

2010 Colo. HB. 1422

Enacted, June 10, 2010

Reporter

2010 Colo. ALS 419; 2010 Colo. Ch. 419; 2010 Colo. HB. 1422

COLORADO ADVANCE LEGISLATIVE SERVICE > COLORADO 2ND REGULAR SESSION OF THE 67TH
GENERAL ASSEMBLY > CHAPTER 419 > HOUSE BILL NO. 1422

Notice

Added: Text highlighted in green

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Synopsis

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

Text

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

SECTION 1. [1-7-802](#), Colorado Revised Statutes, is amended to read:

1-7-802.

Preservation of election records. The designated election official shall be responsible for the preservation of any election records for a period of at least twenty-five months after the election or until time has expired for which the record would be needed in any contest proceedings, whichever is later. ~~Unvoted~~ **UNUSED** ballots may be destroyed after the time for a challenge to the election has passed. If a federal candidate was on the ballot, the voted ballots and any other required election materials shall be kept for at least twenty-five months after the election.

SECTION 2. [1-7.5-105 \(2\) \(b\)](#), Colorado Revised Statutes, is amended to read:

1-7.5-105. Preelection process.

(2)

(b) In the case of a primary election conducted as a mail ballot election, the secretary of state shall provide notice on ~~its~~ **THE SECRETARY OF STATE'S OFFICIAL** web site that a primary election is to be conducted by mail ballot.

SECTION 3. 2-2-1402 (1) (c), Colorado Revised Statutes, is amended to read:

2-2-1402. Legislative declaration.

(1) The general assembly hereby finds that:

- (c) More and more middle-class Colorado families are living paycheck to paycheck, especially in these very difficult economic times. Between the years 2000 and 2007, the percentage of Colorado children living in poverty rose from ten to sixteen percent, which is an eighty-five percent increase, the highest of any state in the nation. In 2007, one hundred ninety-two thousand Colorado children lived in poverty. Of these children, half lived in extreme poverty with family incomes equaling fifty percent or less of the federal poverty ~~level~~ **LINE** .

SECTION 4. 2-2-1403 (2) and (3), Colorado Revised Statutes, are amended to read:

2-2-1403.

Definitions. As used in this part 14, unless the context otherwise requires:

- (2) "Federal poverty ~~level~~ **LINE** " means the poverty guidelines updated periodically in the federal register by the United States department of health and human services under the authority of [42 U.S.C. 9902](#) (2).
- (3) "Poverty" means living at or below one hundred percent of the federal poverty ~~level~~ **LINE** .

SECTION 5. 2-3-1203 (3) (y.5), Colorado Revised Statutes, is amended to read:

2-3-1203. Sunset review of advisory committees.

- (3) The following dates are the dates for which the statutory authorization for the designated advisory committees is scheduled for repeal:
- (y.5) September 1, 2012: The technical advisory panel ~~created~~ **CONVENED** in section 23-31-310, C.R.S.;

SECTION 6. [4-9-518 \(a\) \(2\)](#), Colorado Revised Statutes, is amended to read:

4-9-518. Claim concerning inaccurate or wrongfully filed record.

(a)

- (2) Any person named as a secured party may file in the filing office a correction statement with respect to a record filed there in which the person is identified as a secured party, ~~co-signer~~ **CONSIGNOR** , lessor, or the like if the person believes the record is inaccurate or was wrongfully filed.

SECTION 7. [5-6-203 \(5\)](#), Colorado Revised Statutes, is amended to read:

5-6-203. Fees.

- (5) The administrator shall determine the amount of the notification, volume, and license fees required in this section and in section 5-2-302 and may periodically reduce or increase the amount of one or more of the fees if necessary pursuant to section 24-75-402 (3) and (4), C.R.S., to reduce the uncommitted reserves of the uniform consumer credit code cash fund created in section 5-6-204 to which all ~~of~~ **OR** any portion of one or more of the fees is credited; except that the fund shall be subject to an alternative reserve balance of one-third of the amount expended during the previous fiscal year.

SECTION 8. 6-1-715 (4) (b), Colorado Revised Statutes, is amended to read:

6-1-715. Confidentiality of social security numbers.

- (4) This section shall not apply to:

- (b) An entity that is subject to the federal "Health Insurance Portability and Accountability Act of 1996", as amended, [42 U.S.C. sec. 1320d](#) to ~~1320d-8~~ [1320D-9](#) .

SECTION 9. [6-1-716 \(2\) \(d\)](#), Colorado Revised Statutes, is amended to read:

6-1-716. Notification of security breach.

(2) Disclosure of breach.

- (d) If an individual or commercial entity is required to notify more than one thousand Colorado residents of a breach of the security of the system pursuant to this section, the individual or commercial entity shall also notify, without unreasonable delay, all consumer reporting agencies that compile and maintain files on consumers on a nationwide basis, as defined by 15 U.S.C. sec. ~~1618a (p)~~ [1681A \(P\)](#) , of the anticipated date of the notification to the residents and the approximate number of residents who are to be notified. Nothing in this paragraph (d) shall be construed to require the individual or commercial entity to provide to the consumer reporting agency the names or other personal information of breach notice recipients. This paragraph (d) shall not apply to a person who is subject to title V of the federal "Gramm-Leach-Bliley Act", [15 U.S.C. sec. 6801](#) et seq.

SECTION 10. [8-20-104 \(1\)](#), Colorado Revised Statutes, is amended to read:

8-20-104. Enforcement of law - penalties - definitions.

- (1) The director shall enforce this article, articles 4, 5.5, and 7 of title 9, C.R.S., and rules promulgated pursuant to [THIS ARTICLE AND](#) articles 4, 5.5, and 7 of title 9, C.R.S., by appropriate actions in courts of competent jurisdiction.

SECTION 11. [8-43-301 \(6\) and \(7\)](#), Colorado Revised Statutes, are amended to read:

8-43-301. Petitions to review.

- (6) A party dissatisfied with a supplemental order may file a petition for review by the panel. The petition shall be filed with the division if the supplemental order was issued by the director or at the [DENVER OFFICE OF THE](#) office of ~~the~~ administrative courts in the department of personnel if the supplemental order was issued by an administrative law judge. The petition shall be filed within twenty days after the date of the certificate of mailing of the supplemental order. The petition shall be in writing, shall set forth in detail the particular errors and objections relied upon, and shall be accompanied by a brief in support thereof. The petition and brief shall be mailed by petitioner to all other parties at the time the petition is filed. All parties, except the petitioner, shall be deemed opposing parties and shall have twenty days after the date of the certificate of mailing of the petition and brief to file with the division or the [DENVER OFFICE OF THE](#) office of administrative courts, as appropriate, briefs in opposition to the petition.
- (7) When any petition for review by the panel is filed, the division or the [DENVER OFFICE OF THE](#) office of administrative courts shall, when all briefs are submitted to the division or [THE DENVER OFFICE OF THE](#) office of administrative courts or within fifteen days after the date briefs were due, certify and transmit the record to the industrial claim appeals office along with the petitions and briefs. The division [OR THE DENVER OFFICE OF THE OFFICE OF ADMINISTRATIVE COURTS, AS APPROPRIATE,](#) shall simultaneously send notice to the parties including the date that the record has been transmitted to the industrial claim appeals office.

SECTION 12. [8-70-114 \(2\) \(b\) \(VII\) \(B\) and \(2\) \(b\) \(VII\) \(C\)](#), Colorado Revised Statutes, are amended to read:

8-70-114. Employing unit - definitions - rules - employee leasing company certification fund.

(2)

- (b) Notwithstanding subsection (1) of this section, an employee leasing company shall be considered an employing unit or the coemployer of a work-site employer's employees if, pursuant to an employee leasing company contract with the work-site employer, it has the following rights and responsibilities:

(VII)

- (B) No later than the end of the calendar quarter immediately following August 5, 2009, each employee leasing company shall notify the division of unemployment insurance as to whether the employee leasing company elects to report and pay unemployment insurance ~~taxes-~~ PREMIUMS as the employing unit under its own unemployment accounts and ~~tax~~ PREMIUM rates or whether it elects to report unemployment ~~taxes-~~ PREMIUMS attributable to covered employees under the respective unemployment accounts and ~~tax~~ PREMIUM rates for each work-site employer. Under either election, the employee leasing company shall have the responsibility for unemployment compensation insurance as required of an employer pursuant to the "Colorado Employment Security Act", articles 70 to 82 of this title. If the employee leasing company fails to make an election, the employee leasing company shall report unemployment ~~taxes-~~ PREMIUMS attributable to covered employees under the respective unemployment accounts and ~~tax-~~ PREMIUM rates for each work-site employer.
- (C) The election made in sub-subparagraph (B) of this subparagraph (VII) shall be binding on all employers and the employing unit's related enterprises, subsidiaries, or other entities that share common ownership management or control with the employee leasing company. Employee leasing companies electing to report and pay unemployment insurance as the employing unit under its own unemployment accounts and ~~tax~~ PREMIUM rates following August 5, 2009, are permitted to change the election one time after the initial election to report unemployment ~~taxes-~~ PREMIUMS attributable to covered employees under the respective unemployment accounts of each work-site employer by notifying the division no later than the end of the current calendar quarter. An employee leasing company's election to pay unemployment ~~taxes-~~ PREMIUMS under the respective unemployment accounts and ~~tax-~~ PREMIUM rates of the work-site employer is final and may not be reversed.

SECTION 13. 8-72-114 (1) (a), (1) (b), (3) (a), (3) (c), (3) (e) (I), (3) (e) (II), and (7) (c), Colorado Revised Statutes, are amended to read:

8-72-114. Employee misclassification - investigations - enforcement - advisory opinions - rules - employee misclassification advisory opinion fund - statewide study - report - definitions - legislative declaration - repeal.

- (1) The general assembly hereby finds and declares that:

- (a) Misclassification of employees as independent contractors in violation of the "Colorado Employment Security Act" and, in particular, the provisions of article 70 of this title defining the employment relationship, may pose a significant problem in this state and leads to underpayment of employment taxes AND PREMIUMS that employers are obligated to pay the state for covered employment;
- (b) Businesses that misclassify employees gain an unfair competitive advantage over businesses that properly classify employees and pay appropriate taxes AND PREMIUMS to the state;

(3)

- (a) The division shall be responsible for accepting and investigating complaints regarding misclassification of employees and enforcing the requirements of the act regarding classification of employees and payment of ~~taxes-~~ PREMIUMS .

(c) The director may investigate a complaint filed pursuant to this subsection (3) and shall focus on the investigation of the most egregious complaints or those complaints alleging intentional acts of misclassification of employees undertaken in order to gain a competitive advantage or to avoid the payment of ~~taxes~~ PREMIUMS .

(e)

(I) Upon conclusion of an investigation, the director shall issue a written order either dismissing the complaint or finding that the employer has engaged in the misclassification of employees and has failed to pay appropriate ~~taxes~~ PREMIUMS for covered employment as defined in article 70 of this title.

(II) If the director finds that an employer has engaged in the misclassification of employees, the director shall order the employer to pay back ~~taxes~~ PREMIUMS owed and interest.

(7) No later than two years after June 2, 2009, the executive director shall submit a report on the statewide study conducted pursuant to subsection (6) of this section to the business, labor, and technology committee of the senate and the business affairs and labor committee of the house of representatives, or their successor committees. The report shall also include information on the operation of the division to investigate complaints of employee misclassification and enforce this section, specifying at least the following:

(c) The outcome of the complaints that were investigated, including whether any employers were found to have misclassified employees and the amount of ~~taxes~~ PREMIUMS , interest, or fines imposed against such employers;

SECTION 14. 10-3-1104.6 (9), Colorado Revised Statutes, is amended to read:

10-3-1104.6. Genetic information - limitations on disclosure of information - liability - definitions - legislative declaration.

(9) This section does not limit the authority granted the state department of public health and environment, the state board of health, or ~~local departments of~~ COUNTY, DISTRICT, OR MUNICIPAL PUBLIC health AGENCIES pursuant to section 25-1-122, C.R.S.

SECTION 15. Repeal. 11-59.7-104 (1) (j), Colorado Revised Statutes, is repealed as follows:

11-59.7-104. Stimulus obligations authorized under state law - ancillary agreements.

(1) Public entities may issue or enter into stimulus obligations as authorized by this article. Except as otherwise provided in this section and section 11-59.7-105, each type of stimulus obligation shall be issued or entered into by a public entity in accordance with a law of the state that authorizes or permits the public entity to issue bonds or enter into a lease-purchase agreement to finance or refinance a project that may be financed or refinanced with proceeds of the type of stimulus obligation under federal law. Notwithstanding any inconsistent provision of any other law of the state:

(j) ~~A certificates of participation reserve fund, as defined in section 22-54-110.5 (1) (a), C.R.S., enacted by Senate Bill 09-256, enacted in 2009, for certificates of participation evidencing rights to receive payments by a school district under a lease-purchase agreement that qualifies as a stimulus obligation shall qualify for replenishment under section 22-54-110.5 (2), C.R.S., enacted by Senate Bill 09-256, enacted in 2009.~~

SECTION 16. 11-105-304 (2), Colorado Revised Statutes, is amended to read:

11-105-304. Bank investments - customers' orders.

- (2) A state bank may invest an amount not exceeding ten percent of its capital as defined in the rules promulgated by the banking board in the stock of a corporation exclusively engaged in trust business and incorporated as a trust company under ~~the "Colorado Trust Company Act"~~ **ARTICLE 109 OF THIS TITLE**, but every such investment shall be subject to prior approval of the banking board.

SECTION 17. 12-22-102 (23), Colorado Revised Statutes, is amended to read:

12-22-102.

Definitions. As used in this part 1, unless the context otherwise requires:

- (23) "Other outlet" means any hospital that does not operate a registered pharmacy and any rural health clinic, family planning clinic, school, jail, ~~county health department~~ **COUNTY OR DISTRICT PUBLIC HEALTH AGENCY**, community health clinic, university, or college that has facilities in this state registered pursuant to this article and that engages in the compounding, dispensing, and delivery of drugs or devices.

SECTION 18. The introductory portion to 12-22-121 (5) (b) and 12-22-121 (5) (b) (II), Colorado Revised Statutes, are amended to read:

12-22-121. Compounding - dispensing - sale of drugs and devices.

(5)

- (b) In the case of a ~~county health department~~ **COUNTY OR DISTRICT PUBLIC HEALTH AGENCY** that operates registered other outlets, as defined in section 12-22-102 (23), one registered other outlet may make a casual sale of a drug to another registered other outlet if:

- (II) No such casual sale is made to any registered other outlet that is not owned or operated by that ~~county health department~~ **COUNTY OR DISTRICT PUBLIC HEALTH AGENCY**; and

SECTION 19. 12-47-901 (5) (c), Colorado Revised Statutes, is amended to read:

12-47-901. Unlawful acts - exceptions.

- (5) It is unlawful for any person licensed to sell at retail pursuant to this article:

- (c) Except as provided in section 18-13-122, C.R.S., ~~it is unlawful~~ for any person to sell fermented malt beverages to any person under the age of twenty-one years or to any person between the hours of 12 midnight and 5 a.m.;

SECTION 20. 12-54-101, Colorado Revised Statutes, is amended to read:

12-54-101.

Short title. This ~~part 4~~ **ARTICLE** shall be known and may be cited as the "Mortuary Science Code".

SECTION 21. 13-1-205 (4) (d), Colorado Revised Statutes, is amended to read:

13-1-205. Grant applications - duties of counties.

- (4) Counties that meet at least two of the following criteria shall be given the highest priority for need-based grants for court security personnel services pursuant to this part 2:

- (d) Counties in which the total county population living below the federal poverty ~~level~~ **LINE** is greater than the state median, as determined by the most recent census published by the United States bureau of the census.

SECTION 22. 13-14-102 (17.5) (e) (III), Colorado Revised Statutes, is amended to read:

13-14-102. Civil protection orders - legislative declaration.

(17.5)

- (e) In considering whether to modify or dismiss a protection order issued pursuant to this section, the court shall consider all relevant factors, including but not limited to:
 - (III) Whether the restrained party has been ordered to participate in and complete a domestic violence treatment program provided by an entity approved pursuant to section 16-11.8-103 ~~(4) (b) (III) (C)~~ **(4) (A) (III) (C)**, C.R.S., and whether the restrained party has completed the program;

SECTION 23. 13-54.5-101 (2) (b) (II), Colorado Revised Statutes, is amended to read:

13-54.5-101.

Definitions. As used in this article, unless the context otherwise requires:

(2)

- (b) For the purposes of writs of garnishment that are the result of a judgment taken for arrearages for child support or for child support debt, for restitution for the theft, embezzlement, misappropriation, or wrongful conversion of public property, or in the event of a judgment for a willful and intentional violation of fiduciary duties to a public pension plan where the offender or a related party received direct financial gain, "earnings" also means:
 - (II) Any pension or retirement benefits or payments, including but not limited to those paid pursuant to articles 51, ~~52~~, 54, 54.5, and 54.6 of title 24, C.R.S., and articles 30.5 and 31 of title 31, C.R.S.;

SECTION 24. Repeal. 14-4-106, Colorado Revised Statutes, is repealed as follows:

14-4-106.

Venue. ~~Venue for filing a complaint pursuant to this article is proper in any county where the acts constituting domestic abuse that are the subject of the complaint occur, in any county where one of the parties resides, or in any county where one of the parties is employed. This requirement for venue does not prohibit the change of venue to any other county appropriate under applicable law.~~

SECTION 25. 14-4-107 (3) (a), Colorado Revised Statutes, is amended to read:

14-4-107. Family violence justice fund - creation - grants from fund.

- (3) A qualifying organization seeking to receive a grant from the fund shall submit an application each year to the state court administrator on a form provided by such administrator. The application form shall request any information which the administrator may need in determining the qualifications of the organization for receipt of a grant. Commencing July 1, 1999, and quarterly thereafter, the state court administrator shall distribute grants from the fund, subject to available appropriations, to a qualifying organization for each county or city and county based upon the following formula:
 - (a) The total moneys shall be disbursed in proportion to the number of persons living below the poverty ~~level~~ **LINE** in each county or city and county as determined by the most recent census published by the bureau of the census of the United States department of commerce.

SECTION 26. 16-2.5-102, Colorado Revised Statutes, is amended to read:

16-2.5-102.

Certified peace officer - P.O.S.T. certification required. The following peace officers shall meet all the standards imposed by law on a peace officer and shall be certified by the peace officers standards and training board, referred to in this article as the "P.O.S.T. board": A chief of police; a police officer; a sheriff; an undersheriff; a deputy sheriff; a Colorado state patrol officer; a town marshal; a deputy town marshal; a reserve police officer; a reserve deputy sheriff; a reserve deputy town marshal; the director of the Colorado bureau of investigation; a police officer or reserve police officer employed by a state institution of higher education; a Colorado wildlife officer; a Colorado parks and recreation officer; a Colorado police administrator or police officer employed by the Colorado mental health institute at Pueblo; an attorney general criminal investigator; a community parole officer; a public transit officer; **A MUNICIPAL COURT MARSHAL**; and the department of corrections inspector general.

SECTION 27. 16-11-214 (1) (a), Colorado Revised Statutes, is amended to read:

16-11-214. Fund created - probation services.

(1)

(a) There is hereby created in the state treasury the offender services fund to which shall be credited one hundred percent of any cost of care payments or probation supervision fees paid to the state pursuant to section 18-1.3-204 (2) (a) (V) or 19-2-114 (1), C.R.S., and from which the general assembly shall make annual appropriations for administrative and personnel costs for adult and juvenile probation services as well as for adjunct adult and juvenile probation services in the judicial department, including treatment services, contract services, drug and alcohol treatment services, and program development, and for associated administrative and personnel costs. ~~The general assembly also shall make annual appropriations from the offender services fund to continue the demonstration drug court program in accordance with the provisions of section 18-1.3-103 (5), C.R.S.~~ Any moneys remaining in said fund at the end of any fiscal year shall not revert to the general fund.

SECTION 28. 16-11.8-103 (1) (g) (III) and (4), Colorado Revised Statutes, are amended to read:

16-11.8-103. Domestic violence offender management board - creation - duties - repeal.

(1) There is hereby created, in the department of public safety, the domestic violence offender management board that shall consist of nineteen members with recognizable expertise in the field of domestic violence offenders. The membership of the board shall consist of the following persons:

(g)

(III) Of the five members appointed pursuant to this paragraph (g), two shall be providers on the approved list pursuant to sub-subparagraph (C) of subparagraph (III) of paragraph ~~(b)~~ **(A)** of subsection (4) of this section.

(4)

(A) The board shall carry out the following duties:

~~(a) (Deleted by amendment, L. 2008, p. 1723, Section 2, effective June 2, 2008.)~~

~~(b) The board shall:~~

(I) Adopt and implement a standardized procedure for the treatment evaluation of domestic violence offenders. Such procedure shall provide for the evaluation and recommend behavior management, monitoring, and treatment. The board shall develop and implement methods of intervention for domestic violence offenders that have as a priority the physical and psychological safety of victims and potential victims and that are appropriate to the needs of

the particular offender, so long as there is no reduction in the level of safety of victims and potential victims.

- (II) Adopt and implement guidelines and standards for a system of programs for the treatment of domestic violence offenders that shall be utilized by offenders who have committed a crime, the underlying factual basis of which has been found by the court on the record to include an act of domestic violence, and who are placed on probation, placed on parole, or placed in community corrections or who receive a deferred judgment and sentence. The programs developed pursuant to this subparagraph (II) shall be as flexible as possible so that the programs may be utilized by each offender to prevent the offender from harming victims and potential victims. The programs shall be structured in such a manner that they provide a continuing monitoring process as well as a continuum of treatment programs for each offender as that offender proceeds through the criminal justice system and may include, but shall not be limited to, group counseling, individual counseling, outpatient treatment, or treatment in a therapeutic community. Also, the programs shall be developed in such a manner that, to the extent possible, the programs may be accessed by all offenders in the criminal justice system.
- (III) Develop an application and review process for treatment providers who provide services to domestic violence offenders pursuant to subparagraph (I) or (II) of this paragraph ~~(b)~~ (A) . Such standards shall allow providers to demonstrate that they are in compliance with the standards adopted pursuant to subparagraphs (I) and (II) of this paragraph ~~(b)~~ (A) . The application and review process shall consist of the following three parts:
 - (A) The board shall develop separate application and review processes for standards that apply to the criminal justice component, such as criminal history record checks, for individual treatment providers and treatment programs. Applications for the criminal justice components, including fingerprints, shall be submitted to the board. The board shall forward the fingerprints to the Colorado bureau of investigation for use in conducting a state criminal history record check and for transmittal to the federal bureau of investigation for a national criminal history record check. The information obtained from the state and national criminal history record check may be used by the board to determine an applicant's eligibility for placement on the approved provider list. The board shall be responsible for the implementation of this sub-subparagraph (A) of the application and review process.
 - (B) The board shall develop an application and review process for the verification of the qualifications and credentials of the treatment providers. The applications shall be submitted to the department of regulatory agencies and forwarded to the appropriate board pursuant to part 2 of article 43 of title 12, C.R.S. The department of regulatory agencies shall be responsible for the implementation of this sub-subparagraph (B) of the application and review process. The board shall require that treatment providers complete mandatory continuing education courses in areas related to domestic violence.
 - (C) After the process to be developed pursuant to sub-subparagraphs (A) and (B) of this subparagraph (III) is established and providers have met the criteria of both parts of the application and review process, the department of regulatory agencies and the board shall jointly publish at least annually a list of approved providers. The list shall be forwarded to the office of the state court administrator, the department of public safety, the department of human services, and the department of corrections. The list of approved providers shall be jointly updated and forwarded as changes are made.
 - (D) Notwithstanding any action taken by the department of regulatory agencies against a treatment provider, the board may take action against a treatment provider including, but not limited to, removing a treatment provider from the approved provider list. The board may determine the requirements for a treatment provider's name to be placed on the list after his or her name has been removed from the list pursuant to this subparagraph (III).

(III.5) ~~The board shall~~ Develop a treatment provider renewal process for the continued placement of a person on the approved provider list published pursuant to sub-subparagraph (C) of subparagraph (III) of this paragraph ~~(b)~~ (A) .

(IV) Research and analyze the effectiveness of the treatment evaluation and treatment procedures and programs developed pursuant to this article. The board shall also develop and prescribe a system for implementation of the guidelines and standards developed pursuant to subparagraphs (I) and (II) of this paragraph ~~(b)~~ (A) and for tracking offenders who have been evaluated and treated pursuant to this article. In addition, the board shall develop a system for monitoring offender behaviors and offender adherence to prescribed behavioral changes. The results of such tracking and behavioral monitoring shall be a part of any analysis made pursuant to this subparagraph (IV).

(c) (B) After the guidelines and standards required pursuant to subparagraphs (I) and (II) of paragraph ~~(b)~~ (A) of this subsection (4) are adopted, the board shall refer any complaints or grievances against domestic violence offender treatment providers to the department of regulatory agencies for resolution. Notwithstanding any other law or administrative rule, the resolution of any complaint or grievance referred by the board pursuant to this paragraph ~~(c)~~ (B) shall be based on such standards. All complaints and grievances shall be reviewed by the appropriate board pursuant to part 2 of article 43 of title 12, C.R.S., whose decision shall be based on accepted community standards as described in subparagraphs (I) and (II) of paragraph ~~(b)~~ (A) of this subsection (4) and the prohibited activities as defined in section 12-43-222 (1), C.R.S. The department of regulatory agencies shall provide notice of the disciplinary action to the board.

