

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 20-0420.01 Jane Ritter x4342

SENATE BILL 20-136

SENATE SPONSORSHIP

Moreno, Woodward, Zenzinger, Gardner

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Arndt, McKean, Valdez D., Gray, Hooton, Van Winkle

Senate Committees
Judiciary

House Committees
State, Veterans, & Military Affairs

HOUSE
3rd Reading Unamended
March 9, 2020

A BILL FOR AN ACT

101 **CONCERNING AN OMNIBUS BILL CONTAINING RECOMMENDATIONS OF**
102 **THE STATUTORY REVISION COMMITTEE RELATED TO THE**
103 **COMMITTEE'S STATUTORY CHARGE.**

HOUSE
2nd Reading Unamended
March 6, 2020

Bill Summary

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

SENATE
3rd Reading Unamended
February 13, 2020

Statutory Revision Committee. The bill makes the following changes to Colorado Revised Statutes, in accordance with the statutory charge of the statutory revision committee:

! **Section 1** of the bill contains a nonstatutory legislative declaration reflecting the scope of the statutory revision

SENATE
Amended 2nd Reading
February 12, 2020

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

- committee as it applies to the bill;
- ! **Sections 2-14** update incorrect references in statute related to the term "commitment", as used in the context of treatment and evaluation of mental health disorders, to the current language of "certification";
- ! **Sections 15-19** repeal subsections in title 43 that reference obsolete provisions or actions that have already occurred and are no longer relevant, including deleting references to the terms "motorscooter" and "motorbicycle", which were removed from statute by H.B. 09-1026;
- ! **Sections 20-28** conform and update obsolete federal references for the definition of a "federally qualified health center";
- ! **Sections 29-32** update outdated references to the "Colorado tourism board" and replace them with the "Colorado tourism office" and repeal a reference to a one-time transfer to a now-defunct tourism promotion fund;
- ! **Sections 33-38** repeal outdated and previously repealed references to the "pilot alternate protest procedure" in title 39; and
- ! **Sections 39-54** update, repeal, or correct miscellaneous references to programs, funds, boards or commissions, terminology, or other provisions in statute that conflict with current law.

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

2 **SECTION 1. Legislative declaration.** The general assembly
3 declares that the purpose of this act is to conform or repeal statutory
4 provisions that reflect obsolete or conflicting terminology; incorrect
5 statutory citations; or previously repealed programs, funds, boards or
6 commissions, or other provisions. The general assembly further declares
7 that conforming or repealing these statutory provisions does not alter the
8 scope or applicability of the remaining statutes.

9 **SECTION 2.** In Colorado Revised Statutes, 13-5-142, **amend**
10 (3)(b)(II) and (3)(b)(III) as follows:

11 **13-5-142. National instant criminal background check system**

1 - **reporting.** (3) The state court administrator shall take all necessary
2 steps to cancel a record made by the state court administrator in the
3 national instant criminal background check system if:

4 (b) No less than three years before the date of the written request:

5 (II) The period of CERTIFICATION OR commitment of the most
6 recent order of CERTIFICATION, commitment, RECERTIFICATION, or
7 recommitment expired, or a court entered an order terminating the
8 person's incapacity or discharging the person from CERTIFICATION OR
9 commitment in the nature of habeas corpus, if the record in the national
10 instant criminal background check system is based on an order of
11 CERTIFICATION OR commitment to the custody of the office of behavioral
12 health in the department of human services; except that the state court
13 administrator shall not cancel any record pertaining to a person with
14 respect to whom two recommitment orders have been entered pursuant to
15 section 27-81-112 (7) and (8), or who was discharged from treatment
16 pursuant to section 27-81-112 (11) on the grounds that further treatment
17 is not likely to bring about significant improvement in the person's
18 condition; or

19 (III) The record in the case was sealed pursuant to section
20 27-65-107 (7), or the court entered an order discharging the person from
21 ~~commitment~~ CERTIFICATION in the nature of habeas corpus pursuant to
22 section 27-65-113, if the record in the national instant criminal
23 background check system is based on a court order for involuntary
24 certification for short-term treatment of a mental health disorder.

25 **SECTION 3.** In Colorado Revised Statutes, 13-6-105, **amend**
26 (1)(b) as follows:

27 **13-6-105. Specific limits on civil jurisdiction.** (1) The county

1 court has no civil jurisdiction except that specifically conferred upon it by
2 law. In particular, it has no jurisdiction over the following matters:

3 (b) Matters of mental health, including **commitment**
4 CERTIFICATION, restoration to competence, and the appointment of
5 conservators;

6 **SECTION 4.** In Colorado Revised Statutes, 13-9-123, **amend**
7 (3)(b)(II) and (3)(b)(III) as follows:

8 **13-9-123. National instant criminal background check system**
9 **- reporting.** (3) The state court administrator shall take all necessary
10 steps to cancel a record made by the state court administrator in the
11 national instant criminal background check system if:

12 (b) No less than three years before the date of the written request:

13 (II) The period of CERTIFICATION OR commitment of the most
14 recent order of CERTIFICATION, commitment, RECERTIFICATION, or
15 recommitment expired, or the court entered an order terminating the
16 person's incapacity or discharging the person from CERTIFICATION OR
17 commitment in the nature of habeas corpus, if the record in the national
18 instant criminal background check system is based on an order of
19 CERTIFICATION OR commitment to the custody of the office of behavioral
20 health in the department of human services; except that the state court
21 administrator shall not cancel any record pertaining to a person with
22 respect to whom two recommitment orders have been entered pursuant to
23 section 27-81-112 (7) and (8), or who was discharged from treatment
24 pursuant to section 27-81-112 (11), on the grounds that further treatment
25 is not likely to bring about significant improvement in the person's
26 condition; or

27 (III) The record in the case was sealed pursuant to section

1 27-65-107 (7), or the court entered an order discharging the person from
2 ~~commitment~~ CERTIFICATION in the nature of habeas corpus pursuant to
3 section 27-65-113, if the record in the national instant criminal
4 background check system is based on a court order for involuntary
5 certification for short-term treatment of a mental health disorder.

6 **SECTION 5.** In Colorado Revised Statutes, 14-15-107, **amend**
7 (5)(u) as follows:

8 **14-15-107. Rights, benefits, protections, duties, obligations,**
9 **responsibilities, and other incidents of parties to a civil union.**

10 (5) Rights, benefits, protections, duties, obligations, responsibilities, and
11 other incidents under law as are granted to or imposed upon spouses, that
12 apply in like manner to parties to a civil union under this section, include
13 but are not limited to:

14 (u) The right to apply for emergency or involuntary ~~commitment~~
15 CERTIFICATION of a party to a civil union;

16 **SECTION 6.** In Colorado Revised Statutes, 15-18.7-202, **amend**
17 (4) and (5) as follows:

18 **15-18.7-202. Behavioral health orders for scope of treatment**
19 **- form contents - effect.** (4) Nothing in this part 2 allows an adult to
20 include in his or her behavioral health orders form an instruction that
21 exempts the adult from an involuntary emergency procedure,
22 CERTIFICATION, or commitment authorized pursuant to state law. Any
23 instruction that attempts to exempt the adult from an involuntary
24 emergency procedure, CERTIFICATION, or commitment authorized
25 pursuant to state law is void.

26 (5) A behavioral health orders form may be admissible in a
27 hearing pursuant to section 27-65-111 for the purpose of establishing the

1 adult's behavioral health treatment, medication, and alternative treatment
2 history, decisions, and preferences to be made on behalf of the adult
3 during an involuntary emergency procedure, CERTIFICATION, or
4 commitment authorized pursuant to state law.

5 **SECTION 7.** In Colorado Revised Statutes, 16-8.5-105, **amend**
6 (6) as follows:

7 **16-8.5-105. Evaluations, locations, time frames, and report.**

8 (6) Whenever a competency evaluation is ordered upon the request of
9 either party, the court may notify the county attorney or district attorney
10 required to conduct proceedings pursuant to section 27-65-111 (6) for the
11 county in which the charges are pending and the court liaison hired
12 pursuant to part 2 of article 11.9 of this title 16 of all court dates for
13 return of the report on competency to ensure that all parties are on notice
14 of the expected need for coordinated services and planning with
15 consideration of possible civil ~~commitment~~ CERTIFICATION.

