances.** (1) **Removal of nuisances.** The county or district board of health shall examine all nuisances, sources of filth, and causes of sickness, which, in its opinion, may be injurious to the health of the inhabitants, within its town, city, county, CITY AND county, or district, and it shall destroy, remove, or prevent the nuisance, source of filth, or cause of sickness, as the case may require.

**SECTION 84.** 25-3-102.1 (1), Colorado Revised Statutes, is amended to read:

**25-3-102.1. Deemed status for certain facilities.** (1) In the licensing of an ambulatory surgical center following the issuance of initial licensure by the department, the voluntary submission of satisfactory evidence that the applicant is accredited by the joint commission, the American association for ACCREDITATION OF ambulatory ~~health care~~ SURGERY FACILITIES, INC., the accreditation association for ambulatory health care, the American osteopathic association, or any successor entities shall be deemed to meet certain requirements for license renewal so long as the standards for accreditation applied by the accrediting organization are at least as stringent as the licensure requirements otherwise specified by the department. Upon submission of a completed application for license renewal, the department shall accept proof of the accreditation in lieu of licensing inspections or other requirements. Nothing in this section shall be construed to exempt an accredited ambulatory surgical center from inspections or from other forms of oversight by the department as necessary to ensure public health and safety.

**SECTION 85.** 25-3.5-803 (1), Colorado Revised Statutes, is amended to read:

**25-3.5-803. Definitions.** As used in this part 8, unless the context otherwise requires:

(1) "Division" means the ~~emergency medical services and prevention~~ division within the department of public health and environment RESPONSIBLE FOR PREVENTION SERVICES.

**SECTION 86.** 25-3.5-804 (1), Colorado Revised Statutes, is amended to read:

**25-3.5-804. Tobacco education, prevention, and cessation programs - review committee - grants.** (1) There is hereby created the tobacco education, prevention, and cessation grant program to provide funding for community-based and statewide tobacco education programs designed to reduce initiation of tobacco use by children and youth, promote cessation of tobacco use among youth and adults, and reduce exposure to secondhand smoke. Any such tobacco programs may be presented in combination with other substance abuse programs. The program shall be administered by the ~~emergency medical services and prevention~~ division within the department and coordinated with efforts pursuant to part 5 of article 35 of title 24,

C.R.S. The state board shall award grants to selected entities from moneys appropriated to the department from the tobacco education programs fund created in section 24-22-117, C.R.S.

**SECTION 87.** 25-7-209 (1) (a) and (1) (b), Colorado Revised Statutes, are amended to read:

**25-7-209. Colorado designated pristine areas for sulfur dioxide.** (1) In the following areas which were designated Colorado category I for sulfur dioxide by the commission on October 27, 1977, the increase allowed in sulfur dioxide concentrations over the baseline concentration shall be the same as the increase established by section 163(b) of the federal act for Class I areas:

(a) National parks:

(I) Rocky mountain;

(II) Mesa Verde;

(III) GREAT SAND DUNES;

(IV) BLACK CANYON OF THE GUNNISON;

(b) National monuments:

(I) Florissant fossil beds;

(II) ~~Great sand dunes;~~

(III) Colorado;

(IV) Dinosaur;

(V) ~~Black canyon of the Gunnison;~~

**SECTION 88.** 25-8-609 (2), Colorado Revised Statutes, is amended to read:

**25-8-609. Criminal pollution - penalties.** (2) Prosecution under ~~paragraphs (a)~~ and ~~(d)~~ PARAGRAPH (a) of subsection (1) of this section shall be commenced only upon complaint filed by the division.

**SECTION 89.** 25-16-104.5 (3.7) (a) (II) and (3.9) (a) (II), Colorado Revised Statutes, are amended to read:

**25-16-104.5. Solid waste user fee - imposed - rate - direction - legislative declaration - repeal.** (3.7) (a) Subject to the provisions of subsection (1.5) of this section, in addition to any other user fee imposed by this section, on or after July 1, 2007, there is hereby imposed a user fee to be applied to reimburse the department for the department's appropriation for solid waste management. The fee shall be collected by the operator of an attended solid waste disposal site at the time of disposal and shall be imposed and passed through to waste producers and other

persons disposing of waste at the following rate or at an equivalent rate established by the department:

(II) Two cents per load transported by a truck, as defined in section ~~42-1-102 (8)~~ 42-1-102 (108), C.R.S., that is commonly used for the noncommercial transport of persons and property over public highways; and

(3.9) (a) Subject to the provisions of subsection (1.5) of this section, in addition to any other user fee imposed by this section, on or after July 1, 2007, there is hereby imposed a user fee to be imposed to fund the recycling resources economic opportunity program created in section 25-16.5-106.7. Such fee shall be collected by the operator of an attended solid waste disposal site at the time of disposal and shall be imposed and passed through to waste producers and other persons disposing of waste at the following rate or at an equivalent rate established by the department:

(II) Four cents per load transported by a truck, as defined in section ~~42-1-102 (8)~~ 42-1-102 (108), C.R.S., that is commonly used for the noncommercial transport of persons and property over the public highways; and

**SECTION 90.** The introductory portion to 25-17-202 (3) (b) and 25-17-202 (3) (b) (I), Colorado Revised Statutes, are amended to read:

**25-17-202. Waste tire recycling development fee - cash fund created - definition - repeal.** (3) (b) On and after July 1, 2000, the remaining moneys in the WASTE TIRE RECYCLING DEVELOPMENT CASH fund shall be subject to annual appropriation or transfer by the general assembly as follows:

(I) (A) Of the new revenues deposited in the WASTE TIRE RECYCLING DEVELOPMENT CASH fund each fiscal year, no more than two-thirds shall be appropriated to the department of local affairs for allocation to the division of local government for the purposes described in section 24-32-114, C.R.S.

(B) Any moneys in the WASTE TIRE RECYCLING DEVELOPMENT CASH fund not expended or encumbered from any appropriation at the end of any fiscal year shall remain available for expenditure in the next fiscal year without further appropriation.

**SECTION 91.** 25-21.5-104 (3), Colorado Revised Statutes, is amended to read:

**25-21.5-104. Dental assistance program for children - rules.** (3) The department shall administer the program through recruitment of qualified providers, including dental hygienists. The department shall contract with appropriate providers, provider networks, or dental plans to provide services and shall determine appropriate payment mechanisms. The department shall collaborate with other state or private entities that determine income eligibility ~~which may include the administrator for the children's health plan, article 17 of title 26, C.R.S.,~~ to determine the income eligibility of children applying for the dental assistance program.

**SECTION 92.** 25-27-107 (1.5) (b) and (4), Colorado Revised Statutes, are amended to read:

**25-27-107. License fees - rules.** (1.5) (b) Prior to setting a fee by rule pursuant to this subsection (1.5), the ~~division~~ DEPARTMENT shall hold public stakeholder meetings on behalf of the STATE board to discuss issues pertaining to setting fees, including, without limitation, a phased-in fee schedule based upon expected licensing program costs, maximum yearly fee increases, risk-based assessments, and technical assistance that may be met by or in collaboration with the private sector.

(4) Fees collected pursuant to paragraphs (b) to (d) of subsection (1), AS IT EXISTED PRIOR TO JANUARY 1, 2009, AND SUBSECTION (1.5) of this section shall be used by the department, in addition to regulatory and administrative functions, to provide technical assistance and education to assisted living residences related to compliance with Colorado law. The department may contract with private entities to assist the department in providing such technical assistance and education.

**SECTION 93.** 25-38-106 (2) (a) (IV), Colorado Revised Statutes, is amended to read:

**25-38-106. Notice of use or change of designation required - appeal process.** (2) (a) Any health care entity providing designations of physicians shall establish procedures for the designated physician to appeal the designation, including a change in designation or a declination to award a designation in an existing program of designation. Such procedures, in addition to the written notice provided for in subsection (1) of this section, shall provide for the following:

(IV) An opportunity to submit or have considered corrected data relevant to the designation decision and to have considered the applicability of the methodology used in the designation decision. If requested by the designated physician, such opportunity may be afforded by the health care entity in a face-to-face meeting with those responsible for the appeal decision at a location reasonably convenient to the physician or by teleconference. All data submitted to the entity by a designated physician shall be presumed valid and accurate. However, this presumption shall not be construed to permit a health care entity to unreasonably withhold consideration of corrected or supplemented data pursuant to ~~section 25-38-106 (2) (a) (IV)~~ THIS SUBPARAGRAPH (IV).

**SECTION 94.** 25-42-103 (1) (c), Colorado Revised Statutes, is amended to read:

**25-42-103. Grant of taxing authority.** (1) (c) The sales tax imposed pursuant to paragraph (a) of this subsection (1) shall be in addition to any other sales or use tax imposed pursuant to law. ~~and is exempt from the limitation imposed by section 29-2-108 (1), C.R.S.~~

**SECTION 95.** 25.5-2.5-104 (4), Colorado Revised Statutes, is amended to read:

**25.5-2.5-104. Program - rules - repeal.** (4) To participate in the program, an eligible person shall submit an application to the state department on a form approved by the state board by rule and pay a registration fee in an amount established by the state board by rule to cover the administrative costs of the program. The registration fee established by the state board shall not exceed twenty dollars and shall be deposited into the Colorado Cares Rx program CASH fund established pursuant to section 25.5-2.5-105. The state department shall issue to an

eligible person who submits an application and pays the required registration fee a program card indicating the person's eligibility for the program.

**SECTION 96.** 25.5-4-205 (3) (b) (I) (C) and (3) (b) (I) (D), Colorado Revised Statutes, are amended, and the said 25.5-4-205 (3) (b) is further amended BY THE ADDITION OF A NEW SUBPARAGRAPH, to read:

**25.5-4-205. Application - verification of eligibility - demonstration project - rules - repeal.** (3) (b) (I) The state department shall promulgate rules that:

(C) ~~If it is determined that a recipient was not eligible for medical benefits solely based upon the recipient's income after the recipient had been determined to be eligible based upon the records of the division of employment and training or the income, eligibility, and verification system, the state department shall not pursue recovery from a county department for the cost of medical services provided to the recipient, and the county department shall not be responsible for any federal error rate sanctions resulting from such determination.~~

(D) ~~Notwithstanding any other provision in this paragraph (b), for applications that contain self-employment income, the state department shall not implement this paragraph (b) until it can verify self-employment income through the income, eligibility, and verification system or other verification as authorized by rules of the state department and federal law.~~

(I.5) (A) IF IT IS DETERMINED THAT A RECIPIENT WAS NOT ELIGIBLE FOR MEDICAL BENEFITS SOLELY BASED UPON THE RECIPIENT'S INCOME AFTER THE RECIPIENT HAD BEEN DETERMINED TO BE ELIGIBLE BASED UPON THE RECORDS OF THE DIVISION OF EMPLOYMENT AND TRAINING OR THE INCOME, ELIGIBILITY, AND VERIFICATION SYSTEM, THE STATE DEPARTMENT SHALL NOT PURSUE RECOVERY FROM A COUNTY DEPARTMENT FOR THE COST OF MEDICAL SERVICES PROVIDED TO THE RECIPIENT, AND THE COUNTY DEPARTMENT SHALL NOT BE RESPONSIBLE FOR ANY FEDERAL ERROR RATE SANCTIONS RESULTING FROM SUCH DETERMINATION.

