

NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

SENATE BILL 11-108

BY SENATOR(S) Jahn, Aguilar, Harvey, Mitchell, Tochtrop, White, Williams S., Boyd;
also REPRESENTATIVE(S) Szabo, Barker, Fields, Gardner B., Gerou, Holbert, Jones, Kerr J., Looper, Massey, Schafer S., Stephens, Summers, Todd, Vigil, Waller.

CONCERNING THE REPEAL OF THE "IDENTITY THEFT AND FINANCIAL FRAUD DETERRENCE ACT".

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

SECTION 1. Repeal. 24-34-104 (42) (m), Colorado Revised Statutes, is repealed as follows:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (42) The following agencies, functions, or both, shall terminate on July 1, 2011:

(m) ~~The identity theft and financial fraud board and the identity theft and financial fraud deterrence unit created in part 17 of article 33.5 of this title;~~

SECTION 2. 24-34-104 (47.5), Colorado Revised Statutes, is

amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (47.5) The following agencies, functions, or both, shall terminate on September 1, 2016:

(c) THE IDENTITY THEFT AND FINANCIAL FRAUD BOARD AND THE COLORADO FRAUD INVESTIGATORS UNIT CREATED IN PART 17 OF ARTICLE 33.5 OF THIS TITLE.

SECTION 3. 24-33.5-1703 (2), (3), and (8), Colorado Revised Statutes, are amended to read:

24-33.5-1703. Identity theft and financial fraud board - creation - rules. (2) The board shall consist of ~~nine~~ TEN members, as follows:

(a) The executive director of the department of public safety OR HIS OR HER DESIGNEE;

(b) The attorney general OR HIS OR HER DESIGNEE;

(c) The executive director of the Colorado district attorneys council or his or her designee; and

(d) ~~Six~~ SEVEN members appointed by the governor, as follows:

(I) A representative of a police department;

(II) A representative of a sheriff's department;

(III) Three representatives of the depository institutions operating within the state, at least two of whom shall be from a state or national bank; ~~and~~

(IV) A representative of a payment processor; AND

(V) A REPRESENTATIVE OF A CONSUMER OR VICTIM ADVOCACY ORGANIZATION.

(3) (a) The ~~six~~ SEVEN appointed members of the board shall serve terms of three years; except that, of the members first appointed, the representative of a local police department, the representative of a payment processor, and one of the three representatives of the depository institutions, as designated by the governor, shall each serve a two-year term.

(b) The governor shall appoint members of the board within thirty days after May 30, 2006; EXCEPT THAT THE GOVERNOR SHALL APPOINT THE REPRESENTATIVE OF A CONSUMER OR VICTIM ADVOCACY ORGANIZATION PURSUANT TO SUBPARAGRAPH (V) OF PARAGRAPH (d) OF SUBSECTION (2) OF THIS SECTION ON OR BEFORE JULY 1, 2011. An appointed member shall not serve more than two consecutive full terms, in addition to any partial term. In the event of a vacancy in an appointed position by death, resignation, removal for misconduct, incompetence, or neglect of duty, or otherwise, the governor shall appoint a member to fill the position for the remainder of the unexpired term.

(8) On or before ~~May 1, 2009~~ OCTOBER 1, 2012, AND ON OR BEFORE OCTOBER 1 OF EACH EVEN-NUMBERED YEAR THEREAFTER, the board shall report to the judiciary committees of the senate and the house of representatives, or any successor committees, on the implementation of this part 17 and the results achieved. The report shall include, but need not be limited to, the items listed in section 24-33.5-1706 (2).

SECTION 4. Repeal. 24-33.5-1705 (1) (i), Colorado Revised Statutes, is repealed as follows:

24-33.5-1705. Board powers. (1) In addition to any other powers specifically granted to the board in this part 17, the board shall have the following powers:

(i) ~~To enter into and execute all contracts, leases, intergovernmental agreements, and other instruments, in writing, as necessary to accomplish the purposes of this part 17;~~

SECTION 5. 24-33.5-1708 (1), Colorado Revised Statutes, is amended to read:

24-33.5-1708. Repeal of part. (1) This part 17 is repealed, effective ~~July 1, 2011~~ SEPTEMBER 1, 2016.

SECTION 6. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Brandon C. Shaffer
PRESIDENT OF
THE SENATE

Frank McNulty
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO