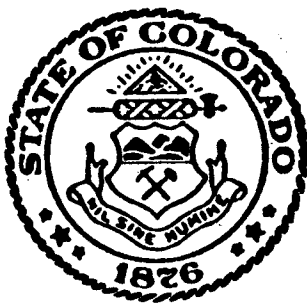


DIGEST OF BILLS

Enacted by The

FORTY-SEVENTH GENERAL ASSEMBLY

1970 Second Regular Session



**COLORADO
LEGISLATIVE DRAFTING OFFICE**

30 State Capitol Bldg.
Denver, Colorado 80203

April, 1970

DIGEST
OF
SENATE AND HOUSE BILLS ENACTED
BY THE
FORTY-SEVENTH GENERAL ASSEMBLY
OF THE
STATE OF COLORADO

(1970 - Second Regular Session)

and

APPROVED OR VETOED BY THE GOVERNOR

(Together with a Subject Index)

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Compiled by the
Legislative Drafting Office
30 State Capitol
Denver

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Note: The first date appearing after the act is the date on which it was approved by the Governor; the second date is the effective date of the act.

Bills Passed:

House Bills	63
Senate Bills	<u>43</u>
Bills enacted	106
Vetoed	<u>0</u>
Approved	106

SENATE BILLS ENACTED AND APPROVED

- | <u>No.</u> | <u>Subject</u> | | |
|------------|---|-------------|-------------|
| 1 | <u>Mesa county junior college district - dissolution - creation of Mesa junior college district and Rangely junior college district.</u> Provides for the submission to the qualified electors of the Mesa county junior college district the question of dissolving such district and creating Mesa junior college district and Rangely junior college district. If approved by a majority of the qualified electors of each new district, Mesa junior college district is formed, consisting of Mesa county and that portion of Garfield county within boundaries of joint school district no. 49 of the counties of Garfield and Mesa as those boundaries existed on January 1, 1970; and Rangely junior college district is formed, consisting of Mesa county junior college district except for Mesa county and said portion of Garfield county. Other provisions concern transfer of assets and liabilities and assumption of bonded indebtedness of Mesa county junior college district, and the junior college committees of the new districts. | February 13 | February 13 |
| 6 | <u>Scientific development commission.</u> Abolishes the scientific development commission. | January 26 | January 26 |
| 8 | <u>Sales tax - delinquent remittances.</u> Prohibits a vendor, delinquent in remitting sales tax to the executive director of the department of revenue, from retaining any amount to cover his expenses in collecting and remitting the tax, except in unusual circumstances shown to the satisfaction of the executive director. | February 10 | July 1 |
| 11 | <u>Planning - "Colorado Land Use Act" - appropriation.</u> Establishes a land use commission composed of 7 members appointed by the governor, 5 for 5-year terms and 2 to serve at the governor's pleasure. The state planning office is to assist the commission in its duties, and an advisory committee to the commission is created consisting of 2 senators and 2 representatives, to serve from July 1, 1970, to December 1, 1970. The commission is directed to develop recommendations for adopting a land use map based on land use classifications and to submit such recommendations to the governor and the general assembly no later than December 1, 1970. It may hold such hearings throughout the state as it deems necessary to | | |

No.

Subject

formulate its recommendations. The recommendations may include dividing the state into geographical planning districts.

The commission is required to consider, among other things, trends of urbanization, protection of the natural environment, development of housing, and preservation of green belts, open space areas, and flood plains. It is also directed to initiate and conduct on a continuing basis a surveillance of the ecological systems of the state, including the conduct of studies and conferences, the establishment of an information-collecting system, and the encouragement of ecologic criteria for the planning of uses of air, water, land, and space.

The act directs the commission, in conjunction with the state planning office, to prepare and adopt a state land use plan to be utilized in adopting the land use map. In preparing the plan, the commission must solicit the views of local officials, regional and local planners, and other interested persons, and it is required to take existing plans into account.

\$62,000 is appropriated for the administration and implementation of the act.

April 10

April 10

- 13 Universities and colleges - Colorado state college - change of name. Changes name of Colorado state college to the university of northern Colorado, and declares legislative intent to be the recognition and affirmation of university status without changing the present function of the institution.

April 14

May 1

- 14 State funds - transfers to revolving funds. Eliminates existing provisions which authorize transfers during the last quarter of the fiscal year from the general cash revolving fund to enable state departments and agencies to make prompt payments of budgeted expenditures prior to the receipt of budgeted income. Provides that, at any time during the fiscal year, the state controller may advance amounts to state departments, agencies, and institutions, from the cash funds created by the deposit of state moneys, for the payment of such operating expenses, or for emergencies, as are allowed on regular vouchers. No later than 45 days following the close of the fiscal year in which the advances were made, such advances must be restored. The state controller is authorized to conduct internal audits with respect to advances and is

No.

Subject

required to report yearly to the joint budget committee on advances and repayments made during the preceding fiscal year.

March 10

March 10

- 16 Cities and towns - bonded and other indebtedness - interest rates - elections. Requires a city or town to submit the question of contracting debt, except debts for supplying water, to all electors of the city or town according to a "dual ballot" procedure, not merely to electors who pay ad valorem taxes. Approval of the question requires a majority vote by each of two classes of voters: The registered qualified taxpaying electors and all registered qualified electors, including taxpaying electors. Although a taxpaying elector in fact casts only one ballot, the effect of the act is to allow his vote to be counted twice, once in the class of taxpaying electors alone, and once in the class of all registered qualified electors. If either class fails to approve the issuance of bonds, the question is defeated. Requires that the following questions also be submitted according to the dual ballot procedure: Establishing hospitals, medical dispensaries, and other places of relief; acquiring water, gas, or electric works or granting a franchise for such works; selling public works or public real property; approving a plan for the acquisition of public utilities; and acquiring land for parks, boulevards, parkways, or roads. Authority to submit questions of issuing bonds under the dual ballot procedure is terminated as of July 1, 1971, unless the general assembly provides otherwise.

Removes interest rate limitations on bonds and makes such securities subject to a maximum net effective interest rate to be stated in the notice of election. Provides that the governing body of a city or town may submit at a regular or special election held according to the dual ballot procedure, the single question of issuing bonds at a higher maximum net effective interest rate than the maximum net effective interest rate or maximum interest rate approved at the original election, if the rate originally authorized is too restrictive to permit advantageous sale of the bonds. Removes requirement that bonds be sold for not less than their par values and requires that the sale be at a price or prices such that the maximum net effective interest rate is not exceeded.

April 2

April 2

- 17 Universities and colleges - bonded and other indebtedness - interest rates - junior college district elections. Makes same changes as S.B. 16 with respect to interest rate limitations and par value sale requirements for bonds, warrants, and other

No.

Subject

evidences of indebtedness issued by state institutions of higher education, including junior college districts. Removes requirement that those signing a petition for the inclusion of a junior college district in the state system, and those voting at an election to approve joining the state system, be taxpaying electors and requires that they be registered qualified electors. Makes similar change with regard to qualifications to vote in an election for the dissolution of Mesa county junior college district.

April 2

April 2

- 18 Counties, county public improvement districts, and law enforcement authorities - bonded and other indebtedness - interest rates - elections. Makes same changes as S.B. 16 with respect to procedures for conducting elections to approve the incurring of debt by a county or county public improvement district, including the requirement of a dual ballot procedure. Same dual ballot procedure required for authorization of a levy in excess of 3 mills for the public works fund, the issuance of bonds in exchange for county warrants, the creation of indebtedness for the purchase, construction, or equipping of a public hospital, and the organization or dissolution of a law enforcement authority. "Elector", for purposes of county public improvement districts and law enforcement authorities, is redefined to include, in addition to a taxpayer of the district or authority, one who resides within the district or authority regardless of whether he pays ad valorem taxes. Authority to submit questions of issuing bonds under the dual ballot procedure is terminated as in S.B. 16.

Makes same changes as S.B. 16 with respect to interest rate limitations, elections on the single question of the maximum net effective interest rate, and par value sale requirements for bonds issued by counties and county public improvement districts.

April 2

April 2

- 19 School districts - bonded indebtedness - interest rates - elections. Makes same changes as S.B. 16 with respect to procedures for conducting elections to approve the incurring of debt by a school district, including the requirement of a dual ballot procedure. Requires school boards to file reports with the department of education within 10 days after the sale of bonds setting forth the terms of the bonds and of the sale. Authority to submit questions of issuing bonds under the dual ballot procedure is terminated as in S.B. 16.

No.

Subject

Makes same changes as S.B. 16 with respect to interest rate limitations, elections on the single question of the maximum net effective interest rate, and par value sale requirements.

