



State Government Expenditure

Report to the
COLORADO
GENERAL ASSEMBLY

Colorado Legislative Council
Research Publication No. 525
December 2003

RECOMMENDATIONS FOR 2004

**INTERIM COMMITTEE ON
STATE GOVERNMENT EXPENDITURES**

**Report to the
Colorado General Assembly**

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COLORADO GENERAL ASSEMBLY

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December 2003

To Members of the Sixty-fourth General Assembly:

Submitted herewith is the final report of the Interim Committee on State Government Expenditures. This committee was created pursuant to House Joint Resolution 03-1068. The purpose of the committee is to look at ways to eliminate the duplication of state services, eliminate nonessential state services, enhance productivity of state employees, and reduce state expenditures.

At its meeting on November 17, 2003, the Legislative Council reviewed the report of this committee. A motion to forward this report and the bills herein for consideration in the 2004 session was approved.

Respectfully submitted,

/s/ Senator John Andrews
Chairman

JA/CP/dg

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INTERIM COMMITTEE ON STATE GOVERNMENT EXPENDITURES

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EXECUTIVE SUMMARY

Committee Charge

Pursuant to House Joint Resolution 03-1068, the Interim Committee on State Government Expenditures was charged with studying state government spending. The committee was directed to review the role and mission, number of employees, and budgets of each principal department of state government, as well as to consult with the Governor's Office of State Planning and Budgeting (OSPB) and the executive director of each principal department to prioritize services and find ways to reduce costs while maintaining essential government services. The resolution allowed the committee to consider, but not be limited to, proposals to:

- eliminate the duplication of government services, including services that are or could be provided by local governments or federal agencies;
- eliminate nonessential services;
- enhance the productivity of state government employees;
- reduce the costs of travel, printing, and utilities; and
- reduce expenditures by consolidating or otherwise rearranging departments or agencies of state government.

Committee Activities

The committee held a total of six meetings over eight days. The committee heard from 20 state departments, the Governor's Office of Innovation and Technology, and several interest groups. The state departments' presentations included descriptions of the functions of each department, how the departments have already increased efficiencies, a discussion of the departments' mission statements, and descriptions of the departments' human resources, information technology, and public information offices. The departments also provided suggestions for statutory changes that would help them operate more efficiently.

Each department had suggestions on how to improve efficiencies. Some departments suggested changes that would apply only to that particular department. For example, the Department of Transportation suggested adopting legislation to enact a 0.08 blood alcohol content limit for drunk driving offenses. The department noted that without such legislation, Colorado would forfeit approximately \$49.3 million in federal highway construction funds between fiscal years 2004 and 2007. The following suggestions are more general and were made by more than one department.

The classified personnel system. Some departments stated that the classified personnel system is old and cumbersome, and places burdens on state departments that cost them money. The personnel system does not make it easy for agency directors to promote good employees and dismiss poor employees. One department suggested that the legislature support the recommendations of the Civil Service Commission, because they allow departments to more effectively utilize the workforce.

The budget process. Some departments suggested changes to the budget and the budget process. One suggestion was to base the current budget on the previous year's appropriation, not on actual expenditures. The opinion was that the current process promotes an "if you don't spend it, you will lose it" attitude. Another suggestion was to allow the executive director of each department [instead of Joint Budget Committee (JBC) staff] to present the department's budget to the JBC. The department suggested that this approach would decrease staff time both for the JBC and for the state departments.

The procurement and contracting process. One department suggested that the state's procurement and contracting process takes too long, especially when departments undertake short-term projects. Another department suggested that the state could create operating efficiencies by re-evaluating and raising procurement contracting and contract bonding levels for smaller capital construction and controlled maintenance projects.

The Interim Committee considered 22 legislative proposals based on these suggestions. The twelve proposals approved by the committee are listed below.

Committee Recommendations

Bill A — Concerning State Employee Incentive Programs for Cost Savings Innovations. Bill A would create a new state employee incentive program. During committee meetings, multiple state departments suggested changes to the state's current personnel system, including the state's employee incentive program. This bill would eliminate the current statutory incentive award suggestion system and the incentive award suggestion system board within the Department of Personnel. The bill would require the state personnel director to submit a report to the JBC with recommendations for the implementation of a new state employee incentive program.

Bill B — Concerning County Reserve Account Moneys Under the Colorado Works Program. Bill B would allow counties to retain the balance of county block grant funds remaining in each county's reserve account at the end of the fiscal year. This suggestion came from the Department of Human Services. The department indicated the change would make accounting more efficient at the local level. The process would take effect for fiscal year 2004-05.

Bill C — Concerning Increased Consistency in the Regulation of Certain Professions by the Division of Registrations in the Department of Regulatory Agencies, and, in Connection Therewith, Enacting Uniform Statutory Provisions Governing the Issuance of Letters of Admonition, Immunity, Renewal and Reinstatement of Licenses, Registrations, or Certificates, Investigatory Subpoenas, and Disposition of Fines Collected. Bill C proposes to make the regulation of certain professions more consistent. The Department of Regulatory Affairs (DORA) indicated that regulations vary among professions, which has caused complications. This bill would make consistent the statutory provisions for the issuance of letters of admonition, grants of immunity, renewal and reinstatement of licenses, investigation subpoenas, and disposition of fines collected for numerous professions and occupations.

Bill D — Concerning Changes in the Traffic Laws. Bill D would lower the point totals that are assessed for convictions of numerous traffic infractions and traffic offenses. The specified offenses carry assessments of six or fewer points. The point totals would be reduced by one point. The Judicial Department, during their briefing to the committee, discussed the increasing number of traffic cases in traffic court. This bill would provide the department with some operational efficiencies by slowing the growth in the traffic court caseload.

Bill E — Concerning the Establishment of the Joint Committee on Printing. Bill E would create the legislative Joint Committee on Printing. The provisions in the bill are modeled on the procedures of the Congressional Joint Committee on Printing. The committee would review printing policies of the legislative, judicial, and executive departments of state government in order to improve efficiencies and reduce costs.

Bill F — Concerning Consolidation of the Representation of Consumer Interests Before the Public Utilities Commission in the Office of Consumer Counsel, and, in Connection Therewith, Transferring Certain Personnel from the Public Utilities Commission to the Office of Consumer Counsel and Making an Appropriation. Under Bill F, the representation of consumer interests in enforcement proceedings would be consolidated in the Office of Consumer Counsel (OCC). This contrasts with current law, under which the statutory missions of the trial staff of the Public Utilities Commission (PUC) and the OCC, with regards to consumers, overlap. Consolidation of these two consumer advocate functions would result in some cost savings.

Bill G — Concerning the Elimination of Certain Education Advisory Boards. Bill G would eliminate two advisory boards under the jurisdiction of the Department of Education. In response to committee questions about a listing of all boards and commissions in the department, department personnel indicated that several boards are inactive and no longer meeting. Bill G proposes to eliminate the Teacher Development Advisory Council and the Science and Technology Education Center Grants Advisory Board. }

Bill H — Concerning the Structure of the State System of Community Colleges. Bill H proposes an advisory committee to study the structure of the state system of community colleges. The committee discussed the governing structures of the State Board for Community Colleges and Occupational Education (SBCCOE) and the community and technical colleges under the SBCCOE, and questioned whether there might be any efficiencies or cost savings in restructuring the way in which the colleges are governed. Bill H would authorize a nine-member advisory committee comprised of members of the SBCCOE, the Colorado Commission on Higher Education (CCHE), presidents of colleges, and citizens to study this issue. The advisory group would be prohibited from considering the closure or consolidation of any colleges and would be required to report to the Governor, the General Assembly, and the JBC with recommendations within 120 days of the effective date of the bill.

Bill I — Concerning the Employment Status of Persons Employed Within the State System of Higher Education. Bill I would allow state institutions of higher education to withdraw employees from the state personnel system and adopt an alternative personnel system. The committee heard testimony from the Department of Higher Education that the cost of the classified system increases costs and forces unequal treatment of campus employees. Bill I proposes to give employees at state institutions of higher education the choice to remain under the state personnel system or to become employees under the governing board's alternative personnel system.

Bill J — Concerning the Presentation of Information by Each Principal Department of the Executive Branch of State Government to Legislative Committees of Reference at the Beginning of Every Regular Session of the General Assembly. Under Bill J, each principal department of the executive branch of state government would be statutorily required to make a presentation to the appropriate legislative committee of reference early in each legislative session. Interim committee members sought ways to foster more formal budget discussions between members and departments outside of the context of the JBC budget process. Committee members also were interested in requiring departments to focus on departmental priorities for each fiscal year. Bill J would codify a procedure by which departments make presentations to joint legislative committees to prioritize departmental programs and services. The bill lists items the departments would include in a description of and explanation of their priorities.

Bill K — Concerning the Establishment of the Policy Innovation Fund in the State Treasury. Bill K would create the Policy Innovation Fund in the State Treasury. Moneys in the fund would be appropriated by the General Assembly to departments, offices, or agencies of state government to finance the creation of innovative public policy programs. Programs to be funded must better enable the department, agency, or office to more effectively achieve its mission and must provide credible evidence of savings in public expenditures as a result of the program. The bill would further require that any such innovative public policy program be subject to a performance audit by the Office of the

State Auditor. (Note: This bill was not approved by the Legislative Council. The text is available on-line.)

Bill L — Concerning the Ability of the Governing Board of Each Institution of Higher Education to Elect to be Exempt from Certain State Administrative Restrictions. Bill L proposes that the governing board of each institution of higher education be allowed to elect to exempt itself from the requirements of the state motor vehicle fleet system, the Division of Risk Management, and the Procurement Code. The committee heard testimony from the Department of Higher Education that eliminating these requirements could result in cost savings for some institutions.

STATUTORY AUTHORITY AND RESPONSIBILITIES

Facing the need for increasing state expenditures and declining state revenues, the General Assembly adopted House Joint Resolution 03-1068 to study state government expenditures. In the resolution, the legislature declared the following:

- General Fund revenues have fallen from \$6.6 billion in FY 2000-01 to an estimated \$5.4 billion in FY 2002-03;
- General Fund operating expenditures have remained virtually unchanged during the same period;
- General Fund spending for capital construction and transportation were reduced from \$500 million to just over \$100 million during the 2003 legislative session;
- the General Assembly transferred approximately \$1.2 billion from cash funds to the General Fund throughout FYs 2001-02 and 2002-03 to maintain essential government services;
- the General Assembly passed increases in fees of more than \$70 million during the 2003 legislative session in order to maintain essential government services; and
- General Fund spending is largely dictated by constitutional requirements for K-12 education spending, Medicaid caseloads, an expanding prison population, and state-sponsored programs to enhance the general welfare of Coloradans.

Pursuant the resolution, the Interim Committee on State Government Expenditures was charged with studying state government spending. The committee was directed to review the role and mission, number of employees, and budgets of each principal department of state government. The committee was further charged to consult with the Governor's Office of State Planning and Budgeting and the executive director of each principal department to prioritize services and find ways to reduce costs while maintaining essential government services. The committee was to consider, but was not limited to, proposals that:

- eliminate the duplication of government services, including services that are or could be provided by local governments or federal agencies;
- eliminate nonessential services;
- enhance the productivity of state government employees;
- reduce the costs of travel, printing, and utilities; and
- reduce expenditures by consolidating or otherwise rearranging departments or agencies of state government.

COMMITTEE ACTIVITIES

The committee had six meetings over a period of eight days between September 10, 2003, and November 4, 2003. The committee heard from 20 state departments, the Governor's Office of Innovation and Technology, and several interest groups. Each department's presentation included a description of the functions of the department; how the department has already increased efficiencies; a discussion of the department's mission statement; and a description of the department's human resources, information technology, and public information offices. The departments also provided suggestions for statutory changes that would help them operate more efficiently and perhaps realize cost savings.

Committee members solicited ideas from department personnel on statutory and policy changes that would create operational efficiencies and result in cost savings. Some of the ideas suggested by department officials spoke to system-wide issues. Other suggestions were specific to departmental operations. Some of the legislation considered by the committee was based on suggestions from departments, while the impetus for other bills came from committee members.

Following is a summary of committee discussions with the departments, including a review of discussions that led to legislation.

Education-related Issues

In meetings with the Department of Higher Education, committee members discussed topics such as consolidating parts of community colleges in the Denver metropolitan area, higher education voucher programs, privatizing higher education, and ways to cut high administrative costs.

Meetings with the Department of Education included a discussion of the Colorado School for the Deaf and Blind and whether it could be phased out in Colorado, phased into the community, or privatized. Department officials indicated that an audit of the school showed the need for a residential school for some blind students. One result of that audit was that the role of the school was expanded to include outreach for services for students in their local school districts. Department officials also responded to questions regarding inactive boards and commissions within the department and presented suggestions for amendments to the School Finance Law.

However, meetings with both departments focused on the effects of K-12 education on the higher education system (i.e., remediation). Officials spoke to the cost of remediation and to efforts to better prepare students for postsecondary studies.

Remediation. The Department of Higher Education indicated that there is a General Fund cost for high school students who are not fully prepared for college studies. The department reported that 23.4 percent of Colorado public high school graduates in FY 2001-02 took remedial classes at an institution of higher education in at least one discipline. The department says the cost of this remediation is approximately \$15.8 million in General Fund support. Recently-adopted legislation on pre-collegiate curriculum for Colorado high school students should help address this issue.

During meetings with the Department of Education, committee members discussed the issue of how K-12 education can help decrease the need for remediation of post-secondary students. The department indicated that the implementation of statewide standards and annual assessments in reading, writing, and mathematics has begun to address K-12 accountability. Department officials offered the theory that many of the college students needing remediation are actually "non-traditional students" such as working adults seeking additional technical training, looking to change jobs, or needing to brush up on skills required for new jobs.

Administrative costs. The Department of Higher Education reported to the committee on administrative costs of institutions of higher education. The department stated that administrative costs at institutions range from about 4 percent of the budget at Colorado State University in Fort Collins to 16 percent of the budget at Colorado Mountain College. However, the department cautioned that institutions do not uniformly allocate the costs of administrative staff, so the usefulness of comparing these costs is limited.

School finance law. Department of Education officials suggested changes to the school finance law including the following: provide more clarity to the funding of on-line students; clarify the minimum number of scheduled hours needed to receive school finance funding; and consider age requirements in order to receive school finance funding. Department officials also suggested changes to the teacher training laws to empower school districts to provide the necessary training of teachers.

Proposed legislation. In response to questions about operational and cost efficiencies in the current structure of the state's community colleges system, the committee recommended Bill H to establish an advisory committee to study the governing structure of the state system of community and technical colleges under the State Board for Community Colleges and Occupational Education (SBCCOE).

In response to questions about inactive boards and commissions within the Department of Education, the committee recommended Bill G to eliminate two advisory boards under the department's jurisdiction.

In response to concerns about remediation, the committee also considered a bill draft to merge the Department of Higher Education and the Department of Education. This draft was not recommended by the committee.

Information Technology/E-government Issues

Committee members questioned most departments about information technology operations and efforts to move towards e-government services. Many departments have made a variety of services and information available to the public on the Internet. Some departments have computerized the application process for various filings, certifications, and licenses. For instance, in response to the closure of 28 driver's license offices across the state, the Department of Revenue has implemented a new program that allows residents to renew driver's licenses by downloading a renewal application from the Internet and mailing it in. The Secretary of State has implemented electronic filing for various programs such as the registration of lobbyists.

While there are efforts between departments to coordinate similar services, there is little coordination of information technology systems in state government. This results in substantial costs for numerous individual systems and the personnel to maintain them.

Integrated business services. Discussions between the Department of Revenue and the committee centered on ways the department could enhance the delivery of services through technology. The executive director indicated the department is working closely with the Secretary of State and the Governor's Office of Information Technology to identify areas in which service delivery can be enhanced through technology. For example, the department is working with the Secretary of State to create efficiencies in the trade name registration process, and with the Office of Information Technology on efforts to develop an Internet portal to enhance e-government applications.

The Secretary of State reported that the Business Division of her office has launched an initiative intended to centralize and standardize registration of business trade names and to offer Integrated Business Services (IBS) to businesses via the division's homepage on the Secretary of State's website. The first step in preparation for this effort is legislation during the 2004 legislative session to transfer the trade name and registration function from the Department of Revenue to the Department of State. The second step is to enable businesses to register all trade names and obtain trade name public record access, retrieval, and certification on the Secretary of State's website.

The third step in implementing the IBS system will be to enable businesses to complete all applicable registrations with the Department of State and the Department of Revenue during a single website session through interactive applications. Businesses will enter required information once and pay all applicable fees with a single combined payment. The information and any fees will be distributed to the appropriate agency, avoiding the need for the business to deal with each agency separately.

The Department of State has had meetings with Department of Revenue and Department of Labor and Employment officials. The department has also met with the

Colorado Bar Association to discuss the IBS system, its potential, and to reach consensus on issues and solutions.

Other e-government efforts in the Office of the Secretary of State. The Secretary of State has also developed on-line services, such as on-line business entity filings, Uniform Commercial Code filings, and has enabled electronic filing for various programs. The department also has created a system that allows business entities to file on-line and to apply for and receive certificates of good standing. The Secretary of State indicated that implementation of on-line e-filing for many functions is key to the department's ability to provide services in the statutory time required.

E-government efforts in the Judicial Branch. Officials in the State Court Administrator's office indicated that the department has implemented numerous cost-saving initiatives by making information and services available to the public by computer. Such initiatives include the e-filing of cases, e-legal research, an e-child support program, e-bench books and manuals for judges, managers, probation officers, and clerks, Intranet and Internet legal research and forms preparation, centralized human resources, reformed procurement rules and policies, and printing savings.

Fragmentation of the state's information technology resources. Personnel from the Governor's Office of Innovation and Technology (OIT) responded to committee questions about the extent to which the state's information technology resources are fragmented. OIT officials indicated that in Colorado state government, there are 123 separate computer rooms, 34,727 personal computers, 1,542 servers, 6,524 printers, 3,137 network components including hubs, routers, and switches, and 119,924 software licenses. According to OIT officials, there is no common information technology asset management tracking tool; there is limited sharing of information technology resources and equipment; there are isolated and disparate e-mail systems; some departments have inadequate or no information technology staff; and many information technology staffers are generalists.

In order to ameliorate some of these issues, the OIT is developing a statewide portal plan for the state and is institutionalizing a model to enable shared services. The OIT's strategic focus is to improve citizen interactions with the state's information technology structure, enhance information technology service delivery, and modernize state government information technology operations.

No proposed legislation. The committee considered no legislation based on these discussions but encouraged the efforts of the departments engaged in expanding e-government functions. The committee also encouraged the efforts of the OIT in coordinating and streamlining the various computer systems and resources in state government.

The Cost of Legal Services/Lawsuits Against the State

The Department of Regulatory Agencies and the Department of Law offered suggestions for how the state could save legal costs by changing how the state's legal resources are allocated.

Legal services provided to state agencies. The Department of Regulatory Agencies presented several suggestions to the committee for policy and statutory changes that could result in operating efficiencies and cost savings in legal services provided to state agencies as follows:

- control the rate of increased legal services funding by implementing an expedited settlement system in state government. Cooperative dispute resolution avoids unnecessary legal expenses and provides prompt resolution to persons and professions who bring forth complaints. The department's limited expedited settlement process has successfully avoided \$203,085 in legal costs over the last five years;
- institute a "loser pays" provision in administrative legal cases against the state. The number of disputes involving licensure and regulation of professions has increased and the nature of those disputes has become increasingly complex and expensive. The absence of any recourse against frivolous or unnecessary disputes is incentive for complainants to file increasingly complex and expensive cases with no incentive to settle, in hopes of "out-lawyering" a state department with limited legal resources. A "loser pays" provision in administrative legal cases against the state could help control the rate of increased legal expenses by reducing caseload; and
- decentralize legal services staffing and funding and add one chief legal counsel per department to manage in-house legal concerns for the department. Such a change could increase accountability for the usage of legal services for state departments.

Department of Law officials suggested creating a Legal Services to State Agencies Revolving or Cash Fund which would allow the department to retain all excess revenues earned in the Legal Services to State Agencies budget line items. The funds would be used the following year to help offset rate increases and fund extraordinary litigation.

Lawsuits against the state. Officials from the Attorney General's Office spoke to the issue of costly lawsuits against the state and ways in which the state may limit such lawsuits. The department suggested that by increasing state employee training on topics such as sexual harassment, the state could save money in the future because there would be fewer lawsuits.

Outside counsel. Committee members questioned officials from the Department of Law on the use of outside counsel by the Attorney General. Department officials indicated the use of outside counsel is limited to about 0.2 percent of all legal matters handled by the department. Cases in which outside counsel was used in FY 2002-03 include:

- cases in which the contracted attorneys were former employees who had worked on a case prior to leaving the department. From a case management standpoint, using attorneys who are familiar with a case is more efficient than bringing a new attorney up to speed;
- cases involving conflicts of interest in which the department, for ethical reasons, could not defend the case. These were cases involving former Department of Law employees who sued the state;
- Trinidad Correctional Facility litigation, which uses both in-house and outside counsel because of the complexity of the case. The JBC has approved this concept and funded a long-bill item for this litigation for three fiscal years;
- a case in which a bankruptcy expert was needed while hiring a replacement for the retiring expert; and
- the "Neiberger" case, in which a contract attorney was required to assist with the case because of the expertise required.

In addition, certain agencies (Colorado State Fair, Colorado State University [for telecommunications issues], Division of Wildlife, State Land Board [for oil and gas issues], and the Colorado Trustees of State Colleges) requested the use of outside counsel. Due to the specialized subject matter, it is not cost effective to have Department of Law attorneys handle these issues.

No proposed legislation. The committee recommended no legislation based on these discussions and suggestions.

Costs Related to Regulation

The Department of Regulatory Agencies offered suggestions on ways to create efficiencies and save money in regulatory functions.

Uniformity of statutes. The department indicated that, under current law, there are differing provisions for similar functions in the statutes regulating different professions. Making such provisions uniform, where possible, will promote efficiency by reducing the number of administrative processes needed to arrive at the same outcome. Further, uniform provisions promote consistent treatment of licensees and applicants, resulting in objective processes from profession to profession.

One example of this kind of uniformity concerns issuing letters of admonition. The Medical Practice Act allows physicians 20 days upon proven receipt of a letter of admonition to request a formal disciplinary proceeding. However, the Chiropractic Practice Act allows a chiropractor 30 days to request such a hearing and does not require "proven receipt." Both acts require letters of admonition to be sent by certified mail, but certified

mail is not required for letters of admonition to a respiratory therapist. Such inconsistencies create the potential for non-compliance and require additional oversight by board staff.

Consumer protection functions. The department sees the current structure of the consumer functions of the Public Utilities Commission (PUC) and the Office of Consumer Counsel (OCC) as a duplication of government services. While the entities are established separately in law, their statutory missions overlap. The PUC's statutory mission is to regulate the rates and services of fixed and transportation utilities and to protect the public interest against excessive fees and insufficient services. To perform this function, the PUC has a complaint section staffed by approximately 5.0 FTE. Similarly, the OCC's statutory charge is to represent the public interest and the specific interests of residential consumers, agricultural consumers, and small business consumers in cases before the PUC. According to the department, the PUC handles all consumer complaints despite the existence of the separate OCC. Consolidating these functions under one appropriation may generate modest savings.

Regulatory costs in the Department of Higher Education. The department reported to the committee that regulations requiring the department to collect student data for the U.S. Department of Education account for the department's biggest regulatory expense. Since these are federal requirements, it seems unlikely that they can be eliminated. The department also reported that the state's classified system forces unequal treatment among groups of employees on campuses, adding substantial regulatory costs. Further, the department reported that requiring institutions to comply with state purchasing requirements, contribute to the state's risk management system, and be subject to centralized motor vehicle requirements also increases regulatory costs.

Proposed legislation. The committee recommended Bill C to make the regulation of professions in the Department of Regulatory Agencies more consistent and Bill F to consolidate the consumer interest functions of the PUC and OCC. In response to concerns from the Department of Higher Education over the cost of the classified system, the committee recommended legislation to allow each institution of higher education to adopt a personnel system for its own employees (Bill I), and to allow each institution of higher education to opt out of certain centrally administrated functions (Bill L).

Procurement and Contracting

Numerous departments spoke to the cumbersome, complicated, and time-consuming procurement and contracting processes in state government. The Attorney General's staff indicated that, with the cooperation of the State Controller, improvements to the procurement/contracting processes have been implemented. The threshold for Attorney General review of contracts from state agencies has been raised from \$25,000 to \$50,000, reducing the number of contracts going through the Attorney General's office. Further, some modification documents such as task orders and option letters are no longer reviewed

by the Attorney General. Finally, "model" contracts and contract provisions have been approved. Once the provision has been reviewed and approved, subsequent contracts and provisions covered by the "model" do not have to be reviewed.

The Attorney General's staff also recommended increased contract/procurement training of state agencies. In the last year, the Attorney General's staff has conducted 18 training sessions for state procurement/contract personnel. More standardized forms are being developed and implemented, and the Controller's Advisory Group continues to work towards solutions to common issues.

Department officials indicated that some proactive efforts by departments tend to slow down the process. For instance, departments are asking for assistance with procurement and contracts at the start of the process in an effort to prevent problems later in the process. However, this takes attorney time away from reviewing contracts already in the process. Also, the Attorney General's staff has noticed an increased number of unusual, complex, high-risk, or poorly drafted contracts, increased questions from client agencies resulting from the 2003 budget crisis, and increased errors and meetings to discuss errors on individual contracts.

No proposed legislation. The committee considered no legislation based on these discussions.

Growth in the Prison Population

Committee members questioned personnel from the Department of Corrections and the Judicial Department on increases in offender caseloads. Committee members also asked about the adequacy of substance abuse treatment and the degree to which treatment reduces prison populations by reducing recidivism. Committee members also asked department officials about the relationship between offenders who are past their parole eligibility date and the prison population.

Department officials suggested that the General Assembly can reduce the growth in the prison population by doing one or more of the following:

- reduce the number of arrests by law enforcement;
- reduce the number of criminal filings by district attorneys;
- give district attorneys more latitude in plea bargaining;
- develop and expand additional alternatives to prison such as probation, diversionary programs, and fines; and
- explore sentencing guidelines or changes in order to shorten sentences.

The Judicial Department made several suggestions on ways to address increasingly high probation and prison caseloads as follows:

- re-institute and reform, by legislation, the Criminal Justice Commission. The Commission, comprised of representatives from all segments of the criminal justice system, would be charged with making policy recommendations, as charged by the General Assembly, on specific issues including, but not limited to, reducing the increasing rate of growth in Colorado's prison population;
- adopt legislation to implement a procedure to improve public defender fee assessment and collection. The procedure should set forth the timing of fee assessment and collection, the amount of the fee, and the use of the fee revenue;
- implement a uniform traffic ticket to be used by law enforcement agencies in the state; and
- consider strategies that reduce the flow of offenders into the criminal justice system, strategies that reduce the length of stay under correctional supervision, and strategies that reduce the rate of return to correctional populations. These strategies include:
 - adequate funding for early offender programs such as diversion and probation;
 - funding for evidence-based prevention and intervention programs for youth and young adults;
 - revising probation eligibility regulations by eliminating the two-prior felony rule;
 - reclassifying lesser felonies to misdemeanors;
 - reducing the current presumptive sentencing ranges;
 - eliminating the mandatory minimum sentencing ranges;
 - reclassifying certain offenses to lower levels of crime classification;
 - expanding the capacity of intensive supervision probation to allow for supervision of higher risk felons in the community for shorter periods of time;
 - expanding the capacity of community corrections to house and supervise higher need offenders in the community for shorter periods of time;
 - increasing some or all prison inmates' ability to earn time off prison sentences;
 - increasing certain or all parolees' ability to earn time off parole terms;
 - expanding treatment capacity and resources for parolees; and
 - expanding re-entry services for parolees.

Substance abuse treatment. Department of Corrections' officials indicated that while increased funding would provide additional drug treatment, national literature indicates that treatment is more successful when treatment while incarcerated is followed up with treatment in after-care environments. When this happens, offenders are less likely to recidivate. The department noted that funding for drug and alcohol treatment was reduced significantly during budget reductions.

Recidivism. Because of the way recidivism rates are measured and reported in the different states, and because of lack of funding, the department has not been able to compare recidivism rates in other states. However, the department is collecting data on recidivism in Colorado.

Inmates past their parole eligibility date (PED). The department reported that about 52 percent of the current incarcerated population is past their initial parole eligibility date. The most common reason for unfavorable parole decision is because of untreated sex offender status, parole violations, and failure to complete required programs such as anger management, adult education, parenting, and drug and alcohol treatment. Further, 66 percent of inmates on mandatory parole recidivated in 2002, contributing to the high number of inmates past their parole eligibility dates.

No recommended legislation. The committee considered, but did not recommend, proposals for bills that would have reclassified certain class 6 felonies to class 1 misdemeanors, repealed the prohibition on granting probation eligibility to defendants previously convicted of two or more felonies, and repealed certain mandatory sentencing provisions including but not limited to mandatory sentencing provisions for violent offenses, for habitual offenses, and for certain drug offenses.

Employee Incentive Programs

The Department of Military and Veterans Affairs suggested that the state look for ways to save money by implementing a program to reward employees for ideas that create efficiencies and save dollars and to allow departments to keep a portion of the savings generated.

Proposed legislation. Based on one of the suggestions by department personnel (and personnel from other departments), the committee recommends Bill A to eliminate the current incentive award suggestion system board and create a new state employee incentive program.

Committee members recommended another bill to establish a Policy Innovation Fund in the State Treasury. Under the proposal, the General Assembly would have appropriated funds to departments, offices, or agencies of state government to finance the creation of innovative public policy programs. The bill required that such programs, in order to be funded, better enable the department, agency, or office to more effectively achieve its mission. The bill also required that such programs provide credible evidence of savings in public expenditures. The bill was not adopted by the Legislative Council. The text of the bill (Bill K) is available on-line.

Accounting in the Colorado Works Program

The Department of Human Services recommended a statutory change suggested by county departments of social services regarding Colorado Works Program County Reserve Accounts. Currently, a formula is used to determine what a county can keep in block grant funds and what is reverted to the state's Long-term Works Reserve Fund at the end of the fiscal year. The law requires that, pursuant to the formula, counties remit a certain amount in block grant funds to the Long-term Works Reserve Fund at the end of each fiscal year. The department suggested that, instead, counties be allowed to keep the balance of the block grant funds and the General Assembly determine, through the budget process, how much money should be in the Long-term Works Reserve Fund. This simplification would benefit county planning and state budgeting efforts.

Proposed legislation. The committee recommended Bill B to eliminate the requirement that counties send back to the state a certain amount in block grant funds to be deposited in the Long-term Works Reserve Fund at the end of each fiscal year.

Joint Committee on Printing

The committee was charged to consider proposals to reduce the costs of printing. Currently, some departments contract out for printing, some have in-house printing, and others use the Division of Central Services in the Department of Personnel and Administration for printing services. However, the committee did not study this issue in depth.

Proposed legislation. The committee adopted Bill E to establish a six-member joint legislative committee on printing. The committee is charged to exercise oversight over all state government printing operations, review printing contracts, review policies regarding government forms, and make recommendation to eliminate obsolete, overlapping, or invalid statutory provisions regarding state government printing.

Traffic Law Changes

Committee members raised the issue of the number of traffic offenses and traffic infractions under Colorado law with officials from the Judicial Department. Between FY 1996-97 and FY 2002-03, the number of traffic case filings in county courts decreased, most likely due to the change in the speed limit from 65 to 75 in 1998. However, there were approximately 150,000 traffic filings in county courts in FY 2002-03.

Committee members explored the idea that the caseload in county courts could be reduced by reducing the number of persons going to court to ask for point reductions on traffic tickets. Courts reportedly routinely grant such reductions and committee members

proposed to attempt to reduce the number of people going to court for such reductions by reducing the point assessment on certain traffic offenses.

Proposed legislation. Bill D proposes to lower, by one point, the assessments for specified traffic offenses that carry penalties of six or fewer points.

Presentations by Executive Branch Departments to Committees of Reference

Under current legislative rules, executive branch departments report to joint sessions of legislative committees of reference on the activities, functions, problems, new developments, and budgets of their divisions, sections, offices, agencies, operations, and programs. Under the rules, such joint sessions are not convened on a regular basis. Decreased revenues and increased General Fund pressures have created the sense of an increased need for the General Assembly to establish and maintain regular contact with executive branch departments. Committee members sought to require that departments meet with the General Assembly to establish departmental priorities and to suggest changes in legislation and policy that could result in increased efficiencies and decreased costs.

Proposed legislation. Bill J codifies the requirement for meetings between departments and joint committees of reference. The bill specifically requires departments to present their priorities for the upcoming fiscal year and the performance measures used to determine the effectiveness and efficiency of programs and services.

Budget Review Process

The Department of Military and Veterans Affairs suggested that each executive director be allowed to present the department's budget to the Joint Budget Committee. Under the current system, Joint Budget Committee staff present the budget, and department personnel do not participate in that presentation. By allowing department personnel to present the budget and answer budget committee questions directly, the budget hearing process could operate more efficiently. Department officials also suggested that the budget committee conduct mid-year departmental budget reviews. The department asked that executive directors be given some flexibility to shift smaller percentages of funds among budget items, eliminating the need for some supplemental budget requests.

Further, department officials stated that the current budget process penalizes departments for not spending all moneys appropriated. Department personnel suggested that the state should, instead, base a department's budget on the previous year's appropriation, not on actual expenditures.

Joint Budget Committee staff have been studying different budgeting methods to see if there are more efficient ways to craft the state's budget.

Increasing the Blood Alcohol Content (BAC) Level for Drunk Driving Offenses

The Executive Director of the Department of Transportation urged the committee to adopt legislation to enact a 0.08 blood alcohol content (BAC) level for drunk driving. Without this legislation, Colorado stands to lose approximately \$49.3 million in federal highway construction funds between federal fiscal years 2004 and 2007.

The committee considered a draft bill to enact a 0.08 BAC level for drunk driving. The bill draft was not adopted by the committee and no legislation was recommended to the Legislative Council.

The Civil Service/Personnel System

Nearly every department suggested reforms to the state's civil service system. Department officials indicated that under the current system: it is difficult to fire employees who do not meet performance standards; it is difficult to hire an employee who may be more qualified but does not test well; current rules make it difficult to move a qualified employee into a new position within a department; and it is difficult for departments to respond to evolving business needs.

The committee considered no legislation based on these suggestions. However, the committee indicated its support for the Governor's civil service reform recommendations.

Core Mission Project

Committee discussion with the Department of Natural Resources focused on the Core Mission Project. The committee had concerns regarding the fees that would be paid to the project consultant pursuant to contractual provisions. The department indicated that the intent of the Core Mission Project is to find ways to perform departmental functions more efficiently and cost effectively. According to the department, the Core Mission Project is examining every area of the department's operations. Because the department had not yet received the consultant's report containing preliminary recommendations, department officials were not able to respond to any questions regarding possible or probable recommendations or changes. The members of the committee who are JBC members agreed to continue to examine the contract with the consultant and the forthcoming recommendations as part of the JBC budget hearing process.

Contracting for Accident Investigations

Committee members suggested that the Colorado State Patrol (CSP) contract out some of their investigation responsibilities so that they can perform other duties. Specifically, the committee suggested that county sheriffs perform motor vehicle accident reconstruction and investigation duties, allowing state troopers to spend more time with their other duties. According to the Department of Public Safety, only a small handful of sheriff's departments investigate motor vehicle accidents on county roads. The State Patrol investigates about 96 percent of all accidents occurring outside the boundaries of incorporated municipalities. However, while such investigations takes considerable time away from other patrol duties, accident reconstruction is one of the core competencies of state patrol officers and they are relied upon throughout the state as experts in that field.

While requiring local agencies to perform these investigations might provide greater clarity of the division of responsibilities between the State Patrol and sheriffs departments, some counties might view such a shift in duties as an unfunded mandate. The committee chose not to address this issue legislatively.

Fire Safety Duties

Committee members discussed efficiencies and cost savings that could be realized by consolidating fire safety inspection duties that are currently performed by state agencies other than the Division of Fire Safety in the Department of Public Safety. Currently, different fire service functions, such as building code administration, fire safety programs, regulatory functions, and incident reporting are handled by different agencies including the Departments of Personnel and Administration, Regulatory Agencies, Local Affairs, Human Services, and Corrections. The committee chose not to address this issue legislatively.

SUMMARY OF RECOMMENDATIONS

As a result of the committee's activities, the following bills are recommended to the Colorado General Assembly.

Bill A — Concerning State Employee Incentive Programs for Cost Savings Innovations

The bill eliminates the current Incentive Award Suggestion System and its governing board in the Department of Personnel. No later than December 1, 2004, the state personnel director is required to submit a report to the Joint Budget Committee with recommendations to implement a new Employee Incentive Program. The bill requires the director to consult with representatives from specific state offices and to solicit input from employees and managers in the state personnel system in developing its recommendations. The bill stipulates five elements the director must consider in developing recommendations for the new program.

Bill B — Concerning County Reserve Account Moneys Under the Colorado Works Program

Beginning in FY 2004-05, the bill authorizes a county to retain the balance of the county block grant remaining in the county's reserve account at the end of each state fiscal year. The bill eliminates the current requirement that counties remit money to the state's Long-term Works Reserve Fund at the end of each state fiscal year. Under current law, a county must remit 50 percent of the amount deposited into the county reserve account that is in excess of 20 percent of the total county block grant.

Bill C — Concerning Increased Consistency in the Regulation of Certain Professions by the Division of Registrations in the Department of Regulatory Agencies, and, in Connection Therewith, Enacting Uniform Statutory Provisions Governing the Issuance of Letters of Admonition, Immunity, Renewal and Reinstatement of Licenses, Registrations, or Certificates, Investigatory Subpoenas, and Disposition of Fines Collected

The bill makes the statutory requirements for regulating certain professions and occupations more consistent in issuing letters of admonition, granting immunity, renewing and reinstating licenses, investigating subpoenas, and the disposing of fines. In particular, the bill:

- allows a licensee, registrant, or certificate holder to request a formal hearing 30 days after the mailing date of a letter of admonition;
- specifies that a letter of admonition will be vacated if the licensee, registrant, or certificate holder requests a formal hearing;
- clarifies civil immunity provisions for an examining or licensing board, commission, or the director of the Division of Registrations within the Department of Regulatory Agencies, and for staff, witnesses, and consultants to the regulatory entity;
- specifies procedures for the renewal and reinstatement of licenses, registrations, and certificates;
- allows each examining or licensing board or commission, or the director of the Division of Registrations to administer oaths, take affirmations of witnesses, and issue subpoenas; and
- clarifies that all fines collected by an examining or licensing board will be credited to the state's General Fund.

Bill D — Concerning Changes in the Traffic Laws

The bill lowers by one point the point totals that are assessed for convictions of most traffic offenses currently assessed at six or fewer points. The bill does not change the amount of fines assessed. The Department of Transportation is added to the list of departments charged with developing standards for the electronic transmission of traffic tickets, including those issued for any misdemeanor or petty offense issued in conjunction with a traffic ticket. On or before October 1, 2004, the Strategic Traffic Records Advisory Committee in the Department of Transportation is required to recommend a plan for implementing a system for the electronic transmission of traffic tickets to specified state agencies. On or before November 1, 2004, the executive directors of said agencies are required to report jointly to the House and Senate Judiciary Committees regarding the plan with one or more legislative proposals for its implementation.

Bill E — Concerning the Establishment of the Joint Committee on Printing

The bill creates a six-member joint legislative committee to review the printing policies of all branches of state government. The committee is authorized to exercise oversight over all state government printing operations, review printing and reproduction contracts, review policies concerning government forms, and review the Colorado Revised Statutes for the purpose of making recommendations to eliminate obsolete, overlapping, or invalid statutory provisions. The bill specifies committee composition, administrative procedures for filling vacancies and electing a chairman, and frequency of meetings. All legislative staff agencies are to assist the committee in performing its duties. Committee members are eligible for reimbursement of necessary expenses and per diem in connection with committee responsibilities.

Bill F — Concerning Consolidation of the Representation of Consumer Interests Before the Public Utilities Commission in the Office of Consumer Counsel, and, in Connection Therewith, Transferring Certain Personnel from the Public Utilities Commission to the Office of Consumer Counsel and Making an Appropriation

The bill consolidates the representation of utility-related consumer interests within the Department of Regulatory Agencies by requiring that staff positions with a consumer focus be transferred from the Public Utilities Commission (PUC) to the Office of Consumer Counsel (OCC). The Executive Director of the department would be responsible for determining which employees would transfer from the PUC to the OCC. The transfer of employees would occur on July 1, 2004.

Bill G — Concerning the Elimination of Certain Education Advisory Boards

The bill eliminates the following two advisory boards within the Department of Education and transfers the functions to the State Board of Education:

- the seven-member Teacher Development Advisory Council; and
- the five-member Science and Technology Education Center Grants Advisory Board.

Both boards are responsible for reviewing grant applications and making recommendations to the state board, but are currently inactive. Members serve without compensation, but are eligible for reimbursement of expenses.

Bill H — Concerning the Structure of the State System of Community Colleges

Bill H establishes an advisory committee to study the governing structure of the state system of community and technical colleges under the State Board for Community Colleges and Occupational Education (SBCCOE). The committee is charged with determining if there are any efficiencies or cost savings to be achieved by restructuring the manner in which the colleges are governed. Among other things, the committee must consider whether a regional governing structure would be more efficient and whether changing or eliminating the board would allow any college to receive a larger share of General Fund moneys. The committee may not consider closing or consolidating any community colleges.

The committee would consist of the Executive Director of the Department of Higher Education and eight members to be appointed by the Governor within 10 days after the bill's passage. Within 120 days after the bill becomes law, the committee must report to the Governor and several committees of the General Assembly, including the Executive Committee, the Education Committees, and the Joint Budget Committee.

Bill I — Concerning the Employment Status of Persons Employed Within the State System of Higher Education

On or after July 1, 2004, the bill allows each state institution of higher education to adopt an alternative to the state personnel system for its employees. The bill sets forth certain basic requirements for an alternative personnel system and allows two or more governing boards to create and operate an alternative system jointly. All newly-hired employees would be part of the alternative system established by the governing board, but existing employees could choose whether to remain in the state personnel system or join the alternative system. The bill prohibits any discrimination in training, promotion, retention, assignment of duties, granting of rights and benefits, or any other personnel action, based on the employee's choice.

Bill J — Concerning the Presentation of Information by Each Principal Department of the Executive Branch of State Government to Legislative Committees of Reference at the Beginning of Every Regular Session of the General Assembly

Beginning with the 2005 legislative session, the bill requires each principal department of the executive branch of state government to make a presentation to the appropriate legislative committee of reference. Each presentation must include both the department's priorities for the upcoming fiscal year and the performance measures used by the department in determining the effectiveness and efficiency of its programs and services. The presentations must occur within the first 30 days of the session.

Bill K — Concerning the Establishment of the Policy Innovation Fund in the State Treasury (Note: This bill was not approved by the Legislative Council. The text is available on-line.)

Bill L — Concerning the Ability of the Governing Board of Each Institution of Higher Education to Elect to be Exempt from Certain State Administrative Restrictions

The bill allows state institutions of higher education to opt out of certain central administrative functions, including the state motor vehicle fleet system, the Division of Risk Management, and the state Procurement Code. A governing board would have to take formal action to be exempt from the requirements. For all other state agencies, these functions and programs would continue to be administered by the Department of Personnel and Administration.

RESOURCE MATERIALS

The resource materials listed below were provided to the committee or developed by Legislative Council Staff during the course of the meetings. The summaries of meetings and attachments are available at the Division of Archives, 1313 Sherman Street, Denver, CO (303-866-2055). For a limited time, the meeting summaries and materials developed by Legislative Council Staff are available on our web site at:

www.state.co.us/gov_dir/leg_dir/lcsstaff/2003/03interim.htm

Meeting Summaries

Department Briefings/Topics Discussed

September 10, 2003	Introductory comments by the chair and committee members. Briefings by the Department of Higher Education and the Department of Military and Veterans Affairs.
September 11, 2003	Briefings by the Departments of Transportation, Health Care Policy and Financing, Revenue, State, Treasury, Law, and Personnel and Administration.
September 23, 2003	Briefings by the Departments of Corrections, Public Safety, Local Affairs, Human Services, Public Health and Environment, and Education.
September 24, 2003	Briefings by the Departments of Regulatory Agencies, Natural Resources, Agriculture, and the Judicial Department.
October 2, 2003	The following departments responded to questions previously raised by the committee: Department of Education, Judicial Department, and Department of Local Affairs. Briefing by the Department of Labor and Employment. Discussion of, and legal opinion by Legislative Legal Services staff on, the administration, by the Executive Branch, of payments to Colorado under the "Jobs and Growth Tax Relief Reconciliation Act of 2003."
October 3, 2003	The following groups provided public testimony: Retired Employees of the Colorado Division of Wildlife (Red Owls), former wildlife commissioners, JVA Consulting, and Blueprints Project of the

University of Colorado, Boulder. Joint Budget Committee staff presented to the committee on future impacts on the budget. The committee discussed potential bill drafts.

October 14, 2003

The Department of Higher Education responded to questions asked at their previous meeting with the committee on September 10. The Governor's Office of Innovation and Technology discussed how the state is saving money and could save money through the use of technology. The committee reviewed legislative and policy suggestions from all departments.

November 4, 2003

JVA Consulting and the Blueprints Project of the University of Colorado responded to questions asked at their previous meeting with the committee on October 3. The Department of Natural Resources responded to questions asked at their previous meeting with the committee on September 24. The committee voted to approve bill drafts.

Memoranda and Reports

Legislative Council and Office of Legislative Legal Services staff memoranda:

October 2, 2003

Type 1 Transfer and Type 2 Transfer Agencies

October 2, 2003

Suggestions from Departments

October 8, 2003

Suggestions for Legislation and Policy Changes from Departments (update of October 2 memorandum)

October 3, 2003

Traffic Offenses

Bill A

HOUSE SPONSORSHIP

Romanoff, and Plant

SENATE SPONSORSHIP

Teck, and Reeves

A BILL FOR AN ACT

CONCERNING STATE EMPLOYEE INCENTIVE PROGRAMS FOR COST-SAVINGS
INNOVATIONS.

Bill Summary

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

Interim Committee on State Government Expenditures. Eliminates the current statutory incentive award suggestion system and the incentive award suggestion system board in the department of personnel. Requires the state personnel director to submit a report to the joint budget committee with recommendations for the implementation of a new state employee incentive program. Requires the director to consult with representatives from specific offices in developing the recommendations. Specifies certain elements that the director shall consider in developing the recommendation for the employee incentive program. Makes legislative findings. Defines terms.

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

SECTION 1. Article 50 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

PART 8

STATE EMPLOYEE INCENTIVE PROGRAM

24-50-801. Legislative declaration. THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT IT IS THE POLICY OF THIS STATE TO CONCENTRATE ON IMPROVING THE EFFICIENCY AND EFFECTIVENESS OF STATE GOVERNMENT IN ORDER TO PROVIDE BETTER SERVICE TO THE CITIZENS OF THE STATE OF COLORADO, TO INCREASE STATE GOVERNMENT PRODUCTIVITY, AND TO DECREASE STATE GOVERNMENT COSTS. THE GENERAL ASSEMBLY RECOGNIZES THAT ONE METHOD OF ACHIEVING A MORE EFFICIENT AND EFFECTIVE STATE GOVERNMENT IS TO ENCOURAGE THE INVOLVEMENT OF STATE EMPLOYEES IN THE DEVELOPMENT OF INNOVATIVE IDEAS THAT WILL INCREASE THE PRODUCTIVITY AND SERVICE LEVEL OF STATE GOVERNMENT WHILE DECREASING THE COSTS OF STATE GOVERNMENT. THE GENERAL ASSEMBLY REALIZES THAT EMPLOYEE INCENTIVE PROGRAMS THAT REWARD STATE EMPLOYEES FOR INNOVATIONS BY ALLOWING THE EMPLOYEES TO SHARE THE COST SAVINGS RESULTING FROM SUCH INNOVATIONS WILL HELP ENCOURAGE EMPLOYEE INVOLVEMENT IN MAKING STATE GOVERNMENT MORE EFFICIENT AND EFFECTIVE. THE GENERAL ASSEMBLY FURTHER RECOGNIZES THAT REWARDING STATE EMPLOYEES MAY ALSO INCREASE EMPLOYEE MORALE AND ENTHUSIASM, DECREASE EMPLOYEE TURNOVER, AND IMPROVE CUSTOMER SERVICE.