SECTION 29. 16-11.8-104 (2), Colorado Revised Statutes, is amended to read:

16-11.8-104. Domestic violence offender treatment - contracts with providers - fund created.

(2)

(a) The board shall require any person who applies for placement, including any person who applies for continued placement, on the approved PROVIDER list developed pursuant to section 16-11.8-103 (4) to submit to a current background investigation that goes beyond the scope of the criminal history record check described in section 16-11.8-103 ~~(4) (b) (III) (A)~~ (4) (A) (III) (A) . In conducting the current background investigation, the board shall obtain reference and criminal history information and recommendations that may be relevant to the applicant's fitness to provide domestic violence offender treatment evaluation or treatment services pursuant to this article.

(b) The board may assess a fee to a person who applies for initial placement or renewed placement on the approved provider list not to exceed three hundred dollars per application to cover the costs of conducting the current background investigation required by this subsection (2) and the costs associated with the initial application review and the renewal process pursuant to section 16-11.8-103 ~~(4) (b) (III)~~ (4) (A) (III)) and other costs associated with administering the program. All moneys collected pursuant to this paragraph (b) shall be transmitted to the state treasurer, who shall credit the same to the domestic violence offender treatment provider fund, which fund is hereby created and referred to in this paragraph (b) as the "fund". The moneys in the fund shall be subject to annual appropriation by the general assembly for the direct and indirect costs associated with the current background investigation required by this subsection (2) and the application review and renewal process and other costs associated with administering the program. Any moneys in the fund not expended for the purpose of this subsection (2) may be invested by the state treasurer as provided by law. All interest and income derived from the investment and deposit of moneys in the fund shall be credited to the fund. Any unexpended and unencumbered moneys remaining in the fund at the end of a fiscal year shall remain in the fund and shall not be credited or transferred to the general fund or another fund.

SECTION 30. 17-2-201 (9) (a) (I), Colorado Revised Statutes, is amended to read:

17-2-201. State board of parole.

(9)

(a)

- (I) Whenever an inmate initially applies for parole, the board shall conduct an interview with the inmate. At such interview at least one member of the board shall be present. Any final action on an application shall not be required to be made in the presence of the inmate or parolee, and any such action shall require the concurrence of at least two members of the board. When the two members do not concur, a third member shall review the record and, if deemed necessary, interview the applicant and cast the deciding vote. Any subsequent application for parole shall be considered by the board in accordance with the provisions of section ~~17-2-201 (4) (a)~~ **PARAGRAPH (A) OF SUBSECTION (4) OF THIS SECTION** .

SECTION 31. 18-1-415, Colorado Revised Statutes, is amended to read:

18-1-415.

Testing - payment. All testing shall be performed at a law enforcement facility, and the petitioner shall pay for the testing. If the petitioner is indigent and represented by either the public defender or ~~alternative~~ **ALTERNATE** defense counsel, and with the approval of the public defender or the ~~alternative~~ **ALTERNATE** defense counsel, the costs of the testing shall be paid from their budget.

SECTION 32. 18-1.3-501 (1.5) (b), Colorado Revised Statutes, is amended to read:

18-1.3-501. Misdemeanors classified - penalties.

(1.5)

- (b) As used in this section, "peace officer, emergency medical technician, or firefighter engaged in the performance of his or her duties" means a peace officer as described in section 16-2.5-101, C.R.S., emergency medical technician as defined in part 1 of article 3.5 of title 25, C.R.S., or a firefighter as defined in section 18-3-201 (1), who is engaged or acting in, or who is present for the purpose of engaging or acting in, the performance of any duty, service, or function imposed, authorized, required, or permitted by law to be performed by a peace officer, emergency medical technician, or firefighter, whether or not the peace officer, emergency medical technician, or firefighter is within the territorial limits of his or her jurisdiction, if the peace officer, emergency medical technician, or firefighter is in uniform or the person committing an assault upon or offense against or otherwise acting toward such peace officer, emergency medical technician, or firefighter knows or reasonably should know that the victim is a peace officer, emergency medical technician, or firefighter or if the peace officer, **EMERGENCY MEDICAL TECHNICIAN**, or firefighter is intentionally assaulted in retaliation for the performance of his or her official duties.

SECTION 33. 18-3-415.5 (3) (a) and (3) (c), the introductory portion to 18-3-415.5 (3) (d), and 18-3-415.5 (4), Colorado Revised Statutes, are amended to read:

18-3-415.5. Acquired immune deficiency syndrome testing for persons charged with certain sexual offenses - mandatory sentencing.

(3)

- (a) If the person tested pursuant to subsection (2) of this section tests positive for the human immunodeficiency virus (HIV) that causes acquired immune deficiency syndrome, the district attorney may contact the state department of public health and environment or any ~~local health~~

~~department-~~ COUNTY, DISTRICT, OR MUNICIPAL PUBLIC HEALTH AGENCY to determine whether said person had been notified prior to the date of the offense for which the person has been bound over for trial that he or she tested positive for the human immunodeficiency virus (HIV) that causes acquired immune deficiency syndrome.

- (c) The state department of public health and environment or any ~~local health department-~~ COUNTY, DISTRICT, OR MUNICIPAL PUBLIC HEALTH AGENCY shall provide documentary evidence limited to whether the person tested pursuant to subsection (2) of this section had notice of or had discussion concerning his or her HIV infection and the date of such notice or discussion. The parties may stipulate that the person identified in said documents as having notice or discussion of his or her HIV infection is the person tested pursuant to subsection (2) of this section. Such stipulation shall constitute conclusive proof that said person had notice of his or her HIV infection prior to committing the substantive offense, and the court shall sentence said person in accordance with subsection (5) of this section.
- (d) If the parties do not stipulate as provided in paragraph (c) of this subsection (3), an officer or employee of the state department of public health and environment or of the ~~local health department-~~ COUNTY, DISTRICT, OR MUNICIPAL PUBLIC HEALTH AGENCY who has had contact with the person tested pursuant to subsection (2) of this section regarding his or her HIV infection and can identify said person shall provide, for purposes of pretrial preparation and in court proceedings, oral and documentary evidence limited to whether said person had notice of or had discussion concerning his or her HIV infection and the date of such notice or discussion. If the state department or the ~~local health department-~~ COUNTY, DISTRICT, OR MUNICIPAL PUBLIC HEALTH AGENCY no longer employs an officer or employee who has had contact with the person tested pursuant to subsection (2) of this section regarding the person's HIV infection, the state department or the ~~local health department-~~ COUNTY, DISTRICT, OR MUNICIPAL PUBLIC HEALTH AGENCY shall provide:
- (4) Nothing in this section shall be interpreted as abridging the confidentiality requirements imposed on the state department of public health and environment and the ~~local health departments-~~ COUNTY, DISTRICT, AND MUNICIPAL PUBLIC HEALTH AGENCIES pursuant to part 14 of article 4 of title 25, C.R.S., with regard to any person or entity other than as specified in this section.

SECTION 34. 19-1-103 (22), Colorado Revised Statutes, is amended to read:

19-1-103.

Definitions. As used in this title or in the specified portion of this title, unless the context otherwise requires:

- (22) "Child protection team", as used in part 3 of article 3 of this title, means a multidisciplinary team consisting, where possible, of a physician, a representative of the juvenile court or the district court with juvenile jurisdiction, a representative of a local law enforcement agency, a representative of the county department, a representative of a mental health clinic, a representative of a COUNTY, DISTRICT, OR MUNICIPAL public health ~~department-~~ AGENCY, an attorney, a representative of a public school district, and one or more representatives of the lay community, at least one of whom shall be a person who serves as a foster parent in the county. Each public agency may have more than one participating member on the team; except that, in voting on procedural or policy matters, each public agency shall have only one vote. In no event shall an attorney member of the child protection team be appointed as guardian ad litem for the child or as counsel for the parents at any subsequent court proceedings, nor shall the child protection team be composed of fewer than three persons. When any racial, ethnic, or linguistic minority group constitutes a significant portion of the population of the jurisdiction of the child protection team, a member of each such minority group shall serve as an additional lay member of the child protection team. At least one of the preceding members of the team shall be chosen on the basis of representing low-income families. The role of the child protection team shall be advisory only.

SECTION 35. 19-1-116 (2) (a), Colorado Revised Statutes, is amended to read:

19-1-116. Funding - alternatives to placement out of the home.

(2)

(a) The county commissioners in each county may appoint a placement alternatives commission consisting, where possible, of a physician or a licensed health professional, an attorney, representatives of a local law enforcement agency, representatives recommended by the court and probation department, representatives from the county department of social services, a local mental health clinic, and the ~~local public health department~~ COUNTY, DISTRICT, OR MUNICIPAL PUBLIC HEALTH AGENCY, a representative of a local school district specializing in special education, a representative of a local community centered board, representatives of a local residential child care facility and a private not for profit agency providing nonresidential services for children and families, a representative specializing in occupational training or employment programs, a foster parent, and one or more representatives of the lay community. At least fifty percent of the commission members shall represent the private sector. The county commissioners of two or more counties may jointly establish a district placement alternatives commission. A placement alternatives commission may be consolidated with other local advisory boards pursuant to section 24-1.7-103, C.R.S.

SECTION 36. 19-3-307 (2.5), Colorado Revised Statutes, is amended to read:

19-3-307. Reporting procedures.

(2.5) Notwithstanding the requirements set forth in subsection (2) of this section, any officer or employee of a ~~local department of health~~ COUNTY, DISTRICT, OR MUNICIPAL PUBLIC HEALTH AGENCY or state department of public health and environment who makes a report pursuant to section 25-1-122 (4) (d) or 25-4-1404 (1) (d), C.R.S., shall include only the information described in said sections.

SECTION 37. 22-7-305 (4) (d), Colorado Revised Statutes, is amended to read:

22-7-305. Parent involvement in education grant program - creation - rules - fund - reports.

(4)

(d) In any fiscal year in which there is at least twenty thousand dollars credited to the fund, the department may use up to one percent of the moneys credited to the fund to offset the costs incurred in implementing the parent involvement grant program. ~~and the department may use up to an additional one percent of the moneys credited to the fund to offset the costs of providing meeting space, equipment, and staff services to the council pursuant to section 22-7-303 (6).~~

SECTION 38. The introductory portion to 22-7-504 (3), Colorado Revised Statutes, is amended to read:

22-7-504. Pupil assessments - individual literacy plans.

(3) If a pupil's reading readiness or literacy and reading comprehension, as measured by the assessment, is below the level established by the state board for pupils at that grade, the pupil's parents or legal guardian and teacher and the school administration shall formulate an individual literacy plan for the pupil or, if the pupil is eligible, enroll the pupil in an intensive literacy program funded through the read-to-achieve program pursuant to part 9 of this article. For compliance with this section, a literacy plan may be incorporated into the ~~individual education plan~~ INDIVIDUALIZED EDUCATION PROGRAMS for special education students. The plan shall include, but need not be limited to, the following:

SECTION 39. 22-11-103 (28), Colorado Revised Statutes, is amended to read:

22-11-103.

Definitions. As used in this article, unless the context otherwise requires:

- (28) "Public school" shall have the same meaning as provided in section 22-1-101 and includes, but is not limited to, a district charter school, an institute charter school, and an on-line program, as defined in section ~~22-30.7-103 (9)~~ 22-30.7-102 (9) .

SECTION 40. 22-30.5-103 (6.7) (b) (I), Colorado Revised Statutes, is amended to read:

22-30.5-103.

Definitions. As used in this part 1, unless the context otherwise requires:

(6.7) "School food authority" means:

(b) A district charter school or an institute charter school that:

- (I) The commissioner OF EDUCATION or his or her designee provisionally authorizes as a school food authority pursuant to section 22-32-120 (6); or

SECTION 41. 22-30.5-505 (4) (I), Colorado Revised Statutes, is amended to read:

22-30.5-505. State charter school institute - institute board - appointment - powers and duties - rules.

(4) In addition to any other powers granted by law to the institute board, the institute board shall have the following powers:

- (I) To award grants from the institute charter school capital construction assistance ~~grant~~ fund as provided in section 22-30.5-515.5.

SECTION 42. 22-32-120 (8) (b) (I), Colorado Revised Statutes, is amended to read:

22-32-120. Food services - facilities - school food authorities - rules - repeal.

(8) As used in this section, "school food authority" means:

(b) A district charter school or an institute charter school that:

- (I) The commissioner OF EDUCATION or his or her designee provisionally authorizes as a school food authority pursuant to subsection (6) of this section; or

SECTION 43. 22-33-106 (1) (c), Colorado Revised Statutes, is amended to read:

22-33-106. Grounds for suspension, expulsion, and denial of admission.

(1) The following shall be grounds for suspension or expulsion of a child from a public school during a school year:

- (c) Behavior on or off school property that is detrimental to the welfare or safety of other pupils or of school personnel, including behavior that creates a threat of physical harm to the child or to other children; except that, if the child who creates the threat is a child with a disability pursuant to section 22-20-103 (5), the child may not be expelled if the actions creating the threat are a manifestation of the child's disability. However, the child shall be removed from the classroom to an appropriate alternative setting within the district in which the child is enrolled for a length of time that is consistent with federal law, during which time the school in which the student is enrolled shall give priority to and arrange within ten days for a reexamination of the child's ~~individual education plan~~ INDIVIDUALIZED EDUCATION PROGRAM to amend his or her ~~plan PROGRAM~~ as necessary to ensure that the needs of the child are addressed in a more

appropriate manner or setting that is less disruptive to other students and is in accordance with the provisions of article 20 of this title. Nothing in this paragraph (c) shall be construed to limit a school district's authority to suspend a child with a disability for a length of time that is consistent with federal law.

SECTION 44. 22-35-103 (10) (f), Colorado Revised Statutes, is amended to read:

22-35-103.

Definitions. As used in this article, unless the context otherwise requires:

- (10) "Early college" means a secondary school that provides only a curriculum that is designed in a manner that ensures that a student who successfully completes the curriculum will have completed either an associate's degree or sixty credits toward the completion of a postsecondary credential. "Early college" includes only the following:
 - (f) A secondary school that satisfies the provisions of this subsection ~~(8)~~ (10) and identifies itself as an "early college" on the ~~effective date of this article~~ MAY 21, 2009 ; and

SECTION 45. 22-43.7-109 (9) (c) (III.5), Colorado Revised Statutes, is amended to read:

22-43.7-109. Financial assistance for public school capital construction - application requirements - evaluation criteria - local match requirements.

- (9) Except as otherwise provided in subsection (10) of this section, the board shall recommend and the state board shall approve financial assistance for a public school facility capital construction project only if the applicant provides matching moneys in an amount equal to a percentage of the total financing for the project determined by the board after consideration of the applicant's financial capacity, as determined by the following factors:
 - (c) With respect to a charter school's application for financial assistance:
 - (III.5) If the charter school is an institute charter school, whether the charter school has applied for or received a grant from the institute charter school capital construction assistance ~~grant~~ fund created in section 22-30.5-515.5 to assist the charter school in providing matching moneys;

SECTION 46. 22-54-123 (2) (b) (I), Colorado Revised Statutes, is amended to read:

22-54-123. National school lunch act - appropriation of state matching funds.

- (2) As used in this section, unless the context otherwise requires, "school food authority" means:
 - (b) A district charter school or an institute charter school that:
 - (I) The commissioner OF EDUCATION or his or her designee provisionally authorizes as a school food authority pursuant to section 22-32-120 (6); or

SECTION 47. 22-54-123.5 (1) (d) and (2) (b) (II) (A), Colorado Revised Statutes, are amended to read:

22-54-123.5. School breakfast program - appropriation - low-performing schools.

- (1)
 - (d) ~~Notwithstanding any other provisions of this subsection (1), for the 2006-07 and 2007-08 budget years, if the general assembly appropriates an amount of five hundred thousand dollars or more to assist school districts and institute charter schools that are providing a school breakfast program pursuant to this section, the department of education shall use one hundred fifty thousand dollars~~

~~of the appropriation to fund the fresh fruits and vegetables pilot program pursuant to article 82.5 of this title.~~

(2) As used in this section:

(b) "School food authority" means:

(II) A district charter school or an institute charter school that:

(A) The commissioner **OF EDUCATION** or his or her designee provisionally authorizes as a school food authority pursuant to section 22-32-120 (6); or

SECTION 48. 22-60.5-111 (14) (a), (14) (b) (III), (14) (c) (III), and (14) (d), Colorado Revised Statutes, are amended to read:

22-60.5-111. Authorization - types - applicants' qualifications.

(14) Principal authorization.

- (a) The department may issue a principal authorization to a person who does not hold a principal license but who holds an earned baccalaureate or higher degree from an accepted institution of higher education and who will be employed pursuant to the provisions of section 22-60.5-305.5 by a school district under an individualized alternative principal program, if the program is approved by the state board **OF EDUCATION** as provided in this subsection (14). A school district may employ a person who holds a principal authorization to perform the duties of a principal or a vice-principal in a school, so long as the person who holds the authorization is under the supervision of a professional principal licensee.
- (b) To receive a principal authorization, a person, in collaboration with a school district, shall submit to the department of education documentation that includes:
 - (III) Any additional documentation required by rule of the state board **OF EDUCATION** .
- (c) At a minimum, a person's individualized alternative principal program shall ensure that:
 - (III) The person demonstrates professional competencies in subject matter areas as specified by rule of the state board **OF EDUCATION** pursuant to section 22-60.5-303.
- (d) If the state board **OF EDUCATION** determines the individualized alternative principal program meets the requirements specified in paragraph (c) of this subsection (14), the state board **OF EDUCATION** shall approve the individualized alternative principal program, and the department of education shall issue the principal authorization to the applicant. A principal authorization shall be valid for three years and may not be renewed.

SECTION 49. 22-60.5-203 (5), Colorado Revised Statutes, is amended to read:

22-60.5-203. Assessment of professional competencies - rules.

- (5) The state board of education shall, by rule, establish common credit hour standards for all approved teacher preparation programs for the purpose of satisfying ~~paragraph (c) of~~ subsection (6) of this section.

SECTION 50. 22-82.3-106 (2), Colorado Revised Statutes, is amended to read:

22-82.3-106. Permissible uses of grants.

- (2) A recipient school or a school district of a recipient school may use the grant moneys received from the program to gather, record, and assemble data for the purpose of preparing the reports described in section ~~22-82.3-109 (2)~~ **22-82.3-108 (2)** .

SECTION 51. [22-82.7-102 \(5\) \(b\) \(I\)](#), Colorado Revised Statutes, is amended to read:

22-82.7-102.

Definitions. As used in this article, unless the context otherwise requires:

(5) "School food authority" means:

(b) A district charter school or an institute charter school that:

(I) The commissioner **OF EDUCATION** or his or her designee provisionally authorizes as a school food authority pursuant to section 22-32-120 (6); or

SECTION 52. [22-82.9-103 \(2.5\) \(b\) \(I\)](#), Colorado Revised Statutes, is amended to read:

22-82.9-103.

Definitions. As used in this article, unless the context otherwise requires:

(2.5)"School food authority" means:

(b) A district charter school or an institute charter school that:

(I) The commissioner **OF EDUCATION** or his or her designee provisionally authorizes as a school food authority pursuant to section 22-32-120 (6); or

SECTION 53. Repeal. [23-16-102 \(3\)](#), Colorado Revised Statutes, is repealed as follows:

23-16-102.

Definitions. As used in this part 1, unless the context otherwise requires:

(3) ~~"Commission" means the Colorado commission on higher education created in section 23-1-102.~~

SECTION 54. 23-20-203 (2), Colorado Revised Statutes, is amended to read:

23-20-203. Tobacco-related research grant program - creation - eligibility - duties of office of the president.

(2) The office of the president may award grants under the research program to any public, private, or nonprofit agency or political subdivision of the state, including but not limited to any college, university, hospital, laboratory, research institution, ~~—local health department—~~ **COUNTY, DISTRICT, OR MUNICIPAL PUBLIC HEALTH AGENCY**, voluntary health agency, health maintenance organization, or individual who is conducting research within the state. Any agency seeking a grant under the research program shall apply to the office of the president.

SECTION 55. [23-21-204 \(1\) \(e\)](#), Colorado Revised Statutes, is amended to read:

23-21-204. Duties of the school of medicine.

(1) It is the duty of the school of medicine, with the advice of the committee, to:

(e) Conduct educational programs for physicians, hospitals, ~~—regional—~~ **COUNTY AND DISTRICT PUBLIC health —departments— AGENCIES**, and the public concerning the methods of care and treatment for persons suffering from the disease;

SECTION 56. [23-21-304 \(1\) \(e\)](#), Colorado Revised Statutes, is amended to read:

23-21-304. Duties of the school of medicine.

(1) It is the duty of the school of medicine, with the advice of the committee, to:

- (e) Conduct educational programs for physicians, dentists, hospitals, ~~—regional—~~ COUNTY OR DISTRICT PUBLIC health ~~—departments—~~ AGENCIES, and the public concerning the methods of care and treatment for persons suffering from hemophilia.

SECTION 57. The introductory portions to 23-71-128 (1) and (2), Colorado Revised Statutes, are amended to read:

23-71-128. Additions to district - procedure.

- (1) If any school district or group of districts adjacent to a junior college district desires to be annexed to the existing junior college district, it may do so by ~~—the following procedure—~~ SATISFYING BOTH OF THE FOLLOWING REQUIREMENTS :
- (2) If the town of Berthoud desires to be annexed to its existing junior college district, it may do so by ~~—the following procedure—~~ SATISFYING BOTH OF THE FOLLOWING REQUIREMENTS :

SECTION 58. 24-1-114 (4) (b), Colorado Revised Statutes, is amended, and the said 24-1-114 (4) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

24-1-114. Department of higher education - creation.

- (4) For the purposes of section 22 of article IV of the state constitution, the following are allocated to the department of higher education but shall otherwise continue to be administered as provided by law:
- (b) The board of governors of the Colorado state university system, created by part 1 of article 30 of title 23, C.R.S.; Colorado state university, created by article 31 of title 23, C.R.S. ; ~~—Fort Lewis college, created by part 1 of article 52 of title 23, C.R.S.;—~~ and the Colorado state university - Pueblo, created by article 55 of title 23, C.R.S.;
- (L) THE BOARD OF TRUSTEES FOR FORT LEWIS COLLEGE, CREATED BY ARTICLE 52 OF TITLE 23.

SECTION 59. 24-1.9-102 (1) (a) (II), Colorado Revised Statutes, is amended to read:

24-1.9-102. Memorandum of understanding - local-level interagency oversight groups - individualized service and support teams - coordination of services for children and families - requirements - waiver.

(1)

- (a) Local representatives of each of the agencies specified in this paragraph (a) and county departments of social services may enter into memorandums of understanding that are designed to promote a collaborative system of local-level interagency oversight groups and individualized service and support teams to coordinate and manage the provision of services to children and families who would benefit from integrated multi-agency services. The memorandums of understanding entered into pursuant to this subsection (1) shall be between interested county departments of social services and local representatives of each of the following agencies or entities:
- (II) The health department, whether a ~~—county, district, or regional health department—~~ COUNTY OR DISTRICT PUBLIC HEALTH AGENCY ;

SECTION 60. 24-22-117 (2) (a) (II) (A) and (2) (a) (II) (D), Colorado Revised Statutes, are amended to read:

24-22-117. Tobacco tax cash fund - accounts - creation - legislative declaration - repeal.

(2) There are hereby created in the state treasury the following funds:

(a)

(II) Except as provided in subparagraphs (III) and (IV) of this paragraph (a), for fiscal year 2005-06 and each fiscal year thereafter, moneys in the health care expansion fund shall be annually appropriated by the general assembly to the department of health care policy and financing for the following purposes:

(A) To increase eligibility in the children's basic health plan, article 8 of title 25.5, C.R.S., for children and pregnant women from one hundred eighty-five percent to two hundred percent of the federal poverty ~~level~~ **LINE** ;

(D) To increase eligibility in the medical assistance program, articles 4, 5, and 6 of title 25.5, C.R.S., to at least sixty percent of the federal poverty ~~level~~ **LINE** for a parent of a child who is eligible for the medical assistance program or the children's basic health plan, article 8 of title 25.5, C.R.S.;

SECTION 61. 24-30-201 (1) (I) and (2), Colorado Revised Statutes, are amended to read:

24-30-201. Division of accounts and control - controller.

