



SENATE BILL 01-138

BY SENATOR(S) Perlmutter, Arnold, and Matsunaka;  
also REPRESENTATIVE(S) Smith, Coleman, and Grossman.

CONCERNING THE REVISION OF STATUTES IN THE COLORADO REVISED STATUTES, AS AMENDED, AMENDING OR REPEALING OBSOLETE, INCONSISTENT, AND CONFLICTING PROVISIONS OF LAW AND CLARIFYING THE LANGUAGE TO REFLECT THE LEGISLATIVE INTENT OF THE LAWS.

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

**SECTION 1.** 1-10.5-101 (1), Colorado Revised Statutes, is amended to read:

**1-10.5-101. Recounts required - expenses.** (1) (a) ~~If Senate Bill 99-028 is not enacted at the first regular session of the sixty-second general assembly and does not become law, a recount of any election contest shall be held if the difference between the highest number of votes cast in that election contest and the next highest number of votes cast in that election contest is less than or equal to one percent of the highest vote cast in that election contest. A recount shall occur only after the canvass board certifies the original vote count.~~

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

(b) ~~If Senate Bill 99-028 is enacted at the first regular session of the sixty-second general assembly and becomes law,~~ A recount of any election contest shall be held if the difference between the highest number of votes cast in that election contest and the next highest number of votes cast in that election contest is less than or equal to one-half of one percent of the highest vote cast in that election contest. A recount shall occur only after the canvass board certifies the original vote count.

**SECTION 2.** 6-1-708 (1) (a), Colorado Revised Statutes, is amended to read:

**6-1-708. Motor vehicle sales and leases - deceptive trade practices.** (1) A person engages in a deceptive trade practice when, in the course of such person's business, vocation, or occupation, such person:

(a) Commits any of the following acts pertaining to the sale or lease of a motor vehicle or a used motor vehicle:

(I) Guarantees to a purchaser or lessee of a motor vehicle or used motor vehicle who conditions such purchase or lease on the approval of a consumer credit transaction as defined in section ~~5-1-301 (6.5)~~ 5-1-301 (12), C.R.S., that such purchaser or lessee has been approved for a consumer credit transaction if such approval is not final. For purposes of this subparagraph (I), "guarantee" means a written document or oral representation between the purchaser or lessee and the person selling or leasing the vehicle that leads such purchaser or lessee to a reasonable good faith belief that the financing of such vehicle is certain.

(II) Accepts a used motor vehicle as a trade-in on the purchase or lease of a motor vehicle or used motor vehicle and sells or leases such used motor vehicle before the purchaser or lessee has been approved for a consumer credit transaction as defined in section ~~5-1-301 (6.5)~~ 5-1-301 (12), C.R.S., if such approval is a condition of the purchase or lease;

(III) Fails to return to the purchaser or ~~lessor~~ LESSEE any collateral or down payment tendered by such purchaser or lessee conditioned upon a guarantee by a motor vehicle DEALER or used motor vehicle dealer that a consumer credit transaction as defined in section ~~5-1-301 (6.5)~~ 5-1-301 (12), C.R.S., has been approved for such purchaser or lessee, if such approval was a condition of the sale or lease and if such financing is not

approved and the purchaser or lessee is required to return the vehicle;

**SECTION 3.** 8-20-406 (2) (b), Colorado Revised Statutes, is amended to read:

**8-20-406. Submittal of plans.** (2) Plans for any of the following shall be submitted to the state inspector of oils for his approval before installation:

(b) Installations for filling of cylinders (bottles) or other portable containers meeting ~~interstate commerce commission~~ SURFACE TRANSPORTATION BOARD specifications;

**SECTION 4.** 8-20-411 (1) and (2), Colorado Revised Statutes, are amended to read:

**8-20-411. Location and charging of containers.** (1) Permanently installed American petroleum institute-American society of mechanical engineers containers or ~~interstate commerce commission~~ SURFACE TRANSPORTATION BOARD containers provided with excess flow or back-flow check valves shall be located and filled in accordance with the applicable requirements of basic rules of the national fire code described in section 8-20-405. Private streets, roads, or rights-of-way shall not be classed as public streets or highways for the purpose of sections 8-20-405 to 8-20-412.

(2) ~~Interstate commerce commission~~ SURFACE TRANSPORTATION BOARD containers, not provided with excess flow or back-flow check valves, shall not be filled within the limits or boundaries of an area in which two or more mobile vehicles are situated. Such containers shall be filled in accordance with the applicable provisions of basic rules and of the national fire code, at a properly equipped container filling plant. Such plant shall be located at least fifty feet from the nearest trailer, important building, or line of property which may be built upon, and at least twenty-five feet from any public road, street, or highway. Such filling plant shall be enclosed by man-proof fencing or otherwise protected from tampering or physical damage. The area shall be kept locked when unattended.

**SECTION 5.** 10-4-724 (2), (3), and (6) (a) (I), Colorado Revised Statutes, are amended to read:

**10-4-724. Reduction in rates for drivers aged fifty-five or older who complete a driver's education course - legislative declaration.**

(2) Effective July 1, 1991, all rates, rating schedules, and rating manuals for liability, personal injury protection, and collision coverages of a motor vehicle insurance policy submitted to or filed with the commissioner under this part 7 shall provide for an appropriate reduction in premium charges based on justifiable data when the vehicle is a covered vehicle and when the principal operator is fifty-five or older and has successfully completed a driver's education course taught by a driving school ~~licensed~~ REGULATED pursuant to article 15 of title 12, C.R.S., or by a nonprofit corporation subject to articles 121 to 137 of title 7, C.R.S., if such course has been preapproved by the department of revenue. Any discount used by an insurer shall be presumed appropriate unless credible data demonstrates otherwise. Insurers shall provide the commissioner with data reflecting the claims experience of drivers who have received reductions in premium charges compared with the claims experience of drivers who have not received such reductions.

(3) Each person who successfully completes a driver's education course taught by a commercial driving school ~~licensed~~ REGULATED pursuant to article 15 of title 12, C.R.S., shall be issued a certificate by the commercial driving school offering the course, which certificate shall be evidence of qualification for the premium discount required by this section.

(6) An insured may renew qualification for the discount provided by this section by:

(a) (I) Retaking a driver's education course taught by a commercial driving school ~~licensed~~ REGULATED pursuant to article 15 of title 12, C.R.S.; or

**SECTION 6.** 10-13-106 (1), Colorado Revised Statutes, is amended to read:

**10-13-106. Certificate of authority issued.** (1) Upon the filing of the required papers, ~~and upon the payment of fees as provided for in section 10-13-112,~~ it is the duty of the commissioner to examine and pass upon the same and, if found in accordance with this title, to issue a certificate of authority which shall expire on April 1 next succeeding.

**SECTION 7.** 11-51-307 (1) (e), Colorado Revised Statutes, is amended to read:

**11-51-307. Exempt securities.** (1) The following securities are exempted from sections 11-51-301 and 11-51-305:

(e) Any security issued or guaranteed by any railroad, other common carrier, public utility, or holding company which is: Subject to the jurisdiction of the ~~interstate commerce commission~~ SURFACE TRANSPORTATION BOARD; a registered holding company under the federal "Public Utility Holding Company Act of 1935" or a subsidiary of such a company within the meaning of that act; or regulated in respect of its issuance or guarantee of the security by a governmental authority of the United States, any state, Canada, or any Canadian province;

**SECTION 8.** The introductory portion to 12-2-117 (3) and 12-2-117 (3) (b), Colorado Revised Statutes, are amended to read:

**12-2-117. Partnerships, professional corporations, and limited liability companies composed of certified public accountants - registration thereof.** (3) The corporation must be in compliance with the "Colorado Business Corporation Act", articles 101 to 117 of title 7, C.R.S., and, to the extent applicable under section 7-117-103, C.R.S., with the "Colorado Corporation Code", articles 1 to 10 of title 7, C.R.S., AS SAID ARTICLES EXISTED PRIOR TO THEIR REPEAL ON JULY 1, 1994. The limited liability company must be in compliance with the "Colorado Limited Liability Company Act", article 80 of title 7, C.R.S. The organizing documents of any partnership, the articles of incorporation of any such corporation, or the articles of organization of any such limited liability company shall contain provisions complying with the following requirements:

(b) Each partner who is personally engaged within this state in the practice of public accounting shall be a certified public accountant of this state in good standing, and each partner not personally engaged within this state in the practice of public accounting ~~shall~~ MAY, BUT NEED NOT, be a certified public accountant of some state in good standing. The president of any such corporation shall be a shareholder and a director, and one or more of such directors shall be certified public accountants of this state in good standing. The manager or managers of any such limited liability

company shall be a member or members and one or more of such managers shall be certified public accountants of this state in good standing. Lay directors and officers and managers shall not exercise any authority whatsoever over professional matters.

**SECTION 9.** 12-5.5-102 (1), Colorado Revised Statutes, is amended to read:

**12-5.5-102. Registration required - application - bond.** (1) An audiologist shall register with the division of registrations before performing audiology services in this state. Upon registering, the audiologist shall be given a certificate of registration bearing a unique registration number. The audiologist shall include the registration number on all written contracts and receipts, as required pursuant to section ~~6-1-701 (2) (a)~~ 6-1-701 (2) (e) (III) (B), C.R.S.

**SECTION 10.** 12-5.5-202 (1), Colorado Revised Statutes, is amended to read:

**12-5.5-202. Registration required - application - bond.** (1) A registered hearing aid provider shall register pursuant to this part 2 before selling or negotiating to sell, directly or indirectly, any hearing device for the hearing impaired unless such provider holds a current registration pursuant to part 1 of this article. Upon registering, the registered hearing aid provider shall be given a certificate of registration bearing a unique registration number. The registered hearing aid provider shall include the registration number on all written contracts and receipts, as required pursuant to section ~~6-1-701 (2) (a)~~ 6-1-701 (2) (e) (III) (B), C.R.S. A registered hearing aid provider who is also an audiologist and is registered only under part 1 of this article shall include the registration number issued pursuant to such part 1 on all written contracts and receipts.

**SECTION 11.** 12-8-129.1, Colorado Revised Statutes, is amended to read:

**12-8-129.1. Immunity.** Any person acting as a consultant to the ~~board~~ DIRECTOR, any witness testifying in a proceeding authorized under this article, and any person who lodges a written complaint pursuant to this article shall be immune from liability in any civil action brought against ~~him~~ SUCH PERSON for acts occurring while acting in his OR HER capacity as a

consultant, witness, or complainant, respectively, if such ~~individual~~ PERSON was acting in good faith within the scope of his OR HER respective capacity, made a reasonable effort to obtain the facts of the matter as to which he OR SHE acted, and acted in the reasonable belief that the action taken by him OR HER was warranted by the facts.

