

CHAPTER 294

MOTOR VEHICLES AND TRAFFIC REGULATION

HOUSE BILL 14-1310

BY REPRESENTATIVE(S) Ginal and Gardner, Fields, Gerou, Kagan, Labuda, Lee, Mitsch Bush, Pettersen, Rosenthal, Ryden, Schafer, Tyler, Young;
also SENATOR(S) King and Johnston, Crowder, Herpin, Rivera.

AN ACT

CONCERNING THE PROVISION OF BREATH-TESTING DEVICES TO LAW ENFORCEMENT AGENCIES.

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

SECTION 1. In Colorado Revised Statutes, 42-4-1301.1, **add** (9) as follows:

42-4-1301.1. Expressed consent for the taking of blood, breath, urine, or saliva sample - testing - fund - rules - repeal. (9) (a) THERE IS CREATED IN THE STATE TREASURY THE EVIDENTIAL BREATH TESTING CASH FUND, REFERRED TO IN THIS SECTION AS THE "FUND", FOR THE COLLECTION OF MONEYS TO PURCHASE BREATH-TESTING DEVICES FOR LAW ENFORCEMENT AGENCIES. THE FUND INCLUDES ANY MONEYS APPROPRIATED TO THE FUND BY THE GENERAL ASSEMBLY AND ANY MONEYS CREDITED TO THE FUND PURSUANT TO PARAGRAPH (c) OF THIS SUBSECTION (9). THE MONEYS IN THE FUND ARE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT CREATED IN SECTION 25-1-102, C.R.S., FOR THE PURPOSES DESCRIBED IN THIS SUBSECTION (9).

(b) ALL INTEREST DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE FUND MUST REMAIN IN THE FUND. ANY UNEXPENDED OR UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF A FISCAL YEAR MUST REMAIN IN THE FUND AND NOT BE TRANSFERRED OR CREDITED TO THE GENERAL FUND OR ANOTHER FUND; EXCEPT THAT ANY SUCH UNEXPENDED AND UNENCUMBERED MONEYS IN EXCESS OF TWO MILLION DOLLARS MUST BE CREDITED TO THE GENERAL FUND.

(c) THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT IS AUTHORIZED TO ACCEPT ANY GIFTS, GRANTS, OR DONATIONS FROM ANY PRIVATE OR PUBLIC SOURCE

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

ON BEHALF OF THE STATE FOR THE PURPOSES DESCRIBED IN THIS SECTION. THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT SHALL TRANSMIT ALL SUCH GIFTS, GRANTS, AND DONATIONS TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE FUND.

(d) THE STATE BOARD OF HEALTH CREATED IN SECTION 25-1-103, C.R.S., MAY PROMULGATE RULES FOR THE ADMINISTRATION OF THE FUND FOR THE PURPOSES DESCRIBED IN THIS SUBSECTION (9).

(e) THIS SUBSECTION (9) IS REPEALED, EFFECTIVE SEPTEMBER 1, 2024. BEFORE REPEAL, THE DEPARTMENT OF REGULATORY AGENCIES, PURSUANT TO 24-34-104, SHALL REVIEW THE USE OF THE FUND BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT FOR THE PURPOSES DESCRIBED IN THIS SUBSECTION (9).

SECTION 2. In Colorado Revised Statutes, 24-34-104, **add** (55) (g) as follows:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (55) The following agencies, functions, or both, terminate on September 1, 2024:

(g) THE EVIDENTIAL BREATH TESTING CASH FUND, CREATED BY SECTION 42-4-1301.1 (9), C.R.S.

SECTION 3. 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 6, 2014, if adjournment sine die is on May 7, 2014); 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: May 31, 2014