April 2

April 2

- 21 General property tax - assessment and collection. Makes miscellaneous changes in the method of assessing and collecting the general property tax, including the following:

1. Authorizes the treasurer of a county levying a tax upon personal property which has been removed to another county in the state and which is subject to a distraint warrant, to issue a certificate to the treasurer of the county where the property is located. The treasurer receiving the certificate is directed to distraint, seize, and sell such property and to remit the net proceeds, after payment of any costs, to the treasurer who certified the delinquency to him.

2. Provides that taxable personal property governed by the provisions of the uniform commercial code concerning bulk transfers is, as of the date of transfer, subject to all personal property taxes for the current year, and that the treasurer of the county or counties in which the property is located must be listed as a creditor of the transferor. Taxes are to be collected at the time of the transfer.

3. Provides that taxes on real property may be determined to be uncollectible and may be cancelled after 6 years from the date of becoming delinquent when the property has been stricken off to the county because of a tax sale and there has been no transfer of a certificate of purchase by the county. Cancellation does not affect the county's rights subsequently to transfer a tax sale certificate or its right to receive a tax deed and to exercise its rights thereunder.

4. Makes it the duty of the executive director of the department of revenue to send to the treasurer of the county where a newly licensed refiner or distributor of motor fuel or a newly licensed retailer is located notice of the new licensee's name and address.

April 2

January 1, 1971

- 22 Claims against state - Morris A. Dickhart. Grants to Morris A. Dickhart the right to sue the state, within one year after the effective date of the act, to determine the state's liability for alleged damages, purportedly caused by the state purchasing agent's failure to issue a purchase order in connection with a

No.

Subject

purchase for Colorado state university in 1969.

February 20

February 20

- 24 State officers - coordinator of environmental problems - emergency proclamation - appropriation. Creates the position of coordinator of environmental problems within the office of the governor, under the civil service laws. Among his powers and duties are the study of problems of maintaining and enhancing environmental quality, coordination of state programs concerning environmental quality, and recommending measures to deal with environmental problems. Authorizes the governor, on recommendation of the coordinator, to issue an emergency proclamation prohibiting or limiting a condition or activity which poses a significant risk of serious danger to the public health. Such proclamation may not be effective for more than 15 days, and it may not be extended for more than 15 days beyond its initial period. \$8,500 is appropriated to the office of the governor for fiscal year 1970, and \$45,000 is appropriated for fiscal year 1971, for the implementation of the act.

April 2

April 2

- 25 Food and drugs - "Colorado Food and Drug Act". Amends the "Colorado Food and Drug Act" to conform state law to the uniform state food, drug, and cosmetic bill and to federal law. Major provisions include: Adoption of state law comparable to the federal "Fair Packaging and Labeling Act" (the truth-in-packaging law); automatic adoption by the state of regulations promulgated under the federal food, drug, and cosmetic act, the federal "Fair Packaging and Labeling Act", and the federal "Meat Inspection Act of March 4, 1907"; revision of the definitions of "adulterated" and "misbranded" to conform to federal law concerning pesticide chemicals on raw agricultural commodities and color additives; amended procedures for the adoption of regulations concerning the permissible limits of adulteration of foods, drugs, and cosmetics; and extension of the inspection powers of the department of health. The act is too lengthy and detailed for adequate summary; therefore the act should be consulted concerning specific provisions.

April 2

July 1

- 28 Crimes - issuing a bad check - penalties. Consolidates present provisions concerning bad checks due to insufficient funds and those due to lack of a checking account or credit with the drawer; defines "insufficient funds" to include both causes. Simplifies the statement of the offense, making a person guilty of issuing a bad check when he utters or passes a check knowing

Senate Bills

No. .

Subject

or having reasonable cause to know that it will not be paid and is not paid because of insufficient funds. Provides that an employee of a drawer who passes a check for his employer without knowledge that the check will not be paid and without personal benefit is not guilty of the offense.

Revises penalties to provide that upon a first or second conviction of issuing a bad check of less than \$50, a person may be fined in an amount of not more than \$100 or by imprisonment in the county jail for not less than 30 days nor more than 1 year, or by both such fine and imprisonment. On a third or subsequent conviction of such offense, or if the check is for \$50 or more, or if the person is guilty of issuing 2 or more bad checks in Colorado within any 30-day period which amount to \$50 or more, the person is guilty of a felony and may be fined not less than \$100 nor more than \$1,000, or imprisoned in the state penitentiary for not less than 1 nor more than 5 years, or by both such fine and imprisonment.

The act applies to violations alleged to have occurred on or after its effective date.

April 1

July 1

- 30 Crimes and punishment - copper - requirements with respect to purchases - penalty. Requires dealers in junk, salvage, or other secondhand property to maintain records, in a book or register, with respect to their purchases of copper or copper alloy. The records must be maintained for at least 3 years after the date of purchase, and among the information required to be recorded is the following: Name, address, age, and driver's license number, if any, of the seller; the license plate number of the motor vehicle in which the purchased items were conveyed; the date and place of purchase; and a description of the items purchased. The seller is required to sign the register or book. Copper or copper alloy, purchased subject to this act, except purchases from a regulated utility or an original manufacturer, must be kept separate and apart from other purchases for a least 7 days after the date of purchase, and during such period such purchases are open to inspection by law enforcement officers. Records of purchases are also open to inspection by law enforcement officers. Failure to comply with the act is a misdemeanor carrying a fine of not more than \$1000 or 6 months imprisonment, or both such fine and imprisonment.

March 10

April 1

- 31 Public employees' retirement association - hospital employees - retention in association. Provides that employees of a public hospital shall retain membership in the public employees'

No.

Subject

retirement association (PERA) when the hospital comes under the ownership, operation, or control of a nonprofit corporation. In order to retain PERA membership, the following requirements must be met: The employee must be a PERA member at the time of the change of ownership, operation, or control; the agreement of sale, lease, or transfer must provide that member-employees shall continue PERA membership during the continuance of employment; the agreement must provide for payroll deductions and for payment of all amounts which would be due from a public employer.

PERA membership cannot be extended to hospital employees who are not employed prior to the transfer of ownership, operation, or control.

February 17

February 17

- 32 Agriculture - pesticides - applicators' licenses. In addition to present licensing requirements for persons applying pesticides for hire, the act requires a license for each device (defined as an instrument intended for trapping, destroying, or repelling insects, rodents, fungi, nematodes, or other pests, but not including equipment for the application of pesticides when sold separately from the pesticides) operated for hire within the state. Provides for service of process upon nonresidents required to be licensed. Specifies subjects which may be covered in the examination required of applicants for licenses, which are generally the hazards, uses, and safety of pesticides.

Prohibits the application of pesticides and the use for hire of devices, as defined above, by any unlicensed person, and makes unlawful the operation of a device for hire if the operator's insurance is not in full force and effect. Extends existing prohibitions concerning the application of pesticides to bodies politic, which include state, federal, and local agencies, school districts, special districts, and other governmental units having authority to tax or impose assessments.

On and after January 1, 1971, any body politic wishing to apply pesticides or operate devices for the control of pests must obtain a certificate of registration from the commissioner of agriculture. Designated employees of a body politic are required to be qualified in the field of pesticide application by means of written and oral examinations. Restricted pesticide permits are required for any licensee or body politic to apply any pesticide restricted by the commissioner for emergency uses.

April 2

January 1, 1971

Senate Bills

No.

Subject

- 33 State water rights - Ridge home - transfer authorized. Authorizes the executive director of the department of institutions to exchange for other water rights, or to lease for two year terms, certain described water rights, and to sell described ditch company stock, all of which rights and stock are owned by the state for the benefit of the state home and training school, at Ridge. Any exchange or leasing must be at public auction, after required appraisals and advertising.

April 2

April 2

- 34 Industrial commission - judicial review of action. Housekeeping act which removes conflicting language and clarifies the law with respect to the procedure for judicial review of action taken by the industrial commission. Makes clear that appellate review is to be by the court of appeals, rather than by the supreme court.

February 23

February 23

- 35 Health - water pollution - penalties. Provides that final cease and desist orders issued by the water pollution control commission, the division of administration of the department of health, and county health departments are subject to judicial review. While a decision on judicial review is pending, the order is to be stayed. Any person violating a final cease and desist order not subject to a stay is made liable for a civil penalty of not more than \$2,500 per day for each day the violation occurs. Responsibility for enforcing penalties is placed in the division of administration, which must bring suit in a court of competent jurisdiction.

The willful failure to notify the division of administration of a plan to construct or operate a disposal system, to operate an establishment which would increase the discharge of wastes, or to construct or use a new outlet for discharging wastes, as required by existing law, is a misdemeanor, and the violator may be subject to a fine of not less than \$50 nor more than \$500.

