

## CHAPTER 264

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**STATUTES**


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**HOUSE BILL 11-1303**

BY REPRESENTATIVE(S) Gardner B., Labuda, Levy, Murray, Waller, Baumgardner, Kagan, Barker, Holbert, Lee;  
also SENATOR(S) Brophy, Carroll, Morse, Roberts, Schwartz.

**AN ACT**

**CONCERNING NONSUBSTANTIVE REVISIONS 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. Legislative declaration.** It is the intent of the general assembly that the citation to the United States supreme court case added to section 1-45-103 (12) (c), Colorado Revised Statutes, by this bill be updated by the revisor of statutes using the editorial authority given to the revisor of statutes in section 2-3-703, Colorado Revised Statutes, when the information becomes available.

**SECTION 2.** 1-45-103 (12) (c), Colorado Revised Statutes, is amended to read:

**1-45-103. Definitions.** As used in this article, unless the context otherwise requires:

(12) (c) The provisions of paragraph (b) of this subsection (12) are intended to clarify, based on the decision of the Colorado court of appeals in *Independence Institute v. Coffman*, 209 P.3d 1130 (Colo. App. 2008), cert. denied, \_\_\_ U.S. \_\_\_, 130 S. Ct. 165, 175 L. Ed. 479 (2009), section 2 (10) (a) (I) of article XXVIII of the state constitution and not to make a substantive change to said section 2 (10) (a) (I).

**SECTION 3.** 2-2-1404 (5) (c), Colorado Revised Statutes, is amended to read:

**2-2-1404. Economic opportunity poverty reduction task force - creation - membership.** (5) (c) For the purposes of carrying out the duties of the task force pursuant to this section, the legislative council may accept and expend ~~federal~~

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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.*

moneys, grants, gifts, donations, services, and in-kind donations from any public or private entity for any direct or indirect costs associated with the duties of the task force. All public and private moneys donated or awarded pursuant to this paragraph (c) shall be continuously appropriated for the implementation of this part 14.

**SECTION 4.** 8-20-404, Colorado Revised Statutes, is amended to read:

**8-20-404. Conflicting rules forbidden.** No municipality or other political subdivision shall adopt or enforce any ordinance or regulation in conflict with the provisions of this part 4 or with the ~~regulations~~ RULES promulgated under section 8-20-402.

**SECTION 5.** 8-73-107 (7) (a) (III) (E), Colorado Revised Statutes, is amended to read:

**8-73-107. Eligibility conditions - penalty.** (7) (a) Benefits shall not be payable on the basis of services performed by an alien unless such alien is an individual who was lawfully admitted for permanent residence at the time such services were performed, or was lawfully present for purposes of performing such services, or was permanently residing in the United States under color of law at the time such services were performed. For purposes of the "Colorado Employment Security Act":

(III) An alien shall be considered to be "permanently residing in the United States under color of law" only if the alien is:

(E) An alien who has been formally granted deferred action status by the immigration and naturalization service, OR ANY SUCCESSOR AGENCY.

**SECTION 6.** 8-76-103 (3) (e), Colorado Revised Statutes, is amended to read:

**8-76-103. Future rates based on benefit experience - definitions.** (3) (e) As used in ~~sections 8-76-101 to 8-76-104~~ THIS SECTION, for the purpose of computing the premium rate of any employer, ~~the term~~ "annual payroll" means the total amount of wages for employment paid by an employer during the twelve-month period ending on June 30. ~~The term~~ "Average chargeable payroll" means the average of the chargeable payrolls for the last three fiscal years ending on June 30. For any employer who has not reported payrolls to the division for thirty-six consecutive months ending on June 30, the division shall compute the average chargeable payroll by dividing the total chargeable payrolls of the employer during the three fiscal years ending on June 30 by the total months during which such wages were paid and multiplying the amount so determined by twelve.

**SECTION 7. Repeal.** 11-71-103 (1) (f) (I) and (1) (f) (II) (B), Colorado Revised Statutes, are repealed as follows:

**11-71-103. Applicability of article - confidentiality of compliance review committee documents.** (1) This article applies to a compliance review committee the functions of which are to evaluate and seek to improve:

(f) (I) ~~Compliance with regulations and guidelines for preparing systems to~~

~~handle a year 2000 failure and the implementation of any plans for addressing the situation.~~

(II) For the purposes of this section:

(B) ~~"Year 2000 failure" shall have the same meaning set forth in section 13-21-603 (3), C.R.S.~~

**SECTION 8.** 12-22-703 (1) (f), Colorado Revised Statutes, is amended to read:

**12-22-703. Advisory committee - duties - repeal.** (1) There is hereby created within the division, the prescription controlled substance abuse monitoring advisory committee. The committee shall consist of the following eleven members:

(f) The director of the ~~division of alcohol and drug abuse~~ UNIT in the department of human services THAT ADMINISTERS BEHAVIORAL HEALTH PROGRAMS AND SERVICES, INCLUDING THOSE RELATED TO MENTAL HEALTH AND SUBSTANCE ABUSE, or his or her designee; and

**SECTION 9.** 12-23-106 (4) (b), Colorado Revised Statutes, is amended to read:

**12-23-106. License requirements - rules.** (4) (b) All license and registration expiration and renewal schedules shall be in accord with the provisions of section 24-34-102, C.R.S. ~~Successful completion of an examination as authorized in section 12-23-104 (2) (i) is required as a prerequisite for renewal of a license or registration.~~ Fees in regard to such renewals shall be those set forth in section 12-23-112.

**SECTION 10.** 12-32-107.2 (2) (b), Colorado Revised Statutes, is amended to read:

**12-32-107.2. Volunteer podiatrist license.** (2) Any person applying for a license under this section shall:

(b) Pay the license fee authorized by section 24-34-105, C.R.S. The volunteer podiatrist license fee shall be reduced from the license fee. ~~charged pursuant to section 12-32-115.~~

**SECTION 11.** 12-32-109.3 (3), Colorado Revised Statutes, is amended to read:

**12-32-109.3. Use of physician assistants.** (3) The provisions of sections 12-36-106 (5) and ~~12-36-107.3~~ 12-36-107.4 governing physician assistants under the "Colorado Medical Practice Act" shall apply to physician assistants under this section.

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

**12-36-106. Practice of medicine defined - exemptions from licensing requirements - unauthorized practice by physician assistants - penalties - rules - repeal.** (5) (a) A person licensed under the laws of this state to practice medicine may delegate to a physician assistant licensed by the board pursuant to section

~~12-36-107.3~~ 12-36-107.4 the authority to perform acts that constitute the practice of medicine to the extent and in the manner authorized by rules promulgated by the board, including the authority to prescribe medication, including controlled substances, and dispense only such drugs as designated by the board. Such acts shall be consistent with sound medical practice. Each prescription issued by a physician assistant licensed by the board shall be imprinted with the name of his or her supervising physician. Nothing in this subsection (5) shall limit the ability of otherwise licensed health personnel to perform delegated acts. The dispensing of prescription medication by a physician assistant shall be subject to the provisions of section 12-22-121 (6).

**SECTION 13.** 12-43-803 (3), Colorado Revised Statutes, is amended to read:

**12-43-803. Licensure or certification of addiction counselors - authority of director - rules.** (3) In addition to addiction counselors specifically authorized to be certified or licensed for approved programs pursuant to article 80 of title 27, C.R.S., the director may certify or license addiction counselors, upon individual application, in any alcohol or drug abuse treatment program required as a condition of probation under part 2 of article 1.3 of title 18, C.R.S., any alcohol or drug abuse program administered by the division of adult ~~services~~ PAROLE under part 1 of article 2 of title 17, C.R.S., any community corrections facility or program administered under article 27 of title 17, C.R.S., and any alcohol or drug abuse treatment program administered by the division of youth corrections under title 19, C.R.S.

**SECTION 14.** The introductory portion to 12-43-805 (1) (b), Colorado Revised Statutes, is amended to read:

**12-43-805. Continuing professional competency - director rules - repeal.** (1) (b) The director, in consultation with the ~~alcohol and drug abuse division~~ UNIT in the department of human services THAT ADMINISTERS BEHAVIORAL HEALTH PROGRAMS AND SERVICES, INCLUDING THOSE RELATED TO MENTAL HEALTH AND SUBSTANCE ABUSE, and other stakeholders, shall adopt rules establishing a continuing professional competency program that includes, at a minimum, the following elements:

**SECTION 15.** 12-47.1-701 (4) (e) (I) (B) and (4) (e) (I) (D), Colorado Revised Statutes, are amended to read:

**12-47.1-701. Limited gaming fund.** (4) (e) (I) For the 2009-10 fiscal year, of the portion of limited gaming fund moneys that would otherwise be transferred to the state general fund pursuant to section 9 (5) (b) (II) of article XVIII of the state constitution, after the transfer to the local government limited gaming impact fund required by section 12-47.1-1601 and the transfer to the state general fund required by paragraph (d) of this subsection (4):

(B) One million one hundred seventy-eight thousand seventy-one dollars shall be transferred to the state council on the arts cash fund created in section ~~24-48.8-109~~ 24-48.5-308, C.R.S.;

(D) Four hundred twenty-eight thousand five hundred fifty-six dollars shall be

transferred to the Colorado office of film, television, and media operational account cash fund created in section ~~24-48.5-203~~ 24-48.5-311, C.R.S.; and

**SECTION 16.** 12-52-205, Colorado Revised Statutes, is amended to read:

**12-52-205. Agent requirements.** (1) No money transmitter licensed pursuant to part 1 of this article shall knowingly contract with an agent or owner of an agent holding more than a ten percent interest in the business who has been convicted of or pleaded guilty or nolo contendere to the offenses in article 5 of title 18, ~~C.R.S., or in section 18-5-309~~, C.R.S.; a felony in the selling or issuing of exchange or in money transmission; a felony involving a financial institution; or an equivalent crime outside Colorado.

(2) No agent of a money transmitter licensed pursuant to this article shall knowingly employ a person to perform money transmission services who has been convicted of or pleaded guilty or nolo contendere to the offenses in article 5 of title 18, ~~C.R.S., or in section 18-5-309~~, C.R.S.; a felony in the selling or issuing of exchange or in money transmission; a felony involving a financial institution; or an equivalent crime outside Colorado.

**SECTION 17.** 12-61-911 (1) (j), Colorado Revised Statutes, is amended to read:

**12-61-911. Prohibited conduct - fraud - misrepresentation - conflict of interest - rules.** (1) A mortgage loan originator, including a mortgage loan originator otherwise exempted from this part 9 by section 12-61-904 (1) (b), shall not:

(j) Fail to comply with any requirement of the federal "Truth in Lending Act", 15 U.S.C. sec. 1601 and Regulation Z, 12 CFR 226; the "Real Estate Settlement Procedures Act of 1974", 12 U.S.C. sec. 2601 and Regulation X, 24 CFR 3500; the "Equal Credit Opportunity Act", 15 U.S.C. sec. 1691 and Regulation B, 12 CFR 202.9, 202.11, and 202.12; Title V, Subtitle A of the financial SERVICES modernization act of 1999 (known as the "Gramm-Leach-Bliley Act"), 12 U.S.C. secs. 6801 to 6809; the federal trade commission's privacy rules, 16 CFR 313-314, mandated by the "Gramm-Leach-Bliley Act"; the "Home Mortgage Disclosure Act of 1975", 12 U.S.C. sec. 2801 et seq. and Regulation C, home mortgage disclosure, 12 CFR 203; the "Federal Trade Commission Act", ~~12 CFR 203~~, 15 U.S.C. sec. 45(a); the "Telemarketing and Consumer Fraud and Abuse Prevention Act", 15 U.S.C. secs. 6101 to 6108; and the federal trade commission telephone sales rule, 16 CFR 310, as amended, in any advertising of residential mortgage loans or any other applicable mortgage loan originator activities covered by the acts. The board may adopt rules requiring mortgage loan originators to comply with other applicable federal statutes and regulations.

**SECTION 18. Repeal.** Part 6 of article 21 of title 13, Colorado Revised Statutes, is repealed.

**SECTION 19. Repeal.** Part 9 of article 21 of title 13, Colorado Revised Statutes, is repealed.

**SECTION 20. Repeal.** 13-54.5-106 (2) (j) (VIII), Colorado Revised Statutes,

is repealed as follows:

**13-54.5-106. Notice to judgment debtor in other garnishment.** (2) The notice of exemption and pending levy in such garnishment proceeding against the personal property of a judgment debtor who is a natural person shall contain the following:

(j) A statement of the judgment debtor's right to claim any property levied upon as exempt, including, but not limited to:

(VIII) ~~Teachers' retirement fund benefits under section 22-64-120, C.R.S.;~~

**SECTION 21. Repeal.** 13-80-101 (1) (o) (I), (1) (o) (II) (C), and (1) (p), Colorado Revised Statutes, are repealed as follows:

**13-80-101. General limitation of actions - three years.** (1) The following civil actions, regardless of the theory upon which suit is brought, or against whom suit is brought, shall be commenced within three years after the cause of action accrues, and not thereafter:

~~(o) (I) All actions for damages against a business arising out of a year 2000 failure:~~

~~(II) For purposes of this paragraph (o):~~

~~(C) "Year 2000 failure" shall have the same meaning as set forth in section 13-21-603(3):~~

~~(p) (I) All actions for damages against a hospital enterprise arising out of a year 2000 failure:~~

~~(H) For purposes of this paragraph (p):~~

~~(A) "Electronic computing device" shall have the same meaning as set forth in section 13-21-901(1):~~

~~(B) "Hospital enterprise" shall have the same meaning as set forth in section 13-21-901(2):~~

~~(C) "Year 2000 failure" shall have the same meaning as set forth in section 13-21-901(3):~~

**SECTION 22.** 14-4-107 (4.5), Colorado Revised Statutes, is amended to read:

**14-4-107. Family violence justice fund - creation - grants from fund.** (4.5) Notwithstanding any other provision of this section, the state court administrator shall apply the moneys generated from fees collected pursuant to section 13-32-101 (1) (a) and (1) (b), C.R.S., AND TRANSFERRED PURSUANT TO SECTION 13-32-101 (5) (a) (X) AND (5) (b) (II), C.R.S., to grants to qualifying organizations that provide services described in subsection (2) of this section for or on behalf of indigent persons or their families who are married, separated, or divorced.

**SECTION 23.** The introductory portion to 15-16-306 (7), Colorado Revised Statutes, is amended to read:

**15-16-306. Personal liability of trustee to third parties.** (7) A trustee is not personally liable for making distributions of property that do not take into consideration the possible birth of a posthumously conceived child unless, prior to the distribution, the ~~personal representative~~ TRUSTEE received notice or acquired actual knowledge that:

**SECTION 24.** 16-11.5-102 (3) (a), Colorado Revised Statutes, is amended to read:

**16-11.5-102. Substance abuse assessment - standardized procedure.** (3) (a) The executive directors of the department of corrections, department of public safety, department of human services, and the state court administrator shall appoint six members including the directors or designees of the division of adult parole, community corrections and youthful offender system in the department of corrections, division of criminal justice of the department of public safety, the ~~alcohol and drug abuse division~~ UNIT in the department of human services THAT ADMINISTERS BEHAVIORAL HEALTH PROGRAMS AND SERVICES, INCLUDING THOSE RELATED TO MENTAL HEALTH AND SUBSTANCE ABUSE, youth corrections within the department of human services, ~~the division of mental health services in the department of human services,~~ and the division of probation services in the judicial department who shall cooperate to develop a plan for the allocation of moneys deposited in the drug offender surcharge fund created pursuant to section 18-19-103 (4), C.R.S., among the judicial department, the department of corrections, the division of criminal justice of the department of public safety, and the department of human services. The plan developed pursuant to this subsection (3) shall be submitted to the general assembly with the judicial department's annual budget request.

