

CHAPTER 127

GENERAL ASSEMBLY

HOUSE BILL 92-1018.

BY REPRESENTATIVES Kopel, Owen, Anderson, Coffman, and R. Hernandez;
also SENATORS Tebedo and Leeds.

AN ACT

CONCERNING ADVISORY COMMITTEES SCHEDULED FOR SUNSET REVIEW AND
REPEAL JULY 1, 1992.*Be it enacted by the General Assembly of the State of Colorado:*

Section 1. 2-3-1203 (3) (e) (I), (3) (e) (II), (3) (e) (III), (3) (e) (IV), (3) (e) (IX), and (3) (e) (X), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are repealed as follows:

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:

(e) July 1, 1992:

(I) ~~The psychiatric technicians advisory committee, appointed pursuant to section 12-38-108 (1.1), C.R.S.;~~

(II) ~~The advisory committee to the Colorado racing commission concerning breeders, owners, and stallion awards and supplemental purses, which committee is appointed pursuant to section 12-60-119 (3), C.R.S.;~~

(III) ~~The advisory committee to assist in the planning, implementation, and evaluation of the extension programs of the Colorado cooperative extension service, which committee is appointed pursuant to section 23-34-104, C.R.S.;~~

(IV) ~~The advisory board to the department of institutions responsible for advising the department on mental health service standards for health care facilities, appointed pursuant to section 27-10-129, C.R.S.;~~

(IX) ~~The advisory committee to assist the executive director of the department of natural resources in his duties relating to weather modification, which committee is appointed pursuant to section 36-20-106, C.R.S.;~~

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

~~(X) The authorized agents' advisory committee, appointed pursuant to section 42-1-210.1, C.R.S.;~~

Section 2. 2-3-1203 (3) (g), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH 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:

(g) July 1, 1994:

(XV) THE BREEDERS, OWNERS, AND STALLION AWARDS AND SUPPLEMENTAL PURSES ADVISORY COMMITTEE ESTABLISHED PURSUANT TO SECTION 12-60-119 (3) (a).

Section 3. 12-38-108 (1.1), Colorado Revised Statutes, 1991 Repl. Vol., is amended to read:

12-38-108. Powers and duties of the board. (1.1) (a) The board shall appoint advisory committees pursuant to section 12-38-109 of at least three psychiatric technicians to advise the board on matters pertaining to psychiatric technicians ~~TECHNICIAN TESTING~~.

(b) ~~(I) This subsection (1.1) is repealed, effective July 1, 1992.~~

~~(II) Prior to said repeal, the advisory committees shall be reviewed as provided for in section 2-3-1203, C.R.S.~~

Section 4. 12-60-119 (3) (b) (I), Colorado Revised Statutes, 1991 Repl. Vol., is amended to read:

12-60-119. Creation of horse breeders and owners awards and supplemental purse fund - awards - advisory committee - sunset review. (3) (b) (I) This subsection (3) is repealed, effective ~~July 1, 1993~~ JULY 1, 1994.

Section 5. 23-34-104 (4), Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

23-34-104. Organization - cooperative relationships. (4) (a) The service is authorized to establish a state advisory committee, WHICH SHALL CONSIST OF NO MORE THAN EIGHTEEN MEMBERS WHO SHALL EQUALLY REPRESENT ALL REGIONS OF THE STATE, to assist in the planning, implementation, and evaluation of the extension programs statewide; is authorized to cooperate with boards of county commissioners in the creation of county or area advisory committees to assist local extension personnel in planning, developing, implementing, and evaluating programs and performance; may establish administrative standards, operating procedures, and methods for utilizing such advisory committees; and may make the utilization of said standards, operating procedures, and methods for utilizing such advisory committees a basis for program cooperation and coordination.

(b) ~~(I) This subsection (4) is repealed, effective July 1, 1992.~~

~~(H) Prior to said repeal, any advisory committee established pursuant to this subsection (4) shall be reviewed as provided for in section 2-3-1203, C.R.S.~~

Section 6. 27-10-128, Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

27-10-128. Mental health service standards for health care facilities.

(1) The advisory board created by section 27-10-129 shall be responsible for recommending standards and regulations relevant to the provisions of this article for the programs of mental health services to those patients in any health care facility that has either separate facilities for the care, treatment, and rehabilitation of persons with mental health problems or those health care facilities that have as their only purpose the treatment and care of such persons.