24-50-802. Definitions. AS USED IN THIS PART 8, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) (a) "EMPLOYEE" MEANS ANY EMPLOYEE WITHIN THE STATE PERSONNEL SYSTEM EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (1).

(b) "EMPLOYEE" DOES NOT MEAN:

(I) AN EMPLOYEE OF THE OFFICE OF STATE PLANNING AND BUDGETING, THE OFFICE OF THE STATE AUDITOR, OR THE DEPARTMENT OF PERSONNEL;

(II) AN ELECTED OFFICIAL OR MEMBER OF THE GENERAL ASSEMBLY;
OR

(III) THE EXECUTIVE DIRECTORS AND BUDGET OFFICERS OF PRINCIPAL DEPARTMENTS AND THEIR DEPUTIES OR THE PRESIDENTS OF ANY COLLEGE OR UNIVERSITY AND THEIR DEPUTIES.

(2) "STATE AGENCY" MEANS ANY DEPARTMENT, BOARD, BUREAU, COMMISSION, DIVISION, INSTITUTION, OR OTHER AGENCY OF THE STATE, INCLUDING INSTITUTIONS OF HIGHER EDUCATION.

24-50-803. Employee incentive program - report by state personnel director. NO LATER THAN DECEMBER 1, 2004, THE STATE PERSONNEL DIRECTOR SHALL SUBMIT A REPORT TO THE JOINT BUDGET COMMITTEE WITH RECOMMENDATIONS FOR THE IMPLEMENTATION OF AN EMPLOYEE INCENTIVE PROGRAM IN ACCORDANCE WITH THE PROVISIONS OF THIS PART 8.

24-50-804. Development of recommendations for an employee incentive program. (1) IN DEVELOPING RECOMMENDATIONS FOR THE IMPLEMENTATION OF AN EMPLOYEE INCENTIVE PROGRAM TO BE INCLUDED IN

THE REPORT TO BE SUBMITTED TO THE JOINT BUDGET COMMITTEE PURSUANT TO SECTION 24-50-803, THE STATE PERSONNEL DIRECTOR SHALL CONSULT WITH REPRESENTATIVES FROM THE STATE PERSONNEL BOARD, THE OFFICE OF STATE PLANNING AND BUDGETING, THE OFFICE OF THE STATE CONTROLLER, THE OFFICE OF THE STATE AUDITOR, AND THE FOUR LARGEST EMPLOYEE ORGANIZATIONS REPRESENTING EMPLOYEES IN THE STATE PERSONNEL SYSTEM. THE DIRECTOR SHALL ALSO SOLICIT INPUT FROM EMPLOYEES AND MANAGERS IN THE STATE PERSONNEL SYSTEM AND OTHER AFFECTED PARTIES.

(2) THE STATE PERSONNEL DIRECTOR SHALL CONSIDER THE FOLLOWING ELEMENTS IN DEVELOPING THE RECOMMENDATIONS FOR AN EMPLOYEE INCENTIVE PROGRAM:

(a) CRITERIA FOR ELIGIBILITY FOR THE EMPLOYEE INCENTIVE PROGRAM;

(b) A FORMULA FOR CALCULATING AND DISTRIBUTING COST SAVINGS;

(c) EMPLOYEE PROTECTIONS AGAINST RETALIATION FOR INITIATING OR PARTICIPATING IN AN EMPLOYEE INCENTIVE PROGRAM;

(d) A MEANS OF PROVIDING PUBLIC RECOGNITION TO EMPLOYEES WHOSE INNOVATIONS RESULT IN COST SAVINGS TO THE STATE; AND

(e) A METHOD FOR THE CENTRALIZED OR DEPARTMENTAL ADMINISTRATION OF THE EMPLOYEE INCENTIVE PROGRAM.

SECTION 2. Repeal. 24-1-128 (7) (j) and part 8 of article 30 of title 24, Colorado Revised Statutes, are repealed.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

DRAFT

Bill A

Colorado Legislative Council Staff
NO FISCAL IMPACT

Drafting Number: LLS 04-0148

Date: December 12, 2003

Prime Sponsor(s): Rep. Romanoff
Sen. Teck

Bill Status: Interim Committee on State
Government Expenditures

Fiscal Analyst: Harry Zeid (303-866-4753)

TITLE: CONCERNING STATE EMPLOYEE INCENTIVE PROGRAMS FOR COST-SAVINGS INNOVATIONS.

Summary of Assessment

This bill requires the State Personnel Director to submit a report to the Joint Budget Committee with recommendations for the implementation of an employee incentive program by December 1, 2004. The report would consider the following elements in developing the recommendations for the program:

- criteria for eligibility for the employee incentive program;
- a formula for calculating and distributing cost savings;
- employee protections against retaliation for initiating or participating in an employee incentive program;
- a means of providing public recognition to employees whose innovations result in cost savings to the state; and
- a method for the centralized or departmental administration of the employee incentive program.

The State Personnel Director would consult with representatives from the State Personnel Board, the Office of State Planning and Budgeting, the Office of the State Controller, the Office of the State Auditor, and the four largest employee organizations representing employees in the state personnel system.

The bill is assessed as having no fiscal impact. The requirements for assembling the report will be performed within the normal job responsibilities of the State Personnel Director and will not affect state revenues or expenditures. The bill would become effective upon signature of the Governor.

Departments Contacted

Personnel

Bill B

SENATE SPONSORSHIP

Owen, Anderson, and Teck

HOUSE SPONSORSHIP

Witwer, Plant, Romanoff, and Young

A BILL FOR AN ACT

**CONCERNING COUNTY RESERVE ACCOUNT MONIES UNDER THE COLORADO
WORKS PROGRAM.**

Bill Summary

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

Interim Committee on State Government Expenditures. Beginning in state fiscal year 2004-05, allows a county to retain, at the end of each state fiscal year, the balance of county block grant funds remaining in the county's reserve account. Makes conforming changes.

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

SECTION 1. 26-2-714 (5) (a), Colorado Revised Statutes, is amended to read:

26-2-714. County block grants formula - use of moneys. (5) (a) A county shall be authorized to maintain a reserve account of county block grant funds pursuant to rules promulgated by the state department. At the end of each state fiscal year, a county shall remit to the long-term works reserve fund created in section 26-2-721 fifty percent of the amount deposited in the county reserve account in the current state fiscal year that is in excess of twenty

percent of the total county block grant for such state fiscal year MAY RETAIN THE BALANCE OF THE COUNTY BLOCK GRANT REMAINING IN THE COUNTY'S RESERVE ACCOUNT.

SECTION 2. 26-2-721, Colorado Revised Statutes, is amended to read:

26-2-721. Long-term works reserve fund - creation - use. There is hereby created the Colorado long-term works reserve fund that shall consist of TANF block grant moneys, state general funds appropriated thereto by the general assembly, or moneys transferred pursuant to section 26-2-714 (5) (a); 26-2-716 (4) (b) or 26-2-720 (4). Moneys in the reserve fund shall be used only for the purpose of implementing the works program, including but not limited to the provisions set forth in section 26-2-708 (5.5) if sufficient funds are available, or for the purpose of making transfers that are allowed under the federal law for transfers to programs funded by Title XX of the social security act or for transfers to the child care development fund and shall be subject to annual appropriation by the general assembly; except that moneys in the long-term works reserve fund that have been transferred from county reserve accounts, PRIOR TO JULY 1, 2004, pursuant to section 26-2-714 (5) (a) shall be used only for the purpose of implementing the works program at the county level. Prior to requesting any appropriations out of the reserve fund for the purpose of making transfers, the state department shall consult with counties and provide information to the joint budget committee for the purposes of insuring that all transfers of TANF funds do not exceed the federal limits for transfers and insuring that the needs of counties to make transfers authorized pursuant to section 26-2-714 (7) and (9) are considered. Federal funds available to the state under the TANF block grant not otherwise appropriated shall be

appropriated to the Colorado long-term works reserve fund. All interest derived from the deposit or investment of the moneys in the reserve fund shall be credited to the reserve fund.

SECTION 3. Effective date. This act shall take effect July 1, 2004.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

DRAFT

Colorado Legislative Council Staff
**STATE and LOCAL
FISCAL IMPACT**

Drafting Number: LLS 04-0241
Prime Sponsor(s): Sen. Owen
Rep. Witwer

Date: December 9, 2003
Bill Status: Interim Committee on State
Government Expenditures
Fiscal Analyst: Janis Baron (303-866-3523)

TITLE: CONCERNING COUNTY RESERVE ACCOUNT MONEYS UNDER THE COLORADO WORKS PROGRAM.

Fiscal Impact Summary	FY 2004/05	FY 2005/06
State Revenues Federal Funds		
State Expenditures Federal Funds — TANF County Reserve Accounts Long-term Works Reserve Fund	\$200,000 (200,000)	\$200,000 (200,000)
FTE Position Change	0.0 FTE	0.0 FTE
Other State Impact: None		
Effective Date: July 1, 2004		
Appropriation Summary for FY 2004/05: None Required		
Local Government Impact: Based on reversions for the past several fiscal years, the bill allows for approximately \$200,000 annually to remain in County Reserve Accounts rather than revert to the Long-term Works Reserve Fund. However, moneys in both funds are available for expenditures in the Colorado Works Program which is administered by the counties.		

Summary of Legislation

The bill allows a county to retain, at the end of each state fiscal year, the balance of county block grant funds remaining in the county's reserve account, starting with FY 2004-05.

State Revenues

The bill neither increases nor decreases federal funds available for Colorado Works.

State Expenditures

There will be no increase nor decrease in state expenditures as a result of the bill.

Local Government Impact

Under current law, counties must return a portion of the balance of county block grant funds, based on formula, at the end of each state fiscal year for deposit in the Long-term Works Reserve Fund (LTR). For FY 2003-04, the following appropriations are made for the Colorado Works Program:

- County Block Grants — \$158,736,682
- County Reserve Accounts — \$14,666,218

Based on the last several fiscal years, the Department of Human Services indicates that, in total, an estimated \$0.2 million is remitted annually by the counties for deposit in the LTR. This fund, which is not appropriated annually, reflects the federal moneys available to the state for Colorado Works. An estimated \$53.5 million is currently in the LTR.

The bill effectively enables counties to hold unexpended block grant funds in their individual reserve accounts annually. Although the bill eliminates one of the growth mechanisms for the LTR, the DHS and the General Assembly have the ability to monitor and manage the target balance of the LTR through appropriation decisions. Moneys in both the County Reserve Accounts and the LTR are available to the counties which administer the Colorado Works Program.

State Appropriations

No appropriation is required.

Departments Contacted

Human Services

Bill C

SENATE SPONSORSHIP

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HOUSE SPONSORSHIP

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A BILL FOR AN ACT

CONCERNING INCREASED CONSISTENCY IN THE REGULATION OF CERTAIN PROFESSIONS BY THE DIVISION OF REGISTRATIONS IN THE DEPARTMENT OF REGULATORY AGENCIES, AND, IN CONNECTION THEREWITH, ENACTING UNIFORM STATUTORY PROVISIONS GOVERNING THE ISSUANCE OF LETTERS OF ADMONITION, IMMUNITY, RENEWAL AND REINSTATEMENT OF LICENSES, REGISTRATIONS, OR CERTIFICATES, INVESTIGATORY SUBPOENAS, AND DISPOSITION OF FINES COLLECTED.

Bill Summary

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

Interim Committee on State Government Expenditures. Makes the issuance of letters of admonition, grants of immunity, renewal and reinstatement of licenses, investigation subpoenas, and the disposition of fines collected consistent for the following regulated professions and occupations:

- Accountants;
- Architects;
- Audiologists and hearing aid providers;

- Barbers and cosmetologists;
- Boxing;
- Pharmaceuticals and pharmacists;
- Electricians;
- Engineers and surveyors;
- Acupuncturists;
- Podiatrists;
- Chiropractors;
- Dentists and dental hygienists;
- Physicians and physician assistants;
- Midwives;
- Nurses, nurse aides, and psychiatric technicians;
- Nursing home administrators;
- Optometrists;
- Physical therapists;
- Respiratory therapists;
- Psychologists, social workers, marriage and family therapists, and licensed professional counselors;
- Outfitters and guides;
- Plumbers; and
- Veterinarians.

Allows the licensee, registrant, or certificate holder to request a formal hearing 30 days after the mailing date of a letter of admonition. Specifies that if the licensee, registrant, or certificate holder requests such formal hearing, the letter of admonition shall be vacated.

Provides uniformity in immunity provisions related to civil actions for the examining or licensing board, commission, or the director of the division of registrations within the department of regulatory agencies (director) acting as the regulator for a profession. Further clarifies that staff, witnesses, and consultants to the regulating entity for actions taken in good faith and within official duties of the board, commission, or director have civil immunity. Specifies that a person filing a complaint, in good faith, against a licensee, registrant, or certificate holder is immune from civil and criminal liability related to such complaint.

Requires that renewals and reinstatements of licenses, registrations, and certificates be within a schedule determined by the director. Clarifies that a license, registration, or certificate shall be valid for a period of not less than one year and not more than 3 years, as determined by the director in consultation with the examining or licensing board or commission for the profession. Sets out provisions for a 60-day grace period for renewals without the risk of disciplinary action. Outlines provisions for reinstatement of licenses, registrations, and certificates.

Allows each examining or licensing board or commission, or the director as the regulator for a profession to administer oaths, take affirmations of witnesses, and issue subpoenas to compel the production of witnesses, documents, or things. Allows such examining or licensing board or commission or the director to petition the district court of competent jurisdiction to comply with such subpoenas.

Clarifies that all fines collected by an examining or licensing board or commission shall be transferred to the state treasurer to be credited to the state's general fund.

Repeals redundant provisions requiring that board officials take an oath.

Makes conforming amendments.

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

SECTION • 12-2-103 (6) (a), Colorado Revised Statutes, is amended to read:

12-2-103. State board of accountancy - subject to termination.

~~(6) (a) Any member of the board, any person acting as a consultant to the board, any witness testifying in a proceeding authorized under this article, and any person who lodges a complaint pursuant to this article shall be immune from liability in any civil action brought against him or her for acts occurring~~

~~while acting in his or her capacity as a board member, consultant, witness, or complainant, respectively, if such individual was acting in good faith within the scope of his or her respective capacity, made a reasonable effort to obtain the facts of the matter as to which he or she acted, and acted in the reasonable belief that the action taken by him or her was warranted by the facts. ANY MEMBER OF THE BOARD, ANY MEMBER OF THE BOARD'S STAFF, ANY PERSON ACTING AS A WITNESS OR CONSULTANT TO THE BOARD, ANY WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS ARTICLE, AND ANY PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM LIABILITY IN ANY CIVIL ACTION BROUGHT AGAINST HIM OR HER FOR ACTS OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS BOARD MEMBER, STAFF, CONSULTANT, OR WITNESS, RESPECTIVELY, IF SUCH INDIVIDUAL WAS ACTING IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE FACTS OF THE MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED IN THE REASONABLE BELIEF THAT THE ACTION TAKEN BY HIM OR HER WAS WARRANTED BY THE FACTS. ANY PERSON PARTICIPATING IN GOOD FAITH IN LODGING A COMPLAINT OR PARTICIPATING IN ANY INVESTIGATIVE OR ADMINISTRATIVE PROCEEDING PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM ANY CIVIL OR CRIMINAL LIABILITY THAT MAY RESULT FROM SUCH PARTICIPATION.~~

SECTION • 12-2-108 (3), (4), and (5), Colorado Revised Statutes, are amended to read:

12-2-108. Certificate of certified public accountant - issuance - renewal - reinstatement. (3) All certificates shall expire once every two years

on a date established by the board but may be renewed in a manner prescribed by the board, which shall include compliance with the continuing education requirements authorized in section 12-2-119 (5) and payment of the renewal fee authorized to be established by the board pursuant to section 24-34-105, C.R.S. PURSUANT TO A SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES AND SHALL BE RENEWED OR REINSTATED PURSUANT TO SECTION 24-34-102 (8), C.R.S. THE DIRECTOR OF THE DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES MAY ESTABLISH RENEWAL FEES AND DELINQUENCY FEES FOR REINSTATEMENT PURSUANT TO SECTION 24-34-105, C.R.S. IF A PERSON FAILS TO RENEW HIS OR HER CERTIFICATION PURSUANT TO THE SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS, SUCH CERTIFICATE SHALL EXPIRE. ANY PERSON WHOSE CERTIFICATE HAS EXPIRED SHALL BE SUBJECT TO THE PENALTIES PROVIDED IN THIS ARTICLE OR SECTION 24-34-102 (8), C.R.S.

(4) ~~Any person may reactivate an expired certificate within a two-year grace period after the date of its expiration by making written application for reactivation, complying with the continuing education requirements imposed by the board, and paying a reactivation fee imposed by the board.~~

(5) ~~In the event that a person fails to reactivate the person's certificate within the two-year grace period specified in subsection (4) of this section, a person may reinstate such certificate within four years after the date of the expiration of such grace period by making written application for~~

~~reinstatement, complying with all continuing education requirements imposed by the board, paying a reinstatement fee, and providing proof to the board of the person's continued professional competence as required by the board. Thereafter, a person shall not be reinstated unless the person fulfills and meets the requirements and conditions required of an applicant applying for the issuance of an original certificate, which requirements shall include either retaking and passing the uniform certified public accountant examination or otherwise satisfying the board of the person's continued competence.~~

SECTION • 12-2-123 (3) and (5) (b), Colorado Revised Statutes, are amended to read:

12-2-123. Grounds for disciplinary action - administrative penalties. (3) (a) ~~When a complaint or an investigation discloses an instance of misconduct which, in the opinion of the board, does not warrant formal action but which should not be dismissed as being without merit, the board may send a letter of admonition to the certificate holder. Such letter shall be sent to the certificant by certified mail, with a copy to the complainant, and shall advise such certificant that he may, within twenty days after proven receipt of the letter, make a written request to the board to institute a formal hearing pursuant to section 12-2-125 to determine the propriety of the alleged misconduct. If such request is timely made, the letter of admonition shall be deemed vacated, and the matter shall be processed by means of formal proceedings. WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE BOARD, DOES NOT WARRANT FORMAL ACTION BY THE BOARD BUT THAT SHOULD NOT BE DISMISSED AS BEING~~

WITHOUT MERIT, A LETTER OF ADMONITION MAY BE ISSUED AND SENT, BY CERTIFIED MAIL, TO THE CERTIFICATE HOLDER.

(b) WHEN A LETTER OF ADMONITION IS SENT BY THE BOARD, BY CERTIFIED MAIL, TO A CERTIFICATE HOLDER, SUCH CERTIFICATE HOLDER SHALL BE ADVISED THAT HE OR SHE HAS THE RIGHT TO REQUEST IN WRITING, WITHIN THIRTY DAYS AFTER THE DATE ON WHICH THE LETTER WAS MAILED, THAT FORMAL DISCIPLINARY PROCEEDINGS BE INITIATED TO ADJUDICATE THE PROPRIETY OF THE CONDUCT UPON WHICH THE LETTER OF ADMONITION IS BASED.

(c) IF THE REQUEST FOR ADJUDICATION IS TIMELY MADE, THE LETTER OF ADMONITION SHALL BE DEEMED VACATED AND THE MATTER SHALL BE PROCESSED BY MEANS OF FORMAL DISCIPLINARY PROCEEDINGS.

(5) (b) All fines collected pursuant to this subsection (5) shall be credited TRANSFERRED TO THE STATE TREASURER, WHO SHALL CREDIT SUCH MONEYS to the general fund.

SECTION • 12-2-125 (4), Colorado Revised Statutes, is amended, and the said 12-2-125 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

12-2-125. Hearings before board - notice - procedure - review.

~~(4) The board or any member thereof may issue subpoenas pursuant to investigation, or hearing to compel the attendance of witnesses and the production of documents and may administer oaths, take testimony, hear proofs, and receive exhibits in evidence.~~ THE BOARD OR AN ADMINISTRATIVE LAW JUDGE SHALL HAVE THE POWER TO ADMINISTER OATHS, TAKE

AFFIRMATIONS OF WITNESSES, AND ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AND THE PRODUCTION OF ALL NECESSARY PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, AND MATERIALS IN ANY HEARING, INVESTIGATION, ACCUSATION, OR OTHER MATTER COMING BEFORE THE BOARD. THE BOARD MAY APPOINT AN ADMINISTRATIVE LAW JUDGE PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., TO TAKE EVIDENCE AND TO MAKE FINDINGS AND REPORT THEM TO THE BOARD.

(4.5) UPON FAILURE OF ANY WITNESS TO COMPLY WITH SUCH SUBPOENA OR PROCESS, THE BOARD MAY PETITION THE DISTRICT COURT IN THE COUNTY IN WHICH THE PROCEEDING IS PENDING, SETTING FORTH THAT DUE NOTICE HAS BEEN GIVEN OF THE TIME AND PLACE OF ATTENDANCE OF THE WITNESS AND THE SERVICE OF THE SUBPOENA, IN WHICH EVENT THE DISTRICT COURT, AFTER HEARING EVIDENCE IN SUPPORT OF OR CONTRARY TO THE PETITION, MAY ENTER AN ORDER AS IN OTHER CIVIL ACTIONS COMPELLING THE WITNESS TO ATTEND AND TESTIFY OR PRODUCE BOOKS, RECORDS, OR OTHER EVIDENCE.

SECTION • 12-2-126 (1) (a), Colorado Revised Statutes, is amended to read:

12-2-126. Investigations, examinations, and cease and desist orders against unlawful act. (1) (a) (I) The board, on its own motion based on reasonable grounds or on the signed, written complaint of any person, may investigate any person who has engaged, is engaging, or threatens to engage in any act or practice which THAT constitutes a violation of any provision of this article. The board or any member thereof may issue subpoenas to compel the

~~attendance of witnesses and the production of documents, and may administer oaths, take testimony, hear proofs, and receive exhibits in evidence in connection with any investigation under this section. In case of disobedience to a subpoena, the board may invoke the aid of any court of this state in requiring the attendance and testimony of witnesses and the production of documentary evidence~~ ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AND THE PRODUCTION OF ALL NECESSARY PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, AND MATERIALS IN ANY HEARING, INVESTIGATION, ACCUSATION, OR OTHER MATTER COMING BEFORE THE BOARD. THE BOARD MAY APPOINT AN ADMINISTRATIVE LAW JUDGE PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., TO TAKE EVIDENCE AND TO MAKE FINDINGS AND REPORT THEM TO THE BOARD.

(II) UPON FAILURE OF ANY WITNESS TO COMPLY WITH SUCH SUBPOENA OR PROCESS, THE BOARD MAY PETITION THE DISTRICT COURT IN THE COUNTY IN WHICH THE PROCEEDING IS PENDING, SETTING FORTH THAT DUE NOTICE HAS BEEN GIVEN OF THE TIME AND PLACE OF ATTENDANCE OF THE WITNESS AND THE SERVICE OF THE SUBPOENA, IN WHICH EVENT THE DISTRICT COURT, AFTER HEARING EVIDENCE IN SUPPORT OF OR CONTRARY TO THE PETITION, MAY ENTER AN ORDER AS IN OTHER CIVIL ACTIONS COMPELLING THE WITNESS TO ATTEND AND TESTIFY OR PRODUCE BOOKS, RECORDS, OR OTHER EVIDENCE.

SECTION • 12-4-104 (3), Colorado Revised Statutes, is amended to read:

12-4-104. Board - powers. (3) (a) ~~The board or the administrative law judge may issue a subpoena compelling the attendance and testimony of witnesses and the production of books, papers, and records pursuant to an investigation or a hearing by the board. Any subpoena issued shall be served in the manner provided in the Colorado rules of civil procedure. If any person refuses to obey any subpoena so issued or to testify or produce any books, papers, or documents, the board may petition the district court having jurisdiction, setting forth the facts, and thereupon such district court, in a proper case, shall issue its subpoena. Failure to obey the court's subpoena shall constitute contempt of court and shall be punished as provided for in the Colorado rules of civil procedure. The board may direct the program administrator to sign any subpoena which has been authorized and issued on its behalf.~~ THE BOARD OR AN ADMINISTRATIVE LAW JUDGE SHALL HAVE THE POWER TO ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AND THE PRODUCTION OF ALL NECESSARY PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, AND MATERIALS IN ANY HEARING, INVESTIGATION, ACCUSATION, OR OTHER MATTER COMING BEFORE THE BOARD. THE BOARD MAY APPOINT AN ADMINISTRATIVE LAW JUDGE PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., TO TAKE EVIDENCE AND TO MAKE FINDINGS AND REPORT THEM TO THE BOARD.

(b) UPON FAILURE OF ANY WITNESS TO COMPLY WITH SUCH SUBPOENA OR PROCESS, THE BOARD MAY PETITION THE DISTRICT COURT IN THE COUNTY IN WHICH THE PROCEEDING IS PENDING, SETTING FORTH THAT DUE NOTICE HAS BEEN GIVEN OF THE TIME AND PLACE OF ATTENDANCE OF THE

WITNESS AND THE SERVICE OF THE SUBPOENA, IN WHICH EVENT THE DISTRICT COURT, AFTER HEARING EVIDENCE IN SUPPORT OF OR CONTRARY TO THE PETITION, MAY ENTER AN ORDER AS IN OTHER CIVIL ACTIONS COMPELLING THE WITNESS TO ATTEND AND TESTIFY OR PRODUCE BOOKS, RECORDS, OR OTHER EVIDENCE.

SECTION • 12-4-104.5, Colorado Revised Statutes, is amended to read:

~~12-4-104.5. Immunity. Any member of the board, any person acting as a consultant to the board, any witness testifying in a proceeding authorized under this article, and any person who lodges a complaint pursuant to this article shall be immune from liability in any civil action brought against him for acts occurring while acting in his capacity as board member, consultant, witness, or complainant, respectively, if such individual was acting in good faith within the scope of his respective capacity, made a reasonable effort to obtain the facts of the matter as to which he acted, and acted in the reasonable belief that the action taken by him was warranted by the facts.~~ ANY MEMBER OF THE BOARD, ANY MEMBER OF THE BOARD'S STAFF, ANY PERSON ACTING AS A WITNESS OR CONSULTANT TO THE BOARD, ANY WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS ARTICLE, AND ANY PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM LIABILITY IN ANY CIVIL ACTION BROUGHT AGAINST HIM OR HER FOR ACTS OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS BOARD MEMBER, STAFF, CONSULTANT, OR WITNESS, RESPECTIVELY, IF SUCH INDIVIDUAL WAS ACTING IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER RESPECTIVE

CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE FACTS OF THE MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED IN THE REASONABLE BELIEF THAT THE ACTION TAKEN BY HIM OR HER WAS WARRANTED BY THE FACTS. ANY PERSON PARTICIPATING IN GOOD FAITH IN LODGING A COMPLAINT OR PARTICIPATING IN ANY INVESTIGATIVE OR ADMINISTRATIVE PROCEEDING PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM ANY CIVIL OR CRIMINAL LIABILITY THAT MAY RESULT FROM SUCH PARTICIPATION.

SECTION • 12-4-108 (2), Colorado Revised Statutes, is amended to read:

12-4-108. License renewal - expiration - reinstatement. (2) The license of any architect who fails to pay the license renewal fee shall expire. ~~An expired license may be renewed within six months after expiration, upon payment of all fees in arrears, thereafter, the board shall require payment of a reinstatement fee established pursuant to section 24-34-105, C.R.S., and may require reexamination, unless the architect has maintained an active architectural practice in another jurisdiction or otherwise satisfies the board of the architect's continued competence~~ SHALL BE RENEWED OR REINSTATED PURSUANT TO A SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES AND SHALL BE RENEWED OR REINSTATED PURSUANT TO SECTION 24-34-102 (8), C.R.S. THE DIRECTOR OF THE DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES MAY ESTABLISH RENEWAL FEES AND DELINQUENCY FEES FOR REINSTATEMENT PURSUANT TO SECTION 24-34-105, C.R.S. IF A PERSON FAILS TO RENEW HIS OR HER LICENSE PURSUANT TO THE

SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS, SUCH LICENSE SHALL EXPIRE. ANY PERSON WHOSE LICENSE HAS EXPIRED SHALL BE SUBJECT TO THE PENALTIES PROVIDED IN THIS ARTICLE OR SECTION 24-34-102 (8), C.R.S.

SECTION • 12-4-111 (3) (b) and (5) (b), Colorado Revised Statutes, are amended to read:

~~12-4-111. Discipline. (3) (b) (I) The board may issue a letter of admonition to a licensee without conducting a hearing as specified in paragraph (a) of this subsection (3). Such letter shall be sent to the licensee by certified mail and shall advise him that he may, within twenty days after receipt of the letter, make a written request to the board to institute formal disciplinary proceedings as provided in paragraph (a) of this subsection (3) in order to formally adjudicate the conduct or acts on which the letter was based.~~

WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE BOARD, DOES NOT WARRANT FORMAL ACTION BY THE BOARD BUT THAT SHOULD NOT BE DISMISSED AS BEING WITHOUT MERIT, A LETTER OF ADMONITION MAY BE ISSUED AND SENT, BY CERTIFIED MAIL, TO THE LICENSEE.

(II) WHEN A LETTER OF ADMONITION IS SENT BY THE BOARD, BY CERTIFIED MAIL, TO A LICENSEE, SUCH LICENSEE SHALL BE ADVISED THAT HE OR SHE HAS THE RIGHT TO REQUEST IN WRITING, WITHIN THIRTY DAYS AFTER THE DATE ON WHICH THE LETTER WAS MAILED, THAT FORMAL DISCIPLINARY PROCEEDINGS BE INITIATED TO ADJUDICATE THE PROPRIETY OF THE CONDUCT UPON WHICH THE LETTER OF ADMONITION IS BASED.

(III) IF THE REQUEST FOR ADJUDICATION IS TIMELY MADE, THE LETTER OF ADMONITION SHALL BE DEEMED VACATED AND THE MATTER SHALL BE PROCESSED BY MEANS OF FORMAL DISCIPLINARY PROCEEDINGS.

(5) **Fines.** (b) All fines collected pursuant to this section shall be ~~credited~~ TRANSFERRED TO THE STATE TREASURER, WHO SHALL CREDIT SUCH MONEYS to the general fund.

SECTION • 12-5.5-103 (2), Colorado Revised Statutes, is amended to read:

12-5.5-103. Registration procedure - renewal - reinstatement.
(2) ~~All certificates issued under this section shall expire on December 31 following the date of issuance, but may be renewed by payment of the renewal fee established by the director pursuant to section 24-34-105, C.R.S., and continued compliance with the provisions of this part 1. A registration that has expired may be reinstated within two years after such expiration upon payment of the appropriate renewal fee if the applicant meets all other requirements of this part 1.~~ ALL REGISTRATIONS SHALL EXPIRE PURSUANT TO A SCHEDULE ESTABLISHED BY THE DIRECTOR AND SHALL BE RENEWED OR REINSTATED PURSUANT TO SECTION 24-34-102 (8), C.R.S. THE DIRECTOR MAY ESTABLISH RENEWAL FEES AND DELINQUENCY FEES FOR REINSTATEMENT PURSUANT TO SECTION 24-34-105, C.R.S. IF A PERSON FAILS TO RENEW HIS OR HER REGISTRATION PURSUANT TO THE SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS, SUCH REGISTRATION SHALL EXPIRE. ANY PERSON WHOSE REGISTRATION HAS EXPIRED SHALL BE SUBJECT TO THE PENALTIES PROVIDED IN THIS ARTICLE OR SECTION 24-34-102 (8), C.R.S.

SECTION • 12-5.5-105 (3), Colorado Revised Statutes, is amended to read:

12-5.5-105. Grounds for discipline - disciplinary actions.

~~(3) (a) When a complaint or investigation discloses an instance of misconduct that in the opinion of the director does not warrant formal action but should not be dismissed as being without merit, the director may send a letter of admonition by certified mail return receipt requested, to the registrant who is the subject of the complaint or investigation and a copy thereof to any person making such complaint. Such letter shall advise the registrant of his or her right to request in writing, within twenty days after proven receipt that formal disciplinary proceedings be initiated to adjudicate the propriety of the conduct upon which the letter of admonition is based. If such request is timely made, the letter of admonition shall be deemed vacated and the matter shall be processed by means of formal disciplinary proceedings.~~ WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE DIRECTOR, DOES NOT WARRANT FORMAL ACTION BY THE DIRECTOR BUT THAT SHOULD NOT BE DISMISSED AS BEING WITHOUT MERIT, A LETTER OF ADMONITION MAY BE ISSUED AND SENT, BY CERTIFIED MAIL, TO THE REGISTRANT.

(b) WHEN A LETTER OF ADMONITION IS SENT BY THE DIRECTOR, BY CERTIFIED MAIL, TO A REGISTRANT, SUCH REGISTRANT SHALL BE ADVISED THAT HE OR SHE HAS THE RIGHT TO REQUEST IN WRITING, WITHIN THIRTY DAYS AFTER THE DATE ON WHICH THE LETTER WAS MAILED, THAT FORMAL

DISCIPLINARY PROCEEDINGS BE INITIATED TO ADJUDICATE THE PROPRIETY OF THE CONDUCT UPON WHICH THE LETTER OF ADMONITION IS BASED.

(c) IF THE REQUEST FOR ADJUDICATION IS TIMELY MADE, THE LETTER OF ADMONITION SHALL BE DEEMED VACATED AND THE MATTER SHALL BE PROCESSED BY MEANS OF FORMAL DISCIPLINARY PROCEEDINGS.

SECTION • 12-5.5-106 (3), Colorado Revised Statutes, is amended to read:

12-5.5-106. Director - powers - duties. (3) (a) ~~The director or the administrative law judge appointed for a hearing under this part 1 may issue a subpoena compelling the attendance and testimony of witnesses and the production of books, papers, or records. The director may also issue a subpoena compelling the testimony of witnesses and the production of books, papers, or records for investigation purposes. Any such subpoena shall be served in the same manner as subpoenas issued by district courts. THE DIRECTOR OR AN ADMINISTRATIVE LAW JUDGE SHALL HAVE THE POWER TO ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AND THE PRODUCTION OF ALL NECESSARY PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, AND MATERIALS IN ANY HEARING, INVESTIGATION, ACCUSATION, OR OTHER MATTER COMING BEFORE THE DIRECTOR PURSUANT TO THIS PART 1. THE DIRECTOR MAY APPOINT AN ADMINISTRATIVE LAW JUDGE PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., TO TAKE EVIDENCE AND TO MAKE FINDINGS AND REPORT THEM TO THE DIRECTOR.~~

(b) UPON FAILURE OF ANY WITNESS TO COMPLY WITH SUCH SUBPOENA OR PROCESS, THE DIRECTOR MAY PETITION THE DISTRICT COURT IN THE COUNTY IN WHICH THE PROCEEDING IS PENDING, SETTING FORTH THAT DUE NOTICE HAS BEEN GIVEN OF THE TIME AND PLACE OF ATTENDANCE OF THE WITNESS AND THE SERVICE OF THE SUBPOENA, IN WHICH EVENT THE DISTRICT COURT, AFTER HEARING EVIDENCE IN SUPPORT OF OR CONTRARY TO THE PETITION, MAY ENTER AN ORDER AS IN OTHER CIVIL ACTIONS COMPELLING THE WITNESS TO ATTEND AND TESTIFY OR PRODUCE BOOKS, RECORDS, OR OTHER EVIDENCE.

SECTION • Part 1 of article 5.5 of title 12, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

12-5.5-108. Immunity. THE DIRECTOR, THE DIRECTOR'S STAFF, ANY PERSON ACTING AS A WITNESS OR CONSULTANT TO THE DIRECTOR, ANY WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS PART 1, AND ANY PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS PART 1 SHALL BE IMMUNE FROM LIABILITY IN ANY CIVIL ACTION BROUGHT AGAINST HIM OR HER FOR ACTS OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS DIRECTOR, STAFF, CONSULTANT, OR WITNESS, RESPECTIVELY, IF SUCH INDIVIDUAL WAS ACTING IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE FACTS OF THE MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED IN THE REASONABLE BELIEF THAT THE ACTION TAKEN BY HIM OR HER WAS WARRANTED BY THE FACTS. ANY PERSON PARTICIPATING IN GOOD FAITH IN LODGING A COMPLAINT OR PARTICIPATING IN ANY INVESTIGATIVE OR ADMINISTRATIVE PROCEEDING

PURSUANT TO THIS PART 1 SHALL BE IMMUNE FROM ANY CIVIL OR CRIMINAL LIABILITY THAT MAY RESULT FROM SUCH PARTICIPATION.

SECTION • 12-5.5-203 (2), Colorado Revised Statutes, is amended to read:

12-5.5-203. Registration procedure - renewal - reinstatement.

(2) ~~All certificates issued under this section shall expire on December 31 following the date of issuance, but may be renewed by payment of a renewal fee established by the director pursuant to section 24-34-105, C.R.S., and continued compliance with the provisions of this part 2. A registration that has expired may be reinstated within two years after such expiration upon payment of the appropriate renewal fee if the applicant meets all other requirements of this part 2.~~ ALL REGISTRATIONS SHALL EXPIRE PURSUANT TO A SCHEDULE ESTABLISHED BY THE DIRECTOR AND SHALL BE RENEWED OR REINSTATED PURSUANT TO SECTION 24-34-102 (8), C.R.S. THE DIRECTOR MAY ESTABLISH RENEWAL FEES AND DELINQUENCY FEES FOR REINSTATEMENT PURSUANT TO SECTION 24-34-105, C.R.S. IF A PERSON FAILS TO RENEW HIS OR HER REGISTRATION PURSUANT TO THE SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS, SUCH REGISTRATION SHALL EXPIRE. ANY PERSON WHOSE REGISTRATION HAS EXPIRED SHALL BE SUBJECT TO THE PENALTIES PROVIDED IN THIS ARTICLE OR SECTION 24-34-102 (8), C.R.S.

SECTION • 12-5.5-205 (3), Colorado Revised Statutes, is amended to read:

12-5.5-205. Grounds for discipline - disciplinary action.

(3) (a) ~~When a complaint or investigation discloses an instance of misconduct~~

~~that in the opinion of the director does not warrant formal action but should not be dismissed as being without merit, the director may send a letter of admonition by certified mail return receipt requested, to the registrant who is the subject of the complaint or investigation, and a copy thereof to any person making such complaint. Such letter shall advise the registrant of his or her right to request in writing, within twenty days after proven receipt, that formal disciplinary proceedings be initiated to adjudicate the propriety of the conduct upon which the letter of admonition is based. If such request is timely made, the letter of admonition shall be deemed vacated and the matter shall be processed by means of formal disciplinary proceedings.~~ WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE DIRECTOR, DOES NOT WARRANT FORMAL ACTION BY THE DIRECTOR BUT THAT SHOULD NOT BE DISMISSED AS BEING WITHOUT MERIT, A LETTER OF ADMONITION MAY BE ISSUED AND SENT, BY CERTIFIED MAIL, TO THE REGISTRANT.

(b) WHEN A LETTER OF ADMONITION IS SENT BY THE DIRECTOR, BY CERTIFIED MAIL, TO A REGISTRANT, SUCH REGISTRANT SHALL BE ADVISED THAT HE OR SHE HAS THE RIGHT TO REQUEST IN WRITING, WITHIN THIRTY DAYS AFTER THE DATE ON WHICH THE LETTER WAS MAILED, THAT FORMAL DISCIPLINARY PROCEEDINGS BE INITIATED TO ADJUDICATE THE PROPRIETY OF THE CONDUCT UPON WHICH THE LETTER OF ADMONITION IS BASED.

(c) IF THE REQUEST FOR ADJUDICATION IS TIMELY MADE, THE LETTER OF ADMONITION SHALL BE DEEMED VACATED AND THE MATTER SHALL BE PROCESSED BY MEANS OF FORMAL DISCIPLINARY PROCEEDINGS.

SECTION • 12-5.5-206 (3), Colorado Revised Statutes, is amended to read:

12-5.5-206. Director - powers - duties. (3) (a) ~~The director or the administrative law judge appointed for a hearing under this part 2 may issue a subpoena compelling the attendance and testimony of witnesses and the production of books, papers, or records. The director may also issue a subpoena compelling the testimony of witnesses and the production of books, papers, or records for investigation purposes. Any such subpoena shall be served in the same manner as subpoenas issued by district courts.~~ THE DIRECTOR OR AN ADMINISTRATIVE LAW JUDGE SHALL HAVE THE POWER TO ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AND THE PRODUCTION OF ALL NECESSARY PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, AND MATERIALS IN ANY HEARING, INVESTIGATION, ACCUSATION, OR OTHER MATTER COMING BEFORE THE DIRECTOR PURSUANT TO THIS PART 2. THE DIRECTOR MAY APPOINT AN ADMINISTRATIVE LAW JUDGE PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., TO TAKE EVIDENCE AND TO MAKE FINDINGS AND REPORT THEM TO THE DIRECTOR.

(b) UPON FAILURE OF ANY WITNESS TO COMPLY WITH SUCH SUBPOENA OR PROCESS, THE DIRECTOR MAY PETITION THE DISTRICT COURT IN THE COUNTY IN WHICH THE PROCEEDING IS PENDING, SETTING FORTH THAT DUE NOTICE HAS BEEN GIVEN OF THE TIME AND PLACE OF ATTENDANCE OF THE WITNESS AND THE SERVICE OF THE SUBPOENA, IN WHICH EVENT THE DISTRICT COURT, AFTER HEARING EVIDENCE IN SUPPORT OF OR CONTRARY TO THE

PETITION, MAY ENTER AN ORDER AS IN OTHER CIVIL ACTIONS COMPELLING THE WITNESS TO ATTEND AND TESTIFY OR PRODUCE BOOKS, RECORDS, OR OTHER EVIDENCE.

SECTION • Part 2 of article 5.5 of title 12, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

12-5.5-206.5. Immunity. THE DIRECTOR, THE DIRECTOR'S STAFF, ANY PERSON ACTING AS A WITNESS OR CONSULTANT TO THE BOARD, ANY WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS PART 2, AND ANY PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS PART 2 SHALL BE IMMUNE FROM LIABILITY IN ANY CIVIL ACTION BROUGHT AGAINST HIM OR HER FOR ACTS OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS DIRECTOR, STAFF, CONSULTANT, OR WITNESS, RESPECTIVELY, IF SUCH INDIVIDUAL WAS ACTING IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE FACTS OF THE MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED IN THE REASONABLE BELIEF THAT THE ACTION TAKEN BY HIM OR HER WAS WARRANTED BY THE FACTS. ANY PERSON PARTICIPATING IN GOOD FAITH IN LODGING A COMPLAINT OR PARTICIPATING IN ANY INVESTIGATIVE OR ADMINISTRATIVE PROCEEDING PURSUANT TO THIS PART 2 SHALL BE IMMUNE FROM ANY CIVIL OR CRIMINAL LIABILITY THAT MAY RESULT FROM SUCH PARTICIPATION.

SECTION • 12-8-108 (1) (f) and (1) (h), Colorado Revised Statutes, are amended to read:

12-8-108. Powers and duties of the director - advisory committee - repeal. (1) The director has the following powers and duties:

(f) (I) To investigate, upon written complaint, all suspected or alleged violations of this article and to enter premises in which violations are alleged to have occurred during business hours; ~~and through the director's designated agents, to subpoena such books, records, or documents as the director deems necessary for a complete investigation of any suspected or alleged violation of this article and to compel the attendance of witnesses and the giving of testimony and documents for any proceeding conducted by the director pursuant to such investigation;~~

(II) THE DIRECTOR OR AN ADMINISTRATIVE LAW JUDGE SHALL HAVE THE POWER TO ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AND THE PRODUCTION OF ALL NECESSARY PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, AND MATERIALS IN ANY HEARING, INVESTIGATION, ACCUSATION, OR OTHER MATTER COMING BEFORE THE DIRECTOR PURSUANT TO THIS ARTICLE. THE DIRECTOR MAY APPOINT AN ADMINISTRATIVE LAW JUDGE PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., TO TAKE EVIDENCE AND TO MAKE FINDINGS AND REPORT THEM TO THE DIRECTOR.

(III) UPON FAILURE OF ANY WITNESS TO COMPLY WITH SUCH SUBPOENA OR PROCESS, THE DIRECTOR OR ADMINISTRATIVE LAW JUDGE MAY PETITION THE DISTRICT COURT IN THE COUNTY IN WHICH THE PROCEEDING IS PENDING, SETTING FORTH THAT DUE NOTICE HAS BEEN GIVEN OF THE TIME AND PLACE OF ATTENDANCE OF THE WITNESS AND THE SERVICE OF THE SUBPOENA, IN WHICH EVENT THE DISTRICT COURT, AFTER HEARING EVIDENCE IN SUPPORT OF OR CONTRARY TO THE PETITION, MAY ENTER AN ORDER AS IN OTHER CIVIL

ACTIONS COMPELLING THE WITNESS TO ATTEND AND TESTIFY OR PRODUCE BOOKS, RECORDS, OR OTHER EVIDENCE.

~~(h) (I) To send letters of admonition, when a written complaint or an investigation discloses a violation of this article that, in the opinion of the director, does not warrant formal action but that should not be dismissed as being without merit, and such letter of admonition shall be sent to the person against whom the written complaint was made by certified mail, and a copy thereof to the person making the written complaint, but such person complained against shall be advised that such person has the right to request in writing, within twenty days after proven receipt of the letter, that formal disciplinary proceedings be initiated against him or her to adjudicate the propriety of the conduct upon which the letter of admonition is based. If such request is timely made, the letter of admonition shall be deemed vacated, and the matter shall be processed by means of formal disciplinary proceedings~~ A COMPLAINT OR INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE DIRECTOR, DOES NOT WARRANT FORMAL ACTION BY THE DIRECTOR BUT THAT SHOULD NOT BE DISMISSED AS BEING WITHOUT MERIT, A LETTER OF ADMONITION MAY BE ISSUED AND SENT, BY CERTIFIED MAIL, TO THE LICENSEE.

(II) WHEN A LETTER OF ADMONITION IS SENT BY THE DIRECTOR, BY CERTIFIED MAIL, TO A LICENSEE, SUCH LICENSEE SHALL BE ADVISED THAT HE OR SHE HAS THE RIGHT TO REQUEST IN WRITING, WITHIN THIRTY DAYS AFTER THE DATE ON WHICH THE LETTER WAS MAILED, THAT FORMAL DISCIPLINARY

PROCEEDINGS BE INITIATED TO ADJUDICATE THE PROPRIETY OF THE CONDUCT UPON WHICH THE LETTER OF ADMONITION IS BASED.

(III) IF THE REQUEST FOR ADJUDICATION IS TIMELY MADE, THE LETTER OF ADMONITION SHALL BE DEEMED VACATED AND THE MATTER SHALL BE PROCESSED BY MEANS OF FORMAL DISCIPLINARY PROCEEDINGS.

SECTION • 12-8-115, Colorado Revised Statutes, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

12-8-115. Renewal and reinstatement of license. ALL LICENSES SHALL EXPIRE PURSUANT TO A SCHEDULE ESTABLISHED BY THE DIRECTOR AND SHALL BE RENEWED OR REINSTATED PURSUANT TO SECTION 24-34-102 (8), C.R.S. THE DIRECTOR MAY ESTABLISH RENEWAL FEES AND DELINQUENCY FEES FOR REINSTATEMENT PURSUANT TO SECTION 24-34-105, C.R.S. IF A PERSON FAILS TO RENEW HIS OR HER LICENSE PURSUANT TO THE SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS, SUCH LICENSE SHALL EXPIRE. ANY PERSON WHOSE LICENSE HAS EXPIRED SHALL BE SUBJECT TO THE PENALTIES PROVIDED IN THIS ARTICLE OR SECTION 24-34-102 (8), C.R.S.