**SECTION 25.** The introductory portions to 16-11.9-102 (1) and (2), Colorado Revised Statutes, are amended to read:

**16-11.9-102. Mental illness screening - standardized process - development.** (1) The director of the division of criminal justice within the department of public safety shall be responsible for ensuring that the head of the department of psychiatry at the university of Colorado health sciences center, the judicial department, the department of corrections, the state board of parole, the division of criminal justice within the department of public safety, AND the ~~alcohol and drug abuse division~~ UNIT within the department of human services ~~and the unit responsible for mental health services within the department of human services~~ THAT ADMINISTERS BEHAVIORAL HEALTH PROGRAMS AND SERVICES, INCLUDING THOSE RELATED TO MENTAL HEALTH AND SUBSTANCE ABUSE meet and cooperate to develop a standardized screening procedure for the assessment of mental illness in persons who are involved in the adult criminal justice system. The standardized screening procedure shall include, but is not limited to:

(2) In conjunction with the development of a standardized mental illness screening procedure for the adult criminal justice system as specified in subsection (1) of this section, the judicial department, the division of youth corrections within

the department of human services, the unit responsible for child welfare services within the department of human services, the unit ~~responsible for mental health services within the department of human services, the alcohol and drug abuse division~~ within the department of human services THAT ADMINISTERS BEHAVIORAL HEALTH PROGRAMS AND SERVICES, INCLUDING THOSE RELATED TO MENTAL HEALTH AND SUBSTANCE ABUSE, the division of criminal justice within the department of public safety, and the department of corrections shall cooperate to develop a standardized screening procedure for the assessment of mental illness in juveniles who are involved in the juvenile justice system. The standardized screening procedure shall include, but is not limited to:

**SECTION 26.** 16-13-311 (3) (a) (VII) (B), Colorado Revised Statutes, is amended to read:

**16-13-311. Disposition of seized personal property.** (3) (a) If the prosecution prevails in the forfeiture action, the court shall order the property forfeited. Such order shall perfect the state's right and interest in and title to such property and shall relate back to the date when title to the property vested in the state pursuant to section 16-13-316. Except as otherwise provided in paragraph (c) of this subsection (3), the court shall also order such property to be sold at a public sale by the law enforcement agency in possession of the property in the manner provided for sales on execution, or in another commercially reasonable manner. Property forfeited under this section or proceeds therefrom shall be distributed or applied in the following order:

(VII) The balance shall be delivered, upon order of the court, as follows:

(B) The remaining amount to the managed service organization contracting with the ~~department of human services, alcohol and drug abuse division~~ UNIT WITHIN THE DEPARTMENT OF HUMAN SERVICES THAT ADMINISTERS BEHAVIORAL HEALTH PROGRAMS AND SERVICES, INCLUDING THOSE RELATED TO MENTAL HEALTH AND SUBSTANCE ABUSE, serving the judicial district where the forfeiture proceeding was prosecuted to fund detoxification and substance abuse treatment. Moneys appropriated to the managed service organization shall be in addition to, and shall not be used to supplant, other funding appropriated to the ~~department of human services, alcohol and drug abuse division~~ SUCH UNIT.

**SECTION 27.** 17-1-101 (3) (b), Colorado Revised Statutes, is amended to read:

**17-1-101. Executive director - creation - division heads - medical personnel.** (3) (b) All such personnel as cannot satisfy all of the requirements set forth in paragraph (a) of this subsection (3) shall be exempt from the "Colorado Medical Practice Act", article 36 of title 12, C.R.S., with respect to services rendered to bona fide patients or inmates at said institutions, if such personnel are of good moral character, are graduates of an approved medical college as defined in section 12-36-102.5, C.R.S., have completed an approved internship of at least one year as defined in section 12-36-102.5, C.R.S., and, within nine months after first being employed, pass the examinations approved by the Colorado medical board under the provisions of the "Colorado Medical Practice Act" and the national board of medical examiners, the national board of examiners for osteopathic physicians and surgeons, or the federation of state medical boards, or their successor organizations, on

subjects relating to the basic sciences, are able to read, write, speak, and understand the English language, and, in the case of personnel who are not citizens of the United States, become citizens within the minimum period of time within which the particular individual can become a citizen according to the laws of the United States and the regulations of the immigration and naturalization service of the United States, ~~department of justice;~~ OR ANY SUCCESSOR AGENCY, or within such additional time as may be granted by said boards.

**SECTION 28.** 17-2-103 (11) (d), Colorado Revised Statutes, is amended to read:

**17-2-103. Arrest of parolee - revocation proceedings.** (11) (d) If the parole board orders the parolee to participate in a treatment program as a condition of parole pursuant to paragraph (c) of this subsection (11), the level of treatment ordered shall be consistent with the treatment level need of the parolee based upon an assessment instrument approved for use by the ~~division of behavioral health~~ UNIT within the department of human services THAT ADMINISTERS BEHAVIORAL HEALTH PROGRAMS AND SERVICES, INCLUDING THOSE RELATED TO MENTAL HEALTH AND SUBSTANCE ABUSE.

**SECTION 29.** 17-2-201 (5.7) (d), Colorado Revised Statutes, is amended to read:

**17-2-201. State board of parole.** (5.7) If, as a condition of parole, an offender is required to undergo counseling or treatment, unless the parole board determines that treatment at another facility or with another person is warranted, such treatment or counseling shall be at a facility or with a person:

(d) Licensed or certified by the division of adult ~~services~~ PAROLE in the department of corrections, the department of regulatory agencies, the ~~division of mental health~~ UNIT in the department of human services THAT ADMINISTERS BEHAVIORAL HEALTH PROGRAMS AND SERVICES, INCLUDING THOSE RELATED TO MENTAL HEALTH AND SUBSTANCE ABUSE, the state board of nursing, or the Colorado medical board, whichever is appropriate for the required treatment or counseling.

**SECTION 30.** 17-27.1-101 (5) (a) (IV), Colorado Revised Statutes, is amended to read:

**17-27.1-101. Nongovernmental facilities for offenders - registration - notifications - penalties.** (5) No private treatment program in Colorado shall admit or accept a supervised or unsupervised person into the program unless that program:

(a) Is registered with the administrator of the interstate compact, and, if the person is a supervised person, the private treatment program is:

(IV) Licensed or certified by the division of adult ~~services~~ PAROLE in the department of corrections, the department of regulatory agencies, the ~~division of mental health~~ UNIT in the department of human services THAT ADMINISTERS BEHAVIORAL HEALTH PROGRAMS AND SERVICES, INCLUDING THOSE RELATED TO MENTAL HEALTH AND SUBSTANCE ABUSE, the state board of nursing, or the Colorado medical board if the program provides treatment that requires such certification or licensure;

**SECTION 31.** 17-32-105 (5) (c), Colorado Revised Statutes, is amended to read:

**17-32-105. Development of correctional education program - goals and objectives - performance objectives - evaluation - transfers of custody - reports.**

(5) On or before December 31, 2010, the department shall develop a plan for each educational or vocational program offered pursuant to this article to meet the following performance objectives:

(c) The program shall provide offenders training and competency in marketable skills that are relevant and likely to be in demand in the workplace as determined by data provided to the department by the department of labor and employment pursuant to ~~subsection (7)~~ SUBSECTION (6) of this section.

**SECTION 32.** 18-1.3-204 (2) (c) (IV), Colorado Revised Statutes, is amended to read:

**18-1.3-204. Conditions of probation.** (2) (c) If the court orders counseling or treatment as a condition of probation, unless the court makes a specific finding that treatment in another facility or with another person is warranted, the court shall order that such treatment or counseling be at a facility or with a person:

(IV) Licensed or certified by the division of adult ~~services~~ PAROLE in the department of corrections, the department of regulatory agencies, the ~~division of mental health~~ UNIT in the department of human services THAT ADMINISTERS BEHAVIORAL HEALTH PROGRAMS AND SERVICES, INCLUDING THOSE RELATED TO MENTAL HEALTH AND SUBSTANCE ABUSE, the state board of nursing, or the Colorado medical board, whichever is appropriate for the required treatment or counseling.

**SECTION 33.** 18-6-401 (1) (b) (IV), Colorado Revised Statutes, is amended to read:

**18-6-401. Child abuse.** (1) (b) (IV) If the district attorney having jurisdiction over a case arising under this paragraph (b) has a reasonable belief that any person arrested or charged pursuant to this paragraph (b) is not a citizen or national of the United States, the district attorney shall report such information to the immigration and naturalization service, OR ANY SUCCESSOR AGENCY, in an expeditious manner.

**SECTION 34.** 18-13-119 (5) (a), Colorado Revised Statutes, is amended to read:

**18-13-119. Health care providers - abuse of health insurance.**

(5) (a) Reimbursements made pursuant to articles ~~4 and 15 of title 26~~, ARTICLES 3 TO 6 OF TITLE 25.5, C.R.S., federal medicare laws for inpatient hospitalization, and mental health services purchased in accordance with article 66 of title 27, C.R.S., are exempt from the provisions of this section.

**SECTION 35.** 18-18-406 (3) (a) (II) and (3) (b), Colorado Revised Statutes, are amended to read:

**18-18-406. Offenses relating to marijuana and marijuana concentrate.**

(3) (a) (II) Open and public display, consumption, or use of more than two ounces of marijuana or any amount of marijuana concentrate shall be deemed possession

thereof, and violations shall be punished as provided for in subsection (4) ~~or (4.5)~~ of this section.

(b) Except as is otherwise provided for in paragraph (a) of this subsection (3), consumption or use of marijuana or marijuana concentrate shall be deemed possession thereof, and violations shall be punished as provided for in subsections (1), (2), ~~(4) and (4.5)~~ AND (4) of this section.

**SECTION 36.** 19-3.5-106 (1) (a), Colorado Revised Statutes, is amended to read:

**19-3.5-106. Colorado children's trust fund - creation - source of funds.**

(1) There is hereby created in the state treasury the Colorado children's trust fund, which shall be administered by the board and which shall consist of:

(a) All moneys which shall be transferred thereto in accordance with section ~~13-32-101 (1) (a)~~ 13-32-101 (5) (a) (I), C.R.S.; and

**SECTION 37.** 19-3.5-107 (2), Colorado Revised Statutes, is amended to read:

**19-3.5-107. Disbursement of grants from the trust fund.** (2) The board shall have discretion in determining the amount of money to be awarded under each grant; except that:

(a) Until the total amount of assets in the trust fund exceeds five million dollars, not more than seventy-five percent of the moneys credited to the trust fund each year pursuant to section ~~13-32-101 (1) (a)~~ 13-32-101 (5) (a) (I), C.R.S., plus any interest credited thereon to the trust fund during the previous year shall be available for disbursement or expenditure by the board; however, any other moneys deposited or maintained in the fund may be disbursed by the board pursuant to the provisions of this article in accordance with an appropriation from the fund made by the general assembly;

(b) After such time that the state treasurer certifies that the assets in the trust fund exceed five million dollars, no further moneys shall be collected for the trust fund pursuant to section ~~13-32-101 (1) (a)~~ 13-32-101 (5) (a) (I), C.R.S.; however, nothing in this paragraph (b) shall be construed to prohibit the continued collection of moneys for the trust fund pursuant to section 19-3.5-105 (1) (e);

**SECTION 38.** 19-5-203 (1) (i), Colorado Revised Statutes, is amended to read:

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

(i) Verification by the department of human services or its designated agent that any custody obtained outside the state of Colorado was acquired by proceedings sanctioned by the federal immigration and naturalization service, OR ANY SUCCESSOR AGENCY, in cooperation with the department of human services whenever such cooperation is authorized or advised by federal law;

**SECTION 39.** 19-5-205 (2) (c), Colorado Revised Statutes, is amended to read:

**19-5-205. Adoption decree of foreign country approved.** (2) The court shall issue a decree declaring valid an adoption granted by a court of competent jurisdiction or other authorized individual or entity of a country other than the United States of America upon a finding that:

(c) The child is either a permanent resident or a naturalized citizen of the United States. A photocopy of the child's resident alien card issued by the immigration and naturalization service of the United States, department of justice, or any successor ~~entity~~ AGENCY, shall be sufficient evidence that the child is either a permanent resident or a naturalized citizen of the United States.

**SECTION 40.** 19-5-205.5 (2) (b) (IV), Colorado Revised Statutes, is amended to read:

**19-5-205.5. Nonpublic agency interstate and foreign adoptions - legislative declaration - authority for department to select agencies.** (2) (b) The department shall further promulgate rules creating standards by which the department may evaluate the delivery of services by the selected nonpublic agencies and identifying the services and functions to be rendered by the nonpublic agencies selected pursuant to paragraph (a) of this subsection (2) including, but not limited to, the following:

(IV) The review of correspondence with the immigration and naturalization service in the United States, department of justice, OR ANY SUCCESSOR AGENCY, in foreign adoptions;

**SECTION 41.** 22-2-504 (1) (c), Colorado Revised Statutes, is amended to read:

**22-2-504. National board for professional teaching standards certification compensation - study.** (1) Beginning with the 2009-10 school year and ending with the 2011-12 school year, the department, subject to available appropriations, shall award an annual stipend of one thousand six hundred dollars to any teacher who is employed to teach in a school district, a program operated by a board of cooperative services, a charter school authorized by a school district pursuant to part 1 of article 30.5 of this title, or a charter school authorized by the state charter school institute pursuant to part 5 of article 30.5 of this title, and who holds a certification from the national board for professional teaching standards. For any stipends that are awarded, the department shall allocate the stipend moneys to the school district that employs the teacher who is to receive the stipend, and the school district shall then make payment directly to the eligible teacher. A school district may, at its discretion, withhold any required employer retirement and medicare contributions associated with the stipend pursuant to this section from the one thousand six hundred dollar stipend amount. For any stipends that are awarded, the stipend shall be:

(c) Considered regular salary under section 24-51-101 (42) (a), C.R.S.; ~~or member's compensation as that term is used in section 22-64-201 (11); and~~

**SECTION 42.** 22-7-908 (1), Colorado Revised Statutes, is amended to read:

**22-7-908. Read-to-achieve cash fund - created.** (1) There is hereby

established in the state treasury the read-to-achieve cash fund, referred to in this section as the "cash fund". The cash fund shall consist of moneys transferred thereto pursuant to subsection (3) of this section and any other moneys that may be made available by the general assembly. Subject to appropriation by the general assembly, moneys in the cash fund shall be used to provide grants pursuant to this part 9 ~~to the reading assistance grant program created pursuant to section 22-88-102,~~ and for reimbursements to school districts for educational services provided pursuant to section 22-32-141 to juveniles held in jails or other facilities for the detention of adult offenders. Any moneys not provided as grants may be invested by the state treasurer as provided in section 24-36-113, C.R.S. All interest derived from the deposit and investment of moneys in the cash fund shall be credited to the cash fund. Any amount remaining in the cash fund at the end of any fiscal year shall remain in the cash fund and shall not be credited or transferred to the general fund or to any other fund.