16 **SECTION 8.** In Colorado Revised Statutes, 16-8.5-111, **amend**
17 (2)(a) as follows:

18 **16-8.5-111. Procedure after determination of competency or**
19 **incompetency.** (2) If the final determination made pursuant to section
20 16-8.5-103 is that the defendant is incompetent to proceed, the court has
21 the following options:

22 (a) If the defendant is charged with an offense as outlined in
23 section 16-8.5-116 (7) or (8), except for an offense enumerated in section
24 24-4.1-302 (1), and the competency evaluation has determined that the
25 defendant meets the standard for civil ~~commitment~~ CERTIFICATION
26 pursuant to article 65 of title 27, the court may forgo any order of
27 restoration and immediately order that proceedings be initiated by the

1 county attorney or district attorney required to conduct proceedings
2 pursuant to section 27-65-111 (6) for the civil ~~commitment~~
3 CERTIFICATION of the defendant and dismiss the charges without
4 prejudice in the interest of justice once civil ~~commitment~~ CERTIFICATION
5 proceedings have been initiated.

6 **SECTION 9.** In Colorado Revised Statutes, 17-2-201, **amend**
7 (10) as follows:

8 **17-2-201. State board of parole - duties - definitions.** (10) The
9 board shall interview all parole applicants at the institution or in the
10 community in which the inmate is physically held or through
11 teleconferencing as provided in ~~subparagraph (H) of paragraph (d) of~~
12 ~~subsection (3)~~ SUBSECTION (3)(d)(II) of this section. The site location of
13 an interview ~~shall~~ MUST not be changed within the thirty days preceding
14 the interview date without the approval of the board. Any inmate of an
15 adult correctional institution who has been transferred by executive order
16 or by civil ~~commitment~~ CERTIFICATION or ordered by a court of law to the
17 Colorado mental health institute at Pueblo may be heard at the Colorado
18 mental health institute at Pueblo upon an application for parole.

19 **SECTION 10.** In Colorado Revised Statutes, **amend** 23-22-109
20 as follows:

21 **23-22-109. Control over voluntary patients.** If any person has
22 been admitted to the hospital as a voluntary patient, the director of the
23 hospital has the same authority and control over ~~him~~ THE PATIENT as if
24 ~~such~~ THE patient had been admitted by order of court; except that a
25 voluntary patient ~~shall~~ MUST not be detained against ~~his~~ THE PATIENT'S
26 will or that of the person having legal custody or control over ~~him~~ THE
27 PATIENT for ~~a period of~~ more than ten days unless ~~said~~ THE HOSPITAL

1 director has within such interval obtained an order of ~~commitment~~
2 CERTIFICATION FOR THE PATIENT.

3 **SECTION 11.** In Colorado Revised Statutes, 23-22-110, **amend**
4 (2) as follows:

5 **23-22-110. Deposit of money collected.** (2) Every person
6 received as a patient at the psychiatric hospital, whether CERTIFIED,
7 committed, or otherwise, and the estate of such person and of all persons
8 responsible for ~~his~~ THE PATIENT'S support are liable for the cost of the
9 inquisition, CERTIFICATION, commitment, transportation, and hospital
10 expenses.

11 **SECTION 12.** In Colorado Revised Statutes, 23-23-103, **amend**
12 (1)(a) as follows:

13 **23-23-103. Evaluations made - when.** (1) A child may be
14 referred to the medical center for diagnostic evaluation and study under
15 the following conditions:

16 (a) A judge who has before him OR HER the matter of possible
17 CERTIFICATION, commitment, or sentencing of a child to one of the
18 institutions of the state may have an evaluation of ~~such~~ THE child made
19 at the diagnostic center; or ~~any such~~ THE judge may send a child to the
20 center for an evaluation of ~~his~~ THE CHILD'S mental and physical capacity
21 if ~~such~~ THE judge believes such diagnosis will aid ~~him in his~~ IN THE
22 determination of the matter concerning ~~such~~ THE child, ~~before him~~,
23 regardless of the fact that, because of lack of space, none of the regional
24 centers is able to accept ~~such~~ THE child.

25 **SECTION 13.** In Colorado Revised Statutes, **amend** 23-23-104
26 as follows:

27 **23-23-104. Custody of children - housing.** For the making of any

1 such diagnostic evaluation before CERTIFICATION OR commitment, the
2 district judge or juvenile judge shall give the temporary custody of the
3 child to the executive director of the department of human services for
4 temporary placement at any state institution deemed most suitable by the
5 executive director during the period of evaluation. Subject to the
6 provisions of section 23-23-108, the executive director of the department
7 of human services shall accept all such children assigned to ~~him~~ THE
8 EXECUTIVE DIRECTOR, within the limits of available facilities. Nothing in
9 this section ~~shall be construed to permit~~ PERMITS the designation of the
10 university of Colorado psychiatric hospital as a housing facility for such
11 children.

12 **SECTION 14.** In Colorado Revised Statutes, 28-5-220, **amend**
13 (2) as follows:

14 **28-5-220. Certification or commitment to veterans**
15 **administration.** (2) The judgment or order of CERTIFICATION OR
16 commitment by a court of competent jurisdiction of another state or of the
17 District of Columbia CERTIFYING OR committing a person to the veterans
18 administration for care or treatment has the same force and effect as to the
19 ~~committed~~ person while in this state as in the jurisdiction in which the
20 court entering the judgment or making the order is situated; and the courts
21 of the CERTIFYING OR committing state or of the District of Columbia
22 ~~shall be~~ ARE deemed to have retained jurisdiction of the person so
23 CERTIFIED OR committed for the purpose of inquiring into the PERSON'S
24 mental ~~condition of such person~~ HEALTH and of determining the necessity
25 for continuance of his or her restraint. Consent is given to the application
26 of the law of the CERTIFYING OR committing state or district in respect to
27 the authority of the chief officer of any facility of the veterans

1 administration to retain custody or transfer, parole, or discharge the
2 committed person.

3 **SECTION 15.** In Colorado Revised Statutes, 43-1-106, **repeal**
4 (4)(b) as follows:

5 **43-1-106. Transportation commission - powers and duties.**

6 ~~(4) (b) The terms of members of the commission who are transferred~~
7 ~~from the state highway commission on July 1, 1991, shall expire as~~
8 ~~follows:~~

9 ~~(I) The terms of members of the commission representing districts~~
10 ~~2, 4, 5, 6, 9, and 11 shall expire on July 1, 1991; and~~

11 ~~(II) The terms of members of the commission representing~~
12 ~~districts 1, 3, 7, 8, and 10 shall expire on July 1, 1993.~~

13 **SECTION 16.** In Colorado Revised Statutes, 43-2-145, **repeal**
14 (1)(d) and (9) as follows:

15 **43-2-145. Transportation legislation review - committee -**

16 **definition - repeal.** (1) (d) ~~Prior to January 1, 2016, the committee shall~~
17 ~~develop and make recommendations concerning the financing of the~~
18 ~~completion of the strategic transportation projects identified by the~~
19 ~~department as the "seventh pot projects". No later than February 1, 2016,~~
20 ~~the committee shall recommend legislation to implement the~~
21 ~~recommendations, and such legislation shall be treated as legislation~~
22 ~~recommended by an interim legislative committee for purposes of any~~
23 ~~introduction deadlines or bill limitations imposed by the joint rules of the~~
24 ~~general assembly; except that the bills shall not be subject to review by~~
25 ~~or approval of legislative council.~~

26 ~~(9) In the 2015 interim between the first regular session of the~~
27 ~~seventieth general assembly and the second regular session of the~~

1 ~~seventieth general assembly, the committee shall examine:~~

2 ~~(a) The statutory and regulatory requirements for entry into the~~
3 ~~market for taxicab service; and~~

4 ~~(b) Regulations governing the provision of taxicab service.~~

5 **SECTION 17.** In Colorado Revised Statutes, 43-4-205, **repeal**
6 (7)(b) as follows:

7 **43-4-205. Allocation of fund.** (7) (b) ~~Not later than July 1, 1997,~~
8 ~~the general assembly shall review the needs of this state for highway~~
9 ~~bridge repair, replacement, or posting and shall determine if the fund, as~~
10 ~~provided in paragraph (a) of subsection (6) of this section, should be~~
11 ~~continued. If said fund is not continued, the balance of revenues in said~~
12 ~~fund shall be allocated in accordance with the provisions of paragraph (b)~~
13 ~~of subsection (6) of this section.~~