**SECTION 12.** 12-36-103 (2), Colorado Revised Statutes, is amended to read:

**12-36-103. State board of medical examiners - immunity - subject to termination - repeal of article.** (2) The board shall be comprised at all times of seven members having the degree of doctor of medicine, and two members having the degree of doctor of osteopathy, all of whom shall have been licensed and actively engaged in the practice of their professions in this state for at least three years next preceding their appointments and shall have been residents of this state for at least five years next preceding their appointments, and ~~two~~ FOUR members of the public at large. In making appointments to the board, the governor shall give due consideration to recommendations submitted by the Colorado state medical society with respect to appointments to each office, if any, to be filled by a physician holding the degree of doctor of medicine and to recommendations submitted by the Colorado osteopathic association with respect to appointments to each office, if any, to be filled by a physician holding the degree of doctor of osteopathy.

**SECTION 13.** 12-36-118 (1) (a), Colorado Revised Statutes, is amended to read:

**12-36-118. Disciplinary action by board - immunity.** (1) (a) The president of the board shall divide those members of the board other than the president into two panels of ~~five~~ SIX members each, four of whom shall be physician members.

**SECTION 14.** 12-47.1-701 (4) (a), Colorado Revised Statutes, is amended to read:

**12-47.1-701. Limited gaming fund - repeal.** (4) (a) At the end of each fiscal year, the state treasurer shall distribute the balance remaining in the limited gaming fund in accordance with the provisions of section 9 (5) (b) (II) of article XVIII of the state constitution; except that forty-nine and

eight-tenths percent shall be transferred to the general fund of this state and two-tenths of one percent shall be transferred to the Colorado TRAVEL AND tourism promotion fund created in section ~~24-32-1306~~ 24-49.7-106, C.R.S.

**SECTION 15.** 13-6-308, Colorado Revised Statutes, is amended to read:

**13-6-308. Juries.** (1) When required, juries shall be selected and summoned as provided for courts of record in articles ~~70 to 73~~ 71 TO 74 of this title, with such exceptions as are provided in this section. With the consent of the district court and the jury commissioners, the county court may, if feasible, use the same panel of jurors summoned for the district court. Jurors selected and summoned for the county court may also be used in municipal court in counties of Class A, as defined in section 13-6-201.

(2) If a county court sits regularly in a location other than the county seat and if jury trials are held at that location as well as at the county seat, the jury commissioner may establish jury districts within the county for the selection of county court jurors. The county shall be divided into as many such districts as there are locations in which the county court regularly holds jury trials, and each district shall include one such location as well as appropriate contiguous territory. In counties so divided, the jury commissioner shall select separate lists of persons from each jury district to serve as county court jurors within their respective districts. Such lists shall contain not less than one hundred names. When jurors are to be summoned for county court service within such districts, names shall be drawn from the list by the jury commissioner. In all other respects, the provisions of articles ~~70 to 73~~ 71 TO 74 of this title shall be followed in selecting, drawing, and summoning jurors in counties divided into county court jury districts.

**SECTION 16.** 13-8-122, Colorado Revised Statutes, is amended to read:

**13-8-122. Juries.** When required, juries may be selected and summoned as provided for courts of record in articles ~~70 to 73~~ 71 TO 74 of this title. With the permission of the district court, the juvenile court may use the panel of jurors summoned for the district court of the second judicial district.



**SECTION 17.** 13-9-117, Colorado Revised Statutes, is amended to read:

**13-9-117. Juries.** When required, juries may be selected and summoned as provided for courts of record in articles ~~70 to 73~~ 71 TO 74 of this title. With the permission of the district court, the probate court may use the panel of jurors summoned for the district court of the second judicial district.

**SECTION 18.** 13-16-122 (1) (b), Colorado Revised Statutes, is amended to read:

**13-16-122. Items includable as costs.** (1) Whenever any court of this state assesses costs pursuant to any provision of this article, such costs may include:

(b) The jury fees and expenses provided for in article ~~70~~ 71 of this title;

**SECTION 19.** 16-3-303 (4) (c), Colorado Revised Statutes, is amended to read:

**16-3-303. Search warrants - application.** (4) A no-knock search warrant shall be issued only if the affidavit for such warrant:

(c) Has been reviewed and approved for legal sufficiency and signed by a district attorney pursuant to section ~~20-1-106.1(2)~~ 20-1-106.1 (1) (b), C.R.S. Such review and approval may take place as allowed by statute or court rule or by means of facsimile transmission, telephonic transmission, or other electronic transfer.

**SECTION 20.** 16-11-102 (4), Colorado Revised Statutes, is amended to read:

**16-11-102. Presentence or probation investigation.** (4) The court, with the concurrence of the defendant and the prosecuting attorney, may dispense with the presentence examination and report; except that the information required by section ~~16-18.5-103.2~~ 16-18.5-103 (2) and a victim impact statement shall be made in every case. The amount of restitution shall be ordered pursuant to article 18.5 of this title and endorsed upon the

mittimus.

**SECTION 21.** The introductory portion to 17-1-104.3 (1) (b), Colorado Revised Statutes, is amended to read:

**17-1-104.3. Correctional facilities - locations - security level.**

(1) (b) The correctional facilities ~~managed, supervised, and controlled~~ OPERATED by the department, ~~pursuant to section 17-1-104~~, the location of such facilities, and the designated security level of such facilities shall be as follows:

**SECTION 22.** 18-9-123 (1) (a) (I), Colorado Revised Statutes, is amended to read:

**18-9-123. Bringing alcohol beverages, bottles, or cans into the major league baseball stadium.** (1) (a) It shall be unlawful for any person to carry or bring into the Denver metropolitan major league baseball stadium district stadium, as defined in section 32-14-103 (5) and (10), C.R.S., and referred to in this section as the "stadium", the following:

(I) Any alcohol beverage ~~or alcohol liquor~~ as defined in section 12-47-103 (2), C.R.S.; or

**SECTION 23.** 22-2-117 (1.5), Colorado Revised Statutes, is amended to read:

**22-2-117. Additional power - state board - waiver of requirements - rules.** (1.5) Notwithstanding any provision of this section or any other provision of law, the state board shall not waive requirements contained in part 6 of article 7 of this title or sections 22-7-409, 22-32-105, 22-32-109 ~~(1)(w)~~; (1) (bb) (I) and (2), 22-32-109.1 (2) (a), and 22-33-104 (4).

**SECTION 24.** 22-7-409 (1.3) (b), Colorado Revised Statutes, is amended to read:

**22-7-409. Assessments - repeal.** (1.3) (b) A school district, upon the request of the parent or legal guardian of a child who is participating in a nonpublic home-based educational program pursuant to section ~~22-30-104.5~~ 22-33-104.5, shall permit such child to take any assessment

required by subsection (1) of this section and shall provide to the parent or legal guardian of the child the results of any assessments administered, including diagnostic reporting for such child's performance on each assessment. The parent or legal guardian of such a child shall be required to pay all costs associated with administering and providing results for such assessments.

**SECTION 25.** 22-32-109 (1) (f) (II) (A), Colorado Revised Statutes, is amended to read:

**22-32-109. Board of education - specific duties - repeal.** (1) In addition to any other duty required to be performed by law, each board of education shall have and perform the following specific duties:

(f) (II) (A) If a school district determines that, due to an insufficient number of eligible applicants for nonlicensed positions, it is unable to hire the number of nonlicensed employees necessary for the board to meet its duty under subparagraph (I) of this paragraph (f), the board of education may adopt a resolution declaring a critical shortage of nonlicensed employees. The resolution shall be effective for no more than one year after adoption. In order for the school district to declare a critical shortage, the district must have posted the vacancy for a nonlicensed position for at least one month, must have solicited applications through local newspapers, and must have determined that there is an insufficient number of eligible applicants for nonlicensed positions. Following adoption of the resolution, any person who is receiving retirement benefits pursuant to part 6 of article 51 of title 24, C.R.S., or pursuant to part 1 or 2 of article 64 of THIS title, ~~22~~; and who is hired by the school district as a nonlicensed employee, may receive a salary from the school district without reduction in retirement benefits as provided in section 24-51-1101 (1.5), C.R.S., and sections ~~22-64-111(1.5)~~ 22-64-111 (4) (a) and ~~22-64-211(1.5)~~ 22-64-211 (4) (a).

**SECTION 26.** 22-32-109.1 (2) (b) (VII), Colorado Revised Statutes, is amended to read:

**22-32-109.1. Board of education - specific powers and duties - safe schools.** (2) **Safe school plan.** (b) **Safe school reporting requirements.** (VII) The average class size for each public elementary SCHOOL, middle school or junior high school, and senior high school in the state calculated as the total number of students enrolled in the school

divided by the number of full-time teachers in the school. For purposes of this subparagraph ~~(VI)~~ (VII), "full-time teacher" means a person who is licensed pursuant to article 60.5 of this title or authorized by a letter of authorization issued pursuant to section 22-60.5-111 to teach, and is primarily engaged in teaching during a substantial majority of the instructional minutes per school day.

**SECTION 27.** 23-1-106.5 (9) (c), Colorado Revised Statutes, is amended to read:

**23-1-106.5. Duties and powers of the commission with regard to advanced technology - fund created.** (9) (c) Notwithstanding any other provision of this subsection ~~(8)~~ (9), any moneys deposited in the advanced technology fund pursuant to section 25-17-202 (3), C.R.S., shall be used solely to finance research, development, and technology transfer with regard to waste diversion and recycling strategies, and shall include research, development, and technology transfer regarding waste tires.

**SECTION 28.** 24-1-120 (5) (e), Colorado Revised Statutes, is amended to read:

**24-1-120. Department of human services - creation.** (5) The department of human services shall include the following:

(e) The powers, duties, and functions regarding the state information agency under the ~~"Revised Uniform Reciprocal Enforcement of Support Act"~~ "UNIFORM INTERSTATE FAMILY SUPPORT ACT", created by article 5 of title 14, C.R.S. Said powers, duties, and functions are transferred by a **type 2** transfer to the department of human services.

**SECTION 29.** 24-2-101, Colorado Revised Statutes, is amended to read:

**24-2-101. Application.** The provisions of this article, parts 2 and 4 11 of article 30, and articles 31, 35, and 36 of this title shall not be construed to apply to the judiciary nor the legislature, except when expressly specified.

**SECTION 30.** 24-6-302 (2), Colorado Revised Statutes, is amended to read:

**24-6-302. Disclosure statements - required.** (2) Any person who is not required to file disclosure statements pursuant to subsection (1) of this section, but who makes expenditures for gifts or entertainment purposes for the benefit of covered officials in the aggregate amount of two hundred dollars in a calendar year shall file disclosure statements with the secretary of state in accordance with this section. Such disclosure statements shall not include actual and reasonable expenses incurred for personal needs, such as meals, travel, lodging, and parking.

**SECTION 31.** 24-34-104 (36), 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.** (36) The following agencies, functions, or both, shall terminate on July 1, 2005:

(d) THE LICENSING AND REGULATION OF RESPIRATORY THERAPISTS BY THE DIVISION OF REGISTRATIONS IN THE DEPARTMENT OF REGULATORY AGENCIES IN ACCORDANCE WITH ARTICLE 41.5 OF TITLE 12, C.R.S.