(B) NOTWITHSTANDING ANY OTHER PROVISION IN THIS PARAGRAPH (b), FOR APPLICATIONS THAT CONTAIN SELF-EMPLOYMENT INCOME, THE STATE DEPARTMENT SHALL NOT IMPLEMENT THIS PARAGRAPH (b) UNTIL IT CAN VERIFY SELF-EMPLOYMENT INCOME THROUGH THE INCOME, ELIGIBILITY, AND VERIFICATION SYSTEM OR OTHER VERIFICATION AS AUTHORIZED BY RULES OF THE STATE DEPARTMENT AND FEDERAL LAW.

**SECTION 97.** The introductory portions to 25.5-4-306 (1) (b) and (1) (c) and 25.5-4-306 (4), Colorado Revised Statutes, are amended to read:

**25.5-4-306. Restitution - civil penalties.** (1) (b) Upon finding that such person has intentionally violated the provisions of ~~this section or section 25.5-4-304 or 25.5-4-306~~ SECTION 25.5-4-305, the court shall order such person to pay to the state department:

(c) Upon finding that such person has, with reckless disregard, violated the provisions of ~~this section or section 25.5-4-304 or 25.5-4-306~~ SECTION 25.5-4-305, the court shall order such person to pay to the state department:

(4) The cause of action, penalties, and remedies provided by this section and ~~sections 25.5-4-304 and 25.5-4-306~~ SECTION 25.5-5-305 are not exclusive but are in addition to any other available civil, criminal, or administrative action, penalty, or remedy; except that, if a penalty is also available under federal law, the penalty under this section and ~~sections 25.5-4-304 and 25.5-4-306~~ and the federal law shall not be imposed upon the same dollar of overpayment. Any penalty under federal law shall apply to the federal portion of the overpayment, and the penalty under this section and ~~sections 25.5-4-304 and 25.5-4-306~~ shall apply to the state portion of the overpayment.

**SECTION 98.** 25.5-6-203 (1) (c) (I), Colorado Revised Statutes, is amended to read:

**25.5-6-203. Nursing facilities - provider fees - federal waiver - fund created - rules.** (1) (c) In accordance with the redistributive method set forth in 42 CFR 433.68 (e) (1) and (e) (2), the state department shall seek a waiver from the broad-based provider fees requirement or the uniform provider fees requirement, or both, to exclude nursing facility providers from the provider fee. The state department shall exempt the following nursing facility providers to obtain federal approval and minimize the financial impact on nursing facility providers:

(I) A facility operated as a continuing care retirement community that provides a continuum of services by one operational entity providing independent living services OR assisted living ~~services-residences~~ RESIDENCE SERVICES, as defined in section 25-27-102 (1.3), C.R.S., or that provides assisted living services on-site, twenty-four hours per day, seven days per week, and skilled nursing care on a single, contiguous campus;

**SECTION 99.** 25.5-6-1002 (4), Colorado Revised Statutes, is amended to read:

**25.5-6-1002. Definitions.** As used in this part 10, unless the context otherwise requires:

(4) "Person with a disability" means a person who meets the definition of disability set forth in Title I of the federal "Americans with Disabilities Act of 1990", 42 U.S.C. 12101 through 12213 ~~sec. 1630.2 (g)~~ AND 29 CFR 1630.2 (g).

**SECTION 100.** 26-6-102 (1.5), Colorado Revised Statutes, is amended to read:

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

(1.5) "Child care center" means a facility, by whatever name known, that is maintained for the whole or part of a day for the care of five or more children who are eighteen years of age or younger and who are not related to the owner, operator, or manager thereof, whether the facility is operated with or without compensation for such care and with or without stated educational purposes. The term includes, but is not limited to, facilities commonly known as day care centers, school-age child care centers, before and after school programs, nursery schools, kindergartens, preschools, day camps, summer camps, and centers for developmentally disabled children and those facilities that give twenty-four-hour care for children and

includes those facilities for children under the age of six years with stated educational purposes operated in conjunction with a public, private, or parochial college or a private or parochial school; except that the term shall not apply to any kindergarten maintained in connection with a public, private, or parochial elementary school system of at least six grades or operated as a component of a school district's preschool ~~and kindergarten~~ program operated pursuant to article 28 of title 22, C.R.S. The term shall not include any facility licensed as a family child care home, a foster care home, or a specialized group facility that is licensed to provide care for three or more children pursuant to subsection (10) of this section, but that is providing care for three or fewer children who are determined to have a developmental disability by a community centered board or who are diagnosed with a serious emotional disturbance.

**SECTION 101.** 26-6.5-103 (3), Colorado Revised Statutes, is amended to read:

**26-6.5-103. Early childhood councils - established - rules.** (3) For new councils or for existing councils or partnerships that decide to reconfigure under this article, the board or boards of county commissioners shall designate a convening entity, which may include but is not limited to a local resource and referral agency, a county department of human services or social services, a local school district, a department of public health, or a Colorado preschool ~~and kindergarten~~ program council. The convening entity may convene a council either as part of a single county or as part of a multi-county regional network.

**SECTION 102.** 26-6.5-103.5 (3) (b) (II), Colorado Revised Statutes, is amended to read:

**26-6.5-103.5. Early childhood councils - membership.** (3) (b) Early childhood council membership shall include representatives from the public and private stakeholders from early care and education, family support, health, and mental health programs who reflect local needs and cultural diversity. The membership of each early childhood council shall also represent the geographic diversity within the county or counties involved in the council. Each council shall include a minimum of ten members with representation from each of the following stakeholder groups within the council's service area:

(II) Early care and education, including but not limited to licensed and legally exempt child care providers, head start grantees, and district preschool ~~and kindergarten~~ programs operating pursuant to article 28 of title 22, C.R.S.;

**SECTION 103.** The introductory portion to 26-6.5-106 (3.5) (a) (I) and 26-6.5-106 (3.5) (a) (II) (C), Colorado Revised Statutes, are amended to read:

**26-6.5-106. School-readiness quality improvement program.** (3.5) **Early childhood care and education councils.** (a) (I) Communities throughout the state that do not have a pilot site agency may identify an existing entity or establish a new entity to serve as the early childhood care and education council to work toward the development and implementation of a comprehensive early childhood system to ensure the school readiness of young children in the community. A community may identify an existing entity, such as a consolidated child care pilot site agency or an interagency coordinating council or a district preschool ~~and kindergarten~~ program

advisory council, to serve as its early childhood care and education council, or it may establish a new council. To the extent it is practical, early childhood care and education councils shall be representative of the various public and private stakeholders in the community, as specified in this subsection (3.5), who are committed to supporting the preparedness of young children for school. Such stakeholders shall include:

(II) In addition, each early childhood care and education council may include, but is not limited to, representation from any combination of the following:

(C) The Colorado preschool ~~and kindergarten~~ program established in article 28 of title 22, C.R.S.;

**SECTION 104.** 29-4-203 (5) and (6), Colorado Revised Statutes, are amended to read:

**29-4-203. Definitions.** As used in this part 2, unless the context otherwise requires:

(5) ~~"Contract" means any agreement of an authority with or for the benefit of an obligee, whether contained in a resolution, trust indenture, mortgage, lease, bond, or other instrument~~ "COMMUNITY FACILITIES" MEANS REAL AND PERSONAL PROPERTY, BUILDINGS AND EQUIPMENT FOR RECREATIONAL OR SOCIAL ASSEMBLIES AND FOR EDUCATIONAL, HEALTH, OR WELFARE PURPOSES, AND NECESSARY UTILITIES WHEN DESIGNED PRIMARILY FOR THE BENEFIT AND USE OF THE OCCUPANTS OF THE DWELLING ACCOMMODATIONS.

(6) ~~"Community facilities" means real and personal property, buildings and equipment for recreational or social assemblies and for educational, health, or welfare purposes, and necessary utilities when designed primarily for the benefit and use of the occupants of the dwelling accommodations~~ "CONTRACT" MEANS ANY AGREEMENT OF AN AUTHORITY WITH OR FOR THE BENEFIT OF AN OBLIGEE, WHETHER CONTAINED IN A RESOLUTION, TRUST INDENTURE, MORTGAGE, LEASE, BOND, OR OTHER INSTRUMENT.

**SECTION 105.** 29-4-705, Colorado Revised Statutes, is amended to read:

**29-4-705. Records of board.** All resolutions and orders shall be recorded and authenticated by the signature of the secretary or any assistant secretary of the board. Every legislative act of the board of a general or permanent nature shall be by resolution. The book of resolutions, corporate acts, and orders shall be a public record. A public record shall also be made of all other proceedings of the board, minutes of the meetings, annual reports, certificates, contracts, and bonds given by officers, employees, and any other agents of the authority. The account of all moneys received by and disbursed on behalf of the authority shall also be a public record. All public records of the authority shall be subject to the "Colorado Open Records Act", PART 2 OF article 72 of title 24, C.R.S. All records shall be subject to the uniform budget and audit laws and shall be subject to regular audit as provided therein.

**SECTION 106.** 31-2-206 (2), Colorado Revised Statutes, is amended to read:

**31-2-206. Charter commission.** (2) If the petition or ordinance initiating home rule proceedings pursuant to section 31-2-204 (1) or initiating proceedings for forming a new charter commission pursuant to section 31-2-210 (2) specifies that the members of the charter commission shall be elected by and from single- or multi-member districts or by a combination of such districts and at-large representation, the governing body, prior to publishing the notice provided for in section 31-2-204 (2) or ~~31-2-210 (3)~~ 31-2-210 (4), shall divide the municipality into compact districts of approximately equal population. In such event the members of said charter commission shall be elected by and from districts, or partly by and from districts and partly at large, as specified in said petition or ordinance.

**SECTION 107.** 31-10-102 (3), Colorado Revised Statutes, is amended to read:

**31-10-102. Definitions.** As used in this article, unless the context otherwise requires:

(3) "Electronic voting system" means any ballot card electronic voting system meeting the requirements set forth in section ~~1-5-608~~ 1-5-615, C.R.S.