~~(2) (a) This section is repealed, effective July 1, 1992.~~

~~(b) Prior to said repeal, the advisory board created by section 27-10-129 shall be reviewed as provided for in section 2-3-1203, C.R.S.~~

Section 7. 27-10-129, Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

27-10-129. Advisory board - service standards and regulations - sunset review. (1) There is hereby established an advisory board to the department for the purpose of assisting and advising the executive director in accordance with section 27-10-128 in the development of service standards and regulations. The board shall consist of not less than ~~nine~~ ELEVEN nor more than fifteen members appointed by the governor and shall include one representative each from the division of mental health in the department, the department of social services, the department of health, the university of Colorado medical center, and a leading professional association of psychiatrists in this state; at least one member representing proprietary skilled health care facilities; one member representing nonprofit health care facilities; one member representing the Colorado bar association; ONE MEMBER REPRESENTING CONSUMERS OF MENTAL HEALTH SERVICES; ONE MEMBER REPRESENTING FAMILIES OF PERSONS WITH MENTAL ILLNESS; ONE MEMBER REPRESENTING CHILDRENS' HEALTH CARE FACILITIES; and other persons from both the private and the public sectors who are recognized or known to be interested and informed in the area of the board's purpose and function.

~~(2) (a) This section is repealed, effective July 1, 1992.~~

~~(b) Prior to said repeal, the advisory board to the department shall be reviewed as provided for in section 2-3-1203, C.R.S.~~

Section 8. 36-20-104 (1), Colorado Revised Statutes, 1990 Repl. Vol., is repealed as follows:

36-20-104. Definitions. As used in this article, unless the context otherwise requires:

(1) ~~"Advisory committee" or "committee" means the advisory committee appointed pursuant to this article.~~

Section 9. 36-20-106, Colorado Revised Statutes, 1990 Repl. Vol., is repealed as follows:

36-20-106. Advisory committee - appointment - duties - sunset review.

~~(1) (a) The governor shall appoint an advisory committee to assist the director in developing licensing standards and report forms, in conducting studies, and in establishing minimum operation requirements and to advise the director on such other technical and general matters as the director may request. The director may designate subcommittees from the advisory committee to assist him in carrying out the purposes of this paragraph (a).~~

~~(b) The advisory committee shall be composed of ten persons chosen by the governor, five of whom shall have appropriate scientific, technical, industrial, and water resources background and who may reside anywhere within the state, and five of whom shall be farmers or ranchers who derive the major portion of their income from agricultural enterprises located within Colorado; one farmer or rancher shall reside in and be chosen from each of the following river basins in Colorado:~~

~~(I) One person representing the Gunnison, White, Yampa, and Colorado river basins;~~

~~(II) One person representing the San Juan river basin;~~

~~(III) One person representing the Rio Grande river basin;~~

~~(IV) One person representing the Arkansas river basin; and~~

~~(V) One person representing the Republican, South Platte, and North Platte river basins.~~

~~(c) At the first meeting of the committee subsequent to May 10, 1972, the ten appointed members of the committee shall draw lots to determine which four shall hold office for a period of three years, which three shall hold office for a period of two years, and which three shall hold office for a period of one year. Thereafter, appointed members to the committee shall hold office for a period of three years. Any six members of the committee shall constitute a quorum.~~

~~(2) (a) When any person shall file a verified complaint alleging damages as a result of an operation or that an operation is being conducted in violation of the requirements of a permit or in violation of this article, the director shall either convene the advisory committee, which shall investigate the complaint and shall conduct a hearing, or he may appoint an administrative law judge pursuant to section 36-20-108 (3) (b). Thereafter, a decision shall be issued in accordance with article 4 of title 24, C.R.S. Such decision shall not include any determination as to the amount of damages, if any.~~

~~(b) The record of the hearing, including all evidence, exhibits, and other papers presented or considered, together with all findings of fact and conclusions of law, shall be available to any party in interest for use in any action for judicial review or a trial for damages, subject to applicable rules of evidence.~~