**SECTION 43.** 22-9.7-101, Colorado Revised Statutes, is amended to read:

**22-9.7-101. Early childhood educator development scholarship program - creation - eligibility.** Subject to the receipt of sufficient moneys pursuant to section 22-9.7-103, there is hereby created in the department of education, REFERRED TO IN THIS ARTICLE AS THE "DEPARTMENT", the early childhood educator development scholarship program, referred to in this article as the "scholarship program", to award stipends to assist persons employed in early childhood education in offsetting the costs incurred in obtaining an associate of arts degree in early childhood education. The department shall award stipends on a need basis, based on the criteria specified in section 22-9.7-102. The stipends shall be awarded on a yearly basis, and recipients shall reapply each year that they are enrolled in the associate of arts degree program. The scholarships shall be paid from any moneys available in the early childhood educator development scholarship fund created in section 22-9.7-103.

**SECTION 44.** 22-27.5-103 (2), Colorado Revised Statutes, is amended to read:

**22-27.5-103. Dropout prevention activity grant program - created - applications.** (2) In any year in which ~~the department of revenue notifies the department of education that moneys have been designated for the fund pursuant to section 39-22-2802, C.R.S., or in which the department of education receives other~~ gifts, grants, or donations for the fund, the department of education shall notify the facility schools and the district boards, in the manner provided by rule of the state board, of the amount of money to be deposited in the fund and available for grants pursuant to this section. The notice may also specify the time and procedure for applying for a grant from the dropout prevention activity grant program. Each district board shall forward the notice to the qualified schools of the school district. The department shall also post the notice on the department web site as notice to qualified community organizations that may be interested in applying for moneys through the grant program.

**SECTION 45.** 22-27.5-105 (1) (a) and (4), Colorado Revised Statutes, are amended to read:

**22-27.5-105. Dropout prevention activity grant fund - created -**

**administrative costs.** (1) (a) There is hereby created in the state treasury the dropout prevention activity grant fund. The fund shall consist of ~~moneys collected pursuant to section 39-22-2803, C.R.S.,~~ and any gifts, grants, or donations received by the department for the fund pursuant to subsection (2) of this section. The moneys in the fund shall be subject to annual appropriation by the general assembly for the direct and indirect costs associated with the implementation of the dropout prevention activity grant program pursuant to this article.

~~(4) The general assembly, in accordance with the provisions of section 39-22-2803, C.R.S., shall annually appropriate from the fund to the department of revenue an amount equal to the costs incurred by the department of revenue in administering moneys designated as contributions to the fund.~~

**SECTION 46.** 22-32-109.1 (6), Colorado Revised Statutes, is amended to read:

**22-32-109.1. Board of education - specific powers and duties - safe schools.**

(6) **Sharing information.** Notwithstanding any provision to the contrary in title 24, C.R.S., each board of education shall establish policies consistent with section 24-72-204 (3), C.R.S., and with applicable provisions of the federal "Family Education Rights and Privacy Act of 1974" (FERPA), 20 U.S.C. sec. 1232g, and all federal regulations and applicable guidelines adopted thereto, to share and release information directly related to a student and maintained by a public school or by a person acting for the public school in the interest of making schools safer. Sharing of information concerning an out-of-home placement student who is being transferred to a public school shall comply with the rules established by the state board pursuant to section ~~22-2-139 (8)~~ 22-2-139 (9).

**SECTION 47.** 22-32-120 (7) (b) (V), Colorado Revised Statutes, is amended to read:

**22-32-120. Food services - facilities - school food authorities - rules.** (7) On or before October 1, 2009, the state board of education shall promulgate rules establishing:

(b) A timeline, standards, and procedures for the department of education to use in granting or denying authorization as a school food authority to a district charter school or an institute charter school. The standards shall include, at a minimum, the following requirements:

(V) The department OF EDUCATION shall not grant authorization as a school food authority to more than six applicant district charter schools or institute charter schools until July 1, 2011, including any district charter schools or institute charter schools that have been granted provisional authorization pursuant to subsection (6) of this section.

**SECTION 48.** 22-32-128, Colorado Revised Statutes, is amended to read:

**22-32-128. Use of school vehicles by residents of district.** At times to be specified by the board OF EDUCATION OF EACH SCHOOL DISTRICT, school vehicles used for the transportation of pupils pursuant to the provisions of section 22-32-113 shall be available to groups of five or more residents of the district who are

sixty-five years of age or older for use within or without the district. The board of education of each school district of the state shall adopt policies regarding the reasonable use of such vehicles by groups of persons with special consideration being given those residents who are sixty-five years of age or older. Such school vehicles shall be covered by an insurance policy similar to, with limits not less than, the insurance coverage which is in effect while said school vehicles are used for the transportation of pupils. To the extent that such policies provide for the reimbursement to the school district of all the expenses of the operation of such school vehicles as determined by the school district auditor, no such reimbursement shall constitute compensation, and it shall not subject the school district to the provisions of article 10 or 11 of title 40, C.R.S. The miles traveled and the costs expended under this article shall not be allowable for the computation of benefits accruing to a school district under the provisions of article 51 of this title.

**SECTION 49.** 22-35-112 (1) (a), Colorado Revised Statutes, is amended to read:

**22-35-112. Reports - repeal.** (1) (a) Upon request by the department, a local education provider shall submit to the department any data that the department reasonably requires for the purpose of preparing and submitting the reports described in subsection (2) of this section. In submitting data to the department, each local education provider shall use whenever possible the state data reporting system described in section ~~22-7-603~~ 22-11-501. The department shall seek to minimize and eliminate the duplication of data reporting required under this paragraph (a). The department in particular shall note the data collection and reporting already required and conducted by the department, public schools, and local education providers.

**SECTION 50.** 23-5-126, Colorado Revised Statutes, is amended to read:

**23-5-126. Governing boards - anti-terrorism measures.** (1) The Colorado commission on higher education in consultation with each governing board shall adopt such guidelines and policies, no later than December 1, 2002, as may be necessary to provide all lawful information requested by the federal bureau of investigation, the central intelligence agency, ~~the immigration and naturalization service,~~ the ~~office~~ DEPARTMENT of homeland security, or any other federal agency in connection with an anti-terrorism investigation. The guidelines and policies shall include requiring each state-supported institution of higher education to verify and report the status of all foreign students, as required by the ~~immigration and naturalization service,~~ DEPARTMENT OF HOMELAND SECURITY, or any other federal agency.

(2) The administrators at each state-supported institution of higher education shall cooperate with and provide, in an immediate manner, all lawful information requested by the federal bureau of investigation, the central intelligence agency, ~~the immigration and naturalization service,~~ the ~~office~~ DEPARTMENT of homeland security, or any other federal agency in connection with an anti-terrorism investigation.

**SECTION 51.** 23-5-129 (5) (a) and (9), Colorado Revised Statutes, are amended to read:

**23-5-129. Governing boards - performance contract - authorization - operations.** (5) (a) Beginning January 2006, and each January thereafter, the department of higher education shall report to the members of the education committees of the senate and the house of representatives and the members of the joint budget committee of the general assembly the financial effect of the provisions of each performance contract with regard to funding for the affected governing board of a state institution of higher education and overall funding for the statewide system of higher education ~~any exemptions granted pursuant to subsection (4) of this section~~, and a review of each state or private institution's operations under the institution's performance contract. The term of a performance contract may be up to ten years. The department of higher education may renew a performance contract at its discretion, with the agreement of the governing board.

(9) ~~The Colorado school of mines, while operating under a performance contract pursuant to section 23-41-104.6, may negotiate with the Colorado commission on higher education for exemptions consistent with the provisions of subsection (4) of this section.~~

**SECTION 52.** 23-20-114 (1), Colorado Revised Statutes, is amended to read:

**23-20-114. Employment of medical personnel.** (1) The board of regents of the university of Colorado has authority to employ medical personnel who are not citizens of the United States at the university of Colorado health sciences center, the university of Colorado psychiatric hospital, and the medical division of the graduate school of the university of Colorado. Medical personnel who are not citizens of the United States are exempt from the licensure requirements of the "Colorado Medical Practice Act", article 36 of title 12, C.R.S., with respect to services performed in the course of such employment, but such personnel shall first comply with all other requirements of said act, which includes the taking and passing of examinations approved by the Colorado medical board and by the national board of medical examiners, the national board of examiners for osteopathic physicians and surgeons, or the federation of state medical boards, or their successor organizations, on subjects relating to the basic sciences as provided by law within three months after the date of employment unless such examinations are not required by section 12-36-107 (1) (b), C.R.S. Such exemptions from licensure or provisions in this section provided for such personnel who are not citizens of the United States shall continue only during the minimum period of time within which the particular individual can become a citizen according to the laws of the United States and the regulations of the immigration and naturalization service of the United States, department of justice, OR ANY SUCCESSOR AGENCY, or such additional time as may be granted by such boards. The exemptions in this section are limited to services performed in the course of employment with the university of Colorado as limited in this section and shall terminate when such employment terminates.

**SECTION 53.** 24-1-120 (5) (b), Colorado Revised Statutes, is amended to read:

**24-1-120. Department of human services - creation - repeal.** (5) The department of human services shall include the following:

(b) ~~The Trinidad state nursing home, unless transferred pursuant to section 26-12-112 (5), C.R.S., and the Colorado state veterans center, which are~~ IS

transferred by a **type 2** transfer to the department of human services;

**SECTION 54.** 24-1.9-104 (1), Colorado Revised Statutes, is amended to read:

**24-1.9-104. Cash fund - creation - grants, gifts, and donations.** (1) On July 1, 2005, there shall be created in the state treasury the performance-based collaborative management incentive cash fund, which shall be referred to in this section as the "fund". The moneys in the fund shall be subject to annual appropriation by the general assembly to the department of human services for state fiscal year 2005-06 and each fiscal year thereafter. On July 1, 2006, the state treasurer shall transfer the moneys in the performance incentive cash fund created pursuant to section 26-5-105.5 (3.2) (a), C.R.S., to the fund. In addition, on July 1, 2006, the state treasurer shall transfer the moneys remaining in the family stabilization services fund created pursuant to section 19-1-125, C.R.S., to the fund. The fund shall also consist of moneys received from docket fees in civil actions AND TRANSFERRED as specified in section ~~13-32-101 (1) (a)~~ 13-32-101 (5) (a) (II), C.R.S.

**SECTION 55.** 24-4.1-302 (1), Colorado Revised Statutes, as it will become effective July 1, 2012, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**24-4.1-302. Definitions.** As used in this part 3, and for no other purpose, including the expansion of the rights of any defendant:

(1) "Crime" means any of the following offenses, acts, and violations as defined by the statutes of the state of Colorado, whether committed by an adult or a juvenile:

(s.3) INVASION OF PRIVACY FOR SEXUAL GRATIFICATION, IN VIOLATION OF SECTION 18-3-405.6, C.R.S.;

**SECTION 56.** The introductory portion to 24-33.5-506 (1), Colorado Revised Statutes, is amended to read:

**24-33.5-506. Victims assistance and law enforcement fund - creation - repeal.** (1) There is hereby created in the state treasury a fund to be known as the victims assistance and law enforcement fund, referred to in this section ~~and section 24-33.5-507~~ as the "fund". The state treasurer shall credit to the fund all moneys deposited with the state treasurer pursuant to section 24-4.2-105 (1) and voluntary victim assistance payments from inmates pursuant to article 24 of title 17, C.R.S. The general assembly shall make annual appropriations of the moneys in the fund to the division:

**SECTION 57.** 24-33.5-1804 (2) (a) (VIII), Colorado Revised Statutes, is amended to read:

**24-33.5-1804. School safety resource center advisory board - created - repeal.** (2) (a) The advisory board shall consist of not less than thirteen members, each of whom shall be appointed to a term of two years as follows:

(VIII) One member shall represent the ~~division of mental health~~ UNIT within the department of human services, created pursuant to section 26-1-105, C.R.S., THAT

ADMINISTERS BEHAVIORAL HEALTH PROGRAMS AND SERVICES, INCLUDING THOSE RELATED TO MENTAL HEALTH AND SUBSTANCE ABUSE, and be appointed by the executive director of the department of human services.

**SECTION 58.** 24-34-104 (44) (c) and (48) (c), Colorado Revised Statutes, is amended to read:

**24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment.** (44) The following agencies, functions, or both, shall terminate on July 1, 2013:

~~(c) The functions of the executive director of the department of revenue, including licensing, in accordance with part 1 of article 6 of title 12, C.R.S.;~~

(48) The following agencies, functions, or both, shall terminate on July 1, 2017:

(c) The motor vehicle dealer board, created by section 12-6-103, C.R.S., AND THE FUNCTIONS OF THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE, INCLUDING LICENSING, IN ACCORDANCE WITH PART 1 OF ARTICLE 6 OF TITLE 12, C.R.S.;

**SECTION 59. Repeal.** 24-48.6-107, Colorado Revised Statutes, is repealed as follows:

~~**24-48.6-107. Certification of funds - repeal.** On or before September 30, 2004, the Colorado alliance for microenterprise initiatives shall certify to the director and the revisor of statutes that it has received an amount of gifts, grants, and donations that is sufficient to aid the council in producing the report required pursuant to section 24-48.6-104 (3). If no such certification is received, this article is repealed, effective October 1, 2004.~~

**SECTION 60. Repeal.** 25-3-705 (7), Colorado Revised Statutes, is repealed as follows:

~~**25-3-705. Health care charge transparency - hospital charge report.** (7) The health care task force created in section 10-16-221, C.R.S., shall study the feasibility of ambulatory surgical centers reporting charge information to the association of hospitals for inclusion on the web site. The task force will report back to the general assembly in 2009, prior to any requirement that ambulatory surgical centers report any charge data. The task force shall study the method of reporting and the appropriate data to be gathered and any recommended time frames for reporting.~~

**SECTION 61.** 25-4-1405 (6), Colorado Revised Statutes, is amended to read:

**25-4-1405. Disease control by the state department of public health and environment and county, district, and municipal public health agencies.** (6) Any county, district, or municipal public health agency, state institution or facility, medical practitioner, or public or private hospital or clinic may examine and provide treatment for HIV infection for any minor if such physician or facility is qualified to provide such examination and treatment. The consent of the parent or guardian of such minor shall not be a prerequisite to such examination and

treatment. The physician in charge or other appropriate authority of the facility or the licensed physician concerned shall prescribe an appropriate course of treatment for such minor. The fact of consultation, examination, and treatment of such a minor under the provisions of this section shall be absolutely confidential and shall not be divulged by the facility or physician to any person other than the minor except for purposes of a report required under sections 25-4-1402 and 25-4-1403 and subsection (8) of this section and a report containing the name and medical information of the minor made to the appropriate authorities if required by the ~~"Child Protection Act of 1975"~~ "CHILD PROTECTION ACT OF 1987", part 3 of article 3 of title 19, C.R.S. If the minor is less than sixteen years of age or not emancipated, the minor's parents or legal guardian may be informed by the facility or physician of the consultation, examination, and treatment. The physician or other health care provider shall counsel the minor on the importance of bringing his parents or guardian into the minor's confidence about the consultation, examination, or treatment.