**SECTION 108.** 31-25-802 (6.4), (6.6), (6.8), and (7), Colorado Revised Statutes, are amended to read:

**31-25-802. Definitions.** As used in this part 8, unless the context otherwise requires:

(6.4) ~~"Plan of development" means a plan, as it exists from time to time, for the development or redevelopment of a downtown development area, including all properly approved amendments thereto~~ "PLANNING BOARD" MEANS THE AGENCY DESIGNATED BY THE GOVERNING BODY OF THE MUNICIPALITY WHICH IS CHIEFLY RESPONSIBLE FOR PLANNING IN THE MUNICIPALITY; AND, IF NO SEPARATE AGENCY EXISTS, "PLANNING BOARD" MEANS THE GOVERNING BODY OF THE MUNICIPALITY.

(6.6) ~~"Plan of development area" means an area in the central business district which the board and the governing body designate as appropriate for a development project~~ "PLAN OF DEVELOPMENT" MEANS A PLAN, AS IT EXISTS FROM TIME TO TIME, FOR THE DEVELOPMENT OR REDEVELOPMENT OF A DOWNTOWN DEVELOPMENT AREA, INCLUDING ALL PROPERLY APPROVED AMENDMENTS THERETO.

(6.8) ~~"Public body" means the state of Colorado or any municipality, quasi-municipal corporation, board, commission, authority, or other political subdivision or public corporate body of the state~~ "PLAN OF DEVELOPMENT AREA" MEANS AN AREA IN THE CENTRAL BUSINESS DISTRICT WHICH THE BOARD AND THE GOVERNING BODY DESIGNATE AS APPROPRIATE FOR A DEVELOPMENT PROJECT.

(7) ~~"Planning board" means the agency designated by the governing body of the municipality which is chiefly responsible for planning in the municipality, and, if no separate agency exists, "planning board" means the governing body of the municipality~~ "PUBLIC BODY" MEANS THE STATE OF COLORADO OR ANY MUNICIPALITY, QUASI-MUNICIPAL CORPORATION, BOARD, COMMISSION, AUTHORITY, OR OTHER POLITICAL SUBDIVISION OR PUBLIC CORPORATE BODY OF THE STATE.

**SECTION 109.** 32-1-103 (20), Colorado Revised Statutes, is amended to read:

**32-1-103. Definitions.** As used in this article, unless the context otherwise requires:

(20) "Special district" means any quasi-municipal corporation and political subdivision organized or acting pursuant to the provisions of this article. "Special district" does not include any entity organized or acting pursuant to the provisions of article 8 of title 29, article 20 of title 30, article 25 of title 31, or articles 41 to ~~48~~ 50 of title 37, C.R.S.

**SECTION 110.** 32-7-103 (6), Colorado Revised Statutes, is amended to read:

**32-7-103. Definitions.** As used in this article, unless the context otherwise requires:

(6) "Local government" means a county, city and county, municipality, or special district organized pursuant to this title (~~except part 1 of article 5 and article 8~~) or pursuant to article 8 of title 29 or part 2 of article 20 of title 30, C.R.S.

**SECTION 111.** 34-32-113 (3), Colorado Revised Statutes, is amended to read:

**34-32-113. Prospecting notice - reclamation requirements - rules.** (3) All information provided to the board in a notice of intent to conduct prospecting or a modification of such a notice is a matter of public record subject to the ~~open records act~~ "COLORADO OPEN RECORDS ACT", part 2 of article 72 of title 24, C.R.S., including, in the case of a modification, the original notice of intent; except that information relating to the mineral deposit location, size, or nature and, as determined by the board, other information designated by the operator as proprietary or trade secrets or that would cause substantial harm to the competitive position of the operator shall be protected as confidential information by the board and shall not be a matter of public record in the absence of a written release from the operator or until a finding by the board that reclamation is satisfactory. Such information designated as exempt shall remain confidential until a final determination by the board. The board shall promulgate rules implementing this subsection (3) and shall consider information including the timing of the disclosure of the operator's identity.

**SECTION 112.** 35-60-110 (3), Colorado Revised Statutes, is amended to read:

**35-60-110. Enforcement - inspection - sampling - analysis.** (3) If the owner, or the owner's agent, of any building, structure, land, vehicle, or other premises or property described in subsection (1) of this section refuses to admit the commissioner to inspect such premises, property, or vehicle, the commissioner is authorized to obtain from the district or county court for the district or county in which such premises, property, or vehicle is located a warrant to enter and inspect such premises, property, or vehicle and to sample such feeds, feed ingredients, or raw agricultural commodities according to this section prior to entry, inspection, and sampling. The district and county courts of this state are empowered to issue such warrants upon a proper showing of the need for such entry, inspection, and sampling. Any information concerning any methods, records, formulations, or processes that are entitled to protection as trade secrets under the ~~public records act~~

"COLORADO OPEN RECORDS ACT", part 2 of article 72 of title 24, C.R.S., and that are obtained in the course of the inspection or sampling shall be kept confidential.

**SECTION 113.** 38-20-116 (2.5) (a) and the introductory portion to 38-20-116 (2.5) (b), Colorado Revised Statutes, are amended to read:

**38-20-116. Abandoned property - notice of sale - definitions.** (2.5) (a) The provisions of this ~~subsection~~ SUBSECTION (2.5) shall apply to abandoned motor vehicles at repair shops.

(b) For purposes of this ~~section~~ SUBSECTION (2.5), unless the context otherwise requires:

**SECTION 114.** 39-22-514 (6) (a) (I), Colorado Revised Statutes, is amended to read:

**39-22-514. Tax credit for qualified costs incurred in preservation of historic properties.** (6) (a) (I) ~~Except as otherwise provided in paragraph (b) of this subsection (6),~~ Any taxpayer who was given preliminary approval prior to January 1, 2020, pursuant to the provisions of subparagraph (I) of paragraph (a) of subsection (3) of this section; whose completion deadline as set forth in subparagraph (II) of paragraph (a) of subsection (3) and in subsection (5) of this section is subsequent to December 31, 2019; and who has not completed the qualified rehabilitation prior to January 1, 2020, shall, in order to qualify for the credit provided for in paragraph (a) of subsection (1) of this section, obtain a form from the reviewing entity verifying compliance with the provisions of subparagraph (I) of paragraph (a) of subsection (3) of this section and this subsection (6). If more than one of the taxpayers have complied with said provisions for the same qualified property, the reviewing entity shall issue such verification form to each such taxpayer, and such verification form shall specify the proportion of the amount of the tax credit allowed to such taxpayer as determined pursuant to subsection (4) of this section.

**SECTION 115.** 39-26-725 (1) (d), Colorado Revised Statutes, is amended to read:

**39-26-725. Sales related to a school - definitions.** (1) As used in this section, unless the context otherwise requires:

(d) "Student" means any person enrolled in a school as defined in paragraph ~~(b)~~ (c) of this subsection (1).

**SECTION 116.** 39-29-110 (1) (d) (II) (C), Colorado Revised Statutes, is amended to read:

**39-29-110. Local government severance tax fund - creation - administration - definitions.** (1) (d) (II) (C) In the case of failure of any party to submit the report required pursuant to sub-subparagraph (B) of subparagraph (I) of this paragraph (d) on or before the required date to the department of local affairs, a written notice shall be sent to the party by the department by first-class mail stating that the party has failed to submit a copy of the report required by ~~this sub-subparagraph (C)~~

SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (d) and informing the party of the penalty provision contained in this sub-subparagraph (C). If the party fails within forty-five days after receipt of the written notice to submit the required report, there shall be levied and collected a penalty for the failure in the amount of fifty dollars for each day, or portion thereof, during which the failure continues. Any moneys and interest collected under this sub-subparagraph (C) shall be added to the thirty percent of gross receipts from the local government severance tax fund distributed to counties or municipalities in the manner prescribed by paragraph (c) of this subsection (1). The notice required pursuant to this sub-subparagraph (C) shall be sent in accordance with the provisions of section 39-21-105.5, and the provisions of that section shall otherwise apply to the notice.

**SECTION 117.** 39-30-105 (5) (d) (II), Colorado Revised Statutes, is amended to read:

**39-30-105. Credit for new business facility employees - definitions.**

(5) (d) For purposes of this section, a taxpayer may only claim the new business facility employee credit for employees for whom:

(II) The taxpayer is the work-site employer, as defined in section ~~8-70-114(2)(a)~~ ~~(HH)~~ 8-70-114 (2) (a) (VII), C.R.S., and an employee leasing company, as defined in section ~~8-70-114(2)(a)~~ ~~(I)~~ 8-70-114 (2) (a) (V), C.R.S., as the employing unit for, or co-employer with, the taxpayer, withholds social security, medicare, and income taxes under the employee leasing company's own federal and state taxpayer identification numbers.

**SECTION 118.** 39-35-104 (6) (b), Colorado Revised Statutes, is amended to read:

**39-35-104. Aircraft manufacturer - credit for new employees.** (6) For purposes of this section, an aircraft manufacturer may only claim the new employee credit for employees for whom:

(b) The aircraft manufacturer is the work-site employer, as defined in section ~~8-70-114(2)(a)~~ ~~(HH)~~ 8-70-114 (2) (a) (VII), C.R.S., and an employee leasing company, as defined in section ~~8-70-114(2)(a)~~ ~~(I)~~ 8-70-114 (2) (a) (V), C.R.S., as the employing unit for, or co-employer with, the aircraft manufacturer, withholds social security, medicare, and income taxes under the employee leasing company's own federal and state taxpayer identification numbers.

**SECTION 119.** 40-2-110.5 (1) and (4), Colorado Revised Statutes, are amended to read:

**40-2-110.5. Annual fees - motor carriers - public utilities commission motor carrier fund - created.** (1) Every motor vehicle carrier that has been issued a certificate pursuant to section 40-10-104, every contract carrier by motor vehicle that has been issued a permit pursuant to section 40-11-103, every motor vehicle carrier that has been registered with the commission pursuant to section 40-10-120, every contract carrier by motor vehicle that has been registered with the commission pursuant to section 40-11-115, every towing carrier that has been issued a permit pursuant to section 40-13-103, every mover that has registered pursuant to section

40-14-103, and every motor vehicle carrier exempt from regulation as a public utility shall pay an annual identification fee, set administratively by the commission, for each motor vehicle such carrier owns, controls, operates, or manages. Fees shall be set based upon the appropriation made for the purposes specified in section 40-2-110 (2) (a) (I), subject to the approval of the executive director of the department of regulatory agencies, such that the revenue generated from all motor vehicle carrier fees approximates the direct and indirect costs of the commission in the supervision and regulation of motor carriers. Such fees shall be valid from January 1 to December 31 of each year and shall be valid only for those specific vehicles for which the fee has been paid.