March 10

March 10

- 39 Crimes - trespass in public buildings. Provides that certain conduct at or in public buildings owned, operated, or controlled by the state or any of its political subdivisions is a misdemeanor. Such conduct includes the willful denial to a public official or employee, or any invitee, of his right to enter, use, or leave such public building; the willful hindrance of a public official or employee in the performance of his duties by using restraint, abduction, coercion,

No.

Subject

intimidation, force, violence, or the threat of force and violence; the willful refusal or failure to leave a public building upon request, if the alleged violator commits, or threatens or incites others to commit, an act of disruption or interference with the lawful activities being carried on in the public building; the willful disruption or hindrance of a meeting or session conducted by a judicial or legislative body or official by intruding into the chamber or area designated for its use or by an act designed to intimidate or hinder any member of the body or any official performing his duties at the meeting or session; and the willful disruption or hindrance of the normal proceedings of an executive body or official by intruding into the chamber or other area designated for its use.

Provides that a violator may be punished by a fine of not more than \$500, or by imprisonment in the county jail for not more than 1 year, or by both such fine and imprisonment.

April 1

April 1

40

Local improvement and service districts - bonded indebtedness - interest rates - elections. Makes same changes as S.B. 16 with respect to the dual ballot procedure for conducting elections to approve the incurring of debt by domestic waterworks districts, metropolitan districts, improvement districts in cities and towns, water and sanitation districts, fire protection districts, metropolitan water districts, hospital districts, metropolitan sewage disposal districts, the regional transportation district, and the urban drainage and flood control district. The dual ballot procedure is also required in elections to authorize organization, consolidation, dissolution, and inclusion of territory, where such elections are required for a district. "Elector" is defined to include both a taxpayer of the district and a resident of the district regardless of whether he pays ad valorem taxes. The definition applies to all districts mentioned except the regional transportation district and the urban drainage and flood control district, in which an elector must be a resident of the district. The act authorizes all electors of a district to vote at elections for members of governing bodies of the district. Authority to submit questions of issuing bonds under the dual ballot procedure is terminated on July 1, 1971, as in S.B. 16.

Makes same changes as S.B. 16 with respect to interest rate limitations and par value sale requirements for bonds issued by the districts mentioned, and by special improvement districts.

April 2

April 2

Senate Bills

No.

Subject

- 41 River basin authorities - levies. Provides that river basin authorities may impose a uniform levy of not more than 3¢ per acre-foot of water delivered within the basin authority to each water user from both surface and ground water sources. The proceeds of such levy are earmarked for general operation and administration of the authority. A levy of not more than 10¢ per acre-foot may be imposed for planning, construction, operation, and maintenance of the authority's authorized projects, such levy to be on the basis of benefits received from the projects.

Formerly, an authority could impose a levy of not more than one-half mill on the valuation for assessment of all taxable property affected in the authority.

March 2

March 2

- 42 Public schools - small attendance centers - reorganization or annexation - formula for additional state support. Provides that whenever a school district is entitled to receive additional support under the "Public School Foundation Act of 1969" for the operation of small attendance centers, and such school district is reorganized or annexed prior to January 1, 1972, and the new or annexing district includes small attendance centers that are less than 20 miles apart, the new or annexing district shall be entitled to additional state support for small attendance centers on the following basis: 1st year - 100%; 2nd year - 75%; 3rd year - 50%; 4th year - 25%; 5th year and thereafter - no funds. In the foregoing formula the year referred to is the calendar year following the effective date of reorganization or annexation, and the percentage figure is the percentage of state additional support funds to which the district would be entitled except for the reorganization or annexation. The act is automatically repealed as of January 1, 1976.

March 2

March 2

- 44 Plumbers - transfer of examining board. Transfers, by a type 1 transfer as defined in the "Administrative Organization Act of 1968", the examining board of plumbers from the department of health to the department of regulatory agencies. The governor, rather than the department of health, appoints members of the board, and a 5 year term for members is specified (formerly, the law was silent concerning the period of the term of office). Necessary changes are made in the law to transfer to the examining board powers and duties with respect to plumbers which were formerly held by the department of health, but the department of health retains power to promulgate rules and

No.

Subject

regulations concerning plumbing, drainage, sewerage, and plumbing ventilation of all buildings in the state.

March 13

July 1

- 45 Water pollution - radioactive, toxic, and other wastes. Prohibits the discharge, deposit, or disposal of radioactive, toxic, or other wastes underground in liquid or explosive form unless the water pollution control commission has granted a permit for such activity. Permits may be issued only where the commission finds beyond a reasonable doubt that there will be no pollution resulting from the activity or where the pollution will be limited to waters in a specified limited area from which there is no risk of significant migration and the activity is justified by public need. Permits may include reasonable terms and condition for the conduct of the activity. Exempts the operation of oil and gas wells and water injection wells, septic tanks, surface ditches, retention ponds, and irrigation or water transportation systems from this provision. Any such discharge, deposit, or disposal without a permit or in violation of the terms of a permit is a misdemeanor punishable by a fine of not less than \$50 nor more than \$2,500. Each day the violation occurs constitutes a separate offense.

The discharge or disposal of any human wastes, including the contents of a container used in a trailer, camper, or other conveyance, in any waters of the state or within 100 feet thereof, is a misdemeanor punishable by a \$25 fine. This provision may be enforced by a penalty assessment notice procedure similar to that used for misdemeanors involving motor vehicle violations.

April 2

July 1

- 47 General property taxation - oil shale lands. Provides that nonproducing oil shale lands are to be valued for assessment on the basis of the surface use on the assessment date, plus any additional value attributable to the undeveloped oil shale, which additional value may not exceed the value for assessment placed on the surface use.

April 1

April 1

- 49 Septic tanks - licensing. Authorizes the water pollution control commission to require licenses or permits for the construction and use of septic tanks in any portion of the state, whether a lot, tract, or subdivision, when such portion is identified by the commission as one in which the unregulated flow from 1 or more septic tanks would or might pollute the waters of the state. Present procedure in the law concerning the promulgation of water quality standards is to be followed

No.

Subject

in the identification of a portion of the state in which septic tanks are required to be licensed. At the time of making its identification, the commission is required to determine the terms for septic construction, use, design, maintenance, spacing, and location in the portion of the state so identified, and such terms shall be recited in the license or permit.

March 10

March 10

- 50 Highways - designation as part of federal system. Gives the state highway commission the authority to designate any public highway, road, or street as an extension of the federal-aid primary or secondary system, in order to qualify such thoroughfares for the expenditure of federal funds apportioned to the state under federal law for traffic control (23 U.S.C. 135). Designation by the commission does not affect the classification of the thoroughfare as part of either the county highway system or the city street system, and does not bring the designated thoroughfare into the state highway system, unless otherwise provided by the commission. Construction of improvements made under said federal law, and moneys received therefor, are under the control and supervision of the division of highways.

March 2

March 2

- 54 Local government - budget law. Requires local governing bodies to file with the division of local government in the department of local affairs, instead of with the Colorado tax commission, copies of budgets adopted and of ordinances or resolutions authorizing expenditures for emergencies in excess of budgets. Provides that the division of local government shall examine the financial needs and condition of local governments upon the request of the Colorado tax commission or its successor agency, or of such local government, and shall report its findings to the agency making the request.

April 2

July 1

- 61 Damages - utilization review committees. Provides that information made available to a utilization review committee of a hospital or other health care facility may be used only in the exercise of the committee's proper functions, and such information is to remain confidential. Physicians, dentists, podiatrists, hospitals, or other health care facilities or persons do not violate privileged communications by furnishing information to a utilization review committee, if the information relates to the committee's proper functions. Members of committees are not liable for damages to or for patients by reason of their recommendations made in the

No.

Subject

exercise of the committee's proper function, except where they willfully or recklessly disregard the patient's safety. Utilization review committees evaluate health care services rendered under the "Colorado Medical Assistance Act".

April 1

April 1

- 62 Administrative code - division of registrations - licenses and certificates. Authorizes the executive director of the department of regulatory agencies to increase the period of validity of any license or certificate issued by the division of registrations for a period not to exceed 3 years or to change the renewal date of such licenses or certificates to the end that approximately the same number are scheduled for renewal each month. Such actions require the approval and recommendation of the examining board or commission which issues the license or certificate. When such a change is made, the fee shall be adjusted proportionately.

April 1

April 1

- 67 Appropriation - Colorado commission on higher education - Auraria site. \$1,943,200, out of the capital construction fund, to be allocated as follows: \$1,400,000 for the purchase of land in the Auraria site; \$543,200 for physical planning of facilities not to exceed 231,750 gross sq. ft.

The appropriation is subject to the following limitations: No moneys are to be spent for planning or construction of any institution or facility accommodating more than 15,000 full-time equivalent day students; the moneys appropriated for the purchase of land remain available until June 30, 1971, and are to be expended only upon the governor's approval.