**SECTION 62. Repeal.** 25-7-133.5 (2) (n), Colorado Revised Statutes, is repealed as follows:

**25-7-133.5. Extension or rescission of specific revisions to state implementation plan (SIP) after 1996.** (2) Pursuant to section 25-7-133, the following revisions to the state implementation plan (SIP), which were adopted by the air quality control commission on the dates indicated and received by the legislative council for review, are approved for incorporation into the state implementation plan:

~~(n) Amendments adopted by the air quality control commission on April 17, 1997, to regulation number 13, concerning the reduction of carbon monoxide emissions from gasoline-powered motor vehicles through the use of oxygenated gasolines, except that the amendments to the following provisions of said regulation shall read as follows:~~

~~(f) Regulation Number 13 H. B. shall read:~~

~~"B. Control Period~~

~~1. The control period for each control area shall be from November 1 THROUGH FEBRUARY 7 EACH YEAR., 1995 through February 14, 1996 and each November 1 through February 14 thereafter.~~

~~2. THE MAXIMUM ALLOWABLE OXYGENATE BLENDING PERIOD FOR THE DENVER-BOULDER CONTROL AREA SHALL BE NOVEMBER 8 THROUGH JANUARY 31 EACH YEAR."~~

~~(H) Regulation Number 13 H. C. shall read:~~

~~"C. Class A Fuel Requirements~~

~~1. During the control period, no class A motor fuel shall be supplied or sold by any person intended as a final product for fueling of motor vehicles within the Oxygenated Gasoline Program area, or sold at retail, or sold to a private fleet for~~

consumption, or introduced into a motor vehicle in the Oxygenated Gasoline Program area by a person unless the fuel has the following oxygen content:

a. ~~Larimer-Greeley control area: at least 2.7% oxygen content by weight;~~

~~LARIMER-GREELEY CONTROL AREA: AT LEAST 2.0% OXYGEN CONTENT BY WEIGHT FROM NOVEMBER 1 THROUGH NOVEMBER 7, AND, AT LEAST 2.7% OXYGEN CONTENT BY WEIGHT FROM NOVEMBER 8 THROUGH FEBRUARY 7;~~

b. ~~Denver-Boulder control area: at least 2.7% oxygen content by weight, and is blended at its maximum allowable oxygenate blending level. For ethanol blends this is 10% denatured ethanol by volume, as permitted by the gasohol waiver. For MTBE blends this is 15% MTBE by volume, as permitted by the Sun Oil waiver. For all other oxygenates, or combination of oxygenates, this is the maximum oxygenate level permitted by respective EPA waivers or the substantially similar rule, whichever results in a greater oxygen content;~~

~~DENVER-BOULDER CONTROL AREA: AT LEAST 2.0% OXYGEN CONTENT BY WEIGHT FROM NOVEMBER 1 THROUGH NOVEMBER 7, AND, AT LEAST 2.7% OXYGEN CONTENT BY WEIGHT FROM NOVEMBER 8 THROUGH FEBRUARY 7. DURING THE MAXIMUM ALLOWABLE OXYGENATE BLENDING PERIOD, ALL OXYGENATED GASOLINE MUST BE BLENDED AT THEIR MAXIMUM ALLOWABLE OXYGENATE BLENDING LEVEL. FOR ETHANOL BLENDS THIS IS 10% DENATURED ETHANOL BY VOLUME, AS PERMITTED BY THE GASOHOL WAIVER. FOR MTBE BLENDS THIS IS 15% MTBE BY VOLUME, AS PERMITTED BY THE SUN OIL WAIVER. FOR ALL OTHER OXYGENATES, OR COMBINATION OF OXYGENATES, THIS IS THE MAXIMUM OXYGENATE LEVEL PERMITTED BY RESPECTIVE EPA WAIVERS OR THE SUBSTANTIALLY SIMILAR RULE, WHICHEVER RESULTS IN A GREATER OXYGEN CONTENT;~~

c. ~~Colorado Springs control area: at least 2.7% oxygen content by weight;~~

~~COLORADO SPRINGS CONTROL AREA: AT LEAST 2.0% OXYGEN CONTENT BY WEIGHT FROM NOVEMBER 1 THROUGH NOVEMBER 7, AND, AT LEAST 2.7% OXYGEN CONTENT BY WEIGHT FROM NOVEMBER 8 THROUGH FEBRUARY 7."~~

**SECTION 63.** 25-11-104 (1) (a), Colorado Revised Statutes, is amended to read:

**25-11-104. Rules to be adopted - fees - fund created.** (1) (a) The state board shall formulate, adopt, and promulgate rules as provided in ~~subsections (2) and (2.5)~~ SUBSECTION (2) of this section that cover subject matter relative to radiation machines and radioactive materials, including naturally occurring radioactive materials and other sources of radiation. The subject matter of the rules shall include: Licenses and registration; records; permissible levels of exposure; notification and reports of accidents; technical qualifications of personnel; technical qualifications of mammographers; handling, transportation, and storage; waste

disposal; posting and labeling of hazardous sources and areas; surveys; monitoring; and financial assurance warranties.

**SECTION 64.** 25-20.5-406 (2) (b) (III), Colorado Revised Statutes, is amended to read:

**25-20.5-406. State review team - creation - membership - vacancies.**

(2) (b) The executive director of the department of human services shall appoint six ex officio nonvoting members, as follows:

(III) One member who represents the ~~division of alcohol and drug abuse~~ UNIT IN THE DEPARTMENT OF HUMAN SERVICES THAT ADMINISTERS BEHAVIORAL HEALTH PROGRAMS AND SERVICES, INCLUDING THOSE RELATED TO MENTAL HEALTH AND SUBSTANCE ABUSE;

**SECTION 65.** 25.5-4-103 (10), Colorado Revised Statutes, is amended to read:

**25.5-4-103. Definitions.** As used in this article and articles 5 and 6 of this title, unless the context otherwise requires:

(10) "Legal immigrant" means an individual who is not a citizen or national of the United States and who was lawfully admitted to the United States by the immigration and naturalization service, OR ANY SUCCESSOR AGENCY, as an actual or prospective permanent resident or whose extended physical presence in the United States is known to and allowed by the immigration and naturalization service, OR ANY SUCCESSOR AGENCY.

**SECTION 66.** The introductory portion to 25.5-4-305 (1), Colorado Revised Statutes, is amended to read:

**25.5-4-305. False medicaid claims - liability for certain acts.** (1) Except as otherwise provided in ~~subsections (2) and (5)~~ SUBSECTION (2) of this section, a person is liable to the state for a civil penalty of not less than five thousand dollars and not more than ten thousand dollars, plus three times the amount of damages that the state sustains because of the act of that person, if the person:

**SECTION 67.** 25.5-5-101 (3), Colorado Revised Statutes, is amended to read:

**25.5-5-101. Mandatory provisions - eligible groups.** (3) Notwithstanding any other provision of this article and articles 4 and 6 of this title, as a condition of eligibility for medical assistance under this article and articles 4 and 6 of this title, a legal immigrant shall agree to refrain from executing an affidavit of support for the purpose of sponsoring an alien on or after July 1, 1997, under rules promulgated by the immigration and naturalization service, OR ANY SUCCESSOR AGENCY, during the pendency of such legal immigrant's receipt of medical assistance. Nothing in this subsection (3) shall be construed to affect a legal immigrant's eligibility for medical assistance under this article and articles 4 and 6 of this title based upon such legal immigrant's responsibilities under an affidavit of support entered into before July 1, 1997.

**SECTION 68. Repeal.** 25.5-6-1206, Colorado Revised Statutes, is repealed as

follows:

~~25.5-6-1206. Report. On or before January 1, 2008, the state department shall provide a report to the joint budget committee of the general assembly and the health and human services committees of the house of representatives and the senate, or any successor committees, on the implementation of in-home support services. At a minimum the report shall include the cost-effectiveness of providing in-home support services to the elderly, blind, and disabled and to eligible disabled children and the number of persons receiving such services.~~

**SECTION 69. Repeal.** 25.5-6-1208, Colorado Revised Statutes, is repealed as follows:

~~25.5-6-1208. Conditional repeal of part. (1) This part 12 shall be repealed if sufficient federal funds reflected in section 3 of Senate Bill 02-027, enacted at the second regular session of the sixty-third general assembly, are not received by the state department. If sufficient federal funds are not received by the state department, said department shall immediately notify the revisor of statutes, in writing.~~

~~(2) This part 12 shall be repealed upon receipt by the revisor of statutes of the notification described in subsection (1) of this section.~~

**SECTION 70.** 26-1-111 (5), Colorado Revised Statutes, is amended to read:

**26-1-111. Activities of the state department under the supervision of the executive director - cash fund - report - rules - statewide adoption resource registry - repeal.** (5) The state department, through the ~~division of alcohol and drug abuse~~ UNIT IN THE STATE DEPARTMENT THAT ADMINISTERS BEHAVIORAL HEALTH PROGRAMS AND SERVICES, INCLUDING THOSE RELATED TO MENTAL HEALTH AND SUBSTANCE ABUSE, shall administer alcohol and drug abuse programs set forth in ~~parts 2, 3, and 11 of article 1 of title 25~~ ARTICLES 80, 81, AND 82 OF TITLE 27, C.R.S., and applicable provisions of article 22 of title 12, C.R.S.

**SECTION 71.** 26-2-103 (5.7), Colorado Revised Statutes, is amended to read:

**26-2-103. Definitions.** As used in this article and article 1 of this title, unless the context otherwise requires:

(5.7) "Legal immigrant" means an individual who is not a citizen or national of the United States and who was lawfully admitted to the United States by the immigration and naturalization service, OR ANY SUCCESSOR AGENCY, as an actual or prospective permanent resident or whose extended physical presence in the United States is known to and allowed by the immigration and naturalization service, OR ANY SUCCESSOR AGENCY.

**SECTION 72.** 26-2-111 (4) (e) (I), Colorado Revised Statutes, is amended to read:

**26-2-111. Eligibility for public assistance. (4) Aid to the needy disabled.** Public assistance in the form of aid to the needy disabled shall be granted to any

person who meets the requirements of subsection (1) of this section and all of the following requirements:

(e) If the applicant is disabled as a result of a primary diagnosis of alcoholism or a controlled substance addiction, he or she, as conditions of eligibility, shall be required to:

(I) Participate in treatment services approved by the ~~division of alcohol and drug abuse~~ UNIT in the state department THAT ADMINISTERS BEHAVIORAL HEALTH PROGRAMS AND SERVICES, INCLUDING THOSE RELATED TO MENTAL HEALTH AND SUBSTANCE ABUSE; and

**SECTION 73.** 26-7.5-105 (1) (b), Colorado Revised Statutes, is amended to read:

**26-7.5-105. Funding of domestic abuse programs.** (1) (b) Moneys generated from fees collected pursuant to ~~sections 13-32-101 (1) (a) and (1) (b) and 14-2-106 (1) (a), C.R.S.~~ SECTION 14-2-106 (1) (a), C.R.S., OR TRANSFERRED PURSUANT TO SECTION 13-21-101 (5) (a) (X) OR (5) (b) (II), C.R.S., shall be used to reimburse domestic abuse programs that provide services as provided in section 26-7.5-103 to married, separated, or divorced persons or their families.

**SECTION 74.** 26-11-205.7 (2), Colorado Revised Statutes, is amended to read:

**26-11-205.7. Community long-term care study - older Coloradans study cash fund - strategic plan - authority to implement.** (2) If the study conducted pursuant to paragraph (a) of subsection (1) of this section concludes that increasing funding for community-based services as provided in the older Coloradans program would result in cost savings, by July 1, 2011, subject to the receipt of sufficient moneys pursuant to paragraph (b) of subsection (1) of this section, the state department shall report to the members of the health and human services committees of the senate and house of representatives, or any successor committees, and to the members of the joint budget committee a long-term strategic implementation plan, developed in cooperation with the area agencies on aging ~~created~~ DESIGNATED pursuant to section ~~26-11-204~~ 26-11-203 (1) (h), that identifies the expected needs for services and recommends potential funding sources.

**SECTION 75. Repeal.** 26-12-112 (5), Colorado Revised Statutes, is repealed as follows:

**26-12-112. Powers and duties of state department.** (5) ~~(a) The executive director shall have the authority to transfer title to any real or personal property at the Trinidad state nursing home, established pursuant to section 26-12-201, on terms and conditions he or she deems appropriate. In the process of transferring the property pursuant to this subsection (5), the executive director shall work in consultation with the board of county commissioners for Las Animas county and shall encourage and entertain bids that include an assurance of continuity of care for residents and an employee retention plan. In making a decision, the state department shall consider any independent feasibility study that may be conducted by or on behalf of any Trinidad or Las Animas county organization and shall make available upon request any nonconfidential information concerning the Trinidad~~

~~state nursing home that may be needed for such feasibility study.~~

~~(b) Any proceeds from the sale of property pursuant to paragraph (a) of this subsection (5) shall be deposited in the central fund and applied toward projects and programs for state nursing homes.~~

**SECTION 76.** 26-12-121 (1), Colorado Revised Statutes, is amended to read:

**26-12-121. State and veterans nursing homes - local advisory boards - rules - repeal.** (1) The state board, with input from the division within the state department that is responsible for state nursing homes, shall promulgate rules to establish the requirements and procedures governing the creation and operation of local advisory boards at each of the existing state nursing homes within the state department, located in Homelake, Florence, ~~Trinidad~~, Rifle, Aurora, and Walsenburg, Colorado.

**SECTION 77. Repeal.** 26-12-201 (1), Colorado Revised Statutes, is repealed as follows:

**26-12-201. State nursing homes authorized.** (1) ~~(a) There is hereby established a state nursing home, to be known as the Trinidad state nursing home, to be located at or near the city of Trinidad, Colorado.~~

~~(b) Notwithstanding the provisions of paragraph (a) of this subsection (1), the executive director shall have the authority to transfer title to any real or personal property at the Trinidad state nursing home pursuant to section 26-12-112 (5).~~

**SECTION 78.** 26-12-402 (2) (a), Colorado Revised Statutes, is amended to read:

**26-12-402. Board of commissioners of state and veterans nursing homes - creation - powers and duties.** (2) The functions of the board of commissioners are to:

(a) Advise the division ~~the state nursing home located in Trinidad, unless it has been transferred pursuant to section 26-12-112 (5)~~; and the veterans nursing homes located in Homelake, Florence, Rifle, Aurora, and Walsenburg, Colorado;

**SECTION 79.** 26-21-103 (7), Colorado Revised Statutes, is amended to read:

**26-21-103. Definitions.** As used in this article, unless the context otherwise requires:

(7) "State court system" means the system of courts, or any part thereof, established pursuant to articles 1 to 9 of ~~this~~ title 13, C.R.S., and article VI of the state constitution. "State court system" shall not include the municipal courts or any part thereof.

**SECTION 80.** 27-69-103, Colorado Revised Statutes, is amended to read:

**27-69-103. Demonstration programs established.** There are hereby established demonstration programs for system of care family advocates and family systems

navigators for mental health juvenile justice populations that shall be implemented and monitored by the unit, with input, cooperation, and support from the division of criminal justice, CREATED IN SECTION 24-33.5-502, C.R.S., the task force, CREATED IN SECTION 18-1.9-104, C.R.S., and family advocacy coalitions.

**SECTION 81. Repeal.** 27-81-102 (10), Colorado Revised Statutes, is repealed as follows:

**27-81-102. Definitions.** As used in this article, unless the context otherwise requires:

(10) "~~Incompetent person~~" means a person who has been adjudged incompetent by the district court.