(4) No such carriers shall use any motor vehicle for the transportation of persons or property for compensation on any public highway in this state unless the annual fees required by ~~subsections (1) and (2)~~ SUBSECTION (1) of this section have been paid. In lieu of the penalty provisions specified in section 40-7-105, every motor vehicle carrier who violates the provisions of this section is subject to the penalties set forth in section 40-10-113 and every contract carrier by motor vehicle who violates the provisions of this section is subject to the penalties set forth in section 40-11-111.

**SECTION 120.** 40-7-112 (1), Colorado Revised Statutes, is amended to read:

**40-7-112. Carriers subject to civil penalties.** (1) A person who operates as a motor vehicle carrier as defined in section 40-10-101 (4) (a); a contract carrier by motor vehicle as defined in section 40-11-101 (3); a towing carrier as defined in section 40-13-101 (3); a mover as defined in section 40-14-102 (9); a motor vehicle carrier exempt from regulation as a public utility as defined in section 40-16-101; ~~interstate carriers required to register under section 40-10-120 or 40-11-115;~~ or a motor carrier, motor private carrier, broker, freight forwarder, leasing company, or other person required to register under section 40-10.5-102 shall be subject to civil penalties as provided in this section and sections 40-7-113 to 40-7-116, which shall be paid and credited to the general fund, in addition to any other sanctions that may be imposed pursuant to law.

**SECTION 121.** 40-10-106, Colorado Revised Statutes, is amended to read:

**40-10-106. Transfer of certificate.** Any certificate of public convenience and necessity ~~or registration of interstate operating rights as described in section 40-10-120~~ or rights obtained under any such certificate ~~or registration~~ held, owned, or obtained by any motor vehicle carrier may be sold, assigned, leased, encumbered, or transferred as other property only upon authorization by the commission. Absent other facts, the fact that a motor vehicle carrier conducts operations with independent contractors shall not in and of itself constitute a lease or transfer of the certificate.

**SECTION 122.** 40-10-112 (1) and (2), Colorado Revised Statutes, are amended to read:

**40-10-112. Commission may revoke certificate or impose civil penalty.** (1) The commission, at any time, by order duly entered, after hearing upon notice to the holder of any certificate of public convenience and necessity ~~or any~~

registration by a motor vehicle carrier having registered under the provisions of ~~section 40-10-120~~ and when it is established to the satisfaction of the commission that such holder has violated any of the provisions of this article or violated or refused to observe any of the proper orders, rules, or regulations of the commission, may suspend, revoke, alter, or amend any such certificate ~~or registration~~ issued under the provisions of this article or may impose a civil penalty as provided in sections 40-7-112 to 40-7-116, but the holder of such certificate ~~or registration~~ shall have all the rights of hearing, review, and appeal as to such order or ruling of the commission as are now provided by articles 1 to 7 of this title. No appeal from or review of any order or ruling of the commission shall be construed to supersede or suspend such order or rulings unless upon order of the proper court.

~~(2) Notwithstanding the notice and hearing provisions of subsection (1) of this section, the commission may summarily revoke the registration of any carrier registered under section 40-10-120 for failure to maintain effective insurance or bond coverage and file evidence of the same in accordance with section 40-10-110 and rules adopted pursuant thereto.~~

**SECTION 123.** The introductory portion to 40-10.5-102 (1), Colorado Revised Statutes, is amended to read:

**40-10.5-102. Registration required - rules of commission.** (1) On and after the repeal of sections 40-10-120 and 40-11-115, WHICH OCCURRED ON SEPTEMBER 25, 2007, a motor carrier, motor private carrier, broker, freight forwarder, leasing company, or other person required to register with the United States department of transportation under the unified carrier registration system:

**SECTION 124.** 40-11-104, Colorado Revised Statutes, is amended to read:

**40-11-104. Permit may be sold or transferred.** Any permit ~~or registration of interstate operating rights as described in section 40-11-115~~ issued by the commission, or any rights obtained under such permit, held, owned, or obtained by any contract carrier by motor vehicle may be sold, assigned, leased, or encumbered only upon authorization by the commission. No existing permit shall be transferred unless the financial standing of the transferee is established to the satisfaction of the commission.

**SECTION 125.** 40-11-108 (1), Colorado Revised Statutes, is amended to read:

**40-11-108. Filing fees and issuance fees for permits.** (1) The commission shall collect from all contract carriers by motor vehicle the following fees: Filing fee for application for a permit in intrastate commerce, thirty-five dollars ~~filing fee for application to register interstate operating rights as set out in section 40-11-115, fifteen dollars;~~ AND filing fee for application to transfer or lease a permit authorizing intrastate commerce, thirty-five dollars. ~~filing fee for application to transfer a registration of interstate operating rights, five dollars.~~ In addition, the commission shall collect a fee of five dollars for issuing a permit. ~~or a registration in interstate commerce, or both.~~ All fees collected under this section shall be transmitted to the state treasurer, who shall credit the same to the public utilities commission motor carrier fund.

**SECTION 126.** 40-11-110 (1) and (2), Colorado Revised Statutes, are amended to read:

**40-11-110. Commission may take action against permit or impose civil penalty.** (1) The commission, at any time, upon complaint by any interested party or upon its own motion, by order duly entered, after hearing upon notice to the holder of any permit ~~or any registration by a contract carrier by motor vehicle having registered under the provisions of section 40-11-115,~~ issued under this article, and when it has been established to the satisfaction of the commission that such holder has violated any of the provisions of this article or any of the terms and conditions of such holder's permit, ~~or registration,~~ or has exceeded the authority granted by such permit, ~~or registration,~~ or has violated or refused to observe any of the proper orders OR rules ~~or regulations~~ of the commission, may revoke, suspend, alter, or amend any permit ~~or registration~~ issued under this article or may impose a civil penalty as provided in sections 40-7-112 to 40-7-116; and the holder of such permit ~~or registration~~ shall have all of the rights of hearing, review, and appeal as to such order or ruling of the commission as are now provided by articles 1 to 7 of this title. No appeal from or review of any order or ruling of the commission shall be construed so as to supersede or suspend such order or ruling except upon order of a proper court obtained for such purpose.

(2) ~~Notwithstanding the notice and hearing provisions of subsection (1) of this section, the commission may summarily revoke the registration of any carrier registered under section 40-11-115 for failure to maintain effective insurance or bond coverage and file evidence of the same in accordance with section 40-11-109 and rules adopted pursuant thereto.~~

**SECTION 127.** 42-6-121 (1), Colorado Revised Statutes, is amended to read:

**42-6-121. Filing of mortgage.** (1) The holder of a chattel mortgage on a motor vehicle desiring to secure the rights provided for in this part 1 and to have the existence of the mortgage and the fact of the filing of the mortgage for public record noted in the filing of the certificate of title to the encumbered motor vehicle shall present the signed original or signed duplicate of the mortgage or copy thereof certified by the holder of the mortgage or the holder's agent to be a true copy of the signed original mortgage and the certificate of title or application for certificate of title to the motor vehicle encumbered to the authorized agent of the director in the county or city and county in which the mortgagor of such motor vehicle resides or where the property is located. The filings may be MADE either with paper documents or electronically. The mortgage or refinancing of a loan secured by a mortgage shall state the name and address of the debtor; the name and address of the mortgagee or name of the mortgagee's assignee; the make, model, vehicle identification number, and color of the mortgaged vehicle; and the date and amount of the loan secured by the mortgage.

**SECTION 128.** 42-6-206 (6) (b), Colorado Revised Statutes, is amended to read:

**42-6-206. Disclosure requirements upon transfer of ownership of a salvage vehicle.** (6) As used in this section, unless the context otherwise requires:

(b) "Salvage vehicle" shall have the same meaning as set forth in section

~~42-6-102 (13)~~ 42-6-102 (17).

**SECTION 129.** 43-1-1104 (1), Colorado Revised Statutes, is amended to read:

**43-1-1104. Transportation advisory committee.** (1) A transportation advisory committee is hereby created. The committee is to be composed of one representative from each transportation planning region. If a regional planning commission has been formed in a transportation planning region, the chairman of such commission or the chairman's designee shall be the representative for such region on the ~~commission~~ COMMITTEE. If any transportation planning region has not formed a regional planning commission, then the representative shall be chosen by the boards of county commissioners of the counties contained in such region in consultation with officials of the municipalities contained in such region.

**SECTION 130.** 25.5-8-103 (4) (b), Colorado Revised Statutes, as amended by section 3 of Senate Bill 09-211, as it will become effective October 1, 2009, is amended to read:

**25.5-8-103. Definitions - repeal.** As used in this article, unless the context otherwise requires:

(4) "Eligible person" means:

(b) (I) A pregnant woman whose family income does not exceed two hundred ~~five~~ FIFTY percent of the federal poverty level, adjusted for family size, and who is not eligible for medicaid. ~~except that, subject to available appropriations, the department may increase the percentage of the federal poverty level for purposes of eligibility to up to two hundred fifty percent.~~

(II) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (b), IF THE MONEYS IN THE HOSPITAL PROVIDER FEE CASH FUND ESTABLISHED PURSUANT TO SECTION 25.5-4-402.3 (4), TOGETHER WITH THE CORRESPONDING FEDERAL MATCHING FUNDS, ARE INSUFFICIENT TO FULLY FUND ALL OF THE PURPOSES DESCRIBED IN SECTION 25.5-4-402.3 (4) (b), AFTER RECEIVING RECOMMENDATIONS FROM THE HOSPITAL PROVIDER FEE OVERSIGHT AND ADVISORY BOARD ESTABLISHED PURSUANT TO SECTION 25.5-4-402.3 (6), FOR PREGNANT WOMEN, THE STATE BOARD BY RULE ADOPTED PURSUANT TO THE PROVISIONS OF SECTION 25.5-4-402.3 (5) (b) (III) MAY REDUCE THE PERCENTAGE OF THE FEDERAL POVERTY LEVEL TO BELOW TWO HUNDRED FIFTY PERCENT, BUT THE PERCENTAGE SHALL NOT BE REDUCED TO BELOW TWO HUNDRED FIVE PERCENT.

(III) (A) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (b), UNTIL THE STATE DEPARTMENT RECEIVES AUTHORIZATION TO INCREASE THE PERCENTAGE OF THE FEDERAL POVERTY RATE FOR A PERSON WHO IS LESS THAN NINETEEN YEARS OF AGE, THE PERCENTAGE OF THE FEDERAL POVERTY LEVEL SHALL NOT EXCEED TWO HUNDRED FIVE PERCENT.