(1) The powers, duties, and functions concerning accounts and control as set forth in this part 2 shall be the responsibility of the state controller. The controller shall be appointed by the executive director of the department of personnel, subject to the provisions of section 13 of article XII of the state constitution. The controller shall be bonded in such amount as the executive director shall fix. The powers and duties of the controller shall be:

(I) To make available to each member of the general assembly by November 1 of each year a report on all capital leases having a total value of five hundred thousand dollars or more, concerning real property pursuant to sections 24-82-102, 24-82-801, and 24-82-1204, concerning personal property pursuant to the "Procurement Code", articles 101 to 112 of this title, and concerning ~~lease-purchases~~ **LEASE-PURCHASE AGREEMENTS** pursuant to section 24-82-801. The controller shall notify, in the most cost-effective manner available, each member of the general assembly of the availability of the report and offer to provide the members with copies of the report. The controller shall require and each department and agency of the executive branch shall submit to the controller by October 1 of each year a report on capital leases having a total value of five hundred thousand dollars or more, concerning real property pursuant to section 24-82-102, concerning personal property pursuant to the "Procurement Code", articles 101 to 112 of this title, and ~~lease-purchases~~ **CONCERNING LEASE-PURCHASE AGREEMENTS** pursuant to section 24-82-801, the payments of which are financed by appropriated funds to which the department or agency is a party. For the purpose of this paragraph (I), "capital lease" means a capital lease as defined in the generally accepted accounting principles issued by the governmental accounting standards board that the controller prescribes for the state as specified in section 24-30-202 (12).

(2) The powers, duties, and functions concerning accounts and control and the office of controller ~~except those powers, duties, and functions transferred by section 24-1-128 (7) (c)~~, shall be administered as if transferred by a type 2 transfer to the department of personnel.

SECTION 62. 24-30-1404 (7) (c) (IV), Colorado Revised Statutes, is amended to read:

24-30-1404. Contracts.

(7)

(c) This subsection (7) shall not apply to:

- (IV) Projects included in the capital construction section of the general appropriation act for the hazardous materials and waste management division in the department of public health and environment, or in any supplemental appropriation act, which projects are listed as remediation pursuant to the federal "Comprehensive Environmental Response, Compensation, and Liability Act of 1980", 42 U.S.C. ~~-secs-~~ **SEC.** 9601 ~~to 9674~~ **ET SEQ.** , as amended, brownfields redevelopment, or natural resource damage repair, replacement, or restoration.

SECTION 63. 24-32-115 (1) (a), Colorado Revised Statutes, is amended to read:

24-32-115. Economic self-sufficiency - legislative declaration - development of standards - rules - fund.

(1) Legislative declaration. The general assembly hereby finds and declares that:

- (a) Most state public assistance programs are calibrated to the federal poverty ~~-level-~~ **LINE** , a one-size-fits-all national standard designed in the 1960s that is calculated largely on the cost of food and has only been updated for inflation;

SECTION 64. 24-32-2104 (8) (b) (II) (E), Colorado Revised Statutes, is amended to read:

24-32-2104. The governor and disaster emergencies.

(8)

(b)

- (II) In addition to the state members of the committee, the governor shall appoint to the committee an individual from each of the following categories:

- (E) A director of a ~~-local public health department-~~ **COUNTY, DISTRICT, OR MUNICIPAL PUBLIC HEALTH AGENCY** ;

SECTION 65. 24-37.5-704 (3) (c), Colorado Revised Statutes, is amended to read:

24-37.5-704. Interdepartmental data protocol - contents.

- (3) The protocols and procedures included in the interdepartmental data protocol by which state agencies may share data and by which a state agency may release data to a political subdivision or to a nongovernmental entity or an individual shall, at a minimum:

- (c) Ensure compliance with all state and federal laws and regulations concerning the privacy of information, including but not limited to the federal "Family Educational Rights and Privacy Act of 1974", 20 U.S.C. sec. 1232g, and the federal "Health Insurance Portability and Accountability Act of 1996", 42 U.S.C. sec. 1320d to ~~-1320d-8-~~ **1320D-9** ; and

SECTION 66. 24-37.7-101 (6), Colorado Revised Statutes, is amended to read:

24-37.7-101.

Definitions. As used in this article, unless the context otherwise requires:

- (6) "State agency" shall have the same meaning as provided in section ~~-24-37.5-102 (7)-~~ **24-37.5-102 (4)** .

SECTION 67. 24-38.7-104 (3) (a) (I) (E), Colorado Revised Statutes, is amended to read:

24-38.7-104. Program administrator - training and certification of contractors - reporting.

(3)

(a) No later than one year from the date of issuance of the first clean energy loan by a participating public lender or private lender pursuant to this article, and no later than the same date each subsequent year, the program administrator shall provide to the office a report detailing its administration of the program since its inception and for the prior fiscal year. The report shall include, at a minimum:

(I) A detailed accounting of the financial status of the program, including statements regarding:

(E) The amounts paid to ~~the administrator~~ **PARTICIPATING PUBLIC LENDERS AND PRIVATE LENDERS** by the ~~state~~ **OFFICE** pursuant to section 24-38.7-103 (3) (a) and (3) (b) and any contracts entered into by the state and the administrator as authorized by this article;

SECTION 68. 24-45.5-104 (1) (d), Colorado Revised Statutes, is amended to read:

24-45.5-104. Powers and duties of the council.

(1) The council shall have the following powers, functions, and duties:

(d) Monitoring the state's implementation of Title II of the federal "Americans with Disabilities Act of 1990", [42 U.S.C. sec. 12101](#) et seq., as amended, including oversight pursuant to *Olmstead v. L.C.*, ~~and E.W.~~, [527 U.S. 581 \(1999\)](#);

SECTION 69. [24-46-303 \(4\)](#), Colorado Revised Statutes, is amended to read:

24-46-303.

Definitions. As used in this part 3, unless the context otherwise requires:

(4) "Eligible costs" means the costs of designing, constructing, financing, and maintaining eligible improvements designated by the commission as part of an approved regional tourism project, including but not limited to costs of engineering, construction engineering, surveying, construction surveying, construction labor and materials, design, planning, legal services, accounting, overhead or administrative staffing, financing, bond issuance or reissuance, underwriting, interest payments, loan origination fees, and similar necessary and convenient costs incurred by the financing entity in exercising its powers pursuant to this part 3. Moneys advanced by private developers within the regional tourism project to the financing entity for eligible improvements, whether pursuant to loans or contractual funding and reimbursement agreements, together with reasonable interest thereon, shall be eligible costs. In addition, the financing entity's costs for purchasing eligible improvements constructed and owned by third parties either prior to or subsequent to designation of the regional tourism project shall be eligible costs. Costs and expenses incurred by the financing entity pursuant to section 24-35-118 and in complying with its annual report and audit obligations under this ~~article~~ **PART 3** shall be eligible costs.

SECTION 70. [24-50-609.5 \(2\) \(a\) \(II\), \(3\) \(a\) \(I\), \(3\) \(a\) \(II\), and \(3\) \(a\) \(III\)](#), Colorado Revised Statutes, are amended to read:

24-50-609.5. Supplemental state contribution for eligible state employees - legislative declaration - definitions.

(2) As used in this section, unless the context otherwise requires:

(a) "Eligible state employee" means an employee, as defined in section 24-50-603 (7), who:

(II) Has an annual household income of less than three hundred percent of the federal poverty ~~level~~ **LINE**; and

(3)

- (a) For the 2008-09 state fiscal year and for each state fiscal year thereafter, the state, after first allocating the interest and income and next allocating the principal of the supplemental state contribution fund created in section 24-50-609 (5) to pay the costs of increased nonsupplemental state contributions, shall expend the available principal of the state supplemental contribution fund to pay a monthly supplement to the state contribution for each eligible state employee who timely applies for the supplement pursuant to subsection (4) of this section and enrolls in a qualifying group benefit plan in order to reduce the eligible state employee's employee contribution by the amount of the supplement. The amount of the supplement shall be the amount that reduces the aggregate amount of the eligible state employee's employee contribution for all qualifying group benefit plans to zero; except that, if the available principal of the supplemental state contribution fund is insufficient to provide full supplements for all eligible state employees as specified in paragraph (b) of this subsection (3):
- (I) The available principal shall first be used to provide each eligible state employee who has an annual household income of less than two hundred percent of the federal poverty ~~level~~ **LINE** a supplement in an amount equal to the lesser of the equivalent percentage of the applicable employee contribution for each such eligible state employee that uses all of the available principal or the amount needed to reduce the employee contribution of each such eligible state employee for all qualifying group benefit plans to zero.
 - (II) Remaining available principal next shall be used to provide each eligible state employee who has an annual household income of two hundred percent or more of the federal poverty ~~level~~ **LINE** but less than two hundred fifty percent of the federal poverty ~~level~~ **LINE** a supplement in an amount equal to the lesser of the equivalent percentage of the applicable employee contribution for each such eligible state employee that uses all of the available principal or the amount needed to reduce the employee contribution of each such eligible state employee for all qualifying group benefit plans to zero.
 - (III) Remaining available principal last shall be used to provide each eligible state employee who has an annual household income of at least two hundred fifty percent of the federal poverty ~~level~~ **LINE** a supplement in an amount equal to the lesser of the equivalent percentage of the applicable employee contribution for each such eligible state employee that uses all of the available principal of the fund or the amount needed to reduce the employee contribution of each such eligible state employee for all qualifying group benefit plans to zero.

SECTION 71. 24-51-101 (20), Colorado Revised Statutes, is amended to read:

24-51-101.

Definitions. As used in this article, unless the context otherwise requires:

- (20) "Employer" means the state of Colorado, the general assembly, any state department, board, commission, bureau, agency, or institution, the Colorado association of school boards, the Colorado high school activities association, the Colorado association of school executives, the fire and police pension association, the special districts association, the Colorado water resources and power development authority, the public employees' retirement association, the Colorado consortium for earth and space science education, all school districts in Colorado, and any political subdivision, city, municipality, county, housing authority, special district, library district, regional planning commission, public hospital, county or district ~~health department~~ **PUBLIC HEALTH AGENCY**, state university, state college, state junior college, or other public entity that is affiliated with the plan.

SECTION 72. 24-51-407 (5), Colorado Revised Statutes, is amended to read:

24-51-407. Interest.

- (5) Notwithstanding the provisions of this section, DPS member accounts existing as of December 31, 2009, shall be credited **REGULAR** interest in accordance with section 24-51-1702 (31) through and including December 31, 2009. Thereafter, Denver public schools division member accounts shall earn interest in accordance with subsection (4) of this section.

SECTION 73. The introductory portion to 24-51-1101 (1), Colorado Revised Statutes, is amended to read:

24-51-1101. Employment after service retirement.

- (1) Except as otherwise provided in ~~subsection (1.5) or (1.7) of this section or~~ part 17 of this article, a service retiree from any division may be employed by an employer, whether or not in a position subject to membership, and receive a salary without reduction in benefits if the service retiree has not worked for any employer, as defined in section 24-51-101 (20), during the month of the effective date of retirement, and if:

SECTION 74. 24-51-1740 (1) (c), Colorado Revised Statutes, is amended to read:

24-51-1740. Survivors of members who die in 1988 or later.

- (1) Benefits payable to survivors of deceased eligible members who die on or after January 1, 1988, subject to the limitations provided in sections 24-51-1736 to 24-51-1746, shall be as follows:
- (c) To a beneficiary under section 24-51-1737 (1) (c) who has attained age sixty and who is the survivor of a deceased member who had less than fifteen years of accredited service, the lesser of thirty percent of highest average salary as defined in section 24-51-1702 (17) or four hundred eighty dollars. So long as benefits, if any, are payable under paragraphs (a) and (b) of this subsection (1), only the excess, if any, of the benefit provided under this paragraph (c) shall be payable in addition thereto, but if no benefits are payable under said section 24-51-1740 (1) (a) and 24-51-1740 (1) (b), or, if payable, such amounts have been terminated, then the full amount of the benefit payment provided by this ~~subsection (3)~~ **PARAGRAPH (C)** shall be payable.

SECTION 75. 24-65.1-104 (5), Colorado Revised Statutes, is amended to read:

24-65.1-104.

Definitions pertaining to other areas and activities of state interest. As used in this article, unless the context otherwise requires:

- (5) "Domestic water and sewage treatment system" means a wastewater treatment ~~plant~~ **FACILITY**, water ~~supply~~ **DISTRIBUTION** system, or water treatment ~~plant~~ **FACILITY**, as defined in section 25-9-102 (5), (6), and (7), C.R.S., and any system of pipes, structures, and facilities through which wastewater is collected for treatment.

SECTION 76. 24-72-302 (4), as it will become effective September 30, 2010, Colorado Revised Statutes, is amended to read:

24-72-302.

Definitions. As used in this part 3, unless the context otherwise requires:

- (4) "Criminal justice records" means all books, papers, cards, photographs, tapes, recordings, or other documentary materials, regardless of form or characteristics, that are made, maintained, or kept by any criminal justice agency in the state for use in the exercise of functions required or authorized by law or administrative rule, including but not limited to the results of chemical biological substance testing to determine genetic markers conducted pursuant to sections 16-11-102.4 ~~16-11-104, 16-11-204.3, 16-11-308 (4.5),~~ and 16-23-104, C.R.S.

SECTION 77. 24-72-305 (1.5), Colorado Revised Statutes, as it will become effective September 30, 2010, is amended to read:

24-72-305. Allowance or denial of inspection - grounds - procedure - appeal.

- (1.5) On the ground that disclosure would be contrary to the public interest, the custodian of criminal justice records shall deny access to the results of chemical biological substance testing to determine the genetic markers conducted pursuant to sections 16-11-102.4 ~~16-11-104, 16-11-204.3, 16-11-308 (4.5)~~, and 16-23-104, C.R.S.

SECTION 78. 24-72-308.5 (4) (c), Colorado Revised Statutes, is amended to read:

24-72-308.5. Sealing of criminal conviction records information for offenses involving controlled substances.

(4)

- (c) The additional filing fees collected under sub-subparagraph (B) of subparagraph (III) of paragraph (b) of this subsection (4) shall be transmitted to the state treasurer for deposit in the judicial stabilization cash fund created in section ~~13-32-101 (1.5)~~ **13-32-101 (6)**, C.R.S.

SECTION 79. 24-75-102 (1) (b) (II), Colorado Revised Statutes, is amended to read:

24-75-102. When appropriations expended - balance.

(1)

(b)

- (II) As used in this paragraph (b), "superfund" means the federal "Comprehensive Environmental Response, Compensation, and Liability Act of 1980", 42 U.S.C. ~~secs~~ **SEC** . 9601 ~~to 9674~~ **ET SEQ.**, as amended.

SECTION 80. 24-75-109 (1) (a.6), Colorado Revised Statutes, is amended to read:

24-75-109. Controller may allow expenditures in excess of appropriations - limitations - appropriations for subsequent fiscal year restricted - repeal.

- (1) For the purpose of closing the state's books, and subject to the provisions of this section, the controller may, on or after May 1 of any fiscal year and before the forty-fifth day after the close thereof, upon approval of the governor, allow any department, institution, or agency of the state, including any institution of higher education, to make an expenditure in excess of the amount authorized by an item of appropriation for such fiscal year if:
- (a.6) The overexpenditure is by the department of health care policy and financing for the required state contribution payment pursuant to the federal "Medicare **PRESCRIPTION DRUG, IMPROVEMENT, AND** Modernization Act of 2003", Pub.L. 108-173; or

SECTION 81. 24-75-1104.5 (1.5) (a) (III) (A) and (1.5) (a) (III) (B), Colorado Revised Statutes, are amended to read:

24-75-1104.5. Use of settlement moneys - programs - repeal.

(1.5)

- (a) Except as otherwise provided in subsections (5) and (6) of this section, for the 2007-08 fiscal year and for each fiscal year thereafter, the following programs, services, and funds shall receive the

following specified amounts from the portion of any settlement moneys received and allocated by the state in the current fiscal year that remains after the programs, services, and funds receiving such moneys pursuant to subsection (1) of this section have been fully funded, and the portion of all other settlement moneys received by the state in the preceding fiscal year that remains after the programs, services, and funds receiving such other settlement moneys pursuant to subsection (1) of this section have been fully funded and all overexpenditures and supplemental appropriations allowed for the 2006-07, 2007-08, 2008-09, or 2009-10 fiscal years pursuant to section 24-22-115 (4) have been made:

(III)

- (A) The Colorado indigent care program created and existing pursuant to part 1 of article 3 of title 25.5, C.R.S., shall receive eight and one-half percent of the settlement moneys which shall be transferred by the state treasurer to the supplemental tobacco litigation settlement moneys account of the comprehensive primary and preventative ~~grant~~ CARE fund created in section ~~25.5-3-207 (4)~~ 25.5-3-207 (1) , C.R.S., and, subject to annual appropriation by the general assembly to the department of health care policy and financing, allocated to the Colorado indigent care program of the department for distribution as specified in said section to rural hospitals of sixty beds or less and all public hospitals, including hospitals that access federal funds only through certification of public expenditures, that participate in the program to provide health care to indigent persons.
- (B) Notwithstanding the provisions of sub-subparagraph (A) of this subparagraph (III), for the 2008-09 fiscal year, the amount transferred to the supplemental tobacco litigation settlement moneys account of the comprehensive primary and preventative ~~grant~~ CARE fund shall be reduced by nine hundred seventy-seven thousand three hundred fifty-six dollars, and, on April 16, 2009, such amount shall be transferred to the general fund. This sub-subparagraph (B) is repealed, effective July 1, 2011.

SECTION 82. 24-90-109 (1) (m), Colorado Revised Statutes, is amended to read:

24-90-109. Powers and duties of board of trustees.

(1) The board of trustees shall:

- (m) Adopt a policy for the purchase of library materials and equipment on the recommendation of the ~~librarian~~ DIRECTOR ;

SECTION 83. 25-1-108 (1) (c) (VI), Colorado Revised Statutes, is amended to read:

25-1-108. Powers and duties of state board of health.

(1) In addition to all other powers and duties conferred and imposed upon the state board of health by the provisions of this part 1, the board has the following specific powers and duties:

(c)

- (VI) To adopt rules and to establish such standards as the board may deem necessary or proper to assure that hospitals, other acute care facilities, ~~local public health departments~~ COUNTY, DISTRICT, AND MUNICIPAL PUBLIC HEALTH AGENCIES , trauma centers, area trauma advisory councils, and managed care organizations are prepared for an emergency epidemic, as defined in section 24-32-2103 (1.7), C.R.S., that is declared to be a disaster emergency, including the immediate investigation of any case of a suspected emergency epidemic.

SECTION 84. 25-1-122 (1) and (2), the introductory portions to 25-1-122 (4) and (4) (d), and 25-1-122 (5) and (6), Colorado Revised Statutes, are amended to read:

25-1-122. Named reporting of certain diseases and conditions - access to medical records - confidentiality of reports and records.

- (1) With respect to investigations of epidemic and communicable diseases, morbidity and mortality, cancer in connection with the statewide cancer registry, environmental and chronic diseases, sexually transmitted infections, tuberculosis, and rabies and mammal bites, the board has the authority to require reporting, without patient consent, of occurrences of those diseases and conditions by any person having knowledge of such to the state **DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT** and ~~local health departments~~ **COUNTY, DISTRICT, AND MUNICIPAL PUBLIC HEALTH AGENCIES**, within their respective jurisdictions. Any required reports shall contain the name, address, age, sex, diagnosis, and such other relevant information as the board determines is necessary to protect the public health. The board shall set the manner, time period, and form in which such reports are to be made. The board may limit reporting for a specific disease or condition to a particular region or community or for a limited period of time. Nothing in this subsection (1) shall be construed to apply to cases of AIDS, HIV-related illness, or HIV infection, which shall be governed solely by the reporting requirements set forth in part 14 of article 4 of this title.
- (2) When investigating diseases and conditions pursuant to subsection (1) of this section, authorized personnel of the state department of public health and environment and ~~local health departments~~ **COUNTY, DISTRICT, AND MUNICIPAL PUBLIC HEALTH AGENCIES**, within their respective jurisdictions, may, without patient consent, inspect, have access to, and obtain information from pertinent patient medical, coroner, and laboratory records in the custody of all medical practitioners, veterinarians, coroners, institutions, hospitals, agencies, laboratories, and clinics, whether public or private, which are relevant and necessary to the investigation. Review and inspection of records shall be conducted at reasonable times and with such notice as is reasonable under the circumstances. Under no circumstances may personnel of the state department of public health and environment or ~~local health departments~~ **COUNTY, DISTRICT, OR MUNICIPAL PUBLIC HEALTH AGENCIES**, within their local jurisdictions, have access pursuant to this section to any medical record that is not pertinent, relevant, or necessary to the public health investigation. Nothing in this subsection (2) shall be construed to apply to cases of AIDS, HIV-related illness, or HIV infection, which shall be governed solely by the requirements relating to access to records and the release of information as set forth in part 14 of article 4 of this title.
- (4) Reports and records resulting from the investigation of epidemic and communicable diseases, environmental and chronic diseases, reports of morbidity and mortality, reports of cancer in connection with the statewide cancer registry, and reports and records resulting from the investigation of sexually transmitted infections, tuberculosis, and rabies and mammal bites held by the state department of public health and environment or ~~local departments of health~~ **COUNTY, DISTRICT, OR MUNICIPAL PUBLIC HEALTH AGENCIES** shall be strictly confidential. Such reports and records shall not be released, shared with any agency or institution, or made public, upon subpoena, search warrant, discovery proceedings, or otherwise, except under any of the following circumstances:
 - (d) An officer or employee of the ~~local department of health~~ **COUNTY, DISTRICT, OR MUNICIPAL PUBLIC HEALTH AGENCY** or the state department of public health and environment may make a report of child abuse to agencies responsible for receiving or investigating reports of child abuse or neglect in accordance with the applicable provisions of the "Child Protection Act of 1987" set forth in part 3 of article 3 of title 19, C.R.S. However, in the event a report is made by the state department of public health and environment, only the following information shall be included in the report:
- (5) No officer or employee or agent of the state department of public health and environment or ~~local department of health~~ **COUNTY, DISTRICT, OR MUNICIPAL PUBLIC HEALTH AGENCY** shall be examined in any judicial, executive, legislative, or other proceeding as to the existence or content of any individual's report obtained by such department pursuant to subsection (1) or (2) of this section without that individual's consent. However, this provision shall not apply to individuals who are under

isolation or quarantine, school exclusion, or other restrictive action taken pursuant to section 25-1.5-102 (1) (c) or part 4, 5, 6, or 9 of article 4 of this title.

- (6) Any officer or employee or agent of the state department of public health and environment or ~~local department of health~~ A COUNTY, DISTRICT, OR MUNICIPAL PUBLIC HEALTH AGENCY who violates this section by releasing or making public confidential public health reports or records or by otherwise breaching the confidentiality requirements of subsection (4) or (5) of this section commits a class 1 misdemeanor and, upon conviction thereof, shall be punished as provided in section 18-1.3-501 (1), C.R.S.

SECTION 85. 25-1-201 (4), Colorado Revised Statutes, is amended to read:

25-1-201.

Definitions. As used in this part 2, unless the context otherwise requires:

- (4) "Public program" means a program concerning the problems of alcohol or drug abuse sponsored by a ~~local or regional~~ COUNTY, DISTRICT, OR MUNICIPAL PUBLIC health ~~department~~ AGENCY, county department of social services, court, probation department, law enforcement agency, school, school system, board of cooperative services, Indian tribal reservation, or state agency. "Public program" includes any alcohol or drug abuse treatment program required as a condition of probation under part 2 of article 11 of title 16, C.R.S., any alcohol or drug abuse program administered by the division of adult parole under article 2 of title 17, C.R.S., any community correctional facility or program administered under article 27 of title 17, C.R.S., and any alcohol or drug abuse treatment program administered by the division of youth corrections under title 19, C.R.S.

SECTION 86. The introductory portion to 25-1.5-102 (1) (b) (IV) and 25-1.5-102 (1) (b) (IV) (B) and (1) (b) (IV) (C), Colorado Revised Statutes, are amended to read:

25-1.5-102. Epidemic and communicable diseases - powers and duties of department.

- (1) The department has, in addition to all other powers and duties imposed upon it by law, the powers and duties provided in this section as follows:

(b)

- (IV) When a public safety worker, emergency medical service provider, peace officer, or staff member of a detention facility has been exposed to blood or other bodily fluid which there is a reason to believe may be infectious with hepatitis C, THE state DEPARTMENT and ~~local health departments~~ COUNTY, DISTRICT, AND MUNICIPAL PUBLIC HEALTH AGENCIES within their respective jurisdictions shall assist in evaluation and treatment of any involved persons by:
- (B) Examining and testing such involved persons to determine hepatitis C infection when the fact of an exposure has been established by the state DEPARTMENT or ~~local health department~~ COUNTY, DISTRICT, OR MUNICIPAL PUBLIC HEALTH AGENCY ;
- (C) Communicating relevant information and laboratory test results on the involved persons to such persons' attending physicians or directly to the involved persons if the confidentiality of such information and test results is acknowledged by the recipients and adequately protected, as determined by the state DEPARTMENT or ~~local health department~~ COUNTY, DISTRICT, OR MUNICIPAL PUBLIC HEALTH AGENCY ; and

SECTION 87. 25-2-103 (5), Colorado Revised Statutes, is amended to read:

25-2-103. Centralized registration system for all vital statistics - appointment of registrar - rules.

- (5) The state registrar shall designate organized ~~local health departments~~ COUNTY, DISTRICT, OR MUNICIPAL PUBLIC HEALTH AGENCIES established pursuant to part 5 ~~or 7~~ of article 1 of this title and may establish or designate additional offices throughout Colorado to aid in the efficient administration of the system of vital statistics.