**SECTION 32. Repeal.** 24-34-104 (41) (h), Colorado Revised Statutes, is repealed as follows:

**24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment.** (41) The following agencies, functions, or both, shall terminate on July 1, 2010:

(h) The licensing and regulation of respiratory therapists by the division of registrations in the department of regulatory agencies in accordance with article 41.5 of title 12, C.R.S.

**SECTION 33.** 24-48.5-103 (2), Colorado Revised Statutes, is amended to read:

**24-48.5-103. Motion picture and television advisory commission abolished - reestablished.** (2) There is hereby established the motion picture and television advisory commission in the Colorado office of economic development, referred to in this section and section ~~24-48.5-404~~ 24-48.5-104 as the "commission". The commission shall consist of nine members. The director of the office shall be ex officio a nonvoting member

of the commission and shall act as chair thereof. The remaining eight members shall be appointed by the governor, with the consent of the senate, and at least one member shall be appointed from each congressional district in this state. A vacancy on the commission occurs whenever any member moves out of the congressional district from which he or she was appointed. A member who moves out of such congressional district shall promptly notify the governor of the date of such move, but such notice is not a condition precedent to the occurrence of the vacancy. The governor shall fill the vacancy by appointment for the unexpired term. No more than five of the appointed members of the commission shall be members of the same major political party. Of the members appointed to take office on July 1, 1986, two shall serve for a term ending July 1, 1987; two shall serve for a term ending July 1, 1988; two shall serve for a term ending July 1, 1989; and two shall serve for a term ending July 1, 1990. Thereafter members shall be appointed for four-year terms. Such appointed members shall be appointed from the motion picture and telecommunications industries, shall have knowledge of the problems of motion picture and television filming and production, and shall have a prior record of promoting motion picture and television production in the state of Colorado.

**SECTION 34.** 24-49.7-106 (1) (a), Colorado Revised Statutes, is amended to read:

**24-49.7-106. Colorado travel and tourism promotion fund - Colorado travel and tourism additional source fund - creation - nature of funds.** (1) There is hereby created a fund in the state treasury to be known as the Colorado travel and tourism promotion fund, which shall be administered by the board and which shall consist of:

(a) All moneys transferred thereto in accordance with section 24-32-1307.5 AND SECTION 12-47.1-701 (4) (a), C.R.S.;

**SECTION 35.** 24-72-204 (7) (a), Colorado Revised Statutes, is amended to read:

**24-72-204. Allowance or denial of inspection - grounds - procedure - appeal.** (7) (a) Except as permitted in paragraph (b) of this subsection (7), the department of revenue or a designated agent of the department shall not allow inspection of information contained in a driver's license application under section 42-2-107, C.R.S., a driver's license

renewal application under section 42-2-118, C.R.S., a duplicate driver's license application under section 42-2-117, C.R.S., a commercial driver's license application under section 42-2-404, C.R.S., an identification card application under section 42-2-302, C.R.S., a motor vehicle title application under section ~~42-6-103~~ 42-6-116, C.R.S., a motor vehicle registration application under section 42-3-112, C.R.S., or other official record or document maintained by the department under section 42-2-121, C.R.S., to a requestor, other than the person in interest.

**SECTION 36.** 25-1-107 (1) (n) (I), Colorado Revised Statutes, is amended to read:

**25-1-107. Powers and duties of the department - repeal.** (1) The department has, in addition to all other powers and duties imposed upon it by law, the following powers and duties:

(n) (I) To establish sanitary standards and make sanitary, sewerage, and health inspections and examinations for charitable, penal, and other public institutions, and, with respect to the state institutions under the department of human services specified in section 27-1-104, C.R.S., or under the department of corrections specified in section ~~17-1-104~~ 17-1-104.3(1) (b), C.R.S., such inspections and examinations shall be made at least once each year. Reports on such inspections of institutions under control of the department of human services or the department of corrections shall be made to the executive director of the appropriate department for appropriate action, if any.

**SECTION 37.** 25-7-106.7, Colorado Revised Statutes, is amended to read:

**25-7-106.7. Regulations - studies - AIR program area.** The authority of the commission to promulgate regulations ~~and to conduct studies and make reports to the general assembly pursuant to sections 25-7-106.1, 25-7-106.3, and 25-7-106.5~~ PURSUANT TO SECTION 25-7-106.3 is limited to the program area, as defined in section 42-4-304 (20), C.R.S., and such regulations shall not apply outside the program area. ~~The commission may determine which regulations promulgated pursuant to section 25-7-106.1 shall apply to separate airshed areas.~~

**SECTION 38.** 25-11-108 (1) (c), Colorado Revised Statutes, is

amended to read:

**25-11-108. Exemptions.** (1) The provisions of sections 25-11-103 and 25-11-104 shall not apply to the following sources or conditions:

(c) Any radioactive material while being transported in conformity with regulations adopted by the atomic energy commission, or any successor thereto, or the ~~interstate commerce commission~~ SURFACE TRANSPORTATION BOARD and specifically applicable to the transportation of such radioactive materials;

**SECTION 39.** 25-31-108 (1), Colorado Revised Statutes, is amended to read:

**25-31-108. Annual program review - audit.** (1) The health sciences facility shall annually prepare and submit to the department a report including an evaluation of the implementation of the program, the results achieved by the program based on the annual reports submitted by the administering entities pursuant to section ~~25-30-106 (1) (e)~~ 25-31-106 (1) (e), the extent to which the program serves medicaid-eligible persons and provides services that may be provided in part through medicaid funding, and any recommendations concerning changes to the program, including but not limited to any changes that may be appropriate to enable the program to receive medicaid funding. The department shall include said report in the annual report on programs that are funded by moneys received pursuant to the master settlement agreement prepared pursuant to section 25-1-108.5 (3). Any entity that is administering the program may be subject to a reduction in or cessation of funding if the state board, based on recommendations from the health sciences facility, determines that the entity is not operating the program in accordance with the program requirements established by rule of the state board or is operating the program in such a manner that the program does not demonstrate positive results.

**SECTION 40.** 29-2-108 (3), Colorado Revised Statutes, is amended to read:

**29-2-108. Limitation on amount.** (3) ~~The additional two-tenths of one percent tax imposed by article 26.1 of title 39, C.R.S.;~~ Any tax imposed pursuant to sections 30-11-107.5 and 30-11-107.7, C.R.S., and the



additional tax authorized by section 30-20-604.5, C.R.S., if imposed, shall be exempt from the six and ninety one-hundredths percent limitation imposed by subsection (1) of this section.

**SECTION 41. Repeal.** 31-31-202 (1) (f), Colorado Revised Statutes, is repealed as follows:

**31-31-202. Powers and duties of the board.** (1) The board shall:

(f) ~~Borrow money in accordance with the provisions of section 24-75-203 (3), C.R.S.;~~

**SECTION 42.** 32-1-103 (5) (d) and (23) (c), Colorado Revised Statutes, are amended to read:

**32-1-103. Definitions.** As used in this article, unless the context otherwise requires:

(5) (d) For all elections and petitions ~~which~~ THAT require ownership of real property or land, a mobile home as defined in section 38-12-201.5 (2) or ~~5-1-301 (9.7)~~ 5-1-301 (29), C.R.S., or a manufactured home as defined in section ~~12-51.5-101 (4)~~ or 42-1-102 (106) (b), C.R.S., shall be deemed sufficient to qualify as ownership of real property or land for the purpose of voting rights and petitions.

(23) (c) For all elections and petitions ~~which~~ THAT require ownership of real property or land, a mobile home as defined in section 38-12-201.5 (2) ~~5-1-301 (9.7), or 12-51.5-101 (4)~~ OR 5-1-301 (29), C.R.S., or a manufactured home as defined in section 42-1-102 (106) (b), C.R.S., shall be deemed sufficient to qualify as ownership of real property or land for the purpose of voting rights and petitions.

**SECTION 43.** 32-12-103 (8) (a) (II), Colorado Revised Statutes, is amended to read:

**32-12-103. Definitions.** As used in this article, unless the context otherwise requires:

(8) "Rail district" means a special district which may acquire and operate railroad facilities subject to the following:

(a) Any such purchase of railroad facilities shall be:

(II) From a railroad ~~which~~ THAT has been granted the right to abandon such railroad facilities by the federal ~~interstate-commerce commission~~ SURFACE TRANSPORTATION BOARD; and

**SECTION 44.** 35-70-104.1, Colorado Revised Statutes, is amended to read:

**35-70-104.1. Mobile home ownership - elections and petitions.** Notwithstanding any other provision of this article to the contrary, for all elections and petitions ~~which~~ THAT require ownership of real property or land, a mobile home as defined in section 38-12-201.5 (2) or ~~5-1-301 (9.7)~~ 5-1-301 (29), C.R.S., or a manufactured home as defined in section 42-1-102 (106) (b), C.R.S., shall be deemed sufficient to qualify as ownership of real property or land for the purpose of voting rights and petitions.

**SECTION 45.** 36-20-121 (2), Colorado Revised Statutes, is amended to read:

**36-20-121. Hearing required.** (2) Said hearing shall be conducted ~~by the advisory committee in the manner provided in section 36-20-106 (2) or in the same manner~~ by an administrative law judge.

**SECTION 46.** 36-20-125, Colorado Revised Statutes, is amended to read:

**36-20-125. Judicial review.** Judicial review of any action of the director ~~or findings of the advisory committee~~ may be had in accordance with the provisions of section 24-4-106, C.R.S.

**SECTION 47.** 37-45-103 (4) (c), Colorado Revised Statutes, is amended to read:

**37-45-103. Definition of terms.** As used in this article, unless the context otherwise requires:

(4) (c) For all elections and petitions ~~which~~ THAT require ownership of real property or land, a mobile home or manufactured home as defined

in section 38-12-201.5 (2), ~~5-1-301 (9.7)~~, C.R.S. 5-1-301 (29), or 42-1-102 (106) (b), C.R.S., shall be deemed sufficient to qualify as ownership of real property or land for the purpose of voting rights and petitions.

**SECTION 48.** 37-45-122 (4) (b), Colorado Revised Statutes, is amended to read:

**37-45-122. Levy and collection under class A.** (4) (b) Whenever the board of directors of the district, by resolution adopted by a majority of all of the members of the board, determines that the interests of said district and the public interest or necessity demand an increase in the mill levy for such district not greater than the maximum mill levy prescribed in ~~subparagraph (F)~~ of paragraph (a) of this subsection (4) for the purposes therein stated, said board shall order the submission of the proposition to the electors of the district at an election held for that purpose. Any election held for the purpose of submitting any such proposition may be held separately or may be consolidated or held concurrently with any other election authorized by law at which such electors of the district shall be entitled to vote.