(B) WITHIN SIXTY DAYS AFTER THE STATE DEPARTMENT RECEIVES AUTHORIZATION TO INCREASE THE PERCENTAGE OF FEDERAL POVERTY LEVEL, THE EXECUTIVE DIRECTOR SHALL SEND WRITTEN NOTICE TO THE REVISOR OF STATUTES INFORMING HIM OR HER OF THE AUTHORIZATION.

(C) THIS SUBPARAGRAPH (III) IS REPEALED, EFFECTIVE THE JULY 1 FOLLOWING THE RECEIPT OF THE NOTICE TO THE REVISOR OF STATUTES.

**SECTION 131.** 26-1-305, Colorado Revised Statutes, as amended by section 4 of Senate Bill 09-005, is amended to read:

**26-1-305. Education about traumatic brain injury.** The board shall determine the percentage of moneys credited to the trust fund to be spent annually on education related to traumatic brain injuries; however, no less than five percent of the moneys ANNUALLY CREDITED TO the trust fund pursuant to sections 30-15-402 (3), 42-4-1301 (7) (d) (III), and 42-4-1701 (4) (e), C.R.S., shall be used to provide education related to increasing the understanding of traumatic brain injury.

**SECTION 132.** 38-38-109 (1) (c) (I) (C), Colorado Revised Statutes, as enacted by section 3 of Senate Bill 09-1276, is amended to read:

**38-38-109. Continuance of sale - effect of bankruptcy - withdrawal of sale.** (1) **Continuance.** (c) (I) (C) During a foreclosure deferment pursuant to part 8 of this article, any continuance ~~required~~ DESCRIBED by ~~sub-subparagraphs~~ SUB-SUBPARAGRAPH (A) ~~and (B)~~ of this subparagraph (I) shall run concurrently with the foreclosure deferment.

**SECTION 133.** 6-16-104 (6) (a), Colorado Revised Statutes, is amended to read:

**6-16-104. Charitable organizations - initial registration - annual filing - fees.** (6) The following shall not be required to file a registration statement:

(a) Persons that are exempt from filing a federal annual information return pursuant to 26 U.S.C. sec. 6033 ~~(a) (2) (A) (i), (a) (2) (A) (iii), or (a) (2) (C) (i) (a) (2), (3) (A) (I), (3) (A) (III), OR (3) (C) (i) or pursuant to 26 CFR 1.6033-2 (g) (1) (i) to (g) (1) (iv) or (g) (1) (vii);~~

**SECTION 134.** 39-8-104 (1) and (2) (a), Colorado Revised Statutes, are amended to read:

**39-8-104. Notice of meeting.** (1) Except as provided in subsection (2) of this section, prior to July 1 of each year, the county clerk and recorder shall give notice in at least one issue of a newspaper published in his or her county that beginning on July 1, the county board of equalization will sit in the ~~county courthouse~~ COUNTY'S REGULAR PUBLIC MEETING LOCATION OR OTHER APPROPRIATE PUBLIC MEETING PLACE to review the assessment roll of all taxable property located in the county, as prepared by the assessor, and to hear appeals from determinations of the assessor.

(2) (a) Prior to a date established by the county board of equalization, but no later than September 1, the county clerk and recorder in a county that has made an election pursuant to section 39-5-122.7 (1) shall give notice in at least one issue of a newspaper published in his or her county that beginning such date the county board of equalization will sit in the ~~county courthouse~~ COUNTY'S REGULAR PUBLIC MEETING LOCATION OR OTHER APPROPRIATE PUBLIC MEETING PLACE to review the assessment roll of all taxable property located in the county, as prepared by the assessor, and to hear appeals from determinations of the assessor.

**SECTION 135.** 39-8-105 (2), Colorado Revised Statutes, is amended to read:

**39-8-105. Reports of assessor.** (2) At a meeting of the board on OR BEFORE July 15, the assessor shall report the valuation of all taxable personal property in the county and shall note any valuations for assessment of portable or movable equipment which have been apportioned pursuant to the provisions of section 39-5-113. He shall submit a list of all persons in the county who have failed to return any schedules and shall report his action in each case. He shall also submit a list of persons who have appeared before him to present objections or protests and his action in each case.

**SECTION 136.** 24-33.5-223 (2) (b) (II) (B), Colorado Revised Statutes, is amended to read:

**24-33.5-223. State telecommunications network.** (2) (b) The facilities of the network shall be made available for the use of:

(II) Other local, state, and federal governmental entities or public safety related nonprofit organizations that directly support any agency described in subparagraph (I) of this paragraph (b) and that:

(B) Make donations, grants, bequests, and other contributions to the public SAFETY communications trust fund pursuant to ~~section 24-37.5-508 (2) (b)~~ SECTION 24-37.5-506 (2) (b).

**SECTION 137.** Section 66 (1) of House Bill 09-1026, is amended to read:

Section 66. Act subject to petition - effective date - applicability. (1) Sections 1, ~~26, 29, and 53~~ 27, 30, AND 60 of this act shall take effect July 1, 2010, and the remainder of this act shall take effect October 1, 2009.

**SECTION 138.** 1-8-111 (1), Colorado Revised Statutes, as amended by section 3 of the reengrossed version of House Bill 09-1337, is amended to read:

**1-8-111. Delivery of mail-in ballots and replacement mail-in ballots.** (1) The mail-in ballot and other materials shall be delivered or mailed to the elector within seventy-two hours after the receipt of the application, if the official ballots are then printed, or, if not then printed, within seventy-two hours after the printed ballots are delivered to the designated election official, but no sooner than twenty-two days before every odd-year, congressional vacancy, primary, and general election. If the mail-in ballot and other materials are mailed, the envelope shall be marked "DO NOT FORWARD" or by any other similar statement that is in accordance with United States postal service regulations. EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (1), nothing in this subsection (1) shall affect any provision of this code governing the delivery of mail or mail-in ballots to an absent uniformed services elector, nonresident overseas elector, or resident overseas elector covered by the federal "Uniformed and Overseas Citizens Absentee Voting Act", 42 U.S.C. sec. 1973ff ET SEQ.

**SECTION 139.** The introductory portions to 42-4-1412 (5) (a) and (5) (c) and 42-4-1412 (6), Colorado Revised Statutes, as amended by Senate Bill 09-148, are

amended to read:

**42-4-1412. Operation of bicycles and other human-powered vehicles.**

(5) (a) Any person operating a bicycle OR AN ELECTRICAL ASSISTED BICYCLE upon a roadway at less than the normal speed of traffic shall ride in the right-hand lane, subject to the following conditions:

(c) A person operating a bicycle OR AN ELECTRICAL ASSISTED BICYCLE upon a one-way roadway with two or more marked traffic lanes may ride as near to the left-hand curb or edge of such roadway as judged safe by the bicyclist, subject to the following conditions:

(6) (a) Persons riding bicycles OR ELECTRICAL ASSISTED BICYCLES upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

(b) Persons riding bicycles OR ELECTRICAL ASSISTED BICYCLES two abreast shall not impede the normal and reasonable movement of traffic and, on a laned roadway, shall ride within a single lane.

**SECTION 140. Act subject to petition - effective date.** (1) Except as otherwise provided in subsection (2) of this section, this act shall take effect August 5, 2009.

(2) (a) Section 43 of this act shall not take effect if Senate Bill 09-163 is enacted and becomes law.

(b) Section 69 of this act shall not take effect if either Senate Bill 09-290 or Senate Bill 09-295 is enacted and becomes law.

(c) Section 81 of this act shall not take effect if Senate Bill 09-239 is enacted and becomes law.

(d) Section 95 of this act shall not take effect if Senate Bill 09-132 is enacted and becomes law.

(e) Section 130 of this act shall only take effect if House Bill 09-1293 and Senate Bill 09-211 are enacted and become law.

(f) Section 132 of this act shall take effect January 1, 2010.

(g) Section 137 of this act shall take effect October 1, 2009.

(h) Section 138 of this act shall take effect only if both House Bill 09-1205 and House Bill 09-1337 are enacted and become law.

(i) Section 139 of this act shall take effect October 1, 2009, and shall take effect only if both House Bill 09-1026 and Senate Bill 09-148 are enacted and become law.

(3) However, if a referendum petition is filed against this act or an item, section,

or part of this act during the 90-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, then the act, item, section, or part, shall not take effect unless approved by the people at a biennial regular general election and shall take effect on the date specified in subsection (1) or on the date of the official declaration of the vote thereon by proclamation of the governor, whichever is later.

Approved: June 1, 2009

## APPENDIX FOR THE 2009 REVISOR'S BILL

C.R.S. Section	Section in bill	Reason
1-5-206 (1)(a)	1	Corrects an error originating in the first report of the first conference committee on HB08-1041. (See the 2008 Senate Journal for May 6, 2008, page 1486, and HB08-1401, chapter 391, page 1875.)
1-7-1003 (5)(b)	2	Corrects an internal reference to a provision of the federal "Voting Rights Act of 1965" due to an error originating in the introduced version of HB08-1378. (See HB08-1378, chapter 292, page 1250.)
2-3-1304 (1)(f)	3	Changes an internal reference to the public safety communications trust fund to correct an error originating in the introduced version of SB08-155. (See SB08-155, chapter 284, page 1129.)
5-3-107	4	Corrects a grammatical error originating in the introduced version of HB00-1185. (See HB00-1185, chapter 265, page 1217.)
8-15.5-105 (3)(a)	5	The federal "Comprehensive Employment Training Act of 1973" (CETA) was superceded by the federal "Workforce Investment Act of 1998" (WFIA) as codified in 29 U.S.C. 2801 et seq. (See Pub.L. 93-203 for the CETA and Pub.L. 105-220 for the WFIA of 1998.)
8-20.5-101 (13)(a)	6	Inserts "of Title II" after "subtitle C" to accurately reference the hazardous waste provisions located in subtitle C of Title II of the "Resource Conservation and Recovery Act of 1976".
8-76-103 (3)(a)(III)(H)	7	Subsection (3)(a)(III)(H) provided for the repeal of subsections (3)(a)(II)(A) to (3)(a)(II)(D) on January 1, 2005. Due to the repeal of these subsections, this provision is no longer necessary and is being repealed.
8-76-104 (8)	8	Section 8-70-114 was amended in SB08-114 resulting in the relocation of defined terms, including "employee leasing company". This

section was inadvertently missed as a conforming amendment. (See SB08-114, chapter 247, page 916.)