SECTION 88. 25-3.5-704 (2) (g), Colorado Revised Statutes, is amended to read:

25-3.5-704. Statewide emergency medical and trauma care system - development and implementation - duties of department - rules adopted by board.

- (2) The board shall adopt rules for the statewide emergency medical and trauma care system, including but not limited to the following:
- (g) Public information, education, and injury prevention. The department and ~~local health departments~~ COUNTY, DISTRICT, AND MUNICIPAL PUBLIC HEALTH AGENCIES may operate injury prevention programs, but the public information, education, and injury prevention rules shall require the department and ~~local health departments~~ COUNTY, DISTRICT, AND MUNICIPAL PUBLIC HEALTH AGENCIES to consult with the state and regional emergency medical and trauma advisory councils in developing and implementing area and state-based injury prevention and public information and education programs including, but not limited to, a pediatric injury prevention and public awareness component. In addition, the rules shall require that regional emergency medical and trauma system plans include a description of public information and education programs to be provided for the area.

SECTION 89. 25-3.5-803 (2), Colorado Revised Statutes, is amended to read:

25-3.5-803.

Definitions. As used in this part 8, unless the context otherwise requires:

- (2) "Entity" means any local government, ~~local or regional health department~~ COUNTY, DISTRICT, OR MUNICIPAL PUBLIC HEALTH AGENCY, political subdivision of the state, county department of social services, state agency, state institution of higher education that offers a teacher education program, school, school district, or board of cooperative services or any private nonprofit or not-for-profit community-based organization. "Entity" also means a for-profit organization that applies for a grant for the sole purpose of providing a statewide public information campaign concerning tobacco use prevention and cessation.

SECTION 90. 25-4-302 (1) (c), Colorado Revised Statutes, is amended to read:

25-4-302. Duties of department.

- (1) It is the duty of the department of public health and environment:
- (c) To promulgate such rules ~~and regulations~~ as shall be necessary for the purpose of this part 3 and such as the department of public health and environment deems necessary for the further and proper guidance of ~~local health officers~~ COUNTY, DISTRICT, AND MUNICIPAL PUBLIC HEALTH DIRECTORS ;

SECTION 91. The introductory portion to 25-4-304 (1), Colorado Revised Statutes, is amended to read:

25-4-304. Duties of county, district, or municipal public health director.

- (1) It is the duty of the ~~local health officer~~ COUNTY, DISTRICT, OR MUNICIPAL PUBLIC HEALTH DIRECTOR :

SECTION 92. [25-4-500.3 \(10\)](#), Colorado Revised Statutes, is amended to read:

25-4-500.3.

Definitions. As used in this part 5, unless the context otherwise requires:

- (10) "Local health officer" means the chief medical health officer of a ~~regional or county health department~~ COUNTY, DISTRICT, OR MUNICIPAL PUBLIC HEALTH AGENCY or the health officer for a public health nursing service.

SECTION 93. [25-4-607 \(3\) \(c\)](#), Colorado Revised Statutes, is amended to read:

25-4-607. Order of board of health requiring inoculation of animals - veterinarian waiver of order.

(3)

- (c) A veterinarian supplying a waiver exempting an animal from a rabies vaccination, county, DISTRICT, and municipal health departments, their assistants and employees, the health department, health officers, and anyone enforcing this part 6 shall not be liable for any subsequent accident, disease, injury, or quarantine that may occur as a result of an animal exempted from a rabies vaccination pursuant to the rules of the health department.

SECTION 94. [25-4-702 \(2\)](#), Colorado Revised Statutes, is amended to read:

25-4-702. Board to establish rules - department to administer.

- (2) This part 7 shall be administered by the department; except that ~~local health departments-~~ COUNTY, DISTRICT, AND MUNICIPAL PUBLIC HEALTH AGENCIES and animal control personnel may be authorized by the department to assist it in performing its powers and duties pursuant to this part 7.

SECTION 95. [25-4-710](#), Colorado Revised Statutes, is amended to read:

25-4-710.

Right of entry - inspections. It is lawful for any employee of the department, any employee of any ~~county or district-~~ COUNTY, DISTRICT, OR MUNICIPAL PUBLIC health ~~department-~~ AGENCY or animal control agency authorized by the department, or any authorized official of the United States department of agriculture when conducting an official disease investigation of a pet animal facility to enter such facility and to inspect the same, any animals, or any health or transaction records relating to the investigation.

SECTION 96. [25-4-902 \(1\) \(a\)](#), Colorado Revised Statutes, is amended to read:

25-4-902. Immunization prior to attending school.

- (1) Except as provided in section 25-4-903, no child shall attend any school in the state of Colorado on or after the dates specified in section 25-4-906 (4) unless he or she has presented the following to the appropriate school official:
- (a) An up-to-date certificate of immunization from a licensed physician, a licensed advanced practice nurse, or authorized representative of the department of public health and environment or ~~local health department-~~ COUNTY, DISTRICT, OR MUNICIPAL PUBLIC HEALTH AGENCY stating that the child has received immunization against communicable diseases as specified by the state board of health, based on recommendations of the advisory committee on immunization practices of the United States department of health and human services or the American academy of pediatrics; or

SECTION 97. [25-4-902.5 \(1\)](#), Colorado Revised Statutes, is amended to read:

25-4-902.5. Immunization prior to attending a college or university - tuberculosis screening process development.

- (1) Except as provided in section 25-4-903, no student shall attend any college or university in the state of Colorado on or after the dates specified in section 25-4-906 (4) unless such student can present to the appropriate official of the school a certificate of immunization from a licensed physician, a licensed advanced practice nurse, or authorized representative of the department of public health and environment or ~~local health department~~ **COUNTY, DISTRICT, OR MUNICIPAL PUBLIC HEALTH AGENCY** stating that the student has received immunization against communicable diseases as specified by the state board of health or a written authorization signed by one parent or guardian or the emancipated student or the student eighteen years of age or older requesting that local health officials administer the immunizations or a plan signed by one parent or guardian or the emancipated student or the student eighteen years of age or older for receipt by the student of the required inoculation or the first or the next required of a series of inoculations within thirty days.

SECTION 98. [25-4-905 \(1\)](#), Colorado Revised Statutes, is amended to read:

25-4-905. Immunization of indigent children.

- (1) The ~~local health department~~ **COUNTY, DISTRICT, OR MUNICIPAL PUBLIC HEALTH AGENCY**, a public health or school nurse under the supervision of a licensed physician, or the department of public health and environment in the absence of a ~~local health department~~ **COUNTY, DISTRICT, OR MUNICIPAL PUBLIC HEALTH AGENCY** or public health nurse shall provide, at public expense to the extent that funds are available, immunizations required by this part 9 to each child whose parents or guardians cannot afford to have the child immunized or, if emancipated, who cannot himself or herself afford immunization and who has not been exempted. The department of public health and environment shall provide all vaccines necessary to comply with this section as far as funds will permit. Nothing in this section shall preclude the department of public health and environment from distributing vaccines to physicians, advanced practice nurses, or others as required by law or the rules of the department. No indigent child shall be excluded, suspended, or expelled from school unless the immunizations have been available and readily accessible to the child at public expense.

SECTION 99. [25-4-906 \(1\)](#), Colorado Revised Statutes, is amended to read:

25-4-906. Certificate of immunization - forms.

- (1) The department of public health and environment shall provide official certificates of immunization to the schools, private physicians, and ~~local health departments~~ **COUNTY, DISTRICT, AND MUNICIPAL PUBLIC HEALTH AGENCIES**. Upon the commencement of the gathering of epidemiological information pursuant to section 25-4-2403 to implement the immunization tracking system, such form shall include a notice that informs a parent or legal guardian that he or she has the option to exclude his or her infant's, child's, or student's immunization information from the immunization tracking system created in section 25-4-2403. Any immunization record provided by a licensed physician, registered nurse, or public health official may be accepted by the school official as certification of immunization if the information is transferred to the official certificate of immunization and verified by the school official.

SECTION 100. [25-4-907 \(2\)](#), Colorado Revised Statutes, is amended to read:

25-4-907. Noncompliance.

- (2) In the event of suspension or expulsion of a student, school officials shall notify the state department of public health and environment or ~~local department of health~~ **THE COUNTY, DISTRICT, AND**

MUNICIPAL PUBLIC HEALTH AGENCY . An agent of said department shall then contact the parent or guardian or the emancipated student or student eighteen years of age or older in an effort to secure compliance with this part 9 in order that the student may be reenrolled in school.

SECTION 101. [25-4-908](#), Colorado Revised Statutes, is amended to read:

25-4-908.

When exemption from immunization not recognized. If at any time there is, in the opinion of the state department of public health and environment or ~~local department of health~~ **THE COUNTY, DISTRICT, OR MUNICIPAL PUBLIC HEALTH AGENCY** , danger of an epidemic from any of the communicable diseases for which an immunization is required pursuant to the rules and regulations promulgated pursuant to section 25-4-904, no exemption or exception from immunization against such disease shall be recognized. Quarantine by the state department of public health and environment or ~~local department of~~ **THE COUNTY, DISTRICT, OR MUNICIPAL PUBLIC** health **AGENCY** is hereby authorized as a legal alternative to immunization.

SECTION 102. [25-4-1004.7 \(6\)](#), Colorado Revised Statutes, is amended to read:

25-4-1004.7. Newborn hearing screening - legislative declaration - advisory committee - report - rules - repeal.

- (6) The department shall encourage the cooperation of ~~local health departments~~ **COUNTY, DISTRICT, AND MUNICIPAL PUBLIC HEALTH AGENICES** , health care clinics, school districts, and any other appropriate resources to promote the screening of newborn infants' hearing for those infants born outside a hospital or institution.

SECTION 103. The introductory portions to [25-4-1404 \(1\) and \(1\) \(d\)](#) and 25-4-1404 (1) (e), (1) (f), and (2), Colorado Revised Statutes, are amended to read:

25-4-1404. Use of reports.

- (1) The public health reports required to be submitted by sections 25-4-1402 and 25-4-1403 and records resulting from compliance with section 25-4-1405 (1) and held by the state department of public health and environment, any ~~local department of health~~ **COUNTY, DISTRICT, AND MUNICIPAL PUBLIC HEALTH AGENCY** , or any health care provider or facility, third-party payor, physician, clinic, laboratory, blood bank, or other agency shall be strictly confidential information. Such information shall not be released, shared with any agency or institution, or made public, upon subpoena, search warrant, discovery proceedings, or otherwise, except under any of the following circumstances:
- (d) An officer or employee of the ~~local department of health~~ **COUNTY, DISTRICT, OR MUNICIPAL PUBLIC HEALTH AGENCY** or state department of public health and environment may make a report of child abuse to agencies responsible for receiving or investigating reports of child abuse or neglect in accordance with the applicable provisions of the "Child Protection Act of 1987" set forth in part 3 of article 3 of title 19, C.R.S. However, in the event a report is made, only the following information shall be included in the report:
- (e) The state department of public health and environment and any ~~local department of health~~ **COUNTY, DISTRICT, OR MUNICIPAL PUBLIC HEALTH AGENCY** , upon being contacted by a district attorney pursuant to section 18-3-415.5, C.R.S., shall provide the information specified in said section.
- (f) An officer or employee of the state department of public health and environment or of a ~~local department of health~~ **COUNTY, DISTRICT, OR MUNICIPAL PUBLIC HEALTH AGENCY** , pursuant to section 18-3-415.5, C.R.S., shall provide, for purposes of a sentencing hearing, oral and documentary evidence limited to whether a person who has been bound over for trial for any

sexual offense, as described in section 18-3-415.5, C.R.S., was provided notice that he or she had tested positive for the human immunodeficiency virus (HIV) that causes acquired immune deficiency syndrome or had discussion concerning his or her HIV infection, and the date of such notice or discussion.

- (2) No officer or employee of the state department of public health and environment or ~~local department of health~~ **OF A COUNTY, DISTRICT, OR MUNICIPAL PUBLIC HEALTH AGENCY** shall be examined in any judicial, executive, legislative, or other proceeding as to the existence or content of any individual's report retained by such department pursuant to this part 14 or as to the existence of the contents of reports received pursuant to sections 25-4-1402 and 25-4-1403 or the results of investigations in section 25-4-1405. This provision shall not apply to administrative or judicial proceedings pursuant to section 25-4-1406 or 25-4-1407 or section 18-3-415.5, C.R.S.

SECTION 104. 25-4-1405 (1) and (2), the introductory portion to 25-4-1405 (3), 25-4-1405 (6) and (7) (a), the introductory portion to 25-4-1405 (7.5) (a), and 25-4-1405 (7.5) (a) (II) and (7.5) (a) (III), Colorado Revised Statutes, are amended to read:

25-4-1405. Disease control by the state department of public health and environment and county, district, and municipal public health agencies.

- (1) It is the duty of ~~state, and local health officers~~ **THE EXECUTIVE DIRECTOR, OR THE CHIEF MEDICAL OFFICER, OF THE STATE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT AND COUNTY, DISTRICT, AND MUNICIPAL PUBLIC HEALTH DIRECTORS** to investigate sources of HIV infection and to use every proper means to prevent the spread of the disease.
- (2) It is the duty of ~~state, and local health officers~~ **THE EXECUTIVE DIRECTOR, OR THE CHIEF MEDICAL OFFICER, OF THE STATE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT AND COUNTY, DISTRICT, AND MUNICIPAL PUBLIC HEALTH DIRECTORS**, as part of disease control efforts, to provide public information, risk-reduction education, confidential voluntary testing and counseling, educational materials for use in schools, and professional education to health care providers.
- (3) The state department of public health and environment shall develop and implement programs under which **THE** state **DEPARTMENT** and ~~local health departments~~ **COUNTY, DISTRICT, AND MUNICIPAL PUBLIC HEALTH AGENCIES** may perform the following tasks:
- (6) Any ~~local health department~~ **COUNTY, DISTRICT, OR MUNICIPAL PUBLIC HEALTH AGENCY**, state institution or facility, medical practitioner, or public or private hospital or clinic may examine and provide treatment for HIV infection for any minor if such physician or facility is qualified to provide such examination and treatment. The consent of the parent or guardian of such minor shall not be a prerequisite to such examination and treatment. The physician in charge or other appropriate authority of the facility or the licensed physician concerned shall prescribe an appropriate course of treatment for such minor. The fact of consultation, examination, and treatment of such a minor under the provisions of this section shall be absolutely confidential and shall not be divulged by the facility or physician to any person other than the minor except for purposes of a report required under sections 25-4-1402 and 25-4-1403 and subsection (8) of this section and a report containing the name and medical information of the minor made to the appropriate authorities if required by the "Child Protection Act of 1975", part 3 of article 3 of title 19, C.R.S. If the minor is less than sixteen years of age or not emancipated, the minor's parents or legal guardian may be informed by the facility or physician of the consultation, examination, and treatment. The physician or other health care provider shall counsel the minor on the importance of bringing his parents or guardian into the minor's confidence about the consultation, examination, or treatment.

(7)

- (a) When investigating HIV infection, **THE** state **DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT** and ~~local health departments~~ **COUNTY, DISTRICT, AND MUNICIPAL PUBLIC**

HEALTH AGENCIES , within their respective jurisdictions, may inspect and have access to medical and laboratory records relevant to the investigation of HIV infection.

(7.5)

- (a) When a public safety worker, emergency medical service provider, or staff member of a detention facility has been exposed to blood or other bodily fluid which there is a reason to believe may be infectious with HIV, **THE** state **DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT** and ~~local health departments~~ **COUNTY, DISTRICT, AND MUNICIPAL PUBLIC HEALTH AGENCIES** within their respective jurisdictions shall assist in evaluation and treatment of any involved persons by:
 - (II) Examining and testing such involved persons to determine HIV infection when the fact of an exposure has been established by the state **DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT** or ~~local health department~~ **A COUNTY, DISTRICT, OR MUNICIPAL PUBLIC HEALTH AGENCY** ;
 - (III) Communicating relevant information and laboratory test results on the involved persons to such persons' attending physicians or directly to the involved persons if the confidentiality of such information and test results is acknowledged by the recipients and adequately protected, as determined by the state **DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT** or ~~local health department~~ **A COUNTY, DISTRICT, OR MUNICIPAL PUBLIC HEALTH AGENCY** ; and

SECTION 105. 25-4-1406 (1), the introductory portion to 25-4-1406 (2), and 25-4-1406 (3) and (4), Colorado Revised Statutes, are amended to read:

25-4-1406. Public health procedures for persons with HIV infection.

- (1) Orders directed to individuals with HIV infection or restrictive measures on individuals with HIV infection, as described in this part 14, shall be used as the last resort when other measures to protect the public health have failed, including all reasonable efforts, which shall be documented, to obtain the voluntary cooperation of the individual who may be subject to such an order. The orders and measures shall be applied serially with the least intrusive measures used first. The burden of proof shall be on the state department of public health and environment or ~~local health department~~ **THE COUNTY, DISTRICT, OR MUNICIPAL PUBLIC HEALTH AGENCY** to show that specified grounds exist for the issuance of the orders or restrictive measures and that the terms and conditions imposed are no more restrictive than necessary to protect the public health.
- (2) When the executive director of the state department of public health and environment or the director of the ~~local department of~~ **COUNTY, DISTRICT, OR MUNICIPAL PUBLIC** health **AGENCY** , within his **OR HER** respective jurisdiction, knows or has reason to believe, because of medical or epidemiological information, that a person has HIV infection and is a danger to the public health, he **OR SHE** may issue an order to:
- (3) If a person violates a cease-and-desist order issued pursuant to paragraph (c) of subsection (2) of this section and it is shown that the person is a danger to others, the executive director of the state department of public health and environment or the director of the ~~local department of~~ **COUNTY, DISTRICT, OR MUNICIPAL PUBLIC** health **AGENCY** may enforce the cease-and-desist order by imposing such restrictions upon the person as are necessary to prevent the specific conduct which endangers the health of others. Restrictions may include required participation in evaluative, therapeutic, and counseling programs. Any restriction shall be in writing, setting forth the name of the person to be restricted and the initial period of time, not to exceed three months, during which the order shall remain effective, the terms of the restrictions, and such other conditions as may be necessary to protect the public health. Restrictions shall be imposed in the least restrictive manner necessary to protect the public health. The executive director or the director issuing an order pursuant to this subsection (3) shall review petitions for reconsideration from the person affected by the order.

Restriction orders issued by directors of ~~local departments of health~~ COUNTY, DISTRICT, OR MUNICIPAL PUBLIC HEALTH AGENCIES shall be submitted for review and approval of the executive director of the state department of public health and environment.

(4)

- (a) Upon the issuance of any order by the state department of public health and environment or the ~~local department of~~ COUNTY, DISTRICT, OR MUNICIPAL PUBLIC health AGENCY pursuant to subsection (2) or (3) of this section, such department OR AGENCY shall give notice promptly, personally, and confidentially to the person who is the subject of the order stating the grounds and provisions of the order and notifying the person who is the subject of the order that he OR SHE has a right to refuse to comply with such order and a right to be present at a judicial hearing in the district court to review the order and that he OR SHE may have an attorney appear on his OR HER behalf in said hearing. If the person who is the subject of the order refuses to comply with such order and refuses to cooperate voluntarily with the executive director of the state department of public health and environment or the director of the ~~local department of~~ COUNTY, DISTRICT, OR MUNICIPAL PUBLIC health AGENCY, the executive director or ~~local~~ COUNTY, DISTRICT, OR MUNICIPAL director may petition the district court for an order of compliance with such order. The executive director or ~~local~~ COUNTY, DISTRICT, OR MUNICIPAL director shall request the district attorney to file such petition in the district court, but, if the district attorney refuses to act, the executive director or ~~local~~ COUNTY, DISTRICT, OR MUNICIPAL director may file such petition and be represented by the attorney general. If an order of compliance is requested, the court shall hear the matter within ten days after the request. Notice of the place, date, and time of the court hearing shall be made by personal service or, if the person is not available, shall be mailed to the person who is the subject of the order by prepaid certified mail, return receipt requested, at his OR HER last-known address. Proof of mailing by the state department of public health and environment or ~~local department of~~ THE COUNTY, DISTRICT, OR MUNICIPAL PUBLIC health AGENCY shall be sufficient notice under this section. The burden of proof shall be on the state department of public health and environment or the ~~local department of~~ COUNTY, DISTRICT, OR MUNICIPAL PUBLIC health AGENCY to show by clear and convincing evidence that the specified grounds exist for the issuance of the order and for the need for compliance and that the terms and conditions imposed therein are no more restrictive than necessary to protect the public health. Upon conclusion of the hearing, the court shall issue appropriate orders affirming, modifying, or dismissing the order.
- (b) If the executive director or ~~local~~ THE director OF A COUNTY, DISTRICT, OR MUNICIPAL PUBLIC HEALTH AGENCY does not petition the district court for an order of compliance within thirty days after the person who is the subject of the order refuses to comply, such person may petition the court for dismissal of the order. If the district court dismisses the order, the fact that such order was issued shall be expunged from the records of the state department of public health and environment or ~~local department of~~ THE COUNTY, DISTRICT, OR MUNICIPAL PUBLIC health AGENCY.

SECTION 106. 25-4-1407 (1) and (4), Colorado Revised Statutes, are amended to read:

25-4-1407. Emergency public health procedures.

- (1) When the procedures of section 25-4-1406 have been exhausted or cannot be satisfied as a result of threatened criminal behavior and the executive director of the state department of public health and environment or the director of a ~~local department of~~ COUNTY, DISTRICT, OR MUNICIPAL PUBLIC health AGENCY, within his OR HER respective jurisdiction, knows or has reason to believe, because of medical information, that a person has HIV infection and that such person presents an imminent danger to the public health, the executive director or ~~local~~ THE director OF A COUNTY, DISTRICT, OR MUNICIPAL PUBLIC HEALTH AGENCY may bring an action in district court, pursuant to rule 65 of the Colorado rules of civil procedure, to enjoin such person from engaging in or continuing

to engage in specific conduct which endangers the public health. The executive director or ~~local~~ COUNTY, DISTRICT, OR MUNICIPAL director shall request the district attorney to file such action in the district court, but, if the district attorney refuses to act, the executive director or ~~local~~ COUNTY OR DISTRICT director may file such action and be represented by the attorney general.

- (4) The burden of proof shall be on the state or ~~local department of~~ THE COUNTY, DISTRICT, OR MUNICIPAL PUBLIC health AGENCY to show by clear and convincing evidence that grounds exist for the issuance of any court order pursuant to subsection (1) or (2) of this section.

SECTION 107. 25-4-1409 (2), Colorado Revised Statutes, is amended to read:

25-4-1409. Penalties.

- (2) Any physician or other health care provider, any officer or employee of the state department of public health and environment or a ~~local department of~~ COUNTY, DISTRICT, OR MUNICIPAL PUBLIC health AGENCY, or any person, firm, or corporation ~~which~~ THAT violates section 25-4-1404 by releasing or making public confidential public health reports or by otherwise breaching the confidentiality requirements of said section is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than five hundred dollars nor more than five thousand dollars, or by imprisonment in the county jail for not less than six months nor more than twenty-four months, or by both such fine and imprisonment.

SECTION 108. 25-4-1413 (2), Colorado Revised Statutes, is amended to read:

25-4-1413. Program.

- (2) Grant applicants shall be nonprofit organizations that are governed by a board of directors, have the benefit of tax-exempt status pursuant section 501 (c) (3) of the federal "Internal Revenue Code of 1986" or ~~local health departments~~ ARE COUNTY, DISTRICT, OR MUNICIPAL PUBLIC HEALTH AGENCIES.

SECTION 109. [25-4-1505 \(3\)](#), Colorado Revised Statutes, is amended to read:

25-4-1505. Powers and duties of department and advisory board.

- (3) Any program of breast cancer screening conducted pursuant to this part 15 shall be conducted so as to make such screening available to persons who are at or below two hundred fifty percent of the federal poverty ~~level~~ LINE and who are at least forty years of age but less than sixty-five years of age.

SECTION 110. [25-4-1602 \(2.5\)](#), Colorado Revised Statutes, is amended to read:

25-4-1602.

Definitions. As used in this part 16, unless the context otherwise requires:

- (2.5)"County or district public health agency" means a county or district health department OR a county or municipal board of health ~~. or a regional public health department established pursuant to part 5 of article 1 of this title.~~

SECTION 111. [25-4-1705 \(8\)](#), Colorado Revised Statutes, is amended to read:

25-4-1705. Department of public health and environment - powers and duties - rules.

- (8) ~~Local health departments~~ COUNTY, DISTRICT, OR MUNICIPAL PUBLIC HEALTH AGENCIES and the department shall use the birth certificate of any infant to enroll such infant in an immunization tracking system established in section 25-4-2403. Such use of the infant's birth certificate shall be

considered an official duty of ~~local health departments~~ COUNTY, DISTRICT, AND MUNICIPAL PUBLIC HEALTH AGENCIES and the department.

SECTION 112. 25-4-1805 (2), Colorado Revised Statutes, is amended to read:

25-4-1805. Powers and duties of department - rules.

- (2) This part 18 shall be administered by the department; except that ~~local health departments~~ COUNTY, DISTRICT, AND MUNICIPAL PUBLIC HEALTH AGENCIES may be authorized by the department to assist it in performing its powers and duties pursuant to this part 18.