April 10

April 10

- 69 Air Pollution Control Act of 1970. Repeals the 1966 air pollution control act (article 29 of chapter 66), as amended in 1969, and enacts a new article 31 in chapter 66. Comparison of the two articles reveals these changes in the law:

Organization. A new body, the air pollution control commission, is created within the department of health, though not as a division thereof and not subject to control by the state board of health or by the executive director of the department of health. It is composed of one member of the state board of health and eight citizens chosen by the governor in such manner that the board will include people trained in the technical sciences involved, in agriculture, and in law. Basic terms of office are 3 years. Creates a new variance board and a technical secretary for the commission, both being

No. ..

Subject

transferred to the department of health by a type 1 transfer, as defined in the "Administrative Organization Act of 1968", and allocated to the commission. The division of administration in the department of health has the duty of administration and enforcement through a new agency to be set up within the division, and the division no longer makes the rules, regulations, and standards concerning air pollution controls. A majority of the membership of the commission is required for making any determination, and the same provision applies to the board.

Continuance of regulations, orders, etc. Although article 29 is repealed, its effects are carried over at least temporarily by the provision in the new article that the commission is deemed to have adopted temporary emission control regulations identical to the statutory standards set forth in article 29, and that all actions, orders, and determinations of the division, the state board of health, and the variance board, under powers granted by article 29, are continued in force until countermanded or modified. Also, the members of the variance board as constituted pursuant to article 29, are to continue to serve until the expiration of their respective terms.

Commission powers and duties. The commission is to develop programs for the prevention, control, and abatement of air pollution in the state and to promulgate air quality standards and emission control regulations, subject to specified factors and procedures, and the specific statutory standards and limitations prescribed in article 29 are repealed. The commission is to make annual reports to the governor, including recommendations relating to motor vehicle and aircraft pollution control problems. The commission is to adopt a program for the control of burning, and when and where necessary, to prohibit burning without a permit; in the case of burning related to agricultural operations, specific findings of necessity must be made.

Division powers and duties. The division continues to be responsible for administration and enforcement, and, as before, may request the governor to declare that emergency conditions exist, whereupon the governor can exercise certain emergency powers to halt various air pollution activities. Commencing 90 days after the effective date of the article, notice of air contaminant emissions must be filed with the division, except that notices previously filed under similar requirements of article 29 are still valid. Procedures for the issuance or denial of permits for emissions are to be established by the commission.

No.

Subject

Variance board. The variance board is made up of 9 citizens appointed by the governor, with a new provision for the appointment of an alternate for each member who may act when the member fails or refuses to act as a member of the board. Grounds for handling variance applications are somewhat more detailed, and rulings by the board are subject to review by the commission.

Requirements for hearings, by either the commission or the variance board, are spelled out in detail, and a final order of the board, the division, or the commission is stayed upon application for judicial review. A violation of a final cease and desist order issued by the commission and not stayed by judicial review is subject to a civil penalty of up to \$2,500 per day, and violations of burning regulations or emission notice requirements, while no longer referred to as misdemeanors subject to fine, are subject to a civil penalty of up to \$100 per day, and all such penalties shall be deposited in the general fund. The civil penalty for violation of local air pollution laws is \$300 per day.

April 10

April 10

- 73 Elections - additional registration. Except for election day and the five days prior thereto, the county clerk is required to register any qualified elector of the county during the time registration books are closed (being the 32 days before any primary or general election), but such names shall not be included in the registration books for such elections. Such registrations shall take effect on the day after any such election. Requires such registrations as well as those used for such election to be included in the list of registered qualified electors for school elections, if the electors actually registered at least 32 days prior to the school election. The registration list for any school election held within 77 days after a general election shall include the names of those qualified electors registered for the general election as well as any such elector registered under the above special registration if he actually registered more than 32 days before such school election.

April 1

April 15

- 75 Grand juries. Rewrites completely the law concerning grand juries. Major changes are as follows:

(a). Grand juries are to serve until discharged by the court, but not for more than 18 months; formerly, a grand jury served only during the first term of court.

No.

Subject

(b). In counties of less than 100,000 population, a grand jury may be called upon motion of the court or of the district attorney of the judicial district in which the county is located; formerly, it was in the discretion of the court to call a grand jury.

(c). Upon motion of the district attorney and for good cause shown, an additional grand jury may be convened.

(d). A grand jury still consists of 12 members, but upon motion of the district attorney, and for good cause shown, a grand jury of 23 members may be called, in which event, the assent of 12 members is necessary for the returning of a true bill.

(e). The list from which grand jurors are selected is expanded from 50 to 75 names.

(f). The provision of the law concerning the investigation of grand jurors and their relatives is eliminated, and the grounds for excusing a grand juror are changed from sickness or incapacitation to good cause shown.

April 2

April 2

- 76 Water conservancy, conservation, and irrigation districts - bonded and other indebtedness - interest rates - elections. Makes same changes as S.B. 16 with respect to the conduct of elections for the approval of obligations or indebtedness which will require an expenditure exceeding the ordinary income and revenue of a water conservancy, conservation, or irrigation district, and includes a dual ballot procedure. Same dual ballot procedure is required for elections to authorize an increase in the mill levy. Authority to hold bond elections under the act is terminated as in S.B. 16.

Makes same changes as S.B. 16 with respect to interest rate limitations and elections on the single question of the maximum net effective interest rate.

April 2

April 2

- 77 Public bodies of the state - bonded indebtedness - interest rates. Makes same changes as S.B. 16 with respect to interest rate limitations and par value sale requirements for bonds issued by airport authorities, county and municipal industrial development bonds, and public securities issued under article 8 of chapter 125, C.R.S. 1963, including junior college revenue securities. Eliminates statutory interest rate limitations on

No.

Subject

city bonds for housing projects and bonds of housing authorities.

April 2

April 2

- 78 Vocational education - state assistance - appropriation. Provides that school districts conducting vocational education courses approved by the state board for community colleges and occupational education are entitled to program support funds appropriated by the general assembly. The amount each district may receive is determined by calculating the vocational education program cost per full-time equivalent student and deducting therefrom the per pupil equalization level of support established under the "Public School Foundation Act of 1969"; the state will provide 80% of the first \$1,000 of excess vocational education program cost per full-time equivalent student and 50% of all such excess costs over \$1,000. A school district must agree to pay the balance of such program cost in order to qualify to receive state funds. Funds are distributed quarterly to school districts, on the basis of expenditure estimates furnished to the board by participating school districts.

The standards to be used in approving vocational education courses require that any course shall: Be designed to provide entry level occupational skill; be of a duration sufficient to provide the skills and knowledge required by industry; have a technical advisory committee to assist in planning and conducting vocational education curricula; be conducted in adequate facilities; and meet an existing employment potential. The board is directed to avoid unnecessary duplication of facilities or staffing and to require the sharing of facilities where feasible.

The board is required to submit an annual report to the general assembly on programs funded under the act. The act is to be effective from July 1, 1970 through June 30, 1973, unless extended by the general assembly. It appropriates \$4,000,000 for state support of vocational education programs, as provided in the act.

April 2

July 19

- 79 Warrants and orders of counties, towns, cities, and school districts - interest rates. Makes same changes as S.B. 16 with respect to interest rate limitations on county orders and warrants, town, city, and school orders and warrants, and other like evidences or certificates of municipal indebtedness.

April 2

April 2

No.

Subject

- 80 Crimes and punishments - loitering. Provides that a person commits the misdemeanor of loitering if he loiters or remains in a public place for one of the following purposes: Begging; gambling; engaging or soliciting another to engage in prostitution; or insulting, taunting, or challenging another in a manner likely to provoke a violent or disorderly response. A person is also guilty of loitering if he remains in or around a school building without any specific, legitimate reason, or without written permission from a school administrator, or if he remains in any place for the purpose of unlawfully using or possessing a dangerous drug. Acts in the course of lawful assembly as a part of the peaceful and orderly petition for the redress of grievances are specifically exempted from the act.

The act applies to violations alleged to have occurred on or after its effective date, and it provides that violators may be punished by a fine not exceeding \$300 or by imprisonment in the county jail for not more than 90 days, or by both such fine and imprisonment.

April 10

July 1

- 84 Elected state officials - compensation. Effective July 1, 1970, the salary of the chief justice of the supreme court is increased from \$25,000 to \$28,000 per year, and the salaries of supreme court associate justices are increased from \$24,500 to \$27,500 per year.

Increases salaries of members of the general assembly elected at the 1970 and later general elections by eliminating the member's present biennial salary of \$200 per month plus \$5,400 payable at the rate of \$30 per day during regular sessions and \$600 payable at the rate of \$30 per day during special sessions, and substituting an annual salary of \$7,600 payable at the rate of \$1,000 per month for the first 4 months of each year and \$450 per month for the remaining 8 months, of which \$20 per day is considered an expense allowance for each legislative day during which a member is away from his home and principal place of business.