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| 10-1-133 (5.5) and (6)                  | 9  | Because the consumer insurance council is defined as council for part 1 of article 1 of title 10 in subsection (1) of this section, references following the definition in part 1 to the consumer insurance council are being changed to council.   |
| 10-2-103 (7.1), (7.3), (7.5), and (7.7) | 10 | The definitions are being placed in alphabetical order to follow standard drafting practices.   |
| 10-2-902 (4), (5), and (6)              | 11 | The definitions are being placed in alphabetical order to follow standard drafting practices.   |
| 10-3-803 (4.5)(c) and (4.5)(d)          | 12 | Corrects an error originating in the introduced version of HB08-1412 in which the "Colorado Open Records Act" was formally created in section 24-72-100.1 for the entire article. Inspecting, copying, or photographing public records is controlled by the provisions located in part 2 of article 72 of title 24; therefore, section 24-72-100.1 is being repealed in this bill and relocated to section 24-72-200.1 in this bill. This section is being amended as a conforming amendment. (See HB08-1412, chapter 392, page 1903.)  |
| 10-4-617 IP (1) and (2)                 | 13 | <ul style="list-style-type: none"> <li>• Section 10-4-726 provided for the repeal of part 7 of article 4 of title 10, eliminating no-fault motor vehicle insurance, often referred to as "PIP", effective July 1, 2003. As a conforming amendment, the internal reference to part 7 of article 4 of title 10 is being deleted. (See SB02-090, chapter 189, page 649.)</li> <li>• Corrects an error originating in the introduced version of SB08-060 in which the division of insurance was incorrectly referenced as the department of insurance. (See SB08-060, chapter 415, page 2098.)</li> </ul> |
| 10-4-634 (1)                            | 14 | Fixes an error in the senate business, labor, and technology committee report amending the introduced version of SB08-152 in which the definition of a massage therapist was incorrectly cited as section 12-48.3-103 (6) rather than section 12-35.5-103 (8). (See the 2008 Senate   |

Journal for March 4, page 454, and SB08-152, chapter 220, page 830.)

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| 10-4-635 (5)(d)  | 15 | Senate Bill 08-152 repealed the description of an occupational therapist and created the "Occupational Therapy Practice Act" during the same legislative session that this section was amended in SB08-011 resulting in the error. (See SB08-152, chapter 220, pages 816 and 829, and SB08-011, chapter 441, page 2261.)   |
| 10-16-104 (1.5), (6)(a), and (6.7)(a)                                    | 16 | Corrects an error originating in the introduced version of SB94-164 in which the federal "Employee Retirement Income Security Act of 1974" was referenced incorrectly. In addition, changes the name of the state department of social services to the state department of human services as a conforming amendment to HB93-1317, which restructured the health and human services provisions of the statutes. (See Pub.L. 93-406, 100 Stat. 829; Pub.L. 99-272, 100 Stat. 82; SB94-164, chapter 271, page 1591; and HB93-1317, chapter 230, page 1079.) |
| 10-16-105 IP (13)(a)(I), (13)(a)(I)(D), (13)(a)(I)(E), and (13)(a)(I)(F) | 17 | See the explanation for 8-76-104 (8).  |
| 10-16-106.7 (1)(a)   | 18 | See the explanation for 10-4-634 (1).  |
| 12-5.5-101 (3.5)(a)  | 19 | Corrects an error made in the house health and human services committee report to the reengrossed bill resulting in the redundancy of language. (See the 2007 House Journal for April 10, page 1157, and SB07-208, chapter 210, page 810.)   |
| 12-6-120.5 (2)(a)(II)  | 20 | Corrects an error made in a senate second reading floor amendment to the senate business, labor, and technology committee report to the introduced version of SB09-091 to parallel language in subsection (2)(a)(II) with subsection (2)(a)(I). (See the 2009 Senate Journal for February 20, page 429.)   |
| 12-6-511 (1)(b), (1)(c), (1)(d), and (2)                                 | 21 | To correct an error made in the house transportation and energy committee report to the introduced version of HB07-1081, amends subsections (1)(b) through (1)(d) to add   |

"vehicle" to reflect the defined terms set forth in section 12-6-502 (12), (13), and (14) and, in subsection (2), replaces "vehicle" with "dealers" to reflect the correct name of the fund established in section 12-6-123. (See the 2007 House Journal for March 21, page 891, and HB07-1081, chapter 405, page 1864.)

- 12-6-517 (1) 22 To correct an error made in the house transportation and energy committee report to the introduced version of HB07-1081, amends subsection (1) to add "vehicle" to reflect the defined term set forth in section 12-6-502 (15). (See the 2007 House Journal for March 21, page 895, and HB07-1081, chapter 405, page 1868.)
- 12-14-119 (2)(d)(IV) 23 Clarifies language originating in the introduced version of HB08-1240 concerning the information a collection agency is to provide to the administrator of the "Uniform Consumer Credit Code" in an application for a collection agency license. (See HB08-1240, chapter 371, page 1729.)
- 12-47-901 (1)(h)(IV) 24 Corrects an error in the house business affairs and labor committee report amending the introduced version of HB08-1105. (See the 2008 House Journal for January 25, page 144, and HB08-1105, chapter 336, page 1557.)
- 12-47.1-1602 (1)(e) 25 Due to the restructuring of the Emergency Medical Services and Prevention Division (EMSPD) in the Department of Public Health and Environment in 2000, references to the EMSPD are being removed and are being replaced with a description of the division that assumed the function addressed in the statutory section.
- 15-14-421 IP(6) and (6)(a)(I) 26 Corrects a grammatical error originating in the introduced version of HB00-1375. (See HB00-1375, chapter 368, page 1821.)
- 16-11.5-102 (9) 27 Senate Bill 07-114 repealed the revisor notifications in sections 18-1.3-201, 18-18-404, and 18-18-405 that required the joint budget committee director to notify the revisor of statutes if certain programs did not receive specified amounts of money out of the estimated savings generated by SB03-318. A similar notification in subsection (9) is being repealed.

(See SB07-114, chapter 383, page 1689, and SB03-318, chapter 424, page 2688.)

- 16-11.8-103 (7)(a) 28 A house second reading floor amendment to HB08-1232 changed the termination date in section 24-34-104 (48.5) for the domestic violence offender management board from July 1, 2017, to September 1, 2017. Since section 16-11.3-103 (7)(b) provides that this section shall be reviewed as provided in section 24-34-104, this conforming amendment in the introduced version of the bill should have been made. (See the 2008 House Journal for April 4, page 1127, and HB08-1232, chapter 370, page 1723.)
- 16-12-205 (6) 29 Due to an error originating in the senate judiciary committee report amending the reengrossed version of HB97-1225, the name of the alternate defense counsel was incorrectly referenced. (See the 1997 Senate Journal for April 29, page 1065, and HB97-1225, chapter 268, page 1576.)
- 16-13-701 (2) and (3) 30 See the explanation for 10-3-803 (4.5)(c) and (4.5)(d).
- 17-1-103 (1)(p) 31 See the explanation for 10-3-803 (4.5)(c) and (4.5)(d).
- 18-6-801 (1)(a) and (1)(b) 32 Rectifies errors originating in the introduced version of HB00-1263 by correcting the name of the domestic violence offender management board and fixing an internal reference authorizing evaluations and programs for domestic violence offenders. (See HB00-1263, chapter 215, page 913.)
- 18-19-104 (5) 33 See the explanation for 16-11.5-102 (9).
- 19-1-115 (4)(a) 34 Changes the internal reference because the section was relocated in HB96-1005. (See HB96-1005, chapter 283, page 1659.)
- 19-1-302 (1)(a) 35 See the explanation for 10-3-803 (4.5)(c) and (4.5)(d).
- 19-2-402 (3)(c)(II) 36 Changes references to the "Colorado preschool and kindergarten program" and "state preschool and kindergarten program" to the "Colorado preschool program" and "district or district's

preschool and kindergarten program" to "district or district's preschool program" pursuant to the authorization provided in section 42 of HB08-1388. (See HB08-1388, chapter 286, pages 1224 and 1227.)

- 19-2-1301 (2) 37 Although this section was included in the introduced version of HB08-1392, the house judiciary committee report added additional definitions in section 16-8.5-101, resulting in the renumbering of subsections, but neglected to make this conforming amendment. (See the 2008 House Journal for April 16, page 1394, and HB08-1392, chapter 389, page 1859.)
- 19-2-1302 (4)(c) 38 See the explanation for 19-2-1301 (2).
- 19-2-1304 (1) 39 See the explanation for 19-2-1301 (2).
- 22-2-106 IP(1)(a.5) 40 This section is amended to reflect the repeal of the state graduation guidelines development council established in section 22-7-414. (See HB07-1118, chapter 182, page 676.)
- 22-2-107 (1)(q) 41 House Bill 08-1204 directs the facilities school unit to develop and maintain a list of facility schools that are approved to receive reimbursement for education services provided to students who are placed in the facility. The bill repealed, as a conforming amendment, section 22-2-107 (1)(p), but overlooked the conforming amendment in this section. (See HB08-1204, chapter 311, pages 1380-1382.)
- 22-7-414 42 Repeals section 22-7-414, concerning the state graduation guidelines development council, due to the repeal of the council on July 1, 2008, by HB07-1118. (See HB07-1118, chapter 182, page 676.)
- 22-7-603.5 (4) 43 See the explanation for 19-2-402 (3)(c)(II).
- 22-28-101 44 See the explanation for 19-2-402 (3)(c)(II).
- 22-28-102 (2) 45 See the explanation for 19-2-402 (3)(c)(II).
- 22-28-103 (4) 46 See the explanation for 19-2-402 (3)(c)(II).
- 22-28-104 (1),  
(2)(a)(III), (2)(b), 47 See the explanation for 19-2-402 (3)(c)(II).

(2)(c), (3), (4), and (5)(a)		
22-28-105 (1)(a), (1)(b)(I), (1)(d), (2)(a), (2)(a.3), (2)(a.5), (2)(b), (2)(c), (2)(d), (2)(e), IP(2)(f), (2)(g), (2)(j), (2)(k), (2)(l), and (2)(m)	48	See the explanation for 19-2-402 (3)(c)(II).
22-28-106 IP(1)(a), (1)(a)(I), (1)(a)(II), and (1)(a)(III)	49	See the explanation for 19-2-402 (3)(c)(II).
22-28-107 (1)(a), (1)(c), (1)(d)(I), (1)(d)(II), IP(1)(e), (1)(e)(III), (1)(f), (1)(f.3), (1)(f.4), (1)(f.7), (1)(g), (1)(h), (1.4), IP(2), (2)(a), (2)(b), (2)(f), (3), (4)(a), (4)(b)(I), and (4)(b)(III)	50	See the explanation for 19-2-402 (3)(c)(II).
22-28-108 (1)(b)(I), (1.6), (2), (3), (4), (5), and (6)	51	See the explanation for 19-2-402 (3)(c)(II).
22-28-109 (1)(b), (1)(c), (1)(d), and (2)	52	See the explanation for 19-2-402 (3)(c)(II).
22-28-110	53	See the explanation for 19-2-402 (3)(c)(II).
22-28-111 (1)(a)	54	See the explanation for 19-2-402 (3)(c)(II).
22-28-111.5	55	See the explanation for 19-2-402 (3)(c)(II).
22-28-112	56	See the explanation for 19-2-402 (3)(c)(II).
22-30.5-112 (1)(a)	57	See the explanation for 19-2-402 (3)(c)(II).
22-30.5-112.1 (1)(k)(I)	58	Section 22-30.7-107 (1) included funding limitations in the school district's on-line pupil enrollment for the budget year 2007-08. Section 22-30.7-107 (1)(c) provided for the repeal of subsection (1), effective July 1, 2008. The language in section 22-30.5-112.1 (1)(k)(I) was dependent on the language set forth in section 22-30.7-101 (1) and is being repealed as

obsolete. (See SB07-215, chapter 270, page 1076.)

