

**First Regular Session
Sixty-fifth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 05-0353.01 Christy Chase

HOUSE BILL 05-1040

HOUSE SPONSORSHIP

Balmer,

SENATE SPONSORSHIP

Takis,

House Committees

Business Affairs and Labor
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE SUBMISSION OF FINGERPRINTS BY PERSONS**
102 **APPLYING FOR A REAL ESTATE BROKER LICENSE TO THE**
103 **COLORADO BUREAU OF INVESTIGATION INSTEAD OF THE REAL**
104 **ESTATE COMMISSION, AND MAKING AN APPROPRIATION**
105 **THEREFOR.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

In current statutes requiring the submission of fingerprints by applicants for real estate broker licenses, streamlines the process by requiring a license applicant to submit a set of fingerprints directly to the Colorado bureau of investigation (CBI), rather than the real estate

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.

commission (commission), for purposes of conducting a state and national fingerprint-based criminal history record check. Specifies that the applicant is to pay the fee for conducting the record check to the CBI, and the CBI is to forward the results of the record check to the commission upon completion.

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

2 **SECTION 1.** 12-61-103 (1) (b) (I), Colorado Revised Statutes,
3 is amended to read:

4 **12-61-103. Application for license.** (1) (b) (I) ~~With the~~
5 ~~submission of~~ PRIOR TO SUBMITTING an application for a license pursuant
6 to paragraph (a) of this subsection (1), each applicant shall submit a set
7 of fingerprints to the ~~real estate commission.~~ ~~The commission shall~~
8 ~~forward such fingerprints to the~~ Colorado bureau of investigation for the
9 purpose of conducting a state and national fingerprint-based criminal
10 history record check utilizing records of the Colorado bureau of
11 investigation and the federal bureau of investigation. THE APPLICANT
12 SHALL PAY THE FEE ESTABLISHED BY THE COLORADO BUREAU OF
13 INVESTIGATION FOR CONDUCTING THE FINGERPRINT-BASED CRIMINAL
14 HISTORY RECORD CHECK TO THE BUREAU. UPON COMPLETION OF THE
15 CRIMINAL HISTORY RECORD CHECK, THE BUREAU SHALL FORWARD THE
16 RESULTS TO THE REAL ESTATE COMMISSION.

17 **SECTION 2. Adjustments to the 2005 Long Bill.** (1) For
18 implementation of this act, appropriations made in the annual general
19 appropriation act for the fiscal year beginning July 1, 2005, shall be
20 adjusted as follows:

21 (a) The cash funds appropriation to the department of regulatory
22 agencies, division of real estate, for Colorado and federal bureau of
23 investigation record checks, is decreased by two hundred one thousand

1 ninety-five dollars (\$201,095). Said sum shall be from the division of
2 real estate cash fund.

3 (b) The cash funds exempt appropriation to the department of
4 public safety, Colorado bureau of investigation, Colorado crime
5 information center (ccic), identification, for program costs, is decreased
6 by eighty-nine thousand ninety-three dollars (\$89,093). Said sum shall
7 be from fingerprint and name check processing fees from other state
8 agencies.

9 (c) The cash funds appropriation to the department of public
10 safety, Colorado bureau of investigation, Colorado crime information
11 center (ccic), identification, for program costs, is increased by eighty-nine
12 thousand ninety-three dollars (\$89,093). Said sum shall be from
13 fingerprint and name check processing fees collected by the department.

14 **SECTION 3. Effective date - applicability.** (1) This act shall
15 take effect at 12:01 a.m. on the day following the expiration of the
16 ninety-day period after final adjournment of the general assembly that is
17 allowed for submitting a referendum petition pursuant to article V,
18 section 1 (3) of the state constitution (August 10, 2005, if adjournment
19 sine die is on May 11, 2005); except that, if a referendum petition is filed
20 against this act or an item, section, or part of this act within such period,
21 then the act, item, section, or part, if approved by the people, shall take
22 effect on the date of the official declaration of the vote thereon by
23 proclamation of the governor.

24 (2) The provisions of this act shall apply to all applications for a
25 real estate broker license submitted on or after the applicable effective
26 date of this act.