

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 14-0820.01 Richard Sweetman x4333

HOUSE BILL 14-1310

HOUSE SPONSORSHIP

Ginal and Gardner,

SENATE SPONSORSHIP

King and Johnston,

House Committees

Judiciary
Appropriations

Senate Committees

A BILL FOR AN ACT

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

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The evidential breath testing cash fund (fund) is created for the collection of moneys to purchase breath-testing devices for law enforcement agencies. The department of public health and environment administers the fund.

The state board of health may promulgate rules for the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

administration of the fund. The fund is repealed, effective September 1, 2024. Before repeal, the department of regulatory agencies shall review the use of the fund by the department of public health and environment.

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

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

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

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

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

1 PRIVATE OR PUBLIC SOURCE ON BEHALF OF THE STATE FOR THE PURPOSES
2 DESCRIBED IN THIS SECTION. THE DEPARTMENT OF PUBLIC HEALTH AND
3 ENVIRONMENT SHALL TRANSMIT ALL SUCH GIFTS, GRANTS, AND
4 DONATIONS TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO
5 THE FUND.

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

9 (e) THIS SUBSECTION (9) IS REPEALED, EFFECTIVE SEPTEMBER 1,
10 2024. BEFORE REPEAL, THE DEPARTMENT OF REGULATORY AGENCIES,
11 PURSUANT TO 24-34-104, SHALL REVIEW THE USE OF THE FUND BY THE
12 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT FOR THE PURPOSES
13 DESCRIBED IN THIS SUBSECTION (9).

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

16 **24-34-104. General assembly review of regulatory agencies**
17 **and functions for termination, continuation, or reestablishment.**

18 (55) The following agencies, functions, or both, terminate on September
19 1, 2024:

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

22 **SECTION 3. Act subject to petition - effective date.** This act
23 takes effect at 12:01 a.m. on the day following the expiration of the
24 ninety-day period after final adjournment of the general assembly (August
25 6, 2014, if adjournment sine die is on May 7, 2014); except that, if a
26 referendum petition is filed pursuant to section 1 (3) of article V of the
27 state constitution against this act or an item, section, or part of this act

1 within such period, then the act, item, section, or part will not take effect
2 unless approved by the people at the general election to be held in
3 November 2014 and, in such case, will take effect on the date of the
4 official declaration of the vote thereon by the governor.