- 22-30.5-513 (1)(j)(I) 59 See the explanation for 22-30.5-112.1 (1)(k)(I).
- 22-32-115 (2)(a) 60 The language providing for the allocation of revenues for pupils attending schools in districts other than in districts of residence in section 22-54-109 (3) was repealed in HB08-1388, and this conforming amendment was overlooked. (See HB08-1388, chapter 286, page 1197.)
- 22-32-119.5 (2)(c)(II) 61 See the explanation for 19-2-402 (3)(c)(II).
- 22-32-138 (1)(c) 62 House Bill 08-1019 enacted section 22-32-138 during the same legislative session as the repeal of article 86 of title 22 in HB08-1388 and the creation of part 4 of article 2 of title 22 in HB08-1204. House Bill 08-1204 in effect replaces facility schools, previously in article 86 of title 22 and repealed in HB08-1388, with approved facility schools. Amends "a facility school as defined in section 22-86-102 (3)" to read "an approved facility school as defined in section 22-2-402 (1)". (See HB08-1019, chapter 147, page 468; HB08-1388, chapter 286, page 1228; and HB08-1204, chapter 311, page 1376.)
- 22-43.7-109 (9)(c)(IV) 63 Corrects the name of the program incorrectly referenced in the introduced and subsequent versions of HB08-1335. (See HB08-1335, chapter 276, page 1051.)
- 22-54-103 (1.5)(b)(II), (5.5), (8.5)(a)(I), and (14) 64 See the explanation for 19-2-402 (3)(c)(II) and 22-30.5-112.1 (1)(k)(I).
- 22-54-112 (2)(a) 65 See the explanation for 19-2-402 (3)(c)(II).
- 22-54-126 (1)(a) 66 See the explanation for 19-2-402 (3)(c)(II).
- 22-55-102 (8) and (10) 67 See the explanation for 19-2-402 (3)(c)(II).
- 22-60.5-108 (4) 68 Corrects an oversight in a house second reading floor amendment to the introduced version of the bill to conform the language in subsection (4) with similar provisions throughout the section. (See the 2008 House Journal for April 18, 2008, page 1446, and HB08-1344, chapter 434, page 2227.)

- 23-1-106 (8) and (9)(a) 69
- Clarifies that the general assembly's intent when passing SB08-018 was to remove the requirement that the Colorado commission on higher education review the lease prior to acquiring the property. (See SB08-018, chapter 316, page 1471.)
  - House Bill 07-1254 reorganized article 31 of title 23, moving section 23-31-129 to section 23-31-112. (See HB07-1254, chapter 141, page 527.)
- 23-2-103.3 (5)(b) 70
- A senate second reading floor amendment to the introduced bill moved the authorization for bible colleges and seminaries to do business in Colorado from subsection (4)(b) to (4)(c) but inadvertently failed to strike this language. A later senate floor amendment inserted a new subsection (4) resulting in the renumbering of the former subsection (4) to subsection (5). (See the 2008 Senate Journal for March 26, page 686, and March 28, page 718, and SB08-187, chapter 352, page 1647.)
- 23-19.7-104 71
- Corrects an error originating in the house education committee report amending the reengrossed bill. (See the 2007 House Journal for April 30, page 1586, and SB08-182, chapter 370, page 1602.)
- 23-31-311 (3)(c) 72
- Although this section was included in the senate agriculture, natural resources, and energy committee report to the introduced version of SB08-221, this conforming amendment was inadvertently missed when new subsections (2) and (3) were inserted into section 37-95-112.5 resulting in the renumbering of the former subsection (2) to subsection (4). (See the 2008 Senate Journal for April 18, page 1040, and SB08-221, chapter 331, page 1538.)
- 23-31-803 (1) 73
- Article 35 of title 23 was relocated to part 8 of article 31 of title 23 in HB07-1254. Due to the relocation, conforming amendments were made in the bill to change, "article" to "part 8" where appropriate; however, this conforming amendment was missed. (See HB07-1254, chapter 141, page 547.)
- 24-6-402 (4)(g) 74
- See the explanation for 10-3-803 (4.5)(c) and (4.5)(d).

- 24-30-1303 (1)(cc),  
(1)(dd), and (1)(ee) 75 Section 24-82-1103 provided for the repeal of part 11 of article 82 of title 24 unless the executive director of the department of personnel entered into at least one property sale agreement and notified the revisor of statutes that a property sale agreement had been executed. No such contract had been entered into as of July 1, 2006; therefore this provision is being repealed as obsolete. (See SB03-342, chapter 381, page 2501.)
- 24-32-2226 (1) 76 Strikes language inadvertently included in the state, veterans, and military affairs committee report to the introduced version of HB08-1097 referencing state or local government employees who are qualified volunteers entitled to a leave of absence pursuant to section 24-32-2225 not this section. (See the 2008 House Journal for February 11, page 359, and HB08-1097, chapter 174, page 614.)
- 24-38.7-104 (3)(a) 77
- Corrects an internal reference to the clean energy fund created in section 24-75-1201 (1) to remedy an error in the senate appropriations committee report amending SB08-184. (See the 2008 Senate Journal for April 14, page 924, and SB08-184, chapter 301, page 1311.)
  - The senate agriculture, natural resources, & energy committee report and the senate appropriations committee report amending the introduced version of SB08-184 removed the paragraph and subparagraph designations from 24-38.5-104 (2), which was later renumbered to section 24-38.7-104 (2) by revision, but did not make the conforming amendment in the introductory portion to subsection (3)(a). An additional amendment to subsection (3)(a) clarifies that clean energy loan interest rates are determined by section 24-38.7-104 (2). (See the 2008 Senate Journal for March 7 and April 14, pages 495 and 924, and SB08-184, chapter 301, page 1311.)
- 24-72-100.1 78 See the explanation for 10-3-803 (4.5)(c) and (4.5)(d).
- 24-72-200.1 79 See the explanation for 10-3-803 (4.5)(c) and (4.5)(d).

- 24-72-502 (1)(c) 80 See the explanation for 10-3-803 (4.5)(c) and (4.5)(d).
- 25-1-311 (3) 81 In a senate second reading amendment amending the senate health and human services committee report amending HB08-1061, advanced practice nurses were given authority to petition and provide to the court a certificate of reasons why alleged alcohol and drug abusers that they have examined should be committed to the custody of the division of alcohol and drug abuse. The amendment further directs that the examining nurse testify, if possible, at the court hearing of the person whose commitment is sought, but only if commitment is a result of drug abuse. To follow through with the intent of HB08-1061, this provision is being amended to allow an advanced practice nurse to testify at the hearing of the person whose commitment is sought based on alcohol abuse if the advanced practice nurse performed the examination. (See the 2008 Senate Journal for March 3, page 428, and HB08-1061, chapter 51, page 129.)
- 25-1-512 (2) 82 The senate health and human services committee report amending the introduced version of SB08-194 renamed the per capita support fund created in this section to the public health services support fund; however, this conforming amendment in the section was missed. (See the 2008 Senate Journal for April 17, page 654, and SB08-194, chapter 406, page 2045.)
- 25-1-518 (1) 83 Corrects an error in a senate second reading floor amendment amending the senate health and human services committee report amending SB08-194 in which the term county should have been city and county. (See the 2008 Senate Journal for April 17, page 1006, and SB08-194, chapter 406, page 2049.)
- 25-3-102.1 (1) 84 Corrects the name of the American association for accreditation of ambulatory surgery facilities, inc., incorrectly stated in the introduced version of the bill. (See HB08-1234, chapter 288, page 1236.)
- 25-3.5-803 (1) 85 See the explanation for 12-47.1-1602 (1)(e).
- 25-3.5-804 (1) 86 See the explanation for 12-47.1-1602 (1)(e).

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| 25-7-209 (1)(a) and (1)(b)                | 87 | Removes the Great Sand Dunes and the Black Canyon of the Gunnison from the list of national monuments and places them on the list of national parks. Federal laws adopted at the 106th congress abolished the Great Sand Dunes National Monument and the Black Canyon of the Gunnison National Monument and designated both as national parks. (See Pub.L.106-530 and Pub.L.106-76.)   |
| 25-8-609 (2)                              | 88 | Subsection (1)(d) was repealed by SB85-083; however, the conforming amendment in this subsection (2) was not made. (SB85-083, chapter 218, page 911.)  |
| 25-16-104.5 (3.7)(a)(II) and (3.9)(a)(II) | 89 | Amends an incorrect internal reference appearing in the house health and human services committee report to the introduced version of the bill. (See the 2007 House Journal for March 7, page 645, and HB07-1288, chapter 278, page 1133.)   |
| 25-17-202 IP(3)(b) and (3)(b)(I)          | 90 | Clarifies that the fund referred to in subsection (3)(b) is the waste tire recycling development cash fund.  |
| 25-21.5-104 (3)                           | 91 | Section 26-17-115 provided for the repeal of the "Children's Health Plan Act", article 17 of title 26, effective July 1, 1999. (See HB98-1325,chapter 155, page 458.)  |
| 25-27-107 (1.5)(b) and (4)                | 92 | Corrects errors in the senate state veterans and military affairs committee report amending the reengrossed version of HB08-1038 in which the department of public health and environment was incorrectly referred to as the division. Because the fees assessed on assisted living residences in subsection (1) were replaced with a schedule of fees set by the state board of health to cover the direct and indirect costs of regulating assisted living residences in subsection (1.5), amends (4) to conform with the legislative intent of the general assembly. (See the 2008 Senate Journal for March 6, page 480, and HB08-1038, chapter 188, page 662.) |
| 25-38-106 (2)(a)(IV)                      | 93 | Corrects an error in the house health and human services committee report to the reengrossed version of the bill. This change reflects the standard format used in drafting when referencing language within a subparagraph  |

itself. (See the 2008 House Journal for March 7, page 790, and HB08-138, chapter 403, page 2016.)