14 **SECTION 18.** In Colorado Revised Statutes, 43-4-804, **amend**
15 (1)(a)(I) introductory portion and (1)(a)(I)(A) as follows:

16 **43-4-804. Highway safety projects - surcharges and fees -**
17 **crediting of money to highway users tax fund - definition.** (1) On and
18 after July 1, 2009, the following surcharges, fees, and fines shall be
19 collected and credited to the highway users tax fund created in section
20 43-4-201 (1)(a) and allocated to the state highway fund, counties, and
21 municipalities as specified in section 43-4-205 (6.3):

22 (a) (I) A road safety surcharge, which, except as otherwise
23 provided in ~~subparagraphs (III) and (VI) of this paragraph (a), shall be~~
24 ~~SUBSECTIONS (1)(a)(II) AND (1)(a)(VI) OF THIS SECTION,~~ IS imposed for
25 any registration period that commences on or after July 1, 2009, upon the
26 registration of any vehicle for which a registration fee must be paid
27 pursuant to the provisions of part 3 of article 3 of title 42. ~~C.R.S.~~ Except

1 as otherwise provided in ~~subparagraphs (IV) and (V) of this paragraph (a)~~
2 SUBSECTIONS (1)(a)(IV) AND (1)(a)(V) OF THIS SECTION, the amount of
3 the surcharge ~~shall be~~ IS:

4 (A) Sixteen dollars for ~~any vehicle that is~~ a motorcycle,
5 ~~motorscooter, or motorbicycle, as respectively~~ AS defined in section
6 42-1-102 (55), ~~and (59), C.R.S.,~~ or ANY VEHICLE that weighs two
7 thousand pounds or less;

8 **SECTION 19.** In Colorado Revised Statutes, 43-4-805, **amend**
9 (5)(g)(I) introductory portion and (5)(g)(I)(A) as follows:

10 **43-4-805. Statewide bridge enterprise - creation - board -**
11 **funds - powers and duties - legislative declaration.** (5) In addition to
12 any other powers and duties specified in this section, the bridge enterprise
13 board has the following powers and duties:

14 (g) (I) As necessary for the achievement of its business purpose,
15 to impose a bridge safety surcharge, which, except as otherwise provided
16 in ~~subparagraphs (III) and (VII) of this paragraph (g), shall be~~
17 SUBSECTIONS (5)(g)(III) AND (5)(g)(VII) OF THIS SECTION, IS imposed, on
18 and after July 1, 2009, for any registration period that commences on or
19 after July 1, 2009, or on and after such later date as may be determined by
20 the bridge enterprise, for any registration period that commences on or
21 after the later date, upon the registration of any vehicle for which a
22 registration fee must be paid pursuant to the provisions of part 3 of article
23 3 of title 42. ~~C.R.S.~~ Except as otherwise provided in ~~subparagraphs (IV),~~
24 ~~(V), and (VI) of this paragraph (g)~~ SUBSECTIONS (5)(g)(IV), (5)(g)(V),
25 AND (5)(g)(VI) OF THIS SECTION, the amount of the surcharge ~~shall~~ MUST
26 not exceed:

27 (A) Thirteen dollars for ~~any vehicle that is~~ a motorcycle,

1 ~~motorscooter, or motorbicycle, as respectively~~ AS defined in section
2 42-1-102 (55), ~~and (59), C.R.S.~~, or ANY VEHICLE that weighs two
3 thousand pounds or less;

4 **SECTION 20.** In Colorado Revised Statutes, 12-280-103, **amend**
5 (32)(a) introductory portion as follows:

6 **12-280-103. Definitions - rules.** As used in this article 280, unless
7 the context otherwise requires or the term is otherwise defined in another
8 part of this article 280:

9 (32) "Other outlet" means:

10 (a) A hospital that does not operate a registered pharmacy, a rural
11 health clinic, a federally qualified health center, as defined in ~~section~~
12 ~~1861(aa)(4)~~ of the federal "Social Security Act", 42 U.S.C. sec. 1395x
13 (aa)(4), a family planning clinic, an acute treatment unit licensed by the
14 department of public health and environment, a school, a jail, a county or
15 district public health agency, a community health clinic, a university, or
16 a college that:

17 **SECTION 21.** In Colorado Revised Statutes, 25-1.5-103, **amend**
18 (2)(a.5)(I) as follows:

19 **25-1.5-103. Health facilities - powers and duties of department**
20 **- limitations on rules promulgated by department - definitions.**

21 (2) For purposes of this section, unless the context otherwise requires:

22 (a.5) "Community clinic" has the same meaning as set forth in
23 section 25-3-101 and does not include:

24 (I) A federally qualified health center, as defined in ~~section 1861~~
25 ~~(aa)(4)~~ of the federal "Social Security Act", 42 U.S.C. sec. 1395x (aa)(4);

26 **SECTION 22.** In Colorado Revised Statutes, 25-3-101, **amend**
27 (2)(a)(III)(A) as follows:

1 **25-3-101. Hospitals - health facilities - licensed - definitions.**

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

3 (a) (III) "Community clinic" does not include:

4 (A) A federally qualified health center, as defined in ~~section 1861~~
5 ~~(aa)(4)~~ of the federal "Social Security Act", 42 U.S.C. sec. 1395x (aa)(4);

6 **SECTION 23.** In Colorado Revised Statutes, 25-3-103.7, **amend**
7 (1)(c) as follows:

8 **25-3-103.7. Employment of physicians - when permissible -**
9 **conditions - definitions.** (1) For purposes of this section:

10 (c) "Federally qualified health center" or "FQHC" ~~shall have~~ HAS
11 the same meaning as set forth in ~~section 1861(aa)(4)~~ of the federal "Social
12 Security Act", 42 U.S.C. sec. 1395x (aa)(4).

13 **SECTION 24.** In Colorado Revised Statutes, 25-4-2502, **amend**
14 (4) as follows:

15 **25-4-2502. Definitions.** As used in this part 25, unless the context
16 otherwise requires:

17 (4) "FQHC" means a provider designated as a federally qualified
18 health center, ~~pursuant to the provisions of 42 U.S.C. sec. 1396d (1)(2)(B)~~
19 AS DEFINED IN THE FEDERAL "SOCIAL SECURITY ACT", 42 U.S.C. SEC.
20 1395X (aa)(4).

21 **SECTION 25.** In Colorado Revised Statutes, 25-23-103, **amend**
22 (2)(a) as follows:

23 **25-23-103. State loan repayment program for dentists and**
24 **dental hygienists serving underserved populations - creation -**
25 **conditions.** (2) A dental professional is eligible for loan repayment
26 assistance if the dental professional meets at least one of the following
27 criteria:

1 (a) The dental professional is employed by a federally qualified
2 health center, AS DEFINED IN THE FEDERAL "SOCIAL SECURITY ACT", 42
3 U.S.C. SEC. 1395X (aa)(4);

4 **SECTION 26.** In Colorado Revised Statutes, 25.5-3-103, **amend**
5 (3) as follows:

6 **25.5-3-103. Definitions.** As used in this part 1, unless the context
7 otherwise requires:

8 (3) "General provider" means a general hospital, birth center, or
9 community health clinic licensed or certified by the department of public
10 health and environment pursuant to section 25-1.5-103 (1)(a)(I) or
11 (1)(a)(II); ~~C.R.S.;~~ a federally qualified health center, as defined in ~~section~~
12 ~~1861(aa)(4)~~ of the federal "Social Security Act", 42 U.S.C. sec. 1395x
13 (aa)(4); a rural health clinic, as defined in ~~section 1861(aa)(2)~~ of the
14 federal "Social Security Act", 42 U.S.C. sec. 1395x (aa)(2); a health
15 maintenance organization issued a certificate of authority pursuant to
16 section 10-16-402; ~~C.R.S.;~~ and the health sciences center when acting
17 pursuant to section 25.5-3-108 (5)(a)(I) or (5)(a)(II)(A). For the purposes
18 of the program, "general provider" includes associated physicians.