**SECTION 49.** 37-60-121 (2.5) (c), (2.5) (e), and (6) (d) (IV), Colorado Revised Statutes, are amended to read:

**37-60-121. Colorado water conservation board construction fund - creation of - nature of fund - funds for investigations - contributions - use for augmenting the general fund.** (2.5) (c) Any interest earned on the moneys in the litigation account shall be credited on an annual basis ~~in equal portions~~ to the Colorado water conservation board construction fund created in subsection (1) of this section. ~~and the domestic water supply project revolving fund created in section 37-95-107.7.~~

(e) Any moneys remaining in the litigation account at such time as the general assembly acts to close the account shall be ~~equally divided and~~ credited to the Colorado water conservation board construction fund created in subsection (1) of this section. ~~and the domestic water supply project revolving fund created in section 37-95-107.7.~~

(6) As of July 1, 1988, and July 1 of each year thereafter through July 1, 1996, fifty percent of the sum specified in this subsection (6) shall accrue to the fish and wildlife resources account, which account is hereby

created in the Colorado water conservation board construction fund, twenty-five percent of such sum shall accrue to the Colorado water conservation board construction fund, and twenty-five percent of such sum shall accrue to the Colorado water resources and power development authority. The state treasurer and the controller shall transfer such sum out of the general fund and into said fish and wildlife resources account, construction fund, and authority as moneys become available in the general fund during the fiscal year beginning on said July 1. Transfers between funds pursuant to this subsection (6) and subsection (7) of this section shall not be deemed to be appropriations subject to the limitations of section 24-75-201.1, C.R.S. Subject to the provisions of subsection (7) of this section, the amount which shall accrue pursuant to this subsection (6) shall be as follows:

(d) On July 1, 1994, thirty million dollars. In distributing said sum, the formula in the introductory portion to this subsection (6) shall not apply, and said sum shall accrue as follows:

(IV) ~~Six million two hundred thousand dollars to the domestic water supply project revolving fund created in section 37-95-107.7, C.R.S.;~~

**SECTION 50.** 37-83-106, Colorado Revised Statutes, is amended to read:

**37-83-106. Authority of political subdivisions to lease or exchange water.** Water conservancy districts and water conservation districts which own or hold rights to water may enter into cooperative agreements with other political subdivisions of the state for the lease or exchange of water produced in the exercise of such district's water rights and the construction or use of waterworks within or outside of district boundaries, according to such terms as such district and political subdivision agree upon. Conservation districts, conservancy districts, and other political subdivisions of the state may enter into agreements with each other to provide funds or undertake measures to carry out section ~~37-45-118 (1) (b) (IV)~~ 37-45-118 (1) (b) (II), including agreements for the exchange or lease of such water outside the boundaries of the conservation or conservancy district. Such leases and exchanges may cover the time period necessary to amortize, or repay bonds issued for, the cost of constructing the waterworks involved, and may be renewable according to such terms as such district and political subdivision may agree upon. Any water rights

leased or exchanged under this section shall be only for the time certain contained in each such agreement or extension thereof. Any water rights or changes of water rights which are necessary to implement such agreements shall be adjudicated as provided by law. If mutually agreeable, districts and other political subdivisions may submit any contractual disputes arising under this section between them to nonbinding arbitration, as they may determine.

**SECTION 51.** 37-90-104 (7), Colorado Revised Statutes, is amended to read:

**37-90-104. Commission - organization - expenses.** (7) The provisions of section ~~24-6-402 (2.3) (b)~~ 24-6-402 (3) (a) (II), C.R.S., concerning imminent court action, as applied to the ground water commission and to any member, employee, contractor, agent, servant, attorney, or consultant thereof, shall not include any actions within the scope of sections 37-90-106 to 37-90-109 and section 37-90-111.

**SECTION 52.** 37-95-107.8 (2) (a) (III), (2) (a) (IV), and (2) (a) (V), Colorado Revised Statutes, are amended to read:

**37-95-107.8. Creation and administration of drinking water revolving fund.** (2) (a) Subject to any applicable provisions of the safe drinking water act and agreements with the holders of bonds of the authority, the authority shall deposit in the drinking water revolving fund:

(III) Loan principal, interest, and penalty payments received with respect to loans made from the drinking water revolving fund; AND

~~(IV) Loan principal, interest, and penalty payments received with respect to loans made by the state treasurer from the domestic water supply project revolving fund and assigned and transferred from the domestic water supply project revolving fund to the authority pursuant to section 37-95-107.7 (5);~~

~~(V) All moneys transferred from the domestic water supply project revolving fund to the authority by the state treasurer pursuant to section 37-95-107.7 (6); and~~

**SECTION 53.** 38-41-201.6 (1), Colorado Revised Statutes, is

amended to read:

**38-41-201.6. Mobile home, manufactured home, trailer, and trailer coach homestead exemption.** (1) A manufactured home as defined in section 38-29-102 (6), which includes a mobile home or manufactured home as defined in section 38-12-201.5 (2), ~~5-1-301 (9.7)~~ 5-1-301 (29), or 42-1-102 (106) (b), C.R.S., that has been purchased by an initial user or subsequent user and for which a certificate of title or registration has been issued in accordance with section 38-29-110 or pursuant to section 38-29-108, is a homestead and is entitled to the same exemption as enumerated in section 38-41-201, except for any loans, debts, or obligations incurred prior to January 1, 1983. For purposes of this homestead exemption, the term "house" as used in section 38-41-205 shall be deemed to include mobile homes or manufactured homes.

**SECTION 54.** 39-22-104 (4) (I) (VI), Colorado Revised Statutes, is amended to read:

**39-22-104. Income tax imposed on individuals, estates, and trusts - single rate - definitions.** (4) There shall be subtracted from federal taxable income:

(I) (VI) The general assembly hereby finds and declares that the state income tax modification authorized by subparagraph (I) of this paragraph (I) is a reasonable method of refunding a portion of the excess state revenues required to be refunded in accordance with section ~~20 (7) (a)~~ 20 (7) (d) of article X of the state constitution.

**SECTION 55.** 39-22-518 (7), Colorado Revised Statutes, is amended to read:

**39-22-518. Tax modification for net capital gains.** (7) The general assembly finds and declares that the temporary modifications for qualifying gains receiving capital treatment allowed by sub-subparagraphs (C), (D), (E), and (F) of subparagraph (I) of paragraph (b) of subsection (2) of this section are reasonable methods of refunding a portion of the excess state revenues required to be refunded in accordance with section ~~20 (7) (a)~~ 20 (7) (d) of article X of the state constitution.

**SECTION 56.** 39-26-105 (1) (a), Colorado Revised Statutes, is

amended to read:

**39-26-105. Vendor liable for tax.** (1) (a) Except as provided in paragraphs (d) and (e) of this subsection (1), every retailer, also in this part 1 called "vendor", shall, irrespective of the provisions of section 39-26-106, be liable and responsible for the payment of an amount equivalent to three percent of all sales made PRIOR TO JANUARY 1, 2001, AND TWO AND NINETY ONE-HUNDREDTHS PERCENT OF ALL SALES MADE ON OR AFTER JANUARY 1, 2001, by the vendor of commodities or services as specified in section 39-26-104 and shall, before the twentieth day of each month, make a return to the executive director of the department of revenue for the preceding calendar month and remit an amount equivalent to said ~~three percent~~ PERCENTAGE on such sales to said executive director, less three and one-third percent of the sum so remitted to cover the vendor's expense in the collection and remittance of said tax; but, if any vendor is delinquent in remitting said tax, other than in unusual circumstances shown to the satisfaction of the executive director, the vendor shall not be allowed to retain any amounts to cover ~~his~~ SUCH VENDOR'S expense in collecting and remitting said tax, and an amount equivalent to the ~~full three percent~~ SAID PERCENTAGE, plus the amount of any local vendor expense ~~which~~ THAT may be allowed by the local government to the vendor, shall be remitted to the executive director by any such delinquent vendor. Such returns of the taxpayer or the taxpayer's duly authorized agent shall contain such information and be made in such manner and upon such forms as the executive director shall prescribe. Any local vendor expense remitted to the executive director shall be deposited to the state general fund.

**SECTION 57.** 39-26-106 (2) (a), Colorado Revised Statutes, is amended to read:

**39-26-106. Schedule of sales tax.** (2) (a) Except as provided in paragraph (b) of this subsection (2), retailers shall add the tax imposed, or the average equivalent thereof, to the sale price or charge, showing such tax as a separate and distinct item, and when added such tax shall constitute a part of such price or charge and shall be a debt from the consumer or user to the retailer until paid and shall be recoverable at law in the same manner as other debts. The retailer shall be entitled, as collecting agent of the state, to apply and credit the amount of ~~his~~ THE RETAILER'S collections against the ~~three percent~~ rate to be paid by ~~him~~ THE RETAILER under the provisions of section 39-26-105, remitting any excess of collections over said ~~three~~

~~percent~~ RATE less the three and one-third percent collection expense allowance, to the executive director of the department of revenue in the retailer's next monthly sales tax return.

**SECTION 58.** 39-26-112, Colorado Revised Statutes, is amended to read:

**39-26-112. Excess tax - remittance.** If any vendor, during any reporting period, collects as a tax an amount in excess of three percent of ~~his total~~ ALL taxable sales ~~he~~ MADE PRIOR TO JANUARY 1, 2001, AND TWO AND NINETY ONE-HUNDREDTHS PERCENT OF ALL TAXABLE SALES MADE ON OR AFTER JANUARY 1, 2001, SUCH VENDOR shall remit to the executive director of the department of revenue the full net amount of the tax imposed in this part 1 and also such excess. The retention by the retailer or vendor of any excess of tax collections over the ~~three percent~~ SAID PERCENTAGE of the total taxable sales of such retailer or vendor or the intentional failure to remit punctually to the executive director the full amount required to be remitted by the provisions of this part 1 is declared to be unlawful and constitutes a misdemeanor.

**SECTION 59.** 40-2-120, Colorado Revised Statutes, is amended to read:

**40-2-120. Rail transportation policy.** In regulating rail carriers, the state of Colorado hereby adopts the rail transportation policy of 49 U.S.C. ~~10101a~~ SEC. 10101; except that the references therein to the United States government and its agencies shall refer to the state of Colorado and its agencies.