SECTION • 12-8-127 (4), Colorado Revised Statutes, is amended to read:

12-8-127. Penalty. (4) All fines collected pursuant to this article shall be ~~credited~~ TRANSFERRED TO THE STATE TREASURER, WHO SHALL CREDIT SUCH MONEYS to the general fund.

SECTION • 12-8-129.1, Colorado Revised Statutes, is amended to read:

~~12-8-129.1. Immunity. Any person acting as a consultant to the director, any witness testifying in a proceeding authorized under this article, and any person who lodges a written complaint pursuant to this article shall be immune from liability in any civil action brought against such person for acts occurring while acting in his or her capacity as a consultant, witness, or complainant, respectively, if such person was acting in good faith within the scope of his or her respective capacity, made a reasonable effort to obtain the facts of the matter as to which he or she acted, and acted in the reasonable belief that the action taken by him or her was warranted by the facts. THE DIRECTOR, THE DIRECTOR'S STAFF, ANY PERSON ACTING AS A WITNESS OR CONSULTANT TO THE DIRECTOR, ANY WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS ARTICLE, AND ANY PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM LIABILITY IN ANY CIVIL ACTION BROUGHT AGAINST HIM OR HER FOR ACTS OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS DIRECTOR, STAFF, CONSULTANT, OR WITNESS, RESPECTIVELY, IF SUCH INDIVIDUAL WAS ACTING IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE FACTS OF THE MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED IN THE REASONABLE BELIEF THAT THE ACTION TAKEN BY HIM OR HER WAS WARRANTED BY THE FACTS. ANY PERSON PARTICIPATING IN GOOD FAITH IN LODGING A COMPLAINT OR PARTICIPATING IN ANY INVESTIGATIVE OR ADMINISTRATIVE PROCEEDING PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM ANY CIVIL OR CRIMINAL LIABILITY THAT MAY RESULT FROM SUCH PARTICIPATION.~~

SECTION • Article 10 of title 12, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

12-10-106.5. Renewal and reinstatement of licenses. ALL LICENSES SHALL EXPIRE PURSUANT TO A SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES AND SHALL BE RENEWED OR REINSTATED PURSUANT TO SECTION 24-34-102 (8), C.R.S. THE DIRECTOR OF THE DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES MAY ESTABLISH RENEWAL FEES AND DELINQUENCY FEES FOR REINSTATEMENT PURSUANT TO SECTION 24-34-105, C.R.S. IF A PERSON FAILS TO RENEW HIS OR HER LICENSE PURSUANT TO THE SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS, SUCH LICENSE SHALL EXPIRE. ANY PERSON WHOSE LICENSE HAS EXPIRED SHALL BE SUBJECT TO THE PENALTIES PROVIDED IN THIS ARTICLE OR SECTION 24-34-102 (8), C.R.S.

SECTION • The introductory portion to 12-10-107.1 (1) and 12-10-107.1 (2), Colorado Revised Statutes, are amended, and the said 12-10-107.1 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

12-10-107.1. Grounds for discipline. (1) The director may deny, suspend, revoke, or place on probation, OR ISSUE A LETTER OF ADMONITION AGAINST the license of an applicant or licensee if the applicant or licensee:

(2) (a) Any proceeding to deny, suspend, revoke, or place on probation a license shall be conducted pursuant to sections 24-4-104 and 24-4-105, C.R.S. Any person whose license is denied, suspended, placed on

probation, or revoked shall pay for the costs incurred in bringing and conducting such proceeding.

(b) WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE DIRECTOR, DOES NOT WARRANT FORMAL ACTION BY THE DIRECTOR BUT THAT SHOULD NOT BE DISMISSED AS BEING WITHOUT MERIT, A LETTER OF ADMONITION MAY BE ISSUED AND SENT, BY CERTIFIED MAIL, TO THE LICENSEE.

(c) WHEN A LETTER OF ADMONITION IS SENT BY THE DIRECTOR, BY CERTIFIED MAIL, TO A LICENSEE, SUCH LICENSEE SHALL BE ADVISED THAT HE OR SHE HAS THE RIGHT TO REQUEST IN WRITING, WITHIN THIRTY DAYS AFTER THE DATE ON WHICH THE LETTER WAS MAILED, THAT FORMAL DISCIPLINARY PROCEEDINGS BE INITIATED TO ADJUDICATE THE PROPRIETY OF THE CONDUCT UPON WHICH THE LETTER OF ADMONITION IS BASED.

(d) IF THE REQUEST FOR ADJUDICATION IS TIMELY MADE, THE LETTER OF ADMONITION SHALL BE DEEMED VACATED AND THE MATTER SHALL BE PROCESSED BY MEANS OF FORMAL DISCIPLINARY PROCEEDINGS.

(3) (a) THE DIRECTOR OR AN ADMINISTRATIVE LAW JUDGE SHALL HAVE THE POWER TO ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AND THE PRODUCTION OF ALL NECESSARY PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, AND MATERIALS IN ANY HEARING, INVESTIGATION, ACCUSATION, OR OTHER MATTER COMING BEFORE THE DIRECTOR PURSUANT TO THIS ARTICLE. THE DIRECTOR MAY APPOINT AN ADMINISTRATIVE LAW JUDGE PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., TO TAKE EVIDENCE

AND TO MAKE FINDINGS AND REPORT THEM TO THE COMMISSION OR THE DIRECTOR.

(b) UPON FAILURE OF ANY WITNESS TO COMPLY WITH SUCH SUBPOENA OR PROCESS, THE DIRECTOR MAY PETITION THE DISTRICT COURT IN THE COUNTY IN WHICH THE PROCEEDING IS PENDING, SETTING FORTH THAT DUE NOTICE HAS BEEN GIVEN OF THE TIME AND PLACE OF ATTENDANCE OF THE WITNESS AND THE SERVICE OF THE SUBPOENA, IN WHICH EVENT THE DISTRICT COURT, AFTER HEARING EVIDENCE IN SUPPORT OF OR CONTRARY TO THE PETITION, MAY ENTER AN ORDER AS IN OTHER CIVIL ACTIONS COMPELLING THE WITNESS TO ATTEND AND TESTIFY OR PRODUCE BOOKS, RECORDS, OR OTHER EVIDENCE.

SECTION • 12-10-108, Colorado Revised Statutes, is amended to read:

12-10-108. Immunity. ~~The commission, any member of the commission, any person on the staff of the commission, and any technical advisor appointed by the commission shall be provided all protections of governmental immunity provided to public employees by article 10 of title 24, C.R.S., including, but not limited to, the payment of judgments and settlements, the provision of legal defense, and the payment of costs incurred in court actions. These protections shall be provided to the commission, commission members, staff, technical advisors, and independent contractors hired to perform or acting as a boxing inspector on behalf of the commission only with regard to actions brought because of acts or omissions committed by such persons in the course of official commission duties.~~ ANY MEMBER OF THE

COMMISSION, THE DIRECTOR, THE COMMISSION'S STAFF, THE DIRECTOR'S STAFF, ANY PERSON ACTING AS A WITNESS OR CONSULTANT TO THE COMMISSION OR DIRECTOR, ANY WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS ARTICLE, AND ANY PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM LIABILITY IN ANY CIVIL ACTION BROUGHT AGAINST HIM OR HER FOR ACTS OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS COMMISSION MEMBER, DIRECTOR, STAFF, CONSULTANT, OR WITNESS, RESPECTIVELY, IF SUCH INDIVIDUAL WAS ACTING IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE FACTS OF THE MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED IN THE REASONABLE BELIEF THAT THE ACTION TAKEN BY HIM OR HER WAS WARRANTED BY THE FACTS. ANY PERSON PARTICIPATING IN GOOD FAITH IN LODGING A COMPLAINT OR PARTICIPATING IN ANY INVESTIGATIVE OR ADMINISTRATIVE PROCEEDING PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM ANY CIVIL OR CRIMINAL LIABILITY THAT MAY RESULT FROM SUCH PARTICIPATION.

SECTION • 12-22-110 (1) (i), Colorado Revised Statutes, is amended to read:

12-22-110. Powers and duties. (1) The board shall:

(i) (I) Make investigations, hold hearings, and take evidence in all matters relating to the exercise and performance of the powers and duties of the board. ~~and, in connection with any investigation, subpoena witnesses, administer oaths, and compel the testimony of witnesses and the production of any documents or things relevant to any such investigation or hearing. Any~~

~~subpoena issued pursuant to this article shall be enforceable by the district court:~~

(II) (A) THE BOARD OR AN ADMINISTRATIVE LAW JUDGE MAY ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AND THE PRODUCTION OF ALL NECESSARY PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, AND MATERIALS IN ANY HEARING, INVESTIGATION, ACCUSATION, OR OTHER MATTER COMING BEFORE THE BOARD.

(B) THE BOARD MAY APPOINT AN ADMINISTRATIVE LAW JUDGE PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., TO TAKE EVIDENCE AND TO MAKE FINDINGS AND REPORT THEM TO THE BOARD.

(III) UPON FAILURE OF ANY WITNESS TO COMPLY WITH SUCH SUBPOENA OR PROCESS, THE BOARD MAY PETITION THE DISTRICT COURT IN THE COUNTY IN WHICH THE PROCEEDING IS PENDING, SETTING FORTH THAT DUE NOTICE HAS BEEN GIVEN OF THE TIME AND PLACE OF ATTENDANCE OF THE WITNESS AND THE SERVICE OF THE SUBPOENA, IN WHICH EVENT THE DISTRICT COURT, AFTER HEARING EVIDENCE IN SUPPORT OF OR CONTRARY TO THE PETITION, MAY ENTER AN ORDER AS IN OTHER CIVIL ACTIONS COMPELLING THE WITNESS TO ATTEND AND TESTIFY OR PRODUCE BOOKS, RECORDS, OR OTHER EVIDENCE.

SECTION • 12-22-125.2 (5), Colorado Revised Statutes, is amended to read:

12-22-125.2. Disciplinary actions. (5) In addition to any other penalty that may be imposed pursuant to this section, any registrant violating

any provision of this article or any rules promulgated pursuant to this article may be fined not less than five hundred dollars and not more than five thousand dollars for each such violation. ANY MONEYS COLLECTED AS ADMINISTRATIVE FINES PURSUANT TO THIS SUBSECTION (5) SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT SUCH MONEYS TO THE GENERAL FUND.

SECTION • Part 1 of article 22 of title 12, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

12-22-131. Immunity. ANY MEMBER OF THE BOARD, ANY MEMBER OF THE BOARD'S STAFF, ANY PERSON ACTING AS A WITNESS OR CONSULTANT TO THE BOARD, ANY WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS PART 1, AND ANY PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS PART 1 SHALL BE IMMUNE FROM LIABILITY IN ANY CIVIL ACTION BROUGHT AGAINST HIM OR HER FOR ACTS OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS BOARD MEMBER, STAFF, CONSULTANT, OR WITNESS, RESPECTIVELY, IF SUCH INDIVIDUAL WAS ACTING IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE FACTS OF THE MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED IN THE REASONABLE BELIEF THAT THE ACTION TAKEN BY HIM OR HER WAS WARRANTED BY THE FACTS. ANY PERSON PARTICIPATING IN GOOD FAITH IN LODGING A COMPLAINT OR PARTICIPATING IN ANY INVESTIGATIVE OR ADMINISTRATIVE PROCEEDING PURSUANT TO THIS PART 1 SHALL BE IMMUNE FROM ANY CIVIL OR CRIMINAL LIABILITY THAT MAY RESULT FROM SUCH PARTICIPATION.

SECTION • 12-23-104 (2) (d), Colorado Revised Statutes, is amended to read:

12-23-104. Board powers and duties. (2) In addition to all other powers and duties conferred or imposed upon the board by this article, the board is authorized to:

(d) (I) ~~Subpoena records and documents and compel the attendance and testimony of witnesses pursuant to an investigation or a hearing of the board;~~ ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AND THE PRODUCTION OF ALL NECESSARY PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, AND MATERIALS IN ANY HEARING, INVESTIGATION, ACCUSATION, OR OTHER MATTER COMING BEFORE THE BOARD. THE BOARD MAY APPOINT AN ADMINISTRATIVE LAW JUDGE PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., TO TAKE EVIDENCE AND TO MAKE FINDINGS AND REPORT THEM TO THE BOARD.

(II) UPON FAILURE OF ANY WITNESS TO COMPLY WITH SUCH SUBPOENA OR PROCESS, THE BOARD MAY PETITION THE DISTRICT COURT IN THE COUNTY IN WHICH THE PROCEEDING IS PENDING, SETTING FORTH THAT DUE NOTICE HAS BEEN GIVEN OF THE TIME AND PLACE OF ATTENDANCE OF THE WITNESS AND THE SERVICE OF THE SUBPOENA, IN WHICH EVENT THE DISTRICT COURT, AFTER HEARING EVIDENCE IN SUPPORT OF OR CONTRARY TO THE PETITION, MAY ENTER AN ORDER AS IN OTHER CIVIL ACTIONS COMPELLING THE WITNESS TO ATTEND AND TESTIFY OR PRODUCE BOOKS, RECORDS, OR OTHER EVIDENCE.

SECTION • 12-23-106 (4) (c), Colorado Revised Statutes, is amended to read:

12-23-106. License requirements. (4) (c) Any license that has lapsed shall be deemed to have expired. In such instances, the board is authorized to require the licensee to demonstrate competency after two years if the board determines that such a showing is necessary and to require the payment of the appropriate fee. LICENSES SHALL BE RENEWED OR REINSTATED PURSUANT TO A SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES AND SHALL BE RENEWED OR REINSTATED PURSUANT TO SECTION 24-34-102 (8), C.R.S. THE DIRECTOR OF THE DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES MAY ESTABLISH RENEWAL FEES AND DELINQUENCY FEES FOR REINSTATEMENT PURSUANT TO SECTION 24-34-105, C.R.S. IF A PERSON FAILS TO RENEW HIS OR HER LICENSE PURSUANT TO THE SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS, SUCH LICENSE SHALL EXPIRE. ANY PERSON WHOSE LICENSE HAS EXPIRED SHALL BE SUBJECT TO THE PENALTIES PROVIDED IN THIS ARTICLE OR SECTION 24-34-102 (8), C.R.S.

SECTION • The introductory portion to 12-23-118(1) and 12-23-118 (6) (d), Colorado Revised Statutes, are amended to read:

12-23-118. Violations - citations - settlement agreements - hearings - fines. (1) The board may deny, suspend, revoke, or refuse to renew, OR ISSUE A LETTER OF ADMONITION IN REGARD TO any license or registration issued or applied for under the provisions of this article, may place

a licensee or registrant on probation, or may issue a citation to a licensee, registrant, or applicant for licensure for any of the following reasons:

(6) (d) (I) The board may suspend or revoke a license or registration or may refuse to renew any license or registration issued or may place on probation any licensee or registrant if the licensee or registrant fails to comply with the requirements set forth in a citation deemed final pursuant to paragraph (c) of this subsection (6).

(II) WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE BOARD, DOES NOT WARRANT FORMAL ACTION BY THE BOARD BUT THAT SHOULD NOT BE DISMISSED AS BEING WITHOUT MERIT, A LETTER OF ADMONITION MAY BE ISSUED AND SENT, BY CERTIFIED MAIL, TO THE LICENSEE OR REGISTRANT.

(III) WHEN A LETTER OF ADMONITION IS SENT BY THE BOARD, BY CERTIFIED MAIL, TO A LICENSEE OR REGISTRANT, SUCH LICENSEE OR REGISTRANT SHALL BE ADVISED THAT HE OR SHE HAS THE RIGHT TO REQUEST IN WRITING, WITHIN THIRTY DAYS AFTER THE DATE ON WHICH THE LETTER WAS MAILED, THAT FORMAL DISCIPLINARY PROCEEDINGS BE INITIATED TO ADJUDICATE THE PROPRIETY OF THE CONDUCT UPON WHICH THE LETTER OF ADMONITION IS BASED.

(IV) IF THE REQUEST FOR ADJUDICATION IS TIMELY MADE, THE LETTER OF ADMONITION SHALL BE DEEMED VACATED AND THE MATTER SHALL BE PROCESSED BY MEANS OF FORMAL DISCIPLINARY PROCEEDINGS.

SECTION • 12-23-118.3, Colorado Revised Statutes, is amended to read:

12-23-118.3. Immunity. ~~Any member of the board shall be immune from suit in any civil action based upon any disciplinary proceedings or other official actions performed in good faith. Any witness, consultant, or complainant participating in good faith in the making of a complaint or report or participating in good faith in any investigative or administrative proceeding pursuant to this article shall also be immune from suit in any civil action.~~ ANY MEMBER OF THE BOARD, ANY MEMBER OF THE BOARD'S STAFF, ANY PERSON ACTING AS A WITNESS OR CONSULTANT TO THE BOARD, ANY WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS ARTICLE, AND ANY PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM LIABILITY IN ANY CIVIL ACTION BROUGHT AGAINST HIM OR HER FOR ACTS OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS BOARD MEMBER, STAFF, CONSULTANT, OR WITNESS, RESPECTIVELY, IF SUCH INDIVIDUAL WAS ACTING IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE FACTS OF THE MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED IN THE REASONABLE BELIEF THAT THE ACTION TAKEN BY HIM OR HER WAS WARRANTED BY THE FACTS. ANY PERSON PARTICIPATING IN GOOD FAITH IN LODGING A COMPLAINT OR PARTICIPATING IN ANY INVESTIGATIVE OR ADMINISTRATIVE PROCEEDING PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM ANY CIVIL OR CRIMINAL LIABILITY THAT MAY RESULT FROM SUCH PARTICIPATION.

SECTION • 12-25-105 (9), Colorado Revised Statutes, is amended to read:

12-25-105. Unlawful practice - penalties - enforcement.
(9) Subsequent to a finding by the board that an individual, partnership, professional association, joint stock company, limited liability company, or corporation has unlawfully engaged in the practice of engineering, the board may jointly and severally assess a fine against such unlawfully engaged party in an amount not less than fifty dollars and not more than seven hundred fifty dollars. ANY MONEYS COLLECTED AS AN ADMINISTRATIVE FINE PURSUANT TO THIS SUBSECTION (9) SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT SUCH MONEYS TO THE GENERAL FUND.

SECTION • 12-25-108 (2) and (4) (b), Colorado Revised Statutes, are amended to read:

12-25-108. Disciplinary actions - grounds for discipline.
(2) (a) ~~The board may issue a letter of admonition to a professional engineer or an engineer-intern based on any of the grounds specified in subsection (1) of this section without conducting a hearing as specified in section 12-25-109 (4). Such letter shall be sent to the registrant by certified mail and shall advise such registrant of the right to, within twenty days after receipt of the letter, make a written request to the board to institute formal disciplinary proceedings as provided in section 12-25-109 in order to formally adjudicate the conduct or acts on which the letter was based.~~ WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE BOARD, DOES NOT WARRANT FORMAL ACTION BY THE BOARD BUT THAT SHOULD NOT BE DISMISSED AS BEING WITHOUT MERIT, A LETTER OF ADMONITION MAY BE ISSUED AND SENT, BY CERTIFIED MAIL, TO THE LICENSEE OR REGISTRANT.

(b) WHEN A LETTER OF ADMONITION IS SENT BY THE BOARD, BY CERTIFIED MAIL, TO A LICENSEE OR REGISTRANT, SUCH LICENSEE OR REGISTRANT SHALL BE ADVISED THAT HE OR SHE HAS THE RIGHT TO REQUEST IN WRITING, WITHIN THIRTY DAYS AFTER THE DATE ON WHICH THE LETTER WAS MAILED, THAT FORMAL DISCIPLINARY PROCEEDINGS BE INITIATED TO ADJUDICATE THE PROPRIETY OF THE CONDUCT UPON WHICH THE LETTER OF ADMONITION IS BASED.

(c) IF THE REQUEST FOR ADJUDICATION IS TIMELY MADE, THE LETTER OF ADMONITION SHALL BE DEEMED VACATED AND THE MATTER SHALL BE PROCESSED BY MEANS OF FORMAL DISCIPLINARY PROCEEDINGS.

(4) (b) All fines collected pursuant to this subsection (4) shall be credited TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT SUCH MONEYS to the general fund.

SECTION • 12-25-109 (7), Colorado Revised Statutes, is amended to read:

12-25-109. Disciplinary proceedings - injunctive relief procedure.

(7) (a) ~~The board, the program administrator, or the administrative law judge may issue a subpoena compelling the attendance and testimony of witnesses and the production of books, papers, and records pursuant to an investigation or a hearing by the board. Any subpoena issued shall be served in the manner provided in the Colorado rules of civil procedure. If any person refuses to obey any subpoena so issued or to testify or produce any books, papers, or documents, the board may petition the district court having jurisdiction, setting forth the facts, and thereupon such district court, in a proper case, shall issue~~

~~its subpoena. Failure to obey the court's subpoena shall constitute contempt of court and shall be punished as provided for in the Colorado rules of civil procedure.~~ THE BOARD OR AN ADMINISTRATIVE LAW JUDGE SHALL HAVE THE POWER TO ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AND THE PRODUCTION OF ALL NECESSARY PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, AND MATERIALS IN ANY HEARING, INVESTIGATION, ACCUSATION, OR OTHER MATTER COMING BEFORE THE BOARD PURSUANT TO THIS PART 1.

(b) UPON FAILURE OF ANY WITNESS TO COMPLY WITH SUCH SUBPOENA OR PROCESS, THE BOARD MAY PETITION THE DISTRICT COURT IN THE COUNTY IN WHICH THE PROCEEDING IS PENDING, SETTING FORTH THAT DUE NOTICE HAS BEEN GIVEN OF THE TIME AND PLACE OF ATTENDANCE OF THE WITNESS AND THE SERVICE OF THE SUBPOENA, IN WHICH EVENT THE DISTRICT COURT, AFTER HEARING EVIDENCE IN SUPPORT OF OR CONTRARY TO THE PETITION, MAY ENTER AN ORDER AS IN OTHER CIVIL ACTIONS COMPELLING THE WITNESS TO ATTEND AND TESTIFY OR PRODUCE BOOKS, RECORDS, OR OTHER EVIDENCE.

SECTION • 12-25-115 (4), Colorado Revised Statutes, is amended to read:

12-25-115. Licenses - certificates. (4) ~~The license of any professional engineer who fails to pay the license renewal fee shall expire. An expired license may be renewed within two years after expiration upon payment of all fees in arrears and, after two years, in addition to the payment of fees, the board may require reexamination or recertification, unless the professional~~

~~engineer has maintained an active engineering practice in another jurisdiction or otherwise satisfies the board of such engineer's continued competence.~~
LICENSES AND REGISTRATIONS SHALL BE RENEWED OR REINSTATED PURSUANT TO A SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES AND SHALL BE RENEWED OR REINSTATED PURSUANT TO SECTION 24-34-102 (8), C.R.S. THE DIRECTOR OF THE DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES MAY ESTABLISH RENEWAL FEES AND DELINQUENCY FEES FOR REINSTATEMENT PURSUANT TO SECTION 24-34-105, C.R.S. IF A PERSON FAILS TO RENEW HIS OR HER LICENSE OR REGISTRATION PURSUANT TO THE SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS, SUCH LICENSE OR REGISTRATION SHALL EXPIRE. ANY PERSON WHOSE LICENSE OR REGISTRATION HAS EXPIRED SHALL BE SUBJECT TO THE PENALTIES PROVIDED IN THIS ARTICLE OR SECTION 24-34-102 (8), C.R.S.

SECTION • 12-25-118, Colorado Revised Statutes, is amended to read:

12-25-118. Immunity in professional review. ~~Any member of the board, its staff, any individual acting as a consultant to the board, any witness testifying in a proceeding authorized by this article, or any individual who lodges a complaint pursuant to this article shall be immune from criminal liability and from suit in any civil action brought by any person based upon an action of the board, if such board member, staff person, consultant, witness, or complainant acts in good faith within the scope of the function of the board, has made a reasonable effort to obtain the facts of the matter as to which such~~

~~board member, staff person, consultant, witness, or complainant acts, and acts in the reasonable belief that the action taken is warranted by the facts. The immunity provided shall also extend to any person participating in good faith in any investigative proceeding pursuant to this part 1.~~ ANY MEMBER OF THE BOARD, ANY MEMBER OF THE BOARD'S STAFF, ANY PERSON ACTING AS A WITNESS OR CONSULTANT TO THE BOARD, ANY WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS PART 1, AND ANY PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS PART 1 SHALL BE IMMUNE FROM LIABILITY IN ANY CIVIL ACTION BROUGHT AGAINST HIM OR HER FOR ACTS OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS BOARD MEMBER, STAFF, CONSULTANT, OR WITNESS, RESPECTIVELY, IF SUCH INDIVIDUAL WAS ACTING IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE FACTS OF THE MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED IN THE REASONABLE BELIEF THAT THE ACTION TAKEN BY HIM OR HER WAS WARRANTED BY THE FACTS. ANY PERSON PARTICIPATING IN GOOD FAITH IN LODGING A COMPLAINT OR PARTICIPATING IN ANY INVESTIGATIVE OR ADMINISTRATIVE PROCEEDING PURSUANT TO THIS PART 1 SHALL BE IMMUNE FROM ANY CIVIL OR CRIMINAL LIABILITY THAT MAY RESULT FROM SUCH PARTICIPATION PURSUANT TO THIS PART 1.

SECTION • 12-25-205 (8), Colorado Revised Statutes, is amended to read:

12-25-205. Unlawful practice - penalties - enforcement.
(8) Subsequent to a finding by the board that an individual has unlawfully engaged in the practice of professional land surveying, the board may assess a

fine against such unlawfully engaged individual in an amount not less than fifty dollars and not more than seven hundred fifty dollars. ANY MONEYS COLLECTED AS AN ADMINISTRATIVE FINE PURSUANT TO THIS SUBSECTION (8) SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT SUCH MONEYS TO THE GENERAL FUND.

SECTION • 12-25-208 (2) and (4) (b), Colorado Revised Statutes, are amended to read:

12-25-208. Disciplinary actions - grounds for discipline.

~~(2) (a) The board may issue a letter of admonition to a professional land surveyor or land surveyor intern based on any of the grounds specified in subsection (1) of this section without conducting a hearing as specified in section 12-25-209 (4). Such letter shall be sent to the registrant by certified mail and shall advise such registrant of the right to, within twenty days after receipt of the letter, make a written request to the board to institute formal disciplinary proceedings as provided in section 12-25-209 in order to formally adjudicate the conduct or acts on which the letter was based.~~ WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE BOARD, DOES NOT WARRANT FORMAL ACTION BY THE BOARD BUT THAT SHOULD NOT BE DISMISSED AS BEING WITHOUT MERIT, A LETTER OF ADMONITION MAY BE ISSUED AND SENT, BY CERTIFIED MAIL, TO THE LICENSEE OR REGISTRANT.

(b) WHEN A LETTER OF ADMONITION IS SENT BY THE BOARD, BY CERTIFIED MAIL, TO A LICENSEE OR REGISTRANT, SUCH LICENSEE OR REGISTRANT SHALL BE ADVISED THAT HE OR SHE HAS THE RIGHT TO REQUEST

IN WRITING, WITHIN THIRTY DAYS AFTER THE DATE ON WHICH THE LETTER WAS MAILED, THAT FORMAL DISCIPLINARY PROCEEDINGS BE INITIATED TO ADJUDICATE THE PROPRIETY OF THE CONDUCT UPON WHICH THE LETTER OF ADMONITION IS BASED.

(c) IF THE REQUEST FOR ADJUDICATION IS TIMELY MADE, THE LETTER OF ADMONITION SHALL BE DEEMED VACATED AND THE MATTER SHALL BE PROCESSED BY MEANS OF FORMAL DISCIPLINARY PROCEEDINGS.

(4) (b) All fines collected pursuant to this subsection (4) shall be credited TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT SUCH MONEYS to the general fund.

SECTION • 12-25-209 (7), Colorado Revised Statutes, is amended to read:

12-25-209. Disciplinary proceedings - injunctive relief procedure.

~~(7) (a) The board, the program administrator, or the administrative law judge may issue a subpoena compelling the attendance and testimony of witnesses and the production of books, papers, and records pursuant to an investigation or a hearing of the board. Any subpoena issued shall be served in the manner provided in the Colorado rules of civil procedure. The registrant or certificant in any action before the board shall have comparable rights of subpoena pursuant to section 24-4-105 (5), C.R.S. If any person refuses to obey any subpoena so issued or to testify or produce any books, papers, or documents, the board may petition the district court having jurisdiction, setting forth the facts, and thereupon such district court, in a proper case, shall issue its subpoena. Failure to obey the court's subpoena shall constitute contempt of court and shall~~

~~be punished as provided for in the Colorado rules of civil procedure.~~ THE BOARD OR AN ADMINISTRATIVE LAW JUDGE SHALL HAVE THE POWER TO ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AND THE PRODUCTION OF ALL NECESSARY PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, AND MATERIALS IN ANY HEARING, INVESTIGATION, ACCUSATION, OR OTHER MATTER COMING BEFORE THE BOARD PURSUANT TO THIS PART 2.

(b) UPON FAILURE OF ANY WITNESS TO COMPLY WITH SUCH SUBPOENA OR PROCESS, THE BOARD MAY PETITION THE DISTRICT COURT IN THE COUNTY IN WHICH THE PROCEEDING IS PENDING, SETTING FORTH THAT DUE NOTICE HAS BEEN GIVEN OF THE TIME AND PLACE OF ATTENDANCE OF THE WITNESS AND THE SERVICE OF THE SUBPOENA, IN WHICH EVENT THE DISTRICT COURT, AFTER HEARING EVIDENCE IN SUPPORT OF OR CONTRARY TO THE PETITION, MAY ENTER AN ORDER AS IN OTHER CIVIL ACTIONS COMPELLING THE WITNESS TO ATTEND AND TESTIFY OR PRODUCE BOOKS, RECORDS, OR OTHER EVIDENCE.

SECTION • 12-25-215 (4), Colorado Revised Statutes, is amended to read:

~~12-25-215. Licenses - certificates. (4) The license of any professional land surveyor who fails to pay the license renewal fee shall expire. An expired license may be renewed within two years after expiration upon payment of all fees in arrears and, after two years, in addition to the payment of all fees. The board may require reexamination or recertification, unless the professional land surveyor has maintained an active land surveying practice in~~

~~another jurisdiction or otherwise satisfies the board of such professional land surveyor's continued competence.~~ ALL LICENSES AND REGISTRATIONS SHALL BE RENEWED OR REINSTATED PURSUANT TO A SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES AND SHALL BE RENEWED OR REINSTATED PURSUANT TO SECTION 24-34-102 (8), C.R.S. THE DIRECTOR OF THE DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES MAY ESTABLISH RENEWAL FEES AND DELINQUENCY FEES FOR REINSTATEMENT PURSUANT TO SECTION 24-34-105, C.R.S. IF A PERSON FAILS TO RENEW HIS OR HER LICENSE OR REGISTRATION PURSUANT TO THE SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS, SUCH LICENSE OR REGISTRATION SHALL EXPIRE. ANY PERSON WHOSE LICENSE OR REGISTRATION HAS EXPIRED SHALL BE SUBJECT TO THE PENALTIES PROVIDED IN THIS ARTICLE OR SECTION 24-34-102 (8), C.R.S.

SECTION • 12-25-218, Colorado Revised Statutes, is amended to read:

~~12-25-218. Immunity in professional review. Any member of the board, its staff, any individual acting as a consultant to the board, any witness testifying in a proceeding authorized by this article, or any individual who lodges a complaint pursuant to this article shall be immune from criminal liability and from suit in any civil action brought by any person based upon an action of the board, if such board member, staff person, consultant, witness, or complainant acts in good faith within the scope of the function of the board, has made a reasonable effort to obtain the facts of the matter as to which such board~~

member, staff person, consultant, witness, or complainant acts, and acts in the reasonable belief that the action taken is warranted by the facts. The immunity provided shall also extend to any person participating in good faith in any investigative proceeding pursuant to this part 2. ANY MEMBER OF THE BOARD, ANY MEMBER OF THE BOARD'S STAFF, ANY PERSON ACTING AS A WITNESS OR CONSULTANT TO THE BOARD, ANY WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS PART 2, AND ANY PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS PART 2 SHALL BE IMMUNE FROM LIABILITY IN ANY CIVIL ACTION BROUGHT AGAINST HIM OR HER FOR ACTS OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS BOARD MEMBER, STAFF, CONSULTANT, OR WITNESS, RESPECTIVELY, IF SUCH INDIVIDUAL WAS ACTING IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE FACTS OF THE MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED IN THE REASONABLE BELIEF THAT THE ACTION TAKEN BY HIM OR HER WAS WARRANTED BY THE FACTS. ANY PERSON PARTICIPATING IN GOOD FAITH IN LODGING A COMPLAINT OR PARTICIPATING IN ANY INVESTIGATIVE OR ADMINISTRATIVE PROCEEDING PURSUANT TO THIS PART 2 SHALL BE IMMUNE FROM ANY CIVIL OR CRIMINAL LIABILITY THAT MAY RESULT FROM SUCH PARTICIPATION.

SECTION • 12-29.5-104 (4), Colorado Revised Statutes, is amended to read:

12-29.5-104. Requirement for licensure with the division of registrations - annual fee - required disclosures. (4) Every applicant for licensure shall pay an annual license, fee RENEWAL, AND REINSTATEMENT FEES

to be established by the director in the same manner as is authorized by section 24-34-105, C.R.S. The director shall promulgate rules for the reinstatement of licenses that have lapsed due to nonpayment of such annual fee, except that, if a licensee has not applied for reinstatement within two years after the date of lapse, reinstatement is not available and the licensee must reapply as a new applicant. ALL LICENSES SHALL BE RENEWED OR REINSTATED PURSUANT TO A SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES AND SHALL BE RENEWED OR REINSTATED PURSUANT TO SECTION 24-34-102 (8), C.R.S. THE DIRECTOR OF THE DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES MAY ESTABLISH RENEWAL FEES AND DELINQUENCY FEES FOR REINSTATEMENT PURSUANT TO SECTION 24-34-105, C.R.S. IF A PERSON FAILS TO RENEW HIS OR HER LICENSE PURSUANT TO THE SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS, SUCH LICENSE SHALL EXPIRE. ANY PERSON WHOSE LICENSE HAS EXPIRED SHALL BE SUBJECT TO THE PENALTIES PROVIDED IN THIS ARTICLE OR SECTION 24-34-102 (8), C.R.S.

SECTION • 12-29.5-106, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

12-29.5-106. Grounds for disciplinary action. (3) (a) THE DIRECTOR OR AN ADMINISTRATIVE LAW JUDGE SHALL HAVE THE POWER TO ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AND THE PRODUCTION OF ALL NECESSARY PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, AND MATERIALS IN ANY HEARING, INVESTIGATION, ACCUSATION, OR OTHER MATTER

COMING BEFORE THE DIRECTOR PURSUANT TO THIS ARTICLE. THE DIRECTOR MAY APPOINT AN ADMINISTRATIVE LAW JUDGE PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., TO TAKE EVIDENCE AND TO MAKE FINDINGS AND REPORT THEM TO THE DIRECTOR.

(b) UPON FAILURE OF ANY WITNESS TO COMPLY WITH SUCH SUBPOENA OR PROCESS, THE DIRECTOR MAY PETITION THE DISTRICT COURT IN THE COUNTY IN WHICH THE PROCEEDING IS PENDING, SETTING FORTH THAT DUE NOTICE HAS BEEN GIVEN OF THE TIME AND PLACE OF ATTENDANCE OF THE WITNESS AND THE SERVICE OF THE SUBPOENA, IN WHICH EVENT THE DISTRICT COURT, AFTER HEARING EVIDENCE IN SUPPORT OF OR CONTRARY TO THE PETITION, MAY ENTER AN ORDER AS IN OTHER CIVIL ACTIONS COMPELLING THE WITNESS TO ATTEND AND TESTIFY OR PRODUCE BOOKS, RECORDS, OR OTHER EVIDENCE.

SECTION • 12-29.5-107 (2) (c), Colorado Revised Statutes, is amended to read:

12-29.5-107. Disciplinary authority and proceedings.

(2) Disciplinary actions may consist of the following:

(c) (I) Issuance of letters of admonition. ~~When a complaint or investigation discloses an instance of conduct which, in the opinion of the director, does not warrant formal action by him, but which should not be dismissed without merit, the director may send such a letter of admonition by certified mail to the acupuncturist against whom a complaint was made, with a copy to the person making said complaint. When such letter of admonition is sent, the acupuncturist complained against shall be advised that he has the~~

~~right to request, in writing, within twenty days after proven receipt of the letter, that formal disciplinary proceedings be initiated against him to adjudicate the propriety of the conduct upon which the letter of admonition was based. If such request is timely made, the letter of admonition shall be deemed vacated, and the matter shall be adjudicated by formal disciplinary proceedings.~~ WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE DIRECTOR, DOES NOT WARRANT FORMAL ACTION BY THE DIRECTOR BUT THAT SHOULD NOT BE DISMISSED AS BEING WITHOUT MERIT, A LETTER OF ADMONITION MAY BE ISSUED AND SENT, BY CERTIFIED MAIL, TO THE LICENSEE.

(II) WHEN A LETTER OF ADMONITION IS SENT BY THE DIRECTOR, BY CERTIFIED MAIL, TO A LICENSEE, SUCH LICENSEE SHALL BE ADVISED THAT HE OR SHE HAS THE RIGHT TO REQUEST IN WRITING, WITHIN THIRTY DAYS AFTER THE DATE ON WHICH THE LETTER WAS MAILED, THAT FORMAL DISCIPLINARY PROCEEDINGS BE INITIATED TO ADJUDICATE THE PROPRIETY OF THE CONDUCT UPON WHICH THE LETTER OF ADMONITION IS BASED.

(III) IF THE REQUEST FOR ADJUDICATION IS TIMELY MADE, THE LETTER OF ADMONITION SHALL BE DEEMED VACATED AND THE MATTER SHALL BE PROCESSED BY MEANS OF FORMAL DISCIPLINARY PROCEEDINGS.

SECTION • 12-29.5-109.5, Colorado Revised Statutes, is amended to read:

12-29.5-109.5. Immunity. ~~Any person making a complaint or report, acting as a consultant, or expert witness, on behalf of the director, or participating in any investigation or administrative proceeding authorized under~~

~~this article shall be immune from suit in any civil action based upon such person's conduct within the scope of such activity or participation if the person acted in good faith, made a reasonable effort to obtain the relevant facts, and acted in the reasonable belief that the actions taken by said person were warranted by the facts.~~ THE DIRECTOR, THE DIRECTOR'S STAFF, ANY PERSON ACTING AS A WITNESS OR CONSULTANT TO THE DIRECTOR, ANY WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS ARTICLE, AND ANY PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM LIABILITY IN ANY CIVIL ACTION BROUGHT AGAINST HIM OR HER FOR ACTS OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS DIRECTOR, STAFF, CONSULTANT, OR WITNESS, RESPECTIVELY, IF SUCH INDIVIDUAL WAS ACTING IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE FACTS OF THE MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED IN THE REASONABLE BELIEF THAT THE ACTION TAKEN BY HIM OR HER WAS WARRANTED BY THE FACTS. ANY PERSON PARTICIPATING IN GOOD FAITH IN LODGING A COMPLAINT OR PARTICIPATING IN ANY INVESTIGATIVE OR ADMINISTRATIVE PROCEEDING PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM ANY CIVIL OR CRIMINAL LIABILITY THAT MAY RESULT FROM SUCH PARTICIPATION.

SECTION • 12-32-104 (1) (d), Colorado Revised Statutes, is amended to read:

12-32-104. Powers and duties of board. (1) The Colorado podiatry board shall regulate the practice of podiatry. The board shall exercise, subject to the provisions of this article, the following powers and duties:

(d) (I) ~~Make investigations, hold hearings, and take evidence in all matters relating to the exercise and performance of the powers and duties vested in the board. and, in connection with any investigation (whether before or after a formal complaint is filed pursuant to section 12-32-108.3) or hearing and through any member, the secretary, or the chief administrative officer thereof, subpoena witnesses, administer oaths, and compel the testimony of witnesses and the production of books, papers, and records relevant to any inquiry or hearing. Any subpoena issued pursuant to this article shall be enforceable by the district court.~~

(II) THE BOARD OR AN ADMINISTRATIVE LAW JUDGE MAY ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AND THE PRODUCTION OF ALL NECESSARY PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, AND MATERIALS IN ANY HEARING, INVESTIGATION, ACCUSATION, OR OTHER MATTER COMING BEFORE THE BOARD. THE BOARD MAY APPOINT AN ADMINISTRATIVE LAW JUDGE PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., TO TAKE EVIDENCE AND TO MAKE FINDINGS AND REPORT THEM TO THE BOARD.

(III) UPON FAILURE OF ANY WITNESS TO COMPLY WITH SUCH SUBPOENA OR PROCESS, THE BOARD MAY PETITION THE DISTRICT COURT IN THE COUNTY IN WHICH THE PROCEEDING IS PENDING, SETTING FORTH THAT DUE NOTICE HAS BEEN GIVEN OF THE TIME AND PLACE OF ATTENDANCE OF THE WITNESS AND THE SERVICE OF THE SUBPOENA, IN WHICH EVENT THE DISTRICT COURT, AFTER HEARING EVIDENCE IN SUPPORT OF OR CONTRARY TO THE PETITION, MAY ENTER AN ORDER AS IN OTHER CIVIL ACTIONS COMPELLING THE

WITNESS TO ATTEND AND TESTIFY OR PRODUCE BOOKS, RECORDS, OR OTHER EVIDENCE.

SECTION • 12-32-107 (4) (b), Colorado Revised Statutes, is amended to read:

12-32-107. Issuance, revocation, or suspension of license - probation - immunity in professional review. (4) (b) ~~Any member of the Colorado podiatry board or a professional review committee authorized by said board, and any witness appearing before said board or such professional review committee shall be immune from suit in any civil action brought by a licensee who is the subject of a professional review proceeding if such member, or witness acts in good faith within the scope of the function of said board or such committee, has made a reasonable effort to obtain the facts of the matter as to which he acts, and acts in the reasonable belief that the action taken by him is warranted by the facts. The immunity provided by this paragraph (b) shall extend to the members of an authorized professional review committee of a society or an association of persons licensed pursuant to this article and witnesses appearing before such committee if such committee is authorized to act as provided in subparagraph (II) of paragraph (a) of this subsection (4).~~ ANY MEMBER OF THE BOARD OR PROFESSIONAL REVIEW COMMITTEE, ANY MEMBER OF THE BOARD'S STAFF, ANY MEMBER OF THE PROFESSIONAL REVIEW COMMITTEE'S STAFF, ANY PERSON ACTING AS A WITNESS OR CONSULTANT TO THE BOARD OR COMMITTEE, ANY WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS ARTICLE, AND ANY PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM LIABILITY IN

ANY CIVIL ACTION BROUGHT AGAINST HIM OR HER FOR ACTS OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS BOARD MEMBER, COMMITTEE MEMBER, STAFF, CONSULTANT, OR WITNESS, RESPECTIVELY, IF SUCH INDIVIDUAL WAS ACTING IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE FACTS OF THE MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED IN THE REASONABLE BELIEF THAT THE ACTION TAKEN BY HIM OR HER WAS WARRANTED BY THE FACTS. ANY PERSON PARTICIPATING IN GOOD FAITH IN LODGING A COMPLAINT OR PARTICIPATING IN ANY INVESTIGATIVE OR ADMINISTRATIVE PROCEEDING PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM ANY CIVIL OR CRIMINAL LIABILITY THAT MAY RESULT FROM SUCH PARTICIPATION.

SECTION • 12-32-108.3 (2) (c) (III) and (7), Colorado Revised Statutes, are amended to read:

12-32-108.3. Disciplinary action by board. (2) (c) On completion of an investigation, the board shall make a finding that:

(III) (A) ~~The investigation discloses an instance of unprofessional conduct which, in the opinion of the board, does not warrant formal action by the Colorado podiatry board but which should not be dismissed as being without merit; in such case, a certified letter, return receipt requested, of admonition shall be sent to the podiatrist against whom a complaint was made, and a copy thereof to the person making the complaint, but, when a letter of admonition is sent by the board to a podiatrist complained against, such podiatrist shall be advised that he has the right to request in writing, within twenty days after receipt of the letter, that formal disciplinary proceedings be~~

~~initiated against him to adjudicate the propriety of the conduct upon which the letter of admonition is based. If such request is timely made, the letter of admonition shall be deemed vacated, and the matter shall be processed by means of formal disciplinary proceedings.~~ WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE BOARD, DOES NOT WARRANT FORMAL ACTION BY THE BOARD BUT THAT SHOULD NOT BE DISMISSED AS BEING WITHOUT MERIT, A LETTER OF ADMONITION MAY BE ISSUED AND SENT, BY CERTIFIED MAIL, TO THE LICENSEE.

(B) WHEN A LETTER OF ADMONITION IS SENT BY THE BOARD, BY CERTIFIED MAIL, TO A LICENSEE, SUCH LICENSEE SHALL BE ADVISED THAT HE OR SHE HAS THE RIGHT TO REQUEST IN WRITING, WITHIN THIRTY DAYS AFTER THE DATE ON WHICH THE LETTER WAS MAILED, THAT FORMAL DISCIPLINARY PROCEEDINGS BE INITIATED TO ADJUDICATE THE PROPRIETY OF THE CONDUCT UPON WHICH THE LETTER OF ADMONITION IS BASED.

(C) IF THE REQUEST FOR ADJUDICATION IS TIMELY MADE, THE LETTER OF ADMONITION SHALL BE DEEMED VACATED AND THE MATTER SHALL BE PROCESSED BY MEANS OF FORMAL DISCIPLINARY PROCEEDINGS.

~~(7) (a) In order to aid the board in any hearing or investigation instituted pursuant to this section, the board, through any member or executive officer thereof, shall have the power to issue subpoenas commanding production of copies of any records containing information relevant to the practice of podiatry rendered by any licensee, including, but not limited to, hospital, podiatrist, and physician records.~~ THE BOARD OR AN ADMINISTRATIVE LAW JUDGE SHALL HAVE THE POWER TO ADMINISTER OATHS,

TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AND THE PRODUCTION OF ALL NECESSARY PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, AND MATERIALS IN ANY HEARING, INVESTIGATION, ACCUSATION, OR OTHER MATTER COMING BEFORE THE BOARD. THE BOARD MAY APPOINT AN ADMINISTRATIVE LAW JUDGE PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., TO TAKE EVIDENCE AND TO MAKE FINDINGS AND REPORT THEM TO THE BOARD. The person providing such copies shall prepare them from the original record and shall delete from the copy provided pursuant to the subpoena the name of the patient, but he shall identify the patient by a numbered code, to be retained by the custodian of the records from which the copies were made. Upon certification of the custodian that the copies are true and complete except for the patient's name, they shall be deemed authentic, subject to the right to inspect the originals for the limited purpose of ascertaining the accuracy of the copies. No privilege of confidentiality shall exist with respect to such copies, and no liability shall lie against the board or the custodian or his OR HER authorized employee for furnishing or using such copies in accordance with this subsection (7).