Increases compensation of members attending meetings of the legislative council, its committees, or interim committees from \$30 to \$35 per day with a maximum of \$1,050 instead of \$900 per calendar year. Increases compensation of members of the joint budget committee attending its meetings from \$30 to \$35 per day with a maximum of \$3,500 instead of \$3,000 per calendar year. Also increases compensation of the speaker of the house of representatives and the house and senate majority and minority leaders, for necessary attendance to matters concerning the general assembly while it is not in session,

No.

Subject

from \$30 to \$35 per day, with a maximum of \$840 instead of \$720 per calendar year.

April 2

July 1

HOUSE BILLS ENACTED AND APPROVED
AND ANY VETOED BILLS

- | <u>No.</u> | <u>Subject</u> | | |
|------------|---|-------------|-------------|
| 1007 | <u>Regional transportation district - maturities of notes and warrants.</u> Extends permissible maturity dates of notes and warrants issued by the regional transportation district from 1 year to 2 years. | February 10 | February 10 |
| 1008 | <u>Department of institutions - confinement of offenders from other jurisdictions at the women's correctional institution.</u> Authorizes the executive director of the department of institutions to enter into contracts and agreements with other jurisdictions, including other states, the federal government, and political subdivisions of this state, for the confinement and maintenance at the women's correctional institution at Canon City of female offenders sentenced to imprisonment by such other jurisdictions. The executive director is required to publicize the availability of space at such institution. | February 3 | February 3 |
| 1009 | <u>State purchasing agent - price differential for Colorado goods.</u> Abolishes 5% price differential formally given to Colorado materials, supplies, and equipment in orders awarded or contracts made by the state purchasing agent, and provides that a preference shall be given to Colorado goods only when the prices bid are identical. | February 17 | July 1 |
| 1010 | <u>Education - Colorado commission on higher education - advisory committee - state board for community colleges and occupational education - powers and duties - tuition policies.</u>

1. <u>Size and compensation of commission and advisory committee:</u> Increases the membership on the Colorado commission on higher education from 7 to 9, and provides that no more than 5 members shall be from any one major political party. Raises the per diem allowance of members from \$20 to \$30. The size of the advisory committee to the commission may be increased by not more than 5 additional members to be designated by the commission. The per diem allowance of legislative members of the committee, and of other members who are not otherwise compensated by the state or a public educational institution, is also increased from \$20 to \$30. | | |

No.

Subject

2. Appropriations requests and budget procedures. Provides that requests for state appropriations for the state-supported institutions of higher education must be submitted to the commission on forms prescribed by the commission and approved by the executive budget office and the joint budget committee. Requests are to show each program and activity for which appropriations are sought and are to be submitted at dates specified by the commission consistent with the procedures of the executive budget office and the availability of fall enrollment figures.

The commission is authorized to prescribe, subject to the approval of the state controller, uniform financial reporting systems which reflect all programs and activities of the state-supported institutions of higher education. The commission may require any such institution to submit estimates of income and expenditures for any program or activity, whether or not state-appropriated funds are involved, and to submit audited records of past income and expenditures.

3. Capital construction and long-range planning. Authorizes the commission to review and approve master planning and program planning for all capital construction projects of the institutions of higher education on state-owned or state-controlled land, regardless of the source of funds. All capital construction must be commenced in accordance with an approved master plan, program plan, and physical plan. The policy of the general assembly is to appropriate physical planning and construction funds only if the commission certifies that the appropriation conforms to approved master planning and program planning. Specified categories of capital construction in which no project will require more than \$75,000 of state funds may be excepted by the commission from these planning requirements.

The commission, after consultation with state educational institutions and their governing bodies, is directed to develop and recommend statewide plans for higher education, including the establishment of priorities for initiating new programs and institutions; determination of institutional roles and size; and establishment of relationships with private institutions of higher education to strengthen the state's total higher education resource.

4. Program approval and other duties of the commission. Before any new program proposed by a state-supported institution of higher education, including state junior colleges and community colleges conducting post high school programs, may be instituted, it must be approved by the commission as consistent with the institution's role and

No.

Subject

purpose. The act also requires the commission to implement a policy of enabling dependents of any law enforcement officer or fireman permanently disabled or killed while acting to preserve the public peace, health, or safety to attend any state-supported institution of higher education by means of tuition waivers and similar assistance.

5. Junior college districts - joining state system. Requires a junior college district wishing to join the state system to apply to the state board for community colleges and occupational education. The board must review the application, and determine whether the plan and proposed date of entry will promote the orderly development of higher education and of the applicant. When approved by the board, the application is transmitted to the commission which may approve the board's recommendation or modify the date of entry. Entry may not be delayed beyond July 1 of the second calendar year after the application date. When both the board and the commission have approved the application, a special election must be called to approve the dissolution of the junior college district.

6. Tuition policies. The governing boards of the state-supported institutions of higher education are required to set tuition in accordance with the level of appropriations made by the general assembly for such institutions.

April 10

April 10

1012 Elections - joint election of governor and lieutenant governor. To implement the 1968 amendment to section 3 of article IV of the constitution, this act provides that beginning with the general election in 1970, the nominees of political parties and organizations for the offices of governor and lieutenant governor shall be elected as joint candidates, so that one vote applies to both of the candidates. Accordingly, nominating petitions for independent candidates must name candidates for both offices, and write-in votes must name persons for both offices. The provisions for joint candidates do not apply to primary elections. The names of each pair of joint candidates are to be listed on the general election ballot next after congressional candidates, and, on paper ballots, in the alphabetical order of the names of the candidates for governor. Judges of the court of appeals are to be listed on the ballot next after supreme court justices.

April 1

July 1

1013 Local improvement and service districts - dissolution of districts. Provides a uniform method for dissolution of domestic waterworks districts, metropolitan districts, water and sanitation districts, fire protection districts,

No.

Subject

metropolitan recreation districts, metropolitan water districts, and hospital districts. An application for dissolution may be filed in the district court by the board of directors of the district if the majority of the board so determines or if a petition requesting such action is filed with the board by 5% of the qualified electors or by 50 such electors, whichever number is smaller, or if the district includes more than 50,000 persons, by 5% of the qualified electors. If the application is to be made pursuant to a petition, the board must file the application within 60 days, and the application must include a report on the steps taken to comply with the requirements for applications set forth below.

Applications for dissolution must include a current financial statement; provision for payment of the district's outstanding bonded indebtedness, if any; a plan for final disposition of the district's assets; and, if services of the district are to be continued, a plan for continuation, including copies of agreements with any municipalities or districts which will assume responsibility for providing such services. A plan for dissolution must provide for the continuation of any services which are essential to the health, welfare, and safety of the residents of the dissolved district.

If the application for dissolution was initiated by petition of the electors of the district, and the board has acted in good faith but cannot comply with the application requirements, the court may dismiss the proceeding at any stage after the application is filed.

The court must publish notice of the filing of an application and of a hearing to be held within 50 days after the filing thereof on its sufficiency. After the hearing, at which any interested person may appear and be heard, the court must order an election if it finds the application to be in order. Those persons qualified to vote in an election for members of the board of directors are eligible to vote in the election to approve dissolution. A majority of the votes cast determines the question.

If the voters approve dissolution, the court enters an order dissolving the district, which may provide, among other things, for the continuation of boards of directors where services are being continued, where financial obligations or bonded indebtedness must be paid, or where contracts for the continuation of services must be supervised or modifications thereof negotiated. The order of dissolution may be attacked only in a quo warranto proceeding instituted by the state within 30 days after the order.

No.

Subject

1016 Electors - qualifications and registrations. Removes the 90-day county residency requirement and changes the precinct residency requirement from 20 to 32 days immediately preceding the election at which an elector offers to vote. Numerous changes are made to conform the law to the new residency requirements. Examples are as follows: Registration of electors is closed on the 32nd day prior to an election, rather than on the 20th day; precinct registration may be held on the 35th day, rather than the 28th day, prior to an election; changes are made in the residency portions of voter affidavits and challenge questions asked of electors to conform to the new 32 day residency requirement. For other changes it is suggested that the act be consulted.

Requires that when a declaration of party affiliation, disaffiliation, or nonaffiliation is made, the declaration shall be separately dated and signed or dated and initialed by the elector in such manner that he clearly acknowledges that his action has been properly recorded. The foregoing affidavit prevents the allowance of an affidavit contending that an error has been previously made concerning party affiliation.

Necessary changes are made in the municipal election law, the law dealing with the election of school board directors, and certain laws dealing with cities and towns, to provide that precinct or other residency requirements are now 32 days.

