

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

May 3, 2016
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

SB16-189 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend reengrossed bill, page 81, after line 16 insert:

2 "SECTION 125. In Colorado Revised Statutes, 25-4-1607,
3 **amend as amended by House Bill 16-1401** (1) introductory portion; and
4 **amend as added by House Bill 16-1401** (1.5) (a) introductory portion,
5 (1.5) (a) (VI), (1.5) (b) introductory portion, and (1.5) (b) (VI) as follows:

6 **25-4-1607. Fees - repeal.** (1) Except as provided in ~~subparagraph~~
7 PARAGRAPH (d.5) OF THIS SUBSECTION (1) and subsection (14) of this
8 section, effective January 1 of the year following the increases specified
9 in paragraph (a) of subsection (1.5) of this section, each retail food
10 establishment in this state shall be assessed an annual license fee as
11 follows:

12 (1.5) (a) Except as provided in ~~sub-subparagraph~~ SUBPARAGRAPH
13 (VI) of this paragraph (a) and subsection (14) of this section, effective
14 January 1, 2018, to December 31, 2018, each retail food establishment in
15 this state shall be assessed an annual license fee as follows:

16 (VI) The fees established in this subsection ~~(1.5)~~ (1.5) are effective
17 September 1, 2017, for any new retail food establishment that was not
18 licensed and in operation prior to that date.

19 (b) Except as provided in ~~sub-subparagraph~~ SUBPARAGRAPH (VI)
20 of this paragraph (b), effective January 1, 2017, to December 31, 2017,
21 each retail food establishment in this state shall be assessed an annual
22 license fee as follows:

23 (VI) The fees established in this subsection ~~(1.5)~~ (1.5) are effective

1 September 1, 2016, for any new retail food establishment that was not
2 licensed and in operation prior to that date. This subparagraph (VI) is
3 repealed, effective January 1, 2017.

4 **SECTION 126.** In Colorado Revised Statutes, **amend as added**
5 **by House Bill 16-1401** 25-4-1607.9 as follows:

6 **25-4-1607.9. Department targets - audits - reporting.** (1) On
7 or before April 1, 2017, the department shall respond to all plans and
8 specifications and HACCP plan reviews within fourteen working days
9 after receipt, as required by section 25-4-1605 (4).

10 (2) On or before December 31, 2019, the department shall ensure
11 significant statewide compliance with the federal food and drug
12 administration's voluntary national retail food regulatory program
13 standards by verifying that:

14 (a) At least seventy percent of Colorado's retail food program staff
15 meet the national criteria for appropriate training and education to
16 adequately perform required inspections; and

17 (b) At least seventy percent of Colorado's retail food program staff
18 meet the national criteria regarding the focus of inspections on critical
19 item risk factors, the correction of documented deficiencies, and the focus
20 of inspections on the highest-risk establishments.

21 ~~(c)~~ (3) To verify compliance with this section:

22 ~~(H)~~ (a) The department shall audit any local public health agency
23 that conducts inspections within its jurisdiction; and

24 ~~(H)~~ (b) Local public health agencies shall audit the department
25 regarding the jurisdictions where the department conducts inspections.

26 ~~(d)~~ (4) The results of the audits conducted pursuant to ~~paragraph~~
27 ~~(c) of this subsection (2)~~ SUBSECTION (3) OF THIS SECTION must be
28 documented and reported during each stakeholder process held pursuant
29 to section 25-4-1607.5.

30 **SECTION 127.** In Colorado Revised Statutes, 42-4-1804, **amend**
31 **as amended by House Bill 16-1056** (6) (a) as follows:

32 **42-4-1804. Report of abandoned motor vehicles - owner's**
33 **opportunity to request hearing.** (6) (a) (I) Except as provided in
34 subparagraph (II) of this paragraph (a), an operator or its agent shall, no
35 less than two days, but no more than ten days after a motor vehicle has
36 been towed, determine who the owner is and if there is a lienholder and
37 send a notice by certified mail, return receipt requested, to the last address
38 of the owner and any lienholder as determined from records of the
39 department or from a national search performed by the department.

1 (II) If the department conducts a national title search in
2 accordance with paragraph (b) of subsection (2) of this section, each day
3 elapsing between the department being notified and the department
4 returning information on the motor vehicle as a result of the search does
5 not count against the tow operator's ten-day deadline to contact the motor
6 vehicle's owner or any lienholder. This subparagraph (II) does not affect
7 daily storage fees.

8 (III) The cost of complying with this paragraph (a) is a cost of
9 towing; except that the total of all costs of complying with this section
10 shall not exceed one hundred fifty dollars. To comply with this subsection
11 (6), the notice to the owner and lienholder must be sent within five days
12 after the operator receives the information from the department and must
13 contain the following information:

14 (H) (A) The fact of possession, including the date possession was
15 taken, the location of storage of the motor vehicle, and the location from
16 which it was towed;

17 (H) (B) The identity of the operator possessing the abandoned
18 motor vehicle, together with the operator's business address and telephone
19 number and the carrier number assigned by the public utilities
20 commission; and

21 (H) (C) A description of the motor vehicle, including the make,
22 model, color, and year and the number, issuing state, and expiration date
23 of the license plate, or any other indicia of the motor vehicle's state of
24 origin."

25 Renumber succeeding sections accordingly.

26 Page 81, after line 24 insert:

27 "(5) Sections 125 and 126 of this act take effect only if House Bill
28 16-1401 becomes law, in which case sections 125 and 126 take effect on
29 the effective date of House Bill 16-1401.

30 (6) Section 127 of this act takes effect only if House Bill 16-1056
31 becomes law, in which case section 127 takes effect on the effective date
32 of House Bill 16-1056."

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