(b) UPON FAILURE OF ANY WITNESS TO COMPLY WITH SUCH SUBPOENA OR PROCESS, THE BOARD MAY PETITION THE DISTRICT COURT IN THE COUNTY IN WHICH THE PROCEEDING IS PENDING, SETTING FORTH THAT DUE NOTICE HAS BEEN GIVEN OF THE TIME AND PLACE OF ATTENDANCE OF THE WITNESS AND THE SERVICE OF THE SUBPOENA, IN WHICH EVENT THE DISTRICT COURT, AFTER HEARING EVIDENCE IN SUPPORT OF OR CONTRARY TO THE

PETITION, MAY ENTER AN ORDER AS IN OTHER CIVIL ACTIONS COMPELLING THE WITNESS TO ATTEND AND TESTIFY OR PRODUCE BOOKS, RECORDS, OR OTHER EVIDENCE.

SECTION • 12-32-115 (3), Colorado Revised Statutes, is amended to read:

~~12-32-115. Procedure - registration - fees. (3) Upon application to the Colorado podiatry board within two years from the date of the lapse of a license by any such licensee on a form prescribed by the board, the license shall be reinstated, subject to the payment to the board of the current renewal fee and a reinstatement fee determined by the board pursuant to section 24-34-105, C.R.S. If, before or after such application for reinstatement has been made, charges are preferred against the licensee by the board or by any person, as provided by section 12-32-108.3, the board shall defer action on the pending application for reinstatement, if any, and proceed with a hearing on such charges in accordance with section 12-32-108.3, and thereupon shall impose such disciplinary action as the board deems appropriate. No license to practice podiatry which has been delinquent for more than two years shall be reinstated unless the applicant fulfills and meets the requirements and conditions required by the board.~~ RENEWAL OR REINSTATEMENT OF A LICENSE SHALL BE PURSUANT TO A SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES AND SHALL BE RENEWED OR REINSTATED PURSUANT TO SECTION 24-34-102 (8), C.R.S. THE DIRECTOR OF THE DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES MAY ESTABLISH

RENEWAL FEES AND DELINQUENCY FEES FOR REINSTATEMENT PURSUANT TO SECTION 24-34-105, C.R.S. IF A PERSON FAILS TO RENEW HIS OR HER LICENSE PURSUANT TO THE SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS, SUCH LICENSE SHALL EXPIRE. ANY PERSON WHOSE LICENSE HAS EXPIRED SHALL BE SUBJECT TO THE PENALTIES PROVIDED IN THIS ARTICLE OR SECTION 24-34-102 (8), C.R.S. The board shall establish the criteria for reinstatement of a license. ~~that has been delinquent for more than two years.~~

SECTION • Repeal. 12-33-104, Colorado Revised Statutes, is repealed as follows:

~~12-33-104. Oath. Each member of the board, before entering on the discharge of his duties, shall subscribe to an oath for the faithful performance of his duties before any officer authorized to administer oaths in this state. The members of the board shall not be personally liable for damages for any official acts of the board.~~

SECTION • 12-33-114 (1), (1.2), and (2), Colorado Revised Statutes, are amended to read:

~~12-33-114. Renewal of license. (1) A person licensed to practice chiropractic in this state who is eligible to have his or her license renewed shall receive a renewal license upon:~~

~~(a) Timely submission of a renewal application in a form prescribed by the board; and~~

~~(b) Payment of a renewal fee established by the board pursuant to sections 24-34-102 (8) and 24-34-105, C.R.S.~~ LICENSES SHALL BE RENEWED OR REINSTATED PURSUANT TO A SCHEDULE ESTABLISHED BY THE DIRECTOR OF

THE DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES AND SHALL BE RENEWED OR REINSTATED PURSUANT TO SECTION 24-34-102 (8), C.R.S. THE DIRECTOR OF THE DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES MAY ESTABLISH RENEWAL FEES AND DELINQUENCY FEES FOR REINSTATEMENT PURSUANT TO SECTION 24-34-105, C.R.S. IF A PERSON FAILS TO RENEW HIS OR HER LICENSE PURSUANT TO THE SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS, SUCH LICENSE SHALL EXPIRE. ANY PERSON WHOSE LICENSE HAS EXPIRED SHALL BE SUBJECT TO THE PENALTIES PROVIDED IN THIS ARTICLE OR SECTION 24-34-102 (8), C.R.S.

(1.2) ~~If a licensee fails to renew his or her license prior to its expiration, such license shall automatically expire. A chiropractor formerly licensed in this state may have an expired license reinstated pursuant to rules established by the board.~~

(2) ~~Any chiropractor whose application for renewal is received by the board after the deadline for renewal shall, in addition to the renewal fee, transmit to the board with his application an additional sum which shall be determined and collected pursuant to section 24-34-105, C.R.S. Failure to so remit shall cause a denial of the application for renewal. Any chiropractor whose application for renewal indicates that he has not actively practiced chiropractic or that he has not been engaged in teaching chiropractic for the preceding five years shall be issued a renewal license by the board only after hearing and upon notice to said applicant, wherein such applicant has demonstrated to the board that he has maintained the qualifications set out in~~

~~section 12-33-112, but no reexamination shall be required unless the board finds good cause to believe that the person has not maintained the professional ability and knowledge required of an original licensee under this article.~~

SECTION • 12-33-119 (7), Colorado Revised Statutes, is amended to read:

12-33-119. Disciplinary proceedings. (7) (a) ~~In order to aid the board in any hearing or investigation instituted pursuant to this section, The board shall have the power to issue subpoenas commanding production of copies of such records containing information relevant to the practice of chiropractic rendered by any licensee~~ OR AN ADMINISTRATIVE LAW JUDGE SHALL HAVE THE POWER TO ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AND THE PRODUCTION OF ALL NECESSARY PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, AND MATERIALS IN ANY HEARING, INVESTIGATION, ACCUSATION, OR OTHER MATTER COMING BEFORE THE BOARD. THE BOARD MAY APPOINT AN ADMINISTRATIVE LAW JUDGE PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., TO TAKE EVIDENCE AND TO MAKE FINDINGS AND REPORT THEM TO THE BOARD. The person providing such copies shall prepare them from the original record and shall delete from the copy provided pursuant to the subpoena the name of the patient, but he or she shall identify the patient by a numbered code, to be retained by the custodian of the records from which the copies were made.

(b) Upon certification of the custodian that the copies are true and complete except for the patient's name, they shall be deemed authentic, subject

to the right to subpoena the originals for the limited purpose of ascertaining the accuracy of the copies. The originals shall remain confidential and be returned to the custodian as soon as the accuracy of the copy is ascertained or as soon as the case is concluded if the original is needed as evidence of falsification. No privilege of confidentiality shall exist with respect to such copies, and no liability shall lie against the board or the custodian for furnishing or using such copies in accordance with this subsection (7).

(c) ~~A subpoena issued pursuant to this subsection (7) may be enforced by a district court of competent jurisdiction.~~ UPON FAILURE OF ANY WITNESS TO COMPLY WITH SUCH SUBPOENA OR PROCESS, THE BOARD MAY PETITION THE DISTRICT COURT IN THE COUNTY IN WHICH THE PROCEEDING IS PENDING, SETTING FORTH THAT DUE NOTICE HAS BEEN GIVEN OF THE TIME AND PLACE OF ATTENDANCE OF THE WITNESS AND THE SERVICE OF THE SUBPOENA, IN WHICH EVENT THE DISTRICT COURT, AFTER HEARING EVIDENCE IN SUPPORT OF OR CONTRARY TO THE PETITION, MAY ENTER AN ORDER AS IN OTHER CIVIL ACTIONS COMPELLING THE WITNESS TO ATTEND AND TESTIFY OR PRODUCE BOOKS, RECORDS, OR OTHER EVIDENCE.

SECTION • 12-33-119.1 (2), Colorado Revised Statutes, is amended to read:

12-33-119.1. Immunity in professional review. (2) ~~Any member of the board or a professional review committee authorized by the board, and any witness appearing before the board or such professional review committee shall be immune from suit in any civil action brought by a licensee who is the subject of a professional review proceeding if such member or witness acts in~~

~~good faith within the scope of the function of the board or such committee, has made a reasonable effort to obtain the facts of the matter as to which he acts, and acts in the reasonable belief that the action taken by him is warranted by the facts. The immunity provided by this subsection (2) shall extend to the members of an authorized professional review committee of a society or an association of persons licensed pursuant to this article and witnesses appearing before such committee if such committee is authorized to act as provided in paragraph (b) of subsection (1) of this section.~~ ANY MEMBER OF THE BOARD OR PROFESSIONAL REVIEW COMMITTEE, THE BOARD'S OR PROFESSIONAL REVIEW COMMITTEE'S STAFF, ANY PERSON ACTING AS A WITNESS OR CONSULTANT TO THE BOARD OR COMMITTEE, ANY WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS ARTICLE, AND ANY PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM LIABILITY IN ANY CIVIL ACTION BROUGHT AGAINST HIM OR HER FOR ACTS OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS BOARD OR PROFESSIONAL REVIEW COMMITTEE MEMBER, STAFF, CONSULTANT, OR WITNESS, RESPECTIVELY, IF SUCH INDIVIDUAL WAS ACTING IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE FACTS OF THE MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED IN THE REASONABLE BELIEF THAT THE ACTION TAKEN BY HIM OR HER WAS WARRANTED BY THE FACTS. ANY PERSON PARTICIPATING IN GOOD FAITH IN LODGING A COMPLAINT OR PARTICIPATING IN ANY INVESTIGATIVE OR ADMINISTRATIVE PROCEEDING PURSUANT TO THIS ARTICLE SHALL BE IMMUNE

FROM ANY CIVIL OR CRIMINAL LIABILITY THAT MAY RESULT FROM SUCH PARTICIPATION.

SECTION • Repeal. 12-35-104 (6), Colorado Revised Statutes, is repealed as follows:

~~12-35-104. State board of dental examiners - subject to termination - repeal of article. (6) Members of the board shall be immune from suit in any civil action based on any disciplinary proceedings or other official acts performed in good faith as members of such board.~~

SECTION • 12-35-108, Colorado Revised Statutes, is amended to read:

12-35-108. Power of board to administer oaths - issue subpoenas - service - penalty for refusing to obey subpoena - immunity. (1) (a) The president and, in the president's absence, the vice-president and, in the latter's absence, the secretary, BOARD or an administrative law judge shall have the power to administer oaths, take affirmations of witnesses, and issue subpoenas to compel the attendance of witnesses and the production of all necessary papers, books, records, documentary evidence, and materials in any hearing, investigation, accusation, or other matter coming before the board. The board may appoint an administrative law judge pursuant to part 10 of article 30 of title 24, C.R.S., to take evidence and to make findings and report them to the board. ~~The sheriffs of the several counties of the state or other officers authorized to serve process shall serve any subpoena or other order issued by such officer or officers of said board and shall receive for such services the fees~~

~~provided for like service to be paid on certification of such officer from any funds in the hands of the board.~~

~~(b) In addition, the program administrator shall have the power to administer oaths and take affirmations of witnesses.~~

(2) Upon failure of any witness to comply with such subpoena or process, the board may petition the district court in the county in which the proceeding is pending, setting forth that due notice has been given of the time and place of attendance of the witness and the service of the subpoena, in which event the district court, after hearing evidence in support of or contrary to the petition, may enter an order as in other civil actions compelling the witness to attend and testify or produce books, records, or other evidence.

(3) ANY MEMBER OF THE BOARD, ANY MEMBER OF THE BOARD'S STAFF, ANY PERSON ACTING AS A WITNESS OR CONSULTANT TO THE BOARD, ANY WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS PART 1, AND ANY PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS PART 1 SHALL BE IMMUNE FROM LIABILITY IN ANY CIVIL ACTION BROUGHT AGAINST HIM OR HER FOR ACTS OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS BOARD MEMBER, STAFF, CONSULTANT, OR WITNESS, RESPECTIVELY, IF SUCH INDIVIDUAL WAS ACTING IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE FACTS OF THE MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED IN THE REASONABLE BELIEF THAT THE ACTION TAKEN BY HIM OR HER WAS WARRANTED BY THE FACTS. ANY PERSON PARTICIPATING IN GOOD FAITH IN LODGING A COMPLAINT OR PARTICIPATING IN ANY INVESTIGATIVE OR ADMINISTRATIVE PROCEEDING

PURSUANT TO THIS PART 1 SHALL BE IMMUNE FROM ANY CIVIL OR CRIMINAL LIABILITY THAT MAY RESULT FROM SUCH PARTICIPATION.

SECTION • 12-35-116, Colorado Revised Statutes, is amended to read:

12-35-116. Renewal of license - fees. ~~(1) On or before the first day of the month designated pursuant to rules and regulations promulgated by the board, every dentist licensed to practice dentistry in this state shall transmit to the secretary of the board, upon a form prescribed, by the board the dentist's signature, post-office address, office address, the number of the dentist's license certificate, and such other pertinent information as may be requested, together with a fee required by section 12-35-123.5 (2) (b) or established pursuant to section 24-34-105, C.R.S., and all fees then in arrears, and shall receive therefor a renewal certificate authorizing the dentist to continue the practice of dentistry in this state. The board shall establish renewal fees and schedules subject to the provisions of section 24-34-102 (8), C.R.S. LICENSES SHALL BE RENEWED OR REINSTATED PURSUANT TO A SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES AND SHALL BE RENEWED OR REINSTATED PURSUANT TO SECTION 24-34-102 (8), C.R.S. THE DIRECTOR OF THE DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES MAY ESTABLISH RENEWAL FEES AND DELINQUENCY FEES FOR REINSTATEMENT PURSUANT TO SECTION 24-34-105, C.R.S. IF A PERSON FAILS TO RENEW HIS OR HER LICENSE PURSUANT TO THE SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS, SUCH LICENSE SHALL~~

EXPIRE. ANY PERSON WHOSE LICENSE HAS EXPIRED SHALL BE SUBJECT TO THE PENALTIES PROVIDED IN THIS ARTICLE OR SECTION 24-34-102 (8), C.R.S.

~~(2) Five years after April 21, 1961, Any dentist whose application for renewal of an active license indicates that the dentist has not actively practiced dentistry or has not been engaged in teaching dentistry in an accredited dental program for at least one year during the five years immediately preceding the application shall be issued a renewal certificate by the board only after the applicant has demonstrated to the board that the applicant has maintained the qualifications set out in section 12-35-113. No reexamination shall be required unless the board finds good cause to believe that the person has not maintained the professional ability and knowledge required of an original licensee by this article.~~

SECTION • Repeal. 12-35-117, Colorado Revised Statutes, is repealed as follows:

12-35-117. Failure to renew license - forfeiture - effect on disciplinary proceedings. ~~(1) Upon the failure of any dentist to file the application and to pay the renewal fee provided for in section 12-35-116 within three months after the renewal date designated by the board in its rules and regulations, a penalty fee established pursuant to section 24-34-105, C.R.S., shall be assessed in addition to the renewal fee. The secretary shall notify the dentist in writing by first-class mail that the application has not been made, that the fee has not been paid, and that the penalty has been assessed. If such application and fee are not received within thirty days, it is the duty of the secretary to refer the delinquency to the board.~~

~~(2) Failure of any licensee to pay the annual registration fee prescribed by subsection (1) of this section shall automatically suspend the practitioner's license while the practitioner is so delinquent, and the name of any delinquent licensee shall be omitted from the list kept by the secretary of the board pursuant to section 12-35-120.~~

SECTION • 12-35-118 (6) (b), Colorado Revised Statutes, is amended to read:

12-35-118. Causes for denial of issuance or renewal - suspension or revocation of licenses - other disciplinary action - unprofessional conduct defined - immunity in professional review. (6) (b) ~~Any member of the board or a professional review committee authorized by the board, and any witness or consultant appearing before the board or such professional review committee shall be immune from suit in any civil action brought by a licensee who is the subject of a professional review proceeding if such member, witness, or consultant acts in good faith within the scope of the function of the board or such committee, has made a reasonable effort to obtain the facts of the matter as to which such member, witness, or consultant acts, and acts in the reasonable belief that the action taken by such member, witness, or consultant is warranted by the facts. The immunity provided by this paragraph (b) shall extend to the members of an authorized professional review committee of a society or an association of persons licensed pursuant to this article and witnesses or consultants appearing before such committee if such committee is authorized to act as provided in subparagraph (H) of paragraph (a) of this subsection (6).~~ ANY MEMBER OF THE BOARD OR PROFESSIONAL REVIEW

COMMITTEE AUTHORIZED BY THE BOARD, ANY MEMBER OF THE BOARD'S OR PROFESSIONAL REVIEW COMMITTEE'S STAFF, ANY PERSON ACTING AS A WITNESS OR CONSULTANT TO THE BOARD OR COMMITTEE, ANY WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS ARTICLE, AND ANY PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM LIABILITY IN ANY CIVIL ACTION BROUGHT AGAINST HIM OR HER FOR ACTS OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS BOARD OR COMMITTEE MEMBER, STAFF, CONSULTANT, OR WITNESS, RESPECTIVELY, IF SUCH INDIVIDUAL WAS ACTING IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE FACTS OF THE MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED IN THE REASONABLE BELIEF THAT THE ACTION TAKEN BY HIM OR HER WAS WARRANTED BY THE FACTS. ANY PERSON PARTICIPATING IN GOOD FAITH IN LODGING A COMPLAINT OR PARTICIPATING IN ANY INVESTIGATIVE OR ADMINISTRATIVE PROCEEDING PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM ANY CIVIL OR CRIMINAL LIABILITY THAT MAY RESULT FROM SUCH PARTICIPATION.

SECTION • 12-35-123, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

12-35-123. Dental hygienists - application fees - renewal - reinstatement. (3) LICENSES FOR DENTAL HYGIENISTS SHALL BE RENEWED OR REINSTATED PURSUANT TO A SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES AND SHALL BE RENEWED OR REINSTATED PURSUANT TO SECTION

24-34-102 (8), C.R.S. THE DIRECTOR OF THE DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES MAY ESTABLISH RENEWAL FEES AND DELINQUENCY FEES FOR REINSTATEMENT PURSUANT TO SECTION 24-34-105, C.R.S. IF A PERSON FAILS TO RENEW HIS OR HER LICENSE PURSUANT TO THE SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS, SUCH LICENSE SHALL EXPIRE. ANY PERSON WHOSE LICENSE HAS EXPIRED SHALL BE SUBJECT TO THE PENALTIES PROVIDED IN THIS ARTICLE OR SECTION 24-34-102 (8), C.R.S.

SECTION • 12-36-103 (3) and (5), Colorado Revised Statutes, are amended to read:

12-36-103. State board of medical examiners - immunity - subject to termination - repeal of article. (3) In the event a vacancy in the membership of the board occurs for any cause other than expiration of a term, the governor shall appoint a successor to fill the unexpired portion of the term of such member whose office has been so vacated and shall appoint such new member in the same manner as members for a full term. ~~Each member of the board, before he enters upon the duties of his office, shall take an oath or affirmation to support the constitution of the United States and of the state of Colorado and to faithfully perform the duties of the office upon which he is about to enter.~~ Members of the board shall remain in office until their successors have been appointed. A member of the board, upon notice and hearing, may be removed by the governor for continued neglect of duty, incompetence, or unprofessional or dishonorable conduct.

~~(5) A board member shall be immune from any civil action based upon a disciplinary proceeding or other official act that such board member performs in good faith as a member of such board.~~

SECTION • 12-36-104 (1) (b), Colorado Revised Statutes, is amended to read:

12-36-104. Powers and duties of board. (1) In addition to all other powers and duties conferred and imposed upon the board by this article, the board has the following powers and duties to:

(b) (I) Make investigations, hold hearings, and take evidence in all matters relating to the exercise and performance of the powers and duties vested in the board. ~~and, in connection with any investigation (whether before or after a formal complaint is filed pursuant to section 12-36-118) or hearing and through any member, the secretary, or chief administrative officer thereof, subpoena witnesses, administer oaths, and compel the testimony of witnesses and the production of books, papers, and records relevant to any inquiry or hearing. Any subpoena issued pursuant to this article shall be enforceable by the district court.~~

(II) THE BOARD OR AN ADMINISTRATIVE LAW JUDGE SHALL HAVE THE POWER TO ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AND THE PRODUCTION OF ALL NECESSARY PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, AND MATERIALS IN ANY HEARING, INVESTIGATION, ACCUSATION, OR OTHER MATTER COMING BEFORE THE BOARD. THE BOARD MAY APPOINT AN ADMINISTRATIVE

LAW JUDGE PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., TO TAKE EVIDENCE AND TO MAKE FINDINGS AND REPORT THEM TO THE BOARD.

(III) UPON FAILURE OF ANY WITNESS TO COMPLY WITH SUCH SUBPOENA OR PROCESS, THE BOARD MAY PETITION THE DISTRICT COURT IN THE COUNTY IN WHICH THE PROCEEDING IS PENDING, SETTING FORTH THAT DUE NOTICE HAS BEEN GIVEN OF THE TIME AND PLACE OF ATTENDANCE OF THE WITNESS AND THE SERVICE OF THE SUBPOENA, IN WHICH EVENT THE DISTRICT COURT, AFTER HEARING EVIDENCE IN SUPPORT OF OR CONTRARY TO THE PETITION, MAY ENTER AN ORDER AS IN OTHER CIVIL ACTIONS COMPELLING THE WITNESS TO ATTEND AND TESTIFY OR PRODUCE BOOKS, RECORDS, OR OTHER EVIDENCE.

SECTION • 12-36-118 (3) and (4) (c) (III), Colorado Revised Statutes, are amended to read:

12-36-118. Disciplinary action by board - immunity. (3) (a) In the discharge of its duties, the board may enlist the assistance of other licensees. Licensees have the duty to report to the board any licensee known, or upon information and belief, to have violated any of the provisions of section 12-36-117 (1); except that no licensee who is treating another licensee for a mental disability or habitual intemperance or excessive use of any habit-forming drug shall have a duty to report his or her patient unless, in the opinion of the treating licensee, the impaired licensee presents a danger to himself, herself, or others.

(b) ANY MEMBER OF THE BOARD, ANY MEMBER OF THE BOARD'S STAFF, ANY PERSON ACTING AS A WITNESS OR CONSULTANT TO THE BOARD,

ANY WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS PART I, AND ANY PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS PART I SHALL BE IMMUNE FROM LIABILITY IN ANY CIVIL ACTION BROUGHT AGAINST HIM OR HER FOR ACTS OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS BOARD MEMBER, STAFF, CONSULTANT, OR WITNESS, RESPECTIVELY, IF SUCH INDIVIDUAL WAS ACTING IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE FACTS OF THE MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED IN THE REASONABLE BELIEF THAT THE ACTION TAKEN BY HIM OR HER WAS WARRANTED BY THE FACTS. Any person participating in good faith in the making of a complaint or report or participating in any investigative or administrative proceeding pursuant to this section shall be immune from any liability, civil or criminal, that otherwise might result by reason of such action. ~~When acting in their official capacity, members of the board shall be immune from any liability civil or criminal, that otherwise might result by reason of participating in the investigation of or an administrative proceeding in connection with a complaint or report pursuant to this section or by reason of any disciplinary action taken by the board pursuant to this section as a result of such a complaint or report~~ PARTICIPATION.

(4) (c) On completion of an investigation, the inquiry panel shall make a finding that:

(III) (A) ~~The investigation discloses an instance of unprofessional conduct that, in the opinion of the inquiry panel, does not warrant formal action by the board but should not be dismissed as being without merit; in such case,~~

~~a certified letter return receipt requested, of admonition shall be sent to the licensee against whom a complaint was made, and a copy thereof to the person making the complaint, but, when a letter of admonition is sent by the inquiry panel to a licensee complained against, such licensee shall be advised that he or she has the right to request in writing, within twenty days after receipt of the letter, that formal disciplinary proceedings be initiated against him or her to adjudicate the propriety of the conduct upon which the letter of admonition is based. If such request is timely made, the letter of admonition shall be deemed vacated, and the matter shall be processed by means of formal disciplinary proceedings;~~ or WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE BOARD, DOES NOT WARRANT FORMAL ACTION BY THE BOARD BUT THAT SHOULD NOT BE DISMISSED AS BEING WITHOUT MERIT, A LETTER OF ADMONITION MAY BE ISSUED AND SENT, BY CERTIFIED MAIL, TO THE LICENSEE.

(B) WHEN A LETTER OF ADMONITION IS SENT BY THE BOARD, BY CERTIFIED MAIL, TO A LICENSEE, SUCH LICENSEE SHALL BE ADVISED THAT HE OR SHE HAS THE RIGHT TO REQUEST IN WRITING, WITHIN THIRTY DAYS AFTER THE DATE ON WHICH THE LETTER WAS MAILED, THAT FORMAL DISCIPLINARY PROCEEDINGS BE INITIATED TO ADJUDICATE THE PROPRIETY OF THE CONDUCT UPON WHICH THE LETTER OF ADMONITION IS BASED.

(C) IF THE REQUEST FOR ADJUDICATION IS TIMELY MADE, THE LETTER OF ADMONITION SHALL BE DEEMED VACATED AND THE MATTER SHALL BE PROCESSED BY MEANS OF FORMAL DISCIPLINARY PROCEEDINGS.

SECTION • 12-36.5-105 (2), Colorado Revised Statutes, is amended to read:

12-36.5-105. Immunity from liability. (2) ~~The governing board, the individual members of such board and the entity which has established a peer review committee pursuant to section 12-36.5-104 shall be immune from suit for any damages in a civil or criminal action, including antitrust actions, brought by a physician who is the subject of any action taken by such board or members if such board or its members, acting as individuals, act in good faith. Good faith shall include reliance upon the recommendations of the review committee, but good faith shall not be presumed if the board or a member has knowledge concerning the review in question which would cause such reliance to be unwarranted. Good faith shall also require that the board otherwise acted in good faith, including the consideration of any facts not previously available to and considered by the peer review committee, and that the board acted in reasonable belief that the action taken was warranted by the facts.~~ THE GOVERNING BOARD, THE INDIVIDUAL MEMBERS OF SUCH BOARD AND THE ENTITY THAT HAS ESTABLISHED A PEER REVIEW COMMITTEE PURSUANT TO SECTION 12-36.5-104, THE BOARD'S STAFF, ANY PERSON ACTING AS A WITNESS OR CONSULTANT TO THE BOARD, ANY WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS ARTICLE, AND ANY PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM LIABILITY IN ANY CIVIL ACTION BROUGHT AGAINST HIM OR HER FOR ACTS OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS BOARD MEMBER, STAFF, CONSULTANT, OR WITNESS, RESPECTIVELY, IF SUCH INDIVIDUAL WAS ACTING

IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE FACTS OF THE MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED IN THE REASONABLE BELIEF THAT THE ACTION TAKEN BY HIM OR HER WAS WARRANTED BY THE FACTS. ANY PERSON PARTICIPATING IN GOOD FAITH IN LODGING A COMPLAINT OR PARTICIPATING IN ANY INVESTIGATIVE OR ADMINISTRATIVE PROCEEDING PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM ANY CIVIL OR CRIMINAL LIABILITY THAT MAY RESULT FROM SUCH PARTICIPATION.

SECTION • 12-36.5-106 (13), Colorado Revised Statutes, is amended to read:

12-36.5-106. Committee on anticompetitive conduct. (13) ~~Any member of the committee shall be immune from suit in any civil action based upon any proceedings or other official actions performed in good faith. Any witness, consultant, or staff member participating in good faith in the making of a report or any person participating in good faith in any investigative or administrative proceeding pursuant to this section shall also be immune from suit in any civil action.~~ ANY MEMBER OF THE COMMITTEE, ANY MEMBER OF THE COMMITTEE'S STAFF, ANY PERSON ACTING AS A WITNESS OR CONSULTANT TO THE COMMITTEE, ANY WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS ARTICLE, AND ANY PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM LIABILITY IN ANY CIVIL ACTION BROUGHT AGAINST HIM OR HER FOR ACTS OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS COMMITTEE MEMBER, STAFF, CONSULTANT, OR WITNESS, RESPECTIVELY, IF SUCH INDIVIDUAL WAS ACTING IN GOOD FAITH WITHIN THE

SCOPE OF HIS OR HER RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE FACTS OF THE MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED IN THE REASONABLE BELIEF THAT THE ACTION TAKEN BY HIM OR HER WAS WARRANTED BY THE FACTS. ANY PERSON PARTICIPATING IN GOOD FAITH IN LODGING A COMPLAINT OR PARTICIPATING IN ANY INVESTIGATIVE OR ADMINISTRATIVE PROCEEDING PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM ANY CIVIL OR CRIMINAL LIABILITY THAT MAY RESULT FROM SUCH PARTICIPATION.

SECTION • 12-37-103 (3), Colorado Revised Statutes, is amended to read:

12-37-103. Requirement for registration with the division of registrations - annual fee - grounds for revocation. (3) Every applicant for registration shall pay ~~an annual~~ A registration fee to be established by the director in the manner authorized by section 24-34-105, C.R.S. REGISTRATIONS SHALL BE RENEWED OR REINSTATED PURSUANT TO A SCHEDULE ESTABLISHED BY THE DIRECTOR AND SHALL BE RENEWED OR REINSTATED PURSUANT TO SECTION 24-34-102 (8), C.R.S. THE DIRECTOR MAY ESTABLISH RENEWAL FEES AND DELINQUENCY FEES FOR REINSTATEMENT PURSUANT TO SECTION 24-34-105, C.R.S. IF A PERSON FAILS TO RENEW HIS OR HER REGISTRATION PURSUANT TO THE SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS, SUCH REGISTRATION SHALL EXPIRE. ANY PERSON WHOSE REGISTRATION HAS EXPIRED SHALL BE SUBJECT TO THE PENALTIES PROVIDED IN THIS ARTICLE OR SECTION 24-34-102 (8), C.R.S.

SECTION • 12-37-107 (2) and (6), Colorado Revised Statutes, are amended, and the said 12-37-107 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

12-37-107. Disciplinary action authorized - grounds for discipline.

(2) As an alternative to or in addition to a suspension or revocation of registration under subsection (3) of this section, the director may assess a civil penalty in the form of a fine, not to exceed five thousand dollars, for any act or omission enumerated in subsection (3) of this section. ANY MONEYS COLLECTED PURSUANT TO THIS SUBSECTION (2) SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT SUCH MONEYS TO THE GENERAL FUND.

(6) (a) ~~To aid the director in any hearing or investigation instituted pursuant to this section; The director shall have the power to issue subpoenas commanding the appearance of persons and the production of copies of records containing information relevant to the practice of direct-entry midwifery rendered by any registrant;~~ OR AN ADMINISTRATIVE LAW JUDGE SHALL HAVE THE POWER TO ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AND THE PRODUCTION OF ALL NECESSARY PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, AND MATERIALS IN ANY HEARING, INVESTIGATION, ACCUSATION, OR OTHER MATTER COMING BEFORE THE DIRECTOR. THE DIRECTOR MAY APPOINT AN ADMINISTRATIVE LAW JUDGE PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., TO TAKE EVIDENCE AND TO MAKE FINDINGS AND REPORT THEM TO THE DIRECTOR, including, but not limited to, hospital and

physician records. The provider of such copies shall prepare the copies from the original record and shall delete the name of the patient, to be retained by the custodian of the records from which the copies were made, but shall identify the patient by a numbered code. Upon certification by the custodian that the copies are true and complete except for the patient's name, the copies shall be deemed authentic, subject to the right to inspect the originals for the limited purpose of ascertaining the accuracy of the copies. No privilege of confidentiality shall exist with respect to such copies and no liability shall lie against the director or the custodian or the director's or custodian's authorized employees for furnishing or using such copies in accordance with this section.

(b) UPON FAILURE OF ANY WITNESS TO COMPLY WITH SUCH SUBPOENA OR PROCESS, THE DIRECTOR MAY PETITION THE DISTRICT COURT IN THE COUNTY IN WHICH THE PROCEEDING IS PENDING, SETTING FORTH THAT DUE NOTICE HAS BEEN GIVEN OF THE TIME AND PLACE OF ATTENDANCE OF THE WITNESS AND THE SERVICE OF THE SUBPOENA, IN WHICH EVENT THE DISTRICT COURT, AFTER HEARING EVIDENCE IN SUPPORT OF OR CONTRARY TO THE PETITION, MAY ENTER AN ORDER AS IN OTHER CIVIL ACTIONS COMPELLING THE WITNESS TO ATTEND AND TESTIFY OR PRODUCE BOOKS, RECORDS, OR OTHER EVIDENCE.

(7) (a) WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE DIRECTOR, DOES NOT WARRANT FORMAL ACTION BY THE DIRECTOR BUT THAT SHOULD NOT BE DISMISSED AS BEING WITHOUT MERIT, A LETTER OF ADMONITION MAY BE ISSUED AND SENT, BY CERTIFIED MAIL, TO THE LICENSEE.

(b) WHEN A LETTER OF ADMONITION IS SENT BY THE DIRECTOR, BY CERTIFIED MAIL, TO A LICENSEE, SUCH LICENSEE SHALL BE ADVISED THAT HE OR SHE HAS THE RIGHT TO REQUEST IN WRITING, WITHIN THIRTY DAYS AFTER THE DATE ON WHICH THE LETTER WAS MAILED, THAT FORMAL DISCIPLINARY PROCEEDINGS BE INITIATED TO ADJUDICATE THE PROPRIETY OF THE CONDUCT UPON WHICH THE LETTER OF ADMONITION IS BASED.

(c) IF THE REQUEST FOR ADJUDICATION IS TIMELY MADE, THE LETTER OF ADMONITION SHALL BE DEEMED VACATED AND THE MATTER SHALL BE PROCESSED BY MEANS OF FORMAL DISCIPLINARY PROCEEDINGS.

SECTION • 12-37-109.5, Colorado Revised Statutes, is amended to read:

12-37-109.5. Immunity. ~~The director, division, staff, any person acting as a consultant to the director, any witness testifying in a proceeding authorized under this article, and any person who lodges a complaint pursuant to this article shall be immune from criminal liability and suit in any civil action brought by any person based upon an action of the director if such person, staff person, consultant, or witness acts in good faith within the scope of this article, has made a reasonable effort to ascertain the facts of the matter as to which he or she acts, and acts in the reasonable belief that the action taken by him or her is warranted by the facts. The immunity provided by this section shall also extend to any person participating in good faith in any investigative proceeding pursuant to this article.~~ THE DIRECTOR, THE DIRECTOR'S STAFF, ANY PERSON ACTING AS A WITNESS OR CONSULTANT TO THE DIRECTOR, ANY WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED

UNDER THIS ARTICLE, AND ANY PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM LIABILITY IN ANY CIVIL ACTION BROUGHT AGAINST HIM OR HER FOR ACTS OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS DIRECTOR, STAFF, CONSULTANT, OR WITNESS, RESPECTIVELY, IF SUCH INDIVIDUAL WAS ACTING IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE FACTS OF THE MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED IN THE REASONABLE BELIEF THAT THE ACTION TAKEN BY HIM OR HER WAS WARRANTED BY THE FACTS. ANY PERSON PARTICIPATING IN GOOD FAITH IN LODGING A COMPLAINT OR PARTICIPATING IN ANY INVESTIGATIVE OR ADMINISTRATIVE PROCEEDING PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM ANY CIVIL OR CRIMINAL LIABILITY THAT MAY RESULT FROM SUCH PARTICIPATION.

SECTION • 12-38-108 (1) (b) (I), Colorado Revised Statutes, is amended to read:

12-38-108. Powers and duties of the board. (1) The board has the following powers and duties:

(b) (I) To examine, license, and renew licenses of qualified applicants and to grant to such applicants temporary licenses and permits to engage in the practice of practical nursing and professional nursing in this state within the limitations imposed by this article. LICENSES SHALL BE RENEWED OR REINSTATED PURSUANT TO A SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES AND SHALL BE RENEWED OR REINSTATED PURSUANT TO SECTION

24-34-102 (8), C.R.S. THE DIRECTOR OF THE DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES MAY ESTABLISH RENEWAL FEES AND DELINQUENCY FEES FOR REINSTATEMENT PURSUANT TO SECTION 24-34-105, C.R.S. IF A PERSON FAILS TO RENEW HIS OR HER LICENSE PURSUANT TO THE SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS, SUCH LICENSE SHALL EXPIRE. ANY PERSON WHOSE LICENSE HAS EXPIRED SHALL BE SUBJECT TO THE PENALTIES PROVIDED IN THIS ARTICLE OR SECTION 24-34-102 (8), C.R.S.

SECTION • 12-38-116.5 (3) (c) (IV), (13), and (14), Colorado Revised Statutes, are amended to read:

12-38-116.5. Disciplinary procedures of the board - inquiry and hearings panels. (3) (c) On completion of an investigation, the inquiry panel shall make a finding that:

(IV) (A) ~~An instance of grounds for discipline occurred that, in the opinion of the inquiry panel, does not warrant formal action by the board but that should not be dismissed as being without merit. In such case, a certified letter of admonition return receipt requested, shall be sent to the nurse against whom a complaint was made, and a copy thereof to the person making the complaint. When a letter of admonition is sent by the inquiry panel to a nurse complained against, such nurse shall be advised that the nurse has the right to request in writing, within twenty days after receipt of the letter, that formal disciplinary proceedings be initiated against the nurse to adjudicate the propriety of the conduct upon which the letter of admonition is based. If such request is timely made, the letter of admonition shall be deemed vacated, and~~

~~the matter shall be processed by means of formal disciplinary proceedings.~~

WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE BOARD, DOES NOT WARRANT FORMAL ACTION BY THE BOARD BUT THAT SHOULD NOT BE DISMISSED AS BEING WITHOUT MERIT, A LETTER OF ADMONITION MAY BE ISSUED AND SENT, BY CERTIFIED MAIL, TO THE LICENSEE.

(B) WHEN A LETTER OF ADMONITION IS SENT BY THE BOARD, BY CERTIFIED MAIL, TO A LICENSEE, SUCH LICENSEE SHALL BE ADVISED THAT HE OR SHE HAS THE RIGHT TO REQUEST IN WRITING, WITHIN THIRTY DAYS AFTER THE DATE ON WHICH THE LETTER WAS MAILED, THAT FORMAL DISCIPLINARY PROCEEDINGS BE INITIATED TO ADJUDICATE THE PROPRIETY OF THE CONDUCT UPON WHICH THE LETTER OF ADMONITION IS BASED.

(C) IF THE REQUEST FOR ADJUDICATION IS TIMELY MADE, THE LETTER OF ADMONITION SHALL BE DEEMED VACATED AND THE MATTER SHALL BE PROCESSED BY MEANS OF FORMAL DISCIPLINARY PROCEEDINGS.

(13) (a) ~~In order to aid the board in any hearing or investigation instituted pursuant to this section, whether the investigation is before or after a formal complaint is filed pursuant to this section, The board through any member or executive officer thereof, shall have the power to issue subpoenas commanding production of copies of any records containing information relevant to the practice of nursing rendered by any licensee; OR AN ADMINISTRATIVE LAW JUDGE SHALL HAVE THE POWER TO ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AND THE PRODUCTION OF ALL NECESSARY PAPERS,~~

BOOKS, RECORDS, DOCUMENTARY EVIDENCE, AND MATERIALS IN ANY HEARING, INVESTIGATION, ACCUSATION, OR OTHER MATTER COMING BEFORE THE BOARD. THE BOARD MAY APPOINT AN ADMINISTRATIVE LAW JUDGE PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., TO TAKE EVIDENCE AND TO MAKE FINDINGS AND REPORT THEM TO THE BOARD including, but not limited to, hospital and physician records. Upon certification of the custodian that the copies are true and complete except for the patient's name, the copies shall be deemed authentic, subject to the right to inspect the originals for the limited purpose of ascertaining the accuracy of the copies. No privilege of confidentiality shall exist with respect to such copies, and no liability shall lie against the board or the custodian or the custodian's authorized employee for furnishing or using such copies in accordance with this subsection (13).

(b) UPON FAILURE OF ANY WITNESS TO COMPLY WITH SUCH SUBPOENA OR PROCESS, THE BOARD MAY PETITION THE DISTRICT COURT IN THE COUNTY IN WHICH THE PROCEEDING IS PENDING, SETTING FORTH THAT DUE NOTICE HAS BEEN GIVEN OF THE TIME AND PLACE OF ATTENDANCE OF THE WITNESS AND THE SERVICE OF THE SUBPOENA, IN WHICH EVENT THE DISTRICT COURT, AFTER HEARING EVIDENCE IN SUPPORT OF OR CONTRARY TO THE PETITION, MAY ENTER AN ORDER AS IN OTHER CIVIL ACTIONS COMPELLING THE WITNESS TO ATTEND AND TESTIFY OR PRODUCE BOOKS, RECORDS, OR OTHER EVIDENCE.

(14) ANY MEMBER OF THE BOARD OR THE BOARD'S STAFF, ANY PERSON ACTING AS A WITNESS OR CONSULTANT TO THE BOARD, ANY WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS ARTICLE, AND ANY

PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM LIABILITY IN ANY CIVIL ACTION BROUGHT AGAINST HIM OR HER FOR ACTS OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS BOARD MEMBER, STAFF, CONSULTANT, OR WITNESS, RESPECTIVELY, IF SUCH INDIVIDUAL WAS ACTING IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE FACTS OF THE MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED IN THE REASONABLE BELIEF THAT THE ACTION TAKEN BY HIM OR HER WAS WARRANTED BY THE FACTS. Any person participating in good faith in the making of a complaint or report or participating in any investigative or administrative proceeding pursuant to this article shall be immune from any liability, civil or criminal, that otherwise might result by reason of such action PARTICIPATION.

SECTION • 12-38-121 (2), Colorado Revised Statutes, is amended to read:

12-38-121. Immunity in professional review. (2) ~~Any member of the board or a professional review committee authorized by the board, and any witness appearing before the board or such professional review committee shall be immune from suit in any civil action brought by a licensee who is the subject of a professional review proceeding if such member, or witness acts in good faith within the scope of the function of the board or such committee, has made a reasonable effort to obtain the facts of the matter as to which he acts, and acts in the reasonable belief that the action taken by him is warranted by the facts.~~ ANY MEMBER OF THE BOARD OR OF A PROFESSIONAL REVIEW COMMITTEE AUTHORIZED BY THE BOARD, ANY MEMBER OF THE BOARD'S OR COMMITTEE'S

STAFF, ANY PERSON ACTING AS A WITNESS OR CONSULTANT TO THE BOARD OR COMMITTEE, ANY WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS ARTICLE, AND ANY PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM LIABILITY IN ANY CIVIL ACTION BROUGHT AGAINST HIM OR HER FOR ACTS OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS BOARD OR COMMITTEE MEMBER, STAFF, CONSULTANT, OR WITNESS, RESPECTIVELY, IF SUCH INDIVIDUAL WAS ACTING IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE FACTS OF THE MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED IN THE REASONABLE BELIEF THAT THE ACTION TAKEN BY HIM OR HER WAS WARRANTED BY THE FACTS. ANY PERSON PARTICIPATING IN GOOD FAITH IN LODGING A COMPLAINT OR PARTICIPATING IN ANY INVESTIGATIVE OR ADMINISTRATIVE PROCEEDING PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM ANY CIVIL OR CRIMINAL LIABILITY THAT MAY RESULT FROM SUCH PARTICIPATION.

SECTION • 12-38-131 (11), Colorado Revised Statutes, is amended to read:

12-38-131. Impaired professional diversion program - committee.
(11) ~~Any member of the board, or any member of the impaired professional diversion program committee, acting pursuant to the provisions of this section shall be immune from suit in any civil action if such member acted in good faith within the scope of the function of such board or such committee, made a reasonable effort to obtain the facts of the matter as to which the member acted, and acted in the reasonable belief that the action taken was warranted~~

~~by the facts.~~ ANY MEMBER OF THE BOARD OR MEMBER OF THE IMPAIRED PROFESSIONAL DIVERSION PROGRAM COMMITTEE, ANY MEMBER OF THE BOARD'S OR COMMITTEE'S STAFF, ANY PERSON ACTING AS A WITNESS OR CONSULTANT TO THE BOARD OR COMMITTEE, ANY WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS ARTICLE, AND ANY PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM LIABILITY IN ANY CIVIL ACTION BROUGHT AGAINST HIM OR HER FOR ACTS OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS BOARD OR COMMITTEE MEMBER, STAFF, CONSULTANT, OR WITNESS, RESPECTIVELY, IF SUCH INDIVIDUAL WAS ACTING IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE FACTS OF THE MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED IN THE REASONABLE BELIEF THAT THE ACTION TAKEN BY HIM OR HER WAS WARRANTED BY THE FACTS. ANY PERSON PARTICIPATING IN GOOD FAITH IN LODGING A COMPLAINT OR PARTICIPATING IN ANY INVESTIGATIVE OR ADMINISTRATIVE PROCEEDING PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM ANY CIVIL OR CRIMINAL LIABILITY THAT MAY RESULT FROM SUCH PARTICIPATION.

SECTION • 12-38.1-109, Colorado Revised Statutes, is amended to read:

12-38.1-109. Renewal of certification. Each certificate to practice as a nurse aide shall be renewed biennially upon payment of a specified renewal fee established pursuant to section 24-34-105, C.R.S. ~~The board may reduce such fee if federal funds are available. Such fee shall not be subject to the provisions of section 24-34-104.4, C.R.S. At the time of such renewal, the~~

~~nurse aide shall submit proof to the board, as required by federal law or regulation, of either having performed nurse aide services, or the equivalent, as defined by rule, for pay during the preceding twenty-four-month period or having passed a competency evaluation, as approved under the provisions of this article, during the preceding twenty-four months.~~ OR REINSTATED PURSUANT TO A SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES AND SHALL BE RENEWED OR REINSTATED PURSUANT TO SECTION 24-34-102 (8), C.R.S. THE DIRECTOR OF THE DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES MAY ESTABLISH RENEWAL FEES AND DELINQUENCY FEES FOR REINSTATEMENT PURSUANT TO SECTION 24-34-105, C.R.S. IF A PERSON FAILS TO RENEW HIS OR HER CERTIFICATION PURSUANT TO THE SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS, SUCH CERTIFICATE SHALL EXPIRE. ANY PERSON WHOSE CERTIFICATE HAS EXPIRED SHALL BE SUBJECT TO THE PENALTIES PROVIDED IN THIS ARTICLE OR SECTION 24-34-102 (8), C.R.S.

SECTION • The introductory portion to 12-38.1-111 (1), Colorado Revised Statutes, is amended to read:

12-38.1-111. Grounds for discipline. (1) The board may suspend, revoke, or deny any certification to practice as a nurse aide OR ISSUE A LETTER OF ADMONITION upon proof that such person:

SECTION • 12-38.1-114 (10) and (11), Colorado Revised Statutes, are amended to read:

12-38.1-114. Disciplinary proceedings - hearing officers.

(10) (a) ~~In order to aid the board in any hearing or investigation instituted pursuant to this section, the board, through any member or executive officer thereof, shall have the power to issue subpoenas commanding production of copies of any documents containing information relevant to the practice of the nurse aide, including, but not limited to, hospital and physician records.~~ THE BOARD OR AN ADMINISTRATIVE LAW JUDGE SHALL HAVE THE POWER TO ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AND THE PRODUCTION OF ALL NECESSARY PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, AND MATERIALS IN ANY HEARING, INVESTIGATION, ACCUSATION, OR OTHER MATTER COMING BEFORE THE BOARD. THE BOARD MAY APPOINT AN ADMINISTRATIVE LAW JUDGE PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., TO TAKE EVIDENCE AND TO MAKE FINDINGS AND REPORT THEM TO THE BOARD. The person providing ~~such copies~~ DOCUMENTS shall prepare them from the original record and shall delete from the copy provided pursuant to the subpoena the name of the patient, but the patient shall be identified by a numbered code to be retained by the custodian of the records from which the copies were made. Upon certification of the custodian that the copies are true and complete except for the patient's name, they shall be deemed authentic, subject to the right to inspect the originals for the limited purpose of ascertaining the accuracy of the copies. No privilege of confidentiality shall exist with respect to such copies, and no liability shall lie against the board or the custodian or the custodian's

authorized employee for furnishing or using such copies in accordance with this subsection (10).