Repeals the provision allowing county clerks to receive from the county 5¢ for: Each registration made; each change of registration; each name stricken from the registration book; and each notice issued.

March 10

April 10

1028 Water - judicial administration and enforcement. Provides additional details for judicial administration and enforcement of the "Water Right Determination and Administration Act of 1969", including the powers and duties of water judges, referees, and clerks, the assignment of water judges, the fees for filing applications for determination of water rights, the publication requirements for resumes of such applications, the proceedings before water judges, and the disposition of proceedings pending on the effective date of the 1969 act.

February 3

February 3

1037 Roads and highways - county road and bridge funds. Provides that the county road and bridge fund in each county shall be composed of the revenues derived from the county levy for road and bridge construction, all moneys received from the state or

No.

Subject

federal governments to be spent on roads and bridges, and any other moneys which become available for such purposes; and that each county must adopt annually a county road and bridge budget showing, among other things, the amount to be spent for county road and bridge construction, maintenance, and administration, the amount to be paid municipalities according to the provisions described below, the amounts to be received from state, federal, and other sources, and the amount which must be raised from the county levy for road and bridge construction.

Boards of county commissioners are authorized to levy a tax on all taxable property within the county at a rate which, together with the balance on hand at the beginning of the fiscal year and the revenues other than property tax revenues estimated to be received, will provide revenues sufficient to defray expenditures during the fiscal year. For the years 1971, 1972, and 1973, each municipality in a county is entitled to receive from its county road and bridge fund 50% of the revenues which accrue from the levy against the valuation for assessment of the taxable property within the boundaries of the municipality. By agreement with the board of county commissioners, a municipality may receive the equivalent of such amount in the value of materials furnished or work performed by the county on roads and bridges in the municipality; but where the amount receivable by a municipality is less than \$2,000, the amount must be furnished in such equivalent value. When a municipality elects not to receive materials or work, the amount to which it is entitled is to be paid over quarterly, beginning April 15, 1971, and ending not later than January 15, 1974, to the treasurer of the municipality.

April 10

April 10

1038 Motor vehicle registration fees - allocation. Extends the additional annual registration fee of \$1.50 on all motor vehicles through 1973, to be distributed between towns, cities, and counties as before, and provides that, for the years 1971 through 1973, \$2.50 of the regular full year registration fees on most vehicles will be distributed in the same manner.

April 10

January 1, 1971

1040 Motor vehicle violations - disposition of fines. The state's share of fines from motor vehicle law violations shall be credited entirely to the highway users tax fund, rather than being apportioned between that fund and the general fund.

April 10

July 1

No...

Subject

1042 Motor vehicles - ton-mile and passenger-mile tax - permits. Persons who pay a ton-mile or passenger-mile tax are required to secure a permit from the department of revenue. Failure to comply results in a penalty of 25% of any tax due and payable or \$25, whichever is greater.

February 3

April 1

1043 Taxes - ton-mile, passenger-mile - payment date. Changes due date of reports and payments of ton-mile and passenger-mile taxes from the 15th to the 25th of each month.

February 10

July 1

1044 Peace officers - affidavit concerning citizenship. Repeals the requirement that an appointed peace officer, prior to entering upon the duties of his office, shall make an affidavit that he is a citizen of, and has resided in, this state for 2 months prior to his appointment.

February 10

February 10

1046 Narcotic drugs - prescription required for medicines. Prohibits sale of any medicinal preparation containing any narcotic drug without a prescription, and eliminates a qualified exception of the need for a prescription which had existed for medicinal preparations containing limited amounts of codeine, dihydrocodeinone, and their salts or derivatives.

March 6

March 6

1048 Insurance - taxation - companies maintaining a home or regional office - exemption. Exempts insurance companies and their agents maintaining a home or regional office in this state and which are organized under the laws of another state from the retaliatory tax under the provisions of 72-1-14 (2), C.R.S. 1963.

February 10

February 10

1053 Taxation - division of property taxation - board of assessment appeals. Repeals and reenacts, as of July 1, 1971, the article which created the Colorado tax commission, to create, in place of the commission, two new agencies, one being the division of property taxation established within the division of local affairs, headed by a property tax administrator who is given the administrative and enforcement powers now exercised by the tax commission. The other new agency is the board of assessment appeals, which takes over the quasi-judicial powers of the commission, and is granted new and broader powers as a quasi-judicial tribunal of 3 persons appointed by the governor

No.

Subject

for 6 year terms, after staggered original terms. The tax commission, as of July 1, 1971, becomes the first board of assessment appeals. Members of this board are not subject to civil service, although they may be paid on a per diem basis for up to 90 days annually. The board is to hear appeals from decisions of the property tax administrator and of county boards of equalization, and also is to hear complaints filed by the property tax administrator or any tax levying body, concerning assessments or assessors. The board's decisions with respect to valuations of classes of property can be appealed to the state board of equalization, and from there to court. Other decisions of the board of assessment appeals are subject to judicial review directly.

Various due dates for reports or other actions are changed or are made specific for the first time.

March 13

July 1, 1971

- 1055 "Colorado Housing Act of 1970". Creates the division of housing within the department of local affairs, headed by the state director of housing, to provide research, advisory, and liaison services in the promotion of more adequate housing, including assistance to local authorities in alleviating low income housing conditions. The division is to administer housing construction and maintenance standards established and developed by the state housing board, which is a new 7-member body appointed by the governor with power to establish such standards where none exist for some types of construction. The board is to make recommendations to the general assembly and local governments concerning housing standards and building codes, and is to inform the assembly, the governor, and the division on housing matters.

April 1

May 1

- 1056 Statutes - approval and adoption of 1969 report of the committee on legal services. Approves and adopts the report of the committee on legal services correcting, collating, editing, revising, and compiling the laws enacted by the general assembly in 1968 and 1969, and enacts such laws as the positive statutory law of a general and permanent nature, to be designated the "1969 Supplement to C.R.S. 1963", and provides for the printing and publishing of such supplement.

February 18

February 18

- 1057 Appropriation - Prowers county. For payment of the costs incurred by Prowers county in the prosecution of the criminal

No. Subject
proceeding, The People of the State of Colorado vs. Raymond Bertalotto - \$15,688.

April 1

April 1

1063 Fiduciaries powers. Adds to the "Colorado Fiduciaries Powers Act" powers to retain, exchange, or convert corporate stock, including stock of a corporate fiduciary itself, or of any corporate affiliate.

February 20

February 20

1066 Roadside advertising - licenses and permits. Removes the prohibition of advertising devices erected or maintained within 660 feet of a highway right-of-way and substitutes a prohibition of erecting or maintaining such devices as are designed, intended, or used to advertise to the public traveling on the main-traveled way.

Requires any person who engages in the business of outdoor advertising on or after July 1, 1970, to obtain a license from the division of highways. Licenses expire on June 30 of each year, and the annual fee is \$150. Granting of licenses is conditioned on the filing of a bond payable to the state of Colorado and with a surety approved by the executive director of the state department of highways.

On and after January 1, 1971, no person may erect or maintain any advertising device, with exceptions for certain devices enumerated in the act, unless he obtains a permit for each such device or location. Applications for permits must be filed before September 1, 1970, and permits are effective for 1 year beginning on January 1, 1971. An original permit costs \$5; renewal costs \$2.50. The name of the person owning or controlling each advertising device and the permit number are required to be posted on each advertising device structure. Permits may be denied, revoked, or a renewal denied for the furnishing of false or misleading information in an application or for violating the act or rules and regulations promulgated under the act.

If an advertising device does not conform to the act, it may be removed according to the procedures set forth. If the owner of the device has applied for a permit, the division of highways must give written notice to such owner, and if he fails to comply or to remove the device within 30 days after receipt of the notice, the division may file suit to require removal at the owner's expense. If there has been no application for a permit, the device will be presumed to be owned by the owner of the property on which it is located. The property owner is then notified of noncompliance with the act.

No.

Subject

He may inform the division of the name and address of the owner of the advertising device, in which case the division will proceed as outlined above for situations where the owner of the device has applied for a permit. If the property owner does not so notify the division or himself apply for a permit, the device will be conclusively presumed to be abandoned. Abandoned devices may be removed with the consent of the property owner without the division's being liable for damages or, if the property owner does not consent, the division may obtain a court order authorizing it to remove the device on proof of failure to obtain a permit.

The existing provisions concerning licenses and permits, the operator of which had been suspended until February 28, 1970, are repealed. All license and permit fees under the act are to be deposited in a roadside advertising fund to be used by the division to implement the act.

February 23

March 1

- 1068 Appropriation - commission on interstate cooperation. For payment of a portion of the cost of the western region short-haul air transportation program, sponsored by the western conference of the council of state governments - \$22,000.