**SECTION 60.** 40-4-111, Colorado Revised Statutes, is amended to read:

**40-4-111. Uniform system of accounts prescribed.** The commission has power to establish a system of accounts to be kept by all public utilities, or to classify said public utilities and to establish a system of accounts for each class, and to prescribe the manner in which such accounts shall be kept. It may also in its discretion prescribe the forms of accounts, records, and memoranda to be kept by such public utilities, including the accounts, records, and memoranda of the movement of traffic as well as the receipts and expenditures of moneys and any other forms,



records, and memoranda ~~which~~ THAT in the judgment of the commission may be necessary to carry out the provisions of articles 1 to 7 of this title. The system of accounts established by the commission and the forms of accounts, records, and memoranda prescribed by it shall not be inconsistent in the case of corporations subject to the provisions of the FEDERAL "Interstate Commerce Act", Part I, 49 U.S. Code, § 1, et seq., with the systems and forms from time to time established for such corporations by the ~~interstate commerce commission~~ SURFACE TRANSPORTATION BOARD; but nothing contained in this section shall affect the power of the commission to prescribe forms of accounts, records, and memoranda covering information in addition to that required by the ~~interstate commerce commission~~ SURFACE TRANSPORTATION BOARD. The commission, after hearing upon its own motion or upon complaint, may prescribe by order the accounts in which particular outlays and receipts shall be entered, charged, or credited. Where the commission has prescribed the forms of accounts, records, or memoranda to be kept by any public utility for any of its business, it shall thereafter be unlawful for such public utility to keep any accounts, records, or memoranda for such business other than those so prescribed, or those prescribed by or under the authority of any other state or of the United States, excepting such accounts, records, or memoranda as are explanatory of and supplemental to the accounts, records, or memoranda prescribed by the commission.

**SECTION 61.** 40-7-113 (1) (g), Colorado Revised Statutes, is amended to read:

**40-7-113. Civil penalties - fines.** (1) In addition to any other penalty otherwise authorized by law and except as otherwise provided in subsections (3) and (4) of this section, any person who violates any provision of article 10, 11, 13, or 16 of this title or any rule or regulation promulgated by the commission pursuant to such articles, which provision or rule or regulation is applicable to such person, may be subject to fines as specified in the following paragraphs:

(g) Any person who operates a motor vehicle as defined in section 40-10-101 (3) or 40-11-101 (4) who intentionally violates any provision of articles 10, 11, 13, ~~14~~, and 16 of this title not enumerated in paragraphs (a) to (f) of this subsection (1), any rule or regulation promulgated by the commission pursuant to this title, or any safety rule adopted by the department of public safety relating to towing carriers may be assessed a civil penalty of not more than four hundred dollars.

**SECTION 62.** 40-9-109, Colorado Revised Statutes, is amended to read:

**40-9-109. Transportation of dogs accompanying blind and physically disabled persons.** When a totally or partially blind, totally or partially deaf, or physically disabled person is accompanied by a dog which serves as a ~~guide dog or service~~ AN ASSISTANCE dog or which is being trained by a qualified trainer as a ~~guide dog or service~~ AN ASSISTANCE dog, as defined in section ~~24-34-801(2)~~ 24-34-803 (7), C.R.S., for such disabled person, neither the disabled person nor the dog shall be denied the facilities of any common carrier, nor shall such disabled person be denied the immediate custody of the dog while riding upon a common carrier. The provisions of this section shall also apply to any qualified trainer who is training a dog for use by a totally or partially blind, totally or partially deaf, or physically disabled person, unless the dog presents an imminent danger to the public health or safety. Such disabled person or any qualified trainer who is training a dog for use by a disabled person shall be liable for any damage done to the premises or facilities of the common carrier by such dog. Any dog being trained for the purpose of aiding a disabled person shall be visibly and prominently identified as a ~~guide or service~~ AN ASSISTANCE dog in training.

**SECTION 63.** 40-10-120 (2), (3), and (4), Colorado Revised Statutes, are amended to read:

**40-10-120. Registration of interstate carriers.** (2) Any motor vehicle carrier operating into, from, within, or through the state of Colorado under authority issued by the ~~interstate commerce commission~~ SURFACE TRANSPORTATION BOARD shall comply with the commission's requirements relating to participation in the insurance registration system authorized by section ~~4005~~ 103 of the federal "~~Intermodal Surface Transportation Efficiency Act of 1991~~" "ICC TERMINATION ACT OF 1995", 49 U.S.C. ~~11506~~ SEC. 14504.

(3) Any motor vehicle carrier operating into, from, within, or through the state of Colorado for hire, where such interstate transportation is performed by such motor carrier pursuant to exemptions or partial exemptions from economic regulation contained in the FEDERAL "Interstate Commerce Act", shall comply with the commission's requirements relating to participation in the insurance registration system authorized by section

~~4005 103 of the federal "Intermodal Surface Transportation Efficiency Act of 1991" "ICC TERMINATION ACT OF 1995", 49 U.S.C. 11506 SEC. 14504.~~

(4) For the purpose of carrying out the provisions of this section, the commission has the power after hearing to adopt rules and regulations to participate in the single-state insurance registration system for motor carriers authorized by section ~~4005 103 of the federal "Intermodal Surface Transportation Efficiency Act of 1991" "ICC TERMINATION ACT OF 1995", 49 U.S.C. 11506 SEC. 14504,~~ and by applicable rules of the ~~interstate commerce commission~~ SURFACE TRANSPORTATION BOARD.

**SECTION 64.** 40-11-115 (2), (3), and (4), Colorado Revised Statutes, are amended to read:

**40-11-115. Registration of interstate carriers.** (2) Any contract carrier by motor vehicle operating into, from, within, or through the state of Colorado under authority issued by the ~~interstate commerce commission~~ SURFACE TRANSPORTATION BOARD shall comply with the commission's requirements relating to participation in the insurance registration system authorized by section ~~4005 103 of the federal "Intermodal Surface Transportation Efficiency Act of 1991" "ICC TERMINATION ACT OF 1995", 49 U.S.C. 11506 SEC. 14504.~~

(3) Any contract carrier by motor vehicle operating into, from, within, or through the state of Colorado for hire, where such interstate transportation is performed by such motor carrier pursuant to exemptions or partial exemptions from economic regulation contained in the FEDERAL "Interstate Commerce Act", shall comply with the commission's requirements relating to participation in the insurance registration system authorized by section ~~4005 103 of the federal "Intermodal Surface Transportation Efficiency Act of 1991" "ICC TERMINATION ACT OF 1995", 49 U.S.C. 11506 SEC. 14504.~~

(4) For the purpose of carrying out the provisions of this section, the commission has the power after hearing to adopt rules and regulations to participate in the single-state insurance registration system for motor carriers authorized by section ~~4005 103 of the federal "Intermodal Surface Transportation Efficiency Act of 1991" "ICC TERMINATION ACT OF 1995", 49 U.S.C. 11506 SEC. 14504,~~ and by applicable rules of the ~~interstate commerce commission~~ SURFACE TRANSPORTATION BOARD.

**SECTION 65.** 40-17-103 (2) (a), Colorado Revised Statutes, is amended to read:

**40-17-103. Commission - powers and duties.** (2) The commission shall adopt rules for the implementation of this article. The rules shall:

(a) Conform with SECTION 401 OF the federal "Americans with Disabilities Act of 1990", 47 U.S.C. sec. 225, ~~et seq.~~, including provision for state application to the federal communications commission for certification;

**SECTION 66.** 42-2-121 (4) (a), Colorado Revised Statutes, is amended to read:

**42-2-121. Records to be kept by the department - admission of records in court.** (4) (a) The department shall place a confidentiality notice on any driver's license application form under section 42-2-107, driver's license renewal application under section 42-2-118, duplicate driver's license application under section 42-2-117, commercial driver's license application under section 42-2-404, identification card application form under section 42-2-302, motor vehicle title application form under section ~~42-6-103~~ 42-6-116, or motor vehicle registration application form under section 42-3-112. The department shall indicate in such notice that, unless the person waives his or her confidentiality, the information contained in the person's motor vehicle or driver record shall not be used for any purpose other than a purpose authorized by law.

**SECTION 67. Repeal.** 42-2-126 (7) (a) (II), Colorado Revised Statutes, is repealed as follows:

**42-2-126. Revocation of license based on administrative determination.** (7) (a) The periods of revocation specified by subsection (6) of this section are intended to be minimum periods of revocation for the described conduct. No license shall be restored under any circumstances, and no probationary license shall be issued during the revocation period; except that:

(II) ~~A person may obtain a probationary license if the person has leased an approved ignition interlock device pursuant to the requirements of section 42-2-126.1.~~

**SECTION 68.** 42-2-126.3 (1) and (2), Colorado Revised Statutes, are amended to read:

**42-2-126.3. Tampering with an ignition interlock device.** (1) No person may intercept, bypass, or interfere with or aid any other person in intercepting, bypassing, or interfering with an ignition interlock device for the purpose of preventing or hindering the lawful operation or purpose of the ignition interlock device required under section ~~42-2-126.1~~ or 42-2-132.5.

(2) No person may drive a motor vehicle in which an ignition interlock device is installed pursuant to section ~~42-2-126.1~~ or 42-2-132.5 if the person has knowledge that any person has intercepted, bypassed, or interfered with the ignition interlock device.

**SECTION 69.** 42-2-132 (2) (a) (IV), Colorado Revised Statutes, is amended to read:

**42-2-132. Period of suspension or revocation.** (2) (a) (IV) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked under section 42-2-125 (1) (g) (I) or (1) (i) or 42-2-203 where the revocation was due in part to a violation of section 42-4-1301 shall be required to present an affidavit stating that the person has obtained at the person's own expense a signed lease agreement for the installation and use of an approved ignition interlock device, as defined in section ~~42-2-132.5 (6)~~ 42-2-132.5 (7), in each motor vehicle on which the person's name appears on the registration and any other vehicle that the person may drive during the period of the restricted license and a copy of each signed lease agreement.

**SECTION 70.** 42-3-104 (6), Colorado Revised Statutes, is amended to read:

**42-3-104. Exemptions - specific ownership tax - registration.** (6) One Class B motor vehicle weighing less than sixty-five hundred pounds or one Class C motor vehicle weighing less than sixty-five hundred pounds owned by any natural person who, while serving in the armed forces of the United States, was incarcerated by an enemy of the United States during a period of armed conflict with the United States and who is authorized to use the special license plate for former prisoners of war

provided in section ~~42-3-118~~ 42-3-115.5 (3) shall be exempt from the imposition of the annual specific ownership tax imposed by this article. Only one such Class B or Class C motor vehicle per former prisoner of war shall be exempted.

**SECTION 71.** 42-3-115.5 (3) (c), Colorado Revised Statutes, is amended to read:

**42-3-115.5. Special plates - military veterans - rules.** (3) **Former prisoner of war.** (c) If a deceased former prisoner of war was authorized under this section or ~~section 42-3-118~~ to use a former prisoner of war special license plate, the surviving spouse of such former prisoner of war may apply to the department to retain any set or sets of such special plates that such former prisoner of war had obtained. On or after January 1, 1997, such surviving spouse shall be eligible to use such special plates upon the payment of any fees or taxes required by this article.

**SECTION 72.** 42-3-134 (3) (d), Colorado Revised Statutes, is amended to read:

**42-3-134. Registration fees - passenger and passenger-mile taxes - repeal.** (3) No fee shall be payable for the annual registration of a vehicle when:

(d) The owner of such vehicle is a former prisoner of war being issued special plates pursuant to section ~~42-3-118~~ 42-3-115.5 (3) or is the surviving spouse of a former prisoner of war retaining the special plates ~~which~~ THAT were issued to such former prisoner of war pursuant to section ~~42-3-118~~ 42-3-115.5 (3).