(b) UPON FAILURE OF ANY WITNESS TO COMPLY WITH SUCH SUBPOENA OR PROCESS, THE BOARD MAY PETITION THE DISTRICT COURT IN THE COUNTY IN WHICH THE PROCEEDING IS PENDING, SETTING FORTH THAT DUE NOTICE HAS BEEN GIVEN OF THE TIME AND PLACE OF ATTENDANCE OF THE WITNESS AND THE SERVICE OF THE SUBPOENA, IN WHICH EVENT THE DISTRICT COURT, AFTER HEARING EVIDENCE IN SUPPORT OF OR CONTRARY TO THE PETITION, MAY ENTER AN ORDER AS IN OTHER CIVIL ACTIONS COMPELLING THE WITNESS TO ATTEND AND TESTIFY OR PRODUCE BOOKS, RECORDS, OR OTHER EVIDENCE.

(11) ANY MEMBER OF THE BOARD, ANY MEMBER OF THE BOARD'S STAFF, ANY PERSON ACTING AS A WITNESS OR CONSULTANT TO THE BOARD, ANY WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS ARTICLE, AND ANY PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM LIABILITY IN ANY CIVIL ACTION BROUGHT AGAINST HIM OR HER FOR ACTS OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS BOARD MEMBER, STAFF, CONSULTANT, OR WITNESS, RESPECTIVELY, IF SUCH INDIVIDUAL WAS ACTING IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE FACTS OF THE MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED IN THE REASONABLE BELIEF THAT THE ACTION TAKEN BY HIM OR HER WAS WARRANTED BY THE FACTS. Any person participating in good faith in the making of a complaint or report or participating in any investigative or

administrative proceeding pursuant to this article shall be immune from any CRIMINAL OR civil liability that otherwise might result by reason of such action PARTICIPATION.

SECTION • 12-39-105 (1) (b), Colorado Revised Statutes, is amended, and the said 12-39-105 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

12-39-105. Powers and duties of the board. (1) (b) ~~Any subpoena issued under the authority of subparagraph (v) of paragraph (a) of this subsection (1) shall be enforceable by a district court. In order to aid the board in any such hearing or investigation; The board through any member or the program administrator thereof, shall have the power to issue subpoenas commanding the attendance of witnesses and the production of copies of any records containing information relevant to the practice of nursing home administration rendered by any licensee, including patient records of the institution and personal records of the licensee;~~ OR AN ADMINISTRATIVE LAW JUDGE SHALL HAVE THE POWER TO ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AND THE PRODUCTION OF ALL NECESSARY PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, AND MATERIALS IN ANY HEARING, INVESTIGATION, ACCUSATION, OR OTHER MATTER COMING BEFORE THE BOARD. THE BOARD MAY APPOINT AN ADMINISTRATIVE LAW JUDGE PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., TO TAKE EVIDENCE AND TO MAKE FINDINGS AND REPORT THEM TO THE BOARD. The person providing such copies DOCUMENTS shall prepare them from the original record and shall delete from

the copy provided pursuant to the subpoena the name of the patient, but shall identify the patient by a numbered code, to be retained by the custodian of the records from which the copies were made. Upon certification of the custodian that the copies are true and complete except for the patient's name, they shall be deemed authentic, subject to the right to inspect the originals for the limited purpose of ascertaining the accuracy of the copies. No privilege of confidentiality shall exist with respect to such copies, and no liability shall lie against the board, the custodian, or the custodian's authorized employee for furnishing or using such copies in accordance with this subsection (1).

(c) UPON FAILURE OF ANY WITNESS TO COMPLY WITH SUCH SUBPOENA OR PROCESS, THE BOARD MAY PETITION THE DISTRICT COURT IN THE COUNTY IN WHICH THE PROCEEDING IS PENDING, SETTING FORTH THAT DUE NOTICE HAS BEEN GIVEN OF THE TIME AND PLACE OF ATTENDANCE OF THE WITNESS AND THE SERVICE OF THE SUBPOENA, IN WHICH EVENT THE DISTRICT COURT, AFTER HEARING EVIDENCE IN SUPPORT OF OR CONTRARY TO THE PETITION, MAY ENTER AN ORDER AS IN OTHER CIVIL ACTIONS COMPELLING THE WITNESS TO ATTEND AND TESTIFY OR PRODUCE BOOKS, RECORDS, OR OTHER EVIDENCE.

SECTION • 12-39-108 (1), Colorado Revised Statutes, is amended to read:

12-39-108. Licenses. (1) Any license issued by the board shall be valid for a period of one year from the date of issuance. Any such license shall be subject to renewal by the board pursuant to the standards set forth in section 24-4-104, C.R.S. If any licensee fails to renew such license prior to its

~~expiration the license shall automatically expire. A nursing home administrator formerly licensed in this state may have an expired license reinstated, pursuant to rules and regulations established by the board~~ DETERMINED PURSUANT TO A SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES AND SHALL BE RENEWED OR REINSTATED PURSUANT TO SECTION 24-34-102 (8), C.R.S. THE DIRECTOR OF THE DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES MAY ESTABLISH RENEWAL FEES AND DELINQUENCY FEES FOR REINSTATEMENT PURSUANT TO SECTION 24-34-105, C.R.S. IF A PERSON FAILS TO RENEW HIS OR HER LICENSE PURSUANT TO THE SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS, SUCH LICENSE SHALL EXPIRE. ANY PERSON WHOSE LICENSE HAS EXPIRED SHALL BE SUBJECT TO THE PENALTIES PROVIDED IN THIS ARTICLE OR SECTION 24-34-102 (8), C.R.S.

SECTION • 12-39-111 (3), Colorado Revised Statutes, is amended to read:

12-39-111. Grounds for discipline. (3) (a) ~~When a complaint or an investigation discloses an instance of misconduct which, in the opinion of the board, does not warrant formal action by the board but which should not be dismissed without merit, a letter of admonition may be sent by certified mail to the nursing home administrator against whom the complaint was made, and a copy to the person making the complaint. When a letter of admonition is sent by certified mail by the board to a nursing home administrator against whom a complaint has been made, such nursing home administrator shall be advised of the right to request in writing, within twenty days after proven receipt of the~~

~~letter, that formal disciplinary proceedings be initiated to adjudicate the propriety of the conduct upon which the letter of admonition is based. If such request is timely made, the letter of admonition shall be deemed vacated, and the matter shall be processed by means of formal disciplinary proceedings, pursuant to article 4 of title 24, C.R.S.~~ WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE BOARD, DOES NOT WARRANT FORMAL ACTION BY THE BOARD BUT THAT SHOULD NOT BE DISMISSED AS BEING WITHOUT MERIT, A LETTER OF ADMONITION MAY BE ISSUED AND SENT, BY CERTIFIED MAIL, TO THE LICENSEE.

(b) WHEN A LETTER OF ADMONITION IS SENT BY THE BOARD, BY CERTIFIED MAIL, TO A LICENSEE, SUCH LICENSEE SHALL BE ADVISED THAT HE OR SHE HAS THE RIGHT TO REQUEST IN WRITING, WITHIN THIRTY DAYS AFTER THE DATE ON WHICH THE LETTER WAS MAILED, THAT FORMAL DISCIPLINARY PROCEEDINGS BE INITIATED TO ADJUDICATE THE PROPRIETY OF THE CONDUCT UPON WHICH THE LETTER OF ADMONITION IS BASED.

(c) IF THE REQUEST FOR ADJUDICATION IS TIMELY MADE, THE LETTER OF ADMONITION SHALL BE DEEMED VACATED AND THE MATTER SHALL BE PROCESSED BY MEANS OF FORMAL DISCIPLINARY PROCEEDINGS.

SECTION • 12-39-115 (3), Colorado Revised Statutes, is amended to read:

12-39-115. Temporary advisory committees - immunity. (3) Any ~~member of the board or professional review committee authorized by the board, and any witness appearing before the board or such professional review committee, shall be immune from suit in any civil action brought by a licensee~~

~~who is the subject of a professional review proceeding, if such member, or witness acts in good faith within the scope of the function of the board or committee, has made a reasonable effort to obtain the facts of the matter before the committee or board, and acts in the reasonable belief that the action taken is warranted by the facts.~~ ANY MEMBER OF THE BOARD OR OF A PROFESSIONAL REVIEW COMMITTEE, ANY MEMBER OF THE BOARD'S OR COMMITTEE'S STAFF, ANY PERSON ACTING AS A WITNESS OR CONSULTANT TO THE BOARD OR COMMITTEE, ANY WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS ARTICLE, AND ANY PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM LIABILITY IN ANY CIVIL ACTION BROUGHT AGAINST HIM OR HER FOR ACTS OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS BOARD OR COMMITTEE MEMBER, STAFF, CONSULTANT, OR WITNESS, RESPECTIVELY, IF SUCH INDIVIDUAL WAS ACTING IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE FACTS OF THE MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED IN THE REASONABLE BELIEF THAT THE ACTION TAKEN BY HIM OR HER WAS WARRANTED BY THE FACTS. ANY PERSON PARTICIPATING IN GOOD FAITH IN LODGING A COMPLAINT OR PARTICIPATING IN ANY INVESTIGATIVE OR ADMINISTRATIVE PROCEEDING PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM ANY CIVIL OR CRIMINAL LIABILITY THAT MAY RESULT FROM SUCH PARTICIPATION.

SECTION • 12-40-107 (1) (m), Colorado Revised Statutes, is amended to read:

12-40-107. Powers and duties of the board. (1) In addition to all other powers and duties conferred upon the board by this article, the board has the following powers and duties:

(m) (I) To make investigations, hold hearings, and take evidence in all matters relating to the exercise and performance of the powers and duties vested in the board. ~~and, in connection with any investigation (whether before or after a formal complaint is filed pursuant to section 12-40-119) subpoena witnesses, administer oaths, and compel the testimony of witnesses and the production of books, papers, and records relevant to any inquiry or hearing. Any subpoena issued pursuant to this article shall be enforceable by the district court.~~

(II) THE BOARD OR AN ADMINISTRATIVE LAW JUDGE SHALL HAVE THE POWER TO ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AND THE PRODUCTION OF ALL NECESSARY PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, AND MATERIALS IN ANY HEARING, INVESTIGATION, ACCUSATION, OR OTHER MATTER COMING BEFORE THE BOARD. THE BOARD MAY APPOINT AN ADMINISTRATIVE LAW JUDGE PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., TO TAKE EVIDENCE AND TO MAKE FINDINGS AND REPORT THEM TO THE BOARD.

(III) UPON FAILURE OF ANY WITNESS TO COMPLY WITH SUCH SUBPOENA OR PROCESS, THE BOARD MAY PETITION THE DISTRICT COURT IN THE COUNTY IN WHICH THE PROCEEDING IS PENDING, SETTING FORTH THAT DUE NOTICE HAS BEEN GIVEN OF THE TIME AND PLACE OF ATTENDANCE OF THE

WITNESS AND THE SERVICE OF THE SUBPOENA, IN WHICH EVENT THE DISTRICT COURT, AFTER HEARING EVIDENCE IN SUPPORT OF OR CONTRARY TO THE PETITION, MAY ENTER AN ORDER AS IN OTHER CIVIL ACTIONS COMPELLING THE WITNESS TO ATTEND AND TESTIFY OR PRODUCE BOOKS, RECORDS, OR OTHER EVIDENCE.

SECTION • 12-40-113 (1) (a), (1) (c), (1) (d), and (1) (e), Colorado Revised Statutes, are amended to read:

12-40-113. License renewal - requirements - fee - failure to pay.

(1) (a) On or before a date designated by the board, every optometrist licensed to practice optometry in this state shall transmit to the board, upon a form prescribed by the board, an application for renewal and such other pertinent information as may be requested, together with a fee which shall be determined and collected pursuant to section 24-34-105, C.R.S., and receive a renewal certificate authorizing him to continue the practice of optometry in this state for the renewal period PURSUANT TO A SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES, LICENSES SHALL BE RENEWED OR REINSTATED PURSUANT TO SECTION 24-34-102 (8), C.R.S. THE DIRECTOR OF THE DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES MAY ESTABLISH RENEWAL FEES AND DELINQUENCY FEES FOR REINSTATEMENT PURSUANT TO SECTION 24-34-105, C.R.S. IF A PERSON FAILS TO RENEW HIS OR HER LICENSE PURSUANT TO THE SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS, SUCH LICENSE SHALL EXPIRE. ANY PERSON

WHOSE LICENSE HAS EXPIRED SHALL BE SUBJECT TO THE PENALTIES PROVIDED IN THIS ARTICLE OR SECTION 24-34-102 (8), C.R.S.

(c) ~~Any optometrist whose application for renewal is received by the board after the renewal date shall, in addition to the renewal fee, transmit to the board with such application an additional sum as a penalty which shall be determined and collected pursuant to section 24-34-105, C.R.S., and shall pay the renewal fee for each year the license was expired. Failure to so remit shall cause a denial of the application for renewal.~~

(d) ~~If an optometrist's license has expired for more than two years and the optometrist is not currently licensed, and in practice and good standing in another state or territory of the United States or a foreign country, the board shall require the optometrist to take and pass a board approved clinical examination:~~

(e) ~~Any optometrist whose license has expired for more than two years and has been actively practicing and in good standing in another state or territory of the United States or a foreign country may be issued a renewal certificate without reexamination if the board determines that the optometrist possesses the credentials and qualifications which are substantially equivalent to requirements in Colorado for current licensure by examination. The board may determine by rule and regulation what shall constitute substantially equivalent credentials and qualifications:~~

SECTION • 12-40-119 (2) (f) and (3) (b), Colorado Revised Statutes, are amended to read:

12-40-119. **Revocation, suspension, supervision, probation procedure - professional review - reconsideration and review of action by board.** (2) (f) (I) ~~When a complaint or an investigation discloses an instance of misconduct which, in the opinion of the board, does not warrant formal action by the board but which should not be dismissed as being without merit, the board may send a letter of admonition by certified mail to the optometrist against whom a complaint was made, and a copy thereof to the person making the complaint, but, when the board sends a letter of admonition by certified mail to an optometrist complained against, the board shall advise such optometrist that the optometrist has the right to request in writing, within twenty days after proven receipt of the letter, that formal disciplinary proceedings be initiated against the optometrist to adjudicate the propriety of the conduct upon which the letter of admonition is based. If such request is timely made, the letter of admonition shall be deemed vacated, and the matter shall be processed by means of formal disciplinary proceedings. WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE BOARD, DOES NOT WARRANT FORMAL ACTION BY THE BOARD BUT THAT SHOULD NOT BE DISMISSED AS BEING WITHOUT MERIT, A LETTER OF ADMONITION MAY BE ISSUED AND SENT, BY CERTIFIED MAIL, TO THE LICENSEE.~~

(II) ~~WHEN A LETTER OF ADMONITION IS SENT BY THE BOARD, BY CERTIFIED MAIL, TO A LICENSEE, SUCH LICENSEE SHALL BE ADVISED THAT HE OR SHE HAS THE RIGHT TO REQUEST IN WRITING, WITHIN THIRTY DAYS AFTER THE DATE ON WHICH THE LETTER WAS MAILED, THAT FORMAL DISCIPLINARY~~

PROCEEDINGS BE INITIATED TO ADJUDICATE THE PROPRIETY OF THE CONDUCT UPON WHICH THE LETTER OF ADMONITION IS BASED.

(III) IF THE REQUEST FOR ADJUDICATION IS TIMELY MADE, THE LETTER OF ADMONITION SHALL BE DEEMED VACATED AND THE MATTER SHALL BE PROCESSED BY MEANS OF FORMAL DISCIPLINARY PROCEEDINGS.

(3) (b) ~~Any member of the board, and any witness appearing before the board or such professional review committee shall be immune from criminal liability and from suit in any civil action brought by a licensee if such member, or witness acts in good faith within the scope of the function of the board, has made a reasonable effort to obtain the facts of the matter as to which the person acts, and acts in the reasonable belief that the action taken by the person is warranted by the facts. ANY MEMBER OF THE BOARD OR OF A PROFESSIONAL REVIEW COMMITTEE AUTHORIZED BY THE BOARD, ANY MEMBER OF THE BOARD'S OR COMMITTEE'S STAFF, ANY PERSON ACTING AS A WITNESS OR CONSULTANT TO THE BOARD OR COMMITTEE, ANY WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS ARTICLE, AND ANY PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM LIABILITY IN ANY CIVIL ACTION BROUGHT AGAINST HIM OR HER FOR ACTS OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS BOARD OR COMMITTEE MEMBER, STAFF, CONSULTANT, OR WITNESS, RESPECTIVELY, IF SUCH INDIVIDUAL WAS ACTING IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE FACTS OF THE MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED IN THE REASONABLE BELIEF THAT THE ACTION TAKEN BY HIM OR HER WAS~~

WARRANTED BY THE FACTS. ANY PERSON PARTICIPATING IN GOOD FAITH IN LODGING A COMPLAINT OR PARTICIPATING IN ANY INVESTIGATIVE OR ADMINISTRATIVE PROCEEDING PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM ANY CIVIL OR CRIMINAL LIABILITY THAT MAY RESULT FROM SUCH PARTICIPATION.

SECTION • 12-41-112 (4) and (5), Colorado Revised Statutes, are amended to read:

12-41-112. ~~Expiration and renewal of licenses. (4) If any licensee fails to renew such license prior to its expiration date, the license shall automatically expire. A physical therapist formerly licensed in this state may reinstate a license that has expired. Such reinstatement shall only occur during the five-year period following such license expiration. Reinstatement shall require the submission of an application in the form and manner designated by the director and the payment of a fee in an amount determined by the director. LICENSES SHALL BE RENEWED OR REINSTATED PURSUANT TO A SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES, AND A LICENSE SHALL BE RENEWED OR REINSTATED PURSUANT TO SECTION 24-34-102 (8), C.R.S. THE DIRECTOR OF THE DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES MAY ESTABLISH RENEWAL FEES AND DELINQUENCY FEES FOR REINSTATEMENT PURSUANT TO SECTION 24-34-105, C.R.S.~~

(5) ~~A physical therapist formerly licensed in this state who practiced physical therapy for more than two years may reinstate a license if such license expired more than five years prior to the application date by demonstrating~~

~~competency in the practice of physical therapy to the director or by successfully completing an internship as required by the director. The director may also require such former licensee to take the examination administered pursuant to section 12-41-107 (2).~~

SECTION • 12-41-116 (2), Colorado Revised Statutes, is amended to read:

~~12-41-116. Disciplinary actions. (2) (a) When a complaint or an investigation discloses an instance of misconduct by a licensee which, in the opinion of the director, does not warrant formal action but which should not be dismissed as being without merit, the director may issue a letter of admonition to be sent by certified mail to such licensee, with a copy thereof to the person making the complaint. When such a letter of admonition is issued, the licensee shall be advised that such licensee has the right to request in writing, within twenty days after proven receipt of the letter, that formal disciplinary proceedings be initiated to adjudicate the propriety of the conduct upon which the letter of admonition is based. If such request is timely made, the letter of admonition shall be deemed vacated, and the matter shall be processed by means of formal disciplinary proceedings.~~ WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE DIRECTOR, DOES NOT WARRANT FORMAL ACTION BY THE DIRECTOR BUT THAT SHOULD NOT BE DISMISSED AS BEING WITHOUT MERIT, A LETTER OF ADMONITION MAY BE ISSUED AND SENT, BY CERTIFIED MAIL, TO THE LICENSEE.

(b) WHEN A LETTER OF ADMONITION IS SENT BY THE DIRECTOR, BY CERTIFIED MAIL, TO A LICENSEE, SUCH LICENSEE SHALL BE ADVISED THAT HE OR SHE HAS THE RIGHT TO REQUEST IN WRITING, WITHIN THIRTY DAYS AFTER THE DATE ON WHICH THE LETTER WAS MAILED, THAT FORMAL DISCIPLINARY PROCEEDINGS BE INITIATED TO ADJUDICATE THE PROPRIETY OF THE CONDUCT UPON WHICH THE LETTER OF ADMONITION IS BASED.

(c) IF THE REQUEST FOR ADJUDICATION IS TIMELY MADE, THE LETTER OF ADMONITION SHALL BE DEEMED VACATED AND THE MATTER SHALL BE PROCESSED BY MEANS OF FORMAL DISCIPLINARY PROCEEDINGS.

SECTION • 12-41-117 (4), (5), and (7), Colorado Revised Statutes, are amended to read:

~~12-41-117. Disciplinary proceedings - investigations - judicial review. (4) The director may compel the attendance of witnesses and the production of books, patient records, papers, and other pertinent documents at any proceeding authorized under this article by subpoenas issued by the director, which shall be served in the manner provided by the Colorado rules of civil procedure.~~

(5) (a) ~~In order to aid the director in any hearing or investigation instituted pursuant to this section, The director shall have the power to issue subpoenas compelling production of copies of any records of patients or the physical therapist containing information relevant to the hearing or investigation~~ OR AN ADMINISTRATIVE LAW JUDGE SHALL HAVE THE POWER TO ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AND THE PRODUCTION

OF ALL NECESSARY PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, AND MATERIALS IN ANY HEARING, INVESTIGATION, ACCUSATION, OR OTHER MATTER COMING BEFORE THE DIRECTOR PURSUANT TO THIS ARTICLE. THE DIRECTOR MAY APPOINT AN ADMINISTRATIVE LAW JUDGE PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., TO TAKE EVIDENCE AND TO MAKE FINDINGS AND REPORT THEM TO THE DIRECTOR.

(b) UPON FAILURE OF ANY WITNESS TO COMPLY WITH SUCH SUBPOENA OR PROCESS, THE DIRECTOR MAY PETITION THE DISTRICT COURT IN THE COUNTY IN WHICH THE PROCEEDING IS PENDING, SETTING FORTH THAT DUE NOTICE HAS BEEN GIVEN OF THE TIME AND PLACE OF ATTENDANCE OF THE WITNESS AND THE SERVICE OF THE SUBPOENA, IN WHICH EVENT THE DISTRICT COURT, AFTER HEARING EVIDENCE IN SUPPORT OF OR CONTRARY TO THE PETITION, MAY ENTER AN ORDER AS IN OTHER CIVIL ACTIONS COMPELLING THE WITNESS TO ATTEND AND TESTIFY OR PRODUCE BOOKS, RECORDS, OR OTHER EVIDENCE.

(7) (a) THE DIRECTOR, THE DIRECTOR'S STAFF, ANY PERSON ACTING AS A WITNESS OR CONSULTANT TO THE DIRECTOR, ANY WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS ARTICLE, AND ANY PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM LIABILITY IN ANY CIVIL ACTION BROUGHT AGAINST HIM OR HER FOR ACTS OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS DIRECTOR, STAFF, CONSULTANT, OR WITNESS, RESPECTIVELY, IF SUCH INDIVIDUAL WAS ACTING IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE FACTS OF THE MATTER AS TO WHICH

HE OR SHE ACTED, AND ACTED IN THE REASONABLE BELIEF THAT THE ACTION TAKEN BY HIM OR HER WAS WARRANTED BY THE FACTS.

(b) Any person participating in good faith in the making of a complaint or report or participating in any investigative or administrative proceeding pursuant to this section shall be immune from any liability, civil or criminal, that otherwise might result by reason of such action PARTICIPATION.

SECTION • 12-41-119 (3), Colorado Revised Statutes, is amended to read:

12-41-119. Professional review committees - immunity. (3) ~~The director, any member of a professional review committee authorized by the director or authorized pursuant to paragraph (b) of subsection (1) of this section, and any witness appearing before the director or any such professional review committee shall be immune from suit in any civil action brought by a licensee who is the subject of a professional review proceeding under these conditions: The director, any such member, or such witness acts in good faith and within the scope of the professional review, makes a reasonable effort to obtain the facts of the matter as to which he acts, and acts in the reasonable belief that the action taken by him is warranted by the facts.~~ THE DIRECTOR, ANY MEMBER OF A PROFESSIONAL REVIEW COMMITTEE AUTHORIZED BY THE DIRECTOR, ANY MEMBER OF THE DIRECTOR'S OR COMMITTEE'S STAFF, ANY PERSON ACTING AS A WITNESS OR CONSULTANT TO THE DIRECTOR OR COMMITTEE, ANY WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS ARTICLE, AND ANY PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM LIABILITY IN ANY CIVIL ACTION BROUGHT AGAINST HIM OR HER

FOR ACTS OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS DIRECTOR OR COMMITTEE MEMBER, STAFF, CONSULTANT, OR WITNESS, RESPECTIVELY, IF SUCH INDIVIDUAL WAS ACTING IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE FACTS OF THE MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED IN THE REASONABLE BELIEF THAT THE ACTION TAKEN BY HIM OR HER WAS WARRANTED BY THE FACTS. ANY PERSON PARTICIPATING IN GOOD FAITH IN LODGING A COMPLAINT OR PARTICIPATING IN ANY INVESTIGATIVE OR ADMINISTRATIVE PROCEEDING PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM ANY CIVIL OR CRIMINAL LIABILITY THAT MAY RESULT FROM SUCH PARTICIPATION.

SECTION • 12-41-125 (2) (c), Colorado Revised Statutes, is amended to read:

12-41-125. Powers and duties of director - reports - publications.

(2) In addition to any other powers and duties given the director by this article, the director shall have the following powers and duties:

(c) (I) To conduct hearings upon charges for discipline of a licensee ~~issue subpoenas, compel attendance of witnesses, compel the production of books, records, papers, and documents, administer oaths to persons giving testimony at hearings,~~ and cause the prosecution and enjoinder of all persons violating this article;

(II) TO ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AND THE PRODUCTION OF ALL NECESSARY PAPERS, BOOKS, RECORDS, DOCUMENTARY

EVIDENCE, AND MATERIALS IN ANY HEARING, INVESTIGATION, ACCUSATION, OR OTHER MATTER COMING BEFORE THE DIRECTOR. THE DIRECTOR MAY APPOINT AN ADMINISTRATIVE LAW JUDGE PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., TO TAKE EVIDENCE AND TO MAKE FINDINGS AND REPORT THEM TO THE DIRECTOR.

(III) UPON FAILURE OF ANY WITNESS TO COMPLY WITH SUCH SUBPOENA OR PROCESS, THE DIRECTOR MAY PETITION THE DISTRICT COURT IN THE COUNTY IN WHICH THE PROCEEDING IS PENDING, SETTING FORTH THAT DUE NOTICE HAS BEEN GIVEN OF THE TIME AND PLACE OF ATTENDANCE OF THE WITNESS AND THE SERVICE OF THE SUBPOENA, IN WHICH EVENT THE DISTRICT COURT, AFTER HEARING EVIDENCE IN SUPPORT OF OR CONTRARY TO THE PETITION, MAY ENTER AN ORDER AS IN OTHER CIVIL ACTIONS COMPELLING THE WITNESS TO ATTEND AND TESTIFY OR PRODUCE BOOKS, RECORDS, OR OTHER EVIDENCE.

SECTION • 12-41.5-107 (2) and (3), Colorado Revised Statutes, are amended to read:

12-41.5-107. Renewal of license. (2) Upon receipt of the completed renewal form and the renewal fee, the director shall issue a license for the current renewal period PURSUANT TO A SCHEDULE ESTABLISHED BY THE DIRECTOR, AND SUCH RENEWAL OR REINSTATEMENT SHALL BE GRANTED PURSUANT TO SECTION 24-34-102 (8), C.R.S. THE DIRECTOR MAY ESTABLISH RENEWAL FEES AND DELINQUENCY FEES FOR REINSTATEMENT PURSUANT TO SECTION 24-34-105, C.R.S. IF A PERSON FAILS TO RENEW HIS OR HER LICENSE PURSUANT TO THE SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION

OF REGISTRATIONS, SUCH LICENSE SHALL EXPIRE. ANY PERSON WHOSE LICENSE HAS EXPIRED SHALL BE SUBJECT TO THE PENALTIES PROVIDED IN THIS ARTICLE OR SECTION 24-34-102 (8), C.R.S.

(3) ~~The director may reinstate a lapsed or expired license upon payment of a renewal fee.~~

SECTION • 12-41.5-109 (5.5) (b) and (8), Colorado Revised Statutes, are amended, and the said 12-41.5-109 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

12-41.5-109. Grounds for action - disciplinary proceedings.

(5.5) (b) (I) In accordance with the provisions of article 4 of title 24, C.R.S., and this article, the director is authorized to investigate, hold hearings, and gather evidence in all matters related to the exercise and performance of the powers and duties of the director. ~~The director or an administrative law judge may subpoena witnesses, administer oaths, compel testimony of witnesses, and compel the production of books, papers, and records relevant to any inquiry or hearing. A subpoena issued pursuant to this paragraph (b) shall be enforceable by the district court of any judicial district in Colorado in accordance with section 24-4-105 (5), C.R.S.~~

(II) THE DIRECTOR OR AN ADMINISTRATIVE LAW JUDGE SHALL HAVE THE POWER TO ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AND THE PRODUCTION OF ALL NECESSARY PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, AND MATERIALS IN ANY HEARING, INVESTIGATION, ACCUSATION, OR OTHER MATTER COMING BEFORE THE BOARD. THE DIRECTOR MAY APPOINT

AN ADMINISTRATIVE LAW JUDGE PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., TO TAKE EVIDENCE AND TO MAKE FINDINGS AND REPORT THEM TO THE DIRECTOR.

(III) UPON FAILURE OF ANY WITNESS TO COMPLY WITH SUCH SUBPOENA OR PROCESS, THE DIRECTOR MAY PETITION THE DISTRICT COURT IN THE COUNTY IN WHICH THE PROCEEDING IS PENDING, SETTING FORTH THAT DUE NOTICE HAS BEEN GIVEN OF THE TIME AND PLACE OF ATTENDANCE OF THE WITNESS AND THE SERVICE OF THE SUBPOENA, IN WHICH EVENT THE DISTRICT COURT, AFTER HEARING EVIDENCE IN SUPPORT OF OR CONTRARY TO THE PETITION, MAY ENTER AN ORDER AS IN OTHER CIVIL ACTIONS COMPELLING THE WITNESS TO ATTEND AND TESTIFY OR PRODUCE BOOKS, RECORDS, OR OTHER EVIDENCE.

(8) (a) THE DIRECTOR, THE DIRECTOR'S STAFF, ANY PERSON ACTING AS A WITNESS OR CONSULTANT TO THE DIRECTOR, ANY WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS ARTICLE, AND ANY PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM LIABILITY IN ANY CIVIL ACTION BROUGHT AGAINST HIM OR HER FOR ACTS OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS DIRECTOR, STAFF, CONSULTANT, OR WITNESS, RESPECTIVELY, IF SUCH INDIVIDUAL WAS ACTING IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE FACTS OF THE MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED IN THE REASONABLE BELIEF THAT THE ACTION TAKEN BY HIM OR HER WAS WARRANTED BY THE FACTS.

(b) A person who in good faith makes a complaint or report or participates in an investigative or administrative proceeding pursuant to this article shall be immune from liability, civil or criminal, that otherwise might result from such action PARTICIPATION.

(11) (a) WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE DIRECTOR, DOES NOT WARRANT FORMAL ACTION BY THE DIRECTOR BUT THAT SHOULD NOT BE DISMISSED AS BEING WITHOUT MERIT, A LETTER OF ADMONITION MAY BE ISSUED AND SENT, BY CERTIFIED MAIL, TO THE LICENSEE.

(b) WHEN A LETTER OF ADMONITION IS SENT BY THE DIRECTOR, BY CERTIFIED MAIL, TO A LICENSEE, SUCH LICENSEE SHALL BE ADVISED THAT HE OR SHE HAS THE RIGHT TO REQUEST IN WRITING, WITHIN THIRTY DAYS AFTER THE DATE ON WHICH THE LETTER WAS MAILED, THAT FORMAL DISCIPLINARY PROCEEDINGS BE INITIATED TO ADJUDICATE THE PROPRIETY OF THE CONDUCT UPON WHICH THE LETTER OF ADMONITION IS BASED.

(c) IF THE REQUEST FOR ADJUDICATION IS TIMELY MADE, THE LETTER OF ADMONITION SHALL BE DEEMED VACATED AND THE MATTER SHALL BE PROCESSED BY MEANS OF FORMAL DISCIPLINARY PROCEEDINGS.

SECTION • 12-42-110, Colorado Revised Statutes, is amended to read:

12-42-110. Disposition of fees. All fees and fines collected by the board under the provisions of this article shall be transmitted to the state treasurer, who shall credit the same pursuant to section 24-34-105, C.R.S.

SECTION • 12-42-112 (1) and (2), Colorado Revised Statutes, are amended to read:

12-42-112. Renewal of license. (1) To renew a license issued pursuant to this article, a licensee shall submit an application for renewal on a form prescribed by the board and pay a fee in an amount set by the board in accordance with section 24-34-105, C.R.S. ~~Upon receipt by the board of a completed application and the requisite fee, the board shall issue a certificate of renewal of licensure. No more than one renewal fee shall be assessed or collected in conjunction with the submittal of an application for license renewal~~ PURSUANT TO A SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES, AND THE LICENSE SHALL BE RENEWED OR REINSTATED PURSUANT TO SECTION 24-34-102 (8), C.R.S. THE DIRECTOR OF THE DIVISION OF REGISTRATIONS MAY ESTABLISH RENEWAL FEES AND DELINQUENCY FEES FOR REINSTATEMENT PURSUANT TO SECTION 24-34-105, C.R.S. IF A PERSON FAILS TO RENEW HIS OR HER LICENSE PURSUANT TO THE SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS, SUCH LICENSE SHALL EXPIRE. ANY PERSON WHOSE LICENSE HAS EXPIRED SHALL BE SUBJECT TO THE PENALTIES PROVIDED IN THIS ARTICLE OR SECTION 24-34-102 (8), C.R.S.

(2) ~~If any person fails to renew his license by June 30 such license shall lapse. Such person may be reinstated by the board, and the license may be revalidated on satisfactory explanation of such failure and on payment of a reinstatement fee established pursuant to section 24-34-105, C.R.S. Any person practicing as a psychiatric technician whose license has lapsed or is not in full~~

~~force and effect at such time shall be subject to the penalties provided in this article as an illegal practitioner.~~

SECTION • 12-42-115.5 (2), Colorado Revised Statutes, is amended to read:

~~12-42-115.5. Immunity in professional review. (2) Any member of the board or a professional review committee authorized by the board, and any witness appearing before the board or such professional review committee shall be immune from suit in any civil action brought by a licensee who is the subject of a professional review proceeding if such member, or witness, acts in good faith within the scope of the function of the board or such committee, has made a reasonable effort to obtain the facts of the matter as to which he acts, and acts in the reasonable belief that the action taken by him is warranted by the facts.~~ ANY MEMBER OF THE BOARD OR OF A PROFESSIONAL REVIEW COMMITTEE, ANY MEMBER OF THE BOARD'S OR COMMITTEE'S STAFF, ANY PERSON ACTING AS A WITNESS OR CONSULTANT TO THE BOARD OR COMMITTEE, ANY WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS ARTICLE, AND ANY PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM LIABILITY IN ANY CIVIL ACTION BROUGHT AGAINST HIM OR HER FOR ACTS OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS BOARD OR COMMITTEE MEMBER, STAFF, CONSULTANT, OR WITNESS, RESPECTIVELY, IF SUCH INDIVIDUAL WAS ACTING IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE FACTS OF THE MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED IN THE REASONABLE BELIEF THAT THE ACTION

TAKEN BY HIM OR HER WAS WARRANTED BY THE FACTS. ANY PERSON PARTICIPATING IN GOOD FAITH IN LODGING A COMPLAINT OR PARTICIPATING IN ANY INVESTIGATIVE OR ADMINISTRATIVE PROCEEDING PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM ANY CIVIL OR CRIMINAL LIABILITY THAT MAY RESULT FROM SUCH PARTICIPATION.

SECTION • 12-43-203 (7) (a) and (11) (b), Colorado Revised Statutes, are amended to read:

~~12-43-203. Boards - meetings - duties - powers - removal of members - immunity. (7) (a) Members of each board, and consultants to the board, including members of any advisory committee, shall be immune from suit in any action civil or criminal, for official acts performed in good faith as members of such committee or board or as consultants to such board.~~ ANY MEMBER OF A BOARD OR OF A PROFESSIONAL REVIEW COMMITTEE AUTHORIZED BY A BOARD, ANY MEMBER OF STAFF TO A BOARD OR COMMITTEE, ANY PERSON ACTING AS A WITNESS OR CONSULTANT TO A BOARD OR COMMITTEE, ANY WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS ARTICLE, AND ANY PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM LIABILITY IN ANY CIVIL ACTION BROUGHT AGAINST HIM OR HER FOR ACTS OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS BOARD OR COMMITTEE MEMBER, STAFF, CONSULTANT, OR WITNESS, RESPECTIVELY, IF SUCH INDIVIDUAL WAS ACTING IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE FACTS OF THE MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED IN THE REASONABLE BELIEF THAT THE ACTION TAKEN BY HIM OR HER WAS

WARRANTED BY THE FACTS. ANY PERSON PARTICIPATING IN GOOD FAITH IN LODGING A COMPLAINT OR PARTICIPATING IN ANY INVESTIGATIVE OR ADMINISTRATIVE PROCEEDING PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM ANY CIVIL OR CRIMINAL LIABILITY THAT MAY RESULT FROM SUCH PARTICIPATION.

(11) (b) ~~Any member of the professional review committee, and any witness appearing before such professional review committee shall be immune from suit in any civil action brought by the licensed, registered, or regulated person who is the subject of a professional review proceeding if such member, or witness, acts in good faith within the scope of the function of such committee, has made a reasonable effort to obtain the facts of the matter as to which he or she acts, and acts in the reasonable belief that the action taken by him or her is warranted by the facts.~~

SECTION • 12-43-204 (3) and (4), Colorado Revised Statutes, are amended to read:

12-43-204. Fees - renewal. (3) Every person licensed or registered to practice psychology, social work, marriage and family therapy, or professional counseling, or listed in the state grievance board data base, within the state shall pay a renewal fee to be determined pursuant to section 24-34-105, C.R.S., and shall submit a renewal application upon a form prescribed by each board and shall receive therefor a renewal certificate, if qualified, authorizing such person to continue to practice in this state. No fee received from licensees, registrants, or unlicensed psychotherapists seeking renewal shall be refunded. Each board shall establish renewal fees and

~~schedules subject to the provisions of section 24-34-102 (8), C.R.S.~~ RENEW OR REINSTATE HIS OR HER LICENSE, CERTIFICATION, OR REGISTRATION PURSUANT TO A SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES, AND LICENSES, CERTIFICATIONS, AND REGISTRATIONS SHALL BE RENEWED OR REINSTATED PURSUANT TO SECTION 24-34-102 (8), C.R.S. THE DIRECTOR OF THE DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES MAY ESTABLISH RENEWAL FEES AND DELINQUENCY FEES FOR REINSTATEMENT PURSUANT TO SECTION 24-34-105, C.R.S. IF A PERSON FAILS TO RENEW HIS OR HER LICENSE, CERTIFICATION, OR REGISTRATION PURSUANT TO THE SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS, SUCH LICENSE, CERTIFICATION, OR REGISTRATION SHALL EXPIRE. ANY PERSON WHOSE LICENSE, CERTIFICATION, OR REGISTRATION HAS EXPIRED SHALL BE SUBJECT TO THE PENALTIES PROVIDED IN THIS ARTICLE OR SECTION 24-34-102 (8), C.R.S.

(4) ~~Any license or registration issued by a board or any listing in the state grievance board data base shall expire by operation of law for failure to timely renew such license, registration, or listing in the state grievance board data base. Upon compliance with this section and applicable rules and regulations regarding renewal, including the payment of a renewal fee plus a late payment fee established pursuant to section 24-34-105, C.R.S., the expired license, registration, or listing shall be reinstated, except that no license or registration to practice psychology, social work, marriage and family therapy, or professional counseling that has not been renewed for a period of time~~

~~greater than two years shall be reinstated upon application for reinstatement unless the applicant demonstrates continued professional competence to the board to which such applicant is applying for reinstatement.~~

SECTION • 12-43-221 (1) (b), Colorado Revised Statutes, is amended to read:

12-43-221. Powers and duties of the boards. (1) In addition to all other powers and duties conferred and imposed upon the boards, as defined in section 12-43-201 (1), by this article, each board has the following powers and duties with respect to the licensing, registration, and regulation of the persons licensed, registered, or listed by each individual board pursuant to part 3, 4, 5, 6, or 7 of this article:

(b) (I) To make investigations, hold hearings, and take evidence in accordance with the provisions of article 4 of title 24, C.R.S., and this article in all matters relating to the exercise and performance of the powers and duties vested in each board. ~~and, in connection with any investigation or hearing and through any member or an administrative law judge, to subpoena witnesses, administer oaths, and compel the testimony of witnesses and the production of books, papers, and records relevant to any inquiry or hearing. Any subpoena issued pursuant to this article shall be enforceable by the district court. Subpoenas issued on behalf of a board may be signed by such board's program administrator.~~

(II) EACH BOARD, OR AN ADMINISTRATIVE LAW JUDGE ACTING ON SUCH BOARD'S BEHALF, SHALL HAVE THE POWER TO ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE SUBPOENAS TO COMPEL THE

ATTENDANCE OF WITNESSES AND THE PRODUCTION OF ALL NECESSARY PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, AND MATERIALS IN ANY HEARING, INVESTIGATION, ACCUSATION, OR OTHER MATTER COMING BEFORE THE BOARD. EACH BOARD MAY APPOINT AN ADMINISTRATIVE LAW JUDGE PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., TO TAKE EVIDENCE AND TO MAKE FINDINGS AND REPORT THEM TO THE BOARD PURSUANT TO PARAGRAPH (e) OF THIS SUBSECTION (1).

(III) UPON FAILURE OF ANY WITNESS TO COMPLY WITH SUCH SUBPOENA OR PROCESS, THE BOARD ISSUING THE SUBPOENA MAY PETITION THE DISTRICT COURT IN THE COUNTY IN WHICH THE PROCEEDING IS PENDING, SETTING FORTH THAT DUE NOTICE HAS BEEN GIVEN OF THE TIME AND PLACE OF ATTENDANCE OF THE WITNESS AND THE SERVICE OF THE SUBPOENA, IN WHICH EVENT THE DISTRICT COURT, AFTER HEARING EVIDENCE IN SUPPORT OF OR CONTRARY TO THE PETITION, MAY ENTER AN ORDER AS IN OTHER CIVIL ACTIONS COMPELLING THE WITNESS TO ATTEND AND TESTIFY OR PRODUCE BOOKS, RECORDS, OR OTHER EVIDENCE.

SECTION • 12-43-224 (3) (d), Colorado Revised Statutes, is amended to read:

12-43-224. Disciplinary proceedings - judicial review - mental and physical examinations - multiple licenses. (3) Disciplinary actions may consist of the following:

(d) (I) ~~Issuance of letters of admonition. Such letters shall be sent by certified mail to the licensee, registrant, or unlicensed psychotherapist against whom a complaint was made. The letter shall advise the licensee,~~

~~registrant, or unlicensed psychotherapist that he or she may, within twenty days after receipt of the letter, make a written request to the board that issued the letter to institute formal disciplinary proceedings in order to formally adjudicate the conduct or acts on which the letter was based.~~ WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE BOARD, DOES NOT WARRANT FORMAL ACTION BY THE BOARD BUT THAT SHOULD NOT BE DISMISSED AS BEING WITHOUT MERIT, A LETTER OF ADMONITION MAY BE ISSUED AND SENT, BY CERTIFIED MAIL, TO THE LICENSEE, CERTIFICATE HOLDER, OR REGISTRANT.

(II) WHEN A LETTER OF ADMONITION IS SENT BY THE BOARD, BY CERTIFIED MAIL, TO A LICENSEE, CERTIFICATE HOLDER, OR REGISTRANT, SUCH LICENSEE, CERTIFICATE HOLDER, OR REGISTRANT SHALL BE ADVISED THAT HE OR SHE HAS THE RIGHT TO REQUEST IN WRITING, WITHIN THIRTY DAYS AFTER THE DATE ON WHICH THE LETTER WAS MAILED, THAT FORMAL DISCIPLINARY PROCEEDINGS BE INITIATED TO ADJUDICATE THE PROPRIETY OF THE CONDUCT UPON WHICH THE LETTER OF ADMONITION IS BASED.

(III) IF THE REQUEST FOR ADJUDICATION IS TIMELY MADE, THE LETTER OF ADMONITION SHALL BE DEEMED VACATED AND THE MATTER SHALL BE PROCESSED BY MEANS OF FORMAL DISCIPLINARY PROCEEDINGS.

SECTION • 12-43-302 (6), Colorado Revised Statutes, is amended to read:

12-43-302. State board of psychologist examiners. (6) Each board member shall receive a board certificate of appointment from the governor, and, before entering on the discharge of his or her duties and within thirty days

~~after the effective date of appointment. the board member shall subscribe to an oath for the faithful performance of his or her official duties before any officer authorized to administer oaths in this state and shall file the same with the secretary of state.~~

SECTION • 12-43-402 (6), Colorado Revised Statutes, is amended to read:

12-43-402. State board of social work examiners. (6) Each board member shall receive a certificate of appointment from the governor, and, before entering on the discharge of his or her duties and within thirty days after the effective date of appointment. ~~the board member shall subscribe to an oath for the faithful performance of his or her official duties before any officer authorized to administer oaths in this state and shall file the same with the secretary of state.~~

SECTION • 12-43-502 (6), Colorado Revised Statutes, is amended to read:

12-43-502. State board of marriage and family therapist examiners. (6) Each board member shall receive a certificate of appointment from the governor, and, before entering on the discharge of his or her duties and within thirty days after the effective date of appointment. ~~the board member shall subscribe to an oath for the faithful performance of his or her official duties before any officer authorized to administer oaths in this state and shall file the same with the secretary of state.~~

SECTION • 12-43-602 (6), Colorado Revised Statutes, is amended to read:

12-43-602. State board of licensed professional counselor examiners. (6) Each board member shall receive a certificate of appointment from the governor, and, before entering on the discharge of his or her duties and within thirty days after the effective date of appointment. ~~the board member shall subscribe to an oath for the faithful performance of his or her official duties before any officer authorized to administer oaths in this state and shall file the same with the secretary of state.~~

SECTION • 12-55.5-104 (1) (b), Colorado Revised Statutes, is amended to read:

12-55.5-104. Powers and duties of the director. (1) In addition to all other powers and duties conferred or imposed upon the director by this article or by any other law, the director:

(b) (I) ~~To aid in any hearing or investigation instituted pursuant to this article, shall have the power to issue subpoenas to compel the attendance and testimony of witnesses and the production of books, client records, and papers and shall also have the power to issue subpoenas commanding the production of copies of any records containing information relevant to the outfitting activities of any outfitter;~~ TO ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AND THE PRODUCTION OF ALL NECESSARY PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, AND MATERIALS IN ANY HEARING, INVESTIGATION, ACCUSATION, OR OTHER MATTER COMING BEFORE THE BOARD. THE DIRECTOR MAY APPOINT AN ADMINISTRATIVE LAW JUDGE PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., TO PERFORM THE

FUNCTIONS OF THIS SUBPARAGRAPH (I) AND TO TAKE EVIDENCE AND TO MAKE FINDINGS AND REPORT THEM TO THE DIRECTOR.

(II) UPON FAILURE OF ANY WITNESS TO COMPLY WITH SUCH SUBPOENA OR PROCESS, THE DIRECTOR MAY PETITION THE DISTRICT COURT IN THE COUNTY IN WHICH THE PROCEEDING IS PENDING, SETTING FORTH THAT DUE NOTICE HAS BEEN GIVEN OF THE TIME AND PLACE OF ATTENDANCE OF THE WITNESS AND THE SERVICE OF THE SUBPOENA, IN WHICH EVENT THE DISTRICT COURT, AFTER HEARING EVIDENCE IN SUPPORT OF OR CONTRARY TO THE PETITION, MAY ENTER AN ORDER AS IN OTHER CIVIL ACTIONS COMPELLING THE WITNESS TO ATTEND AND TESTIFY OR PRODUCE BOOKS, RECORDS, OR OTHER EVIDENCE.