**SECTION 82.** 27-90-101 (1) (b), Colorado Revised Statutes, is amended to read:

**27-90-101. Executive director - division heads - interagency council - advisory boards.** (1) (b) All personnel who cannot satisfy all of the requirements set forth in paragraph (a) of this subsection (1) shall be exempt from the "Colorado Medical Practice Act", article 36 of title 12, C.R.S., with respect to services rendered to bona fide patients or inmates at said institutions, if the personnel are of good moral character, are graduates of an approved medical college as defined in section 12-36-102.5, C.R.S., have completed an approved internship of at least one year as defined in section 12-36-102.5, C.R.S., within nine months after first being employed, pass the examinations approved by the Colorado medical board under the "Colorado Medical Practice Act" and the national board of medical examiners, the national board of examiners for osteopathic physicians and surgeons, or the federation of state medical boards, or their successor organizations, on subjects relating to the basic sciences, are able to read, write, speak, and understand the English language, and, in the case of personnel who are not citizens of the United States, become citizens within the minimum period of time within which the particular individual can become a citizen according to the laws of the United States and the regulations of the immigration and naturalization service of the United States, department of justice, OR ANY SUCCESSOR AGENCY, or within such additional time as may be granted by said boards.

**SECTION 83.** 27-92-103 (2), Colorado Revised Statutes, is amended to read:

**27-92-103. Extent of liability.** (2) The liability of each parent shall cease when such parent has completed the payments as assessed in this article ~~for one hundred eighty months subsequent to May 1, 1964,~~ or upon the patient's eighteenth birthday, whichever event first occurs.

**SECTION 84.** 30-5-143, Colorado Revised Statutes, is amended to read:

**30-5-143. Mesa.** So much of the county of Gunnison as is included within the following described boundaries shall be set apart and is hereby established as a county, with the legal capacity and functions of other counties of this state, to be called the county of Mesa:

Beginning at the northwest corner of Pitkin county, and running thence south

along and with the western line of Pitkin county to the divide between the waters of the Grand river, NOW THE COLORADO RIVER, and the north fork of the Gunnison river; thence southwesterly along and with said divide to the southwestern extremity of the Grand Mesa; thence southwesterly to the mouth of the Rio Dominguez; thence due south to the parallel of thirty-eight degrees and thirty minutes of north latitude; thence west to the western boundary line of the state of Colorado; thence north along said boundary line to the northern boundary line of Gunnison county; and thence east along said northern boundary line of Gunnison county to the place of beginning.

**SECTION 85.** 30-10-601.6 (5), Colorado Revised Statutes, is amended to read:

**30-10-601.6. Coroners standards and training board.** (5) (a) On and after August 6, 2003, the executive director of the department of public health and environment may accept gifts, grants, and donations to cover the costs incurred in the establishment and operation of the C.C.S.T. board. Such gifts, grants, and donations received shall be transmitted to the state treasurer, who shall credit the moneys to the coroner training fund created in section 30-10-601.8 (5). ~~The state treasurer shall report the total amount of gifts, grants, and donations transmitted pursuant to this section as of July 1, 2005, to the revisor of statutes.~~ Any unencumbered moneys remaining in the fund upon the repeal of this section shall be transferred to the general fund.

~~(b) This section and sections 30-10-601.7, 30-10-601.8, and 30-10-601.9 are repealed, effective July 1, 2005, unless the total amount of gifts, grants, and donations transmitted to the state treasurer as reported to the revisor of statutes pursuant to paragraph (a) of this subsection (5) is not less than twenty thousand dollars as of July 1, 2005.~~

**SECTION 86. Repeal.** 34-60-124 (4) (c), Colorado Revised Statutes, is repealed as follows:

**34-60-124. Oil and gas conservation and environmental response fund.** (4) The oil and gas conservation and environmental response fund may be expended:

~~(c) For the purposes authorized by section 34-60-129.~~

**SECTION 87.** 38-1-202 (1) (b) (IV) (F), Colorado Revised Statutes, is amended to read:

**38-1-202. Governmental entities, corporations, and persons authorized to use eminent domain.** (1) The following governmental entities, types of governmental entities, and public corporations, in accordance with all procedural and other requirements specified in this article and articles 2 to 7 of this title and to the extent and within any time frame specified in the applicable authorizing statute may exercise the power of eminent domain:

(b) The state:

(IV) By action of the general assembly or by action of any of the following

officers and agencies of the state:

(F) The governor as authorized in section ~~27-90-102 (2)~~ 27-90-102 (3), C.R.S.;

**SECTION 88.** 38-13-116.5 (1) (b), Colorado Revised Statutes, is amended to read:

**38-13-116.5. Unclaimed property trust fund - creation - payments - interest - appropriations - records - rules.** (1) (b) Except as provided in subsections (2) ~~(2.5)~~; and (2.7) of this section, the principal of the trust fund shall not be expended except to pay claims made pursuant to this article. Moneys comprising the principal of the trust fund shall not constitute fiscal year spending of the state for purposes of section 20 of article X of the state constitution and are not subject to appropriation by the general assembly.

**SECTION 89.** The introductory portion to 38-35.7-107 (1) (a) (III), Colorado Revised Statutes, is amended to read:

**38-35.7-107. Water-smart homes option.** (1) (a) Every person that builds a new single-family detached residence for which a buyer is under contract shall offer the buyer the opportunity to select one or more of the following water-smart home options for the residence:

(III) If landscaping is financed, installed, or sold as upgrades through the home builder and will be maintained by the home owner, the home builder shall offer a landscape design that follows the landscape practices specified in this subparagraph (III) to ensure both the professional design and installation of such landscaping and that water conservation will be accomplished. These best management practices are contained in the document titled: "Green Industry Best Management Practices ~~(BMP)~~ (BMPs) for the Conservation and Protection of Water Resources in Colorado: MOVING TOWARD SUSTAINABILITY", 3rd ~~edition~~ "RELEASE, and appendix, ~~released~~ in May 2008, or this document's successors due to future inclusion of improved landscaping practices, water conservation advancements, and new irrigation technology. The best management practices specified in this subparagraph (III), through utilization of the proper landscape design, installation, and irrigation technology, accomplish substantial water savings compared to landscape designs, installation, and irrigation system utilization where these practices are not adhered to. The following best management practices and water budget calculator form the basis for the design and installation for the front yard landscaping option if selected by the homeowner as an upgrade:

**SECTION 90.** 38-38-803 (6), Colorado Revised Statutes, is amended to read:

**38-38-803. Procedures for foreclosure deferment - notification - process.** (6) Notwithstanding any other provision of law, if the public trustee receives certification from the foreclosure counselor that the eligible borrower qualifies for a foreclosure deferment, the public trustee shall cancel any remaining publications of the combined notice, shall not mail the notice required by section ~~38-38-103 (1)~~ ~~(a) (H)~~ 38-38-103 (1) (a), and shall continue the sale of the property in accordance with section 38-38-109 (1) (a). The sale shall be continued from week to week until receipt of certification pursuant to section 38-38-805 (4) that the deferment has been

terminated or, if no certification is received, for ninety calendar days or until the next scheduled sale date after the end of the ninety-day period. When the deferment has been terminated or has ended, the public trustee shall collect a fee of seventy-five dollars and thereafter shall begin publication of the combined notice as required in section 38-38-103 (5) (a), as to the deferred sale, and send the notice required by section 38-38-103 (1) (a), as soon as possible and no more than twenty calendar days after the completion of the deferment.

**SECTION 91.** 39-21-108 (1) (a), Colorado Revised Statutes, is amended to read:

**39-21-108. Refunds.** (1) (a) In the case of income tax imposed by article 22 of this title, the taxpayer must file any claim for refund or credit for any year not later than the period provided for filing a claim for refund of federal income tax plus one year. However, any extensions of the period by agreement between the taxpayer and the federal taxing authorities shall extend the period established in this section by the same amount of time. The department shall not pay any refund for which the claim is filed later than the period provided for the payment of a refund of federal income tax plus one year. However, no refund or credit of income tax shall be made to any taxpayer who fails to file a return pursuant to section 39-22-601 within four years from the date the return was required to be filed. Except in the case of failure to file a return or the filing of a false or fraudulent return with intent to evade tax and otherwise notwithstanding any provision of law, the statute of limitations relating to claims for refund or credit for any year shall not expire prior to the expiration of the time within which a deficiency for such year could be assessed. In the case of the charge on oil and gas production imposed by article 60 of title 34, C.R.S., and the passenger-mile tax imposed by article 3 of title 42, C.R.S., or the severance tax imposed by article 29 of this title, ~~or any tax~~, the taxpayer shall file any claim for refund or credit for any period not later than three years after the date of payment. Claims for refund of other taxes covered by this article shall be made within the time limits expressly provided for the specific taxes involved. Except as provided in section 39-21-105, no suit for refund may be commenced. This subsection (1) shall not apply to sales and use taxes.

**SECTION 92.** 39-21-113 (22), Colorado Revised Statutes, as it will become effective January 1, 2012, is amended to read:

**39-21-113. Reports and returns - repeal.** (22) Notwithstanding the provisions of this section, the executive director shall supply the Colorado office of economic development with information relating to the actual amount of any enterprise zone tax credit claimed pursuant to article 30 of this title as well as information submitted to AND AGGREGATED BY the department pursuant to section 39-30-111 (2) and (3) regarding the carry forward of such income tax credits. Any information provided to the office pursuant to this subsection (22) shall remain confidential, and all office employees shall be subject to the limitations set forth in subsection (4) of this section and the penalties contained in subsection (6) of this section. Nothing in this subsection (22) shall prevent the office from making aggregated data regarding enterprise zone tax credits available.

**SECTION 93.** 39-26-102 (4.5), Colorado Revised Statutes, is amended to read:

**39-26-102. Definitions - repeal.** As used in this article, unless the context

otherwise requires:

(4.5) "Food" means food for domestic home consumption as defined in ~~7 U.S.C. sec. 2012 (g)~~ 7 U.S.C. SEC. 2012 (k), as amended, for purposes of the federal food stamp program, OR ANY SUCCESSOR PROGRAM, as defined in ~~7 U.S.C. sec. 2012 (h)~~ 7 U.S.C. SEC. 2012 (l), as amended; except that "food" does not include carbonated water marketed in containers; chewing gum; seeds and plants to grow foods; prepared salads and salad bars; packaged and unpackaged cold sandwiches; deli trays; and hot or cold beverages served in unsealed containers or cups that are vended by or through machines or non-coin-operated coin-collecting food and snack devices on behalf of a vendor.

**SECTION 94.** 39-28-303 (1) (a) and the introductory portion to 39-28-303 (2) (a), Colorado Revised Statutes, are amended to read:

**39-28-303. Certifications - directory - tax stamps. (1) Certification.** (a) ~~Except as otherwise provided in section 39-28-307 (3);~~ Every tobacco product manufacturer whose cigarettes are sold in this state whether directly or through a distributor, retailer, or similar intermediary or intermediaries shall execute and deliver in the manner prescribed by the department a certification to the executive director of the department no later than the thirtieth day of April each year certifying under penalty of perjury that, as of the date of such certification, the tobacco product manufacturer either is a participating manufacturer or is in full compliance with the tobacco escrow funds act and all implementing regulations.

(2) **Directory of cigarettes approved for stamping and sale.** (a) ~~Except as otherwise provided in section 39-28-307 (3);~~ Not later than June 1, 2003, the department shall develop and publish on its web site a directory listing all tobacco product manufacturers that have provided current and accurate certifications conforming to the requirements of subsection (1) of this section and all brand families that are listed in such certifications; except that:

**SECTION 95. Repeal.** 39-28-307 (3), Colorado Revised Statutes, is repealed as follows:

**39-28-307. Miscellaneous provisions. (3) Dates.** ~~For the year 2003, if the effective date of this part 3 is later than March 16, 2003, the first report of stamping agents required by section 39-28-305 (1) shall be due thirty days after May 14, 2003, the certifications by a tobacco product manufacturer described in section 39-28-303 (1) shall be due forty-five days after May 14, 2003, and the directory described in section 39-28-303 (2) shall be published or made available within ninety days after May 14, 2003.~~

**SECTION 96. Repeal.** 39-29-109 (2) (a) (IV), (2) (a) (V), and (2) (a) (VI), Colorado Revised Statutes, are repealed as follows:

**39-29-109. Severance tax trust fund - created - administration - distribution of moneys - repeal.** (2) State severance tax receipts shall be credited to the severance tax trust fund as provided in section 39-29-108. Except as otherwise set forth in section 39-29-109.5, all income derived from the deposit and investment of the 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. All moneys in the fund shall be subject to appropriation by the general assembly for the following purposes:

(a) **The perpetual base account.** (IV) ~~Notwithstanding any provision of subparagraph (f) of this paragraph (a) to the contrary, on July 1, 2009, the state treasurer shall deduct forty-three million dollars from the perpetual base account of the fund and transfer such sum to the general fund.~~

(V) ~~Notwithstanding any provision of subparagraph (f) of this paragraph (a) to the contrary, on June 30, 2010, the state treasurer shall deduct nineteen million dollars from the perpetual base account of the fund and transfer such sum to the general fund; except that, if the amount of unexpended and unencumbered moneys in the perpetual base account of the fund is less than nineteen million dollars on said date, the state treasurer shall transfer on said date the unexpended and unencumbered balance of moneys in the perpetual base account of the fund to the general fund.~~

(VI) ~~Notwithstanding any provision of this paragraph (a) to the contrary, on April 15, 2010, the state treasurer shall deduct two million dollars from the perpetual base account of the fund and transfer such sum to the general fund.~~

**SECTION 97.** 39-30-111 (4), Colorado Revised Statutes, as it will become effective January 1, 2012, is amended to read:

**39-30-111. Department of revenue - enterprise zone data - electronic filing - submission of carry forward schedule.** (4) The department of revenue shall submit the data collected pursuant to ~~subsections (2) and (3)~~ SUBSECTION (2) OF THIS SECTION AND AGGREGATED PURSUANT TO SUBSECTION (3) of this section to the Colorado office of economic development on August 1, 2013, and on August 1 each year thereafter.

**SECTION 98.** 41-2-102 (8), Colorado Revised Statutes, is amended to read:

**41-2-102. Operating an aircraft under the influence - operating an aircraft with excessive alcohol content - tests - penalties - useful public service program.** (8) ~~The division of alcohol and drug abuse~~ UNIT in the department of human services THAT ADMINISTERS BEHAVIORAL HEALTH PROGRAMS AND SERVICES, INCLUDING THOSE RELATED TO MENTAL HEALTH AND SUBSTANCE ABUSE, shall provide presentence alcohol and drug evaluations on all persons convicted of a violation of subsection (1) or (2) of this section, in the same manner as described in section 42-4-1301.3, C.R.S.

**SECTION 99.** 42-2-107 (4) (b) (II) and (4) (b) (III), Colorado Revised Statutes, are amended to read:

**42-2-107. Application for license or instruction permit - anatomical gifts - donations to Emily Maureen Ellen Keyes organ and tissue donation awareness fund - legislative declaration - repeal.** (4) (b) (II) There is hereby created in the state treasury the Emily Maureen Ellen Keyes organ and tissue donation awareness

fund, which shall consist of all moneys credited thereto from all sources including but not limited to moneys collected from voluntary contributions for organ and tissue donation pursuant to subparagraph (V) of this paragraph (b) and ~~sections 39-22-2702, C.R.S., and SECTION 42-2-118 (1) (a) (II)~~. All moneys in the fund are hereby continuously appropriated to the department of the treasury and shall remain in the fund to be used for the purposes set forth in subparagraph (III) of this paragraph (b) and shall not revert to the general fund or any other fund. All interest derived from the deposit and investment of this fund shall be credited to the fund. At least quarterly, the state treasurer shall transfer all available moneys in the Emily Maureen Ellen Keyes organ and tissue donation awareness fund to ~~the transplant council of the rockies (TCOR)~~ DONOR ALLIANCE, INC., or its successor organization, as directed by sub-subparagraph (A) of subparagraph (III) of this paragraph (b).