19 **SECTION 27.** In Colorado Revised Statutes, 25.5-3-403, **amend**
20 (6)(c) as follows:

21 **25.5-3-403. Definitions.** As used in this part 4, unless the context
22 otherwise requires:

23 (6) "Qualified grantee" means an entity that can demonstrate that
24 it can provide or arrange for the provision of comprehensive dental and
25 oral care services and may include but is not limited to:

26 (c) A federally qualified health center, AS DEFINED IN THE
27 FEDERAL "SOCIAL SECURITY ACT", 42 U.S.C. SEC. 1395X (aa)(4);

1 safety-net clinic; or health district;

2 **SECTION 28.** In Colorado Revised Statutes, 25.5-5-408, **amend**
3 (1)(d) as follows:

4 **25.5-5-408. Capitation payments - availability of base data -**
5 **adjustments - rate calculation - capitation payment proposal -**
6 **preference - assignment of medicaid recipients - definition.**

7 (1) (d) THE STATE DEPARTMENT SHALL REIMBURSE a federally qualified
8 health center, as defined in the federal "Social Security Act", ~~must be~~
9 ~~reimbursed by the state department~~ 42 U.S.C. SEC. 1395X (aa)(4), for the
10 total reasonable costs incurred by the center in providing health care
11 services to all recipients of medical assistance.

12 **SECTION 29.** In Colorado Revised Statutes, 24-21-104, **repeal**
13 (3)(d)(IX) as follows:

14 **24-21-104. Fees of secretary of state.**

15 (3) (d) (IX) ~~Notwithstanding any provision of paragraph (b) of this~~
16 ~~subsection (3) to the contrary, on July 1, 1998, the state treasurer shall~~
17 ~~deduct one million dollars from the department of state cash fund and~~
18 ~~transfer such sum to the Colorado tourism promotion fund created in~~
19 ~~section 24-32-1306.~~

20 **SECTION 30.** In Colorado Revised Statutes, 24-49.7-104,
21 **amend** (1) introductory portion; and **repeal** (1)(o) as follows:

22 **24-49.7-104. Powers and duties of the board.** (1) The board
23 ~~shall have~~ HAS the following powers and duties:

24 (o) ~~To take appropriate actions to establish the office and to~~
25 ~~facilitate the transfer of travel and tourism promotional activities from the~~
26 ~~Colorado tourism board and the Colorado travel and tourism authority to~~
27 ~~the office;~~

1 **SECTION 31.** In Colorado Revised Statutes, 24-113-103, **amend**
2 (3)(d) as follows:

3 **24-113-103. State competition with private enterprise**
4 **prohibited - exceptions.** (3) The restrictions on competition with private
5 enterprise contained in this section do not apply to:

6 (d) The Colorado tourism ~~board~~ OFFICE;

7 **SECTION 32.** In Colorado Revised Statutes, 35-29.5-103,
8 **amend** (2)(c) as follows:

9 **35-29.5-103. Colorado wine industry development board -**
10 **creation - members.** (2) (c) A representative of the BOARD OF
11 DIRECTORS OF THE Colorado tourism ~~board~~ OFFICE, a representative of
12 Colorado state university, and a member of the public ~~shall~~ MUST be
13 invited to serve on the board in an ex officio capacity.

14 **SECTION 33.** In Colorado Revised Statutes, 39-5-121, **amend**
15 (1)(a)(I) and (1.5)(a)(I); and **repeal** (1)(a)(II) and (1.5)(a)(II) as follows:

16 **39-5-121. Notice of valuation - legislative declaration.**
17 (1) (a) (I) No later than May 1 in each year, the assessor shall mail to
18 each person who owns land or improvements a notice setting forth the
19 valuation of such land or improvements. For agricultural property, the
20 notice ~~shall~~ MUST separately state the actual value of such land or
21 improvements in the previous year, the actual value in the current year,
22 and the amount of any adjustment in actual value. For all other property,
23 the notice ~~shall~~ MUST state the total actual value of such land and
24 improvements together in the previous year, the total actual value in the
25 current year, and the amount of any adjustment in total actual value. The
26 notice ~~shall~~ MUST not state the valuation for assessment of such land or
27 improvements or combination of land and improvements. Based upon the

1 classification of such taxable property, the notice ~~shall~~ MUST also set forth
2 either the ratio of valuation for assessment to be applied to said actual
3 value of all taxable real property other than residential real property prior
4 to the calculation of property taxes for the current year or the projected
5 ratio of valuation for assessment to be applied to said actual value of
6 residential real property prior to the calculation of property taxes for the
7 current year and that any change or adjustment of the projected ratio of
8 valuation for assessment for residential real property ~~shall~~ MUST not
9 constitute grounds for the protest or abatement of taxes. With the
10 approval of the board of county commissioners, the assessor may include
11 in the notice an estimate of the taxes ~~that shall be~~ owed for the current
12 property tax year. If such estimate is included, the notice ~~shall~~ MUST
13 clearly state that the tax amount is merely an estimate based upon the best
14 available information. The notice ~~shall~~ MUST state, in bold-faced type,
15 that the taxpayer has the right to protest any adjustment in valuation but
16 not the estimate of taxes if such an estimate is included in the notice, the
17 classification of the property that determines the assessment percentage
18 to be applied, and the dates and places at which the assessor will hear
19 such protest. ~~Except as otherwise provided in subparagraph (H) of this~~
20 ~~paragraph (a), such notice shall~~ THE NOTICE MUST also set forth the
21 following: That, to preserve the taxpayer's right to protest, the taxpayer
22 ~~must~~ SHALL notify the assessor either in writing or in person of the
23 taxpayer's objection and protest; that such notice must be delivered,
24 postmarked, or given in person no later than June 1; and that, after such
25 date, the taxpayer's right to object and protest the adjustment in valuation
26 is lost. The notice ~~shall~~ MUST be mailed together with a form that, if
27 completed by the taxpayer, allows the taxpayer to explain the basis for the

1 taxpayer's valuation of the property. Such form may be completed by the
2 taxpayer to initiate an appeal of the assessor's valuation. However, in
3 accordance with section 39-5-122 (2), completion of this form ~~shall~~ DOES
4 not constitute the exclusive means of appealing the assessor's valuation.
5 For the years that intervene between changes in the level of value, if the
6 difference between the actual value of such land or improvements in the
7 previous year and the actual value of such land or improvements in the
8 intervening year as set forth in such notice constitutes an increase in
9 actual value of more than seventy-five percent, the assessor shall mail
10 together with the notice an explanation of the reasons for such increase
11 in actual value.

12 (II) ~~For the city and county of Denver only, if the city and county~~
13 ~~of Denver elects to use the pilot alternate protest procedure established in~~
14 ~~section 39-5-122.8, the notice mailed pursuant to subparagraph (I) of this~~
15 ~~paragraph (a) shall state that, to preserve the taxpayer's right to object and~~
16 ~~protest, the taxpayer must notify the board of county commissioners in~~
17 ~~writing of the taxpayer's objection and protest; that such notice must be~~
18 ~~delivered or postmarked no later than November 15 of the year in which~~
19 ~~the notice of valuation was mailed; and that after such date, the taxpayer's~~
20 ~~right to object and protest the adjustment in valuation is lost.~~

21 (1.5) (a) (I) ~~Except as otherwise provided in sub-subparagraph (A)~~
22 ~~of subparagraph (H) of this paragraph (a),~~ No later than June 15 each
23 year, the assessor shall mail to each person who owns taxable personal
24 property a notice setting forth the valuation of the personal property. The
25 notice ~~shall~~ MUST state the actual value of such personal property in the
26 previous year, the actual value in the current year, and the amount of any
27 adjustment in actual value. The notice ~~shall~~ MUST not state the valuation

1 for assessment of the personal property. The notice ~~shall~~ MUST also set
2 forth the ratio of valuation for assessment to be applied to said actual
3 value prior to the calculation of property taxes for the current year. With
4 the approval of the board of county commissioners, the assessor may
5 include in the notice an estimate of the taxes ~~that shall be~~ owed for the
6 current property tax year. If such an estimate is included, the notice ~~shall~~
7 MUST clearly state that the tax amount is merely an estimate based upon
8 the best available information. The notice ~~shall~~ MUST state, in bold-faced
9 type, that the taxpayer has the right to protest any adjustment in valuation
10 but not the estimate of taxes if such an estimate is included in the notice,
11 and the dates and places at which the assessor will hear protests. ~~Except~~
12 ~~as otherwise provided in subparagraph (II) of this paragraph (a),~~ The
13 notice ~~shall~~ MUST also set forth the following: To preserve the taxpayer's
14 right to protest, the taxpayer ~~must~~ SHALL notify the assessor either by mail
15 or in person of the taxpayer's objection and protest; that the notice must
16 be postmarked or physically delivered no later than June 30; and that,
17 after such date, the taxpayer's right to object and protest the adjustment
18 in valuation is lost. The notice ~~shall~~ MUST be mailed together with a form
19 that, if completed by the taxpayer, allows the taxpayer to explain the basis
20 for the taxpayer's valuation of the property. The form may be completed
21 by the taxpayer to initiate an appeal of the assessor's valuation. However,
22 in accordance with section 39-5-122 (2), completion of this form ~~shall~~
23 DOES not constitute the exclusive means of appealing the assessor's
24 valuation.