SECTION • 12-55.5-105, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

12-55.5-105. Issuance of certificate of registration - violations.

(5) RENEWALS AND REINSTATEMENT OF CERTIFICATES SHALL BE PURSUANT TO A SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES AND SHALL BE RENEWED OR REINSTATED PURSUANT TO SECTION 24-34-102 (8), C.R.S. THE DIRECTOR OF THE DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES MAY ESTABLISH RENEWAL FEES AND DELINQUENCY FEES FOR REINSTATEMENT PURSUANT TO SECTION 24-34-105, C.R.S. IF A PERSON FAILS TO RENEW HIS OR HER CERTIFICATION PURSUANT TO THE SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS, SUCH CERTIFICATE SHALL EXPIRE. ANY PERSON WHOSE

CERTIFICATE HAS EXPIRED SHALL BE SUBJECT TO THE PENALTIES PROVIDED IN THIS ARTICLE OR SECTION 24-34-102 (8), C.R.S.

SECTION • 12-55.5-106 (3), Colorado Revised Statutes, is amended to read:

12-55.5-106. Disciplinary actions - grounds for discipline.

~~(3) (a) When a complaint or an investigation discloses a violation of this article which, in the opinion of the director, does not warrant formal action but which should not be dismissed as being without merit, a letter of admonition may be sent by certified mail to the outfitter against whom a complaint was made, and a copy thereof to the person making the complaint, but, when a letter of admonition is sent by certified mail by the director to an outfitter complained against, such outfitter shall be advised that he has the right to request in writing, within twenty days after proven receipt of the letter, that formal disciplinary proceedings be initiated against him to adjudicate the propriety of the conduct upon which the letter of admonition is based. If such request is timely made, the letter of admonition shall be deemed vacated, and the matter shall be processed by means of formal disciplinary proceedings.~~

WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE DIRECTOR, DOES NOT WARRANT FORMAL ACTION BY THE DIRECTOR BUT THAT SHOULD NOT BE DISMISSED AS BEING WITHOUT MERIT, A LETTER OF ADMONITION MAY BE ISSUED AND SENT, BY CERTIFIED MAIL, TO THE REGISTRANT.

(b) WHEN A LETTER OF ADMONITION IS SENT BY THE DIRECTOR, BY CERTIFIED MAIL, TO A REGISTRANT, SUCH REGISTRANT SHALL BE ADVISED

THAT HE OR SHE HAS THE RIGHT TO REQUEST IN WRITING, WITHIN THIRTY DAYS AFTER THE DATE ON WHICH THE LETTER WAS MAILED, THAT FORMAL DISCIPLINARY PROCEEDINGS BE INITIATED TO ADJUDICATE THE PROPRIETY OF THE CONDUCT UPON WHICH THE LETTER OF ADMONITION IS BASED.

(c) IF THE REQUEST FOR ADJUDICATION IS TIMELY MADE, THE LETTER OF ADMONITION SHALL BE DEEMED VACATED AND THE MATTER SHALL BE PROCESSED BY MEANS OF FORMAL DISCIPLINARY PROCEEDINGS.

SECTION • 12-55.5-112, Colorado Revised Statutes, is amended to read:

12-55.5-112. Immunity. ~~Any person acting as a consultant to the director, any witness testifying in a proceeding authorized under this article, and any person who lodges a complaint pursuant to this article shall be immune from liability in any civil action brought against him for acts occurring while acting in his capacity as a consultant, witness, or complainant, respectively, if such individual was acting in good faith within the scope of his respective capacity, made a reasonable effort to obtain the facts of the matter as to which he acted, and acted in the reasonable belief that the action taken by him was warranted by the facts.~~ THE DIRECTOR, THE DIRECTOR'S STAFF, ANY PERSON ACTING AS A WITNESS OR CONSULTANT TO THE DIRECTOR, ANY WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS ARTICLE, AND ANY PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM LIABILITY IN ANY CIVIL ACTION BROUGHT AGAINST HIM OR HER FOR ACTS OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS DIRECTOR, STAFF, CONSULTANT, OR WITNESS, RESPECTIVELY, IF SUCH INDIVIDUAL WAS

ACTING IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE FACTS OF THE MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED IN THE REASONABLE BELIEF THAT THE ACTION TAKEN BY HIM OR HER WAS WARRANTED BY THE FACTS. ANY PERSON PARTICIPATING IN GOOD FAITH IN LODGING A COMPLAINT OR PARTICIPATING IN ANY INVESTIGATIVE OR ADMINISTRATIVE PROCEEDING PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM ANY CIVIL OR CRIMINAL LIABILITY THAT MAY RESULT FROM SUCH PARTICIPATION.

SECTION • 12-58-104 (1) (g), Colorado Revised Statutes, is amended to read:

12-58-104. Powers of board. (1) In addition to all other powers and duties conferred or imposed upon the board by this article, the board is authorized and empowered to:

(g) (I) ~~Subpoena records and documents and compel the attendance of witnesses pursuant to an investigation or a hearing of the board;~~ ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AND THE PRODUCTION OF ALL NECESSARY PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, AND MATERIALS IN ANY HEARING, INVESTIGATION, ACCUSATION, OR OTHER MATTER COMING BEFORE THE BOARD. THE BOARD MAY APPOINT AN ADMINISTRATIVE LAW JUDGE PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., TO PERFORM THE FUNCTIONS OF THIS PARAGRAPH (g) AND TO TAKE EVIDENCE AND TO MAKE FINDINGS AND REPORT THEM TO THE BOARD.

(II) UPON FAILURE OF ANY WITNESS TO COMPLY WITH SUCH SUBPOENA OR PROCESS, THE BOARD MAY PETITION THE DISTRICT COURT IN THE COUNTY IN WHICH THE PROCEEDING IS PENDING, SETTING FORTH THAT DUE NOTICE HAS BEEN GIVEN OF THE TIME AND PLACE OF ATTENDANCE OF THE WITNESS AND THE SERVICE OF THE SUBPOENA, IN WHICH EVENT THE DISTRICT COURT, AFTER HEARING EVIDENCE IN SUPPORT OF OR CONTRARY TO THE PETITION, MAY ENTER AN ORDER AS IN OTHER CIVIL ACTIONS COMPELLING THE WITNESS TO ATTEND AND TESTIFY OR PRODUCE BOOKS, RECORDS, OR OTHER EVIDENCE.

SECTION • 12-58-108 (2), Colorado Revised Statutes, is amended to read:

12-58-108. License renewal - reinstatement. (2) Any license that has lapsed shall be deemed to have expired. Prior to reinstatement, the board is authorized to require the licensee to demonstrate competency. ~~after two years if the board determines that such a showing is necessary and to require the payment of the appropriate fee.~~ LICENSES SHALL BE RENEWED OR REINSTATED PURSUANT TO A SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES AND PURSUANT TO SECTION 24-34-102 (8), C.R.S. THE DIRECTOR OF THE DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES MAY ESTABLISH RENEWAL FEES AND DELINQUENCY FEES FOR REINSTATEMENT PURSUANT TO SECTION 24-34-105, C.R.S. IF A PERSON FAILS TO RENEW HIS OR HER LICENSE PURSUANT TO THE SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS, SUCH LICENSE SHALL EXPIRE. ANY PERSON

WHOSE LICENSE HAS EXPIRED SHALL BE SUBJECT TO THE PENALTIES PROVIDED IN THIS ARTICLE OR SECTION 24-34-102 (8), C.R.S.

SECTION • 12-58-110 (2), Colorado Revised Statutes, is amended to read:

12-58-110. Disciplinary action by board - licenses or registrations denied, suspended, or revoked - cease and desist orders. (2) (a) ~~When a complaint or an investigation discloses an instance of misconduct that, in the opinion of the board, does not warrant formal action by the board but which should not be dismissed as being without merit, a letter of admonition may be sent by certified mail to the licensee or registrant against whom a complaint was made, and a copy thereof to the person making the complaint, but when the board sends a letter of admonition by certified mail to a licensee or registrant complained against, such person shall be advised of such person's right to request in writing, within thirty days after the date on which the letter was mailed, that formal disciplinary proceedings be initiated against such person to adjudicate the propriety of the conduct upon which the letter of admonition is based. If such request is timely made, the letter of admonition shall be deemed vacated, and the matter shall be processed by means of formal disciplinary proceedings.~~ WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE BOARD, DOES NOT WARRANT FORMAL ACTION BY THE BOARD BUT THAT SHOULD NOT BE DISMISSED AS BEING WITHOUT MERIT, A LETTER OF ADMONITION MAY BE ISSUED AND SENT, BY CERTIFIED MAIL, TO THE LICENSEE.

(b) WHEN A LETTER OF ADMONITION IS SENT BY THE BOARD, BY CERTIFIED MAIL, TO A LICENSEE, SUCH LICENSEE SHALL BE ADVISED THAT HE OR SHE HAS THE RIGHT TO REQUEST IN WRITING, WITHIN THIRTY DAYS AFTER THE DATE ON WHICH THE LETTER WAS MAILED, THAT FORMAL DISCIPLINARY PROCEEDINGS BE INITIATED TO ADJUDICATE THE PROPRIETY OF THE CONDUCT UPON WHICH THE LETTER OF ADMONITION IS BASED.

(c) IF THE REQUEST FOR ADJUDICATION IS TIMELY MADE, THE LETTER OF ADMONITION SHALL BE DEEMED VACATED AND THE MATTER SHALL BE PROCESSED BY MEANS OF FORMAL DISCIPLINARY PROCEEDINGS.

SECTION • 12-58-110.3, Colorado Revised Statutes, is amended to read:

12-58-110.3. Immunity. ~~Any member of the board and any witness appearing before the board or in any criminal proceeding involving the person who is the subject of disciplinary action shall be immune from suit in any civil action brought by the person who is the subject of the disciplinary action if such member or witness acts in good faith. The immunity provided by this section shall also extend to any person, including consultants and complainants, participating in good faith in any investigative proceeding pursuant to this article.~~ ANY MEMBER OF THE BOARD, ANY MEMBER OF THE BOARD'S STAFF, ANY PERSON ACTING AS A WITNESS OR CONSULTANT TO THE BOARD, ANY WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS ARTICLE, AND ANY PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM LIABILITY IN ANY CIVIL ACTION BROUGHT AGAINST HIM OR HER FOR ACTS OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS BOARD

MEMBER, STAFF, CONSULTANT, OR WITNESS, RESPECTIVELY, IF SUCH INDIVIDUAL WAS ACTING IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE FACTS OF THE MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED IN THE REASONABLE BELIEF THAT THE ACTION TAKEN BY HIM OR HER WAS WARRANTED BY THE FACTS. ANY PERSON PARTICIPATING IN GOOD FAITH IN LODGING A COMPLAINT OR PARTICIPATING IN ANY INVESTIGATIVE OR ADMINISTRATIVE PROCEEDING PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM ANY CIVIL OR CRIMINAL LIABILITY THAT MAY RESULT FROM SUCH PARTICIPATION.

SECTION • 12-58-116.5, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

12-58-116.5. Violation - fines. (4) ANY ADMINISTRATIVE FINES COLLECTED PURSUANT TO THIS SECTION SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT SUCH FINES TO THE GENERAL FUND.

SECTION • 12-64-105 (8) and (9) (e), Colorado Revised Statutes, are amended to read:

12-64-105. Board of veterinary medicine. (8) All moneys collected or received by the board, EXCEPT AS PROVIDED IN SECTION 12-64-111 (4), shall be transmitted to the state treasurer, who shall credit the same pursuant to section 24-34-105, C.R.S., and the general assembly shall make annual appropriations pursuant to said section for the expenditures of the board incurred in the performance of its duties under this article, which expenditures

shall be made from such appropriations upon vouchers and warrants drawn pursuant to law.

(9) The board has the power to:

(e) (I) Conduct investigations; ~~subpoena witnesses, administer oaths, compel the testimony of witnesses under oath, compel the production of books, papers, and records relevant to any investigation or hearing, by subpoena duces tecum or otherwise. The sheriff of any county shall serve any subpoena or written order of the board in the same manner as process is served in civil actions and any subpoena issued pursuant to this paragraph (e) shall be enforceable by the district court.~~

(II) ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AND THE PRODUCTION OF ALL NECESSARY PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, AND MATERIALS IN ANY HEARING, INVESTIGATION, ACCUSATION, OR OTHER MATTER COMING BEFORE THE BOARD. THE BOARD MAY APPOINT AN ADMINISTRATIVE LAW JUDGE PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., TO TAKE EVIDENCE AND TO MAKE FINDINGS AND REPORT THEM TO THE BOARD PURSUANT TO PARAGRAPH (f) OF THIS SUBSECTION (9).

(III) UPON FAILURE OF ANY WITNESS TO COMPLY WITH SUCH SUBPOENA OR PROCESS, THE BOARD MAY PETITION THE DISTRICT COURT IN THE COUNTY IN WHICH THE PROCEEDING IS PENDING, SETTING FORTH THAT DUE NOTICE HAS BEEN GIVEN OF THE TIME AND PLACE OF ATTENDANCE OF THE WITNESS AND THE SERVICE OF THE SUBPOENA, IN WHICH EVENT THE DISTRICT COURT, AFTER HEARING EVIDENCE IN SUPPORT OF OR CONTRARY TO THE

PETITION, MAY ENTER AN ORDER AS IN OTHER CIVIL ACTIONS COMPELLING THE WITNESS TO ATTEND AND TESTIFY OR PRODUCE BOOKS, RECORDS, OR OTHER EVIDENCE.

SECTION • 12-64-105.5, Colorado Revised Statutes, is amended to read:

12-64-105.5. Immunity from civil process. ~~Any member of the board, any witness testifying in a proceeding authorized under this article, and any person who lodges a complaint pursuant to this article shall be immune from liability in any civil action brought against him for acts occurring while acting in his capacity as a board member, witness, or complainant, if such individual was acting in good faith within the scope of his respective capacity.~~

ANY MEMBER OF THE BOARD, ANY MEMBER OF THE BOARD'S STAFF, ANY PERSON ACTING AS A WITNESS OR CONSULTANT TO THE BOARD, ANY WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS ARTICLE, AND ANY PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM LIABILITY IN ANY CIVIL ACTION BROUGHT AGAINST HIM OR HER FOR ACTS OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS BOARD MEMBER, STAFF, CONSULTANT, OR WITNESS, RESPECTIVELY, IF SUCH INDIVIDUAL WAS ACTING IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE FACTS OF THE MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED IN THE REASONABLE BELIEF THAT THE ACTION TAKEN BY HIM OR HER WAS WARRANTED BY THE FACTS. ANY PERSON PARTICIPATING IN GOOD FAITH IN LODGING A COMPLAINT OR PARTICIPATING IN ANY INVESTIGATIVE OR

ADMINISTRATIVE PROCEEDING PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM ANY CIVIL OR CRIMINAL LIABILITY THAT MAY RESULT FROM SUCH PARTICIPATION.

SECTION • 12-64-111 (1.5) and (4), Colorado Revised Statutes, are amended to read:

12-64-111. Discipline of licensees. (1.5) (a) ~~When a complaint or an investigation discloses an instance of misconduct which, in the opinion of the board, does not warrant formal action but which should not be dismissed as being without merit, the board may send a letter of admonition to any licensed veterinarian. Such letter shall be sent to the veterinarian by certified mail, with a copy to the complainant, and shall advise such veterinarian that he or she may, within twenty days after receipt of the letter, make a written request to the board to institute a formal hearing pursuant to section 24-4-105 to determine the propriety of the alleged misconduct. If such request is timely made, the letter of admonition shall be deemed vacated, and the matter shall be processed by means of formal proceedings.~~ WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE BOARD, DOES NOT WARRANT FORMAL ACTION BY THE BOARD BUT THAT SHOULD NOT BE DISMISSED AS BEING WITHOUT MERIT, A LETTER OF ADMONITION MAY BE ISSUED AND SENT, BY CERTIFIED MAIL, TO THE LICENSEE.

(b) WHEN A LETTER OF ADMONITION IS SENT BY THE BOARD, BY CERTIFIED MAIL, TO A LICENSEE, SUCH LICENSEE SHALL BE ADVISED THAT HE OR SHE HAS THE RIGHT TO REQUEST IN WRITING, WITHIN THIRTY DAYS AFTER THE DATE ON WHICH THE LETTER WAS MAILED, THAT FORMAL DISCIPLINARY

PROCEEDINGS BE INITIATED TO ADJUDICATE THE PROPRIETY OF THE CONDUCT UPON WHICH THE LETTER OF ADMONITION IS BASED.

(c) IF THE REQUEST FOR ADJUDICATION IS TIMELY MADE, THE LETTER OF ADMONITION SHALL BE DEEMED VACATED AND THE MATTER SHALL BE PROCESSED BY MEANS OF FORMAL DISCIPLINARY PROCEEDINGS.

(4) In addition to any other penalty which THAT may be imposed pursuant to this section, any person violating any provision of this article or any rules or regulations promulgated pursuant to this article may be fined not less than one hundred dollars nor more than one thousand dollars for any such violation. ANY MONEYS COLLECTED PURSUANT TO THIS SUBSECTION (4) SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE MONEYS TO THE GENERAL FUND.

SECTION • 24-34-102 (8), Colorado Revised Statutes, is amended to read:

24-34-102. Division of registrations - creation - duties of division and department heads - definitions - license, registration, or certification renewal and reinstatement. (8) (a) **Renewal.** NOTWITHSTANDING any provision of the law to the contrary, ~~notwithstanding~~, the executive director of THE DIVISION OF REGISTRATIONS WITHIN the department of regulatory agencies, ~~upon the approval and recommendation of any examining or licensing board or commission in the division of registrations~~; HEREINAFTER REFERRED TO AS THE "DIRECTOR", may change the renewal date of any license, REGISTRATION, or certificate issued by such ~~examining or~~ licensing board or commission to the end that approximately the same number of certificates,

REGISTRATIONS, or licenses are scheduled for renewal in each month of the year. Where any renewal date is so changed, the fee for the license or certificate shall be proportionately increased or decreased, as the case may be. ANY CERTIFICATE, LICENSE, OR REGISTRATION SHALL BE VALID FOR A PERIOD OF NO LESS THAN ONE YEAR AND NO LONGER THAN THREE YEARS, AS DETERMINED BY THE DIRECTOR IN CONSULTATION WITH THE LICENSING BOARD OR COMMISSION WITHIN THE DIVISION OF REGISTRATIONS. AN APPLICATION FOR RENEWAL SHALL BE SUBMITTED TO THE LICENSING BOARD OR COMMISSION ON FORMS AND IN THE MANNER PRESCRIBED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS.

(b) THE DIRECTOR AND ANY LICENSING BOARD OR COMMISSION MAY PRESCRIBE RENEWAL REQUIREMENTS, WHICH SHALL INCLUDE COMPLIANCE WITH ANY CONTINUING EDUCATION REQUIREMENTS ADOPTED PURSUANT TO THE DIRECTOR'S, LICENSING BOARD'S, OR COMMISSION'S AUTHORITY.

(c) THE DIRECTOR SHALL ALLOW FOR A GRACE PERIOD FOR LICENSES, CERTIFICATES, AND REGISTRATIONS FROM LICENSING BOARDS OR COMMISSIONS WITHIN THE DIVISION OF REGISTRATIONS. A LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER SHALL HAVE A SIXTY-DAY GRACE PERIOD AFTER THE EXPIRATION OF HIS OR HER LICENSE, REGISTRATION, OR CERTIFICATE TO RENEW SUCH LICENSE, REGISTRATION, OR CERTIFICATE WITHOUT THE IMPOSITION OF A DISCIPLINARY SANCTION FOR PRACTICING ON AN EXPIRED LICENSE, REGISTRATION, OR CERTIFICATE BY THE DIRECTOR, LICENSING BOARD, OR COMMISSION FOR SUCH PROFESSION. THE LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER SHALL SATISFY ALL RENEWAL REQUIREMENTS PURSUANT

TO THE APPLICABLE PRACTICE ACT AND SHALL PAY A DELINQUENCY FEE IN AN AMOUNT DETERMINED PURSUANT TO SECTION 24-34-105.

(d) **Reinstatement.** A LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER WHO DOES NOT RENEW HIS OR HER LICENSE, REGISTRATION, OR CERTIFICATE WITHIN THE SIXTY-DAY GRACE PERIOD PURSUANT TO PARAGRAPH (c) OF THIS SUBSECTION (8) SHALL BE TREATED AS HAVING AN EXPIRED LICENSE, REGISTRATION, OR CERTIFICATE AND SHALL BE INELIGIBLE TO PRACTICE UNTIL SUCH LICENSE, REGISTRATION, OR CERTIFICATE IS REINSTATED. AN EXPIRED LICENSE, REGISTRATION, OR CERTIFICATE MAY BE REINSTATED AT THE DISCRETION OF THE DIRECTOR, LICENSING BOARD, OR COMMISSION PURSUANT TO THE FOLLOWING REQUIREMENTS:

(I) (A) AN APPLICATION FOR REINSTATEMENT OF THE LICENSE, REGISTRATION, OR CERTIFICATE IS SUBMITTED TO THE DIRECTOR, LICENSING BOARD, OR COMMISSION SIXTY DAYS AFTER THE DATE OF EXPIRATION AND THE LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER COMPLIES WITH ALL REQUIREMENTS OF THE APPLICABLE PRACTICE ACT.

(B) IF THE LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER PRACTICED WITH AN EXPIRED LICENSE, REGISTRATION, OR CERTIFICATE, THE DIRECTOR, LICENSING BOARD, OR COMMISSION MAY IMPOSE DISCIPLINARY ACTIONS AGAINST THE LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER.

(II) IF THE LICENSE, REGISTRATION, OR CERTIFICATE HAS EXPIRED FOR MORE THAN THREE YEARS, THE PERSON WITH THE EXPIRED LICENSE, REGISTRATION, OR CERTIFICATE SHALL PAY ALL APPLICABLE RENEWAL AND REINSTATEMENT FEES AND SHALL SATISFACTORILY DEMONSTRATE TO THE

DIRECTOR, LICENSING BOARD, OR COMMISSION THAT THE PERSON IS COMPETENT TO PRACTICE WITHIN HIS OR HER PROFESSION. THE DIRECTOR, LICENSING BOARD, OR COMMISSION, AS IT DEEMS APPROPRIATE, SHALL ACCEPT ONE OR MORE OF THE FOLLOWING AS A DEMONSTRATION OF COMPETENCY TO PRACTICE:

(A) A LICENSE, REGISTRATION, OR CERTIFICATE FROM ANOTHER STATE THAT IS IN GOOD STANDING FOR THE APPLICANT WHERE THE APPLICANT DEMONSTRATES ACTIVE PRACTICE;

(B) PRACTICE FOR A SPECIFIED TIME UNDER A RESTRICTED LICENSE, REGISTRATION, OR CERTIFICATE;

(C) SUCCESSFUL COMPLETION OF PRESCRIBED REMEDIAL COURSES ORDERED BY THE DIRECTOR, LICENSING BOARD, OR COMMISSION THAT ARE WITHIN THE AUTHORITY OF THE DIRECTOR, LICENSING BOARD, OR COMMISSION TO REQUIRE;

(D) SUCCESSFUL COMPLETION OF ANY CONTINUING EDUCATION REQUIREMENTS PRESCRIBED BY THE DIRECTOR, LICENSING BOARD, OR COMMISSION THAT ARE WITHIN THE AUTHORITY OF THE DIRECTOR, LICENSING BOARD, OR COMMISSION TO REQUIRE; OR

(E) PASSAGE OF AN EXAMINATION FOR LICENSURE, REGISTRATION, OR CERTIFICATION AS APPROVED BY THE DIRECTOR, LICENSING BOARD, OR COMMISSION THAT THE DIRECTOR, LICENSING BOARD, OR COMMISSION HAS THE AUTHORITY TO REQUIRE.

(III) THE DIRECTOR, LICENSING BOARD, OR COMMISSION MAY WAIVE THE REQUIREMENTS FOR REINSTATEMENT OF AN EXPIRED LICENSE,

REGISTRATION, OR CERTIFICATE BY AN APPLICANT WHO DEMONSTRATES HARDSHIP, SO LONG AS THE DIRECTOR OR SUCH BOARD OR COMMISSION CONSIDERS THE PROTECTION OF THE PUBLIC IN SUCH HARDSHIP PETITION.

SECTION • 12-35-103 (2), Colorado Revised Statutes, is amended to read:

12-35-103. Definitions. As used in this article, unless the context otherwise requires:

(2) "License" means the grant of authority by the board to any person to engage in the practice of dentistry or dental hygiene. Such license shall be a privilege personal to the licensee and may be revoked, suspended, or subjected to disciplinary conditions by the board for violation of any of the provisions of this article and shall be null and void upon the failure of the licensee to file an application for renewal and to pay the fee as required by section 12-35-116 or ~~12-35-117~~ for dentists and section 12-35-127 for dental hygienists.

SECTION • 12-35-127, Colorado Revised Statutes, is amended to read:

12-35-127. Dental hygienist - renewal of license - fee. All licensed dental hygienists who engage in the practice of dental hygiene shall be registered with the board and have issued to them a renewal certificate by the board. The board shall establish renewal fees and schedules subject to the provisions of section 24-34-102 (8), C.R.S. The renewal fee shall be as established pursuant to section 24-34-105, C.R.S. The form and method and all provisions relating to the renewal of licenses of dentists as provided in sections

SECTION 12-35-116, ~~and 12-35-117~~, insofar as applicable, shall apply to dental hygienists.

SECTION • 12-35-135 (4), Colorado Revised Statutes, is amended to read:

12-35-135. Inactive license. (4) The board is authorized to conduct disciplinary proceedings as set forth in section ~~12-35-117~~ or 12-35-118 against any person licensed under this section for any act committed while the person was licensed pursuant to this article.

SECTION • 12-35-136 (4), Colorado Revised Statutes, is amended to read:

12-35-136. Retired licenses. (4) The board is authorized to conduct disciplinary proceedings pursuant to section ~~12-35-117~~ or 12-35-118 against any person licensed under this section for an act committed while such person was licensed pursuant to this article.

SECTION • Effective date - applicability. (1) 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 that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution (August 4, 2004, if adjournment sine die is on May 5, 2004); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

(2) The provisions of this act shall apply to disciplinary proceedings, including, but not limited to, investigatory subpoenas issued pursuant to a disciplinary proceeding; fines; and renewal and reinstatement of any license, registration, or certification on or after the applicable effective date of this act.

DRAFT

Colorado Legislative Council Staff
STATE
FISCAL IMPACT

Drafting Number: LLS 04-0247
Prime Sponsor(s): Sen. Teck
Rep. Romanoff

Date: November 18, 2003
Bill Status: Interim Committee on State
Government Expenditures

Fiscal Analyst: Todd Herreid (303-866-2633)

TITLE: CONCERNING INCREASED CONSISTENCY IN THE REGULATION OF CERTAIN PROFESSIONS BY THE DIVISION OF REGISTRATIONS IN THE DEPARTMENT OF REGULATORY AGENCIES, AND, IN CONNECTION THEREWITH, ENACTING UNIFORM STATUTORY PROVISIONS GOVERNING THE ISSUANCE OF LETTERS OF ADMONITION, IMMUNITY, RENEWAL AND REINSTATEMENT OF LICENSES, REGISTRATIONS, OR CERTIFICATES, INVESTIGATORY SUBPOENAS, AND DISPOSITION OF FINES COLLECTED.

Fiscal Impact Summary		FY 2004/2005	FY 2005/2006
State Revenues			
General Fund		< \$5,000	<\$5,000
Cash Fund - Division of Registrations Cash Fund		(<\$5,000)	(<\$5,000)
State Expenditures			
General Fund			
FTE Position Change		0.0 FTE	0.0 FTE
Other State Impact: None			
Effective Date: 90 days after final adjournment (August 4, 2004), unless a referendum petition is filed			
Appropriation Summary for FY 2004/2005: None			
Local Government Impact: None			

Summary of Legislation

Under current law, various professions and occupations are regulated by the Department of Regulatory Agencies. However, the laws regarding the issuance of letters of admonition, grants of immunity, renewal and reinstatement of licenses, investigation subpoenas, and the disposition of fines are inconsistent. This bill provides statutory consistency in the regulation of certain professions and occupations. In particular, the bill:

- ◆ allows a licensee, registrant, or certificate holder to request a formal hearing 30 days after the mailing date of a letter of admonition;

- ◆ specifies that a letter of admonition will be vacated if the licensee, registrant, or certificate holder requests a formal hearing;
- ◆ clarifies civil immunity provisions for an examining or licensing board, commission, or the director of the Division of Registrations within the Department of Regulatory Agencies;
- ◆ clarifies civil immunity provisions for staff, witnesses, and consultants to the regulatory entity;
- ◆ specifies procedures for the renewal and reinstatement of licenses, registrations, and certificates;
- ◆ allows each examining or licensing board or commission, or the director of the Division of Registrations to administer oaths, take affirmations of witnesses, and issue subpoenas; and
- ◆ clarifies that all fines collected by an examining or licensing board will be credited to the state's General Fund.

State Revenues

Fees collected by examining or licensing boards are typically deposited into the Division of Registrations Cash Fund to pay for the administrative and regulatory activities of the division. Fines collected by examining or licensing boards are usually credited to the General Fund, but in some cases they have been deposited into the Division of Registrations Cash Fund. The bill clarifies that all fines will be credited to the state's General Fund. As a result, a minimal amount of revenue (less than \$5,000) will be diverted from the Division of Registrations Cash Fund to the General Fund.

State Expenditures

Some boards and programs will have to undertake new rule-making to comply with the provisions of the bill. This additional rule-making can be accomplished as part of the department's on-going rule-making process.

State Appropriations

No new state appropriations are needed to implement the bill in FY 2004-05.

Departments Contacted

Regulatory Agencies

Judicial

Law

Bill D

SENATE SPONSORSHIP

Owen, Reeves, and Teck

HOUSE SPONSORSHIP

Spradley, and King

A BILL FOR AN ACT

CONCERNING CHANGES IN THE TRAFFIC LAWS.

Bill Summary

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

Interim Committee on State Government Expenditures. Lowers by one point the point totals that are assessed for convictions of most traffic infractions and traffic offenses that currently are each assessed 6 or fewer points. Includes the department of transportation among those departments charged with developing standards for the electronic transmission of traffic tickets, including those issued for misdemeanors and petty offences issued in conjunction with traffic tickets. Requires the strategic traffic records advisory committee of the department of transportation to recommend a strategic plan to various agencies for implementing a system for the electronic transmission of traffic tickets. Requires the executive directors of the agencies to report jointly to the house and senate judiciary committees regarding the strategic plan.

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

SECTION 1. 42-2-127 (5) (e), (5) (f) (II), (5) (f) (III), (5) (f) (IV), (5) (f) (V), (5) (h), (5) (i), (5) (k), (5) (l), (5) (m), (5) (n), (5) (o), (5) (p), (5) (q), (5) (r), (5) (s), (5) (t), (5) (u), (5) (v), (5) (x), (5) (y), (5) (z), (5) (aa), (5) (bb),

(5) (cc), (5) (dd), (5) (ee), (5) (gg), (5) (hh), and (5) (ii), Colorado Revised Statutes, are amended to read:

42-2-127. Authority to suspend license - to deny license - type of conviction - points. (5) Point system schedule:

Type of conviction

Points

(e) Careless driving 4 3

(f) Speeding:

(II) Five to nine miles per hour over the reasonable and prudent speed or five to nine miles per hour over the maximum lawful speed limit of seventy-five miles per hour 1 0

(III) Ten to nineteen miles per hour over the reasonable and prudent speed or ten to nineteen miles per hour over the maximum lawful speed limit of seventy-five miles per hour 4 3

(IV) Twenty to thirty-nine miles per hour over the reasonable and prudent speed or twenty to thirty-nine miles per hour over the maximum lawful speed limit of seventy-five miles per hour 6 5

(V) Failure to reduce speed below an otherwise lawful speed when a special hazard exists 3 2

(h) Driving on wrong side of road or driving on wrong side of divided or controlled-access highway in violation of section 42-4-1010 4 3

(i) Improper passing 4 3

(k) Following too closely 4 3

(l) Failure to observe traffic sign or signal, except as provided in paragraph (ff) of this subsection (5) 4 3

(m) Failure to yield to emergency vehicle 4 3

(n) Failure to yield right-of-way, except as provided in paragraphs (y) to (bb) of this subsection (5) 3 2

(o) Improper turn 3 2

(p) Driving in wrong lane or direction on one-way street 3 2

(q) Driving through safety zone 3 2

(r) Conviction of violations not listed in this subsection (5) while driving a moving vehicle, which are violations of a state law or municipal ordinance other than violations classified as class B traffic infractions under section 42-4-1701 or having an equivalent classification under any municipal ordinance 3 2

(s) Failure to signal or improper signal 2 1

(t) Improper backing 2 1

(u) Failure to dim or turn on lights 2 1

(v) (l) Except as provided in subparagraph (II) of this paragraph (v), operating an unsafe vehicle 2 1

(II) Operating a vehicle with defective head lamps 1 0

(x) Alteration of suspension system 3 2

(y) Failure to yield right-of-way to pedestrian 4 3

(z) Failure to yield right-of-way to pedestrian at walk signal. 4 3

(aa) Failure to yield right-of-way to pedestrian upon emerging from alley, driveway, or building in a commercial or residential area 4 3

(bb) Failure to yield right-of-way to person with a disability pursuant to section 42-4-808 6 5

(cc) Failure to exercise due care for pedestrian pursuant to section 42-4-807 4 3

(dd) A second or subsequent violation of section 42-2-101 (1) and (4) 6 5

(ee) Failure to maintain or show proof of insurance pursuant to section 42-4-1409 4 3

(gg) Driving between the hours of 12 midnight and 5 a.m. in violation of section 42-2-105.5 (2) 2 1

(hh) Driving a motor vehicle while not wearing a seat belt in violation of section 42-2-105.5 (3) 2 1

(ii) Driving with more passengers than seat belts in violation of section 42-2-105.5 (4) 2 1

SECTION 2. 42-4-1718 (1), Colorado Revised Statutes, is amended to read:

42-4-1718. Electronic transmission of data - standards. (1) (a) The department, the judicial department, THE DEPARTMENT OF TRANSPORTATION, and the department of public safety shall jointly develop standards for the electronic transmission of any penalty assessment notice or summons and complaint issued pursuant to the provisions of this article or issued pursuant to any county ordinance adopted under section 30-15-401 (1) (h), C.R.S., OR ISSUED FOR ANY MISDEMEANOR OR PETTY OFFENSE SET FORTH IN TITLE 18, C.R.S., IN CONJUNCTION WITH THE ISSUANCE OF A TRAFFIC TICKET. Such

agencies shall consult with county sheriffs, municipal police departments, municipal courts, and the office of transportation safety in the department of transportation in developing such standards. Such standards shall be consistent with requirements of the department for reporting convictions under the provisions of this article and with the requirements of the department of public safety for reporting criminal information under article 21 of title 16, C.R.S. ~~The provisions of this section shall not be interpreted to require any municipality, county, or other government entity to transmit traffic data electronically.~~

(b) ON OR BEFORE OCTOBER 1, 2004, THE STRATEGIC TRAFFIC RECORDS ADVISORY COMMITTEE OF THE DEPARTMENT OF TRANSPORTATION SHALL RECOMMEND TO THE EXECUTIVE DIRECTORS OF THE DEPARTMENT, THE JUDICIAL DEPARTMENT, THE DEPARTMENT OF TRANSPORTATION, AND THE DEPARTMENT OF PUBLIC SAFETY, A STRATEGIC PLAN FOR IMPLEMENTING A SYSTEM FOR THE ELECTRONIC TRANSMISSION OF TRAFFIC TICKETS. THE STRATEGIC PLAN SHALL INCLUDE A LIST OF REQUIRED UNIFORM DATA ELEMENTS TO BE INCLUDED ON ALL TRAFFIC SUMMONS, TECHNICAL CRITERIA FOR THE TRANSMISSION OF ELECTRONIC DATA AMONG THE DEPARTMENTS DESCRIBED IN THIS PARAGRAPH (b), AND A RECOMMENDED TIME FRAME FOR IMPLEMENTING THE SYSTEM AMONG ALL LAW ENFORCEMENT AGENCIES.

(c) ON OR BEFORE NOVEMBER 1, 2004, THE EXECUTIVE DIRECTORS LISTED IN PARAGRAPH (b) OF THIS SUBSECTION (1) SHALL JOINTLY REPORT TO THE HOUSE AND SENATE JUDICIARY COMMITTEES REGARDING THE STRATEGIC

PLAN. THE REPORT SHALL INCLUDE ONE OR MORE LEGISLATIVE PROPOSALS FOR IMPLEMENTING THE STRATEGIC PLAN.

SECTION 3. Federal funds. The general assembly anticipates that, for the fiscal year beginning July 1, 2004, one or more of the departments referred to in this act will receive federal funds for the implementation of this act. Although these funds are not appropriated in this act, they are noted for the purpose of indicating the assumptions used relative to these funds.

SECTION 4. Effective date - applicability. This act shall take effect July 1, 2004, and shall apply to infractions and offenses committed on or after said date.

SECTION 5. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

DRAFT

Bill D

Colorado Legislative Council Staff
**STATE and LOCAL
FISCAL IMPACT**

Drafting Number: LLS 04-0248
Prime Sponsor(s): Sen. Owen
Rep. Spradley

Date: December 15, 2003
Bill Status: Interim Committee on State
Government Expenditures

Fiscal Analyst: Chris Ward (303-866-5834)

TITLE: CONCERNING CHANGES IN THE TRAFFIC LAWS.

Fiscal Impact Summary	FY 2004/2005	FY 2005/2006
State Revenues General Fund		
State Expenditures General Fund		
FTE Position Change	0.0 FTE	0.0 FTE
Other State Impact: None		
Effective Date: July 1, 2004		
Appropriation Summary for FY 2004/2005: None required		
Local Government Impact: See Local Government section.		

Summary of Legislation

The bill lowers the points assessed for certain traffic offenses and modifies the statutory provisions related to the electronic transmission of traffic tickets. The points assessed for convictions of most traffic offenses currently assessed at six or fewer points are lowered by one point. Fines assessed for these offenses are unchanged. The Department of Transportation is added to the list of departments charged with developing standards for the electronic transmission of traffic tickets. On or before October 1, 2004, the Strategic Traffic Records Advisory Committee in the Department of Transportation is required to recommend to the directors of the Judicial, Public Safety, Revenue, and Transportation departments a plan for implementing a system for the electronic transmission of traffic tickets. On or before November 1, 2004, these executive directors are required to report jointly to the House and Senate Judiciary Committees regarding the plan with one or more legislative proposals for its implementation.

State Revenues

By reducing the number of points assessed for certain traffic infractions, the bill may reduce the number of points-based driver license revocations. This may reduce state revenues from driver license reinstatements, although the actual impact on state revenues is unknown. A drivers whose license is revoked must pay fees totaling \$75.60 to drive again, as follows:

- a \$60 fee to be reinstated as a driver (credited to the Driver's License Administrative Revocation Account of the Highway Users Tax Fund);
- a \$15 fee for a new license (credited to the HUTF); and
- a \$0.60 surcharge (credited to the Identification Security Fund of the HUTF).

State Expenditures

Reducing the number of points assessed for certain traffic offenses will not reduce the number of traffic cases filed, but it may reduce the workload associated with some cases, either by reducing the inclination of parties to go to trial or by leading to a quicker resolution of a case. The potential reduction in state expenditures has not been estimated, as the impact of the bill will depend on how important the points assessment is to a person charged with a traffic offense, compared to other factors, such as the impact of the incidence on the person's insurance costs, the person's belief in his or her own innocence, and the expectation that a further reduction in points may be possible by contesting the charge. It should be noted that current law allows for an automatic reduction in points assessed, simply by paying the fine as stated on the penalty assessment notice before the due date.

The bill includes the Department of Transportation among those departments charged with developing standards for the electronic transmission of traffic tickets, including those issued for misdemeanors and petty offences issued in conjunction with traffic tickets. The bill also requires the Strategic Traffic Records Advisory Committee in the Department of Transportation to develop a strategic plan for implementing a system for electronic transmission of traffic ticket information. The department has already begun the process of developing this strategic plan and no additional expense is expected as a result of this bill.

The bill sets forth the General Assembly's expectation that federal moneys will be provided to help implement a system for the electronic transmission of traffic tickets. The Department of Transportation indicates that some federal money has already been provided, and any other moneys, if available, would be provided through a grant program.

Local Government Impact

The bill repeals language declaring that local governmental entities will not be required to transmit traffic data electronically, thereby potentially allowing for a requirement that traffic data be transmitted electronically at some point in the future. Implementing such a requirement on local courts in the future would increase costs for local governments.

State Appropriations

No new state appropriations are required to implement the bill in FY 2004-05.

Departments Contacted

Judicial

Public Safety

Revenue

Transportation

Bill E

SENATE SPONSORSHIP

Owen

HOUSE SPONSORSHIP

Young

A BILL FOR AN ACT

**CONCERNING THE ESTABLISHMENT OF THE JOINT COMMITTEE ON
PRINTING.**

Bill Summary

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

Interim Committee on State Government Expenditures. Creates a joint committee on printing (committee). Specifies that the membership of the committee is to consist of 3 members of the senate and 3 members of the house of representatives. Of the senate members of the committee, specifies that 2 members each shall be appointed by the president of the senate and one by the minority leader of the senate. Specifies that the 3 house members of the committee shall be appointed by the speaker of the house of representatives. Specifies that no more than 4 members of the committee shall be from the same political party.

Specifies procedures concerning the appointment of members of the committees and the filling of vacancies on the committee.

Requires the committee to select its chair and vice-chair from among its membership and to prescribe its own rules of procedure. Requires the chair and vice-chair of the committee to alternate between the house and the senate. Authorizes the committee to meet as often as may be necessary to perform its functions, but requires the committee to meet at least once in each calendar year.

Specifies the following functions of the committee:

- To review the printing policies of the legislative, judicial, and executive departments of the government of the state of Colorado for the purpose of:
 - Promoting and facilitating the standardization of printing throughout state government;
 - Providing guidelines for government publications, including, without limitation, color printing; and
 - Reviewing types of publications for elimination or consolidation.
- To exercise oversight over all of the printing operations of the legislative, judicial, and executive departments of the government of the state of Colorado. Specifies that such operations shall include reproduction equipment and supplies.
- To review printing and reproduction contracts entered into by the legislative, judicial, and executive departments of the government of the state of Colorado to ensure that the printing needs of state government are met at the lowest possible cost.
- To review policies concerning government forms, including, without limitation, policies designed to regulate the most efficient use of such forms; and
- To review the Colorado revised statutes for the purpose of making recommendations for the elimination of obsolete, overlapping, or invalid statutory provisions.

Makes the staffs of the joint budget committee, the office of legislative legal services, the legislative council, and the office of the state auditor available to assist the committee in performing its duties.

Authorizes members of the committee to be reimbursed for necessary expenses in connection with the performance of their duties and to receive a per diem reimbursement for attendance at committee meetings.

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

SECTION • Article 3 of title 2, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

PART 15

JOINT COMMITTEE ON PRINTING

2-3-1501. Joint committee on printing - membership - meetings

- powers and duties. (1) THERE IS HEREBY CREATED A JOINT COMMITTEE ON PRINTING, REFERRED TO IN THIS PART 15 AS THE "COMMITTEE". MEMBERSHIP OF THE COMMITTEE SHALL CONSIST OF THREE MEMBERS OF THE SENATE AND THREE MEMBERS OF THE HOUSE OF REPRESENTATIVES. OF THE SENATE MEMBERS OF THE COMMITTEE, TWO MEMBERS SHALL BE APPOINTED BY THE PRESIDENT OF THE SENATE AND ONE BY THE MINORITY LEADER OF THE SENATE. THE THREE HOUSE MEMBERS OF THE COMMITTEE SHALL BE APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES. NO MORE THAN FOUR MEMBERS OF THE COMMITTEE SHALL BE FROM THE SAME POLITICAL PARTY.

(2) APPOINTMENTS TO THE COMMITTEE SHALL BE MADE NO LATER THAN SIXTY DAYS AFTER THE CONVENING OF THE FIRST REGULAR SESSION OF THE GENERAL ASSEMBLY HELD IN EACH ODD-NUMBERED YEAR. MEMBERSHIP ON THE COMMITTEE SHALL TERMINATE WITH THE APPOINTMENT OF A MEMBER'S SUCCESSOR OR UPON THE TERMINATION OF A MEMBER'S TERM OF OFFICE IN THE GENERAL ASSEMBLY, WHICHEVER OCCURS FIRST, AND ANY MEMBER MAY BE APPOINTED TO SUCCEED HIMSELF OR HERSELF ON THE COMMITTEE. VACANCIES IN THE COMMITTEE'S MEMBERSHIP SHALL BE FILLED IN THE SAME MANNER AS ORIGINAL APPOINTMENTS.

(3) THE COMMITTEE SHALL SELECT ITS CHAIR AND VICE-CHAIR FROM AMONG ITS MEMBERSHIP, AND IT SHALL PRESCRIBE ITS OWN RULES OF PROCEDURE. THE CHAIR AND VICE-CHAIR OF THE COMMITTEE SHALL ALTERNATE BETWEEN THE HOUSE AND THE SENATE. THE COMMITTEE MAY

APPOINT SUBCOMMITTEES FROM THE MEMBERSHIP OF THE GENERAL ASSEMBLY. THE COMMITTEE MAY MEET AS OFTEN AS MAY BE NECESSARY TO PERFORM ITS FUNCTIONS, BUT IT SHALL MEET AT LEAST ONCE IN EACH CALENDAR YEAR. MEETINGS OF THE COMMITTEE SHALL BE HELD UPON THE CALL OF THE CHAIR OF THE COMMITTEE.

(4) IT IS THE FUNCTION OF THE COMMITTEE TO:

(a) REVIEW THE PRINTING POLICIES OF THE LEGISLATIVE, JUDICIAL, AND EXECUTIVE DEPARTMENTS OF THE GOVERNMENT OF THE STATE OF COLORADO, INCLUDING, WITHOUT LIMITATION, THE PRINTING POLICIES OF EACH OF THE DEPARTMENTS, AGENCIES, AND OFFICES OF THE EXECUTIVE BRANCH, FOR THE PURPOSE OF:

(I) PROMOTING AND FACILITATING THE STANDARDIZATION OF PRINTING THROUGHOUT STATE GOVERNMENT;

(II) PROVIDING GUIDELINES FOR GOVERNMENT PUBLICATIONS, INCLUDING, WITHOUT LIMITATION, COLOR PRINTING; AND

(III) REVIEWING TYPES OF PUBLICATIONS FOR ELIMINATION OR CONSOLIDATION.

(b) EXERCISE OVERSIGHT OVER ALL OF THE PRINTING OPERATIONS OF THE LEGISLATIVE, JUDICIAL, AND EXECUTIVE DEPARTMENTS OF THE GOVERNMENT OF THE STATE OF COLORADO. SUCH OPERATIONS SHALL INCLUDE, WITHOUT LIMITATION, REPRODUCTION EQUIPMENT AND SUPPLIES.

(c) REVIEW PRINTING AND REPRODUCTION CONTRACTS ENTERED INTO BY THE LEGISLATIVE, JUDICIAL, AND EXECUTIVE DEPARTMENTS OF THE

GOVERNMENT OF THE STATE OF COLORADO TO ENSURE THAT THE PRINTING NEEDS OF STATE GOVERNMENT ARE MET AT THE LOWEST POSSIBLE COST;

(d) REVIEW POLICIES CONCERNING GOVERNMENT FORMS, INCLUDING, WITHOUT LIMITATION, POLICIES DESIGNED TO REGULATE THE MOST EFFICIENT USE OF SUCH FORMS; AND

(e) REVIEW THE COLORADO REVISED STATUTES FOR THE PURPOSE OF MAKING RECOMMENDATIONS FOR THE ELIMINATION OF OBSOLETE, OVERLAPPING, OR INVALID STATUTORY PROVISIONS.