**SECTION 73.** 42-3-134 (26) (a) (I) and (26) (c), Colorado Revised Statutes, are amended to read:

**42-3-134. Registration fees - passenger and passenger-mile taxes - repeal.** (26) (a) (I) Effective July 1, 1986, in addition to any other fee imposed by this section, there shall be collected, at the time of registration, a fee of fifty cents on every item of class A, B, or C personal property required to be registered pursuant to this article. Such fee shall be transmitted to the state treasurer, who shall credit the same to a special account within the highway users tax fund, to be known as the AIR account,

and such moneys shall be used, subject to appropriation by the general assembly, to cover the direct costs of the motor vehicle emissions activities of the department of public health and environment in the presently defined nonattainment area, and to pay for the costs of the commission in performing its duties under ~~sections 25-7-106.1, 25-7-106.3, and 25-7-106.5~~ SECTION 25-7-106.3, C.R.S. In the program areas within counties affected by this article, the county clerk and recorder shall impose and retain an additional fee of up to seventy cents on every such registration to cover reasonable costs of administration of the emissions compliance aspect of vehicle registration. The department of public health and environment is hereby authorized to accept and expend grants, gifts, and moneys from any source for the purpose of implementing its duties and functions under this section or ~~sections 25-7-106.1, 25-7-106.3, and 25-7-106.5~~ SECTION 25-7-106.3, C.R.S.

(c) ~~In addition to the alternative fuels financial incentive subaccount created pursuant to section 25-7-106.9 (1) (e) (II), C.R.S.,~~ There shall be established two separate subaccounts within the AIR account, one for the revenues available for appropriation to the department of public health and environment pursuant to paragraphs (a) and (b) of this subsection (26) and one for the revenues available for appropriation to the department of revenue pursuant to paragraph (b) of this subsection (26) and section 42-4-305. Any moneys remaining unexpended and unencumbered in either subaccount at the end of any fiscal year shall be appropriated by the general assembly for other purposes, subject to any limitations imposed by section 18 of article X of the state constitution.

**SECTION 74.** 43-1-106 (13), Colorado Revised Statutes, is amended to read:

**43-1-106. Transportation commission - powers and duties.**  
(13) The commission shall provide the joint budget committee, the house transportation and energy committee, and the senate transportation committee with the specific construction, improvements, maintenance, and traffic control activities that have been accomplished with the revenues provided for in sections 39-27-102 (1) (a) (II) and ~~39-27-102.5 (c)~~ 39-27-102.5 (1) (c), C.R.S.

**SECTION 75.** 43-1-1209 (1) (a), Colorado Revised Statutes, is amended to read:

**43-1-1209. Notice of investment opportunities.** (1) The department or the private entity responsible for funding a public-private initiative under this part 12 may forward the agreement and a description of the investment opportunity for such initiative to any of the following for consideration under their respective statutory authority:

(a) The board of trustees of the public employees' retirement association created under section ~~24-51-203~~ 24-51-202, C.R.S.;

**SECTION 76.** 43-3-220 (1) (a), Colorado Revised Statutes, is amended to read:

**43-3-220. Notice of investment opportunity.** (1) The department or the private entity responsible for issuing bonds under this part 2 may forward a copy of the bonds and a description of the investment opportunity for such bonds to any of the following for consideration under their respective statutory authority:

(a) The board of trustees of the public employees' retirement association created under section ~~24-51-203~~ 24-51-202, C.R.S.;

**SECTION 77.** 43-3-416 (1) (a), Colorado Revised Statutes, is amended to read:

**43-3-416. Notice of investment opportunity.** (1) The department or the private entity responsible for issuing anticipation warrants under this part 4 may forward a copy of the anticipation warrants and a description of the investment opportunity for such anticipation warrants to any of the following for consideration under their respective statutory authority:

(a) The board of trustees of the public employees' retirement association created under section ~~24-51-203~~ 24-51-202, C.R.S.;

**SECTION 78.** 43-4-702 (2), Colorado Revised Statutes, is amended to read:

**43-4-702. Definitions.** As used in this part 7, unless the context otherwise requires:

(2) "Department" means the department of transportation created by



part 1 of ARTICLE 1 OF this ~~article~~ TITLE.

**SECTION 79.** 43-10-103 (4), Colorado Revised Statutes, is amended to read:

**43-10-103. Division of aeronautics created - duties.** (4) The authority of the division shall be limited to public airports, commercial service airports, reliever airports as defined in 49 U.S.C. sec. ~~2202~~ 47102, and deployment of remote weather systems.

**SECTION 80.** 43-10-105 (1) (b), Colorado Revised Statutes, is amended to read:

**43-10-105. Duties of the board.** (1) The board has the following duties:

(b) To establish procedures for the administration and distribution of moneys credited to the aviation fund created in section 43-10-109, for aviation purposes at public airports, commercial service airports, and reliever airports, as defined in 49 U.S.C. sec. ~~2202~~ 47102, in this state;

**SECTION 81. Repeal.** 43-10-108.5 (4), Colorado Revised Statutes, is repealed as follows:

**43-10-108.5. State aviation system grant program.** (4) ~~The division and the board, as a part of the annual report required to be made pursuant to the provisions of section 43-10-108, shall include a list of the grants awarded by the board pursuant to the provisions of this section specifying the recipient and the amount of each grant awarded and the aviation purposes for which such grant was awarded.~~

**SECTION 82.** 43-10-113 (1), Colorado Revised Statutes, is amended to read:

**43-10-113. Safe operating areas around airports - establishment.** (1) The general assembly hereby declares commercial service airports, public airports, reliever airports, as defined in 49 U.S.C. sec. ~~2202~~ 47102, and the land areas surrounding such airports as defined in 14 C.F.R. part 77 to be a matter of state interest as provided in articles 65 and 65.1 of title 24, C.R.S.

**SECTION 83. Repeal.** 24-1-120 (4) (c), Colorado Revised Statutes, as amended by House Bill 01-1265, enacted at the First Regular Session of the Sixty-third General Assembly, is repealed as follows:

**24-1-120. Department of human services - creation.** (4) Unless otherwise transferred to the department of health care policy and financing or the department of public health and environment, the department of human services shall exercise the following powers and perform the following duties:

(c) ~~Powers, duties, and functions relating to the family resource center program, created in article 18 of title 26, C.R.S., which are transferred by a type 2 transfer to the department of human services.~~

**SECTION 84.** 24-75-302.5 (3) (a), Colorado Revised Statutes, as enacted by House Bill 01-1267, enacted at the First Regular Session of the Sixty-third General Assembly, is amended to read:

**24-75-302.5. Controlled maintenance - trust fund.**

(3) Notwithstanding any other provision of this section to the contrary:

(a) On July 1, 2001, the state treasurer and the controller shall transfer an amount equal to the principal balance of the trust fund as of June 30, 2001, to the general fund to be ~~transferred as provided in section 43-1-220, C.R.S., and to be otherwise~~ expended or transferred as provided by law;

**SECTION 85.** 39-9-108, Colorado Revised Statutes, is amended to read:

**39-9-108. Judicial review - interest during review.** Decisions of the state board of equalization shall be subject to judicial review, as provided in section 24-4-106, C.R.S. Such review shall include the issues of compliance with applicable law and constitutional provisions governing valuation for assessment for property tax purposes and the validity of any valuation for assessment study conducted pursuant to the provisions of section 39-1-104 (16). Parties adversely affected or aggrieved shall include any taxpayer or assessor or the governing body of any taxing jurisdiction. In any case in which excess state equalization payments are made to school districts within the county during the time such review is pending, interest

shall be paid to the state on the amount of such excess. Such interest shall be paid for the period of time from the date of the decision of the state board of equalization to the date of the final determination of all judicial review. Such interest shall be computed at the rate determined by the state bank commissioner pursuant to section ~~39-12-103 (3)~~ 39-21-110.5.

**SECTION 86.** Section 44 of Senate Bill 01-129, enacted at the First Regular Session of the Sixty-third General Assembly, is amended to read:

Section 44. **Effective date.** (1) Except for sections ~~39, 40,~~ 41, 42, and 43 of this act which shall take effect July 1, 2001, this act shall take effect upon passage; except that:

(a) Section 42 of this act shall take effect only if Senate Bill 01-119 is not enacted at the first regular session of the sixty-third general assembly and does not become law; and

(b) Section 43 of this act shall take effect only if Senate Bill 01-119 is enacted at the first regular session of the sixty-third general assembly and becomes law.

**SECTION 87. 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.

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Stan Matsunaka  
PRESIDENT OF  
THE SENATE

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Doug Dean  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

---

Karen Goldman  
SECRETARY OF  
THE SENATE

---

Judith Rodrigue  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

APPROVED \_\_\_\_\_

---

Bill Owens  
GOVERNOR OF THE STATE OF COLORADO

## APPENDIX

<b>C.R.S. Section</b>	<b>Section in bill</b>	<b>Reason</b>
1-10.5-101 (1)	1	Deletes language from subsection (1) to reflect changes made necessary by the passage of SB99-028, chapter 79, page 223, which changed the recount percentages in certain elections.
6-1-708 (1) (a)	2	In a provision of the "Colorado Consumer Protection Act", changes an internal reference to correspond with the relocation of provisions made by HB00-1185, chapter 265, page 1178, which repealed and reenacted articles 1 to 6 of title 5, concerning the "Uniform Consumer Credit Code".
8-20-406 (2) (b)	3	Substitutes "surface transportation board" for "interstate commerce commission" to comply with the federal "ICC Termination Act of 1995", P.L. No. 104-88, which abolished the interstate commerce commission and transferred its functions to the surface transportation board established in the same act.
8-20-411 (1) and (2)	4	Same as 8-20-406 (2) (b).
10-4-724 (2), (3), and (6) (a) (I)	5	Substitutes "regulated" for "licensed" because a commercial driving instructor license is no longer statutorily required by the department of revenue to operate a commercial driving school. HB91-1078, chapter 113, page 680, concerning the sunset review process, provided for the repeal of those statutes that required the licensing of commercial driving schools and commercial driving instructors, effective July 1, 1994.

- 10-13-106 (1) 6 Deletes an internal reference to a provision that required an attorney-in-fact to pay an annual tax on the net premiums or deposits for the preceding calendar year because SB00-202, chapter 337, page 1617, repealed that provision.
- 11-51-307 (1) (e) 7 Same as 8-20-406 (2) (b).
- 12-2-117 IP (3) and (3) (b) 8 Changes language in a provision from requiring to authorizing a partner in a certified public accounting firm who is not personally engaged in the practice of public accounting to be a certified public accountant to conform with amendments made to other provisions of this section by HB00-1258, chapter 329, page 1583.
- 12-5.5-102 (1) 9 Changes an internal reference from "6-1-701 (2) (a)" to "6-1-701 (2) (e) (III) (B)" to correct a drafting error that originally occurred in HB95-1011, chapter 250, page 1322, which required the registration of audiologists and hearing aid providers. The House Committee on Health, Environment, Welfare, and Institutions Report for HB95-1011 amended the introduced version to cite the provision requiring the registration number of an audiologist or hearing aid provider to be included on all written contracts and receipts that are provided to the buyer of a hearing aid. (See House Journal, pp. 102-103, January 16, 1995.) This requirement was made in amendments to section 6-1-105.5 (2) (e) in the same legislation, HB95-1011, chapter 250, page 1331, and it was located in section 6-1-105.5 (2) (e) (III) (B). However, the reference in the committee report erroneously cited section 6-1-105.5 (2) (a). Subsequently, SB99-143, chapter 188, page 637, concerning amendments to the "Colorado Consumer Protection Act", relocated section 6-1-105.5 to section 6-1-701. Although conforming amendments were made in SB99-143, the accuracy of the entire internal reference was not verified.