25 (II) ~~For the city and county of Denver only, if the city and county~~
26 ~~of Denver elects to use the pilot alternate protest procedure established in~~
27 ~~section 39-5-122.8, the notice required pursuant to subparagraph (I) of~~

1 this paragraph (a) shall be modified as follows:

2 (A) ~~The assessor shall mail to each person who owns taxable~~
3 ~~personal property the notice setting forth the valuation of the personal~~
4 ~~property no later than July 15 each year; and~~

5 (B) ~~The notice shall state that, to preserve the taxpayer's right to~~
6 ~~object and protest, the taxpayer must notify the board of county~~
7 ~~commissioners in writing of the taxpayer's objection and protest; that such~~
8 ~~notice must be delivered or postmarked no later than November 15 of the~~
9 ~~year in which the notice of valuation was mailed; and that after such date,~~
10 ~~the taxpayer's right to object and protest the adjustment in valuation is~~
11 ~~lost.~~

12 **SECTION 34.** In Colorado Revised Statutes, 39-5-122, **amend**
13 **(1)(a); and repeal (1)(b) as follows:**

14 **39-5-122. Taxpayer's remedies to correct errors.** (1) (a) Except
15 ~~as otherwise provided in paragraph (b) of this subsection (1); On or~~
16 ~~before May 1 of each year, the assessor shall give public notice in at least~~
17 ~~one issue of a newspaper published in his or her THE ASSESSOR'S county~~
18 ~~that, beginning on the first working day after notices of adjusted valuation~~
19 ~~are mailed to taxpayers, the assessor will sit to hear all objections and~~
20 ~~protests concerning valuations of taxable real property determined by the~~
21 ~~assessor for the current year; that, for a taxpayer's objection and protest~~
22 ~~to be heard, notice must be given to the assessor; and that such notice~~
23 ~~must be postmarked, delivered, or given in person by June 1. The notice~~
24 ~~shall~~ **MUST** also state that objections and protests concerning valuations
25 of taxable personal property determined by the assessor for the current
26 year will be heard commencing June 15; that, for a taxpayer's objection
27 and protest to be heard, notice must be given to the assessor; and that

1 such notice must be postmarked or physically delivered by June 30. If
2 there is no such newspaper, then such notice ~~shall~~ MUST be conspicuously
3 posted in the offices of the assessor, the treasurer, and the county clerk
4 and recorder and in at least two other public places in the county seat. The
5 assessor shall send news releases containing such notice to radio stations,
6 television stations, and newspapers of general circulation in the county.

7 (b) ~~For the city and county of Denver only, if the city and county~~
8 ~~of Denver elects to use the pilot alternate protest procedure established in~~
9 ~~section 39-5-122.8, the notice required pursuant to paragraph (a) of this~~
10 ~~subsection (1) shall be modified to state that the city and county of~~
11 ~~Denver has elected to use the pilot alternate protest procedure established~~
12 ~~in section 39-5-122.8; that all objections and protests will be determined~~
13 ~~by the board of county commissioners in accordance with the protest~~
14 ~~procedures set forth in section 39-5-122.8; that, to preserve the taxpayer's~~
15 ~~right to object and protest, the taxpayer must notify the board of county~~
16 ~~commissioners in writing of the taxpayer's objection and protest; that such~~
17 ~~notice must be delivered or postmarked no later than November 15 of the~~
18 ~~year in which the notice of valuation was mailed; and that after such date,~~
19 ~~the taxpayer's right to object and protest the adjustment in valuation is~~
20 ~~lost.~~

21 **SECTION 35.** In Colorado Revised Statutes, 39-8-104, **amend**
22 (1); and **repeal** (2.5) as follows:

23 **39-8-104. Notice of meeting.** (1) Except as provided in
24 subsection (2) ~~or (2.5)~~ of this section, prior to July 1 of each year, the
25 county clerk and recorder shall give notice in at least one issue of a
26 newspaper published in ~~his or her~~ THE ASSESSOR'S county that beginning
27 on July 1, the county board of equalization will sit in the county's regular

1 public meeting location or other appropriate public meeting place to
2 review the assessment roll of all taxable property located in the county,
3 as prepared by the assessor, and to hear appeals from determinations of
4 the assessor.

5 ~~(2.5) If the city and county of Denver elects to use the pilot~~
6 ~~alternate protest procedure established in section 39-5-122.8, the county~~
7 ~~clerk and recorder shall give notice in at least one issue of a newspaper~~
8 ~~published in the city and county of Denver and on the website for the city~~
9 ~~and county of Denver that the city and county of Denver has made such~~
10 ~~election; that all objections and protests will be determined in accordance~~
11 ~~with the protest and appeal procedures set forth in section 39-5-122.8;~~
12 ~~and that to preserve the taxpayer's right to protest, the taxpayer must~~
13 ~~notify the board of county commissioners in writing of the taxpayer's~~
14 ~~objection and protest; that such notice must be delivered or postmarked~~
15 ~~no later than November 15 of the year in which the notice of valuation~~
16 ~~was mailed; and that after such date, the taxpayer's right to object and~~
17 ~~protest the adjustment in valuation is lost.~~

18 **SECTION 36.** In Colorado Revised Statutes, 39-8-106, **amend**
19 (1) introductory portion as follows:

20 **39-8-106. Petitions for appeal.** (1) The county board of
21 equalization shall receive and hear petitions from any person whose
22 objections or protests have been refused or denied by the assessor. ~~except~~
23 ~~that, if the city and county of Denver elects to use the pilot alternate~~
24 ~~protest procedure established in section 39-5-122.8, petitions shall be~~
25 ~~filed with the board of county commissioners.~~ A petition shall **MUST** be
26 in a form approved by the property tax administrator pursuant to section
27 39-2-109 (1)(d), the contents of which shall **MUST** include the following:

1 **SECTION 37.** In Colorado Revised Statutes, 39-8-107, **repeal** (6)
2 as follows:

3 **39-8-107. Hearings on appeal.** (6) ~~If the city and county of~~
4 ~~Denver elects to use the pilot alternate protest procedure established in~~
5 ~~section 39-5-122.8, all hearings shall be conducted in accordance with~~
6 ~~that section.~~

7 **SECTION 38.** In Colorado Revised Statutes, 39-10-114, **amend**
8 (1)(a)(I)(D) as follows:

9 **39-10-114. Abatement - cancellation of taxes.** (1) (a) (I) (D) ~~No~~
10 ~~AN~~ abatement or refund of taxes ~~shall~~ **MUST NOT** be made based upon the
11 ground of overvaluation of property if an objection or protest to such
12 valuation has been made and a notice of determination has been mailed
13 to the taxpayer pursuant to section 39-5-122; ~~or a written decision has~~
14 ~~been issued pursuant to section 39-5-122.8;~~ except that this prohibition
15 ~~shall~~ **DOES** not apply to personal property when a notice of determination
16 has been mailed to the taxpayer, an objection or protest is withdrawn or
17 not pursued, and the county assessor has undertaken an audit of such
18 personal property that shows that a reduction in value is warranted.