(5) (a) THE INFORMATION CONTAINED IN ANY BOOKS, PAPERS, OR OTHER DOCUMENTS FURNISHED TO THE COMMITTEE BY ANY INDIVIDUAL, PARTNERSHIP, CORPORATION, OR OTHER LEGAL ENTITY SHALL, UPON THE REQUEST OF THE INDIVIDUAL, PARTNERSHIP, CORPORATION, OR OTHER LEGAL ENTITY FURNISHING THE SAME, BE MAINTAINED IN STRICT CONFIDENCE BY THE MEMBERS AND STAFF OF THE COMMITTEE; EXCEPT THAT ANY SUCH INFORMATION MAY BE RELEASED OUTSIDE OF EXECUTIVE SESSION IF THE RELEASE THEREOF IS EFFECTED IN A MANNER THAT WILL NOT REVEAL THE IDENTITY OF SUCH INDIVIDUAL, PARTNERSHIP, CORPORATION, OR OTHER LEGAL ENTITY IN CONNECTION WITH ANY PENDING HEARING OR AS PART OF A DULY AUTHORIZED REPORT OF THE COMMITTEE IF SUCH RELEASE IS DEEMED ESSENTIAL TO THE PERFORMANCE OF THE FUNCTIONS OF THE COMMITTEE AND IS IN THE PUBLIC INTEREST.

(b) NO SUMMARY OF A COMMITTEE REPORT, PREDICTION OF THE CONTENTS OF A REPORT, OR STATEMENT OF CONCLUSIONS CONCERNING ANY INVESTIGATION SHALL BE MADE BY ANY MEMBER OF THE COMMITTEE OR BY

ANY PERSON ASSISTING THE COMMITTEE AS AN EMPLOYEE OF A LEGISLATIVE STAFF AGENCY PRIOR TO THE ISSUANCE OF A REPORT TO THE COMMITTEE.

(6) THE STAFFS OF THE JOINT BUDGET COMMITTEE, THE OFFICE OF LEGISLATIVE LEGAL SERVICES, THE LEGISLATIVE COUNCIL, AND THE OFFICE OF THE STATE AUDITOR SHALL BE AVAILABLE TO ASSIST THE COMMITTEE IN PERFORMING ITS DUTIES.

(7) MEMBERS OF THE COMMITTEE SHALL BE REIMBURSED FOR NECESSARY EXPENSES IN CONNECTION WITH THE PERFORMANCE OF THEIR DUTIES AND SHALL BE PAID THE SAME PER DIEM AS OTHER MEMBERS OF INTERIM COMMITTEES IN ATTENDANCE AT MEETINGS.

SECTION • Effective date. 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 that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution (August 4, 2004, if adjournment sine die is on May 5, 2004); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

DRAFT

Bill E

Colorado Legislative Council Staff

**STATE
FISCAL IMPACT**

Drafting Number: LLS 04-0250
Prime Sponsor(s): Sen. Owen
Rep. Young

Date: December 12, 2003
Bill Status: Interim Committee on State
Government Expenditures
Fiscal Analyst: Steve Tammeus (303-866-2756)

TITLE: CONCERNING THE ESTABLISHMENT OF THE JOINT COMMITTEE ON PRINTING.

Fiscal Impact Summary	FY 2004/2005	FY 2005/2006
State Revenues General Fund		
State Expenditures General Fund	\$125,335	\$121,546
FTE Position Change	2.0 FTE	2.0 FTE
Other State Impact: None		
Effective Date: August 4, 2004, unless a referendum petition is filed.		
Appropriation Summary for FY 2004/2005: Legislative Department - \$125,335 and 2.0 FTE - General Fund		
Local Government Impact: None		

Summary of Legislation

This bill creates the Joint Committee on Printing to be comprised of three members of the Senate and three members of the House of Representatives. The bill requires the committee to meet at least once per year to:

- review the printing policies of the Legislative, Judicial, and Executive branches to facilitate standardization, provide guidelines, and review publications for elimination or consolidation;
- exercise oversight over all state printing operations, including reproduction equipment and supplies;
- review all printing and reproduction contracts entered into by state agencies to ensure lowest possible cost;
- review policies concerning and regulating government forms and their uses; and
- review the Colorado Revised Statutes to recommend elimination or amendment of invalid statutes.

Bill E

The bill specifies how sensitive information provided to the committee must be maintained in confidence by committee members and staff, and prohibits committee reports or conclusions of committee investigations from being publicized prior to issuance of a report to the committee.

The bill requires the staffs of the Joint Budget Committee, the Office of Legislative Legal Services, the Legislative Council, and the Office of the State Auditor to assist the committee. Members of the committee shall be reimbursed for necessary expenses and be paid per diem for attendance of meetings.

State Expenditures

Table 1 provides a summary of the estimated General Fund expenditures to support the Joint Committee on Printing, based upon the following assumptions:

- the Committee will annually review printing policies and contracts of 19 executive agencies, six legislative agencies, the Judicial Department, and all institutions of higher education;
- the Committee will annually conduct 14 days of meetings during each interim period effective August 4, 2004, and eight days of meetings during each legislative session;
- the Legislative Council and Office of Legislative Legal Services (OLLS) will provide on-going staff support to the Committee;
- the OLLS will not be required to perform legal reviews of printing contracts, but will be required to perform legal research regarding printing policies and contracts, and will be required to assist Committee reviews of statutory provisions concerning printing; and
- the assistance of the staffs of the Joint Budget Committee and the State Auditor is anticipated to be minimal and may be absorbed within existing budgetary resources.

Table 1. Joint Committee on Printing Legislative Department General Fund Expenditures		
	FY 2004/05	FY 2005/06
<u>Personal Services</u>		
Research Associate	1.5 FTE - \$57,474	1.5 FTE - \$57,474
Staff Assistant	0.5 FTE - 16,560	0.5 FTE - 16,560
Staff Attorney	<u>0.5 FTE - 22,910</u>	<u>0.5 FTE - 22,910</u>
Subtotal	\$96,944	\$96,944
PERA/Med	<u>11,246</u>	<u>11,246</u>
Total	108,190	108,190
Per Diem and Expenses - 14 days @ \$159 x 6	13,356	13,356
Legal Expenses	0	0
Non-Recurring Expenses	3,789	0
Total Expenses	2.0 FTE - \$125,335	2.0 FTE - \$121,546

Expenditures Not Included

Pursuant to the Joint Budget Committee's budget policies, the following expenditures have not been included in this fiscal note:

- health and life insurance costs of \$8,962;
- short-term disability costs of \$150;
- inflationary cost factors;
- leased space; and
- indirect costs.

State Appropriations

The Legislative Department will require a General Fund appropriation of \$125,335 and 2.0 FTE for FY 2004-05.

Departments Contacted

Legislative Council Staff	JBC Staff
Legislative Legal Services Staff	State Auditor

Bill F

HOUSE SPONSORSHIP

Spradley, Plant, Romanoff, and Young

SENATE SPONSORSHIP

Anderson, Owen, Reeves, and Teck

A BILL FOR AN ACT

CONCERNING CONSOLIDATION OF THE REPRESENTATION OF CONSUMER INTERESTS BEFORE THE PUBLIC UTILITIES COMMISSION IN THE OFFICE OF CONSUMER COUNSEL, AND, IN CONNECTION THEREWITH, TRANSFERRING CERTAIN PERSONNEL FROM THE PUBLIC UTILITIES COMMISSION TO THE OFFICE OF CONSUMER COUNSEL AND MAKING AN APPROPRIATION.

Bill Summary

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

Interim Committee on State Government Expenditures. Consolidates the representation of consumer interests in enforcement proceedings in the office of consumer counsel (OCC), in contrast to the current situation in which public utilities commission (PUC) trial staff represent both consumer and industry interests generally while the OCC represents the interests of particular classes of consumers in selected cases. Transfers specified employees of the PUC to the OCC. Adjusts appropriations accordingly.

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

SECTION 1. 40-6-101 (1), Colorado Revised Statutes, is amended to read:

40-6-101. Proceedings - delegation of duties - rules. (1) (a) The commission shall conduct its proceedings in such manner as will best conduce the proper dispatch of business and the ends of justice. All of the provisions of article 4 of title 24, C.R.S., shall apply to the work, business, proceedings, and functions of the commission, or any individual commissioner or administrative law judge; **but EXCEPT THAT**, where there is a specific statutory provision in this title applying to the commission, such specific statutory provision shall control as to the commission. For this purpose, any administrative law judge, as provided in this title, shall be deemed to be a hearing commissioner as that term is used in said article 4 of title 24, C.R.S. The commission may from time to time make or amend such general rules or orders as may be requisite for the order and regulation of proceedings before it, or before any individual commissioner or administrative law judge, including forms of notices and the service thereof. Any party to the proceeding may appear before the commission or any individual commissioner or administrative law judge and be heard. Every vote and official act of the commission, any individual commissioner, or an administrative law judge shall be entered of record and such record shall be made public upon the request of any party interested. All hearings before the commission, any individual commissioner, or an administrative law judge shall be public.

(b) IN ANY PROCEEDING BEFORE THE COMMISSION, WHENEVER THE INTEREST OF A SPECIFICALLY IDENTIFIABLE CLASS OF CONSUMERS IS TO BE REPRESENTED, SUCH INTEREST SHALL BE REPRESENTED BY THE OFFICE OF CONSUMER COUNSEL CREATED IN ARTICLE 6.5 OF THIS TITLE.

SECTION 2. 40-6.5-102 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

40-6.5-102. Office of consumer counsel - creation - appointment - attorney general to represent. (2) (c) (I) ON JULY 1, 2004, ALL EMPLOYEES OF THE PUBLIC UTILITIES COMMISSION WHOSE PRINCIPAL DUTIES ARE CONCERNED WITH THE REPRESENTATION OF CONSUMER INTERESTS IN CONTESTED PROCEEDINGS BEFORE SAID COMMISSION OR WHOSE RESPONSIBILITIES INCLUDE CONSUMER RELATIONS ISSUES, AND WHOSE EMPLOYMENT IN THE OFFICE OF CONSUMER COUNSEL IS DEEMED NECESSARY BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REGULATORY AGENCIES TO CARRY OUT THE PURPOSES OF THIS ARTICLE, SHALL BE TRANSFERRED TO THE OFFICE OF CONSUMER COUNSEL IN THE DEPARTMENT OF REGULATORY AGENCIES AND SHALL BECOME EMPLOYEES THEREOF. SUCH EMPLOYEES SHALL RETAIN ALL RIGHTS TO THE STATE PERSONNEL SYSTEM AND RETIREMENT BENEFITS UNDER THE LAWS OF THIS STATE, AND THEIR SERVICES SHALL BE DEEMED TO HAVE BEEN CONTINUOUS. ALL TRANSFERS AND ANY ABOLISHMENT OF POSITIONS IN THE STATE PERSONNEL SYSTEM SHALL BE MADE AND PROCESSED IN ACCORDANCE WITH THE STATE PERSONNEL SYSTEM LAWS AND RULES.

(II) ON JULY 1, 2004, ALL ITEMS OF PROPERTY, REAL AND PERSONAL, INCLUDING OFFICE FURNITURE AND FIXTURES, BOOKS, DOCUMENTS, AND RECORDS OF THE PUBLIC UTILITIES COMMISSION PERTAINING TO THE DUTIES AND FUNCTIONS OF THE EMPLOYEES TRANSFERRED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (C) SHALL BE TRANSFERRED TO THE

OFFICE OF CONSUMER COUNSEL IN THE DEPARTMENT OF REGULATORY AGENCIES AND SHALL BECOME THE PROPERTY THEREOF.

SECTION 3. 40-6.5-104 (2) and (3), Colorado Revised Statutes, are amended to read:

40-6.5-104. Representation by consumer counsel. (2) In exercising ~~his discretion~~ DETERMINING whether ~~or not~~ AND ON BEHALF OF WHOM to appear in a proceeding, the consumer counsel shall consider the importance and the extent of the public interest involved ~~In evaluating the public interest, the consumer counsel~~ AND shall give due consideration to the short- and long-term impact of the proceedings upon various classes of consumers, so as not to jeopardize the interest of one class in an action by another. If the consumer counsel determines that there may be inconsistent interests among the various classes of the consumers he OR SHE represents in a particular matter, ~~he~~ THE CONSUMER COUNSEL may choose to represent one of the interests or to represent no interest. Nothing in this section shall be construed to limit the right of any person, firm, or corporation to petition or make complaint to the commission or otherwise intervene in proceedings or other matters before the commission.

(3) The consumer counsel shall be served with notices of all proposed gas, electric, and telephone tariffs and ~~he shall be served~~ with copies of all orders of the commission affecting the charges of agricultural consumers, residential consumers, and small business consumers.

SECTION 4. 40-6.5-106 (1) (a), Colorado Revised Statutes, is amended to read:

40-6.5-106. Powers of consumer counsel. (1) The consumer counsel:

(a) May employ such attorneys, engineers, economists, accountants, or other employees as may be necessary to carry out his OR HER duties and shall employ a maximum of ~~sixteen~~ _____ full-time employees or the equivalent thereof;

SECTION 5. Appropriation - adjustments in long bill. (1) In addition to any other appropriation, there is hereby appropriated to the department of regulatory agencies, for allocation to the office of consumer counsel, for the fiscal year beginning July 1, 2004, the sum of _____ dollars (\$ _____) and _____ FTE, or so much thereof as may be necessary, from the fixed utility fund created in section 40-2-114, Colorado Revised Statutes, for the implementation of this act.

(2) For the implementation of this act, the appropriation to the department of regulatory agencies, for allocation to the public utilities commission, made in the annual general appropriation act for the fiscal year beginning July 1, 2004, from cash funds exempt, shall be decreased by _____ dollars (\$ _____) and _____ FTE.

SECTION 6. Effective date. This act shall take effect July 1, 2004.

SECTION 7. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

DRAFT

Bill F

Colorado Legislative Council Staff

STATE FISCAL IMPACT

Drafting Number: LLS 04-0253
Prime Sponsor(s): Rep. Spradley
Sen. Anderson

Date: November 20, 2003
Bill Status: Interim Committee on State
Government Expenditures
Fiscal Analyst: Todd Herreid (303-866-2633)

TITLE: CONCERNING CONSOLIDATION OF THE REPRESENTATION OF CONSUMER INTERESTS IN PROCEEDINGS BEFORE THE PUBLIC UTILITIES COMMISSION TO THE OFFICE OF CONSUMER COUNSEL, AND, IN CONNECTION THEREWITH, TRANSFERRING CERTAIN PERSONNEL FROM THE PUBLIC UTILITIES COMMISSION TO THE OFFICE OF CONSUMER COUNSEL AND MAKING AN APPROPRIATION.

Table with 4 columns: Fiscal Impact Summary, FY 2004/2005, FY 2005/2006. Rows include State Revenues (General Fund, Cash Fund - Fixed Utility Fund), State Expenditures (Cash Fund - Fixed Utility Fund), FTE Position Change, Other State Impact: TABOR, Effective Date: July 1, 2004, Appropriation Summary for FY 2004/2005, and Local Government Impact: None.

Summary of Legislation

This bill specifies that all employees of the Public Utilities Commission (PUC) whose principal duties are concerned with the representation of consumer interests in contested proceedings before the commission or whose responsibilities include consumer relations issues will be transferred to the Office of Consumer Counsel (OCC). Moreover, the bill specifies that the executive director of the Department of Regulatory Agencies will determine which employees satisfy the criteria for transfer from the PUC to the OCC.

State Revenues

Assuming certain employees are transferred to the OCC from the PUC (see State Expenditures section), additional one-time revenues will be required to pay for the transfer. If 6.4 FTE are transferred, the assessment imposed on the gross intrastate revenues of all regulated utilities will have to increase by approximately \$77,907 in FY 2004-05 only. Of this amount, 97 percent is credited to the PUC Fixed Utility Fund (\$75,570) and 3 percent is credited to the state's General Fund (\$2,337).

State Expenditures

Assuming the executive director of the Department of Regulatory Agencies determines that 6.4 FTE will be transferred from the PUC to the OCC, the OCC will incur additional annual expenses of \$352,617, plus one-time expenses of \$75,570. The latter includes expenses to physically move personnel and install new computer systems and telephone systems in the OCC, since personnel transferred to the OCC will require access to the PUC's Consumer Contact Tracking System and Integrated Filings Management System. The transfer of employees will cut annual expenditures of the PUC by \$352,617.

Other State Impacts

In FY 2004-05, the one-time assessment imposed by the PUC will count against the state's TABOR limit. Based on the September 2003 Legislative Council staff forecast, \$35.8 million will be refunded to taxpayers in FY 2004-05. This bill will increase TABOR refunds by almost \$78,000 in FY 2004-05, which will increase sales tax refunds by that amount.

State Appropriations

In FY 2004-05, the OCC will require a cash fund appropriation of \$428,187 and 6.4 FTE from the PUC Fixed Utility Fund. The Public Utilities Commission will require a negative cash fund appropriation of \$352,617 from the PUC Fixed Utility Fund and a reduction of 6.4 FTE. The net one-time increase in spending authority for the Department of Regulatory Agencies will be \$75,570 in FY 2004-05.

Departments Contacted

Regulatory Agencies

Bill G

HOUSE SPONSORSHIP

King, and Spradley

SENATE SPONSORSHIP

Reeves

A BILL FOR AN ACT

**CONCERNING THE ELIMINATION OF CERTAIN EDUCATION ADVISORY
BOARDS.**

Bill Summary

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

Interim Committee on State Government Expenditures.
Eliminates the:

- Teacher development advisory council (sections 1-6); and
- Science and technology education center grants advisory board (sections 7-10).

Makes conforming amendments.

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

SECTION • Repeal. 22-7-703 (1), Colorado Revised Statutes, is repealed as follows:

22-7-703. Definitions. As used in this part 7, unless the context otherwise requires:

(1) "Council" means the teacher development advisory council created in section 22-7-706.

SECTION • 22-7-706, Colorado Revised Statutes, is amended to read:

22-7-706. Teacher development advisory council - created - duties - repeal. (1) ~~There is hereby created the teacher development advisory council to review grant applications submitted pursuant to section 22-7-705 and to make recommendations to the state board for selection of grant recipients and the amount of each grant, not to exceed twenty thousand dollars per grant. The council shall consist of seven members appointed by the governor, with the consent of the senate, as follows:~~

(a) ~~One person with expertise in the area of student assessments and measuring student progress;~~

(b) ~~Two teachers who are leaders in education reform from schools that have demonstrated improvements in student achievement, one of which is located in a rural area of the state and one of which is located in an urban area of the state;~~

(c) ~~Two principals who are leaders in education reform from schools that have demonstrated improvements in student achievement, one of which is located in a rural area of the state and one of which is located in an urban area of the state;~~

(d) ~~One member of a school district board of education who is a leader in education reform and can demonstrate improvement in student achievement in his or her school district;~~

(e) ~~One person with expertise in instructional strategies and techniques.~~

~~(2) (a) Council members shall serve four-year terms, except that, of the members first appointed, three members shall serve two-year terms. The governor shall select those members who will serve shortened terms. No person may serve more than two consecutive four-year terms. The governor shall make the initial appointments to the council no later than July 1, 2000. Persons initially appointed shall immediately begin to serve but shall be subject to senate confirmation during the first regular session of the sixty-third general assembly. Council members shall hold their offices for the terms for which they have been appointed and until their successors are appointed and qualified.~~

~~(b) Any member of the council may be removed by the governor at any time for cause. The governor shall fill any vacancy arising on the council due to removal, resignation, or death for the remainder of the vacating member's term.~~

~~(c) Council members shall serve without compensation, but may be reimbursed for any actual and necessary expenses incurred in the performance of their duties.~~

~~(d) At the initial council meeting, the council members shall select from among themselves a person to serve as chair of the council. A majority of the council members shall constitute a quorum for transaction of business.~~

~~(3) (a) The council STATE BOARD shall meet at least annually to select from among the applications received pursuant to section 22-7-705 those schools that the council STATE BOARD shall recommend to the state board for~~

~~receipt of~~ PROVIDE a grant pursuant to this part 7. In selecting among applications, the council STATE BOARD shall apply the following criteria:

(I) The quality of the activities the school intends to provide and the credibility of the research supporting such activities;

(II) The goals specified by the school and the credibility of the school's plan for measuring success in attaining those goals;

(III) The scores earned by students enrolled in the school on the most recently administered statewide assessments, giving priority to schools with a higher percentage of low-scoring students;

(IV) Whether the school has previously received a grant pursuant to this part 7 and the demonstrated goals achieved in using the grant as specified in the progress and final reports submitted to the department pursuant to section 22-7-707;

(V) Whether other federal and state moneys are available to the school to use in providing teacher development activities;

(VI) Any additional criteria established by rule of the state board.

(b) If the council STATE BOARD determines, based on the information submitted pursuant to section 22-7-705 (2) (e), that an applying school has not used the moneys it has received pursuant to Title I of the federal "Elementary and Secondary Education Act of 1965", 20 U.S.C. sec. 6301 et seq., in an effective manner that has resulted in improvements in student learning, the council STATE BOARD shall deny that school's grant application.

~~(c) The council annually shall submit to the state board for approval a list of recommended grant recipients and the amount to be awarded to each~~

~~recommended grant recipient by a date specified by rule of the state board. In selecting grant recipients, the council STATE BOARD, to the extent possible, shall ensure that grants are awarded to schools in all areas of the state. The state board shall either approve or disapprove the entire list of entities by responding to the council within thirty days. If the state board has not responded to the council within thirty days after receipt of the list, the list shall be deemed approved. If the state board disapproves a list, the council may submit a replacement list within thirty days after such disapproval.~~

(4) The council DEPARTMENT shall review the one-year progress reports submitted by grant recipients pursuant to section 22-7-707. Based on the information submitted, the council DEPARTMENT shall determine whether the grant recipient is making adequate progress toward attainment of the goals specified in the grant application. The council DEPARTMENT shall recommend that the state board continue the grant for those recipients making adequate progress and shall recommend that the grant be discontinued for those recipients that are failing to make adequate progress.

(5) ~~The department shall provide such clerical and technical assistance as may be requested by the council in fulfilling its duties pursuant to this section.~~

(6) (a) This section is repealed, effective July 1, 2010.

(b) ~~Prior to such repeal, the teacher development advisory council shall be reviewed as provided in section 2-3-1263, C.R.S.~~

SECTION • 22-7-704 (2) (a) and (2) (b), Colorado Revised Statutes, are amended to read:

22-7-704. Teacher development grant program - created - rules.

(2) (a) On or before October 1, 2000, and on or before each October 1 thereafter, subject to available appropriations, the state board pursuant to recommendations from the council made pursuant to section 22-7-706, shall award teacher development grants to schools selected from those submitting applications pursuant to section 22-7-705. Each grant shall continue for two school years, unless discontinued pursuant to paragraph (b) of this subsection (2). No two-year grant shall exceed twenty thousand dollars. On expiration of a grant, a school may reapply for a grant by submitting an application pursuant to section 22-7-705.

(b) The state board shall annually review each grant recipient's use of the moneys awarded pursuant to this section. Based on the recommendations of the council DEPARTMENT made pursuant to section 22-7-706 (4), The state board shall discontinue the grant awarded to any recipient that is not making adequate progress in achieving the goals identified in the recipient's grant application.

SECTION • 22-7-705 (3), Colorado Revised Statutes, is amended to read:

22-7-705. Teacher development grant program - application.
(3) ~~The department shall transmit the applications received pursuant to subsection (1) of this section to the council.~~

SECTION • The introductory portion to 22-7-707 (3), Colorado Revised Statutes, is amended to read:

22-7-707. Reporting requirements - progress reports - final reports - state report. (3) On or before January 15, 2002, and on or before January 15 each year thereafter, the department shall submit to the governor, the education committees of the senate and the house of representatives, the council, and the board of education in each school district in which a grant recipient is located a state report on the teacher development grant program. The state report shall include the following information:

SECTION • 2-3-1203 (3) (w) (II), 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:

(w) July 1, 2010:

(II) The teacher development advisory council appointed pursuant to section 22-7-706, C.R.S.;

SECTION • 22-81-202 (1), Colorado Revised Statutes, is amended to read:

22-81-202. Definitions. As used in this part 2, unless the context otherwise requires:

(1) "Advisory board" means the science and technology education center grants advisory board created in section 22-81-204:

SECTION • Repeal. 22-81-204, Colorado Revised Statutes, is repealed as follows:

22-81-204. Science and technology education center grants - department - review - recommendations. (1) There is hereby created the science and technology education center grants advisory board which shall consist of five members as follows:

(a) One member appointed by the president of the senate;

(b) One member appointed by the speaker of the house of representatives; and

(c) Three members appointed by the governor.

(2) The members of the advisory board shall serve two-year terms and may serve up to two consecutive two-year terms, except that of the members initially appointed, the member appointed by the president of the senate shall serve a one-year term and one of the members appointed by the governor shall serve a one-year term. Members of the advisory board, including any legislative members, shall serve without compensation, except that they may be reimbursed for actual expenses incurred in fulfilling their duties:

(3) (a) The advisory board shall review the grant applications received pursuant to this part 2 and shall annually submit to the state board, by a date specified by rule of the state board, a list of recommended grant recipients and the recommended amount of each grant, in accordance with the limitations specified in section 22-81-203 (4) (b). The state board, within thirty days after receiving the recommendations of the advisory board, shall select the grant recipients and specify the amount to be awarded to each recipient, in accordance with the limitations specified in section 22-81-203 (4) (b):

~~(b) In reviewing the applications and making recommendations, the advisory board shall apply the criteria and requirements specified in section 22-81-203 (3).~~

(4) The department shall forward to the advisory STATE board all grant applications received pursuant to this part 2. ~~Upon request of the advisory board, The department shall provide staff assistance in reviewing~~ REVIEW the grant applications and ~~preparing the~~ PREPARE A list of recommended recipients and grant amounts.

~~(5) (a) This section is repealed, effective July 1, 2011.~~

~~(b) Prior to said repeal, the science and technology education center grants advisory board shall be reviewed as provided for in section 2-3-1203, C.R.S.~~

SECTION • 22-81-203 (2) (a), (3) (b), and (4) (b), Colorado Revised Statutes, are amended to read:

22-81-203. Science and technology education center grant program - created - applications - awards. (2) (a) Beginning on or before January 2, 2002, the state board based on the recommendations of the science and technology education center grants program advisory board created in section 22-81-204, shall, subject to available appropriations, annually award one or more science and technology education center grants for the development and operation of science and technology education centers.

(3) (b) ~~The advisory board may not recommend and~~ The state board may not award a science and technology education center grant to any

applicant that fails to provide the information specified in subparagraphs (II) and (III) of paragraph (b) of subsection (2) of this section.

(4) (b) ~~The state board based on recommendations of the advisory committee, shall specify the amount to be awarded to each science and technology education center that is selected to receive a grant. The amount awarded to a new science and technology education center for start-up costs shall not exceed five hundred thousand dollars for one fiscal year and may not be renewed. The amount awarded to an operating science and technology education center for operating costs shall not exceed two hundred thousand dollars for one fiscal year.~~

SECTION • 2-3-1203 (3) (x) (I), 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:

(x) July 1, 2011:

(I) ~~The science and technology education center grants advisory board, created in section 22-81-204, C.R.S.;~~

SECTION • **Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

DRAFT

Bill G

Colorado Legislative Council Staff
NO FISCAL IMPACT

Drafting Number: LLS 04-0256
Prime Sponsor(s): Rep. King
Sen. Reeves

Date: December 12, 2003
Bill Status: Interim Committee on State
Government Expenditures
Fiscal Analyst: Harry Zeid (303-866-4753)

TITLE: CONCERNING THE ELIMINATION OF CERTAIN EDUCATION ADVISORY
BOARDS.

Summary of Assessment

This bill eliminates the Teacher Development Advisory Council and the Science and Technology Education Center Grants Advisory Board within the Department of Education. The bill transfers the responsibility for grant application review from the two boards to the State Board of Education.

The bill is assessed as having no fiscal impact. While the Teacher Development Advisory Council made recommendations for the distribution of \$2 million for a two year period, moneys are no longer being appropriated for this program. Similarly, funding for Science and Technology Education Center grants has been eliminated. Therefore, the existence of these two boards is no longer necessary. Staff assistance for board functions has been minimal. Therefore, no appropriation reduction to the Department of Education is necessary.

The bill will become effective upon signature of the Governor.

Departments Contacted

Education

Bill H

HOUSE SPONSORSHIP

Spradley, King, and Young

SENATE SPONSORSHIP

Teck, and Owen

A BILL FOR AN ACT

CONCERNING THE STRUCTURE OF THE STATE SYSTEM OF COMMUNITY COLLEGES.

Bill Summary

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

Interim Committee on State Government Expenditures. Establishes an advisory committee to study the structure of the state system of community colleges. Specifies membership, and requires the advisory committee to report to the governor and to the executive, education, and joint budget committees of the general assembly within 120 days after the effective date of the act.

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

SECTION 1. Part 1 of article 60 of title 23, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

23-60-104.5. Advisory committee - structure - repeal. (1) THERE IS HEREBY CREATED IN THE DEPARTMENT OF HIGHER EDUCATION AN ADVISORY COMMITTEE, REFERRED TO IN THIS SECTION AS THE "COMMITTEE", TO STUDY

THE GOVERNING STRUCTURES OF THE STATE BOARD FOR COMMUNITY COLLEGES AND OCCUPATIONAL EDUCATION, REFERRED TO IN THIS SECTION AS THE "STATE BOARD", AND THE COMMUNITY AND TECHNICAL COLLEGES UNDER THE CONTROL OF THE STATE BOARD, REFERRED TO IN THIS SECTION AS THE "COLLEGES".

(2) (a) THE COMMITTEE SHALL CONSIST OF THE FOLLOWING NINE MEMBERS:

(I) TWO MEMBERS OF THE STATE BOARD, ONE OF WHOM SHALL RESIDE IN AN URBAN COUNTY AND ONE OF WHOM SHALL RESIDE IN A RURAL COUNTY;

(II) TWO MEMBERS OF THE COLORADO COMMISSION ON HIGHER EDUCATION;

(III) TWO PRESIDENTS OF COLLEGES, ONE OF WHOM SHALL BE THE PRESIDENT OF A COLLEGE ESTABLISHED IN AN URBAN COUNTY AND ONE OF WHOM SHALL BE PRESIDENT OF A COLLEGE ESTABLISHED IN A RURAL COUNTY;

(IV) TWO CITIZENS OF COLORADO WHO ARE NOT CONNECTED WITH THE COLORADO COMMISSION ON HIGHER EDUCATION, THE STATE BOARD, OR A COLLEGE, BUT HAVE KNOWLEDGE OF THE STATE SYSTEM OF COMMUNITY AND TECHNICAL COLLEGES; AND

(V) THE EXECUTIVE DIRECTOR OF THE COLORADO COMMISSION ON HIGHER EDUCATION.

(b) WITHIN TEN DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION, THE GOVERNOR SHALL APPOINT THE EIGHT MEMBERS OF THE COMMITTEE SPECIFIED IN SUBPARAGRAPHS (I) TO (IV) OF PARAGRAPH (a) OF THIS SUBSECTION (2).

(c) MEMBERS OF THE COMMITTEE SHALL SERVE WITHOUT COMPENSATION.

(3) THE COMMITTEE SHALL STUDY THE GOVERNING STRUCTURES OF THE STATE BOARD AND THE COLLEGES TO DETERMINE IF THERE ARE ANY EFFICIENCIES OR COST-SAVINGS THAT WOULD BE REALIZED BY RESTRUCTURING THE MANNER IN WHICH COLLEGES ARE GOVERNED, BUT THE COMMITTEE SHALL NOT CONSIDER THE CLOSURE OR CONSOLIDATION OF ANY COLLEGES. THE COMMITTEE SHALL STUDY, BUT NEED NOT BE LIMITED TO:

(a) WHETHER COLLEGES WOULD BE MORE EFFICIENT WITH A REGIONAL GOVERNING STRUCTURE OR WITH INDEPENDENT GOVERNING STRUCTURES AT EACH COLLEGE;

(b) WHETHER THE DUTIES CURRENTLY UNDERTAKEN BY THE STATE BOARD ARE ACCURATELY REFLECTED IN STATUTE;

(c) WHETHER THE DUTIES OF THE STATE BOARD AND THE DUTIES OF THE INDIVIDUAL COLLEGES ARE IN CONFLICT, ARE DUPLICATIVE, OR ARE EFFICIENT; AND

(d) WHETHER CHANGING OR ELIMINATING THE STATE BOARD WOULD ALLOW ANY COLLEGE TO RECEIVE A GREATER SHARE OF GENERAL FUND MONEYS.

(4) WITHIN ONE HUNDRED TWENTY DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION, THE COMMITTEE SHALL REPORT TO THE GOVERNOR, THE EDUCATION COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES, AND THE EXECUTIVE COMMITTEE AND THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY ON THE FINDINGS OF THE COMMITTEE, INCLUDING BUT NOT LIMITED TO ANY SUGGESTIONS FOR LEGISLATIVE CHANGES.

(5) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2005.

SECTION 2. No appropriation. The general assembly has determined that this act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the purposes of this act.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

DRAFT

Bill H

Colorado Legislative Council Staff
NO FISCAL IMPACT

Drafting Number: LLS 04-0257

Date: December 1, 2003

Prime Sponsor(s): Rep. Spradley
Sen. Teck

Bill Status: Interim Committee on State
Government Expenditures

Fiscal Analyst: Harry Zeid (303-866-4753)

TITLE: CONCERNING THE STRUCTURE OF THE STATE SYSTEM OF COMMUNITY COLLEGES.

Summary of Assessment

This bill creates a nine-member advisory committee to study the structure of the state system of community colleges. The bill specifies that the Governor shall appoint eight of the members who meet certain criteria. The ninth member shall be the Director of the Colorado Commission on Higher Education. The advisory committee shall report within 120 days to the Governor, the executive committee of Legislative Council, the House and Senate Education Committees, and the Joint Budget Committee. The advisory committee study shall include but not be limited to the following issues:

- whether colleges would be more efficient with a regional governing structure or with independent governing structures at each college;
- whether the duties currently undertaken by the state board are accurately reflected in statute;
- whether the duties of the state board and colleges are in conflict, duplicative, or efficient; and
- whether the elimination of the state board would allow any individual college to receive a greater General Fund appropriation.

This bill has no fiscal impact. The community college system office will likely incur staff time devoted to generating data for the advisory committee. Staff time will be shifted from other work areas to accommodate this short-term study. The bill states that the board members shall not receive compensation. This bill takes effect upon signature of the Governor.

Departments Contacted

Education Higher Education

Bill I

HOUSE SPONSORSHIP

King

SENATE SPONSORSHIP

Anderson, and Andrews

A BILL FOR AN ACT

**CONCERNING THE EMPLOYMENT STATUS OF PERSONS EMPLOYED WITHIN
THE STATE SYSTEM OF HIGHER EDUCATION.**

Bill Summary

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

Interim Committee on State Government Expenditures.

Authorizes a governing board of a state institution of higher education to withdraw the employees of the governing board and of the state institution of higher education that are under the supervision and control of the governing board from the state personnel system and adopt an alternative personnel system. Specifies the minimum requirements of an alternative personnel system. Allows state personnel system employees who are employed, prior to the effective date of the withdrawal, by the governing board or by a state institution of higher education under the control and supervision of the governing board and who continue to be employed after that date, to elect to remain state personnel system employees or to become employees within the governing board's alternative personnel system. Prohibits employees who elect to leave the state personnel system from returning to the state personnel system while they remain in the same employment. Protects the employment rights, including participation in the public employees' retirement association ("PERA"), of state personnel system employees who elect to remain within the state personnel system. Allows employees who elect to become employees within the governing board's alternative personnel system to elect to join the governing board's optional retirement plan, if any, or to continue to participate in PERA.

Makes conforming amendments.

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

SECTION 1. Article 5 of title 23, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

23-5-116.5. Governing boards - personnel - withdrawal from state personnel system - alternative personnel system - election. (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(a) PURSUANT TO SECTION 5 OF ARTICLE VIII OF THE STATE CONSTITUTION, THE GOVERNING BOARDS OF THE STATE INSTITUTIONS OF HIGHER EDUCATION SHALL HAVE THE GENERAL SUPERVISION OF THEIR RESPECTIVE INSTITUTIONS AND THE EXCLUSIVE CONTROL AND DIRECTION OF ALL FUNDS OF AND APPROPRIATIONS TO THEIR RESPECTIVE INSTITUTIONS, UNLESS OTHERWISE PROVIDED BY LAW.

(b) SECTION 13 OF ARTICLE XII OF THE STATE CONSTITUTION PROVIDES THAT THE PERSONNEL SYSTEM OF THE STATE SHALL COMPRISE ALL EMPLOYEES OF THE STATE, WITH STATED EXCEPTIONS, AND ESTABLISHES AND AUTHORIZES STATEWIDE RULES AND PROCEDURES TO GOVERN THE PERSONNEL SYSTEM.

(c) AS A SPECIFIC STATEMENT OF THE CONSTITUTIONAL POWERS OF THE GOVERNING BOARDS OF THE STATE INSTITUTIONS OF HIGHER EDUCATION TO SUPERVISE THEIR INSTITUTIONS AND, ESPECIALLY, TO CONTROL AND DIRECT THEIR FUNDS, THE PROVISIONS OF SECTION 5 OF ARTICLE VIII OF THE STATE CONSTITUTION TAKE PRECEDENCE OVER THE GENERAL PROVISIONS OF SECTION 13 OF ARTICLE XII OF THE STATE CONSTITUTION, AND THE EMPLOYEES WITHIN

THE STATE SYSTEM OF HIGHER EDUCATION ARE SUBJECT TO THE STATE PERSONNEL SYSTEM ONLY AS MAY BE REQUIRED BY STATUTE.

(d) PRIOR TO THE ENACTMENT OF THIS SECTION, THE GENERAL ASSEMBLY, THROUGH THE EXERCISE OF ITS PLENARY AUTHORITY AND PURSUANT TO SECTION 5 OF ARTICLE VIII OF THE STATE CONSTITUTION, HAS CHOSEN TO LIMIT THE AUTHORITY OF THE GOVERNING BOARDS OF THE STATE INSTITUTIONS OF HIGHER EDUCATION WITH REGARD TO THE SUPERVISION OF THEIR RESPECTIVE INSTITUTIONS OF HIGHER EDUCATION BY STATUTORILY INCLUDING THE EMPLOYEES OF THE STATE INSTITUTIONS OF HIGHER EDUCATION IN THE PERSONNEL SYSTEM OF THE STATE, WITH THE EXCEPTION OF FACULTY MEMBERS AND ADMINISTRATORS, WHO ARE EXEMPT FROM THE PERSONNEL SYSTEM PURSUANT TO SECTION 13 OF ARTICLE XII OF THE STATE CONSTITUTION.

(e) THE CURRENT ECONOMIC CIRCUMSTANCES WITHIN THE STATE HAVE REQUIRED SUBSTANTIAL REDUCTIONS IN THE FUNDING APPROPRIATED FOR STATE INSTITUTIONS OF HIGHER EDUCATION, CAUSING THESE INSTITUTIONS TO ENACT SEVERE BUDGET CUTS AND SERIOUSLY STRAINING THE INSTITUTIONS' ABILITY TO ADEQUATELY SERVE THE PEOPLE OF THE STATE OF COLORADO WITHIN THE INSTITUTIONS' AVAILABLE RESOURCES.

(f) EACH STATE INSTITUTION'S LACK OF CONTROL OVER THE HIGH COSTS ASSOCIATED WITH EMPLOYING PERSONS THROUGH THE STATE PERSONNEL SYSTEM, BECAUSE OF THE NECESSARY STATEWIDE, STANDARDIZED RULES AND PROCEDURES ATTENDANT WITH THE STATE PERSONNEL SYSTEM, HAS SIGNIFICANTLY HINDERED EACH GOVERNING BOARD'S ABILITY TO

RECONFIGURE ITS BUDGET AND FLEXIBLY ADJUST ITS SPENDING AND COSTS TO PROVIDE THE HIGHEST POSSIBLE LEVEL OF SERVICE FOR COLORADO'S CITIZENS.

(g) IN MARCH OF 2003, THE GOVERNOR ESTABLISHED THE COMMISSION ON CIVIL SERVICE REFORM TO REVIEW COLORADO'S CIVIL SERVICE SYSTEM AND TO IDENTIFY AND RECOMMEND REFORMS TO BETTER SERVE THE NEEDS OF STATE GOVERNMENT, PUBLIC EMPLOYEES, AND TAXPAYERS. IN THE COMMISSION'S FINAL REPORT, IT RECOMMENDS THAT THE GENERAL ASSEMBLY ENACT LEGISLATION AUTHORIZING EACH GOVERNING BOARD TO DETERMINE WHETHER IT WILL PARTICIPATE IN THE STATE PERSONNEL SYSTEM OR ESTABLISH ITS OWN PERSONNEL SYSTEM TO MEET ITS SPECIFIC AND UNIQUE NEEDS.

(h) BASED ON ITS REVIEW OF THE OPERATIONS OF THE STATE PERSONNEL SYSTEM WITH REGARD TO STATE INSTITUTIONS OF HIGHER EDUCATION AND EXTENSIVE TESTIMONY TAKEN FROM STATE INSTITUTION ADMINISTRATORS, THE COMMISSION ON CIVIL SERVICE REFORM FOUND THAT MOST STATE INSTITUTIONS OF HIGHER EDUCATION MAINTAIN AT LEAST TWO, AND IN SOME CASES MANY MORE, PERSONNEL SYSTEMS TO ACCOMMODATE THE EMPLOYEES WHO ARE WITHIN THE STATE PERSONNEL SYSTEM AND THE DIFFERENT CLASSES OF EMPLOYEES WHO ARE EXEMPT FROM THE STATE PERSONNEL SYSTEM. THE COMMISSION CONCLUDED THAT ALLOWING THE GOVERNING BOARDS TO ESTABLISH THEIR OWN PERSONNEL SYSTEMS FOR ALL OF THEIR EMPLOYEES WOULD REDUCE THE ACTUAL COSTS AND REDUCE THE ADMINISTRATIVE DIFFICULTIES AND HUMAN RESOURCE COSTS OF MAINTAINING MULTIPLE PERSONNEL SYSTEMS.

(i) THE ALTERNATIVE PERSONNEL SYSTEMS DEVELOPED BY STATE INSTITUTIONS OF HIGHER EDUCATION IN RECENT YEARS FOR EMPLOYEES WHO ARE EXEMPT FROM THE STATE PERSONNEL SYSTEM PROVIDE AT LEAST A COMPARABLE, AND IN SOME CASES BETTER, LEVEL OF SERVICE AND BENEFITS COMPARED TO THOSE PROVIDED BY THE STATE PERSONNEL SYSTEM, AND IT IS IN THE BEST INTERESTS OF ALL OF THE EMPLOYEES OF THE GOVERNING BOARDS AND THE STATE INSTITUTIONS OF HIGHER EDUCATION TO PROVIDE AN INCREASED LEVEL OF RESPONSIVENESS, SERVICE, AND EMPLOYEE BENEFITS TO ALL EMPLOYEES WITHIN THE STATE SYSTEM OF HIGHER EDUCATION.

(j) IT IS NECESSARY TO ENSURE THE GREATEST POSSIBLE ACCESS TO HIGHER EDUCATION BY THE PEOPLE OF COLORADO BY PROVIDING THE GREATEST POSSIBLE DEGREE OF FLEXIBILITY TO THE GOVERNING BOARDS TO CONTROL COSTS, EXPENDITURES, AND RESOURCE ALLOCATION.

(k) IT IS NECESSARY FOR THE PROTECTION OF THE BEST INTERESTS OF THE PEOPLE OF COLORADO TO ALLOW THE GOVERNING BOARDS TO DECIDE WHETHER TO PARTICIPATE IN THE STATE PERSONNEL SYSTEM OR TO ESTABLISH THEIR OWN ALTERNATIVE PERSONNEL SYSTEMS FOR EMPLOYEES WITHIN THE STATE SYSTEM OF HIGHER EDUCATION WITH REGARD TO FUTURE EMPLOYEES AND TO ALLOW PERSONS EMPLOYED WITHIN THE STATE SYSTEM OF HIGHER EDUCATION AS OF THE DATE THE EMPLOYING GOVERNING BOARD CHOOSES TO WITHDRAW FROM THE STATE PERSONNEL SYSTEM TO CHOOSE WHETHER TO TRANSFER THEIR EMPLOYMENT OUT OF THE STATE PERSONNEL SYSTEM.

(l) IN THE SAME MANNER THAT THE GENERAL ASSEMBLY, THROUGH THE EXERCISE OF ITS PLENARY AUTHORITY AND THE PROVISIONS OF SECTION 5 OF ARTICLE VIII OF THE STATE CONSTITUTION, HAD AUTHORITY TO ENACT

LEGISLATION TO INCLUDE EMPLOYEES OF THE STATE INSTITUTIONS OF HIGHER EDUCATION IN THE PERSONNEL SYSTEM OF THE STATE, THE GENERAL ASSEMBLY HAS AUTHORITY TO ENACT LEGISLATION TO ALLOW THE WITHDRAWAL OF THOSE EMPLOYEES FROM THE PERSONNEL SYSTEM OF THE STATE.

(2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "PERA" MEANS THE PUBLIC EMPLOYEES' RETIREMENT ASSOCIATION CREATED IN PART 2 OF ARTICLE 51 OF TITLE 24, C.R.S.

(b) "STATE INSTITUTION OF HIGHER EDUCATION" MEANS AN INSTITUTION OF HIGHER EDUCATION THAT IS UNDER THE DIRECTION AND CONTROL OF THE UNIVERSITY OF COLORADO BOARD OF REGENTS, THE BOARD OF GOVERNORS OF THE COLORADO STATE UNIVERSITY SYSTEM, THE BOARD OF TRUSTEES FOR THE UNIVERSITY OF NORTHERN COLORADO, THE BOARD OF TRUSTEES OF THE COLORADO SCHOOL OF MINES, THE BOARD OF TRUSTEES FOR ADAMS STATE COLLEGE, THE BOARD OF TRUSTEES FOR FORT LEWIS COLLEGE, THE BOARD OF TRUSTEES FOR MESA STATE COLLEGE, THE BOARD OF TRUSTEES FOR METROPOLITAN STATE COLLEGE OF DENVER, THE BOARD OF TRUSTEES FOR WESTERN STATE COLLEGE OF COLORADO, OR THE STATE BOARD FOR COMMUNITY COLLEGES AND OCCUPATIONAL EDUCATION, OR AN INSTITUTION OF HIGHER EDUCATION THAT IS A LOCAL JUNIOR COLLEGE ORGANIZED PURSUANT TO PART 1 OF ARTICLE 71 OF THIS TITLE.

(c) "WITHDRAWAL DATE" MEANS THE EFFECTIVE DATE UPON WHICH A GOVERNING BOARD WITHDRAWS FROM THE STATE PERSONNEL SYSTEM, AS

STATED IN THE RESOLUTION ADOPTED PURSUANT TO SUBSECTION (3) OF THIS SECTION.