SECTION 113. 25-4-2205 (2) (h), Colorado Revised Statutes, is amended to read:

25-4-2205.

Powers and duties of office of health disparities.

- (2) The office shall have the following powers, duties, and functions:

- (h) Providing technical assistance to the department in carrying out its programs and to ~~local health departments~~ COUNTY, DISTRICT, AND MUNICIPAL PUBLIC HEALTH AGENCIES , community-based organizations, and communities in the state;

SECTION 114. 25-4-2403 (4), (7), (8), and (10), Colorado Revised Statutes, are amended to read:

25-4-2403. Department of public health and environment - powers and duties - immunization tracking system.

- (4) An officer, employee, or agent of the department of public health and environment or a ~~local department of~~ COUNTY, DISTRICT, OR MUNICIPAL PUBLIC health AGENCY shall not be examined in any judicial, executive, legislative, or other proceeding as to the existence or content of any individual's report obtained by such department without consent of the individual or the individual's parent or guardian. However, this subsection (4) shall not apply to individuals who are under isolation, quarantine, or other restrictive action taken pursuant to section 25-1.5-102 (1) (c).
- (7) An individual or a parent or legal guardian who consents to the immunization of an infant, child, or student pursuant to part 9 or 17 of this article or this part 24 may exclude immunization information from the immunization tracking system. The individual, parent, or legal guardian may remove such immunization information from the immunization tracking system at any time. The department of public health and environment shall ensure that the process to exclude immunization information from the system is readily available and not burdensome. The physician, licensed health care practitioner, clinic, hospital, or ~~local health department~~ COUNTY, DISTRICT, OR MUNICIPAL PUBLIC HEALTH AGENCY shall inform the individual, parent, or legal guardian of the option to exclude such information from such system and the potential benefits of inclusion in such system. In addition, the physician, licensed health care practitioner, clinic, hospital, or ~~local health department~~ COUNTY, DISTRICT, OR MUNICIPAL PUBLIC HEALTH AGENCY shall inform such parent or legal guardian of a minor individual of the option to refuse an immunization on the grounds of medical, religious, or personal belief considerations pursuant to section 25-4-903. Neither refusing an immunization on the grounds of medical, religious, or personal belief considerations pursuant to section 25-4-903 nor opting to exclude immunization notification information from the immunization tracking system shall, by itself, constitute child abuse or neglect by a parent or legal guardian.
- (8) A person licensed to practice medicine pursuant to article 36 of title 12, C.R.S.; a person licensed to practice nursing pursuant to article 38 of title 12, C.R.S.; any other licensed health care practitioner as defined in section 25-4-1703; providers of county nursing services; staff members of health care clinics, hospitals, and offices of private practitioners ; ~~county, district, and regional health departments~~ COUNTY, DISTRICT, AND MUNICIPAL PUBLIC HEALTH AGENCIES ; and all

persons and entities listed in subsection (2) of this section are authorized to report to the immunization tracking system and to use the reminder and recall process established by the immunization tracking system.

- (10) ~~Local health departments~~ COUNTY, DISTRICT, AND MUNICIPAL PUBLIC HEALTH AGENCIES and the department of public health and environment shall use the birth certificate of any person to enroll the person in an immunization tracking system. The use of the birth certificate shall be considered an official duty of local health departments and the department of public health and environment.

SECTION 115. 25-6-102 (8), Colorado Revised Statutes, is amended to read:

25-6-102. Policy, authority, and prohibitions against restrictions.

- (8) Dissemination of medically acceptable contraceptive information by duly authorized persons at schools, in state, DISTRICT, and county health and welfare departments OR PUBLIC HEALTH AGENCIES, in medical facilities at institutions of higher education, and at other agencies and instrumentalities of this state is consistent with public policy.

SECTION 116. 25-6-202, Colorado Revised Statutes, is amended to read:

25-6-202.

Services to be offered by the county. The governing body of each county and each city and county or any ~~health department~~ COUNTY OR DISTRICT PUBLIC HEALTH AGENCY thereof or any welfare department thereof may provide and pay for, and each county and each city and county or any ~~health department~~ PUBLIC HEALTH AGENCY OR COUNTY OR DISTRICT PUBLIC HEALTH AGENCY thereof or any welfare department thereof may offer, family planning and birth control services to every parent who is a public assistance recipient and to any other parent or married person who might have interest in, and benefit from, such services; except that no county or city and county or ~~department~~ PUBLIC HEALTH AGENCY thereof is required by this section to seek out such persons.

SECTION 117. 25-7-114.7 (2) (b) (II), Colorado Revised Statutes, is amended to read:

25-7-114.7. Emission fees - fund.

(2)

(b)

- (II) Of the portion of fee revenue attributable to the increases enacted during the first regular session of the sixty-third general assembly, the department shall allocate one hundred fifty thousand dollars per year for the purpose of modernizing and maintaining the computer system used for the administration of the stationary source program so as to make the overall system more efficient, and seventy thousand dollars for the purpose of enhancing ~~local health department~~ COUNTY AND DISTRICT PUBLIC HEALTH AGENCY participation in air quality control activities. The department may reallocate moneys between these two purposes as reasonably necessary so long as the total amount devoted to such purposes remains at two hundred twenty thousand dollars annually.

SECTION 118. 25-7-138 (5) and (6), Colorado Revised Statutes, are amended to read:

25-7-138. Housed commercial swine feeding operations - waste impoundments - odor emissions - fund created.

- (5) The division shall enforce the provisions of this section. The division may delegate enforcement of the provisions of this section to any county or ~~regional department of~~ DISTRICT PUBLIC health AGENCY . If the division delegates enforcement of this section, the division shall monitor the actions of any county or ~~regional department of~~ DISTRICT PUBLIC health AGENCY as such actions pertain to enforcement of this section. The division shall assess a housed commercial swine feeding operation an annual fee, not to exceed seven cents per animal, based on the operation's working capacity, to offset the division's direct and indirect costs of enforcement, compliance, and regulation pursuant to this section. This fee shall be designated to fund an inspection and complaint response and enforcement program. By mutual agreement, any county or ~~regional department of~~ DISTRICT PUBLIC health AGENCY that assists in enforcement of this section shall receive funding to conduct inspections and respond to complaints. As used in this subsection (5), "working capacity" means the number of swine the housed commercial swine feeding operation is capable of housing at any one time. In addition, any person who may be adversely affected by a housed commercial swine feeding operation may enforce these provisions directly against the operation by filing a civil action in the district court in the county in which the person resides.
- (6) All moneys collected pursuant to this section shall be transmitted to the state treasurer, who shall credit the same to the housed commercial swine feeding operation fund, which fund is hereby created in the state treasury. The moneys in such fund shall be subject to annual appropriation by the general assembly for the purposes of this section, including the reimbursement of ~~local and regional health departments~~ COUNTY OR DISTRICT PUBLIC HEALTH AGENCIES for assistance in the enforcement of this section. Any interest earned on moneys in the fund shall remain in the fund and shall not revert to the general fund at the end of any fiscal year.

SECTION 119. [25-8-501.1 \(5\) and \(6\)](#), Colorado Revised Statutes, are amended to read:

25-8-501.1. Permit required for point source water pollution control - definitions - housed commercial swine feeding operations - legislative declaration.

- (5) Any spill or contamination by a housed commercial swine feeding operation shall be reported immediately to the division and the county ~~health department~~ OR DISTRICT PUBLIC HEALTH AGENCY for the county in which the housed commercial swine feeding operation is conducted, and, within twenty-four hours after the spill or contamination, a written report shall be filed with the division and the county ~~health department~~ OR DISTRICT PUBLIC HEALTH AGENCY for the county in which the housed commercial swine feeding operation is conducted.
- (6) Housed commercial swine feeding operations shall submit to the division and THE county ~~health department~~ OR DISTRICT PUBLIC HEALTH AGENCY quarterly, comprehensive monitoring reports and agronomic analyses that demonstrate that the operation has land-applied solid and liquid waste at no greater than agronomic rates. The division shall require the sampling and monitoring of chemical and appropriate biological parameters to protect the quality and existing and future beneficial uses of groundwater including, at a minimum, nitrogen, phosphorus, heavy metals, and salts. At a minimum, the monitoring program shall include quarterly samples, analysis, and reporting of the groundwater, soils within the root zone, and soils beneath the root zone within each waste application site, and shall also include monitoring to ensure that no excessive seepage occurs from any waste impoundments.

SECTION 120. [25-9-109](#), Colorado Revised Statutes, is amended to read:

25-9-109.

Use of title. Only a person who has been qualified by the board as a certified operator and who possesses a valid certificate attesting to this certification in this state shall have the right and privilege of using the title "certified water treatment facility operator, class", "certified

domestic wastewater treatment facility operator, class", "certified industrial wastewater treatment ~~plant~~ FACILITY operator, class", "certified wastewater collection system operator, class", "certified water distribution system operator, class", or "multiple facilities operator, class".

SECTION 121. [25-10-103 \(11\) and \(12\)](#), Colorado Revised Statutes, are amended to read:

25-10-103.

Definitions. As used in this article, unless the context otherwise requires:

(11) "Local board of health" means any local, county, OR district ~~or regional~~ board of health.

(12) "Local health department OR AGENCY " means any ~~city,~~ county, ~~city and county, district or regional health department-~~ DISTRICT, OR MUNICIPAL PUBLIC HEALTH AGENCY and may include a ~~local~~ COUNTY, DISTRICT, OR MUNICIPAL board of health or local agency delegated by a ~~local~~ COUNTY, DISTRICT, OR MUNICIPAL board of health to oversee ISDS permitting and inspection or an ISDS program.

SECTION 122. [25-10-106 \(1\) \(f\)](#), Colorado Revised Statutes, is amended to read:

25-10-106. Basic rules for local administration.

(1) Rules adopted by local boards of health under section 25-10-104 (2) or (4) or promulgated by the department under section 25-10-104 (3) shall govern all aspects of the application for and issuance of permits, the inspection, testing, and supervision of installed systems, the issuance of cease-and-desist orders, the maintenance and cleaning of systems, and the disposal of waste material, and shall, as a minimum, include provisions regarding the following matters:

(f) Review by the local board of health, upon request of an applicant, of applications denied by the LOCAL health department OR AGENCY ;

SECTION 123. [25-13-111](#), Colorado Revised Statutes, is amended to read:

25-13-111.

Enforcement. This article shall be enforced by the department, the division of wildlife, the division of parks and outdoor recreation, all ~~city,~~ county, ~~and district departments of-~~ DISTRICT, AND MUNICIPAL PUBLIC health AGENCIES and ~~local~~ boards of health, and any peace officer in this state.

SECTION 124. [25-15-101 \(4.5\) \(c\) and \(5.5\)](#), Colorado Revised Statutes, are amended to read:

25-15-101.

Definitions. As used in this article, unless the context otherwise requires:

(4.5)"Environmental remediation project" means closure of a hazardous waste management unit or solid waste disposal site or any remediation of environmental contamination, including determinations to rely solely or partially on environmental use restrictions to protect human health and the environment but excluding interim measures that are not intended as the final remedial action, that is conducted under any of the following:

(c) The federal "Comprehensive Environmental Response, Compensation, and Liability Act of 1980", [42 U.S.C. sec. 9601](#) ~~to 9647~~ ET SEQ. , as amended;

(5.5)"Hazardous substance" means any substance that is defined as a hazardous substance, pollutant, or contaminant under the federal "Comprehensive Environmental Response, Compensation, and Liability Act of 1980", [42 U.S.C. sec. 9601](#) ~~to 9647~~ **ET SEQ.**, as amended, or its implementing regulations.

SECTION 125. [25-18.5-101 \(2.5\)](#), Colorado Revised Statutes, is amended to read:

25-18.5-101.

Definitions. As used in this article, unless the context otherwise requires:

(2.5)"Governing body" means the agency or office designated by the city council or board of county commissioners where the property in question is located. If there is no such designation, the governing body shall be the **COUNTY, DISTRICT, OR MUNICIPAL PUBLIC** health ~~department~~ **AGENCY**, building department, and law enforcement agency with jurisdiction over the property in question.

SECTION 126. [25-18.5-103 \(1\) \(a\)](#), Colorado Revised Statutes, is amended to read:

25-18.5-103. Discovery of illegal drug laboratory - property owner - clean-up - liability.

(1)

(a) Upon notification from a peace officer that chemicals, equipment, or supplies indicative of an illegal drug laboratory are located on a property, or when an illegal drug laboratory used to manufacture methamphetamine is otherwise discovered and the property owner has received notice, the owner of any contaminated property shall meet the cleanup standards for property established by the board in section 25-18.5-102; except that a property owner may, at his or her option and subject to paragraph (b) of this subsection (1), elect instead to demolish the contaminated property. If the owner elects to demolish the contaminated property, the governing body or, if none has been designated, the **COUNTY, DISTRICT, OR MUNICIPAL PUBLIC** health ~~department~~ **AGENCY**, building department, or law enforcement agency with jurisdiction over the area where the property is located may require the owner to fence off the property or otherwise make it inaccessible to persons for occupancy or intrusion.

SECTION 127. [25-20.5-106 \(2\) \(b\) \(III\)](#), Colorado Revised Statutes, is amended to read:

25-20.5-106.

State board of health - rules - program duties.

(2) The state board of health also shall adopt rules for the uniform operation of federally and state-funded prevention, intervention, and treatment programs. In adopting such rules, the board shall take into account prevention, intervention, and treatment programs' need for responsiveness and flexibility and their need for procedures and standards that will ensure the provision of programs that meet a high standard of excellence. At a minimum such rules shall include:

(b) Uniform, minimum standards for prevention, intervention, and treatment programs, including but not limited to requirements that each prevention, intervention, and treatment program that receives state or federal funds:

(III) Work collaboratively with other public and private prevention, intervention, and treatment programs in the community and with local governments, ~~local health~~ **COUNTY, DISTRICT, AND MUNICIPAL PUBLIC HEALTH** agencies, county departments of social services, and faith-based organizations in the community;

SECTION 128. [25-20.5-406 \(2\) \(c\)](#), Colorado Revised Statutes, is amended to read:

25-20.5-406. State review team - creation - membership - vacancies.

(2)

- (c) The executive director of the department of public health and environment shall appoint eight ex officio nonvoting members who represent the department of public health and environment, one of whom represents ~~county health departments~~ COUNTY OR DISTRICT PUBLIC HEALTH AGENCIES .

SECTION 129. 25-21-103 (4), Colorado Revised Statutes, is amended to read:

25-21-103.

Definitions. As used in this article, unless the context otherwise requires:

- (4) "Qualified grantee" means an entity that either provides comprehensive dental and oral health services or that can administer funds for such services through sub-grants, awards, or reimbursement processes that comply with the federal "Health Insurance Portability and Accountability Act of 1996", [42 U.S.C. sec. 1320d](#) to ~~1320d-8~~ 1320D-9 .

SECTION 130. 25-21-104 (2) (c), Colorado Revised Statutes, is amended to read:

25-21-104. Dental assistance program for seniors.

(2) The department shall:

- (c) Contract with qualified grantees that are awarded a service grant to provide dental and oral health services to eligible seniors or to administer funds for the provision of such services through sub-grants, awards, or reimbursement processes that comply with the federal "Health Insurance Portability and Accountability Act of 1996", [42 U.S.C. sec. 1320d](#) to ~~1320d-8~~ 1320D-9 ;

SECTION 131. [25-21.5-103 \(3\) \(d\)](#), Colorado Revised Statutes, is amended to read:

25-21.5-103.

Definitions. As used in this article, unless the context otherwise requires:

- (3) "Eligible child" means a child:
- (d) Whose family income is equal to or less than one hundred eighty-five percent of the federal poverty ~~level~~ LINE .

SECTION 132. [25-27-102 \(6\)](#), Colorado Revised Statutes, is amended to read:

25-27-102.

Definitions. As used in this article, unless the context otherwise requires:

- (6) "Local board of health" means any ~~local~~, county, district or ~~regional~~ MUNICIPAL board of health.

SECTION 133. [25-27-107 \(1.5\) \(d\) and \(4\)](#), Colorado Revised Statutes, are amended to read:

25-27-107. License fees - rules.

(1.5)

- (d) ~~A fee established by the state board pursuant to this subsection (1.5) shall not be assessed until the period in which the fee assessed pursuant to subsection (1) of this section expires.~~
- (4) Fees collected pursuant to ~~paragraphs (b) to (d) of subsection (1), as it existed prior to January 1, 2009, and~~ subsection (1.5) of this section shall be used by the department, in addition to regulatory and administrative functions, to provide technical assistance and education to assisted living residences

related to compliance with Colorado law. The department may contract with private entities to assist the department in providing such technical assistance and education.

SECTION 134. 25-27-110 (1), Colorado Revised Statutes, is amended to read:

25-27-110. Advisory committee.

- (1) There is hereby established an advisory committee to the department for the purposes of making recommendations to the department and reporting to the house and senate committees on health and human services, or any successor committees, concerning the rules promulgated by the state board pursuant to this article, implementation of the licensing program, the impact of the program, and the effectiveness of enforcement. The advisory committee shall consist of not fewer than nine members to be appointed by the executive director of the department. The committee shall elect its own chairperson. Such members shall be representatives from assisted living residences, the Colorado commission on the aging, ~~local health departments-~~ **COUNTY, DISTRICT, OR MUNICIPAL PUBLIC HEALTH AGENCIES, OR** local boards of health, and consumer and other agencies and organizations providing services to or concerned with residents of assisted living residences. Members of the advisory committee shall serve on a voluntary basis and shall serve without compensation.

SECTION 135. 25-31-103 (2) and (4), Colorado Revised Statutes, are amended to read:

25-31-103.

Definitions. As used in this article, unless the context otherwise requires:

- (2) "Entity" means any nonprofit, not-for-profit, or for-profit corporation, religious or charitable organization, institution of higher education, visiting nurse association, existing visiting nurse program, ~~local health department-~~ **COUNTY, DISTRICT, OR MUNICIPAL PUBLIC HEALTH AGENCY**, county department of social services, political subdivision of the state, or other governmental agency or any combination thereof.
- (4) "Low-income" means an annual income that does not exceed two hundred percent of the federal poverty ~~level-~~ **LINE**.

SECTION 136. 25-31-104 (2), Colorado Revised Statutes, is amended to read:

25-31-104. Nurse home visitor program - created - rules.

- (2) The program shall be administered in communities throughout the state by entities selected on a competitive basis by the state board. Any entity that seeks to administer the program shall submit an application to the department as provided in section 25-31-106. The entities selected pursuant to section 25-31-107 shall be expected to provide services to a minimum of one hundred low-income, first-time mothers in the community in which the entity administers the program; except that the state board may grant a waiver of this requirement if the population base of the community does not have the capacity to enroll one hundred eligible families. The state board shall consult with the health sciences facility prior to granting the waiver to ensure that the entity can implement the program within the smaller community and maintain compliance with the program requirements. A mother shall be eligible to receive services through the program if she is pregnant with her first child, or her first child is less than one month old, and her gross annual income does not exceed two hundred percent of the federal poverty ~~level-~~ **LINE**.

SECTION 137. 25.5-1-125 (2) (b) (VI), Colorado Revised Statutes, is amended to read:

25.5-1-125. Centennial care choices - value benefit plans - request for information - request for proposals - report to general assembly - definitions - legislative declaration.

(2)

(b) In responding to the request for information, a health insurance carrier or other interested party shall assume the following:

(VI) That the state will amend the state plan to expand eligibility for the Colorado medical assistance program to adults whose family income does not exceed one hundred percent of the federal poverty ~~level~~ **LINE**, adjusted for family size; and

SECTION 138. [25.5-3-104 \(2\)](#), Colorado Revised Statutes, is amended to read:

25.5-3-104. Program for the medically indigent established - eligibility - rules.

(2) A client's eligibility to receive discounted services under the program for the medically indigent shall be determined by rule of the state board based on a specified percentage of the federal poverty ~~level~~ **LINE**, adjusted for family size, which percentage shall not be less than two hundred fifty percent.

SECTION 139. [25.5-3-202 \(3\)](#), Colorado Revised Statutes, is amended to read:

25.5-3-202. Legislative declaration.

(3) It is the intent of the general assembly that this grant program provide primary and preventive health care services to both adults and children. However, it is not the intent of the general assembly that this grant program supplant or expand the children's basic health plan, the state medical assistance program, or the Colorado indigent care program. Therefore, the general assembly finds it necessary to allow agencies who serve low-income, uninsured adults and children whose yearly family income is below two hundred percent of the federal poverty ~~level~~ **LINE** to apply for grants under this program and provide services to this needy population.

SECTION 140. [25.5-3-203 \(7\) \(a\)](#), Colorado Revised Statutes, is amended to read:

25.5-3-203.

Definitions. As used in this part 2, unless the context otherwise requires:

(7) "Uninsured or medically indigent patient" means a patient receiving services from a qualified provider:

(a) Whose yearly family income is below two hundred percent of the federal poverty ~~level~~ **LINE**; and

SECTION 141. [25.5-4-402.3 \(4\) \(b\) \(IV\)](#), Colorado Revised Statutes, is amended to read:

25.5-4-402.3. Providers - hospital - provider fees - legislative declaration - federal waiver - fund created - rules - advisory board - repeal.

(4) Hospital provider fee cash fund.

(b) All moneys in the fund shall be subject to federal matching as authorized under federal law and subject to annual appropriation by the general assembly for the following purposes:

(IV) Subject to available revenue from the provider fee and federal matching funds, to expand eligibility for public medical assistance by:

(A) Increasing the eligibility level for parents of children who are eligible for medical assistance or the children's basic health plan to up to one hundred percent of the federal poverty ~~level~~ **LINE**;

(B) Increasing the eligibility level for children and pregnant women under the children's basic health plan to up to two hundred fifty percent of the federal poverty ~~level~~ **LINE**;

- (C) Providing eligibility under the state medical assistance program for a childless adult or ~~adults-~~ **AN ADULT** without a dependent child in the home who earns up to one hundred percent of the federal poverty ~~-level-~~ **LINE** ;
- (D) Providing a buy-in program in the state medical assistance program for disabled adults and children whose families have income of up to four hundred fifty percent of the federal poverty ~~-level-~~ **LINE** ;

SECTION 142. 25.5-4-404, Colorado Revised Statutes, is amended to read:

25.5-4-404.

Payments for clinic services - restrictions on use. All payments received by county or ~~-regional-health departments-~~ **DISTRICT PUBLIC HEALTH AGENCIES** or ~~-local-~~ boards of health for clinic services, as defined in section 25.5-5-301 (3), furnished to patients shall be used only to offset costs incurred for provision of services by such county or ~~-regional-health-departments-~~ **DISTRICT PUBLIC HEALTH AGENCIES** or ~~-local-~~ boards of health or to cash fund health care services in the county where the services were provided.

SECTION 143. 25.5-5-101 (1) (m), Colorado Revised Statutes, is amended to read:

25.5-5-101. Mandatory provisions - eligible groups.

(1) In order to participate in the medicaid program, the federal government requires the state to provide medical assistance to certain eligible groups. Pursuant to federal law and except as provided in subsection (2) of this section, any person who is eligible for medical assistance under the mandated groups specified in this section shall receive both the mandatory services that are specified in sections 25.5-5-102 and 25.5-5-103 and the optional services that are specified in sections 25.5-5-202 and 25.5-5-203. Subject to the availability of federal financial participation, the following are the individuals or groups that are mandated under federal law to receive benefits under this article and articles 4 and 6 of this title:

- (m) Low-income pregnant women, and children through the age of six, whose income is at or below a certain percentage of the federal poverty ~~-level-~~ **LINE** as determined by the federal government.

SECTION 144. 25.5-5-201 (1) (m) (I), (1) (o) (II), (1) (p) (I), (1) (p) (II), (1) (r) (I), and (1) (r) (II), Colorado Revised Statutes, are amended to read:

25.5-5-201. Optional provisions - optional groups - repeal.

(1) The federal government allows the state to select optional groups to receive medical assistance. Pursuant to federal law, any person who is eligible for medical assistance under the optional groups specified in this section shall receive both the mandatory services specified in sections 25.5-5-102 and 25.5-5-103 and the optional services specified in sections 25.5-5-202 and 25.5-5-203. Subject to the availability of federal financial aid funds, the following are the individuals or groups that Colorado has selected as optional groups to receive medical assistance pursuant to this article and articles 4 and 6 of this title:

(m)

(I)

- (A) Parents of children who are eligible for the medical assistance program or the children's basic health plan, article 8 of this title, whose family income does not exceed a specified percent of the federal poverty ~~-level-~~ **LINE** , adjusted for family size, as set by the state board by rule, which percentage shall be not less than one hundred percent.

(B) Notwithstanding the provisions of sub-subparagraph (A) of this subparagraph (I), if the moneys in the hospital provider fee cash fund established pursuant to section 25.5-4-402.3 (4), together with the corresponding federal matching funds, are insufficient to fully fund all of the purposes described in section 25.5-4-402.3 (4) (b), after receiving recommendations from the hospital provider fee oversight and advisory board established pursuant to section 25.5-4-402.3 (6), for parents of children eligible for the medical assistance program or the children's basic health plan, the state board by rule adopted pursuant to the provisions of section 25.5-4-402.3 (5) (b) (III) may reduce the medical benefits offered to such parent whose family income exceeds sixty percent of the federal poverty ~~level~~ **LINE** or reduce the percentage of the federal poverty ~~level~~ **LINE** to below one hundred percent, but the percentage shall not be reduced to below sixty percent.