(III) At least quarterly, the state treasurer shall transfer all available moneys from the Emily Maureen Ellen Keyes organ and tissue donation awareness fund:

(A) To ~~the transplant council of the rockies (TCOR)~~ DONOR ALLIANCE, INC., or its successor organization, to provide funding for activities to promote organ and tissue donation through the creation and dissemination, by means of electronic media and otherwise, of educational information including public service announcements and information to increase awareness in the medical professions and related fields. ~~The transplant council of the rockies (TCOR)~~ DONOR ALLIANCE, INC., or its successor organization, shall create, by amendment to its articles of incorporation or bylaws or otherwise, as appropriate, an advisory group to allocate moneys received pursuant to this sub-subparagraph (A). Such advisory body shall include a representative of any qualified transplant organization. Such organizations shall include those for organs, tissue, bone marrow, and blood. The advisory body created under this sub-subparagraph (A) shall report in writing in a form and manner determined by the department and at such intervals as required by the department on the use of moneys received under this sub-subparagraph (A). No moneys made available pursuant to this paragraph (b) shall be used to encourage fetal tissue donation.

(B) (Deleted by amendment, L. 98, p. 1172, § 9, effective June 1, 1998.)

(C) Before any payment to ~~the transplant council of the rockies (TCOR)~~ DONOR ALLIANCE, INC., or its successor organization, from the Emily Maureen Ellen Keyes organ and tissue donation awareness fund may be made for any purpose, to the department for the reasonable costs associated with the initial installation of the organ and tissue donor registry, the setup for electronic transfer of the donor information for the organ and tissue donor registry to the federally designated organ procurement organization, computer programming and form changes necessary as a result of the creation of the organ and tissue donor registry. ~~and the tracking and reporting of moneys designated as contributions to the fund pursuant to section 39-22-2702, C.R.S.,~~

(D) To ~~the transplant council of the rockies (TCOR)~~ DONOR ALLIANCE, INC., or its successor organization, for the costs associated with educating the public about the organ and tissue donor registry pursuant to section 12-34-120, C.R.S.

**SECTION 100.** 42-2-122 (1) (i), Colorado Revised Statutes, is amended to read:

**42-2-122. Department may cancel license - limited license for physical or mental limitations.** (1) The department has the authority to cancel, deny, or deny the reissuance of any driver's or minor driver's license upon determining that the licensee was not entitled to the issuance thereof for any of the following reasons:

(i) Failure of the person to complete a level II alcohol and drug education and treatment program certified by the ~~division of alcohol and drug abuse~~ UNIT IN THE DEPARTMENT OF HUMAN SERVICES THAT ADMINISTERS BEHAVIORAL HEALTH PROGRAMS AND SERVICES, INCLUDING THOSE RELATED TO MENTAL HEALTH AND SUBSTANCE ABUSE, pursuant to section 42-4-1301.3, as required by section 42-2-126 (4) (d) (II) (A) or 42-2-132 (2) (a) (II). The failure shall be documented pursuant to section 42-2-144.

**SECTION 101.** 42-2-125 (1) (i), Colorado Revised Statutes, is amended to read:

**42-2-125. Mandatory revocation of license and permit.** (1) The department shall immediately revoke the license or permit of any driver or minor driver upon receiving a record showing that such driver has:

(i) Been convicted of DUI, DUI per se, DWAI, or habitual user and has two previous convictions of any of such offenses. The license of any driver shall be revoked for an indefinite period and shall only be reissued upon proof to the department that said driver has completed a level II alcohol and drug education and treatment program certified by the ~~division of alcohol and drug abuse~~ UNIT IN THE DEPARTMENT OF HUMAN SERVICES THAT ADMINISTERS BEHAVIORAL HEALTH PROGRAMS AND SERVICES, INCLUDING THOSE RELATED TO MENTAL HEALTH AND SUBSTANCE ABUSE, pursuant to section 42-4-1301.3 and that said driver has demonstrated knowledge of the laws and driving ability through the regular motor vehicle testing process. In no event shall such license be reissued in less than two years.

**SECTION 102.** 42-2-126 (4) (d) (II), Colorado Revised Statutes, is amended to read:

**42-2-126. Revocation of license based on administrative determination.** (4) **Multiple restraints and conditions on driving privileges.** (d) (II) (A) If a person was determined to be driving with excess BAC and the person had a BAC that was 0.17 or more or if the person's driving record otherwise indicates a designation as a persistent drunk driver as defined in section 42-1-102 (68.5), the department shall require the person to complete a level II alcohol and drug education and treatment program certified by the ~~division of alcohol and drug abuse~~ UNIT IN THE DEPARTMENT OF HUMAN SERVICES THAT ADMINISTERS BEHAVIORAL HEALTH PROGRAMS AND SERVICES, INCLUDING THOSE RELATED TO MENTAL HEALTH AND SUBSTANCE ABUSE, pursuant to section 42-4-1301.3 as a condition to restoring driving privileges to the person and, upon the restoration of driving privileges, shall require the person to hold a restricted license requiring the use of an ignition interlock device pursuant to section 42-2-132.5 (1) (b.5).

(B) If a person seeking reinstatement is required to complete, but has not yet completed, a level II alcohol and drug education and treatment program, the person shall file with the department proof of current enrollment in a level II alcohol and

drug education and treatment program certified by the ~~division of alcohol and drug abuse~~ UNIT IN THE DEPARTMENT OF HUMAN SERVICES THAT ADMINISTERS BEHAVIORAL HEALTH PROGRAMS AND SERVICES, INCLUDING THOSE RELATED TO MENTAL HEALTH AND SUBSTANCE ABUSE, pursuant to section 42-4-1301.3, on a form approved by the department.

**SECTION 103.** 42-2-127 (1) (d), (8) (a), and (14) (a) (I) (A), Colorado Revised Statutes, are amended to read:

**42-2-127. Authority to suspend license - to deny license - type of conviction - points.** (1) (d) ~~Except as otherwise provided in subsection (9) of this section,~~ No suspension or denial shall be made until a hearing has been held or the driver has failed to appear for a hearing scheduled in accordance with this section. This section shall not be construed to prevent the issuance of a restricted license pursuant to section 42-2-116.

(8) (a) ~~Except as otherwise provided in subsection (9) of this section,~~ Whenever the department's records show that a licensee has accumulated a sufficient number of points to be subject to license suspension, the department shall notify the licensee that a hearing will be held not less than twenty days after the date of the notice to determine whether the licensee's driver's license should be suspended. The notification shall be given to the licensee in writing by regular mail, addressed to the address of the licensee as shown by the records of the department.

(14) (a) (I) If there is no other statutory reason for denial of a probationary license, any individual who has had a license suspended by the department because of, at least in part, a conviction of an offense specified in paragraph (b) of subsection (5) of this section may be entitled to a probationary license pursuant to subsection (12) of this section for the purpose of driving for reasons of employment, education, health, or alcohol and drug education or treatment, but:

(A) If ordered by the court that convicted the individual, the individual shall be enrolled in a program of driving education or alcohol and drug education and treatment certified by the ~~division of alcohol and drug abuse~~ UNIT in the department of human services THAT ADMINISTERS BEHAVIORAL HEALTH PROGRAMS AND SERVICES, INCLUDING THOSE RELATED TO MENTAL HEALTH AND SUBSTANCE ABUSE; and

**SECTION 104.** 42-2-132 (2) (a) (II) and (2) (a) (III), Colorado Revised Statutes, are amended to read:

**42-2-132. Period of suspension or revocation.** (2) (a) (II) (A) Following the period of revocation set forth in this subsection (2), the department shall not issue a new license unless and until it is satisfied that the person has demonstrated knowledge of the laws and driving ability through the appropriate motor vehicle testing process and that the person whose license was revoked pursuant to section 42-2-125 for a second or subsequent alcohol- or drug-related driving offense has completed not less than a level II alcohol and drug education and treatment program certified by the ~~division of alcohol and drug abuse~~ UNIT IN THE DEPARTMENT OF HUMAN SERVICES THAT ADMINISTERS BEHAVIORAL HEALTH PROGRAMS AND SERVICES, INCLUDING THOSE RELATED TO MENTAL HEALTH AND SUBSTANCE ABUSE,

pursuant to section 42-4-1301.3.

(B) If the person was determined to be in violation of section 42-2-126 (3) (a) and the person had a BAC that was 0.17 or more at the time of driving or within two hours after driving, or if the person's driving record otherwise indicates a designation as a persistent drunk driver as defined in section 42-1-102 (68.5), the department shall require the person to complete a level II alcohol and drug education and treatment program certified by the ~~division of alcohol and drug abuse~~ UNIT IN THE DEPARTMENT OF HUMAN SERVICES THAT ADMINISTERS BEHAVIORAL HEALTH PROGRAMS AND SERVICES, INCLUDING THOSE RELATED TO MENTAL HEALTH AND SUBSTANCE ABUSE, pursuant to section 42-4-1301.3.

(C) If a person seeking reinstatement has not completed required level II alcohol and drug education and treatment, the person shall file with the department proof of current enrollment in a level II alcohol and drug education and treatment program certified by the ~~division of alcohol and drug abuse~~ UNIT IN THE DEPARTMENT OF HUMAN SERVICES THAT ADMINISTERS BEHAVIORAL HEALTH PROGRAMS AND SERVICES, INCLUDING THOSE RELATED TO MENTAL HEALTH AND SUBSTANCE ABUSE, pursuant to section 42-4-1301.3, on a form approved by the department.

(III) In the case of a minor driver whose license has been revoked as a result of one conviction for DUI, DUI per se, DWAI, habitual user, or UDD, the minor driver, unless otherwise required after an evaluation made pursuant to section 42-4-1301.3, must complete a level I alcohol and drug education program certified by the ~~division of alcohol and drug abuse~~ UNIT IN THE DEPARTMENT OF HUMAN SERVICES THAT ADMINISTERS BEHAVIORAL HEALTH PROGRAMS AND SERVICES, INCLUDING THOSE RELATED TO MENTAL HEALTH AND SUBSTANCE ABUSE.

**SECTION 105.** 42-2-144 (1), Colorado Revised Statutes, is amended to read:

**42-2-144. Reporting by certified level II alcohol and drug education and treatment providers - notice of administrative remedies against a driver's license - rules.** (1) The department shall require all providers of level II alcohol and drug education and treatment programs certified by the ~~division of alcohol and drug abuse~~ UNIT IN THE DEPARTMENT OF HUMAN SERVICES THAT ADMINISTERS BEHAVIORAL HEALTH PROGRAMS AND SERVICES, INCLUDING THOSE RELATED TO MENTAL HEALTH AND SUBSTANCE ABUSE, pursuant to section 42-4-1301.3 to provide quarterly reports to the department about each person who is enrolled and who has filed proof of such enrollment with the department as required by section 42-2-126 (4) (d) (II).

**SECTION 106. Repeal.** 42-3-107 (27) (f) (II), Colorado Revised Statutes, is repealed as follows:

**42-3-107. Taxable value of classes of property - rate of tax - when and where payable - department duties - apportionment of tax collections - definitions.** (27) (f) (II) ~~The department shall notify the revisor of statutes in writing on or before January 1, 2006, whether the Colorado state titling and registration system has been implemented by the department.~~

**SECTION 107.** 42-3-116 (7) (d), Colorado Revised Statutes, is amended to read:

**42-3-116. Manufacturers or dealers.** (7) (d) A person who violates this subsection (7) ~~is guilty of~~ COMMITS a class 2 misdemeanor, ~~punishable pursuant to~~ AND SHALL BE PUNISHED AS PROVIDED IN section 18-1.3-501, C.R.S.

**SECTION 108. Repeal.** 42-3-229 (2) (d), Colorado Revised Statutes, is repealed as follows:

**42-3-229. Special plates - boy scouts.** (2) (d) ~~Effective July 15, 2009, this section is repealed if the department notifies the revisor of statutes that the boy scouts failed to obtain the commitments required by paragraph (c) of this subsection (2) by January 15, 2009.~~

**SECTION 109.** The introductory portion to 42-3-303 (1), Colorado Revised Statutes, is amended to read:

**42-3-303. Persistent drunk driver cash fund - programs to deter persistent drunk drivers.** (1) There is hereby created in the state treasury the persistent drunk driver cash fund, which shall be composed of moneys collected for penalty surcharges under section ~~42-4-1301 (7) (d) (H)~~ 42-4-1307 (10) (b). The moneys in such fund are subject to annual appropriation by the general assembly:

**SECTION 110.** 42-4-1301.3 (2) (b), (3) (c) (IV), and (4) (b), Colorado Revised Statutes, are amended to read:

**42-4-1301.3. Alcohol and drug driving safety program.** (2) (b) In the case of any person who is sentenced pursuant to the provisions of section ~~42-4-1301 (7) (a) (H) or (7) (b) (H)~~ 42-4-1307 (3) OR (4), the court may suspend the mandatory minimum of any sentence of imprisonment if, as a condition thereof, the offender has a presentence or postsentence alcohol and drug evaluation and satisfactorily completes and meets all financial obligations of a level I or level II program as is determined appropriate by the alcohol and drug evaluation required pursuant to this section.

(3) (c) (IV) For the purpose of this section, "alcohol and drug driving safety education or treatment" means either level I or level II education or treatment programs that are approved by the ~~division of alcohol and drug abuse~~ UNIT IN THE DEPARTMENT OF HUMAN SERVICES THAT ADMINISTERS BEHAVIORAL HEALTH PROGRAMS AND SERVICES, INCLUDING THOSE RELATED TO MENTAL HEALTH AND SUBSTANCE ABUSE. Level I programs are to be short-term, didactic education programs. Level II programs are to be therapeutically oriented education, long-term outpatient, and comprehensive residential programs. Any defendant sentenced to level I or level II programs shall be instructed by the court to meet all financial obligations of such programs. If such financial obligations are not met, the sentencing court shall be notified for the purpose of collection or review and further action on the defendant's sentence. Nothing in this section shall prohibit treatment agencies from applying to the state for funds to recover the costs of level II treatment for defendants determined to be indigent by the court.

(4) (b) The judicial department shall ensure that qualified personnel are placed in the judicial districts. The judicial department and the ~~division of alcohol and drug abuse~~ UNIT IN THE DEPARTMENT OF HUMAN SERVICES THAT ADMINISTERS

BEHAVIORAL HEALTH PROGRAMS AND SERVICES, INCLUDING THOSE RELATED TO MENTAL HEALTH AND SUBSTANCE ABUSE, shall jointly develop and maintain criteria for evaluation techniques, treatment referral, data reporting, and program evaluation.

