

**First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

REVISED

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

LLS NO. 11-0099.01 Richard Sweetman

SENATE BILL 11-108

SENATE SPONSORSHIP

Jahn, Aguilar, Harvey, Mitchell, Tochtrop, White, Williams S.

HOUSE SPONSORSHIP

Szabo,

Senate Committees

Finance
Appropriations

House Committees

Judiciary
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE REPEAL OF THE "IDENTITY THEFT AND FINANCIAL**
102 **FRAUD DETERRENCE ACT".**

Bill Summary

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

Sunset Process - Senate Business, Labor and Technology Committee. The bill eliminates the 2011 repeal of the "Identity Theft and Financial Fraud Deterrence Act" (Act), and extends the Act through September 1, 2016. The identity theft and financial fraud board (board) is expanded from 9 to 10 members by the addition of a representative of

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters indicate new material to be added to existing statute.

Dashes through the words indicate deletions from existing statute.

HOUSE
2nd Reading Unam ended
April 21, 2011

SENATE
3rd Reading Unam ended
March 7, 2011

SENATE
2nd Reading Unam ended
March 4, 2011

a consumer or victim advocacy organization. The governor is required to appoint the new board member on or before July 1, 2011. The attorney general and the executive director of the department of public safety may each appoint a designee to the board rather than serving on the board himself or herself. The bill repeals the board's authority to enter into contracts, leases, and other legally binding agreements. The board is required to report to the general assembly on October 1 of each even-numbered year beginning in 2012.

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

2 **SECTION 1. Repeal.** 24-34-104 (42) (m), Colorado Revised
3 Statutes, is repealed as follows:

4 **24-34-104. General assembly review of regulatory agencies
5 and functions for termination, continuation, or reestablishment.**

6 (42) The following agencies, functions, or both, shall terminate on July
7 1, 2011:

8 (m) ~~The identity theft and financial fraud board and the identity
9 theft and financial fraud deterrence unit created in part 17 of article 33.5
10 of this title;~~

11 **SECTION 2.** 24-34-104 (47.5), Colorado Revised Statutes, is
12 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

13 **24-34-104. General assembly review of regulatory agencies
14 and functions for termination, continuation, or reestablishment.**

15 (47.5) The following agencies, functions, or both, shall terminate on
16 September 1, 2016:

17 (c) ~~THE IDENTITY THEFT AND FINANCIAL FRAUD BOARD AND THE
18 COLORADO FRAUD INVESTIGATORS UNIT CREATED IN PART 17 OF ARTICLE
19 33.5 OF THIS TITLE.~~

20 **SECTION 3.** 24-33.5-1703 (2), (3), and (8), Colorado Revised
21 Statutes, are amended to read:

1 **24-33.5-1703. Identity theft and financial fraud board -**

2 **creation - rules.** (2) The board shall consist of ~~nine~~ TEN members, as
3 follows:

4 (a) The executive director of the department of public safety OR
5 HIS OR HER DESIGNEE;

6 (b) The attorney general OR HIS OR HER DESIGNEE;

7 (c) The executive director of the Colorado district attorneys
8 council or his or her designee; and

9 (d) ~~Six~~ SEVEN members appointed by the governor, as follows:

10 (I) A representative of a police department;

11 (II) A representative of a sheriff's department;

12 (III) Three representatives of the depository institutions operating
13 within the state, at least two of whom shall be from a state or national
14 bank; and

15 (IV) A representative of a payment processor; AND

16 (V) A REPRESENTATIVE OF A CONSUMER OR VICTIM ADVOCACY
17 ORGANIZATION.

18 (3) (a) The ~~six~~ SEVEN appointed members of the board shall serve
19 terms of three years; except that, of the members first appointed, the
20 representative of a local police department, the representative of a
21 payment processor, and one of the three representatives of the depository
22 institutions, as designated by the governor, shall each serve a two-year
23 term.

24 (b) The governor shall appoint members of the board within thirty
25 days after May 30, 2006; EXCEPT THAT THE GOVERNOR SHALL APPOINT
26 THE REPRESENTATIVE OF A CONSUMER OR VICTIM ADVOCACY
27 ORGANIZATION PURSUANT TO SUBPARAGRAPH (V) OF PARAGRAPH (d) OF

1 SUBSECTION (2) OF THIS SECTION ON OR BEFORE JULY 1, 2011. An
2 appointed member shall not serve more than two consecutive full terms,
3 in addition to any partial term. In the event of a vacancy in an appointed
4 position by death, resignation, removal for misconduct, incompetence, or
5 neglect of duty, or otherwise, the governor shall appoint a member to fill
6 the position for the remainder of the unexpired term.

7 (8) On or before ~~May 1, 2009~~ OCTOBER 1, 2012, AND ON OR
8 BEFORE OCTOBER 1 OF EACH EVEN-NUMBERED YEAR THEREAFTER, the
9 board shall report to the judiciary committees of the senate and the house
10 of representatives, or any successor committees, on the implementation
11 of this part 17 and the results achieved. The report shall include, but need
12 not be limited to, the items listed in section 24-33.5-1706 (2).

13 **SECTION 4. Repeal.** 24-33.5-1705 (1) (i), Colorado Revised
14 Statutes, is repealed as follows:

15 **24-33.5-1705. Board powers.** (1) In addition to any other
16 powers specifically granted to the board in this part 17, the board shall
17 have the following powers:

18 (i) ~~To enter into and execute all contracts, leases,~~
19 ~~intergovernmental agreements, and other instruments, in writing, as~~
20 ~~necessary to accomplish the purposes of this part 17;~~

21 **SECTION 5.** 24-33.5-1708 (1), Colorado Revised Statutes, is
22 amended to read:

23 **24-33.5-1708. Repeal of part.** (1) This part 17 is repealed,
24 effective ~~July 1, 2011~~ SEPTEMBER 1, 2016.

25 **SECTION 6. Safety clause.** The general assembly hereby finds,
26 determines, and declares that this act is necessary for the immediate
27 preservation of the public peace, health, and safety.