19 **SECTION 39.** In Colorado Revised Statutes, 24-30-1510, **amend**
20 (3) introductory portion and (3)(f) as follows:

21 **24-30-1510. Risk management fund - creation - authorized**
22 **and unauthorized payments.** (3) Expenditures ~~shall be made~~ out of the
23 risk management fund **MUST BE MADE** in accordance with subsection (1)
24 of this section **AND** only for the following purposes:

25 (f) To make payments in accordance with ~~the provisions of~~
26 ~~sections 24-30-1510.6 and 24-30-1510.7~~ **SECTION 24-30-1510.7;**

27 **SECTION 40.** In Colorado Revised Statutes, 24-33-107, **amend**

1 (2)(a) as follows:

2 **24-33-107. Acquisition of state lands by department - interests**
3 **in land.** (2) (a) Whenever the executive director of the department of
4 natural resources is informed that a specific piece of land held by the state
5 board of land commissioners has a characteristic that is alleged to have
6 a unique economic or environmental value for the public, including land
7 under the control of the division of parks and wildlife that has the
8 potential to support renewable energy generation development as
9 contemplated in section 24-33-114, AS THAT SECTION EXISTED PRIOR TO
10 ITS REPEAL IN 2011, and that such characteristic allegedly would be
11 damaged or destroyed if the land passed to private ownership, the
12 executive director may, with the written consent of either the president of
13 the state board of land commissioners or the commissioner of agriculture,
14 give written notification to the board that said land, other than agricultural
15 or grazing rights, is subject to acquisition by the department of natural
16 resources. The notification by the executive director ~~shall~~ MUST identify
17 ~~said~~ THE lands by their appropriate legal description and ~~shall~~ specify the
18 characteristic of the land that is alleged to have unique economic or
19 environmental value for the public. Not later than during the next regular
20 session of the general assembly, the executive director shall request ~~such~~
21 THE NECESSARY authorization and appropriation ~~as may be necessary~~ to
22 enable the department to acquire said land or an interest therein in
23 accordance with this section.

24 **SECTION 41.** In Colorado Revised Statutes, **repeal**
25 24-33.5-104.5 as follows:

26 **24-33.5-104.5. Powers of executive director - DNA evidence**
27 **issues - working group.** (1)(a) ~~The executive director shall convene a~~

1 working group to address issues relating to evidence retention. Beginning
2 in 2008, the working group shall meet at least annually.

3 (b) The working group convened pursuant to paragraph (a) of this
4 subsection (1) shall include the executive director, or his or her designee,
5 and the following persons:

6 (I) The state attorney general or his or her designee;

7 (II) The director of the Colorado bureau of investigation or his or
8 her designee;

9 (III) The director of the Colorado district attorneys' council or his
10 or her designee;

11 (IV) The state public defender or his or her designee;

12 (V) A defense attorney in private practice;

13 (VI) Representatives of local law enforcement agencies selected
14 by the executive director;

15 (VII) Two members of the house of representatives, one appointed
16 by the speaker of the house of representatives and the other by the
17 minority leader; and

18 (VIII) Two members of the senate, one appointed by the president
19 of the senate and the other by the minority leader.

20 (c) The members of the working group appointed pursuant to
21 subparagraphs (VII) and (VIII) of paragraph (b) of this subsection (1) are
22 entitled to receive compensation and reimbursement of expenses as
23 provided in section 2-2-326, C.R.S.

24 (2) The department of public safety, in conjunction with the
25 working group, shall prepare a report regarding the information collected
26 pursuant to section 18-1-1109, C.R.S. The department shall submit the
27 report to the judiciary committees of the house of representatives and the

1 ~~senate, or any successor committees, no later than October 1, 2010.~~

2 ~~(3) (a) After completing the report required in subsection (2) of~~
3 ~~this section, the working group shall convene to make recommendations~~
4 ~~to the general assembly for legislation addressing the issues of DNA~~
5 ~~evidence retention and storage. The recommendations shall include, but~~
6 ~~need not be limited to, standardized timelines for retention of reasonable~~
7 ~~and relevant DNA evidence, provision of storage facilities, and best~~
8 ~~practices for evidence collection and storage. The working group shall~~
9 ~~make its recommendations by December 1, 2010.~~

10 ~~(b) The working group shall convene to discuss and make~~
11 ~~recommendations regarding the appropriateness and implementation of~~
12 ~~Senate Bill 09-241. Prior to January 12, 2010, the working group shall~~
13 ~~provide a report to the general assembly regarding its discussion and~~
14 ~~recommendations regarding the appropriateness and implementation of~~
15 ~~Senate Bill 09-241. The report may include both a majority and minority~~
16 ~~report.~~

17 **SECTION 42.** In Colorado Revised Statutes, 25-7-110.8, **amend**
18 (1)(c) as follows:

19 **25-7-110.8. Additional requirements for commission to act**
20 **under section 25-7-110.5.** (1) In issuing any final rule intended to reduce
21 air pollution, except for any rule that adopts by reference applicable
22 federal rules, if the commission has no discretion under state law not to
23 adopt the rules or to adopt any alternative rule, the commission shall
24 make a determination that:

25 (c) On and after July 1, 1997, and in conformance with guidance
26 from the general assembly to incorporate the recommendations of the task
27 force established in section 25-7-110.5 (6), PRIOR TO ITS REPEAL IN 1997,

1 evidence in the record supports the finding that the rule ~~shall~~ MUST bring
2 about reductions in risks to human health or the environment or provide
3 other benefits that will justify the cost to government, the regulated
4 community, and to the public to implement and comply with the rule;

5 **SECTION 43.** In Colorado Revised Statutes, 25-7-408, **amend**
6 (3) as follows:

7 **25-7-408. Required compliance in building codes.** (3) Nothing
8 in this ~~article shall prevent~~ ARTICLE 7 PREVENTS a board of county
9 commissioners or a governing body of a municipality from enacting a
10 building code ~~which~~ THAT requires more stringent standards for wood
11 stoves and for fireplaces, if such standards are necessary and reflect
12 technology suitable for commercial application within the meaning of
13 section 25-7-407 (1), AS THAT SECTION EXISTED PRIOR TO ITS REPEAL IN
14 1993.

15 **SECTION 44.** In Colorado Revised Statutes, 29-1-302, **amend**
16 (2)(c) as follows:

17 **29-1-302. Increased levy - submitted to people at election.**
18 (2) (c) ~~In lieu of utilizing the provisions of section 29-1-303,~~ Any city or
19 town having a population of two thousand or less, based upon the latest
20 estimates of the department of local affairs, may utilize the provisions of
21 subsections (1), ~~and~~ (1.5), AND (2)(a) of this section. ~~and paragraph (a) of~~
22 ~~this subsection (2).~~

23 **SECTION 45.** In Colorado Revised Statutes, 35-14-127, **amend**
24 (12.5)(b)(I) as follows:

25 **35-14-127. Licenses - fees - rules - stickers - certificates.**
26 (12.5) (b) (I) ~~Except as provided in subparagraph (II) of this paragraph~~
27 ~~(b),~~ For each fiscal year, commencing on July 1, twenty-five percent of

1 the direct and indirect costs associated with the licensing, testing,
2 inspection, and regulation of certified weighers, scales with a capacity of
3 greater than one thousand pounds, belt conveyers, in-motion railroad
4 scales, moisture-testing devices, and grain protein analyzers must be
5 funded from the general fund. The commission shall establish a fee
6 schedule to cover any direct and indirect costs not funded from the
7 general fund.

8 **SECTION 46.** In Colorado Revised Statutes, 35-50-115, **amend**
9 (1)(a), (2)(b), and (2)(c) as follows:

10 **35-50-115. Cervidae disease revolving fund - creation.**

11 (1) (a) The commission may levy an assessment on the owners of
12 alternative livestock cervidae or captive wildlife cervidae, which shall be
13 transmitted to the state treasurer, who shall credit the same to the cervidae
14 disease revolving fund, which fund is hereby created. ~~This~~ THE
15 COMMISSION SHALL DETERMINE THE assessment. ~~shall be determined by~~
16 ~~the commission, upon the recommendation of the captive wildlife and~~
17 ~~alternative livestock board created in section 33-1-121, C.R.S., and shall~~
18 THE ASSESSMENT MUST be in an amount, not to exceed eight dollars per
19 head of cervidae per year, reflecting the direct and indirect expenses of
20 carrying out the purposes of this section. The COMMISSION SHALL
21 ADMINISTER THE fund, ~~shall~~ WHICH MUST be maintained at a level of no
22 more than two hundred thousand dollars. ~~and shall be administered by the~~
23 ~~commission pursuant to the recommendations of the captive wildlife and~~
24 ~~alternative livestock board.~~ Administration of the fund ~~shall include~~
25 INCLUDES setting a minimum reserve level for the fund. THE COMMISSION
26 SHALL NOT LEVY OR COLLECT an assessment ~~shall not be levied or~~
27 ~~collected~~ on cervidae owned by a zoological park that is accredited by the

1 American zoo and aquarium association. A zoological park that does not
2 pay into the fund is not eligible for indemnification ~~under~~ PURSUANT TO
3 this section.