**SECTION 111.** 42-4-1301.4 (5), Colorado Revised Statutes, is amended to read:

**42-4-1301.4. Useful public service - definitions - local programs - assessment of costs.** (5) In accordance with section ~~42-4-1301 (7) (h)~~ 42-4-1307 (14), in addition to any other penalties prescribed in this part 13, the court shall assess an amount, not to exceed one hundred twenty dollars, upon any person required to perform useful public service. Such amount shall be used by the operating agency responsible for overseeing such person's useful public service program to pay the cost of administration of the program, a general public liability policy covering such person, and, if such person will be covered by workers' compensation insurance pursuant to paragraph (c) of subsection (4) of this section or an insurance policy providing such or similar coverage, the cost of purchasing and keeping in force such insurance coverage. Such amount shall be adjusted from time to time by the general assembly in order to ensure that the useful public service program established in this section shall be financially self-supporting. The proceeds from such amounts shall be used by the operating agency only for defraying the cost of personal services and other operating expenses related to the administration of the program and the cost of purchasing and keeping in force policies of general public liability insurance, workers' compensation insurance, or insurance providing such or similar coverage and shall not be used by the operating agency for any other purpose.

**SECTION 112.** 42-4-1306 (3) (a) (VI), Colorado Revised Statutes, is amended to read:

**42-4-1306. Interagency task force on drunk driving - creation - repeal.** (3) (a) The task force shall consist of:

(VI) The director of the ~~division of alcohol and drug abuse~~ UNIT in the department of human services THAT ADMINISTERS BEHAVIORAL HEALTH PROGRAMS AND SERVICES, INCLUDING THOSE RELATED TO MENTAL HEALTH AND SUBSTANCE ABUSE;

**SECTION 113.** The introductory portion to 42-4-1701 (3) (a) (II) (A), Colorado Revised Statutes, is amended to read:

**42-4-1701. Traffic offenses and infractions classified - penalties - penalty and surcharge schedule - repeal.** (3) (a) (II) (A) Except as otherwise provided in sub-subparagraph (B) of this subparagraph (II), subsections (4) and (5) of this section, and sections ~~42-4-1301 (7)~~, 42-4-1301.3, ~~and~~ 42-4-1301.4, AND 42-4-1307, or the section creating the offense, misdemeanor traffic offenses are divided into two classes that are distinguished from one another by the following penalties that are authorized upon conviction:

**SECTION 114.** 43-4-205 (6.5) (a), Colorado Revised Statutes, is amended to read:

**43-4-205. Allocation of fund.** (6.5) (a) ~~Except as provided in paragraph (d) of~~

~~this subsection (6.5);~~ The revenues accrued to and transferred to the highway users tax fund pursuant to section 39-26-123 (4) (a) or 24-75-219, C.R.S., or appropriated to the highway users tax fund pursuant to House Bill 02-1389, enacted during the second regular session of the sixty-third general assembly, shall be paid to the state highway fund for allocation to the department of transportation and shall be expended as provided in section 43-4-206 (2).

**SECTION 115.** 43-4-402 (2) (a), Colorado Revised Statutes, is amended to read:

**43-4-402. Source of revenues - allocation of moneys.** (2) (a) The general assembly shall make an annual appropriation out of the moneys in the fund to the department of public health and environment in an amount sufficient to pay for the costs of laboratory services and implied consent specialists, which costs were previously paid out of the highway users tax fund. Of the moneys remaining in the fund, eighty percent shall be deposited in a special drunken driving account within the fund, which account is hereby created, and shall be available immediately, without further appropriation, for allocation by the transportation commission to the office of transportation safety, which shall allocate such moneys in accordance with the provisions of section 43-4-404 (1) and (2). The remaining twenty percent shall be appropriated by the general assembly to the ~~division of alcohol and drug abuse~~ UNIT in the department of human services THAT ADMINISTERS BEHAVIORAL HEALTH PROGRAMS AND SERVICES, INCLUDING THOSE RELATED TO MENTAL HEALTH AND SUBSTANCE ABUSE, which shall use such moneys for the purposes stated in section 43-4-404 (3). The office of transportation safety and the ~~division of alcohol and drug abuse~~ UNIT IN THE DEPARTMENT OF HUMAN SERVICES THAT ADMINISTERS BEHAVIORAL HEALTH PROGRAMS AND SERVICES, INCLUDING THOSE RELATED TO MENTAL HEALTH AND SUBSTANCE ABUSE, may use such amounts from the moneys allocated or appropriated to them by this subsection (2) as may be necessary for the purpose of paying the costs incurred by the office and the division in administering the programs established pursuant to this part 4; except that neither the office of transportation safety nor the ~~division of alcohol and drug abuse~~ SAID UNIT may use for such purpose an amount which exceeds eight percent of the moneys allocated or appropriated.

**SECTION 116.** 43-4-404 (3), Colorado Revised Statutes, is amended to read:

**43-4-404. Formula for allocation of moneys.** (3) The moneys in the fund appropriated to the ~~division of alcohol and drug abuse~~ UNIT in the department of human services THAT ADMINISTERS BEHAVIORAL HEALTH PROGRAMS AND SERVICES, INCLUDING THOSE RELATED TO MENTAL HEALTH AND SUBSTANCE ABUSE, pursuant to section 43-4-402 (2) shall be used to establish a statewide program for the prevention of driving after drinking, which includes educating the public in the problems of driving after drinking, training of teachers, health professionals, and law enforcement in the dangers of driving after drinking, preparing and disseminating educational materials dealing with the effects of alcohol and other drugs on driving behavior, and preparing and disseminating education curriculum materials thereon for use at all levels of school. The ~~division of alcohol and drug abuse~~ UNIT IN THE DEPARTMENT OF HUMAN SERVICES THAT ADMINISTERS BEHAVIORAL HEALTH PROGRAMS AND SERVICES, INCLUDING THOSE RELATED TO MENTAL HEALTH AND SUBSTANCE ABUSE, is authorized to contract with a qualified private corporation to provide all or part of these services and shall promulgate

standards for said program.

**SECTION 117. Act subject to petition - effective date.** (1) Except as otherwise provided in subsection (2) of this section, this act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part shall not take effect unless approved by the people at the general election to be held in November 2012 and shall take effect on the date of the official declaration of the vote thereon by the governor.

(2) (a) Section 8 of this act shall not take effect if Senate Bill 11-192 is enacted and becomes law.

(b) Sections 13 and 14 of this act shall not take effect if Senate Bill 11-187 is enacted and becomes law.

(c) Section 15 of this act shall not take effect if Senate Bill 11-159 is enacted and becomes law.

(d) Section 55 of this act shall take effect July 1, 2012.

(e) Section 68 of this act shall not take effect if Senate Bill 11-105 is enacted and becomes law.

(f) Sections 92 and 97 of this act shall take effect January 1, 2012.

(g) The amendment to section 42-4-1301.3 (2) (b) in section 110 of this act shall not take effect if House Bill 11-1268 is enacted and becomes law.

(h) Section 112 of this act shall not take effect if Senate Bill 11-093 is enacted and becomes law.

Approved: June 2, 2011

## APPENDIX

C.R.S. Section	Section in bill	Reason
Legislative declaration	1	Expresses intent that the revisor of statutes update the United States supreme court case citation added to section 1-45-103 (12)(c) by this bill when the information becomes available.
1-45-103 (12)(c)	2	Updates an incomplete citation to the United States supreme court, a denial of certiorari in the case of the Independence Institute v. Coffman appearing in HB10-1370. (See HB10-1370, chapter 270, page 1241.)
2-2-1404 (5)(c)	3	Repeals "federal" from the funding provisions, which conflicts with the broader spectrum of "public" or "private" providers associated with direct or indirect costs associated with the economic poverty reduction task force. The error originated in the introduced version of HB09-1064. (See HB09-1064, chapter 379, page 2064.)
8-20-404	4	Conforms this section with section 8-20-402 to correct an oversight in HB01-1373 in which the conforming amendment to this section was overlooked. (See HB01-1373, chapter 296, page 1120.)
8-73-107 (7)(a)(III)(E)	5	Adds "or any successor agency" to avoid an inaccurate reference to the agency name that has changed and that may continue to undergo name changes.
8-76-103 (3)(e)	6	With the various codifications of the statutes, the arrangement and numbering system employed changed, resulting in this incorrect reference being carried forward. This section as it first appeared in the 1941 supplement to CSA 1935 was subsequently divided out in 1953 ultimately resulting in "annual payroll" only being applicable for purposes of this section. (See SB41-364, chapter 224, p. 773; chapter 167A §7, 1941 supplement to CSA 1935; §§ 82-6-1 to 82-6-4, CRS 1953 and C.R.S. 1963, and §§ 8-76-101 to 8-76-104, C.R.S.)
11-71-103 (1)(f)(I) and (1)(f)(II)(B)	7	Repeals obsolete provisions relating to potential problems associated with the year 2000 date change, commonly referred to as Y2K. (See

HB99-1295, chapter 75, page 212, and SB99-222, chapter 178, page 591.)

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| 12-22-703<br>(1)(f)                             | 8  | The division of alcohol and drug abuse was redesignated as the unit in the department of human services that administers behavioral health programs and services, including those related to mental health and substance abuse by SB10-175; however, the conforming amendment in this provision was missed. (See SB10-175, chapter 188, page 675.)     |
| 12-23-106<br>(4)(b)                             | 9  | Repeals reference to the exam authorized in section 12-23-104 (2)(i) due to the repeal of this provision, effective January 1, 2011. (See HB09-1136, chapter 407, page 2244.)  |
| 12-32-107.2<br>(2)(b)                           | 10 | Repeals a reference to section 12-32-115 due to the repeal of this section by HB10-1224, effective July 1, 2010. (See HB10-1224, chapter 420, page 2159.)  |
| 12-32-109.3 (3)                                 | 11 | Corrects an error arising from the senate health and human services committee report amending the reengrossed version of HB10-1260 in which section 12-36-107.3 was stricken from the bill and this conforming amendment overlooked. (See the Senate Journal for April 5, 2010, page 772, lines 35 through 37, and HB10-1260, chapter 403, page 1979.) |
| 12-36-106<br>(5)(a)                             | 12 | See section 12-32-109.3 (3).   |
| 12-43-803 (3)                                   | 13 | The division of adult services was renamed the division of adult parole by HB00-1134; however, the conforming amendment in this provision was missed. (See HB00-1133, chapter 202, page 829.)  |
| 12-43-805<br>IP(1)(b)                           | 14 | See section 12-22-703 (1)(f).  |
| 12-47.1-701<br>(4)(e)(I)(B) and<br>(4)(e)(I)(D) | 15 | Senate Bill 10-158 relocated and renumbered provisions in articles 48.5 and 48.8 of title 24; however, certain conforming amendments were overlooked. (See SB10-158, chapter 231, pages 1001 and 1004.)  |
| 12-52-205                                       | 16 | Repeals duplicative internal references. Section 18-5-309 is part of article 5 of title 18. (See   |

HB10-1114, chapter 192, page 825, and HB10-1081, chapter 256, page 1141.)

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| 12-61-911<br>(1)(j)                                     | 17 | Clarifies a reference to the Code of Federal Regulations (CFR), corrects an improperly placed reference to the CFR, and revises a reference to a federal act. (See HB07-1322, chapter 386, page 1718.)  |
| Part 6 of article<br>21 of title 13                     | 18 | See section 11-71-103 (1)(f)(I) and (1)(f)(II)(B).  |
| Part 9 of article<br>21 of title 13                     | 19 | See section 11-71-103 (1)(f)(I) and (1)(f)(II)(B).  |
| 13-54.6-106<br>(2)(j)(VIII)                             | 20 | Repeals this provision as obsolete due to the repeal of article 64 of title 22 by SB09-282, effective January 1, 2010. (See SB09-282, chapter 288, page 1399.)  |
| 13-80-101<br>(1)(o)(I),<br>(1)(o)(II)(C),<br>and (1)(p) | 21 | See section 11-71-103 (1)(f)(I) and (1)(f)(II)(B).  |
| 14-4-107 (4.5)  | 22 | The filing fees collected pursuant to section 13-32-101 (1)(a) and (1)(b) are transmitted to the state treasurer for allocation to the funds specified subsection (5)(a) and (5)(b)(II). The conforming amendment in this section concerning the allocation of funds for the family violence justice fund in section 13-32-101 (5)(a)(X) and (5)(b)(II) was inadvertently missed. (See SB09-068, chapter 264, page 1211.)                       |
| 15-16-306 IP(7)   | 23 | Corrects terminology in this section to fix an error in the introduced version of SB10-199. (See SB10-199, chapter 374, page 1753.)   |
| 16-11.5-102<br>(3)(a)                                   | 24 | <ul style="list-style-type: none"> <li>• The division of mental health services was redesignated as the unit in the department of human services that administers behavioral health programs and services, including those related to mental health and substance abuse by SB10-175; however, the conforming amendment in this provision was missed. (See SB10-175, chapter 188, page 675.)</li> <li>• See section 12-22-703 (1)(f).</li> </ul> |
| 16-11.9-102<br>IP(1) and IP(2)                          | 25 | <ul style="list-style-type: none"> <li>• See section 12-22-703 (1)(f).</li> <li>• See the first bullet in section 16-11.5-102 (3)(a).</li> </ul>  |

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| 16-13-311<br>(3)(a)(VII)(B)           | 26 | See section 12-22-703 (1)(f).   |
| 17-1-101 (3)(b)                       | 27 | See section 8-73-107 (7)(a)(III)(E).  |
| 17-2-103<br>(11)(d)                   | 28 | The division of behavioral health was redesignated as the unit in the department of human services that administers behavioral health programs and services, including those related to mental health and substance abuse by SB10-175; however, the conforming amendment in this provision was missed. (See SB10-175, chapter 188, page 675.)   |
| 17-2-201<br>(5.7)(d)                  | 29 | <ul style="list-style-type: none"> <li>• See section 12-43-803 (3).</li> <li>• See the first bullet in section 16-11.5-102 (3)(a).</li> </ul>   |
| 17-27.1-101<br>(5)(a)(IV)             | 30 | <ul style="list-style-type: none"> <li>• See section 12-43-803 (3).</li> <li>• See the first bullet in section 16-11.5-102 (3)(a).</li> </ul>   |
| 17-32-105<br>(5)(c)                   | 31 | Changes an internal reference to the department of labor and employment's workplace data on current market trends and labor needs in Colorado to correct an error originating in the introduced version of HB10-1112. (See HB10-1112, chapter 57, page 206.)  |
| 18-1.3-204<br>(2)(c)(IV)              | 32 | <ul style="list-style-type: none"> <li>• See section 12-43-803 (3).</li> <li>• See the first bullet in section 16-11.5-102 (3)(a).</li> </ul>   |
| 18-6-401<br>(1)(b)(IV)                | 33 | See section 8-73-107 (7)(a)(III)(E).  |
| 18-13-119<br>(5)(a)                   | 34 | Changes internal references to correspond with the statutory reorganization of programs administered by the state department of health care policy and financing. (See SB06-219, chapter 355, page 1781.)   |
| 18-18-406<br>(3)(a)(II) and<br>(3)(b) | 35 | To correct an error originating in the introduced version of HB10-1352, repeals an internal reference to a nonexistent provision. (See HB10-1352, chapter 259, page 1166.)  |
| 19-3.5-106<br>(1)(a)                  | 36 | The filing fees collected pursuant to section 13-32-101 (1)(a) are transmitted to the state treasurer for allocation to the fund specified in subsection (5)(a)(I). The conforming amendment in this section concerning the allocation of funds for the Colorado children's trust fund in section 13-32-101 (5)(a)(I) was inadvertently missed. (See SB08-206, chapter 417, page 2114.) |