- 12-5.5-202 (1) 10 Same as 12-5.5-102 (1).
- 12-8-129.1 11 In a provision concerning the circumstances under which immunity from liability in a civil action is granted, substitutes "director" for "board" to conform to HB00-1179, chapter 386, page 2015, which repealed the state board of barbers and cosmetologists and authorized the director of the division of registrations in the department of regulatory agencies to license barbers and cosmetologists and to assume the duties of the board.
- 12-36-103 (2) 12 Changes from two to four the number of public members on the state board of medical examiners to conform with the increase made by HB00-1038, chapter 55, page 173.
- 12-36-118 (1) (a) 13 In a provision regarding the two panels made up of members of the state board of medical examiners, other than the president of the board, that act as both an inquiry and a hearings panel, changes from five to six the number of members assigned to each panel to conform with HB00-1038, chapter 55, page 173, which increased the number of public members on this state board resulting in a total number of thirteen members.

- 12-47.1-701 (4) (a)            14    In a provision of the "Limited Gaming Act of 1991", substitutes "Colorado travel and tourism promotion fund created in section 24-49.7-106" for "Colorado tourism promotion fund created in section 24-32-1306". HB00-1224, chapter 164, page 663, concerning the promotion of tourism in the state of Colorado, established the Colorado tourism office within the office of the governor. HB00-1224 also created the Colorado travel and tourism promotion fund to be administered by the board of directors of the Colorado tourism office and provided for the repeal of the Colorado tourism board and the Colorado tourism promotion fund which it administered. However, HB00-1224 did not make a conforming amendment to the provision in the "Limited Gaming Act of 1991" which presently requires the state treasurer to transfer a portion of the balance remaining in the limited gaming fund at the end of each fiscal year to the Colorado tourism promotion fund, which was repealed, effective August 1, 2000, but should now be transferred to the Colorado travel and tourism promotion fund.
- 13-6-308                            15    Changes an internal reference from "articles 70 to 73" to "articles 71 to 74" to correctly reflect the articles in title 13 that currently pertain to juries and jurors since SB89-041, chapter 136, page 776, concerning reform of the Colorado jury system, provided for the repeal of article 70 of title 13, effective January 1, 1990, and SB83-078, chapter 171, page 633, concerning the establishment of judicial district grand juries, enacted article 74 of title 13, effective July 1, 1983.
- 13-8-122                            16    Same as 13-6-308.
- 13-9-117                            17    Same as 13-6-308.



- 13-16-122 (1) (b) 18 In a provision listing the costs that a court may award, changes an internal reference to the provisions regarding jury fees and expenses from "article 70" to "article 71" of title 13 to correspond to SB89-041, chapter 136, page 776, concerning reform of the Colorado jury system, which provided for the repeal of article 70 of title 13, effective January 1, 1990, and also repealed and reenacted article 71 of title 13, which currently contains the referenced provisions.
- 16-3-303 (4) (c) 19 Changes an internal reference to the provision requiring the district attorney in each judicial district to review, approve, and sign each affidavit for issuance of a no-knock search warrant from "20-1-106.1 (2)" to "20-1-106.1 (1) (b)" to correct an error in the drafting of SB00-208, chapter 160, page 651, in which the referenced provision was correctly cited in an early draft but was relocated in a subsequent draft, and the internal reference was not changed accordingly.
- 16-11-102 (4) 20 Changes an internal reference from "16-18.5-103.2" to "16-18.5-103 (2)" to correct a typographical error made in the drafting of HB00-1169, chapter 232, page 1045.
- 17-1-104.3 IP (1) (b) 21 Deletes an internal reference to section 17-1-104, which was repealed by HB00-1133, chapter 202, page 831, concerning the department of corrections, and substitutes "operated" for "managed, supervised, and controlled" to conform with the repeal of section 17-1-104 and amendments made to section 17-1-104.3 in the same bill.
- 18-9-123 (1) (a) (I) 22 Deletes a reference to "alcohol liquor" since that term was eliminated by HB97-1076, chapter 80, page 225, which recodified the "Colorado Liquor Code".

- 22-2-117 (1.5) 23 Changes an internal reference to correspond with SB00-133, chapter 374, page 1963, which repealed section 22-32-109 (1) (w) and relocated its provisions to a new section 22-32-109.1 (2) (a) regarding the requirements of a written conduct and discipline code that is included in a safe school plan adopted and implemented by each public school district board of education.
- 22-7-409 (1.3) (b) 24 Changes an internal reference to a provision concerning home-based education from "22-30-104.5" to "22-33-104.5" to correct a typographical error made in the House Committee on Education Report for SB00-186, chapter 107, page 362, concerning education reform. (See House Journal, page 970, March 16, 2000.)
- 22-32-109 (1) (f) (II) (A) 25 Changes two internal references to correct a drafting error in a House floor amendment to HB00-1222, chapter 332, page 1594, concerning maintenance of certain public employee retirement benefits. (See House Journal, page 506, February 15, 2000.)
- 22-32-109.1 (2) (b) (VII) 26 Changes an internal reference from "this subparagraph (VI)" to "this subparagraph (VII)" to correct a typographical error made in the House Committee on Education Report for SB00-133, chapter 374, page 1957, concerning safe schools. (See House Journal, page 1645, April 19, 2000.)
- 23-1-106.5 (9) (c) 27 Changes an internal reference from "this subsection (8)" to "this subsection (9)" to correspond to the renumbering by correction schedule of a provision that was added by HB00-1430, chapter 321, page 1540, since SB00-061, chapter 117, page 412, also added a new provision with the same number.
- 24-1-120 (5) (e) 28 Substitutes "Uniform Interstate Family Support Act" for "Revised Uniform Reciprocal Enforcement of Support Act" to correspond to SB93-193, chapter 275, page 1581, which enacted the former act and repealed the latter one.

- 24-2-101 29 Changes an internal reference to the provisions relating to motor vehicle pools to correspond to SB92-30, chapter 142, page 999, which repealed part 4 of article 30 of title 24 and relocated those provisions to part 11 of article 30 of title 24.
- 24-6-302 (2) 30 In a provision of the "Colorado Sunshine Act of 1972", deletes an internal reference to subsection (1), which required any person who solicits, collects, or receives money or any other thing of value to be used for lobbying by any person to file a disclosure statement with the secretary of state, because subsection (1) was repealed in HB96-1097, chapter 215, page 1081, concerning the regulation of lobbyists.
- 24-34-104 (36) 31 Adds a new paragraph to section 24-34-104 (36) and repeals section 24-34-104 (41) (h) to correct an error made in the House Committee on Appropriations Report for HB00-1294, chapter 273, page 1314, which amended the House Committee on Health, Environment, Welfare, and Institutions Report to change the repeal date for the "Respiratory Therapy Practice Act", and the repeal date for the licensure functions of the director of the division of registrations in the department of regulatory agencies from July 1, 2010, to July 1, 2005, but the House Committee on Appropriations Report inadvertently overlooked the sunset date. (See House Journal, February 15, 2000, page 523, and House Journal, March 6, 2000, page 848.)
- 24-34-104 (41) (h) 32 See 24-34-104 (36).

- 24-48.5-103 (2) 33 Changes an internal reference from "24-48.5-404" to "24-48.5-104" to correct a typographical error made in the Senate Committee on Appropriations Report for SB00-219, chapter 345, page 1675, which changed the Colorado office of business development in the governor's office to the Colorado office of economic development and transferred the motion picture and television advisory commission from the division of commerce and development in the department of local affairs to the newly created office of economic development. (See Senate Journal, page 1160, April 26, 2000.)
- 24-49.7-106 (1) (a) 34 In a provision that lists the sources of funding for the Colorado travel and tourism promotion fund, adds an internal reference to a provision in the "Limited Gaming Act of 1991", section 12-47.1-701 (4) (a), that requires the state treasurer to transfer a portion of the balance remaining in the limited gaming fund at the end of each fiscal year to the Colorado travel and tourism promotion fund. See the reason in this appendix for 12-47.1-701 (4) (a).
- 24-72-204 (7) (a) 35 Changes an internal reference to correct an error in the drafting of HB97-1348, chapter 201, page 1050, in which the section pertaining to applications for filing of a certificate of title to a motor vehicle was cited as 42-6-103, which describes the applicability of the provisions of the "Certificate of Title Act", instead of 42-6-116 where the information required for a motor vehicle title application is contained.

- 25-1-107 (1) (n) (I) 36 In a provision describing the power of the Colorado department of public health and environment to establish sanitary standards and make health inspections and examinations for charitable, penal, and other public institutions, changes an internal reference to the provision that specifies the institutions under the department of corrections from "17-1-104" to "17-1-104.3 (1) (b)" since the former section was repealed by HB00-1133, chapter 202, page 831, and the latter section contains a list of the correctional facilities that are operated by the department of corrections.
- 25-7-106.7 37 Deletes internal references to sections 25-7-106.1 and 25-7-106.5 of the "Colorado Air Pollution Prevention and Control Act", both of which pertained to studies conducted by the air quality control commission and ensuing reports made to the general assembly, because HB96-1167, chapter 237, page 1258, repealed those sections.
- 25-11-108 (1) (c) 38 Same as 8-20-406 (2) (b).
- 25-31-108 (1) 39 In a provision of the "Colorado Nurse Home Visitor Program Act", changes an internal reference from "25-30-106 (1) (e)" to "25-31-106 (1) (e)" to correct a drafting error in SB00-071, chapter 154, page 601, which added a new article to title 25 that was renumbered from "30" to "31" in early drafts of the bill, but this internal reference was missed.
- 29-2-108 (3) 40 Deletes an internal reference to article 26.1 of title 39, which was recreated and reenacted in HB93-1330, chapter 352, page 2147, to impose a special sales tax on tourism-related items to support the Colorado tourism promotion fund. Pursuant to section 20 of article X of the state constitution, the measure was referred to the registered electors of the state of Colorado, for their approval or rejection, and was defeated at the general election held on November 2, 1993.