(3) ON OR AFTER JULY 1, 2004, A GOVERNING BOARD MAY, BY RESOLUTION, CHOOSE TO WITHDRAW THE EMPLOYEES OF THE GOVERNING BOARD AND OF THE STATE INSTITUTIONS OF HIGHER EDUCATION THAT ARE UNDER THE SUPERVISION AND CONTROL OF THE GOVERNING BOARD FROM THE STATE PERSONNEL SYSTEM. THE RESOLUTION SHALL INCLUDE ESTABLISHMENT OF AN ALTERNATIVE PERSONNEL SYSTEM FOR THE GOVERNING BOARD'S AND STATE INSTITUTION OF HIGHER EDUCATION'S EMPLOYEES, AS DESCRIBED IN SUBSECTION (4) OF THIS SECTION. THE RESOLUTION SHALL ALSO SPECIFY THE TIME PERIOD DURING WHICH THE PERSONS EMPLOYED BY THE GOVERNING BOARD AND ITS STATE INSTITUTIONS OF HIGHER EDUCATION ON THE EFFECTIVE DATE OF THE WITHDRAWAL MAY ELECT WHETHER TO REMAIN AS EMPLOYEES WITHIN THE STATE PERSONNEL SYSTEM OR BECOME EMPLOYEES OF THE GOVERNING BOARD OR THE STATE INSTITUTION OF HIGHER EDUCATION WITHIN THE ALTERNATIVE PERSONNEL SYSTEM ESTABLISHED BY THE GOVERNING BOARD, AS PROVIDED IN SUBSECTION (6) OF THIS SECTION.

(4) A GOVERNING BOARD THAT CHOOSES TO WITHDRAW FROM THE STATE PERSONNEL SYSTEM SHALL ESTABLISH AN ALTERNATIVE PERSONNEL SYSTEM FOR ITS EMPLOYEES AND THE EMPLOYEES OF THE STATE INSTITUTIONS OF HIGHER EDUCATION THAT ARE UNDER THE SUPERVISION AND CONTROL OF THE GOVERNING BOARD. THE GOVERNING BOARD SHALL INVOLVE THE EMPLOYEES IN THE CREATION OF THE ALTERNATIVE PERSONNEL SYSTEM TO FOSTER BROAD SUPPORT FOR THE SYSTEM. AT A MINIMUM, AN ALTERNATIVE

PERSONNEL SYSTEM SHALL ESTABLISH CONSISTENT PRACTICES IN HIRING AND IN DETERMINING EMPLOYEE COMPENSATION AND BENEFITS AND SHALL ENSURE EMPLOYEES' DUE PROCESS RIGHTS IN EMPLOYEE DISCIPLINE PROCEDURES, INCLUDING THE POLICIES AND PRACTICES ADOPTED PURSUANT TO SECTION 23-5-117 FOR FACULTY MEMBERS WHO ARE TERMINATED. TWO OR MORE GOVERNING BOARDS MAY COOPERATE TO CREATE AND IMPLEMENT A JOINTLY OPERATED ALTERNATIVE PERSONNEL SYSTEM FOR THE STATE INSTITUTIONS OF HIGHER EDUCATION UNDER THE SUPERVISION AND CONTROL OF THE GOVERNING BOARDS.

(5) IF A GOVERNING BOARD CHOOSES TO WITHDRAW FROM THE STATE PERSONNEL SYSTEM, ALL EMPLOYEES OF THE GOVERNING BOARD AND OF THE STATE INSTITUTIONS OF HIGHER EDUCATION THAT ARE UNDER THE SUPERVISION AND CONTROL OF THE GOVERNING BOARD WHO ARE HIRED ON OR AFTER THE WITHDRAWAL DATE SHALL BE EMPLOYEES OF THE GOVERNING BOARD OR STATE INSTITUTION OF HIGHER EDUCATION AND SHALL NOT BE EMPLOYEES WITHIN THE STATE PERSONNEL SYSTEM. AS EMPLOYEES OF THE GOVERNING BOARD OR STATE INSTITUTION OF HIGHER EDUCATION, THEY SHALL BE INCLUDED IN AND SUBJECT TO THE ALTERNATIVE PERSONNEL SYSTEM ADOPTED BY THE GOVERNING BOARD PURSUANT TO SUBSECTION (4) OF THIS SECTION AND THEY SHALL NOT BE SUBJECT TO THE STATE PERSONNEL SYSTEM LAWS.

(6) (a) IF A GOVERNING BOARD CHOOSES TO WITHDRAW FROM THE STATE PERSONNEL SYSTEM, A PERSON WHO, PRIOR TO THE WITHDRAWAL DATE, IS AN EMPLOYEE OF THE GOVERNING BOARD OR OF A STATE INSTITUTION OF HIGHER EDUCATION UNDER THE SUPERVISION AND CONTROL OF THE

GOVERNING BOARD AND WHO IS INCLUDED IN THE STATE PERSONNEL SYSTEM AND WHO CONTINUES TO BE AN EMPLOYEE OF THE GOVERNING BOARD OR STATE INSTITUTION OF HIGHER EDUCATION ON AND AFTER THE WITHDRAWAL DATE SHALL CONTINUE TO BE AN EMPLOYEE WITHIN THE STATE PERSONNEL SYSTEM, UNLESS HE OR SHE ELECTS TO BECOME AN EMPLOYEE OF THE GOVERNING BOARD OR STATE INSTITUTION OF HIGHER EDUCATION WITHIN THE ALTERNATIVE PERSONNEL SYSTEM ADOPTED BY THE GOVERNING BOARD. AN EMPLOYEE OF THE GOVERNING BOARD OR THE STATE INSTITUTION OF HIGHER EDUCATION SHALL MAKE THE ELECTION TO REMAIN WITHIN THE STATE PERSONNEL SYSTEM OR TO BECOME AN EMPLOYEE WITHIN THE ALTERNATIVE PERSONNEL SYSTEM WITHIN THE TIME PERIOD ESTABLISHED FOR ELECTION BY THE GOVERNING BOARD IN THE RESOLUTION ADOPTED PURSUANT TO SUBSECTION (3) OF THIS SECTION.

(b) A PERSON WHO ELECTS TO CONTINUE AS AN EMPLOYEE IN THE STATE PERSONNEL SYSTEM SHALL RETAIN ALL RIGHTS AND PRIVILEGES OF THE STATE EMPLOYMENT STATUS WHICH IS APPLICABLE TO THE EMPLOYEE'S POSITION, INCLUDING BUT NOT LIMITED TO PARTICIPATION IN PERA. THE EMPLOYEE SHALL NOT BE DISCRIMINATED AGAINST IN TRAINING, PROMOTION, RETENTION, ASSIGNMENT OF DUTIES, GRANTING OF RIGHTS AND BENEFITS, OR ANY OTHER PERSONNEL ACTION. PROMOTION OR A CHANGE IN POSITION SHALL NOT BE CONTINGENT UPON THE EMPLOYEE BECOMING AN EMPLOYEE WITHIN THE GOVERNING BOARD'S ALTERNATIVE PERSONNEL SYSTEM.

(c) IN THE CASE OF A DISPUTE INVOLVING A PERSON WHO ELECTS TO CONTINUE AS AN EMPLOYEE IN THE STATE PERSONNEL SYSTEM, THE GOVERNING BOARD AND STATE INSTITUTION OF HIGHER EDUCATION SHALL

AGREE TO ACCEPT RESOLUTION OF ALL DISCIPLINARY APPEALS OR OTHER EMPLOYMENT DISPUTES GOVERNED BY THE STATUTES OF THE STATE PERSONNEL SYSTEM OR THE RULES OF THE STATE PERSONNEL DEPARTMENT ACCORDING TO THE RULES AND PROCEDURES APPLICABLE TO MEMBERS OF THE STATE PERSONNEL SYSTEM.

(d) AN EMPLOYEE WHO ELECTS TO BECOME AN EMPLOYEE IN THE GOVERNING BOARD'S ALTERNATIVE PERSONNEL SYSTEM SHALL NOT THEREAFTER RETURN TO STATE EMPLOYMENT STATUS WHILE EMPLOYED BY THE GOVERNING BOARD OR STATE INSTITUTION OF HIGHER EDUCATION. AN EMPLOYEE WHO ELECTS TO BECOME AN EMPLOYEE IN THE GOVERNING BOARD'S ALTERNATIVE PERSONNEL SYSTEM SHALL RECEIVE FULL CREDIT FOR SICK LEAVE AND ANNUAL LEAVE ACCRUED WHILE EMPLOYED AS A STATE EMPLOYEE.

(e) AN EMPLOYEE WHO ELECTS TO BECOME AN EMPLOYEE IN THE GOVERNING BOARD'S ALTERNATIVE PERSONNEL SYSTEM SHALL, AT THE TIME OF ELECTION, DECIDE WHETHER TO CONTINUE TO PARTICIPATE IN PERA OR TO PARTICIPATE IN AN OPTIONAL RETIREMENT PLAN ADOPTED BY THE GOVERNING BOARD. IF THE EMPLOYEE ELECTS TO CONTINUE TO PARTICIPATE IN PERA OR IF THE GOVERNING BOARD DOES NOT ADOPT AN OPTIONAL RETIREMENT PLAN, THE EMPLOYEE SHALL CONTINUE TO PARTICIPATE IN PERA, EVEN THOUGH THE EMPLOYEE IS NO LONGER WITHIN THE STATE PERSONNEL SYSTEM.

SECTION 2. 24-50-101 (1), (3) (c), and (3) (d), Colorado Revised Statutes, are amended, and the said 24-50-101 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

24-50-101. Short title - legislative declaration - terminology.

(1) This article shall be known and may be cited as the "State Personnel System Act". It is the purpose of this article and the personnel rules adopted pursuant to this article to provide a sound, comprehensive, and uniform system of personnel management and administration for the employees within the state personnel system as defined by the constitution of the state of Colorado and laws enacted pursuant thereto, including all employees of the state colleges and universities not otherwise exempted by law WHO WERE HIRED PRIOR TO THE DATE ON WHICH THE EMPLOYING GOVERNING BOARD OR STATE INSTITUTION OF HIGHER EDUCATION WITHDREW THE EMPLOYEES OF THE GOVERNING BOARD AND OF THE STATE INSTITUTIONS OF HIGHER EDUCATION THAT ARE UNDER THE SUPERVISION AND CONTROL OF THE GOVERNING BOARD FROM THE STATE PERSONNEL SYSTEM PURSUANT TO SECTION 23-5-116.5, C.R.S., AND WHO ELECT TO CONTINUE AS EMPLOYEES WITHIN THE STATE PERSONNEL SYSTEM.

(3) (c) It is the duty of the state personnel director to establish the general criteria for adherence to the merit principles and for fair treatment of individuals within the state personnel system. It is the responsibility of the state personnel director to provide leadership in the areas of policy and operation of the state personnel system as well as to provide consultant services to executive branch agencies and TO SUCH INSTITUTIONS OF HIGHER EDUCATION AS CONTINUE TO EMPLOY STATE PERSONNEL SYSTEM EMPLOYEES to further their professional management of human resources in state government. The state personnel director, pursuant to the "State Administrative Procedure Act", article 4 of this title, shall provide necessary directives and oversight for the management of

the state personnel system and in the discharge of his OR HER constitutional duty to administer the state personnel system.

(d) The heads of principal departments and presidents of colleges and universities shall be responsible and accountable for the actual operation and management of the state personnel system for their respective departments. THE PRESIDENTS OF COLLEGES AND UNIVERSITIES THAT CONTINUE TO EMPLOY STATE PERSONNEL SYSTEM EMPLOYEES SHALL BE RESPONSIBLE AND ACCOUNTABLE FOR THE ACTUAL OPERATION AND MANAGEMENT OF THE STATE PERSONNEL SYSTEM FOR THEIR RESPECTIVE colleges or universities. Such operation and management shall be in accordance with directives promulgated by the state personnel director, who shall provide postaudit review of such operation and management. Presidents of colleges and universities THAT CONTINUE TO EMPLOY STATE PERSONNEL SYSTEM EMPLOYEES shall be the appointing authorities for employees of their respective institutions.

(5) PURSUANT TO THE PROVISIONS OF SECTION 23-5-116.5, C.R.S., A GOVERNING BOARD OF A STATE INSTITUTION OF HIGHER EDUCATION MAY CHOOSE TO WITHDRAW THE EMPLOYEES OF THE GOVERNING BOARD AND OF THE STATE INSTITUTIONS OF HIGHER EDUCATION THAT ARE UNDER THE SUPERVISION AND CONTROL OF THE GOVERNING BOARD FROM THE STATE PERSONNEL SYSTEM. A PERSON HIRED BY A GOVERNING BOARD THAT SO CHOOSES, OR BY A STATE INSTITUTION OF HIGHER EDUCATION THAT IS UNDER THE SUPERVISION AND CONTROL OF THE GOVERNING BOARD, ON OR AFTER THE EFFECTIVE DATE OF THE WITHDRAWAL SHALL BE AN EMPLOYEE OF THE GOVERNING BOARD OR STATE INSTITUTION OF HIGHER EDUCATION AND SHALL NOT BE AN EMPLOYEE WITHIN THE STATE PERSONNEL SYSTEM, AS PROVIDED IN

SECTION 23-5-116.5, C.R.S. STATE PERSONNEL SYSTEM EMPLOYEES WHO ARE EMPLOYED BY THE GOVERNING BOARD OR STATE INSTITUTION OF HIGHER EDUCATION PRIOR TO THE EFFECTIVE DATE OF THE WITHDRAWAL, AND WHO ARE STATE PERSONNEL SYSTEM EMPLOYEES AND CONTINUE AS EMPLOYEES AFTER SAID DATE SHALL ELECT WHETHER TO CONTINUE AS EMPLOYEES WITHIN THE STATE PERSONNEL SYSTEM OR TO BECOME EMPLOYEES WITHIN THE ALTERNATIVE PERSONNEL SYSTEM ADOPTED BY THE GOVERNING BOARD, AS PROVIDED IN SECTION 23-5-116.5, C.R.S. FOLLOWING THE WITHDRAWAL OF EMPLOYEES FROM THE STATE PERSONNEL SYSTEM, PURSUANT TO SECTION 23-5-116.5, C.R.S., THE PROVISIONS OF THIS ARTICLE AND ALL OTHER STATE PERSONNEL SYSTEM LAWS AND RULES SHALL APPLY TO THE GOVERNING BOARD AND TO THE STATE INSTITUTIONS OF HIGHER EDUCATION UNDER THE SUPERVISION AND CONTROL OF THE GOVERNING BOARD ONLY WITH RESPECT TO EMPLOYEES WHO WERE HIRED PRIOR TO THE EFFECTIVE DATE OF THE WITHDRAWAL AND WHO ELECT TO CONTINUE AS STATE PERSONNEL SYSTEM EMPLOYEES AFTER SAID DATE.

SECTION 3. 24-50-104 (1) (c) (II) (E), (1) (c) (IV), and (1) (c.5) (III), Colorado Revised Statutes, are amended to read:

24-50-104. Job evaluation and compensation - repeal. (1) **Total compensation philosophy.** (c) (II) The department of personnel shall develop guidelines and coordinate a performance system pursuant to the provisions of subparagraph (I) of this paragraph (c) that:

(E) Includes uniform and consistent guidelines for all state departments and institutions of higher education THAT CONTINUE TO EMPLOY STATE PERSONNEL SYSTEM EMPLOYEES;

(IV) The state personnel director may authorize state departments and SUCH institutions of higher education AS CONTINUE TO EMPLOY STATE PERSONNEL SYSTEM EMPLOYEES to establish a program for the particular state department or institution to implement the performance system prepared by the department of personnel in accordance with the provisions of this paragraph (c). The state personnel director shall encourage state departments and SUCH institutions of higher education AS CONTINUE TO EMPLOY STATE PERSONNEL SYSTEM EMPLOYEES to implement performance evaluations of employees that are as objective as possible and that, as soon as possible and wherever feasible, include an assessment from multiple sources of each employee's performance. Such sources shall include, where applicable, the employee's self-assessment, the employee's superiors, subordinates, peers, and any other applicable sources of an employee's performance. The state personnel director shall adopt procedures to establish a process to resolve employee disputes related to performance evaluations that do not result in corrective or disciplinary action against the employee. Each program established by a state department or institution of higher education pursuant to this subparagraph (IV) shall be subject to the director's approval. Except as provided in paragraph (d) of subsection (5) of this section, salaries may be increased or left unchanged subject to available appropriations for the performance system; except that no -annual increase shall be guaranteed.

(c.5) (III) The head of each principal department and OF each state-supported institution of higher education THAT CONTINUES TO EMPLOY STATE PERSONNEL SYSTEM EMPLOYEES, respectively, shall determine annually on May 1 whether each supervisor in the department or institution has

completed the mandatory performance evaluation required for each employee in the state personnel system during the preceding twelve months. If any evaluations have still not been completed by July 1, the supervisor may be subject to demotion. If a supervisor has not timely completed annual performance evaluations for two consecutive years, the supervisor shall be demoted to a nonsupervisory position.

SECTION 4. 24-50-109.5 (2) and (3), Colorado Revised Statutes, are amended to read:

24-50-109.5. Fiscal emergencies - emergency orders. (2) With the advice and assistance of the state personnel director, the governor shall take such actions as necessary to be utilized by each principal department and BY each institution of higher education THAT CONTINUES TO EMPLOY STATE PERSONNEL SYSTEM EMPLOYEES to reduce state personnel expenditures in the event of a fiscal emergency. Such actions shall include, but need not be limited to, separations, voluntary furloughs, mandatory furloughs, suspension of increases in salary and state contributions for group benefit plans, suspension of performance awards, job-sharing, hiring freezes, forced reallocation of vacant positions, or a combination thereof. Any suspension of salary increases, increases in state contributions for group benefit plans, or performance awards shall apply statewide to all employees in the state personnel system. If mandatory furloughs are utilized in any principal department or ANY institution of higher education THAT CONTINUES TO EMPLOY STATE PERSONNEL SYSTEM EMPLOYEES, such furloughs shall be implemented by each appointing authority so that all STATE PERSONNEL SYSTEM employees under such authority, regardless of status, position, or level

of employment, are furloughed for the same length of time, consistent with section 24-2-103 (2). Employees of the following agencies and employees with duties as described shall not be subject to mandatory furlough: The Colorado state patrol, correctional officers, police officers, employees of the department of human services providing hands-on care, and employees providing hands-on nursing care.

(3) Promptly after the adoption of a joint resolution declaring a fiscal emergency, the head of each principal department and the governing board of each institution of higher education THAT CONTINUES TO EMPLOY STATE PERSONNEL SYSTEM EMPLOYEES shall order into effect, on an emergency basis and in accordance with the actions taken by the governor pursuant to subsection (2) of this section, those measures they find necessary and appropriate to reduce the personnel expenditures of their departments or institutions to enable them to operate within available revenues. No such order shall have an effect beyond the time period specified in the joint resolution declaring the fiscal emergency.

SECTION 5. 24-50-114 (2), Colorado Revised Statutes, is amended to read:

24-50-114. Temporary appointments - term - tenure. (2) The state personnel director may, by rule, authorize principal department heads and THE presidents of colleges and universities THAT HAVE NOT WITHDRAWN FROM THE STATE PERSONNEL SYSTEM to employ persons from outside the state personnel system on a temporary basis while an eligible list is being provided or in emergency or seasonable situations nonpermanent in nature, but in each case the period of employment shall not exceed six months except for personal services contracts as permitted by part 5 of this article.

SECTION 6. 24-50-135, Colorado Revised Statutes, is amended to read:

24-50-135. Exemptions from personnel system. (1) Administrators employed in educational institutions and departments not charitable or reformatory in character shall include the following, who shall be exempt from the state personnel system:

(a) Officers of an educational institution and their professional staff assistants;

(b) Heads of administrative units directly responsible to officers of an educational institution;

(c) Heads of administrative units and their professional staff assistants who relate directly to the educational function of an educational institution and whose qualifications include training and experience comparable to that required for a faculty member;

(d) Heads of those functions of an educational institution which are supported primarily by student fees and charges, including heads of residence halls;

(e) Heads of and professional staff members of departments of intercollegiate athletics;

(f) Professional officers and professional staff of the department of higher education, including the professional staff members of any governing board of an institution of higher education; and

(g) Professional officers and professional staff of the department of education.

(2) The state personnel director, in consultation with the officers of such educational institutions or departments, shall determine which administrative positions, under the definitions enumerated above, are exempt from the state personnel system, subject to an appeal to the board.

(3) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, IF A GOVERNING BOARD OF A STATE INSTITUTION OF HIGHER EDUCATION CHOOSES TO WITHDRAW THE EMPLOYEES OF THE GOVERNING BOARD AND OF THE STATE INSTITUTIONS OF HIGHER EDUCATION THAT ARE UNDER THE SUPERVISION AND CONTROL OF THE GOVERNING BOARD FROM THE STATE PERSONNEL SYSTEM PURSUANT TO THE PROVISIONS OF SECTION 23-5-116.5, C.R.S., ALL PERSONS HIRED BY THE GOVERNING BOARD, OR BY A STATE INSTITUTION OF HIGHER EDUCATION UNDER THE SUPERVISION AND CONTROL OF THE GOVERNING BOARD, ON OR AFTER THE EFFECTIVE DATE OF THE WITHDRAWAL SHALL BE EMPLOYEES WITHIN THE ALTERNATIVE PERSONNEL SYSTEM ADOPTED BY THE GOVERNING BOARD AND SHALL NOT BE EMPLOYEES WITHIN THE STATE PERSONNEL SYSTEM, AS PROVIDED IN SECTION 23-5-116.5, C.R.S., REGARDLESS OF WHETHER THEY ARE IDENTIFIED AS EXEMPT PURSUANT TO THIS SECTION.

SECTION 7. 24-50-145 (2), Colorado Revised Statutes, is amended to read:

24-50-145. Agency-based human resource innovation and management processes - legislative declaration - definitions - guidelines and goals. (2) As used in this section, unless the context otherwise requires, "agency" means any department, board, bureau, commission, division, institution, or other agency of the state, including ~~institutions~~ AN INSTITUTION

of higher education THAT CONTINUES TO EMPLOY STATE PERSONNEL SYSTEM EMPLOYEES.

SECTION 8. 24-50-208, Colorado Revised Statutes, is amended to read:

24-50-208. Voluntary separation incentive program. The state personnel director may adopt procedures establishing a program for voluntary separation incentives available to all state employees in lieu of layoffs based on a determination by the head of a principal department or OF AN institution of higher education THAT CONTINUES TO EMPLOY STATE PERSONNEL SYSTEM EMPLOYEES that the program is necessitated by a shortage of work, shortage of funds, or a reorganization. Any program established pursuant to this section shall not conflict with laws, rules, or procedures governing the state personnel system or the public employees' retirement association. A voluntary separation incentive shall not be considered a prerequisite for purposes of section 24-30-202 (22).

SECTION 9. 24-50-510, Colorado Revised Statutes, is amended to read:

24-50-510. Annual report of contracts. Using forms supplied by the state personnel director, every state agency shall submit to the state personnel director a report no later than September 30 of each year setting forth the types and dollar values of contracts for services approved during the preceding fiscal year. Such report shall include information on any changes to the types or number of classified positions in the state agency as a direct result of contracts entered into by the agency. As used in this section, "state agency" means every board, bureau, commission, department, institution, division, or section of state

government, including THOSE institutions of higher education THAT CONTINUE TO EMPLOY STATE PERSONNEL SYSTEM EMPLOYEES.

SECTION 10. 24-54.5-102 (2), Colorado Revised Statutes, is amended to read:

24-54.5-102. Definitions. As used in this article, unless the context otherwise requires:

(2) "Eligible employee" means any employee of a state college or university who is:

(a) Exempt from the state personnel system under section 13 (2) of article XII of the state constitution as a faculty member of an educational institution or department not reformatory or charitable in character; or

(b) Exempt from the state personnel system pursuant to the provisions of section 24-50-135; OR

(c) EXEMPT FROM THE STATE PERSONNEL SYSTEM AS A RESULT OF BEING HIRED BY A GOVERNING BOARD OR A STATE COLLEGE OR UNIVERSITY ON OR AFTER THE EFFECTIVE DATE UPON WHICH THE GOVERNING BOARD WITHDREW THE EMPLOYEES OF THE GOVERNING BOARD AND OF THE STATE COLLEGES OR UNIVERSITIES UNDER THE SUPERVISION AND CONTROL OF THE GOVERNING BOARD FROM THE STATE PERSONNEL SYSTEM PURSUANT TO THE PROVISIONS OF SECTION 23-5-116.5, C.R.S.; OR

(d) EXEMPT FROM THE STATE PERSONNEL SYSTEM AS A RESULT OF ELECTING TO BECOME AN EMPLOYEE WITHIN THE ALTERNATIVE PERSONNEL SYSTEM ESTABLISHED BY A GOVERNING BOARD PURSUANT TO THE PROVISIONS OF SECTION 23-5-116.5, C.R.S.

SECTION 11. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

DRAFT

Bill I

Colorado Legislative Council Staff

**STATE and
STATUTORY PUBLIC ENTITY
CONDITIONAL FISCAL IMPACT**

Drafting Number: LLS 04-0265
Prime Sponsor(s): Rep. King
Sen. Anderson

Date: December 17, 2003
Bill Status: Interim Committee on State
Government Expenditures
Fiscal Analyst: Steve Tammeus (303-866-2756)

TITLE: CONCERNING THE EMPLOYMENT STATUS OF PERSONS EMPLOYED WITHIN
THE STATE SYSTEM OF HIGHER EDUCATION.

Fiscal Impact Summary	FY 2004/2005	FY 2005/2006
State Revenues General Fund		
State Expenditures General Fund		
FTE Position Change	0.0 FTE	0.0 FTE
Other State Impact: Potential future TABOR revenue impact		
Effective Date: Upon signature of the Governor		
Appropriation Summary for FY 2004/2005: None		
Local Government Impact: None		

Summary of Legislation

Under current law, classified employees of state institutions of higher education are within the State Personnel System. Faculty members and administrators of those institutions are exempt from the system.

This bill, effective July 1, 2004, authorizes a governing board of an institution to choose by resolution to withdraw its employees from the system. In that event, the bill requires the resolution to include establishment of an alternative personnel system, and to designate the time period during which the employees may elect whether to remain within the system or to become employees within the alternative system. The bill specifies procedures by which the governing board must develop the alternative system, and allows two or more governing boards to implement a jointly operated alternative system.

For a governing board that chooses to withdraw from the system, the bill requires all employees hired on or after the withdrawal date to be employees within the alternative system, but

allows existing employees to elect whether to continue to be within the system or to be within the alternative system. An employee who elects to be within the alternative system shall receive full credit for accrued sick leave and annual leave, and shall decide whether to continue to participate in the plans of the Public Employees' Retirement Association or in an optional retirement plan adopted by the governing board.

State Expenditures

Higher education institutions. This bill allows the governing board of each institution to elect to withdraw classified employees from the State Personnel System and to adopt an alternative personnel system. Prior to that election, each institution may need to conduct extensive analysis to evaluate the feasibility of implementing an alternative system. Most institutions indicate full conversion to an alternative system may require a period of several years, while some anticipate that most current classified employees may elect to remain permanently within the State Personnel System.

Those institutions that elect to adopt an alternative system and optional retirement plan (ORP) may incur additional operating, administrative, and legal costs to develop, implement, and administer the programs. However, those costs may eventually be offset by allowing the institution to adjust employee compensation commensurate with the local private sector, by reducing administrative and human resources costs associated with maintaining multiple personnel systems, by increasing flexibility of the use of personal services contracts, and by allowing the institution to establish affordable compensation plans.

Those institutions that elect to adopt an alternative system and elect to offer an ORP will incur additional costs for employer contributions to the plan and to Social Security. Since an optional retirement plan, or defined contribution plan, does not include disability and/or retirement health benefits, an institution that adopts such a plan must require Social Security participation for all employees who participate in the plan. Current law does not exempt those plan participants from Social Security contribution requirements. Based upon the employer contribution rates to existing defined contribution plans (10.0% - 11.5% of wages) and to Social Security (6.2% of wages), the amount of those combined employer contributions exceeds the amount of the current employer contribution to the Public Employees' Retirement Association (10.15% of wages).

All state classified employees are offered coverage by a state health benefit plan administered by the Department of Personnel. Those institutions that elect to adopt an alternative system, and whose classified employees that are currently are covered by a state health benefit plan who elect to be within the alternative system, may be required to establish a health benefit plan for those employees.

Due to the time period that may be required to evaluate the current system and implement an alternative system, and due to the anticipated reluctance of current classified employees to convert to an alternative system, this fiscal note assumes that any resulting fiscal impact during FY 2004-05 and FY 2005-06 is anticipated to be minimal.

Department of Law. The department may be required to provide additional legal services to some institutions for the promulgation of policies and rules to develop and implement an alternative personnel system, to adopt an optional retirement plan, and/or to establish a health benefit plan.

Department of Personnel. The department currently does not provide payroll or other administrative services to higher education institutions. Therefore, this bill is not anticipated to affect the department's operating costs to administer the State Personnel System.

State agencies. All state agencies and institutions of higher education currently contribute to the Statewide Indirect Cost Allocation Plan (SWICAP) to recover overhead costs attributable to each agency or institution for personnel services provided by the Department of Personnel. The total amount of these costs state-wide is approximately \$27.3 million. Of this amount, the aggregate amount allocated to the institutions of higher education is approximately \$960,000.

Any institution that elects to not be within the State Personnel System would be exempt from contributing its respective portion of that allocation. In that event, the amount to be recovered from agencies and institutions remaining within the system may be increased to offset the amount of the exemption. Any agency primarily funded by the state General Fund may require additional appropriations to offset any cost increase. Any agency primarily cash funded may require additional cash fund spending authority to offset any increased cost.

State Revenues

Any institution that elects to not be within the State Personnel System would be exempt from contributing its respective portion of the Statewide Indirect Cost Allocation Plan. In that event, the amount to be recovered from agencies and institutions remaining within the System may be increased to offset the amount of the exemption. Any agency or institution primarily cash funded may be required to increase cash fee revenue to offset any increased cost.

Public Employees' Retirement Association Impact

For any governing board that chooses to withdraw from the State Personnel System, the bill requires an employee who elects to be within the alternative system to decide whether to continue to participate in the PERA plan or in an ORP adopted by the governing board. Based upon the assumption that any institution's conversion to an alternative personnel system and subsequent implementation of an ORP may transpire over an extended period of time, this fiscal note anticipates that the following fiscal impact to the PERA retirement fund and health care fund may not be fully realized during FY 2004-05 or FY 2005-06.

Retirement Trust Fund. Nine higher education institutions have established an ORP under current law for exempt faculty and staff. These institutions currently employ 7,545 state classified

employees with an average annual salary of \$39,768 per employee. These classified employees are currently members of PERA.

Based upon an assumption that five percent of these employees would elect to participate in the ORP, 377 employees will terminate their PERA membership. An actuarial evaluation indicates the salaries of employees who elect to participate in an ORP or defined contribution plan, on average, are less than the salaries of employees who elect to participate in a defined benefit plan such as PERA. The cost of the benefits paid to these employees is less than those with higher salaries. Therefore, termination of these 377 employees is anticipated to increase the cost of providing retirement benefits to remaining members of the PERA State and School Division.

A portion of the employer contribution for all PERA members is used to amortize the unfunded accrued liabilities of the State and School Division. The termination of 377 employees from PERA membership would reduce contributions to amortize unfunded pension fund liabilities. Current law specifies that the period for amortizing PERA unfunded pension liabilities shall not exceed 40 years. Any reduction in contributions to the fund will extend the time period for amortizing the fund's current unfunded liability.

Health Care Trust Fund. PERA uses the trust fund to pay a monthly premium subsidy for benefit recipients who are enrolled in the PERACare Health Benefits Program. Of the employer contribution to PERA, 1.1% of wages is allocated to the trust fund. The amortization period of the trust fund's unfunded liability is currently projected to be 24 years. In the event 377 classified employees terminate membership with PERA, the reduction in contributions to the trust fund will increase the amortization period for the unfunded liability.

State Appropriations

No new state appropriations will be required for FY 2004-05.

Departments Contacted

Higher Education

Personnel

PERA

Law

Bill J

SENATE SPONSORSHIP

Reeves

HOUSE SPONSORSHIP

Witwer, King, Romanoff, Spradley, and Young

A BILL FOR AN ACT

CONCERNING THE PRESENTATION OF INFORMATION BY EACH PRINCIPAL DEPARTMENT OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT TO LEGISLATIVE COMMITTEES OF REFERENCE AT THE BEGINNING OF EVERY REGULAR SESSION OF THE GENERAL ASSEMBLY.

Bill Summary

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

Interim Committee on State Government Expenditures. Requires the executive director of each principal department of the executive branch of state government to make a presentation to the appropriate legislative committee of reference beginning with the 2005 regular session of the general assembly. States that the presentation shall include, but shall not be limited to, a description and explanation of the department's priorities for the next fiscal year and a description and explanation of the performance measures that the department uses to determine the effectiveness and efficiency of the programs and services that it provides.

Requires the speaker of the house of representatives and the president of the senate to assign the committee of reference to which each department shall make its presentation. States that the committees of reference shall hold hearings during which the departments shall make the presentations. Specifies a deadline by which each department shall make the presentation. States that a department may make the presentation in conjunction with any other

presentation that it makes to the same committee of reference before the specified deadline.

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

SECTION 1. Article 7 of title 2, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

PART 2

PRESENTATIONS TO COMMITTEES OF REFERENCE

2-7-201. Departmental presentations to legislative committees of reference. (1) BEGINNING WITH THE 2005 REGULAR SESSION OF THE GENERAL ASSEMBLY AND DURING EACH REGULAR SESSION THEREAFTER, THE EXECUTIVE DIRECTOR OF EACH PRINCIPAL DEPARTMENT OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT, OR THE DIRECTOR'S DESIGNEE, SHALL MAKE A PRESENTATION TO THE LEGISLATIVE COMMITTEE OF REFERENCE TO WHICH THE DEPARTMENT HAS BEEN ASSIGNED PURSUANT TO SUBSECTION (2) OF THIS SECTION. THE PRESENTATION SHALL INCLUDE, BUT SHALL NOT BE LIMITED TO, THE FOLLOWING:

(a) A DESCRIPTION AND EXPLANATION OF THE DEPARTMENT'S PRIORITIES FOR THE FISCAL YEAR FOLLOWING THE FISCAL YEAR IN WHICH THE PRESENTATION IS MADE. EACH PRESENTATION SHALL BEGIN WITH THE PROGRAMS OR SERVICES OF THE GREATEST IMPORTANCE AND END WITH THOSE OF THE LEAST IMPORTANCE TO THE PRESERVATION OF THE HEALTH, LIFE, SAFETY, AND GENERAL WELFARE OF THE CITIZENS OF THE STATE, AS PRIORITIZED BY THE DEPARTMENT. IN ITS DESCRIPTION AND EXPLANATION OF PRIORITIES, EACH DEPARTMENT MAY INCLUDE THE FOLLOWING:

(I) A STATEMENT LISTING ANY OTHER STATE, FEDERAL, OR LOCAL AGENCIES THAT ADMINISTER A SIMILAR OR COOPERATING PROGRAM OR SERVICE AND OUTLINING THE DEPARTMENT'S INTERACTION WITH SUCH AGENCIES;

(II) A STATEMENT OF THE STATUTORY AUTHORITY FOR AND THE HISTORY AND OBJECTIVES OF THE PROGRAM OR SERVICE;

(III) AN EXPLANATION OF THE NEED FOR THE PROGRAM OR SERVICE;

(IV) A DESCRIPTION OF HOW THE DEPARTMENT ACCOMPLISHES THE OBJECTIVES OF THE PROGRAM OR SERVICE;

(V) A STATEMENT OF THE AMOUNT OF FUNDING AND NUMBER OF EMPLOYEES REQUIRED TO ACCOMPLISH EACH PROGRAM OR SERVICE; AND

(VI) A STATEMENT DETAILING WHAT ASPECTS OF THE PROGRAM OR SERVICE THE DEPARTMENT COULD REDUCE IN THE EVENT THAT THE FUNDING FOR THE PROGRAM OR SERVICE IS REDUCED.

(b) A DESCRIPTION AND EXPLANATION OF THE PERFORMANCE MEASURES THAT THE DEPARTMENT USES TO DETERMINE THE EFFECTIVENESS AND EFFICIENCY OF THE PROGRAMS OR SERVICES IT PROVIDES.

(2) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT OF THE SENATE SHALL ASSIGN EACH OF THE PRINCIPAL DEPARTMENTS TO A HOUSE AND SENATE COMMITTEE OF REFERENCE FOR THEIR RESPECTIVE HOUSES. IN MAKING THE ASSIGNMENTS, THE SPEAKER AND THE PRESIDENT SHALL ENSURE THAT THE PRIMARY FUNCTIONS AND RESPONSIBILITIES OF THE DEPARTMENT ARE WITHIN THE SUBJECT MATTER JURISDICTION OF THE COMMITTEE OF REFERENCE TO WHICH IT IS ASSIGNED.

(3) EACH COMMITTEE OF REFERENCE SHALL CONDUCT HEARINGS DURING THE FIRST THIRTY DAYS OF THE LEGISLATIVE SESSION DURING WHICH THE COMMITTEE SHALL HEAR A PRESENTATION FROM EACH PRINCIPAL DEPARTMENT THAT IS ASSIGNED TO SUCH COMMITTEE PURSUANT TO SUBSECTION (2) OF THIS SECTION. THE HEARINGS MAY BE HELD JOINTLY BY THE HOUSE AND SENATE COMMITTEES OF REFERENCE. THE DEPARTMENT MAY MAKE THE PRESENTATION REQUIRED BY THIS SECTION IN CONJUNCTION WITH ANY HEARING OR OTHER GENERAL PRESENTATION THAT THE DEPARTMENT MAKES BY THE THIRTIETH LEGISLATIVE DAY TO THE SAME COMMITTEE OF REFERENCE PURSUANT TO LAW OR LEGISLATIVE RULE.

SECTION 2. Effective date. 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 that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution (August 4, 2004, if adjournment sine die is on May 5, 2004); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

DRAFT

Bill J

Colorado Legislative Council Staff
NO FISCAL IMPACT

Drafting Number: LLS 04-0266
Prime Sponsor(s): Sen. Reeves
Rep. Witwer

Date: January 6, 2004
Bill Status: Interim Committee on State
Government Expenditures
Fiscal Analyst: Harry Zeid (303-866-4753)

TITLE: CONCERNING THE PRESENTATION OF INFORMATION BY EACH PRINCIPAL DEPARTMENT OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT TO LEGISLATIVE COMMITTEES OF REFERENCE AT THE BEGINNING OF EVERY REGULAR SESSION OF THE GENERAL ASSEMBLY.

Summary of Assessment

Beginning with the 2005 regular session of the General Assembly, this bill requires the executive director, or the director's designee, of each principal department of the executive branch of state government to make a presentation to the appropriate legislative committee of reference. The presentation would include the following items:

- a description and explanation of the department's priorities for the fiscal year following the fiscal year in which the presentation is made. The presentation would prioritize the programs or services of the greatest importance for the preservation of the health, life, safety, and general welfare of the citizens of the state, as prioritized by the department; and
- a description and explanation of the performance measures that the department uses to determine the effectiveness and efficiency of the programs or services it provides.

Each committee of reference would conduct the hearings during the first 30 days of the legislative session and may be held jointly by the House and Senate committees of reference. Departments currently make presentations to appropriate committees of reference. Identifying the department's priorities for the citizens of the state will not create a significant additional workload. Therefore, the bill is assessed as having no fiscal impact. The bill will become effective August 4, 2004, unless a referendum petition is filed.

Departments Contacted

Legislative Council

Bill L

HOUSE SPONSORSHIP

King

SENATE SPONSORSHIP

Reeves

A BILL FOR AN ACT

CONCERNING THE ABILITY OF THE GOVERNING BOARD OF EACH INSTITUTION OF HIGHER EDUCATION TO ELECT TO BE EXEMPT FROM CERTAIN STATE ADMINISTRATIVE RESTRICTIONS.

Bill Summary

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

Interim Committee on State Government Expenditures. Allows the governing board of each institution of higher education, by formal action of the board, to elect to be exempt from the requirements of the state motor vehicle fleet system, the division of risk management, and the procurement code.

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

SECTION 1. The introductory portion to 24-30-1104 (2), Colorado Revised Statutes, is amended to read:

24-30-1104. Central services functions of the department - repeal.

(2) In addition to the county-specific functions set forth in subsection (1) of this section, the department of personnel shall take such steps as are necessary to fully implement a central state motor vehicle fleet system by January 1,

1993. ~~The department of personnel shall perform the following functions pertaining to the motor vehicle fleet system throughout the state for~~ THE PROVISIONS OF THE MOTOR VEHICLE FLEET SYSTEM CREATED PURSUANT TO THIS SUBSECTION (2) SHALL APPLY TO the executive branch of the state of Colorado, its departments, institutions, and agencies; EXCEPT THAT THE GOVERNING BOARD OF EACH INSTITUTION OF HIGHER EDUCATION, BY FORMAL ACTION OF THE BOARD, MAY ELECT TO BE EXEMPT FROM THE PROVISIONS OF THIS SUBSECTION (2) AND MAY OBTAIN A MOTOR VEHICLE FLEET SYSTEM INDEPENDENT OF THE STATE MOTOR VEHICLE FLEET SYSTEM. Under the direction of the executive director, THE DEPARTMENT OF PERSONNEL SHALL PERFORM THE FOLLOWING FUNCTIONS PERTAINING TO THE MOTOR VEHICLE FLEET SYSTEM THROUGHOUT THE STATE:

SECTION 2. 24-30-1502 (5), Colorado Revised Statutes, is amended to read:

24-30-1502. Definitions. As used in this part 15, unless the context otherwise requires:

(5) "State agency" means any principal department of the state, any state agency, institution, or hospital, any board, commission, advisory board, or other entity established by law within or as an advisory to any existing state department, institution, or agency, ~~and any state-supported institution of higher education or other instrumentality thereof, except as provided in section 24-30-1517 (2);~~ and the legislative and judicial departments of the state; EXCEPT THAT THE GOVERNING BOARD OF EACH INSTITUTION OF HIGHER EDUCATION, BY FORMAL ACTION OF THE BOARD, MAY ELECT TO BE EXCLUDED FROM THE MEANING OF "STATE AGENCY" AND MAY OBTAIN A RISK

MANAGEMENT PROGRAM INDEPENDENT OF THE PROGRAM CREATED PURSUANT TO THIS PART 15. The term also includes the Colorado state fair authority created pursuant to section 35-65-401, C.R.S., and any conservation district organized and certified pursuant to article 70 of title 35, C.R.S.; except that, in the case of conservation districts, such inclusion under the risk management fund is only for the purpose of liability protection as defined in subsection (4.3) of this section.

SECTION 3. 24-30-1504 (1) (m), Colorado Revised Statutes, is amended to read:

24-30-1504. Powers and duties of the department. (1) The department of personnel shall have the following powers and duties:

(m) On and after July 1, 2001, to establish and administer a statewide database and uniform reporting system to track employment claims brought against state agencies and the losses incurred as a result of such claims. ~~except as excluded by section 24-30-1517 (2).~~

SECTION 4. The introductory portion to 24-30-1505 (1) (a) (V), Colorado Revised Statutes, is amended to read:

24-30-1505. Powers of the executive director. (1) In order to perform the powers and duties set forth in this part 15, the executive director shall exercise the following powers:

(a) Supervise the development and administration of the following risk management programs:

(V) The pilot program described in section 24-30-1504 (1) (l) and the statewide database and uniform tracking system described in section

24-30-1504 (1) (m) for the purpose of tracking employment claims brought against state agencies and the losses incurred as a result of such claims. ~~except as excluded by section 24-30-1517 (2).~~ In developing and administering such programs, the executive director may:

SECTION 5. Repeal. 24-30-1517 (2), Colorado Revised Statutes, is repealed as follows:

24-30-1517. Applicability. (2) ~~Nothing in this part 15 shall apply to the university of Colorado at Boulder, Denver, and Colorado Springs and the university of Colorado health sciences center.~~

SECTION 6. 24-101-105 (1), Colorado Revised Statutes, is amended to read:

24-101-105. Application of this code. (1) This code shall apply to all publicly funded contracts entered into by all governmental bodies of the executive branch of this state; except that this code shall not apply to the procurement of bridge and highway construction ~~nor to~~ OR TO contracts for unsolicited or comparable proposals for public-private initiatives under section 43-1-1203, C.R.S. THE GOVERNING BOARD OF EACH INSTITUTION OF HIGHER EDUCATION MAY, BY FORMAL ACTION OF THE BOARD, ELECT TO BE EXEMPT FROM THE PROVISIONS OF THIS CODE AND MAY ENTER INTO CONTRACTS INDEPENDENT OF THE TERMS SPECIFIED IN THIS CODE. Except as provided in section 24-111-103, ~~it~~ THIS CODE shall also apply to contracts funded in whole or in part with federal assistance moneys. However, this code shall not apply to the awarding of grants or to the awarding of contracts between the state and its political subdivisions or other governments, except as provided in article 110

of this title. It shall apply to the transfer or disposal of state supplies. Except for the provisions of article 109 of this title, this code shall not apply to the procurement of public printing, as defined in section 24-70-201. This code shall not apply to the procurement of professional services, as defined in section 24-30-1402. This code shall not apply to the Colorado state fair authority created pursuant to section 35-65-401 (1), C.R.S. Upon the request of a governmental body purchasing items for resale to the public, the head of a purchasing agency may, by written determination, provide that this code shall not apply to items acquired for such resale. Nothing in this code or in rules promulgated under this code shall prevent any governmental body or political subdivision from complying with the terms and conditions of any grant, gift, bequest, or cooperative agreement.

SECTION 7. 24-101-301 (10), Colorado Revised Statutes, is amended to read:

24-101-301. Definitions. The terms defined in this section shall have the following meanings whenever they appear in this code, unless the context in which they are used clearly requires a different meaning or a different definition is prescribed for a particular article or portion thereof:

(10) "Governmental body" means any department, commission, council, board, bureau, committee, ~~institution of higher education~~, agency, government corporation, or other establishment or official, other than an elected official, of the executive branch of state government in this state; EXCEPT THAT THE GOVERNING BOARD OF EACH INSTITUTION OF HIGHER

EDUCATION, BY FORMAL ACTION OF THE BOARD, MAY ELECT TO BE EXCLUDED FROM THE MEANING OF "GOVERNMENTAL BODY".

SECTION 8. 27-13-103 (1), Colorado Revised Statutes, is amended to read:

27-13-103. Employees - publications. (1) The head of the administrative division overseeing the Colorado mental health institute at Pueblo shall appoint or employ, pursuant to section 13 of article XII of the state constitution, such administrators, physicians, nurses, attendants, and additional employees as may be necessary for the proper conduct of said institute. The head of the administrative division may contract with the board of regents of the university of Colorado health sciences center for the provision of services by physicians when deemed necessary for the proper conduct of the institute, and during the performance of any duties by such physicians for the department of human services, such physicians are "public employees" as defined in section 24-10-103 (4), C.R.S., and ~~the limitation of section 24-30-1517 (2), C.R.S., shall not apply.~~ SHALL BE SUBJECT TO THE PROVISIONS OF THE RISK MANAGEMENT SYSTEM PURSUANT TO PART 15 OF ARTICLE 30 OF TITLE 24, C.R.S.

SECTION 9. 27-15-103 (1), Colorado Revised Statutes, is amended to read:

27-15-103. Employees - publications. (1) The head of the administrative division overseeing the center shall appoint or employ, pursuant to section 13 of article XII of the state constitution, such administrators, physicians, nurses, attendants, and additional employees as may be necessary

for the proper conduct of said center. The head of the administrative division may contract with the board of regents of the university of Colorado health sciences center for the provision of services by physicians when deemed necessary for the proper conduct of the center, and during the performance of any duties by such physicians for the department of human services, such physicians are "public employees" as defined in section 24-10-103 (4), C.R.S., and the limitation of section 24-30-1517 (2), C.R.S., shall not apply. SHALL BE SUBJECT TO THE PROVISIONS OF THE RISK MANAGEMENT SYSTEM PURSUANT TO PART 15 OF ARTICLE 30 OF TITLE 24, C.R.S.

SECTION 10. Effective date. This act shall take effect July 1, 2004.

SECTION 11. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.