April 2

April 2

- 1072 Appropriation - Colorado railroad authority. \$295,000 - for acquisition of all or part of the D&RGW narrow gauge railroad line running between Antonito and Durango, plus necessary rights-of-way, equipment, and facilities. Appropriation is contingent upon the state of New Mexico making a similar appropriation in 1970.

March 6

March 6

- 1073 Courts - criminal procedure - jury trials for petty offenses. Grants right of trial by a jury of from 3 to 6 persons to any defendant charged in any court with a petty offense, which is defined as one punishable by not more than 6 months imprisonment nor more than a \$500 fine. Demand for a jury must be made within 10 days after arraignment or plea, and be accompanied by tender of the \$25 fee unless it is waived by reason of indigence; the fee to be refunded upon dismissal or acquittal of the charge, or upon waiver of jury at least 10 days before the trial date. This right cannot be abrogated by any city charter or ordinance, and denial of the right by a municipal court is grounds, on appeal, for a trial de novo before a jury. At the time of arraignment a defendant not represented by an attorney must be advised by the court of his

No.

Subject

rights and duties with respect to a jury trial.

March 6

March 6

1074 State officers - compensation. Increases the current annual salaries of certain elected state officials as follows: The governor, from \$20,000 to \$40,000; the lieutenant governor, from \$4,800 to \$25,000; the attorney general, from \$14,000 to \$26,000; the secretary of state, from \$10,000 to \$20,000; and the state treasurer, from \$10,000 to \$20,000. The increases will be effective for the terms of office to which such officials are elected in 1970 and for all terms thereafter.

April 2

April 2

1077 Appropriation - legislative department. Appropriates \$2,995,959 to the legislative department for the expenses of said department for the fiscal year ending June 30, 1971, to be allocated as follows:

House of Representatives and Senate-----	\$1,402,725
State Auditor-----	524,780
Joint Budget Committee-----	132,252
Joint Budget Committee Econometric Model-----	35,000
Joint Budget Committee Studies-----	65,000
Legislative Council-----	243,060
Research Studies-----	170,000
Legislative Drafting Office-----	116,000
Data Processing Services-----	150,000*
Office of Revisor of Statutes-----	127,542
Commission on Interstate Cooperation-----	24,600
Commission on Uniform State Laws-----	5,000

*This appropriation becomes available upon passage of the act.

March 13

March 13

1078 Labor and employment - safety inspection. Makes it a specific duty of the division of labor to periodically inspect construction sites, including excavating and trenching operations, and equipment, machinery, and tools connected with such operations, and allows the director of the division of labor to order a halt to any operations he finds to be not in compliance with regulations and to be an imminent threat to the safety of employees or the public, pending compliance with requirements for certificate of approval, or pending the completion of an appeal to the industrial commission on the question of the reasonableness of the director's requirements for such certificate of approval. The industrial commission is required to hold a hearing on objections to the director's requirements within 10 days of appeal, and to make findings

No. Subject

thereon within 5 days thereafter. No inspection provided for in chapter 80, nor any failure to inspect any claim for civil liability. The industrial commission shall prescribe regulations for the protections of excavations and trenching, and no work is allowed in any ditch or excavation which does not comply with same.

March 10

March 10

- 1079 Taxation of banks. Provides that the sales and use tax laws apply to state and national banks, and also makes all such banks and other financial institutions subject to the same state income and property taxes as other corporations. Formerly, such banks and other financial institutions paid a special tax in lieu of the regular income and personal property taxes. The provisions concerning income and property taxes apply to all taxable years beginning after Dec. 31, 1969.

March 13

April 1

- 1080 Public malls - towns and cities. Enacts the "Public Mall Act of 1970", authorizing the legislative body of any city or town to establish pedestrian malls on public streets in order to separate pedestrian from vehicular traffic for purposes of public safety, interest, and convenience.

Cities and towns are given power to close streets to traffic and to construct improvements on such streets, to finance same by general obligation bonds, or to levy special assessments on benefited property and to issue bonds against the same or to use general funds. Taking by eminent domain of private property for mall purposes is authorized. The powers can be exercised directly or through a district or other agency arrangement.

The procedure to establish a pedestrian mall is commenced by a resolution by the council of intent to establish a mall in a certain described area, that vehicular traffic be restricted or prohibited therein, and provisions as to the method of funding to pay damage claims, improvements, and other expenses. The resolution is to be published and set for hearing, and notice by mail must be given to owners of property in the affected area.

Written protest may be filed by anyone interested, and if the owners of a majority of the land frontage involved object, the council must either terminate the plan or put it to a vote of all qualified electors of the city. If thus approved over protest, the plan may proceed but without specially assessing the abutting lands.

No. .

Subject

Claims for damages must be filed prior to first reading of the ordinance finally establishing the mall. Claims denied must be sued on within 2 years to determine damages, and the city must pay all approved claims, make secured agreements to pay, or make deposits in court when necessary, before vehicular traffic can be prohibited or mall improvements started. The ordinance finally establishing the mall must be adopted within 180 days of the adoption of the original resolution of intent. An annual levy of up to one-half mill may be made to cover normal maintenance expense, against all property in the area declared to be benefited, referred to as the "district". This limit does not apply to levies for acquisition or improvements.

April 14

May 1

1093 Supplemental appropriation - legislative department. For general expenses - \$32,750, allocated as follows: Legislative drafting office, \$16,500; revisor of statutes, \$16,250.

March 10

March 10

1094 Supplemental appropriation - judicial department. \$300,608, allocated as follows: \$54,393 for retirement and health insurance; \$16,285 for equipping and furnishing a new district judge's courtroom and staff in the 20th district; \$37,500 for equipping the office of the state public defender; \$177,430 for general expenses of water courts; and \$15,000 for consultant fees in designing and implementing a departmental accounting system.

March 13

March 13

1095 Supplemental appropriation - department of administration. For general expenses - \$52,608, allocated as follows: \$25,608 to the division of communications, and \$27,000 to the division of accounts and control.

March 6

March 6

1096 Supplemental appropriation - state planning office. For general purposes and to match federal fund allocations of the law enforcement assistance administration - \$15,525.

March 10

March 10

1097 Supplemental appropriation - department of revenue. For general purposes - \$307,118, of which \$23,453 is from the highway users tax fund, and \$283,665 from federal funds received by the state for traffic safety programs.

March 10

March 10

House Bills

- | <u>No.</u> | <u>Subject</u> | | |
|------------|--|----------|----------|
| 1098 | <u>Supplemental appropriation - department of local affairs. For general expenses - \$73,029, allocated as follows: \$42,575 to the division of property taxation; and \$30,454 to the Colorado law enforcement training academy.</u> | March 10 | March 10 |
| 1099 | <u>Supplemental appropriation - department of higher education. For general expenses - \$640,698, to be allocated as follows: \$396,555 to the university of Colorado, \$37,980 for the Boulder campus, \$338,700 for Colorado general hospital, and \$19,875 for the Colorado psychiatric hospital; \$149,987 to the Denver community college; \$78,978 to El Paso community college; and \$15,178 to the state historical society.</u> | April 1 | April 1 |
| 1100 | <u>Supplemental appropriation - department of labor and employment. Out of the state compensation insurance fund - \$35,000, allocated as follows: \$20,000 for renewal due July 1, 1970, of a reinsurance contract; and \$15,000 for legal fees.</u> | March 10 | March 10 |
| 1101 | <u>Supplemental appropriation - department of regulatory agencies. For per diem and expenses of board members - \$6,740, to be allocated as follows, from the funds noted: \$2,240 to the state board of pharmacy, out of the state board of pharmacy fund, and \$4,500 to the division of banking, out of the general fund.</u> | March 13 | March 13 |
| 1102 | <u>Supplemental appropriation - department of agriculture. For general purposes - \$193,730, to be allocated as follows from the funds noted: \$65,000 to the Colorado state fair and industrial exposition, from the general fund; \$107,000 to the Colorado beef board, from the Colorado beef board fund; \$21,730 to the state board of stock inspection commissioners, from the Colorado stock inspection fund.</u> | March 13 | March 13 |
| 1103 | <u>Supplemental appropriation - department of natural resources. For general purposes - \$80,000 to be allocated as follows from the funds noted: \$50,000 to the division of game, fish, and parks, from the game cash fund; \$15,000 to the oil and gas conservation commission, from the oil and gas conservation fund; \$15,000 to the water conservation board, from the general fund. Also appropriates \$134,000 to the executive director of</u> | | |

No.

Subject

the department for an inventory of environmental resources of the state.