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| 25-42-103 (1)(c)  | 94 | Senate Bill 08-230 added this section during the same legislative session that SB08-128 repealed section 29-2-108 resulting in a missed conforming amendment in this section. (See SB08-230, chapter 285, page 1142, and SB08-128, chapter 264, page 988.)   |
| 25.5-2.5-104 (4)  | 95 | The senate health and human services committee report added the Colorado cares Rx program fund language but inadvertently omitted "cash" from the name of the fund created in section 25.5-2.5-105 in this same amendment. (See the Senate Journal for January 17, page 58, and January 25, page 96, and SB07-001, chapter 1, page 2.)   |
| 25.5-4-205<br>(3)(b)(I)(C),<br>(3)(b)(I)(D), and<br>(3)(b)(I.5) | 96 | Corrects an error in the senate second reading floor amendment to the printed bill that added a sub-subparagraph (C) to subsection (3)(b)(I) that did not follow the introductory portion to conform to standard C.R.S. numbering and lettering format. The same error was repeated in a house floor amendment to the reengrossed bill when it added a sub-subparagraph (D) to subsection (3)(b)(I). (See the 2008 Senate Journal for April 15, page 950, the 2008 House Journal for April 24, page 1564, and SB08-161, chapter 405, page 2024.) |
| 25.5-4-306 IP(1)(b),<br>IP(1)(c), and (4)                       | 97 | The administrative reorganization of programs administered by the department of health care policy and financing and the relocation of subject matter contained in title 25.5 resulted in these errors appearing in the introduced version of SB06-219. (See SB06-219, chapter 355, pages 1838, 1839, and 1840.)   |
| 25.5-6-203 (1)(c)(I)  | 98 | The house appropriations committee report incorrectly referenced assisted living residence defined in section 25-27-102 (1.3) and contained a grammatical error. (See the 2008 House Journal for April 7, page 1159, and HB08-1114, chapter 383, page 1781.)   |
| 25.5-6-1002 (4)   | 99 | Corrects an error originating in the introduced version of SB96-178 and perpetuated in the introduced version of SB06-219 in which some  |

of the citation to the code of federal regulations (CFR) was omitted. SB06-219 concerned the administrative reorganization of programs administered by the department of health care policy and financing and the relocation of subject matter contained in title 25.5. (See SB96-178, chapter 265, page 1433, and SB06-219, chapter 355, 1964.)

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| 26-6-102 (1.5)                                     | 100 | See the explanation for 19-2-402 (3)(c)(II).   |
| 26-6.5-103 (3)                                     | 101 | See the explanation for 19-2-402 (3)(c)(II).   |
| 26-6.5-103.5 (3)(b)(II)                            | 102 | See the explanation for 19-2-402 (3)(c)(II).   |
| 26-6.5-106<br>IP(3.5)(a)(I) and<br>(3.5)(a)(II)(C) | 103 | See the explanation for 19-2-402 (3)(c)(II).   |
| 29-4-203 (5) and (6)                               | 104 | These definitions are being placed in alphabetical order to follow standard drafting practices.  |
| 29-4-705   | 105 | See the explanation for 10-3-803 (4.5)(c) and (4.5)(d).  |
| 31-2-206 (2)                                       | 106 | Section 31-2-210 was repealed and reenacted in HB79-1219 resulting in the reorganization of the section. This conforming amendment was overlooked. (See HB79-1219, chapter 310, page 1170.)  |
| 31-10-102 (3)                                      | 107 | House Bill 04-1227 provided for the repeal of section 1-5-608 and essentially added section 1-5-615 to replace the provisions of section 1-5-608 authorizing the use of electronic and electromechanical voting systems and establishing requirements for electronic and electromechanical voting systems, effective January 1, 2006. (See HB04-1227, chapter 334, pages 1347 and 1361.) |
| 31-25-802 (6.4), (6.6),<br>(6.8) and (7)           | 108 | The senate local government committee added these subsections out of alphabetical order in the introduced version of SB77-569. (See the Senate Journal for March 31, page 814, and SB77-569, chapter 422, page 1472.)  |
| 32-1-103 (20)                                      | 109 | Since the Republican River Water Conservation District was created in article 50 of title 37 for the purpose of cooperating with and assisting the   |

state of Colorado in carrying out the state's duty to comply with the limitations and duties imposed upon the state by the Republican river compact pursuant to the provisions of the existing water conservation district law, excludes article 50 of title 37 from the definition of special district in conformity with the other conservation districts excluded in title 37. (See SB04-235, chapter 390, page 1905.)

- 32-7-103 (6) 110 With the recodification of statutory provisions relating to the organization and powers of special districts and the various conforming amendments and repeals made, this provision was inadvertently overlooked. (See HB81-1320, chapter 382, page 1628.)
- 34-32-113 (3) 111 See the explanation for 10-3-803 (4.5)(c) and (4.5)(d).
- 35-60-110 (3) 112 See the explanation for 10-3-803 (4.5)(c) and (4.5)(d).
- 38-20-116 (2.5)(a) and IP(2.5)(b) 113 An error originating in the introduced version of SB08-144 in subsection (2.5)(a) was only partially corrected in the publication cycle of the 2008 statutes. See the revisor's changes accompanying the 2009 publications bill (SB09-059). Subsection (2.5)(b) was unintentionally overlooked. To correct the errors in their entirety, both provisions are being amended to conform to standard C.R.S. format. (See SB08-144, chapter 160, page 539.)
- 39-22-514 (6)(a)(I) 114 The house finance committee report to the introduced version of HB99-1345 amended subsection (6)(a)(I), which included the reference to subsection (6)(b), even though subsection (6)(b), as it appeared in the introduced version of the bill, was amended out. This error was perpetuated in HB08-1033 and not corrected. (See the 1999 House Journal for April 9, page 1113, and HB99-1345, chapter 308, page 1278, and HB08-1033, chapter 442, page 2266.)
- 39-26-725 (1)(d) 115 The house finance committee report amended the introduced version of HB08-1013 to change the definition of "school" in subsection (1)(b). The appropriations committee report amended the house finance committee report and inserted

a new definition in subsection (1)(b) resulting in the renumbering of subsection (1)(b) to (1)(c). (See the 2008 House Journal for March 20, page 944, and April 11, page 1258, and HB08-1013, chapter 257, page 969.)

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| 39-29-110<br>(1)(d)(II)(C) | 116 | The introduced version of HB08-1083 incorrectly cited the location of the requirement to submit the report to the department of local affairs. (See HB08-1083, chapter 358, page 1680.)  |
| 39-30-105 (5)(d)(II)       | 117 | Senate Bill 08-114 amended and added provisions to section 8-70-114 (2) during the same legislative session as HB08-1034 added 39-30-105 (5)(d) resulting in this incorrect reference. (See SB08-114, chapter 247, page 916, and HB08-1034, chapter 8, page 16.)   |
| 39-35-104 (6)(b)           | 118 | See the explanation for section 39-30-105 (5)(d)(II).  |
| 40-2-110.5 (1)             | 119 | Senate Bill 06-094 provided for the repeal of sections 40-10-115 and 40-10-120 upon receipt by the revisor of statutes of notification from the public utilities commission regarding the repeal of the federal "Unified Carrier Registration Act of 2005", 49 U.S.C. sec. 14504. The revisor of statutes was notified September 24, 2007, and sections 40-10-115 and 40-10-120 were repealed, effective September 25, 2007. References to 40-10-115 and 40-10-120 are being repealed accordingly. Also, deletes a reference to subsection (2) of this section due to the repeal of the subsection in 2003. (See SB06-094, chapter 239, page 1094, SB93-018, chapter 335, page 2059, and HB03-1289, chapter 358, page 2380.) |
| 40-7-112 (1)               | 120 | See the explanation for section 40-2-110.5 (1).  |
| 40-10-106                  | 121 | See the explanation for section 40-2-110.5 (1).  |
| 40-10-112 (1) and (2)      | 122 | See the explanation for section 40-2-110.5 (1).  |
| 40-10.5-102 IP(1)          | 123 | See the explanation for section 40-2-110.5 (1).  |
| 40-11-104                  | 124 | See the explanation for section 40-2-110.5 (1).  |
| 40-11-108 (1)              | 125 | See the explanation for section 40-2-110.5 (1).  |

40-11-110 (1) and (2)	126	See the explanation for section 40-2-110.5 (1).
42-6-121 (1)	127	Corrects a grammatical error in the senate transportation committee report to the introduced version of SB00-015 in which the verb phrase was incomplete. (See the 2000 Senate Journal for February 11, page 279, and SB00-15, chapter 343, page 1663.)
42-6-206 (6)(b)	128	Section 42-6-102 was amended in the introduced version of SB05-038 resulting in the relocation of defined terms, including "salvage vehicle". This section was inadvertently missed as a conforming amendment. (See SB05-038, chapter 223, page 806.)
43-1-1104 (1)	129	Corrects an error originating in the introduced version of HB91-1198 in which the commission was inadvertently referred to as the committee. (See HB91-1198, chapter 188, page 1044.)
25.5-8-103 (4)(b)	130	Clarifies that amendments to section 25.5-8-103 (4)(b) made by HB09-1293 will remain in effect after October 1, 2009. (See HB09-1293 and SB09-211.)
26-1-305	131	Corrects a grammatical error originating in the introduced version of SB09-005.
38-38-109 (1)(c)(I)(C)	132	Harmonizes language between HB09-1276 and HB09-1207 by deleting the reference to sub-subparagraph (B). House Bill 09-1276 added language referencing sub-subparagraph (B) and HB09-1207 deleted sub-subparagraph (B). This provision will become effective January 1, 2010, to parallel the effective date of HB09-1207.
6-16-104 (6)(a)	133	Provisions of the U.S. Code that the Colorado Charitable Solicitations Act references were amended to implement section 516 of the Tax Increase Prevention and Reconciliation Act of 2005, Public Law 109-222 (TIPRA), enacted on May 17, 2006. This resulted in the re-numbering of the referenced section, but no changes in the referenced language. (See Public Law 109-222, 120 Stat. 345.)

39-8-104 (1) and (2)(a)	134	Amends the county board of equalization provisions to allow the board more flexibility in scheduling meetings.
39-8-105 (2)	135	See the explanation for section 39-8-104 (1) and (2)(a).
24-33.5-223 (2)(b)(II)(B)	136	Senate Bill 08-155 incorrectly referenced the provisions of the public safety communications trust fund addressing contributions. (See SB08-155, chapter 284, page 1129.)
Section 66 of HB09-1026	137	Corrects the effective date clause of HB09-1026.
1-8-111 (1)	138	Harmonizes HB09-1337 and HB09-1205.
42-4-1412 (5)(a)	139	Amends SB09-148 to give effect to provisions within HB09-1026.