(C) Notwithstanding the provisions of sub-subparagraph (A) of this subparagraph (I), until the state department receives federal authorization to increase the percentage of the federal poverty ~~rate~~ **LINE** for parents of children eligible for the medical assistance program or the children's basic health plan, the percentage of the federal poverty ~~level~~ **LINE** shall be not less than sixty percent. Within sixty days after the state department receives authorization to increase the percentage of the federal poverty ~~level~~ **LINE**, the executive director shall send written notice to the revisor of statutes informing him or her of the authorization. This sub-subparagraph (C) is repealed, effective the July 1 following the receipt of the notice to the revisor of statutes.

(o)

(II) Notwithstanding the provisions of subparagraph (I) of this paragraph (o), if the moneys in the hospital provider fee cash fund established pursuant to section 25.5-4-402.3 (4), together with the corresponding federal matching funds, are insufficient to fully fund all of the purposes described in section 25.5-4-402.3 (4) (b), after receiving recommendations from the hospital provider fee oversight and advisory board established pursuant to section 25.5-4-402.3 (6), for individuals with disabilities who are participating in the medicaid buy-in program established in part 14 of article 6 of this title, the state board by rule adopted pursuant to the provisions of section 25.5-4-402.3 (5) (b) (III) may reduce the medical benefits offered or the percentage of the federal poverty ~~level~~ **LINE** to below four hundred fifty percent or may eliminate this eligibility group.

(p)

(I) Subject to federal approval, persons over eighteen years of age who are childless or without a dependent child in the home whose family income does not exceed a specified percentage of the federal poverty ~~level~~ **LINE**, adjusted for family size and as set by the state board by rule, which percentage shall be not less than one hundred percent.

(II) Notwithstanding the provisions of subparagraph (I) of this paragraph (p), if the moneys in the hospital provider fee cash fund established pursuant to section 25.5-4-402.3 (4), together with the corresponding federal matching funds, are insufficient to fully fund all of the purposes described in section 25.5-4-402.3 (4) (b), after receiving recommendations from the hospital provider fee oversight and advisory board established pursuant to section 25.5-4-402.3 (6), for childless persons or for persons without a dependent child in the home, the state board by rule adopted pursuant to the provisions of section 25.5-4-402.3 (5) (b) (III) may reduce the medical benefits offered or the percentage of the federal poverty ~~level~~ **LINE** to below one hundred percent or may eliminate this eligibility group.

(r)

(I) Persons eligible for a medicaid buy-in program established pursuant to section 25.5-5-206 whose family income does not exceed a specified percentage of the federal poverty ~~level~~

LINE , adjusted for family size and as set by the state board by rule, which percentage shall be not more than four hundred fifty percent.

- (II) Notwithstanding the provisions of subparagraph (I) of this paragraph (r), if the moneys in the hospital provider fee cash fund established pursuant to section 25.5-4-402.3 (4), together with the corresponding federal matching funds, are insufficient to fully fund all of the purposes described in section 25.5-4-402.3 (4) (b), after receiving recommendations from the hospital provider fee oversight and advisory board established pursuant to section 25.5-4-402.3 (6), for persons eligible for a medicaid buy-in program established pursuant to section 25.5-5-206, the state board by rule adopted pursuant to the provisions of section 25.5-4-402.3 (5) (b) (III) may reduce the medical benefits offered, or the percentage of the federal poverty ~~level~~ **LINE** , or may eliminate this eligibility group.

SECTION 145. [25.5-5-301 \(3\)](#), Colorado Revised Statutes, is amended to read:

25.5-5-301. Clinic services.

- (3) "Clinic services" also means preventive, therapeutic, or palliative items or services that are furnished to patients by county or ~~regional~~ **DISTRICT PUBLIC** health ~~departments~~ **AGENCIES** or ~~local~~ **COUNTY OR DISTRICT** boards of health established pursuant to part 5 ~~6, or 7~~ of article 1 of title 25, C.R.S., that are recommended for certification by the department of public health and environment as qualified to receive payments pursuant to this article and articles 4 and 6 of this title.

SECTION 146. [25.5-5-302 \(1\)](#) and the introductory portion to 25.5-5-302 (2), Colorado Revised Statutes, are amended to read:

25.5-5-302. Clinic services - children and pregnant women - utilization of certain providers.

- (1) The state department shall utilize, to the extent possible and appropriate, county or ~~regional~~ **DISTRICT PUBLIC** health ~~departments~~ **AGENCIES** or ~~local~~ boards of health established pursuant to part 5 ~~6, or 7~~ of article 1 of title 25, C.R.S., that are certified by the department of public health and environment as qualified to receive payments pursuant to this article and articles 4 and 6 of this title and that meet the requirements and standards set forth in rules promulgated by the state board in the state department pursuant to section 25.5-4-104 to provide clinic services to patients who are children under age seven or patients who are pregnant women.
- (2) In complying with the provisions of subsection (1) of this section, the state department shall utilize, to the extent possible and appropriate, the ~~health departments~~ **COUNTY OR DISTRICT PUBLIC HEALTH AGENCIES** and boards of health specified in subsection (1) of this section to provide outreach to eligible pregnant women and children and to provide clinic services:

SECTION 147. [25.5-5-318 \(4\) \(b\)](#), Colorado Revised Statutes, is amended to read:

25.5-5-318. Health services - provision by school districts - repeal.

(4)

- (b) Each school district that chooses to enter into a contract as provided in this section shall perform an assessment of the health care needs of its uninsured and underinsured students and may spend an appropriate portion, not to exceed thirty percent, of the federal moneys received on health care for low-income students. For purposes of this paragraph (b), "low-income students" means students whose families are below one hundred eighty-five percent of the federal poverty ~~level~~ **LINE** .

SECTION 148. 25.5-5-319 (1), Colorado Revised Statutes, is amended to read:

25.5-5-319. Family planning pilot program - rules - federal waiver - repeal.

- (1) There is hereby established a family planning pilot program for the provision of family planning services to categorically eligible individuals who are at or below a percentage of the federal poverty ~~level~~ **LINE** established pursuant to the federal waiver sought pursuant to subsection (2) of this section. The state board shall promulgate rules setting forth the family planning services to be provided under the family planning pilot program.

SECTION 149. 25.5-6-109 (2) (b), Colorado Revised Statutes, is amended to read:

25.5-6-109. Community long-term care - coordinated care pilot program - federal authorization - rules - repeal.

- (2) Organizations may develop proposals for the pilot program and submit the proposals to the state department for approval. The state department shall oversee any approved pilot program. The approved pilot program shall include but need not be limited to the following components:
- (b) Voluntary provider participation in the ~~coordinated care~~ pilot **PROGRAM** ;

SECTION 150. 25.5-8-103 (4) (a) (I), (4) (a) (II), (4) (a) (III) (A), (4) (a) (III) (B), (4) (b) (I), (4) (b) (II), (4) (b) (III) (A), and (4) (b) (III) (B), Colorado Revised Statutes, are amended to read:

25.5-8-103.

Definitions - repeal. As used in this article, unless the context otherwise requires:

- (4) "Eligible person" means:

(a)

- (I) A person who is less than nineteen years of age, whose family income does not exceed two hundred fifty percent of the federal poverty ~~level~~ **LINE** , adjusted for family size.
- (II) Notwithstanding the provisions of subparagraph (I) of this paragraph (a), if the moneys in the hospital provider fee cash fund established pursuant to section 25.5-4-402.3 (4), together with the corresponding federal matching funds, are insufficient to fully fund all of the purposes described in section 25.5-4-402.3 (4) (b), after receiving recommendations from the hospital provider fee oversight and advisory board established pursuant to section 25.5-4-402.3 (6), for persons less than nineteen years of age, the state board may by rule adopted pursuant to the provisions of section 25.5-4-402.3 (5) (b) (III) reduce the percentage of the federal poverty ~~level~~ **LINE** to below two hundred fifty percent, but the percentage shall not be reduced to below two hundred five percent.

(III)

- (A) Notwithstanding the provisions of subparagraph (I) of this paragraph (a), until the state department receives federal authorization to increase the percentage of the federal poverty ~~rate~~ **LINE** for a person who is less than nineteen years of age, the percentage of the federal poverty ~~level~~ **LINE** shall not exceed two hundred five percent.
- (B) Within sixty days after the state department receives authorization to increase the percentage of the federal poverty ~~level~~ **LINE** , the executive director shall send written notice to the revisor of statutes informing him or her of the authorization.

(b)

- (I) A pregnant woman whose family income does not exceed two hundred fifty percent of the federal poverty ~~level~~ **LINE** , adjusted for family size, and who is not eligible for medicaid.
- (II) Notwithstanding the provisions of subparagraph (I) of this paragraph (b), if the moneys in the hospital provider fee cash fund established pursuant to section 25.5-4-402.3 (4), together with the corresponding federal matching funds, are insufficient to fully fund all of the purposes described in section 25.5-4-402.3 (4) (b), after receiving recommendations from the hospital provider fee oversight and advisory board established pursuant to section 25.5-4-402.3 (6), for pregnant women, the state board by rule adopted pursuant to the provisions of section 25.5-4-402.3 (5) (b) (III) may reduce the percentage of the federal poverty ~~level~~ **LINE** to below two hundred fifty percent, but the percentage shall not be reduced to below two hundred five percent.
- (III)
 - (A) Notwithstanding the provisions of subparagraph (I) of this paragraph (b), until the state department receives authorization to increase the percentage of the federal poverty ~~rate~~ **LINE** for a person who is less than nineteen years of age, the percentage of the federal poverty ~~level~~ **LINE** shall not exceed two hundred five percent.
 - (B) Within sixty days after the state department receives authorization to increase the percentage of the federal poverty ~~level~~ **LINE** , the executive director shall send written notice to the revisor of statutes informing him or her of the authorization.

SECTION 151. [25.5-8-107 \(1\) \(b\)](#), Colorado Revised Statutes, is amended to read:

25.5-8-107. Duties of the department - schedule of services - premiums - copayments - subsidies.

- (1) In addition to any other duties pursuant to this article, the department shall have the following duties:
 - (b) To design and implement a system of cost-sharing with enrollees using an annual enrollment fee that is based on a sliding fee scale. The sliding fee scale shall be developed based on the enrollee's family income; except that no enrollment fee shall be assessed against an enrollee whose family income is at or below one hundred fifty percent of the federal poverty ~~level~~ **LINE** and no enrollment fee shall be assessed against an enrollee who is a pregnant woman. As permitted by federal and state law, enrollees in the plan may use funds from a medical savings account to pay the annual enrollment fee. On or before November 1 of each year, the department shall submit for approval to the joint budget committee its annual proposal for cost sharing for the plan based upon a family's income.

SECTION 152. [25.5-8-108 \(4\) \(a\)](#), Colorado Revised Statutes, is amended to read:

25.5-8-108. Financial management - cash system of accounting.

- (4)
 - (a) Nothing in this article or any rules promulgated pursuant to the plan shall be interpreted to create a legal entitlement in any person to coverage under the plan. If enrollment in the plan is limited, the department shall give priority to children with family incomes under one hundred thirty-three percent of the federal poverty ~~level~~ **LINE** .

SECTION 153. [26-1-118 \(7\)](#), Colorado Revised Statutes, is amended to read:

26-1-118. Duties of county departments, county directors, and district attorneys.

- (7) The counties may prepare and issue to all payees, excluding heads of households in ~~NPA~~ **NONPUBLIC ASSISTANCE** food stamp cases, at the time of delivery of any public assistance, a

hermetically sealed photo identification card which is manufactured in such a secure manner as to resist duplication or intrusion and containing the full name, a card identification number, and any other data which would insure proper identification. A county department shall refer to the appropriate law enforcement agency for investigation, within ten working days after discovery, any information it may have concerning the improper use of a photo identification card by a person not eligible to possess such card.

SECTION 154. [26-2-111.8 \(4\)](#), Colorado Revised Statutes, is amended to read:

26-2-111.8. Eligibility of noncitizens for public assistance.

- (4) A legal immigrant may receive benefits under section 26-2-122.3 pursuant to rules promulgated by the **STATE** ~~medical-services~~ board.

SECTION 155. [26-2-805 \(1\) \(a\)](#), Colorado Revised Statutes, is amended to read:

26-2-805. Services - assistance provided - rules.

(1)

- (a) Subject to available appropriations, and pursuant to rules promulgated by the state department, a county shall provide child care assistance to a participant or any person or family whose income is not more than one hundred thirty percent of the federal poverty ~~level~~ **LINE** .

SECTION 156. [26-2-1005 \(1\) \(a\)](#), Colorado Revised Statutes, is amended to read:

26-2-1005. Eligibility for participation in the individual development account program.

- (1) Sponsoring organizations that elect to participate in the program shall recruit individuals or households to participate in the IDA program and shall determine the eligibility of prospective participants based upon the criteria set forth in this subsection (1). All individuals within one family or a single individual shall be eligible to be selected for participation in the IDA program if the individual or household meets the following requirements:

- (a) The individual's or household's income may not exceed two hundred percent of the federal poverty ~~level~~ **LINE** when applied to the savings goals of postsecondary education or business capitalization. The individual's or household's income may not exceed eighty percent of the area median income when applied to the savings goal of home ownership.

SECTION 157. [26-6.5-104 \(2\) \(a\) and \(2\) \(b\)](#), Colorado Revised Statutes, are amended to read:

26-6.5-104. Early childhood councils - waivers - rules - funding - application.

(2)

- (a) The state department, in collaboration with the advisory team, shall promulgate rules to develop and distribute to councils the application form and application process to be used by each council seeking to receive council infrastructure, quality improvement, technical assistance, and evaluation funding from the early childhood cash fund created in section ~~26-6.5-110~~ **26-6.5-109** and other funding sources appropriated for early childhood services.
- (b) Applications for early childhood funding from the early childhood cash fund established in section ~~26-6.5-110~~ **26-6.5-109** and other funding sources appropriated for early childhood services shall be reviewed upon receipt by the state department, in collaboration with the advisory team created in section 26-6.5-105.

SECTION 158. 26-6.5-106 (3.5) (a) (I) (E), Colorado Revised Statutes, is amended to read:

26-6.5-106. School-readiness quality improvement program.

(3.5) Early childhood care and education councils.

(a)

(I) Communities throughout the state that do not have a pilot site agency may identify an existing entity or establish a new entity to serve as the early childhood care and education council to work toward the development and implementation of a comprehensive early childhood system to ensure the school readiness of young children in the community. A community may identify an existing entity, such as a consolidated child care pilot site agency or an interagency coordinating council or a district preschool program advisory council, to serve as its early childhood care and education council, or it may establish a new council. To the extent it is practical, early childhood care and education councils shall be representative of the various public and private stakeholders in the community, as specified in this subsection (3.5), who are committed to supporting the preparedness of young children for school. Such stakeholders shall include:

(E) ~~Local health department or departments-~~ COUNTY, DISTRICT, OR MUNICIPAL PUBLIC HEALTH AGENCIES ; and

SECTION 159. 29-22-103 (2) (a), Colorado Revised Statutes, is amended to read:

29-22-103. Emergency response authority may request assistance.

(2)

(a) Any emergency response authority designated in or pursuant to section 29-22-102 may request the department of public health and environment and the county or district PUBLIC health ~~department-~~ AGENCY to provide assistance. If there is no county or district PUBLIC health ~~department-~~ AGENCY for the area in which a hazardous substance incident occurs, such request may be made to the board of county commissioners in its capacity as the county board of health or to the mayor and council or trustees in their capacity as the municipal board of health. In addition, any other state or local agency with useful expertise shall have the authority, upon request, to provide assistance to and cooperate with the emergency response authority designated in or pursuant to section 29-22-102.

SECTION 160. 29-22-105, Colorado Revised Statutes, is amended to read:

29-22-105.

Additional reimbursement for costs of assistance - subrogation of rights - recovery of reimbursements by attorney general. Whenever any fire department or other public agency provides assistance to a designated emergency response authority, as provided in section 29-22-103 or 29-22-104, outside of the area of its jurisdiction, whenever assistance to a designated emergency response authority is provided pursuant to a mutual aid agreement, or whenever the department of public health and environment or ~~local health department-~~ THE COUNTY, DISTRICT, OR MUNICIPAL PUBLIC HEALTH AGENCY provides services such as laboratory analyses, waste removal, transportation, storage, or disposal, the reasonable documented costs of the equipment, supplies, analyses, and personnel provided by such fire department or public agency may be reimbursed, subject to guidelines by the executive director of the department of public safety. Reimbursement shall be for costs not recovered pursuant to section 29-22-104 and shall be out of any moneys made available by legislative appropriation therefor. In the event of such reimbursement, the state of Colorado shall be subrogated to any rights of such fire department or public agency with respect to the amounts so reimbursed. The attorney general shall pursue all available remedies to recover

any moneys paid out pursuant to this section from the person responsible for said incident. Any moneys recovered by the attorney general shall be transmitted to the state treasurer. Nothing in this article shall be construed to enlarge or impair any right of recovery or subrogation arising under any other provision of law. The attorney general shall not attempt to recover any moneys from any person responding to a hazardous substance incident pursuant to a mutual aid agreement or to any provision of this article.

SECTION 161. 29-22.5-102 (2) and (3), Colorado Revised Statutes, are amended to read:

29-22.5-102.

Definitions. As used in this article, unless the context otherwise requires:

- (2) ~~"Incident command system" means a standardized, on-scene, all-hazard incident management concept that is an integral part of the national incident management system.~~ "INCIDENT COMMANDER" MEANS THE INDIVIDUAL RESPONSIBLE FOR THE OVERALL MANAGEMENT OF THE INCIDENT INCLUDING DEVELOPING INCIDENT OBJECTIVES AND MANAGING ALL INCIDENT OPERATIONS, BY VIRTUE OF EXPLICIT LEGAL, AGENCY, OR DELEGATED AUTHORITY.
- (3) ~~"Incident commander" means the individual responsible for the overall management of the incident including developing incident objectives and managing all incident operations, by virtue of explicit legal, agency, or delegated authority.~~ "INCIDENT COMMAND SYSTEM" MEANS A STANDARDIZED, ON-SCENE, ALL-HAZARD INCIDENT MANAGEMENT CONCEPT THAT IS AN INTEGRAL PART OF THE NATIONAL INCIDENT MANAGEMENT SYSTEM.

SECTION 162. 29-28-103 (2) (b) (II), Colorado Revised Statutes, is amended to read:

29-28-103. Powers of governing body - medicaid provider fee authorization.

(2)

- (b) If the local government elects to collect the provider fee imposed pursuant to subsection (1) of this section, the local government shall either:
 - (II) ~~The local government shall~~ Distribute all moneys from the provider fee collected pursuant to this section and certify to the department the amount that the local government reimburses the qualified providers for providing medical care under the state's medical assistance program and to low-income populations, which shall include the distribution of moneys collected from the provider fee collected pursuant to this section. The local government may distribute any additional moneys eligible for federal financial participation to qualified providers within the territorial boundaries of the local government pursuant to section 25.5-4-417, C.R.S.

SECTION 163. 30-10-513 (1) (b), Colorado Revised Statutes, is amended to read:

30-10-513. Duties of sheriff - coordination of fire suppression efforts for forest prairie, or wildland fire - expenses.

(1)

- (b) In the case of a prairie, forest, or wildland fire occurring within the boundaries of one or more fire protection districts ~~and that do~~ DOES not exceed the capabilities of the fire protection district to control or extinguish, the sheriff may assist the chief of the fire protection district in controlling or extinguishing such ~~fires~~ FIRE, and, in connection with such assistance, the sheriff may solicit such additional assistance from such persons as the sheriff and the fire chief deem necessary. The sheriff may assume command of such incidents with the concurrence of the fire chief.

SECTION 164. 30-20-104 (1) (d), Colorado Revised Statutes, is amended to read:

30-20-104. Factors to be considered.

(1) In considering an application for a proposed solid wastes disposal site and facility, the governing body having jurisdiction shall take into account:

(d) Recommendations by ~~local health departments~~ COUNTY, DISTRICT, OR MUNICIPAL PUBLIC HEALTH AGENCIES .

SECTION 165. 30-20-111, Colorado Revised Statutes, is amended to read:

30-20-111.

Departments to render assistance. The department and ~~local health departments~~ COUNTY, DISTRICT, AND MUNICIPAL PUBLIC HEALTH AGENCIES shall render technical advice and services to owners and operators of solid wastes disposal sites and facilities and to municipalities and counties in order to assure that appropriate measures are being taken to protect the public health, safety, and welfare. In addition, the department has the duty to coordinate the solid wastes program under this part 1 with all other programs within the department and with the other agencies of state and local government which are concerned with solid wastes disposal.

SECTION 166. 30-20-202 (1), Colorado Revised Statutes, is amended to read:

30-20-202. Creation - proviso.

(1) Whenever a county has established and maintains a county ~~health department~~ PUBLIC HEALTH AGENCY or, in conjunction with one or more adjacent counties, a district ~~health department~~ PUBLIC HEALTH AGENCY as provided by part 5 of article 1 of title 25, C.R.S., such county may establish one or more disposal districts. Such district shall be composed of the unincorporated area benefited by the establishment of the proposed disposal district for the collection and disposal of garbage, waste, and trash. The boundaries of such district are to be designated by the board of county commissioners of the county.

SECTION 167. 30-28-136 (1) (g), Colorado Revised Statutes, is amended to read:

30-28-136. Referral and review requirements.

(1) Upon receipt of a complete preliminary plan submission, the board of county commissioners or its authorized representative shall distribute copies of prints of the plan as follows:

(g) When applicable, to the county OR district ~~or regional~~ PUBLIC health ~~department~~ AGENCY or the state department of public health and environment for its review of the on-lot sewage disposal reports, for review of the adequacy of existing or proposed sewage treatment works to handle the estimated effluent, and for a report on the water quality of the proposed water supply to serve the subdivision. The department of public health and environment or county OR district ~~or regional~~ PUBLIC health ~~department~~ AGENCY to which the plan is referred may require the subdivider to submit additional engineering or geological reports or data and to conduct a study of the economic feasibility of a sewage treatment works prior to making its recommendations. No plan shall receive the approval of the board of county commissioners unless the department of public health and environment or county OR district ~~or regional~~ PUBLIC health ~~department~~ AGENCY to which the plan is referred has made a favorable recommendation regarding the proposed method of sewage disposal.

SECTION 168. 31-12-114 (1), Colorado Revised Statutes, is amended to read:

31-12-114. Conflicting annexation claims of two or more municipalities.

- (1) At any time during a period of notice given by a municipality pursuant to section 31-12-108, any other municipality may ~~adopt a resolution of intent pursuant to section 31-12-106 or~~ receive a petition for annexation or a petition for an annexation election pursuant to section 31-12-107 with the area partly or wholly overlapping the area proposed for annexation by the first municipality. If this occurs, the respective rights of the several municipalities shall be determined in accordance with an election as provided in this section.

SECTION 169. Repeal. 33-4-102 (6) (b), Colorado Revised Statutes, is repealed as follows:

33-4-102. Types of licenses and fees - repeal.

(6)

- (b) ~~Where a licensee is a member of the United States armed forces and subsequent to the purchase of a 1990 big game hunting license is sent abroad on behalf of the armed forces, such licensee shall be entitled to a refund of the fee for such license or licenses held in the name of such licensee. Furthermore, the spouse of a deceased licensee may file a written request for a refund with the licensing authority. A refund shall not be available where such licensee is in Colorado for any part of the effective period of the license held pursuant to this article. To receive a refund pursuant to this paragraph (b), such licensee shall file a written request, including evidence that the licensee meets the requirements of this section, with the licensing authority either before departure or within six months after such licensee's return to the state of Colorado.~~

SECTION 170. Repeal. 35-40-104 (5), Colorado Revised Statutes, is repealed as follows:

35-40-104. Predatory animal control license fee on sheep - predatory animal fund.

- (5) ~~Any unexpended and unencumbered moneys remaining in the predatory animal fund on August 7, 2006, shall be transferred to the general fund.~~

SECTION 171. 37-45.1-102 (5), Colorado Revised Statutes, is amended to read:

37-45.1-102.

Definitions. As used in this article, unless the context otherwise requires:

- (5) "Water project or facility" includes a dam, storage reservoir, compensatory or replacement reservoir, canal, conduit, pipeline, tunnel, power plant, water or wastewater treatment ~~plant~~ **FACILITY**, and any and all works, facilities, improvements, and property necessary or convenient for the purpose of conducting a water activity.

SECTION 172. Repeal. 38-13-116.5 (2.5), Colorado Revised Statutes, is repealed as follows:

38-13-116.5. Unclaimed property trust fund - creation - payments - interest - appropriations - records - rules.