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| 19-3.5-107<br>(2)(a) and<br>(2)(b) | 37 | The conforming amendments in this section concerning the allocation of funds for the Colorado children's trust fund in section 13-32-101 (5)(a)(I) was inadvertently missed. (See SB08-206, chapter 417, page 2114.)   |
| 19-5-203 (1)(i)                    | 38 | See section 8-73-107 (7)(a)(III)(E).   |
| 19-5-205 (2)(c)                    | 39 | See section 8-73-107 (7)(a)(III)(E).   |
| 19-5-205.5<br>(2)(b)(IV)           | 40 | See section 8-73-107 (7)(a)(III)(E).   |
| 22-2-504 (1)(c)                    | 41 | See section 13-54.6-106 (2)(j)(VIII).  |
| 22-7-908 (1)                       | 42 | Repeals a reference to the reading assistance grant program established in section 22-88-102 due to the repeal of article 88 of title 22, effective July 1, 2010. (See section 22-88-106, 2009 C.R.S., and HB09-1296, chapter 172, page 771.)                                      |
| 22-9.7-101                         | 43 | Inserts language to clarify that "department" means the "department of education" in this article. (See HB10-1030, chapter 115, page 388.)   |
| 22-27.5-103 (2)                    | 44 | Repeals this provision as obsolete because the voluntary income tax contribution to the dropout prevention activity grant fund was not reestablished by the general assembly resulting in the repeal of part 28 of article 22 of title 39. (See HB05-1024, chapter 148, page 518.) |
| 22-27.5-105<br>(1)(a) and (4)      | 45 | See section 22-27.5-103 (2).   |
| 22-32-109.1 (6)                    | 46 | Changes an internal reference to correspond with the renumbering of subsections by a senate third reading amendment amending the revised version of HB10-1274. (See the 2010 Senate Journal for May 11, page 1382, lines 27 through 42, and HB10-1274, chapter 271, page 1250.)    |
| 22-32-120<br>(7)(b)(V)             | 47 | Clarifies that the referenced department is the department of education. (See the 2009 Senate Journal for March 23, page 817, lines 51 to 58, and SB09-230, chapter 227, page 1030.)   |
| 22-32-128                          | 48 | Clarifies that the referenced board is the board of education of each school district. (See HB73-1364, chapter 361, page 1282.)  |

- 22-35-112 (1)(a) 49 Changes an internal reference to the state data reporting system to correspond with the reorganization of the education accountability system statutes by SB09-163. (See SB09-163, chapter 293, pages 1510 and 1525.)
- 23-5-126 50 See section 8-73-107 (7)(a)(III)(E).
- 23-5-129 (5)(a) and (9) 51 Repeals references to section 23-5-129 (4) because the section was repealed by SB10-003, effective June 9, 2010. (See SB10-003, chapter 391, page 1847.)
- 23-20-114 (1) 52 See section 8-73-107 (7)(a)(III)(E).
- 24-1-120 (5)(b) 53 Updates provisions to account for the sale of the Trinidad state nursing home to a private corporation, which was completed under the provisions of SB09-056. (See section 26-12-112 (5), 2010 C.R.S., and SB09-056, chapter 177, page 784.)
- 24-1.9-104 (1) 54 The filing fees collected pursuant to section 13-32-101 (1)(a) are transmitted to the state treasurer for allocation to the fund specified in subsection (5)(a)(II). The conforming amendment in this section concerning the allocation of funds for the performance-based collaborative management incentive cash fund in section 13-32-101 (5)(a)(II) was inadvertently missed. (See SB08-206, chapter 417, page 2114.)
- 24-4.1-302 (1)(s.3) 55 Senate Bill 10-128 relocated the crime of invasion of privacy for sexual gratification from unlawful sexual contact in section 18-3-404 (1.7) to a new section of its own in section 18-3-405.6 but did not make the conforming amendment in this section adding the offense to the list of crimes to which victim's and witness's rights and obligations attach. (See SB10-128, chapter 415, page 2045.)
- 24-33.5-506 IP(1) 56 Senate Bill 09-047 removed specifications in section 24-33.5-507 as to which agencies and organizations may apply for a grant to provide services to crime victims and the procedures for administering the victims assistance and law enforcement fund, thereby making reference to "fund" unnecessary for the purposes of section

		24-33.5-507. (See SB09-047, chapter 129, page 558.)
24-33.5-1804 (2)(a)(VIII)	57	See the first bullet in section 16-11.5-102 (3)(a).
24-34-104 (44)(c) and (48)(c)	58	Repeals section 24-34-104 (44)(c) and amends section 24-34-104 (48)(c) to resolve inconsistencies in the sunset provisions of the motor vehicle regulation statutes. (See sections 12-6-124, 24-34-104 (44)(c), and 24-34-104 (48)(c), 2010 C.R.S.)
24-48.6-107	59	Repeals this provision because the revisor of statutes was notified that sufficient funds were received, making this section obsolete. (See the editor's note following section 24-48.6-107, 2010 C.R.S.)
25-3-705 (7)	60	The health care task force was created in section 10-16-221; however, section 10-16-221 (4) provided for the repeal of section 10-16-221, effective July 1, 2010, making reference to the health care task force in subsection (7) obsolete.
25-4-1405 (6)	61	Updates the name of the "Child Protection Act of 1975" to the "Child Protection Act of 1987" in accordance with section 19-3-301 2010 C.R.S. (See section 19-3-301 2010 C.R.S.)
25-7-133.5 (2)(n)	62	Repeals the statutory rules for the oxygenated gasoline program area that were extended and modified by SB97-236 due to the repeal of the program.
25-11-104 (1)(a)	63	Subsection (2.5) included specific provisions containing standards for mammagropher rules but was repealed by HB10-1149; however, the conforming amendment removing the reference in this provision was not included in the bill. (See HB10-1149, chapter 282, page 1311.)
25-20.5-406 (2)(b)(III)	64	See section 12-22-703 (1)(f).
25.5-4-103 (10)	65	See section 8-73-107 (7)(a)(III)(E).
25.5-4-305 (1)	66	To correct an error originating in the introduced version of SB10-167, repeals an internal reference to a nonexistent provision. (See SB10-167, chapter 296, page 1380.)

25.5-5-101 (3)	67	See section 8-73-107 (7)(a)(III)(E).
25.5-6-1206	68	The report required in this section was to be completed by January 1, 2008; therefore, this section is being repealed as obsolete.
25.5-6-1208	69	Repeals this section because sufficient funds were received September 30, 2002, making this section obsolete.
26-1-111 (5)	70	See section 12-22-703 (1)(f).
26-2-103 (5.7)	71	See section 8-73-107 (7)(a)(III)(E).
26-2-111 (4)(e)(I)	72	See section 12-22-703 (1)(f).
26-7.5-105 (1)(b)	73	The filing fees collected pursuant to section 13-32-101 (1)(a) are transmitted to the state treasurer for allocation to the funds specified subsection (5)(a)(X) and (5)(b)(II). The conforming amendment in this section concerning the allocation of funds for the family violence justice fund and the Colorado domestic abuse program fund in section 13-32-101 (5)(a)(X) and (5)(b)(II) was inadvertently missed. (See SB09-068, chapter 264, page 1210.)
26-11-205.7 (2)	74	Corrects a provision added by the house health and human services committee report amending the introduced version of HB10-1053 that incorrectly states that area agencies on aging are statutorily created rather than designated by the executive director of the state office on aging. (See the 2010 House Journal for February 9, page 271, lines 34 and 47, and HB10-1053, chapter 276, page 1265.)
26-12-112 (5)	75	See section 24-1-120 (5)(b).
26-12-121 (1)	76	See section 24-1-120 (5)(b).
26-12-201 (1)	77	See section 24-1-120 (5)(b).
26-12-402 (2)(a)	78	See section 24-1-120 (5)(b).
26-21-103 (7)	79	Corrects an internal reference to the definition of "state court system" to fix an error originating in the introduced version of SB09-144. (See SB09-144, chapter 219, page 985.)

- 27-69-103 80 Effective March 29, 2011, an amendment in HB11-1193 repealed provisions defining division of criminal justice and task force for article 69 of title 27; however, these terms are still being used in section 27-69-103. To clarify the meaning of the terms, they are being defined. (See section 27-69-102 (3) and (9), 2010 C.R.S., and HB11-1193.)
- 27-81-102 (10) 81 Repeals a defined term that is no longer used in the article for which it is defined.
- 27-90-101 (1)(b) 82 See section 8-73-107 (7)(a)(III)(E).
- 27-92-103 (2) 83 Repeals an obsolete provision.
- 30-5-143 84 Clarifies that the river formerly known as the Grand river is now referred to as the Colorado river. (See SB21-079, chapter 67, page 162.)
- 30-10-601.6 (5) 85 Repeals language requiring the repeal of this section and sections 30-10-601.7, 30-10-601.8, and 30-10-601.9 by July 1, 2005, if sufficient funds were not received to cover the costs of establishing and operating the coroners standard and training board. The revisor of statutes received notification prior to July 1, 2005, that the department of public health and environment received sufficient funding from the department of local affairs to implement this section and sections 30-10-601.7, 30-10-601.8, and 30-10-601.9.
- 34-60-124 (4)(c) 86 Repeals subsection (4)(c) because section 34-60-129 (5) repealed section 34-60-129, effective July 1, 2010, rendering subsection (4)(c) inoperative. (See SB07-198, chapter 365, page 1586.)
- 38-1-202 (1)(b)(IV)(F) 87 Corrects an internal reference to a subsection relocated by SB10-175 to fix an error originating in the introduced version of the bill. (See SB10-175, chapter 188, pages 756 and 807.)
- 38-13-116.5 (1)(b) 88 Repeals the internal reference to subsection (2.5) due to the repeal of this provision by HB10-1422, effective August 11, 2010. (See HB10-1422, chapter 419, page 2121.)

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| 38-35.7-107<br>IP(1)(a)(III)  | 89 | Corrects an error in the house transportation and energy committee report amending the introduced version of HB10-1358 by modifying this provision to accurately state the name of the green industry document referenced within. (See the 2010 House Journal for April 7, page 1133, lines 3 through 24, and HB10-1358, chapter 398, page 1892.)                                 |
| 38-38-803 (6)                 | 90 | Corrects an internal reference to the combined notice mailing provisions described in section 38-38-103 (1)(a). House Bill 09-1207 reorganized section 38-38-103 (1)(a) at the same time as HB09-1276 created this section, which referenced the previous location of these provisions. (See HB09-1207, chapter 164, page 708, and HB09-1276, chapter 404, page 2223.)            |
| 39-21-108<br>(1)(a)           | 91 | Corrects an oversight in HB09-1053. House Bill 09-1053 repealed article 37.5 of title 11 and made conforming amendments. The conforming amendment made to this section struck the reference to article 37.5 of title 11 and the fees associated with the repealed article but not the taxation language associated with repealed article. (See HB09-1053, chapter 159, page 690.) |
| 39-21-113 (22)                | 92 | Conforms terminology between this provision and section 39-30-111 (2) and (3) to correct an oversight in the senate appropriations committee report amending the introduced version of SB10-162. (See the 2010 Senate Journal for March 19, page 619, lines 26 through 51, and page 620, lines 4 through 18, and SB10-162, chapter 395, page 1879.)                               |
| 39-26-102 (4.5)               | 93 | Changes internal references to federal law to correspond with the relettering of defined terms by Pub.L. 110-234 and Pub.L. 110-246. (See Pub.L. 110-234, 122 Stat. 1105, and Pub.L. 110-246, 122 Stat. 1866.)  |
| 39-28-303 (1)<br>and IP(2)(a) | 94 | <ul style="list-style-type: none"> <li>• Amends this provision to repeals an obsolete reference to section 39-28-307 (3).</li> <li>• See section 39-28-307 (3).</li> </ul>  |
| 39-28-307 (3)                 | 95 | Repeals this subsection as obsolete because the reporting, certification, and publication requirements were to be completed in 2003.  |

39-29-109 (2)(a)(IV), (2)(a)(V), and (2)(a)(VI)	96	Repeals as obsolete provisions pertaining to the transfer of moneys on July 1, 2009, April 15, 2010, and June 30, 2010.
39-30-111 (4)	97	See section 39-21-113 (22).
41-2-102 (8)	98	See section 12-22-703 (1)(f).
42-2-107 (4)(b)(II) and (4)(b)(III)	99	<ul style="list-style-type: none"> <li>• A transfer and assumption agreement made and effective June 30, 2010, entitles Donor Alliance, Inc., the successor organization to the Transplant Council of the Rockies, to receive the moneys in the Emily Maureen Ellen Keyes Organ and Tissue Donation Awareness Fund as directed in section 42-2-107 (4).</li> <li>• Repeals references to section 39-22-2702 as obsolete due to the repeal of part 27 of article 22 of title 39 by section 39-22-2704, effective January 1, 2011. (See SB07-037, chapter 73, page 310.)</li> </ul>
42-2-122 (1)(i)	100	See section 12-22-703 (1)(f).
42-2-125 (1)(i)	101	See section 12-22-703 (1)(f).
42-2-126 (4)(d)(II)	102	See section 12-22-703 (1)(f).
42-2-127 (1)(d), (8)(a), and (14)(a)(I)(A)	103	<ul style="list-style-type: none"> <li>• Repeals internal references to section 42-2-127 (9) because this section was repealed by HB08-1194, effective January 1, 2009. (See HB08-1194, chapter 221, page 834.)</li> <li>• See section 12-22-703 (1)(f).</li> </ul>
42-2-132 (2)(a)(II) and (2)(a)(III)	104	See section 12-22-703 (1)(f).
42-2-144 (1)	105	See section 12-22-703 (1)(f).
42-3-107 (27)(f)(II)	106	Notice was received by the revisor of statutes on December 14, 2005, making this provision obsolete.
42-3-116 (7)(d)	107	Conforms this provision to standard drafting format for penalties to correct an error originating in the introduced version of HB10-1172. (See HB10-1172, chapter 320, page 1490, and the Colorado Legislative Drafting Manual, pages 2-36 and 2-37.)

42-3-229 (2)(d)	108	Notice was not received by the revisor of statutes by July 15, 2009, making this provision obsolete.
42-3-303 IP(1)	109	House Bill 10-1347 adjusted the penalties for drunk driving, and in doing so, repealed section 42-4-1301 (7) and relocated the provision to section 42-4-1307. Some conforming amendments were missed. (See HB10-1347, chapter 258, page 1149.)
42-4-1301.3 (2)(b), (3)(c)(IV), and (4)(b)	110	<ul style="list-style-type: none"><li>• See section 42-3-303 IP(1).</li><li>• See section 12-22-703 (1)(f).</li></ul>
42-4-1301.4 (5)	111	See section 42-3-303 IP(1).
42-4-1306 (3)(a)(VI)	112	See section 12-22-703 (1)(f).
42-4-1701 (3)(a)(II)(A)	113	See section 42-3-303 IP(1).
43-4-205 (6.5)(a)	114	The exception in this provision is no longer valid due to the repeal of subsection (6.5)(d) by SB10-212. (See SB10-212, chapter 412, page 2032.)
43-4-402 (2)(a)	115	See section 12-22-703 (1)(f).
43-4-404 (3)	116	See section 12-22-703 (1)(f).