4 (2) (b) Combined state and federal indemnity ~~shall~~ MUST not
5 exceed eighty percent of market value of the destroyed cervidae, as
6 determined by the ~~captive wildlife and alternative livestock board~~
7 COMMISSION.

8 (c) The amount of indemnification payments to owners of
9 cervidae destroyed under order of the state veterinarian for the control of
10 contagious and infectious disease shall be determined by the ~~captive~~
11 ~~wildlife and alternative livestock board~~, ~~subject to approval by the~~
12 commission.

13 **SECTION 47.** In Colorado Revised Statutes, 35-60-104, **amend**
14 (2)(a)(I) as follows:

15 **35-60-104. Registration fees.** (2) (a) (I) A person required to be
16 registered pursuant to section 35-60-103 (1) shall pay an annual
17 registration fee as established by the agricultural commission. ~~Except as~~
18 ~~provided in subparagraph (H) of this paragraph (a)~~; For each fiscal year,
19 commencing on July 1, fifty percent of the direct and indirect costs of
20 administering and enforcing this ~~article shall~~ ARTICLE 60 MUST be funded
21 from the general fund. The agricultural commission shall establish a fee
22 schedule to cover any direct and indirect costs not funded from the
23 general fund.

24 **SECTION 48.** In Colorado Revised Statutes, 35-60-105, **amend**
25 (1) introductory portion and (1)(c)(I)(A) as follows:

26 **35-60-105. Distribution fees - reports.** (1) Except as provided
27 in subsection (5) of this section, THE PERSON WHOSE NAME APPEARS ON

1 THE LABEL AS THE MANUFACTURER, GUARANTOR, OR DISTRIBUTOR SHALL
2 PAY distribution fees, in an amount established by the agricultural
3 commission, ~~shall be paid on commercial feeds distributed in this state by~~
4 ~~the person whose name appears on the label as the manufacturer,~~
5 ~~guarantor, or distributor~~ subject to the following conditions:

6 (c) (I) (A) ~~Except as provided in sub-subparagraph (B) of this~~
7 ~~subparagraph (I),~~ For each fiscal year, commencing on July 1, fifty
8 percent of the direct and indirect costs of administering and enforcing this
9 ~~article shall~~ ARTICLE 60 MUST be funded from the general fund. The
10 agricultural commission shall establish a fee schedule to cover any direct
11 and indirect costs not funded from the general fund.

12 **SECTION 49.** In Colorado Revised Statutes, 39-21-113, **repeal**
13 (15) as follows:

14 **39-21-113. Reports and returns - rule.** (15) ~~Notwithstanding the~~
15 ~~provisions of this section, the executive director shall provide the~~
16 ~~legislative council staff with any information that the staff deems~~
17 ~~necessary to make the calculation required in section 39-29-109.5 (2).~~
18 ~~Any information provided to the staff shall remain confidential, and all~~
19 ~~staff employees shall be subject to the limitations set forth in subsection~~
20 ~~(4) of this section and the penalties contained in subsection (6) of this~~
21 ~~section.~~

22 **SECTION 50.** In Colorado Revised Statutes, 39-29-109, **amend**
23 (2) introductory portion and (2)(c)(I) introductory portion; and **repeal**
24 (2)(c)(III) as follows:

25 **39-29-109. Severance tax trust fund - created - administration**
26 **- distribution of money - repeal.** (2) State severance tax receipts ~~shall~~
27 MUST be credited to the severance tax trust fund as provided in section

1 39-29-108. All income derived from the deposit and investment of the
2 money in the fund ~~shall~~ MUST be credited to the fund. At the end of any
3 fiscal year, all unexpended and unencumbered money in the fund remains
4 in the fund and ~~shall~~ MUST not be credited or transferred to the general
5 fund or any other fund. All money in the fund is subject to appropriation
6 by the general assembly for the following purposes:

7 (c) **The water supply reserve fund.** (I) There is ~~hereby~~ created
8 in the office of the state treasurer the water supply reserve fund, ~~also~~
9 referred to in this ~~paragraph (c)~~ SUBSECTION (2)(c) as the "fund", ~~which~~
10 ~~shall be~~ administered by the Colorado water conservation board. The state
11 treasurer shall transfer ~~moneys~~ MONEY to the fund from the severance tax
12 operational fund as specified in section 39-29-109.3 (2)(a). The ~~moneys~~
13 MONEY in the fund ~~are hereby~~ IS continuously appropriated, for purposes
14 authorized by this ~~paragraph (c)~~ SUBSECTION (2)(c), to the Colorado water
15 conservation board, ~~also~~ referred to in this ~~paragraph (c)~~ SUBSECTION
16 (2)(c) as the "board". All interest derived from the investment of ~~moneys~~
17 MONEY in the fund ~~shall~~ MUST be credited to the statewide account of the
18 fund, which account is hereby created. Repayments of both the principal
19 and interest on loans from the fund ~~shall~~ MUST be credited to the fund.
20 Any balance remaining in the fund at the end of any fiscal year remains
21 in the fund. The board shall allocate ~~moneys~~ MONEY by grant or loan from
22 the fund only for water activities approved by a roundtable pursuant to
23 article 75 of title 37. ~~C.R.S.~~ The approving roundtable is the roundtable
24 for the basin in which a proposed water diversion or nonstructural activity
25 would occur. If the applicant is a covered entity, as defined in section
26 37-60-126, ~~C.R.S.~~, the board shall allocate ~~moneys~~ MONEY by grant or
27 loan from the fund only if the applicant has adopted a water conservation

1 plan, as defined in section 37-60-126. ~~C.R.S.~~ The board, in consultation
2 with the interbasin compact committee created in section 37-75-105,
3 ~~C.R.S.~~, shall establish criteria and guidelines for allocating ~~moneys~~
4 MONEY from the fund, including criteria that ensure that the allocations
5 will assist in meeting water supply needs identified ~~under~~ PURSUANT TO
6 section 37-75-104 (2)(c), ~~C.R.S.~~, in a manner consistent with section
7 37-75-102, ~~C.R.S.~~, and shall facilitate both structural and nonstructural
8 projects or methods. Eligible water activities include: ~~the following:~~

9 (III) ~~If the board notifies the state treasurer that a water storage~~
10 ~~study has been authorized pursuant to section 37-60-115 (11), C.R.S., on~~
11 ~~October 15, 2016, the state treasurer shall transfer two hundred eleven~~
12 ~~thousand one hundred sixty-eight dollars from the fund to the Colorado~~
13 ~~water conservation board construction fund, created in section 37-60-121~~
14 ~~(1)(a), C.R.S., for use by the Colorado water conservation board, created~~
15 ~~in section 37-60-102, C.R.S., to implement the South Platte river water~~
16 ~~storage study pursuant to section 37-60-115 (11), C.R.S.~~

17 **SECTION 51.** In Colorado Revised Statutes, 39-29-110, **amend**
18 (1)(a)(I) as follows:

19 **39-29-110. Local government severance tax fund - creation -**
20 **administration - definitions.** (1) (a) (I) There is hereby created in the
21 department of local affairs a local government severance tax fund. In
22 accordance with section 39-29-108, portions of the state severance tax
23 receipts shall MUST be credited to the local government severance tax
24 fund. ~~Except as otherwise provided in section 39-29-109.5,~~ All income
25 derived from the deposit and investment of the ~~moneys~~ MONEY in the
26 local government severance tax fund shall MUST be credited to the local
27 government severance tax fund.