- 31-31-202 (1) (f) 41 Repeals as obsolete a provision authorizing the board of directors of the fire and police pension association to borrow money in accordance with section 24-75-203 (3), which allowed the state treasurer, upon the prior written approval of the governor and the controller, to lend moneys out of the state treasury to the fire and police pension association to provide it with temporary working capital for its operations, because SB79-79, chapter 316, page 1203, provided for the repeal of section 24-75-203 (3), effective January 1, 1981.
- 32-1-103 (5) (d) and (23) (c) 42 Changes an internal reference to a provision defining "mobile home" to correspond with the relocation of provisions made by HB00-1185, chapter 265, page 1178, which repealed and reenacted articles 1 to 6 of title 5, concerning the "Uniform Consumer Credit Code". In addition, deletes an internal reference to section 12-51.5-101 (4) that defined "manufactured housing" or "manufactured home" prior to its repeal by HB91-1078, chapter 113, page 684, which provided for the repeal of article 51.5 of title 12, effective July 1, 1992.
- 32-12-103 (8) (a) (II) 43 Same as 8-20-406 (2) (b).
- 35-70-104.1 44 Same as 32-1-103 (5) (d) and (23) (c).
- 36-20-121 (2) 45 In a provision of the "Weather Modification Act of 1972", deletes a reference to the advisory committee appointed by the governor pursuant to section 36-20-106 to assist the executive director of the department of natural resources in the executive director's duties relating to weather modification because that section was repealed by HB92-1018, chapter 127, page 956, effective July 1, 1992.
- 36-20-125 46 Same as 36-20-121 (2).
- 37-45-103 (4) (c) 47 Same as 32-1-103 (5) (d) and (23) (c).

- 37-45-122 (4) (b) 48 Changes an internal reference from "subparagraph (I) of paragraph (a) of this subsection (4)" to "paragraph (a) of this subsection (4)" to correspond to the fact that paragraph (a) of subsection (4) does not contain any subparagraphs and the mill levy limitations on water conservancy districts are contained in paragraph (a) of subsection (4).
- 37-60-121 (2.5) (c), 49 Deletes references to the "domestic water supply project revolving fund" created in section (2.5) (e), and (6) (d) (IV) 37-95-107.7, which was repealed, effective April 24, 1999, because SB95-083, chapter 197, page 942, provided for the repeal of this section on the date the revisor of statutes received notice from the Colorado water resources and power development authority that the domestic water supply project revolving fund has been depleted. The state treasurer sent such notice to the revisor of statutes in a letter dated April 24, 1999.
- 37-83-106 50 Changes an internal reference to a provision in the "Water Conservancy Act" to correspond to revision changes that were made to section 37-45-118 in preparation of the 1990 Replacement Volume for Volume 15, Colorado Revised Statutes, which included title 37.
- 37-90-104 (7) 51 Changes an internal reference to a provision in the "Colorado Sunshine Act of 1972" from "24-6-402 (2.3) (b)" to "24-6-402 (3) (a) (II)" to correspond to the relocation of provisions made by amendments to that section in SB91-33, chapter 142, page 815.
- 37-95-107.8 (2) (a) (III), 52 Repeals as obsolete. Same as 37-60-121. (2) (a) (IV), and (2) (a) (V)
- 38-41-201.6 (1) 53 Same as 32-1-103 (5) (d) and (23) (c).

- 39-22-104 (4) (1) (VI) 54 Changes an internal reference to a provision in article X of the state constitution that requires excess state revenues to be refunded from "section 20 (7) (a)" to "section 20 (7) (d)" that was erroneously cited in the first report of the first conference committee on HB99-1137, chapter 213, page 786. (See House Journal, page 1787, May 5, 1999.)
- 39-22-518 (7) 55 Changes an internal reference to a provision in article X of the state constitution that requires excess state revenues to be refunded from "section 20 (7) (a)" to "section 20 (7) (d)" that was erroneously cited in the House Committee on Appropriations Report for HB99-1237, chapter 310, page 1287. (See House Journal, page 1092, April 8, 1999.)
- 39-26-105 (1) (a) 56 In a provision of the "Emergency Retail Sales Tax Act of 1935", inserts language to conform with amendments made in HB00-1259, chapter 298, page 1430, which reduced the sales and use tax rate in Colorado.
- 39-26-106 (2) (a) 57 Same as 39-26-105 (1) (a).
- 39-26-112 58 Same as 39-26-105 (1) (a).
- 40-2-120 59 Changes an internal reference to the federal provision concerning rail transportation policy to correspond with amendments made to subtitle IV of title 49, United States Code, in section 102 of the federal "ICC Termination Act of 1995".
- 40-4-111 60 Same as 8-20-406 (2) (b).
- 40-7-113 (1) (g) 61 In a provision of the "Public Utilities Law" that deals with civil penalties for violations related to motor vehicle carriers who offer services as property carriers by motor vehicle, deletes an internal reference to article 14 of title 40, because that article was repealed by HB95-1068, chapter 234, page 1211.



- 40-9-109 62 Changes an internal reference to the provision defining the terms "guide dog" and "service dog" to correspond with SB95-029, chapter 107, page 321, which repealed section 24-34-801 (2) but added a new section 24-34-803 in which the term "assistance dog" is defined in subsection (7) to include a guide dog, hearing dog, or service dog.
- 40-10-120 (2), (3), and (4) 63 Same as 8-20-406 (2) (b). In addition, to correspond with amendments made to subtitle IV of title 49, United States Code, in section 103 of the federal "ICC Termination Act of 1995", changes an internal reference to the provision that requires a motor carrier engaged in interstate transportation to participate in the insurance registration system.
- 40-11-115 (2), (3), and (4) 64 Same as 40-10-120.
- 40-17-103 (2) (a) 65 Clarifies an internal reference to the federal provision concerning telecommunications services for hearing-impaired and speech-impaired individuals that was added by the federal "Americans with Disabilities Act of 1990" to title II of the federal "Communications Act of 1934" (47 U.S.C. 201 et seq.).
- 42-2-121 (4) (a) 66 Same as 24-72-204 (7) (a).
- 42-2-126 (7) (a) (II) 67 Repeals as obsolete because SB00-018, chapter 241, page 1075, provided for the repeal of section 42-2-126.1, which pertained to probationary licenses for persons convicted of alcohol-related driving offenses, effective January 1, 2001, when the voluntary ignition interlock program changed from a probationary license to a restricted license program under section 42-2-132.5.
- 42-2-126.3 (1) and (2) 68 Same as 42-2-126 (7) (a) (II), but deletes the internal references to section 42-2-126.1 rather than repealing the provisions.

- 42-2-132 (2) (a) (IV) 69 Changes an internal reference to the provision defining "approved ignition interlock device" from "42-2-132.5 (6)" to "42-2-132.5 (7)" to correct a drafting error in SB00-018, chapter 241, page 1076, in which this definition had been placed in the former section in an early draft of the bill but was relocated in a subsequent draft, and this internal reference was overlooked.
- 42-3-104 (6) 70 Changes an internal reference to correspond with the relocation of the provision concerning special license plates for former prisoners of war made by HB96-1186, chapter 238, page 1275.
- 42-3-115.5 (3) (c) 71 Deletes the internal reference to section 42-3-118 to correct a drafting error in HB96-1186, chapter 238, page 1275, which enacted a new section 42-3-115.5 containing a reference to section 42-3-118 which is repealed in the same bill.
- 42-3-134 (3) (d) 72 Same as 42-3-104 (6).
- 42-3-134 (26) (a) (I) and (26) (c) 73 For subsection (26) (a) (I), same as 25-7-106.7. For subsection (26) (c), deletes a reference to the alternative fuels financial incentive subaccount created in section 25-7-106.9 because HB92-1305, chapter 190, page 1315, provided for the repeal of this section, effective July 1, 1997.
- 43-1-106 (13) 74 Changes an internal reference to a provision concerning the amount of an excise tax imposed on special fuel from "39-27-102.5 (c)" to "39-27-102.5 (1) (c)" to correct a drafting error in HB00-1479, chapter 371, page 1938.
- 43-1-1209 (1) (a) 75 Changes an internal reference to the provision under which the board of trustees of the public employees' retirement association is created from "24-51-203" to "24-51-202" to correct a typographical error made in a Senate floor amendment to HB98-1304, chapter 154, page 442. (See Senate Journal, page 550, March 24, 1998.)
- 43-3-220 (1) (a) 76 Same as 43-1-1209 (1) (a).

- 43-3-416 (1) (a) 77 Same as 43-1-1209 (1) (a).
- 43-4-702 (2) 78 Changes an internal reference to the statutes under which the Colorado department of transportation is created from "part 1 of this article" to "part 1 of article 1 of this title" to correct a drafting error in HB99-1325, chapter 280, page 1110.
- 43-10-103 (4) 79 Changes an internal reference to a section in the United States Code to correspond with the revision of title 49 by Public Law 103-272.
- 43-10-105 (1) (b) 80 Same as 43-10-103 (4).
- 43-10-108.5 (4) 81 Repeals as obsolete subsection (4) which requires a list of the grants awarded by the Colorado aeronautical board pursuant to the state aviation system grant program to be included in the annual report prepared and transmitted by the director of the aeronautics division in the department of transportation to the general assembly's joint budget committee because section 43-10-108, which required the annual report, was repealed by HB96-1167, chapter 237, page 1273.
- 43-10-113 (1) 82 Same as 43-10-103 (4).
- 24-1-120 (4) (c) 83 Repeals subsection (4) (c) to conform with HB00-1342, chapter 153, page 561, which created the division of prevention and intervention services for children and youth in the department of public health and environment and transferred the family development center program, whose statutory reference was changed from "family development centers" to "family resource centers" in HB01-1265, from the department of human services to this division.

- 24-75-302.5 (3) (a) 84 Deletes language referring to a transfer of moneys "as provided in section 43-1-220, C.R.S." from section 24-75-302.5 (3) (a), which was enacted in HB01-1267 to make a one-time transfer of moneys from the controlled maintenance trust fund to the general fund. The reengrossed version of HB01-1267 provided for the transfer of moneys from the controlled maintenance trust fund to the general fund but also added a new subsection to section 43-1-220 which would have transferred a specified amount of moneys from the general fund to the state highway fund. However, a Senate floor amendment struck that section from the bill but did not make a conforming amendment to section 24-75-302.5 (3) (a) deleting the reference to that particular transfer. (See Senate Journal, page 232, February 9, 2001.)
- 39-9-108 85 Changes an internal reference to cite the statute where the computation of the annual rate of interest by the state bank commissioner is located to conform with certain amendments made by SB89-1288, chapter 324, page 1451, concerning property taxes, which reduced the interest rate applied to state school finance payments made pursuant to a reappraisal order.
- Section 44 of Senate Bill 01-129 86 Deletes references to sections 39 and 40 from the effective date section of Senate Bill 01-129. These two sections amend FY 00-01 appropriations to the department of education and the department of human services so that additional general fund moneys are available to fund a certain level of general fund appropriations for school finance. In order to accomplish this intended purpose, these two sections need to take effect during the 2000-01 fiscal year rather than during the 2001-02 fiscal year.