- (2.5) (a) ~~As soon as practicable after March 27, 2002, the state treasurer shall deduct fourteen million three hundred thousand dollars from the unclaimed property trust fund and transfer such sum to the general fund for use in the 2001-02 fiscal year.~~
- ~~(b) As soon as practicable after March 27, 2002, the state treasurer shall deduct one million seven hundred thousand dollars from the unclaimed property trust fund and transfer such sum to the CoverColorado cash fund created in section 10-8-530 (2), C.R.S., for use in the 2001-02 fiscal year.~~

SECTION 173. 38-39-109 (1) (a), Colorado Revised Statutes, is amended to read:

38-39-109. When release of deed of trust is recorded.

(1)

- (a) Except as provided in paragraph (b) of this subsection (1), when a release of a deed of trust is presented to the county clerk and recorder for recording, the county clerk and recorder shall return the original release of a deed of trust to the original grantor, assuming party, or current owner using the current address for the original grantor, assuming party, or current owner provided to the public trustee pursuant to section 38-39-102 (1) (a) (IV), (3) (a) (II), (3) (b) (II), **OR** (3) (c) (II) ~~. -or (5) (d).~~

SECTION 174. The introductory portion to 39-22-303.5 (4) (f), Colorado Revised Statutes, is amended to read:

39-22-303.5. Single-factor apportionment of business income - allocation of nonbusiness income - rules - definitions.

(4)

- (f) For purposes of subparagraph ~~(V)~~ **(VI)** of paragraph (c) of this subsection (4) and paragraph (g) of subsection (5) of this section:

SECTION 175. 39-26-707 (2) (a), Colorado Revised Statutes, is amended to read:

39-26-707. Food, meals, and beverages.

(2) The following shall be exempt from taxation under the provisions of part 2 of this article:

- (a) Effective January 1, 1980, the storage, use, or consumption of food or meals that are provided to employees of the places described in section 39-26-104 (1) (e) **, IF SUCH ARE PROVIDED TO SUCH EMPLOYEES AT NO CHARGE OR AT A REDUCED CHARGE** ;

SECTION 176. 39-26-725 (1) (a), Colorado Revised Statutes, is amended to read:

39-26-725. Sales related to a school - definitions.

(1) As used in this section, unless the context otherwise requires:

- (a) "Parent" means a parent of a student as defined in paragraph ~~(c)~~ **(D)** of this subsection (1).

SECTION 177. 39-28-102 (1), Colorado Revised Statutes, is amended to read:

39-28-102. Licensing of wholesalers - rules - fines.

- (1) It is unlawful for any wholesaler to sell or offer for sale in this state cigarettes without first obtaining a license therefor, granted and issued by the department, which license shall be in effect until June 30 following the date of issue, unless sooner revoked. Such licenses shall be granted only to such wholesalers who own or operate the places from which such sales are to be made, and, in case sales are made from two or more separate places by any such wholesaler, a separate license for each place of business shall be required. Such licenses shall be renewed only upon timely application and payment of the required fee prior to expiration. Such licenses may be transferred in the discretion of and pursuant to the rules adopted by the department. The license fee shall be ten dollars per year, and such license fees shall be credited to the general fund. Such license fees shall be reduced at the rate of two dollars and fifty cents for each expired quarter of the license year. The department shall, on reasonable notice and after a hearing, suspend or revoke the license of any wholesaler violating any provision of this article, and no license shall be issued to such wholesaler within a period of two years thereafter. The department may share information on the names and addresses of persons who purchased cigarettes for resale with the department of public health and environment and county and district **PUBLIC** health ~~departments~~ **AGENCIES** . The department shall refuse to issue a new or

renewal wholesaler license, and shall revoke a wholesaler's license, if the wholesaler owes the state any delinquent taxes administered by the department or interest thereon pursuant to this title that have been determined by law to be due and unpaid, unless the wholesaler has entered into an agreement approved by the department to pay the amount due.

SECTION 178. 39-28-102.5 (1), Colorado Revised Statutes, is amended to read:

39-28-102.5. Licensing of wholesale subcontractors - rules - fines.

- (1) It is unlawful for any wholesale subcontractor to sell or offer for sale cigarettes to a retailer in this state without first obtaining a license therefor, granted and issued by the department, which license shall be in effect until June 30 following the date of issue, unless sooner revoked. Such licenses shall be granted only to such wholesale subcontractors who own or operate the places from which such sales are to be made, and, in case sales are made from two or more separate places by any such wholesale subcontractor, a separate license for each place of business shall be required. No license shall be issued to a wholesale subcontractor unless the wholesale subcontractor has a current license issued pursuant to section 39-26-103. Such licenses shall be renewed only upon timely application and payment of the required fee prior to expiration. Such licenses may be transferred in the discretion of and pursuant to rules adopted by the department. The license fee shall be ten dollars per year, and such license fees shall be credited to the wholesale and distributing subcontractor license fund, which is hereby created in the state treasury. All moneys in the fund shall be subject to annual appropriation by the general assembly to the department for costs incurred in administering this section and section 39-28.5-104.5.

Such license fees shall be reduced at the rate of two dollars and fifty cents for each expired quarter of the license year. The department shall, on reasonable notice and after a hearing, suspend or revoke the license of any wholesale subcontractor violating any provision of this article, and no license shall be issued to such wholesale subcontractor within a period of two years thereafter. The department may share information on the names and addresses of persons who purchased cigarettes from a wholesale subcontractor for resale with the department of public health and environment and county and district **PUBLIC** health ~~departments~~ **AGENCIES**. The department shall refuse to issue a new or renewal wholesale subcontractor license and shall revoke a wholesale subcontractor's license, if the wholesaler owes the state any delinquent taxes administered by the department or interest thereon pursuant to this title that have been determined by law to be due and unpaid, unless the wholesaler has entered into an agreement approved by the department to pay the amount due.

SECTION 179. 39-28.5-104 (1), Colorado Revised Statutes, is amended to read:

39-28.5-104. Licensing required - rules - fines.

- (1) It is unlawful for any person to engage in the business of a distributor of tobacco products at any place of business without first obtaining a license granted and issued by the department, which license shall be in effect until June 30 following the date of issue, unless sooner revoked. Such license shall be granted only to a person who owns or operates the place from which the person engages in the business of a distributor of tobacco products, and, if such business is operated in two or more separate places by any such person, a separate license for each place of business shall be required. Such license shall be renewed only upon timely application and payment of the required fee prior to expiration. Such licenses may be transferred in the discretion of and pursuant to the rules adopted by the department. The fee for a license shall be ten dollars per year, and such fee shall be credited to the general fund. Such fee shall be reduced at the rate of two dollars and fifty cents for each expired quarter of the license year. The department shall, on reasonable notice and after a hearing, suspend or revoke the license of any person violating any provision of this article, and no license shall be issued to such person within a period of two years thereafter. The department may share information on the names and addresses of persons who purchased tobacco products for resale with the department of

public health and environment and county and district **PUBLIC** health ~~departments~~ **AGENCIES** . The department shall refuse to issue a new or renewal distributor license, and shall revoke a distributor's license, if the distributor owes the state any delinquent taxes administered by the department or interest thereon pursuant to this title that have been determined by law to be due and unpaid, unless the distributor has entered into an agreement approved by the department to pay the amount due. The department shall only issue a new or renewal distributor license to a distributor that has a current license issued pursuant to section 39-26-103.

SECTION 180. 39-28.5-104.5 (1), Colorado Revised Statutes, is amended to read:

39-28.5-104.5. Licensing of distributing subcontractors - rules - fines.

- (1) It is unlawful for any person to engage in the business of a distributing subcontractor of tobacco products at any place of business without first obtaining a license granted and issued by the department, which license shall be in effect until June 30 following the date of issue, unless sooner revoked. Such license shall be granted only to a person who owns or operates the place from which the person engages in the business of a distributing subcontractor of tobacco products, and, if such business is operated in two or more separate places by any such person, a separate license for each place of business shall be required. Such license shall be renewed only upon timely application and payment of the required fee prior to expiration. Such licenses may be transferred in the discretion of and pursuant to the rules adopted by the department. The fee for a license shall be ten dollars per year, and such fee shall be credited to the wholesale and distributing subcontractor license fund created in section 39-28-102.5. Such fee shall be reduced at the rate of two dollars and fifty cents for each expired quarter of the license year. The department shall, on reasonable notice and after a hearing, suspend or revoke the license of any person violating any provision of this article, and no license shall be issued to such person within a period of two years thereafter. The department may share information on the names and addresses of persons who purchased tobacco products for resale with the department of public health and environment and county and district **PUBLIC** health ~~departments~~ **AGENCIES** . The department shall refuse to issue a new or renewal distributor license and shall revoke a distributor's license, if the distributor owes the state any delinquent taxes administered by the department or interest thereon pursuant to this title that have been determined by law to be due and unpaid, unless the distributor has entered into an agreement approved by the department to pay the amount due. The department shall only issue a new or renewal distributing subcontractor license to a distributing subcontractor that has a current license issued pursuant to section 39-26-103.

SECTION 181. 40-3-106 (1) (d) (II) (A), Colorado Revised Statutes, is amended to read:

40-3-106. Advantages prohibited - graduated schedules - consideration of household income and other factors - definitions.

(1)

(d)

(II) As used in this paragraph (d), a "low-income utility customer" means a utility customer who:

- (A) Has a household income at or below one hundred eighty-five percent of the current federal poverty ~~level~~ **LINE** ; and

SECTION 182. 40-3.4-105 (1) (d), Colorado Revised Statutes, is amended to read:

40-3.4-105. Low-income telephone assistance - eligibility.

- (1) Individuals eligible for low-income telephone assistance shall be those persons who:

- (d) Have a monthly household gross income at or below one hundred eighty-five percent of the federal poverty ~~level~~ **LINE** .

SECTION 183. 40-8.7-109 (1) (c), Colorado Revised Statutes, is amended to read:

40-8.7-109. Low-income energy assistance program - eligibility.

- (1) The organization shall provide energy assistance to individuals and organizations in Colorado. Individuals eligible for low-income energy assistance shall be current or prospective utility customers who:
- (c) Have a monthly household gross income at or below one hundred eighty-five percent of the federal poverty ~~level~~ **LINE** .

SECTION 184. 42-2-306 (1) (a) (V) (A), Colorado Revised Statutes, is amended to read:

42-2-306. Fees - disposition - repeal.

- (1) The department shall charge and collect the following fees:
- (a)
- (v)
- (A) In addition to the fees imposed in subparagraphs ~~(I) to~~ **(II) AND** (III) of this paragraph (a), the fee for the issuance of an identification card shall include a sixty-cent surcharge. Such surcharge shall be forwarded to the department for transmission to the state treasurer, who shall credit the same to the identification security fund created in section 42-1-220.

SECTION 185. 42-3-204 (1) (b) (II), Colorado Revised Statutes, is amended to read:

42-3-204. Parking privileges for persons with disabilities - applicability.

- (1) As used in this section:
- (b) "Person with a disability" means either of the following:
- (II) A person who has a physical impairment that substantially limits the person's ability to move from place to place, which impairment is verified, in writing, by a physician licensed to practice medicine or practicing medicine pursuant to section 12-36-106 (3) (i), C.R.S., a podiatrist licensed under article 32 of title 12, C.R.S., or an advanced practice nurse registered pursuant to section 12-38-111.5, C.R.S. To be valid, such verification by the ~~director,~~ physician, podiatrist, or advanced practice nurse shall certify to the department of revenue that the person meets the standards established by the executive director of the department of revenue.

SECTION 186. 42-4-109.6 (1), Colorado Revised Statutes, is amended to read:

42-4-109.6. Class B low-speed electric vehicles - effective date - rules.

- (1) A class B low-speed electric vehicle may be operated only on a roadway that has a speed limit equal to or less than forty-five miles per hour; except that it may be operated to directly cross a roadway that has a speed limit greater than ~~thirty-five~~ **FORTY-FIVE** miles per hour at an at-grade crossing to continue traveling along a roadway with a speed limit equal to or less than ~~thirty-five~~ **FORTY-FIVE** miles per hour.

SECTION 187. Repeal. 43-1-1209 (1) (f), Colorado Revised Statutes, is repealed as follows:

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:

(f) ~~The boards of education of school districts, as described in section 22-64-112, C.R.S.;~~

SECTION 188. Repeal. [43-3-220 \(1\) \(f\)](#), Colorado Revised Statutes, is repealed as follows:

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:

(f) ~~The boards of education of school districts, as described in section 22-64-112, C.R.S.;~~

SECTION 189. [15-18-113 \(5\)](#), as enacted by House Bill 10-1025, Colorado Revised Statutes, is amended to read:

15-18-113. Penalties - refusal - transfer.

(5) An attending physician or advanced practice nurse who refuses to comply with the terms of a declaration valid on its face shall transfer the care of the declarant to another physician or advanced practice nurse who is willing to comply with the declaration. Refusal of an attending physician or advanced practice nurse to comply with a declaration and failure to transfer the care of the declarant to another physician or advanced practice nurse shall constitute unprofessional conduct as defined in section 12-36-117, C.R.S., or grounds for discipline pursuant to section 12-38-117, C.R.S. ~~-refuses to comply with the terms of a declaration valid on its face shall transfer the care of the declarant to another physician who is willing to comply with the declaration. Refusal of an attending physician to comply with a declaration and failure to transfer the care of the declarant to another physician shall constitute unprofessional conduct as defined in section 12-36-117, C.R.S.~~

SECTION 190. [22-32-140](#), Colorado Revised Statutes, as enacted by Senate Bill 10-056, is amended to read:

22-32-140.

Standardized immunization policy required. On or before July 1, 2011, each school district board of education shall annually provide to the parent or legal guardian of each student enrolled in ~~the~~ **A** school **OF THE SCHOOL DISTRICT** the standardized immunization document developed and updated by the department of public health and environment pursuant to section 25-4-902 (4), C.R.S. For purposes of this section, solely posting a copy of the standardized immunization document on a web site or in a central area of the school is not sufficient to satisfy the notice requirements of this section; however, each school district is encouraged to post a copy of the standardized immunization document on its web site.

SECTION 191. [22-80-119](#), Colorado Revised Statutes, as enacted by Senate Bill 10-056, is amended to read:

22-80-119.

Standardized immunization policy required. On or before July 1, 2011, the school shall annually provide to the parent or legal guardian of each student enrolled in the school the standardized immunization document developed and updated by the department of public health and environment pursuant to section 25-4-902 (4), C.R.S. For the purposes of this section, a school ~~-district-~~ shall have the discretion to determine the method of distribution of the standardized immunization document, including but not limited to providing a copy to parents and legal guardians, providing the standardized immunization document in a newsletter or handbook, or providing to parents and legal guardians an electronic copy of the standardized immunization

document. For purposes of this section, solely posting a copy of the standardized immunization document on a web site or in a central area of the school is not sufficient to satisfy the notice requirements of this section; however, the school is encouraged to post the standardized immunization document on its web site.

SECTION 192. [31-12-112 \(1\)](#), Colorado Revised Statutes, as amended by House Bill 10-1259, is amended to read:

31-12-112. Election - annexation pursuant to election.

- (1) If the governing body determines that an annexation election is required under the provisions of section 30 (1) (a) **OF ARTICLE II** of the state constitution and section 31-12-107 (2) or that additional terms and conditions should be imposed upon the area proposed to be annexed, an election shall be called, as provided in this section, to determine whether a majority of the landowners and the registered electors in the area proposed to be annexed approve such annexation, with such terms and conditions, if any, as may attach thereto.

SECTION 193. [31-25-107 \(11\)](#), Colorado Revised Statutes, as amended by House Bill 10-1107, is amended to read:

31-25-107. Approval of urban renewal plans by local governing body.

- (11) The governing body or the authority may enter into an agreement with any ~~county~~ taxing entity within the boundaries of which property taxes collected as a result of the taxing entity's levy, or any portion of the levy, will be subject to allocation pursuant to subsection (9) of this section. The agreement may provide for the allocation of responsibility among the parties to the agreement for payment of the costs of any additional county infrastructure or services necessary to offset the impacts of an urban renewal project and for the sharing of revenues. Except with the consent of the governing body or the authority, any such shared revenues shall be limited to all or any portion of the taxes levied upon taxable property within the urban renewal area by the taxing entity. The agreement may provide for a waiver of any provision of this part 1 that provides for notice to the taxing entity, requires any filing with or by the taxing entity, requires or permits consent from the taxing entity, or provides any enforcement right to the taxing entity.

SECTION 194. Repeal. Section 1 (1) (f) of Senate Bill 10-098 is repealed as follows:

Section 1. Legislative declaration.

- (1) The general assembly hereby finds, determines, and declares that:
- (f) ~~By enacting the Great Outdoors Colorado Program in 1992, codified in Article XXVII of the state constitution, the people of the state created, among other things:~~

SECTION 195. Act subject to petition - effective date.

- (1) Except as otherwise provided in subsection (2) of this section, this act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part shall not take effect unless approved by the people at the general election to be held in November 2010 and shall take effect on the date of the official declaration of the vote thereon by the governor.
- (2)
- (a) Sections 41 and 45 of this act shall not take effect if Senate Bill 10-111 is enacted and becomes law.

- (b) Section 189 of this act shall take effect only if House Bill 10-1025 is enacted and becomes law.
- (c) Section 190 of this act shall take effect only if Senate Bill 10-056 is enacted and becomes law.
- (d) Section 191 of this act shall take effect only if Senate Bill 10-056 is enacted and becomes law.
- (e) Section 192 of this act shall take effect only if House Bill 10-1259 is enacted and becomes law.
- (f) Section 193 of this act shall take effect only if House Bill 10-1107 is enacted and becomes law.
- (g) Section 194 of this act shall take effect only if Senate Bill 10-098 is enacted and becomes law.

APPENDIX

C.R.S. Section	Section in bill	Reason
1-7-802	1	Changes "unvoted ballot" to "unused ballot" because the latter term is the predominant term in the election statutes used to describe a ballot that was not used in the election for which it was intended.
1-7.5-105 (2)(b)	2	Corrects a grammatical error originating in the house state, veterans, and military affairs committee report amending the introduced version of HB09-1015. (See the 2009 House Journal for March 11, page 690, line 37, and HB09-1015, chapter 259, page 1184.)
2-2-1402 (1)(c)	3	"Poverty level" is being changed to "poverty line" to reflect the defined term in the United States Code. (See 42 U.S.C. sec. 9902 (2).)
2-2-1403 (2) and (3)	4	See the explanation for 2-2-1402 (1)(c).
2-3-1203 (3)(y.5)	5	Conforms terminology between sections 2-3-

		1203 and 23-31-310 to correct an error originating in the introduced version of SB08-171. (See SB08-071, chapter 330, page 1534.)
4-9-518 (a)(2)	6	To correct an error approved for revision in 2009, amends subsection (a)(2) to reinstate the language adopted in HB08-1266. (See HB08-1266, chapter 84, page 266.)
5-6-203 (5)	7	Corrects a grammatical error that originated in the introduced version of HB00-1185. (See HB00-1185, chapter 265, page 1253.)
6-1-715 (4)(b)	8	Updates an internal reference to the federal "Health Insurance Portability and Accountability Act of 1996" to account for the addition of a new section added by Public Law 110-233. (See Pub.L. 110-233, 122 Stat. 881.)
6-1-716 (2)(d)	9	An error in a house second reading floor amendment amending the house business affairs and labor committee report amending the introduced version of HB06-1119 incorrectly cited a defined term in federal law. (See the 2006 House Journal for

8-20-104 (1)	10	<p>February 16, page 359, line 16, and HB06-1119, chapter 145, page 537.)</p> <p>In subsection (1), clarifies that the director of the division of oil and public safety has the authority to enforce rules promulgated pursuant to article 20 of title 8. (See sections 8-20-102 (1) and 8-20-104 (2)(a), C.R.S. 2009; the 2003 House Journal for April 17, page 1728, lines 35 through 46; HB03-1099, chapter 279, page 1820; SB08-051, chapter 263, page 984; and HB09-1151, chapter 230, page 1060.)</p>
8-43-301 (6) and (7)	11	<p>Makes conforming amendments to parallel language in the senate business, labor, and technology committee report to the introduced version of SB09-070. In subsections (6) and (7), clarifies that the referenced office is the Denver office of the office of administrative courts. (See the 2009 Senate Journal for February 5, page 184, lines 1 through 34, and SB09-070, chapter 49, page 176.)</p>

8-70-114 (2)(b)(VII)(B) 12 and (2)(b)(VII)(C)	Changes "tax" to "premium" and "taxes" to "premiums" to resolve an inconsistency in the terminology used in SB09-258 and HB09-1363. (See SB09-258, chapter 250, page 1123, and HB09-1363, chapter 363, page 1877.)
8-72-114 (1)(a), 13 (1)(b), (3)(a), (3)(c), (3)(e)(I), (3)(e)(II), and (7)(c)	House Bill 09-1363 amended several sections in title 8 changing "tax" to "premium" and "taxes" to "premiums" at the same time this section was being added by HB09-1310. This section is amended to conform the change of "tax" to "premium" and "taxes" to "premiums" made in HB09-1363. (See HB09- 1363, chapter 363, page 1876, and HB09-1310, chapter 406, page 2238.)
10-3-1104.6 (9) 14	In a recodification of part 5 of article 1 of title 25 by SB08-194, statutes concerning county and district health departments, local boards of health, and regional health departments were repealed and replaced by statutes concerning public health agencies and county, district, and municipal boards of

health. Certain provisions referencing the repealed boards and departments and local health offices remain in the statutes and are being amended to conform to SB08-194. (See SB08-194, chapter 406, page 2030.)

11-59.7-104 (1)(j)	15	Section 22-54-110.5 was added in SB09-256 by the senate education committee report but deleted from the reengrossed version of the bill on a committee of the whole amendment in the house. (See the 2009 House Journal for April 27, page 1506, lines 15 through 49; HB09-1346, chapter 402, page 2196; and SB09-256, chapter 294, page 1548.)
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11-105-304 (2)	16	In a recodification of the banking statutes by HB03-1257, provisions of the former Colorado Trust Company Act located in article 23 of title 11 were relocated to article 109 of title 11, but the conforming amendment in this provision was missed. (See HB03-1257, chapter 152, pages 1051 and 1175.)
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12-22-102 (23)	17	See the explanation for 10-3-1104.6 (9).
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12-22-121 IP(5)(b) and (5)(b)(II)	18	See the explanation for 10-3-1104.6 (9).
12-47-901 (5)(c)	19	Amends this provision to follow standard drafting format. (See HB97-1076, chapter 80, page 285.)
12-54-101	20	Article 54 of title 12 encompasses the provisions concerning mortuaries; therefore, this section is being amended so all of article 54 of title 12 may be referred to and cited as the "Mortuary Science Code".
13-1-205 (4)(d)	21	See the explanation for 2-2-1402 (1)(c).
13-14-102 (17.5)(e)(III)	22	An internal reference in this section is being changed to correspond with the restructuring of section 16-11.8-103 (4) in this bill.
13-54.5-101 (2)(b)(II)	23	Repeals the reference to article 52 of title 24 due to the repeal of the article by SB09- 066, effective July 1, 2009. (See SB09-066, chapter 73, page 260.)
14-4-106	24	Due to the repeal of section 14-4-102 by HB99-1204, effective July 1, 1999, and section 14-4-103 by HB04-1305, effective July 1, 2004, court orders cannot be issued pursuant to this article, thus making

		the filing provisions in this section obsolete. (See HB99- 1204, chapter 157, page 501, and HB04-1305, chapter 178, page 554.)
14-4-107 (3)(a)	25	See the explanation for 2-2-1402 (1)(c).
16-2.5-102	26	As a conforming amendment to HB06-1027, adds municipal court marshals to the list of professions that are required to be P.O.S.T. certified. (See HB06- 1027, chapter 11, page 27.)
16-11-214 (1)(a)	27	Section 18-1.3-103 (6) provided for the repeal of section 18-1.3-103, effective July 1, 2006. As this program no longer exists, the directive to fund the demonstration program is being deleted from this provision. (See HB02-1046, chapter 318, page 1367.)
16-11.8-103 (1)(g)(III) and (4)	28	Internal references in this section are being changed to correspond with the restructuring of subsection (4). (See HB08-1232, chapter 370, page 1723.)
16-11.8-104 (2)	29	See the explanation for 16-11.8-103 (1)(g)(III) and (4).
17-2-201 (9)(a)(I)	30	Reconstructs an internal reference to follow standard drafting format. (See

SB94-172, chapter 344,
page 2598.)

18-1-415

31

The proper name of the alternate defense counsel created in section 21-2-101 appeared correctly in the introduced version of SB03-164; however, subsequent amendments to the bill adopted by the senate and house judiciary committee reports incorrectly referenced the counsel as the alternative defense counsel. (See the 2003 Senate Journal for February 12, page 334, lines 8 and 9; the 2003 House Journal for March 5, page 1039, lines 1 through 3; and SB03-164, chapter 90, page 817.)

18-1.3-501 (1.5)(b)

32

The house judiciary committee report amending the introduced version of HB09-1120 expanded the definition of a "peace officer or firefighter engaged in the performance of his or her duties" to include emergency medical technicians but missed this provision in the report. (See the 2009 House Journal for January 30, page 187, lines 5 through 37, and HB09-1120, chapter 305, page 1650.)