1 **SECTION 52.** In Colorado Revised Statutes, 40-8.5-103.5,
2 **amend** (1) as follows:

3 **40-8.5-103.5. Commission created - duties.** (1) There is hereby
4 created the legislative commission on low-income energy assistance. The
5 commission ~~shall be~~ IS composed of eleven members ~~to be~~ appointed by
6 the governor, each to serve a term of two years; except that the governor
7 shall select seven of the initially appointed members to serve for one-year
8 terms. Of the eleven members, five members ~~shall~~ MUST be from private
9 sector energy-related enterprises, one member ~~shall~~ MUST be the director
10 of the low-income energy assistance program in the state department of
11 human services, one member ~~shall~~ MUST be from the Colorado ENERGY
12 office, ~~of energy conservation~~, two members ~~shall~~ MUST be consumers
13 who are low-income energy assistance recipients, and two members ~~shall~~
14 MUST be from the general public. Any interim appointment necessary to
15 fill a vacancy ~~which~~ THAT has occurred by any reason other than
16 expiration of term ~~shall be~~ IS for the remainder of the term of the
17 individual member whose office has become vacant.

18 **SECTION 53.** In Colorado Revised Statutes, 42-2-138, **amend**
19 (1)(f) as follows:

20 **42-2-138. Driving under restraint - penalty.** (1) (f) Upon a
21 verdict or judgment of guilt for a violation of ~~paragraph (a) or (d) of this~~
22 ~~subsection (1)~~ SUBSECTION (1)(a) OR (1)(d) OF THIS SECTION, the court
23 shall require the offender to immediately surrender ~~his or her~~ THE
24 OFFENDER'S driver's license, minor driver's license, ~~provisional driver's~~
25 ~~license~~, temporary driver's license, or instruction permit issued by this
26 state, another state, or a foreign country. The court shall forward to the
27 department a notice of the verdict or judgment of guilt on the form

1 prescribed by the department, together with the offender's surrendered
2 license or permit. Any person who violates the provisions of this
3 ~~paragraph (f)~~ SUBSECTION (1)(f) by failing to surrender his or her license
4 or permit to the court commits a class 2 misdemeanor traffic offense.

5 **SECTION 54.** In Colorado Revised Statutes, 42-4-1208, **amend**
6 (6)(j) as follows:

7 **42-4-1208. Reserved parking for persons with disabilities -**
8 **applicability - rules. (6) Enforcement of reserved parking. (j)** In
9 order to stop a vehicle from blocking access or illegally using reserved
10 parking, a peace officer may order a vehicle that is used to violate this
11 subsection (4) OF THIS SECTION to be towed to an impound lot or a vehicle
12 storage location. The peace officer shall verify that the vehicle has not
13 been stolen and report the ~~fact of the~~ tow to the department of revenue in
14 accordance with section 42-4-1804.

15 **SECTION 55.** In Colorado Revised Statutes, 16-11.9-204,
16 **amend (1)(f)(IV) as follows:**

17 **16-11.9-204. Behavioral health court liaisons - duties and**
18 **responsibilities - consultation and collaboration. (1) A court liaison**
19 **hired pursuant to this part 2 has the following duties and responsibilities:**

20 (f) Identifying existing programs and resources that are already
21 available in the community, including but not limited to:

22 (IV) Behavioral health services provided for medicaid clients
23 through the ~~regional accountable~~ MANAGED CARE entity that the
24 department of health care policy and financing contracts with for the
25 provision of such services.

26 **SECTION 56.** In Colorado Revised Statutes, 25.5-1-130, **amend**
27 **(2) as follows:**

1 **25.5-1-130. Improving access to behavioral health services for**
2 **individuals at risk of entering the criminal or juvenile justice system**
3 **- duties of the state department.** (2) On or before July 1, 2021, the state
4 department shall work collaboratively with managed care entities to
5 create incentives for behavioral health providers to accept medicaid
6 recipients with severe behavioral health disorders. The incentives may
7 include, but need not be limited to, higher reimbursement rates, quality
8 payments to regional accountable MANAGED CARE entities for adequate
9 networks, establishing performance measures and performance
10 improvement plans related to network expansion, transportation solutions
11 to incentivize medicaid recipients to attend health care appointments, and
12 incentivizing providers to conduct outreach to medicaid recipients to
13 ensure that they are engaged in needed behavioral health services,
14 including technical assistance with billing procedures. The state
15 department may seek any federal authorization necessary to create the
16 incentives described in this subsection (2).

17 **SECTION 57. In Colorado Revised Statutes, 27-63-104, amend**
18 **(2)(b) as follows:**

19 **27-63-104. Community behavioral health safety net system**
20 **advisory body - creation - membership - repeal.** (2) **Safety net system**
21 **comprehensive proposal.** (b) The department and advisory body shall
22 solicit feedback from community stakeholders and engage community
23 stakeholders when developing the proposal described in subsection (2)(a)
24 of this section, including direct engagement of consumers and consumers'
25 families, managed service organizations, health care providers, regional
26 accountable MANAGED CARE entities, community mental health centers,
27 and substance use disorder services providers.

1 **SECTION 58.** In Colorado Revised Statutes, 33-1-125, **amend**
2 (3)(b)(I) as follows:

3 **33-1-125. Colorado nongame conservation and wildlife**
4 **restoration cash fund - creation - disbursement of money - wildlife**
5 **rehabilitation grant program - authority and board created - process**
6 **- report - definitions.** (3) (b) (I) ~~Except as provided in subsection~~
7 ~~(3)(b)(H) of this section,~~ Appointments to the board are for three-year
8 terms. Each member serves at the pleasure of the director and continues
9 in office until the member's successor is appointed and qualified. The
10 director shall make the initial appointments to the board no later than
11 September 1, 2017.

12 **SECTION 59.** In Colorado Revised Statutes, 33-9-101, **amend**
13 (3)(e)(I); and **repeal** (3)(f) as follows:

14 **33-9-101. Commission - creation - composition - terms -**
15 **vacancies - removal - meetings - strategic plan - legislative**
16 **declaration.** (3) (e) (I) ~~Except as provided in paragraph (f) of this~~
17 ~~subsection (3);~~ Terms of members serving pursuant to ~~paragraph (b) of~~
18 ~~subsection (2)~~ SUBSECTION (2)(b) of this section are for four years.

19 (f) ~~(f) Initial appointments of voting members of the commission~~
20 ~~are as follows: Two members to serve until July 1, 2013; three members~~
21 ~~to serve until July 18, 2014; three members to serve until July 18, 2015;~~
22 ~~and three members to serve until July 18, 2016. All subsequent~~
23 ~~appointments are for terms of four years.~~

24 (H) ~~In making initial appointments to the commission under~~
25 ~~subparagraph (f) of this paragraph (f), the governor may select persons~~
26 ~~-serving on the former parks and wildlife board, as that board existed on~~
27 ~~June 30, 2012. However, a person so appointed is ineligible to serve any~~

1 of the initial appointments that would result in extending for more than
2 two years the date on which the person's parks and wildlife board term
3 would have expired.

4 **SECTION 60.** In Colorado Revised Statutes, 33-14-106, **amend**
5 **(1)** as follows:

6 **33-14-106. Snowmobile recreation fund - creation - use of**
7 **money.** (1) EXCEPT AS PROVIDED PURSUANT TO SUBSECTION (2) OF THIS
8 SECTION, all fees from the registration of snowmobiles, all money
9 collected for fines under this article 14, and all interest earned on the fees
10 and fines shall be credited to the snowmobile recreation fund, hereby
11 created, and shall be used for the administration of this article 14 and for
12 the establishment and maintenance of snowmobile trails, vehicle parking
13 areas, and facilities. However, any fee money collected in excess of five
14 dollars per original or renewal registration shall be used exclusively for
15 direct services and not administrative costs.

16 **SECTION 61.** **Act subject to petition - effective date.** This act
17 takes effect at 12:01 a.m. on the day following the expiration of the
18 ninety-day period after final adjournment of the general assembly (August
19 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
20 referendum petition is filed pursuant to section 1 (3) of article V of the
21 state constitution against this act or an item, section, or part of this act
22 within such period, then the act, item, section, or part will not take effect
23 unless approved by the people at the general election to be held in
24 November 2020 and, in such case, will take effect on the date of the
25 official declaration of the vote thereon by the governor.