~~(3) Members of the advisory committee shall not be paid for their services but they may be reimbursed for any actual and necessary expenses they incur in the performance of their duties.~~

~~(4) (a) This section is repealed, effective July 1, 1992.~~

~~(b) Prior to said repeal, the advisory committee appointed pursuant to this section shall be reviewed as provided for in section 2-3-1203, C.R.S.~~

Section 10. 36-20-107 (1) and (2) (a), Colorado Revised Statutes, 1990 Repl. Vol., are amended to read:

36-20-107. Duties of the director. (1) The director shall establish rules and regulations, in accordance with article 4 of title 24, C.R.S., necessary to effectuate the purposes of this article. ~~and shall consult with the advisory committee with respect thereto.~~

(2) (a) The director shall establish qualifications, procedures, and conditions for the issuance of licenses for the purpose of conducting weather modification activities within the state. ~~Such qualifications, procedures, and conditions shall be developed in consultation with the advisory committee appointed pursuant to section 36-20-106.~~

Section 11. 36-20-108 (1), (3) (b), and (9), Colorado Revised Statutes, 1990 Repl. Vol., are amended to read:

36-20-108. Powers of the director. (1) The director may issue permits applicable to specific weather modification operations. For each operation, said permit shall describe the specific geographic area authorized to be affected and shall provide a specific time period during which the operation may continue, which period may be discontinuous but may not have a total duration exceeding one calendar year from the day of its issuance. A separate permit shall be required for each operation. The director shall issue a permit only after it is established that the project is conceived to provide economic benefits or that it will advance or enhance scientific knowledge. The director shall issue only one active permit for activities in any geographic area if two or more projects therein might adversely interfere with each other. ~~The director shall ask the advisory committee to review each request for a permit and offer him its advice on issuance.~~

(3) (b) All hearings conducted under this article shall be conducted pursuant to the provisions of this article and article 4 of title 24, C.R.S., and the director may, by his THE DIRECTOR'S own action, ~~or at the request of the advisory committee,~~ appoint an administrative law judge pursuant to part 10 of article 30 of title 24, C.R.S., subject to appropriations made to the department of administration, to conduct any hearing required by this article, said hearing to be conducted under the provisions and within the limitations of article 4 of title 24, C.R.S., and this article.

(9) The director ~~in cooperation with the advisory committee,~~ shall prescribe those measurements reasonably necessary to be made prior to and during all operations to determine the probable effects of an operation.

Section 12. 36-20-114 (2), Colorado Revised Statutes, 1990 Repl. Vol., is amended to read:

36-20-114. Limits of permit. (2) The director may conditionally approve a project for a continuous time period in excess of one year's duration. Permits for such operations must be renewed annually. In approving the renewal of a permit for a continuous program, the director may waive the procedures

for initial issuance of a permit in section 36-20-112 and, upon his review and approval of the project's operational record, ~~or, if at his request, the advisory committee reviews and subsequently approves the project's operational record, he~~ THE DIRECTOR may issue a renewed permit for the operation to continue. In such instances, the fees, based upon the value of the contract pursuant to section 36-20-113 may be prorated and paid on an annual basis.

Section 13. 36-20-117 (2), Colorado Revised Statutes, 1990 Repl. Vol., is amended to read:

36-20-117. Reports of licensee. (2) Report forms may be developed by the director ~~on the advice of the advisory committee~~ and shall include basic records showing: The method employed, the type of equipment used, the kind and amount of each material used, the times and places the equipment is operated, the name and address of each individual, other than the licensee, who participates or assists in the operation, any environmental effects realized or suspected to have occurred, and any other necessary data ~~he~~ THE DIRECTOR may require.

Section 14. 42-1-210.1 (4), Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

42-1-210.1. Distributive data processing system. (4) (a) There is hereby created ~~an authorized agents'~~ THE DISTRIBUTIVE DATA PROCESSING advisory committee comprised of six authorized agents, who shall be appointed by the executive director of the department. The committee shall approve plans for the development and operation of the distributive data processing system.

(b) ~~(i) This subsection (4) is repealed, effective July 1, 1992.~~

~~(ii) Prior to said repeal, the authorized agents' advisory committee shall be reviewed as provided for in section 2-3-1203, C.R.S.~~

Section 15. **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.

Approved: March 19, 1992