18-3-415.5 (3)(a), (3)(c), IP(3)(d), and (4)	33	See the explanation for 10-3-1104.6 (9).
19-1-103 (22)	34	See the explanation for 10-3-1104.6 (9).
19-1-116 (2)(a)	35	See the explanation for 10-3-1104.6 (9).
19-3-307 (2.5)	36	See the explanation for 10-3-1104.6 (9)
22-7-305 (4)(d)	37	The senate appropriations committee amended the introduced version of SB09-090 to repeal a requirement that the department of education provide staff and services to the Colorado state advisory council for parent involvement but overlooked the conforming amendment in this provision to strike the funding for the staff and services that were to be provided. (See the 2009 Senate Journal for February 6, page 195, lines 55 through 63; the 2009 Senate Journal for March 23, page 818, lines 19 through 21; and SB09-090, chapter 291, page 1431.)
22-7-504 IP(3)	38	Corrects an error originating in HB96- 1139 and carried forward in HB97-1219 in which the individualized education program was

		incorrectly referenced as the individualized education plan. (See HB96-1139, chapter 108, page 436; HB97-1219, chapter 129, page 458; section 22-20-103 (15) C.R.S. 2009; and the federal "Individuals with Disabilities Education Act," 20 U.S.C. sec. 1400 et seq.)
22-11-103 (28)	39	Corrects an internal reference to the definition of "on-line program" to fix an error originating in the introduced version of SB09-163. (See SB09- 163, chapter 293, page 1461.)
22-30.5-103 (6.7)(b)(I)	40	Clarifies that the referenced commissioner is the commissioner of education established in section 1 (2) of article IX of the state constitution. (See SB09-230, chapter 227, page 1033.)
22-30.5-505 (4)(I)	41	In the senate education committee report amending the introduced version of SB09-089, the name of the institute charter school capital construction assistance grant fund was amended to remove "grant" from the name of the fund; incidentally, the

		conforming amendment was overlooked in this provision. (See the 2009 Senate Journal for February 13, page 336, lines 37 through 63, and SB09-089, chapter 440, page 2437.)
22-32-120 (8)(b)(I)	42	See the explanation for 22-30.5-103 (6.7)(b)(I).
22-33-106 (1)(c)	43	See the explanation for 22-7-504 IP(3).
22-35-103 (10)(f)	44	* Corrects an internal reference by making a conforming amendment that was overlooked in a senate floor amendment amending the senate education committee report amending the reengrossed version of HB09-1319. (See the 2009 Senate Journal for April 24, pages 1262, lines 58 through 67, and 1263, lines 1 through 16; the 2009 Senate Journal for May 4, page 1532, lines 18 through 23, 35 through 39, and 43; and HB09- 1319, chapter 286, page 1301.) * Changes the "effective date of this article" to "May 21, 2009" to conform to standard drafting format.
22-43.7-109 (9)(c)(III.5)	45	See the explanation for 22-30.5-505 (4)(I).
22-54-123 (2)(b)(I)	46	See the explanation for

		22-30.5-103 (6.7)(b)(I).
22-54-123.5 (1)(d) and (2)(b)(II)(A)	47	* Section 22-82.5-108 provided for the repeal of article 82.5 of title 22, effective January 1, 2009, rendering subsection (1)(d) inoperative, and, because subsection (1)(d) only applies to the 2006 through 2008 budget years, it is also obsolete and is being repealed. (See the editor's note following section 22- 82.5-108, 2009 C.R.S., and SB06-127, chapter 242, page 1113.) * See the explanation for 22- 30.5-103 (6.7)(b)(I).
22-60.5-111 (14)(a), (14)(b)(III), (14)(c)(III), and (14)(d)	48	Clarifies that the referenced board is the state board of education. (See section 22-60.5-102 (20), C.R.S. 2009, and HB04- 1104, chapter 325, page 1277.)
22-60.5-203 (5)	49	An internal reference is being changed to correspond with the reorganization of subsection (6) by a house second reading floor amendment amending the reengrossed version of SB09-160. (See the 2009 House Journal for April 27, page 1498, lines 29 through 42, and SB09-

		160, chapter 292, page 1450.)
22-82.3-106 (2)	50	Corrects an internal reference to the reporting requirements described in section 22-82.3-108 (2) to remedy an error originating in the introduced version of SB09-123. (See SB09-123, chapter 287, page 1326.)
22-82.7-102 (5)(b)(I)	51	See the explanation for 22-30.5-103 (6.7)(b)(I).
22-82.9-103 (2.5)(b)(I)	52	See the explanation for 22-30.5-103 (6.7)(b)(I).
23-16-102 (3)	53	Repeals the obsolete definition of "commission" because the term is no longer used in part 1 of article 16 of title 23.
23-20-203 (2)	54	See the explanation for 10-3-1104.6 (9).
23-21-204 (1)(e)	55	See the explanation for 10-3-1104.6 (9).
23-21-304 (1)(e)	56	See the explanation for 10-3-1104.6 (9).
23-71-128 IP(1) and IP(2)	57	Clarifies the procedure by which a school district or the town of Berthoud may be annexed into an existing junior college district. (See HB75-1233, chapter 202, page 759, and HB09-1079, chapter 66, page 232.)
24-1-114 (4)(b) and (4)(I)	58	Clarifies that Fort Lewis college is

governed by its own
board of trustees, not
the board of governors
of the Colorado state
university system. (See
section 23-52-102
C.R.S., 2009; HB02-
1419, chapter 303, page
1250; and HB02-1260,
chapter 302, page
1218.)

24-1.9-102 (1)(a)(II) 59

See the explanation for
10-3-1104.6 (9).

24-22-117 (2)(a)(II)(A) 60
and (2)(a)(II)(D)

See the explanation for
2-2-1402 (1)(c).

24-30-201 (1)(I) and 61
(2)

* Resolves
inconsistencies in the
lease-purchase
terminology between the
provisions added by
HB09-1218 to subsection
(1)(I) and section 24-
82-801. (See HB09-1218,
chapter 132, pages 569
and 572.) * Deletes a
reference to section
24-1-128 (7)(c) in
subsection (2) to
correct an error
originating in the
introduced version of
SB08-155 in which the
conforming amendment
was overlooked when
section 24-1-128 (7)(c)
was repealed, effective
May 22, 2008. (See
SB08-155, chapter 284,
page 1129.)

24-30-1404 (7)(c)(IV) 62

Changes the citation to
the federal
"Comprehensive
Environmental Response,

<p>Compensation, and Liability Act of 1980" to correct an error in the senate health and human services committee report amending the introduced version of SB08-037. (See 42 U.S.C. 9601 to 9675; the 2008 Senate Journal for January 24, page 111, line 31; and SB08-037, chapter 62, page 176.)</p>		
24-32-115 (1)(a)	63	See the explanation for 2-2-1402 (1)(c).
24-32-2104 (8)(b)(II)(E)	64	See the explanation for 10-3-1104.6 (9).
24-37.5-704 (3)(c)	65	See the explanation for 6-1-715 (4)(b).
24-37.7-101 (6)	66	Corrects an internal reference to the definition of "state agency" to fix an error originating in the introduced version of SB08-155. (See SB08- 155, chapter 284, page 1130.)
24-38.7-104 (3)(a)(I)(E)	67	Substitutes "the administrator" with "participating public lenders and private lenders" and "state" with "office" to conform this section to the changes made by the senate appropriations committee report to section 24-39.7-103 (3)(a) and (3)(b) in the introduced version SB08-184. (See the 2008

		Senate Journal for April 14, page 925, lines 47 through 69, and page 926, and SB08- 184, chapter 301, page 1313.)
24-45.5-104 (1)(d)	68	Corrects a citation to a federal court case to remedy an error in the senate state, veterans and military affairs committee report amending the introduced version of SB08-165. (See the 2008 Senate Journal for March 6, page 489, lines 18 through 20, and SB08- 165, chapter 426, page 2188.)
24-46-303 (4)	69	Corrects an internal reference to the annual report and audit obligations of a regional tourism project financing entity to remedy an error originating in the introduced version of SB09-173. (See SB09- 173, chapter 434, page 2404.)
24-50-609.5 (2)(a)(II), (3)(a)(I), (3)(a)(II), and (3)(a)(III)	70	See the explanation for 2-2-1402 (1)(c).
24-51-101 (20)	71	See the explanation for 10-3-1104.6 (9).
24-51-407 (5)	72	Clarifies that the interest referred to in subsection (5) is regular interest as defined in section 24- 51-1702 (31). (See

		SB09-282, chapter 288, page 1341.)
24-51-1101 IP(1)	73	Repeals the internal references to subsections (1.5) and (1.7) due to the repeal of these provisions, effective July 1, 2005. (See the editor's note following section 24- 51-1101, C.R.S. 2009; SB02-145, chapter 68, page 190; and HB03- 1327, chapter 344, page 2179.)
24-51-1740 (1)(c)	74	Corrects an internal reference error originating in the introduced version of SB09-282. (See SB09- 282, chapter 288, page 1381.)
24-65.1-104 (5)	75	An amendment, overlooked in the introduced version of HB00-1431, is being made to conform the terminology of this section with section 25-9-102 (5), (6), and (7). (See HB00-1431, chapter 185, page 767.)
24-72-302 (4) Version effective September 30, 2010	76	Repeals references to sections 16-11-104, 16- 11-204.3, and 16-11-308 (4.5) due to the repeal of these sections by SB06-150, effective July 1, 2007. (See SB06-150, chapter 339, pages 1688 and 1689.)
24-72-305 (1.5) Version effective	77	See the explanation for 24-72-302 (4).

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24-72-308.5 (4)(c)	78	To correct an error originating in the introduced version of HB08-1082, amends this provision to accurately cite the section creating the judicial stabilization cash fund. (See HB08-1082, chapter 393, page 1938.)
24-75-102 (1)(b)(II)	79	See the explanation for 24-30-1404 (7)(c)(IV).
24-75-109 (1)(a.6)	80	Corrects the short title of the federal act. (See Pub.L. 108-173 and HB09-1222, chapter 231, page 1064.)
24-75-1104.5 (1.5)(a)(III)(A) and (1.5)(a)(III)(B)	81	Amends this section to reflect the proper name and location of the comprehensive primary and preventive care fund to correct errors originating in the introduced version of SB07-097 and carried over to SB09-210. (See SB07-097, chapter 41, page 144, and SB09-210, chapter 124, page 528.)
24-90-109 (1)(m)	82	House Bill 09-1072, a bill that modified statutory provisions addressing the governance of library districts, required the board of trustees of public libraries to hire a director, formerly referred to as

a librarian until
reclassified by this
bill, to assist the
board with its duties;
however, this
conforming amendment
was missed. (See HB09-
1072, chapter 74, page
265.)

25-1-108 (1)(c)(VI)	83	See the explanation for 10-3-1104.6 (9).
25-1-122 (1), (2), IP(4), IP(4)(d), (5), and (6)	84	See the explanation for 10-3-1104.6 (9).
25-1-201 (4)	85	See the explanation for 10-3-1104.6 (9).
25-1.5-102 IP(1)(b)(IV), (1) (b) (IV) (B), and (1) (b) (IV) (C)	86	See the explanation for 10-3-1104.6 (9).
25-2-103 (5)	87	See the explanation for 10-3-1104.6 (9).
25-3.5-704 (2)(g)	88	See the explanation for 10-3-1104.6 (9).
25-3.5-803 (2)	89	See the explanation for 10-3-1104.6 (9).
25-4-302 (1)(c)	90	See the explanation for 10-3-1104.6 (9).
25-4-304 IP(1)	91	See the explanation for 10-3-1104.6 (9).
25-4-500.3 (10)	92	See the explanation for 10-3-1104.6 (9).
25-4-607 (3)(c)	93	See the explanation for 10-3-1104.6 (9).
25-4-702 (2)	94	See the explanation for 10-3-1104.6 (9).
25-4-710	95	See the explanation for

		10-3-1104.6 (9).
25-4-902 (1)(a)	96	See the explanation for 10-3-1104.6 (9).
25-4-902.5 (1)	97	See the explanation for 10-3-1104.6 (9).
25-4-905 (1)	98	See the explanation for 10-3-1104.6 (9).
25-4-906 (1)	99	See the explanation for 10-3-1104.6 (9).
25-4-907 (2)	100	See the explanation for 10-3-1104.6 (9).
25-4-908	101	See the explanation for 10-3-1104.6 (9).
25-4-1004.7 (6)	102	See the explanation for 10-3-1104.6 (9).
25-4-1404 IP(1), IP(1)(d), (1)(e), (1) (f), and (2)	103	See the explanation for 10-3-1104.6 (9).
25-4-1405 (1), (2), IP(3), (6), (7)(a), IP(7.5)(a), (7.5) (a) (II), and (7.5) (a) (III)	104	See the explanation for 10-3-1104.6 (9).
25-4-1406 (1), IP(2), (3), and (4)	105	See the explanation for 10-3-1104.6 (9).
25-4-1407 (1) and (4)	106	See the explanation for 10-3-1104.6 (9).
25-4-1409 (2)	107	See the explanation for 10-3-1104.6 (9).
25-4-1413 (2)	108	See the explanation for 10-3-1104.6 (9).
25-4-1505 (3)	109	See the explanation for 2-2-1402 (1)(c).
25-4-1602 (2.5)	110	See the explanation for 10-3-1104.6 (9).
25-4-1705 (8)	111	See the explanation for 10-3-1104.6 (9).
25-4-1805 (2)	112	See the explanation for

		10-3-1104.6 (9).
25-4-2205 (2)(h)	113	See the explanation for 10-3-1104.6 (9).
25-4-2403 (4), (7), (8), and (10)	114	See the explanation for 10-3-1104.6 (9).
25-6-102 (8)	115	See the explanation for 10-3-1104.6 (9).
25-6-202	116	See the explanation for 10-3-1104.6 (9).
25-7-114.7 (2)(b)(II)	117	See the explanation for 10-3-1104.6 (9).
25-7-138 (5) and (6)	118	See the explanation for 10-3-1104.6 (9).
25-8-501.1 (5) and (6)	119	See the explanation for 10-3-1104.6 (9).
25-9-109	120	See the explanation for 24-65.1-104 (5).
25-10-103 (11) and (12)	121	See the explanation for 10-3-1104.6 (9).
25-10-106 (1)(f)	122	See the explanation for 10-3-1104.6 (9).
25-13-111	123	See the explanation for 10-3-1104.6 (9).
25-15-101 (4.5)(c) and (5.5)	124	See the explanation for 24-30-1404 (7)(c)(IV).
25-18.5-101 (2.5)	125	See the explanation for 10-3-1104.6 (9).
25-18.5-103 (1)(a)	126	See the explanation for 10-3-1104.6 (9).
25-20.5-106 (2)(b)(III)	127	See the explanation for 10-3-1104.6 (9).
25-20.5-406 (2)(c)	128	See the explanation for 10-3-1104.6 (9).
25-21-103 (4)	129	See the explanation for 6-1-715 (4)(b).
25-21-104 (2)(c)	130	See the explanation for 6-1-715 (4)(b).
25-21.5-103 (3)(d)	131	See the explanation for 2-2-1402 (1)(c).
25-27-102 (6)	132	See the explanation for 10-3-1104.6 (9).
25-27-107 (1.5)(d) and (4)	133	Effective January 1, 2009, the statutory

		fees established in subsection (1) were repealed and replaced with fees established by the state board of health pursuant to subsection (1.5), effectively making subsection (1.5)(d) obsolete and making reference to subsection (1) in subsection (4) unnecessary . (See HB08-1038, chapter 188, page 662.)
25-27-110 (1)	134	See the explanation for 10-3-1104.6 (9).
25-31-103 (2) and (4)	135	* See the explanation for 10-3-1104.6 (9). * See the explanation for 2-2-1402 (1)(c).
25-31-104 (2)	136	See the explanation for 2-2-1402 (1)(c).
25.5-1-125 (2)(b)(VI)	137	See the explanation for 2-2-1402 (1)(c).
25.5-3-104 (2)	138	See the explanation for 2-2-1402 (1)(c).
25.5-3-202 (3)	139	See the explanation for 2-2-1402 (1)(c).
25.5-3-203 (7)(a)	140	See the explanation for 2-2-1402 (1)(c).
25.5-4-402.3 (4)(b)(IV)	141	* See the explanation for 2-2-1402 (1)(c). * Corrects a grammatical error originating in the introduced version of HB09-1293. (See HB09-1293, chapter 152, page 633.)
25.5-4-404	142	See the explanation for 10-3-1104.6 (9).
25.5-5-101 (1)(m)	143	See the explanation for 2-2-1402 (1)(c).

25.5-5-201 (1)(m)(I), (1)(o)(II), (1)(p)(I), (1) (p) (II), (1)(r)(I), and (1)(r)(II)	144	See the explanation for 2-2-1402 (1)(c).
25.5-5-301 (3)	145	See the explanation for 10-3-1104.6 (9).
25.5-5-302 (1) and IP(2)	146	See the explanation for 10-3-1104.6 (9).
25.5-5-318 (4)(b)	147	See the explanation for 2-2-1402 (1)(c).
25.5-5-319 (1)	148	See the explanation for 2-2-1402 (1)(c).
25.5-6-109 (2)(b)	149	Amends subsection (2)(b) to reflect the defined term set forth in subsection (1) of this section to correct an error originating in the introduced version of SB05-173. (See the editor's note following section 25.5-6-109, C.R.S. 2009, and SB05- 173, chapter 42, page 164.)
25.5-8-103 (4)(a)(I), (4)(a)(II), (4) (a) (III) (A), (4) (a) (III) (B), (4) (b) (I), (4)(b)(II), (4) (b) (III)	150	See the explanation for 2-2-1402 (1)(c).

(A), and		
(4)		
(b)		
(III)		
(B)		
25.5-8-107 (1)(b)	151	See the explanation for 2-2-1402 (1)(c).
25.5-8-108 (4)(a)	152	See the explanation for 2-2-1402 (1)(c).
26-1-118 (7)	153	Replaces the acronym "NPA" with "nonpublic assistance" because NPA is not defined for the part, article, or title. (See HB77-1539, chapter 365, page 1332.)
26-2-111.8 (4)	154	The board required to promulgate rules to administer the programs under section 26-2-122.3 was changed from the medical services board to the state board of human services by SB06-219; however, the conforming amendment in this provision was missed. (See SB06-219, chapter 355, page 1994.)
26-2-805 (1)(a)	155	See the explanation for 2-2-1402 (1)(c).
26-2-1005 (1)(a)	156	See the explanation for 2-2-1402 (1)(c).
26-6.5-104 (2)(a) and (2)(b)	157	The house education committee report removed section 26-6.5-109 from the introduced version of HB07-1062 resulting in the renumbering of the following C.R.S.

		section, but neglected to make these conforming amendments. (See the 2007 House Journal for February 9, page 350, lines 36 through 38, and HB07-1062, chapter 378, pages 1640 and 1644.)
26-6.5-106 (3.5)(a)(I)(E)	158	See the explanation for 10-3-1104.6 (9).
29-22-103 (2)(a)	159	See the explanation for 10-3-1104.6 (9).
29-22-105	160	See the explanation for 10-3-1104.6 (9).
29-22.5-102 (2) and (3)	161	These definitions are being placed in alphabetical order to conform to standard drafting format. (See the 2009 Senate Journal for February 13, page 310, lines 66 and 67, and page 311, lines 4 through 12, and SB09-020, chapter 189, page 825.)
29-28-103 (2)(b)(II)	162	Amends subsection (2)(b)(II) to conform the provision to standard drafting format. (See SB08-214, chapter 250, page 929.)
30-10-513 (1)(b)	163	Corrects a grammatical error originating in the senate local government committee report amending the introduced version of SB09-020. (See the 2009 Senate Journal for February 13, page 314, lines 32 through 41,

		and SB09-020, chapter 189, page 829.)
30-20-104 (1)(d)	164	See the explanation for 10-3-1104.6 (9).
30-20-111	165	See the explanation for 10-3-1104.6 (9).
30-20-202 (1)	166	See the explanation for 10-3-1104.6 (9).
30-28-136 (1)(g)	167	See the explanation for 10-3-1104.6 (9).
31-12-114 (1)	168	Repeals language that was originally repealed in 1997 by HB97-1099, but which was inadvertently reinserted the following year by mistake and has remained since that time. (See HB97-1099, chapter 195, page 996.)
33-4-102 (6)(b)	169	Repeals this provision as obsolete as it pertains to the refunding of big game licenses purchased for the 1990 hunting season by members of the United States armed forces sent abroad. (See SB91-047, chapter 244, page 1412.)
35-40-104 (5)	170	Repeals as obsolete a provision that required all remaining moneys in the predatory animal fund on August 7, 2006, to be transferred to the general fund.
37-45.1-102 (5)	171	See the explanation for 24-65.1-104 (5).
38-13-116.5 (2.5)	172	Repeals this provision as obsolete because it

			pertains to the transfer of moneys for the 2001-02 fiscal year.
38-39-109 (1)(a)	173		Corrects an error originating in the introduced version of HB08-1195 by deleting a reference to a nonexistent provision. (See HB08-1195, chapter 165, page 573.)
39-22-303.5 IP(4)(f)	174		Corrects an internal reference to the patent and copyright royalty provisions in subsection (4) to remedy an error originating in the introduced version of HB08-1380. (See HB08- 1380, chapter 256, page 958.)
39-26-707 (2)(a)	175		Conforms terminology between sections, 39- 26-104 (1)(e) and 39- 26-707 (2)(a), to correct an error originating in the introduced version of SB09-121 and to effect the intent of the general assembly. (See SB09-121, chapter 421, page 2338.)
39-26-725 (1)(a)	176		The house finance committee report amended the introduced version of HB08-1013 to change the definition of "school" in subsection (1)(b). The house appropriations

		committee amended the house finance committee report and inserted a new definition in subsection (1)(b) resulting in the renumbering of subsection (1)(c) to (1)(d). (See the 2008 House Journal for March 20, page 944, lines 32 through 37, and April 11, page 1258, lines 26 through 40, and HB08- 1013, chapter 257, page 969.)
39-28-102 (1)	177	See the explanation for 10-3-1104.6 (9).
39-28-102.5 (1)	178	See the explanation for 10-3-1104.6 (9).
39-28.5-104 (1)	179	See the explanation for 10-3-1104.6 (9).
39-28.5-104.5 (1)	180	See the explanation for 10-3-1104.6 (9).
40-3-106 (1)(d)(II)(A)	181	See the explanation for 2-2-1402 (1)(c).
40-3.4-105 (1)(d)	182	See the explanation for 2-2-1402 (1)(c).
40-8.7-109 (1)(c)	183	See the explanation for 2-2-1402 (1)(c).
42-2-306 (1)(a)(V)(A)	184	The senate appropriations committee amended the introduced version of SB07-241 to repeal subsection (1)(a)(I) but overlooked the conforming amendment in this provision. (See the 2007 Senate Journal for April 12, page 987, lines 15 through 21, and SB07-241, chapter

42-3-204 (1)(b)(II)	185	<p>361, page 1572.)</p> <p>Deletes "director" from subsection (1)(b) as a conforming amendment to a senate second reading floor amendment amending the reengrossed version of HB08-1061, which removed the reference to the director in the first sentence of the provision but not in the second sentence. (See the 2008 Senate Journal for March 3, page 428, lines 16 through 21, and HB08-1061, chapter 51, page 136.)</p>
42-4-109.6 (1)	186	<p>Resolves inconsistencies in a provision added by the senate transportation committee report amending the introduced version of SB09-075 that authorizes the use of class B low-speed electric vehicles on roads with a speed limit of 45 miles per hour or less. (See the 2009 Senate Journal for February 11, page 246, lines 45 through 56, and SB09-075, chapter 418, page 2322.)</p>
43-1-1209 (1)(f)	187	<p>Repeals this provision, concerning the boards of education of school districts described in section 22-64-112, due</p>

		to the repeal of the article, effective January 1, 2010. (See SB09-282, chapter 288, page 1399.)
43-3-220 (1)(f)	188	See the explanation for 43-1-1209 (1)(f).
15-18-113 (5)	189	Corrects an error in the drafting of an amendment to HB10-1052 on second reading in the house. (See the 2010 House Journal for February 17, page 352, lines 48 through 56, and page 353, line 1.)
22-32-140	190	Conforms the terminology in this section. (See SB10- 056.)
22-80-119	191	Changes "school district" to "school" to correct an error in the house education committee report amending SB10-056. (See the 2010 House Journal, page 623, line 43.)
31-12-112 (1)	192	Corrects an internal reference to a provision that governs municipal annexation elections in the state constitution. (See HB10-1259.)
31-25-107 (11)	193	Corrects an error in the drafting of HB10- 1107.
Section 1, IP(1)(f) of SB10-098.	194	To correct a drafting error, repeals the introductory portion to subsection (1)(f) enacted in SB10-098.

History

Approved June 10, 2010

Sponsor

BY REPRESENTATIVE(S) Gardner B., Kagan, Labuda, Levy, Roberts, Acree, Baumgardner, Bradford, King S., Liston, Priola, Stephens, Summers, Tipton, Waller, Carroll T.; also SENATOR(S) Brophy, Carroll M., Mitchell, Morse, Schwartz.

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