

## CHAPTER 120

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**GOVERNMENT - STATE**

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**HOUSE BILL 13-1139**

BY REPRESENTATIVE(S) Rankin, Conti, DelGrosso, Dore, Foote, Garcia, Gardner, Gerou, Holbert, Joshi, Landgraf, Lawrence, Lee, McLachlan, Mitsch Bush, Pettersen, Priola, Rosenthal, Scott, Szabo, Vigil, Waller, Wright;  
also SENATOR(S) Crowder, Newell, Steadman.

**AN ACT****CONCERNING THE REPEAL OF OBSOLETE ENTITIES.**

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

**SECTION 1.** In Colorado Revised Statutes, **repeal** 22-7-404, 22-7-405, 22-7-406 (1) (a), (2), and (4), 24-1-119 (10), article 48.6 of title 24, 25-4-1904, 25-32-103 (1), 25-32-104, 25.5-1-125, and 34-20-104.

**SECTION 2.** In Colorado Revised Statutes, 22-7-402, **amend** (9); and **repeal** (5) as follows:

**22-7-402. Definitions.** As used in this part 4, unless the context otherwise requires:

(5) "~~Council~~" ~~means the state standards and assessments development and implementation council.~~

(9) "Performance level" means the level of achievement by a student on an assessment relative to a content standard. The acceptable performance level ~~recommended by the council, pursuant to section 22-7-405 (2), and adopted by the board pursuant to section 22-7-406 (3) and the acceptable performance level adopted by any district pursuant to section 22-7-407 (2) shall mean~~ MEANS the student has the subject matter knowledge and analytical skills necessary to succeed at subsequent grade levels. For graduating students, such acceptable performance level ~~shall mean~~ MEANS the student has the subject matter knowledge and analytical skills that all high school graduates should have for democratic citizenship, responsible adulthood, postsecondary education, and productive careers.

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

**SECTION 3.** In Colorado Revised Statutes, 22-7-403, **amend** (1) as follows:

**22-7-403. Commitment to equity and excellence.** (1) All activities undertaken pursuant to this part 4 shall reflect a strong commitment to equity and excellence on the part of the council, the department, the board, and districts. ~~The council, in the development and recommendation of state model content standards, state assessments, and model professional educator development materials and pilot programs pursuant to section 22-7-405; The board, in the adoption of the state model content standards and state assessments pursuant to section 22-7-406, and districts, in the adoption of content standards and implementation plans pursuant to section 22-7-407, shall~~ MUST consciously avoid gender or cultural bias and ~~shall~~ actively address the needs of systems and methods for the education of exceptional students.

**SECTION 4.** In Colorado Revised Statutes, 22-7-406, **amend** (3) as follows:

**22-7-406. Adoption of state model content standards, state assessments, and timelines - resource bank.** (3) ~~On or before June 1, 1996, The board after careful consideration of the recommendations of the council,~~ shall adopt state assessments in the areas of reading, writing, mathematics, and science which are aligned with the state model content standards and shall specify an acceptable performance level on each such state assessment. Such performance level shall be continuously reexamined. In addition, the board may, at its discretion, adopt additional performance levels.

**SECTION 5.** In Colorado Revised Statutes, 22-7-504, **amend** (1) as follows:

**22-7-504. Pupil assessments - individual literacy plans.** (1) The state board shall determine the satisfactory reading readiness level for kindergarten pupils and literacy and reading comprehension levels for pupils in first, second, and third grades. ~~No later than December 1, 1997, the state board shall, after consultation with the state standards and assessments development and implementation council created in section 22-7-404, approve and identify to each school district instruments for assessing the reading readiness of each pupil in kindergarten and the literacy and reading comprehension level of each pupil in first, second, or third grade.~~ The state board shall promulgate rules to permit exceptions to the retention of pupils in third grade pursuant to paragraph (a) of subsection (5) of this section in cases that have special circumstances.

**SECTION 6.** In Colorado Revised Statutes, 24-1-135.1, **amend** (1) (a) as follows:

**24-1-135.1. Effect of congressional redistricting related to 2000 federal decennial census - definition.** (1) (a) The appointing authority of the boards, commissions, or committees established pursuant to sections 13-91-104, 14-10-115, 21-2-101, 23-1-102, 23-21-503, 23-60-104, 24-32-706, 25-1-103, 25-1-902, ~~25-32-104,~~ 25.5-1-301, 26-11-101, 33-11-105, and 35-65-401, C.R.S., which require members to be appointed as residents of designated congressional districts, shall determine whether the current appointments to such boards, commissions, or committees adequately represent Colorado's new congressional districts. Notwithstanding any provision of law to the contrary, such appointing authority

shall terminate the terms of current members and appoint new members to replace such members on the boards, commissions, or committees as is necessary to ensure proper representation from the new congressional districts; except that the term of a member who continues to reside in the district that such member was designated to represent shall not be terminated. Such changes shall be made no later than January 1, 2003. If the current members adequately represent the new congressional districts, the membership of the board, commission, or committee shall remain unchanged. Any member who continues to serve on a board, commission, or committee shall not be required to be reappointed.

**SECTION 7.** In Colorado Revised Statutes, 25-4-1905, **amend** (1) as follows:

**25-4-1905. Confidentiality of information collected.** (1) The ~~advisory committee~~ DEPARTMENT shall compile, analyze, and evaluate the information and data submitted to the registry.

**SECTION 8.** In Colorado Revised Statutes, 25-32-105, **amend** (1) introductory portion, (1) (a), and (1) (d) as follows:

**25-32-105. Department - poison control services - duties - contract.** (1) The department ~~shall have~~ HAS the following powers and duties with respect to the provision of poison control services on a statewide basis and for the dissemination of information as provided in this article:

(a) To solicit, receive, and review contract bids ~~with input from the board,~~ for the provision of poison control services and the dissemination of poison control information by means of a toll-free telephone network;

(d) To contract with an auditor for a performance or financial audit at the discretion of the department. A copy of such audit, when performed, shall be sent ~~to the members of the board and~~ the joint budget committee.

**SECTION 9.** In Colorado Revised Statutes, 34-20-103, **amend** (7) as follows:

**34-20-103. Division of reclamation, mining, and safety - creation - powers and duties - transfer of functions and property - change of statutory references.** (7) The director of the division of reclamation, mining, and safety shall prepare and submit to the executive director of the department of natural resources a plan for encouraging the development of minerals in the state. ~~Such~~ THE plan ~~shall~~ MUST be formulated based upon the ~~annual report and~~ recommendations of ~~the Colorado geological survey, the minerals, energy, and geology policy advisory board, and~~ the other divisions in the department.

**SECTION 10.** In Colorado Revised Statutes, 39-29-109.3, **amend** (1) introductory portion as follows:

**39-29-109.3. Operational account of the severance tax trust fund - repeal.** (1) For fiscal years commencing on and after July 1, 1997, the executive director of the department of natural resources shall submit with the department's budget request for each fiscal year a list and description of the programs the executive director recommends to be funded from the operational account of the severance tax

trust fund created in section 39-29-109 (2) (b), referred to in this section as the "operational account". ~~The minerals, energy, and geology policy advisory board established pursuant to section 34-20-104, C.R.S., shall review the executive director's recommendation before submittal.~~ The general assembly may appropriate moneys from the total moneys available in the operational account to fund recommended programs as follows:

**SECTION 11. Act subject to petition - effective date.** This act takes 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 7, 2013, if adjournment sine die is on May 8, 2013); 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 will not take effect unless approved by the people at the general election to be held in November 2014 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: April 8, 2013