April 1

April 1

1104 Accountants - professional corporations. Authorizes accountants, either certified public (C.P.A.), or registered (R.A.), to form professional corporations and register them for the practice of accountancy. Such corporations must be formed under the Colorado corporation code, or be authorized to do business thereunder as a foreign corporation, upon meeting the following basic requirements: Be organized solely for the practice of accountancy or other activity acceptable to the board of accountancy; issue shares only to C.P.A.'s or R.A.'s, and require disposal of such shares only to the corporation or to another qualified accountant; have as president a person who is also a shareholder and director, and if possible, have as directors and officers only C.P.A.'s qualified in some state, or R.A.'s qualified in Colorado, with at least one Colo. C.P.A. or R.A.

Additional requirements include the assumption of personal liability by each shareholder for all acts or omissions of corporate employees in the absence of liability insurance, and the corporate name must end with the word "corporation", or "incorporated", or their abbreviations. The name can be followed by the words or letters authorized for identification of accountants. The corporation must be registered with the board of accountancy, and must procure the annual permit to practice.

April 1

April 1

1105 Architects - professional service corporations. Authorizes a professional service corporation to practice architecture if it meets certain standards. Requirements include: (1) incorporation or authorization to do business under the Colorado corporation code, with three-fourths of the officers and directors licensed in Colorado as architects, including the president-director, and the consent of all shareholders to a provision in the corporate articles imposing personal liability upon them for acts or omissions of corporate employees in the absence of liability insurance in specified amounts covering such acts or omissions; or, (2) the same requirements as under (1), except that three-fourths of the officers and directors may be either licensed as architects or registered as professional engineers in Colorado, including the corporation president, if the corporation's practice of architecture is supervised by an architect who is a corporate officer and is licensed in Colorado.

<u>No.</u>	<u>Subject</u>		
		April 1	April 1
1108	<u>County officers - compensation.</u> Replaces the present system of classifying counties for the purpose of fixing salaries of county officers with a system whereby each county constitutes a separate class. The act should be consulted to ascertain salaries of county commissioners, sheriffs, treasurers, assessors, clerks, and in some counties, superintendents of schools. The maximum annual salary of any county officer is \$15,000. Increases allowances of county coroners from \$5 to \$15 per day for each day that a coroner is employed in making an investigation or holding an inquest. Increases mileage allowance for such officials from 8¢ to 10¢ for each mile actually and necessarily traveled going to and returning from the place of an investigation or an inquest.		
		April 1	January 12, 1971
1109	<u>Sales and use tax - exemption.</u> All sales and purchases of live fish for stocking purposes are exempted from the sales and use tax.		
		March 10	April 1
1120	<u>Statutes - revisions to correct and clarify.</u> This act includes 24 amendments and 1 repeal of various sections of the statutes found necessary or advisable by the office of the revisor of statutes in the course of carrying out its duties to correct errors and clarify the law.		
		April 1	April 1
1125	<u>Appropriation - Southern Colorado state college.</u> Increases the capital construction appropriation to southern Colorado state college for constructing and equipping the arts classroom building from \$1,357,100 to \$1,979,000.		
		March 13	March 13
1126	<u>Supplemental appropriation - office of state auditor.</u> For an audit at Colorado state university - \$30,000.		
		April 1	April 1
1131	<u>Executive budget office - duties.</u> The budgeting section of the division of accounts and control in the department of administration is transferred to the office of the governor, becoming the executive budget office with a budget director appointed by the governor subject to civil service requirements. The director has the duty of assisting the governor to carry out his responsibilities of formulating		

No.

Subject

annually a financial plan covering all revenue and expenditures in the form of an executive budget for submission to the general assembly for review, modification, and appropriation, after which the governor is to administer the budget. Among numerous duties assigned to the director, he is directed to: Work with the appropriate agencies as to budget request requirements including those involved in applying for non-state funds; conduct budget meetings, hearings, and briefings; and develop fiscal plans and policies which are coordinated between all state agencies.

April 1

April 1

- 1132 Elections - offenses - political campaign signs. Provides that any person who erects or maintains an advertising device intended to promote the candidacy or election of any public official along a street or highway in a place not zoned for commercial or industrial uses under authority of state law is guilty of a misdemeanor and may be punished in the manner authorized for conviction of other offenses relating to general, primary, and special elections, municipal elections, or other elections.

April 1

April 1

- 1133 Appropriation - capital construction - department of higher education. Increases by the amounts noted the following capital construction appropriations: \$147,500, for a science-business building at Lamar community college; \$210,000, for an academic building at Otero junior college.

March 6

March 6

- 1136 Appropriation - department of education. For the fiscal year ending June 30, 1971, \$153,500, for the following purposes: \$140,000 is for distribution to state school districts on the basis of average daily attendance entitlement of pupils in the current school year, for programs of health education, including alcoholism and drug abuse; \$13,500 is for the employment of a consultant to work with school districts and the interdepartmental committee on planning of health education programs in the problem areas of health education, including alcoholism and drug abuse.

April 1

April 1

- 1137 Supplemental appropriation - department of health. For the fiscal year ending June 30, 1971, the sum of \$100,000 for an educational program concerning alcoholism and drug abuse, is allocated to the alcoholism and drug dependence division for use as follows: Personal services, \$49,000; educational

House Bills

No.

Subject

materials, \$15,000; training courses, \$20,000; operating expenses, \$7,500; travel expenses, \$4,500; and capital outlay, \$4,000.

April 1

April 1

1142 Colorado income tax - standard deduction - filing of returns.

Provides that the standard deduction for the Colorado income tax shall be either the percentage standard deduction as it is presently defined or the low income allowance, whichever is greater, plus the deduction for federal income tax. The low income allowance, which may not exceed \$1,000, is defined as the sum of (a) a basic allowance of \$200 plus \$100 for each exemption, and (b) an additional allowance which equals the excess, if any, of \$800 over the sum of \$100 for each exemption plus one-half of the amount by which Colorado adjusted gross income exceeds the aggregate of \$1,000 plus \$750 for each exemption. When married taxpayers file separate returns, the basic allowance for each taxpayer equals \$100 plus \$100 for each exemption, and the low income allowance may not exceed \$500.

Raises the Colorado adjusted gross income above which an individual taxpayer must file a Colorado tax return from \$750 to \$1,750 and, if the individual is 65 or more years of age, from \$1,500 to \$2,500. A married couple filing a joint return must have a Colorado adjusted gross income of more than \$2,500 before they are required to file a return; if one of them is 65 or more, their Colorado adjusted gross income must exceed \$3,250; and if both are 65 or more, it must exceed \$4,000. A married individual filing a separate return must have a Colorado adjusted gross income exceeding \$750 before he is required to file a return; if he is 65 or more, his Colorado adjusted gross income must exceed \$1,500. A fiduciary must file a return for every individual for whom a return is required to be filed pursuant to the provisions described.

The act applies to taxable years beginning on or after January 1, 1970.

April 2

April 2

- 1144 Sales tax - coin-operated vending machines. Increases sales tax exemption for items sold through coin-operated vending machines by providing that a vendor is liable for tax on sales exceeding 15 cents, instead of on sales exceeding 10 cents. Establishes a system whereby a vendor, to be eligible for the sales tax exemption, must hold a license to sell at retail or a chain store license, must secure identification numbers from the department of revenue to be affixed to each vending machine, and must maintain records of such numbers and the

No.

Subject

ownership, location, and disposition of such machines. Unregistered machines may be seized without warrant by the department of revenue, its agents, or its employees, or by other peace officers when directed by the department, but proper notice must be given to the proprietor or person in charge of the business and to any person whose name and address appear on the machine. A \$25 penalty may also be assessed and collected for each unregistered machine. The act provides for the claiming of a seized machine by the true owner, but if a machine is not reclaimed within 60 days after the date of notice, the machine and its contents may be sold at public sale.

April 2

July 1

1147 Supplemental appropriation - department of institutions - state homes and training schools. To the department of institutions, \$841,173, from the funds noted and for the following purposes: Capital construction fund - \$426,505, for acquisition of fire escapes, and repair of 6 halls damaged because of bentonite formation at state home and training school at Ridge; general fund - \$54,668, for the care of residents of Ridge who are placed in other facilities due to damaged halls; \$200,000, for salary survey adjustment purposes; and general fund - \$160,000 for the state homes and training schools, at Ridge, \$70,000, and at Grand Junction, \$90,000, for personal services.

April 1

April 1

1148 Supplemental appropriation - Lamar community college. For the sole purpose of reimbursing the revenue bond reserve fund - \$13,500.

April 1

April 1

1157 Supplemental appropriation - judicial department. For prior service retirement credit of eligible court employees who elect to come into PERA - \$550,000.

April 1

April 1

1158 Appropriation - long appropriation act. For expenses of the executive and judicial departments of state government,
1970-1971*.....\$495,174,679
For capital construction*.....\$ 41,712,794
\$536,887,473

* Includes some supplemental appropriations available on passage of the act.

No. Subject

The above total includes the following appropriations which until recently have been heretofore made by separate appropriation bills:

(a) To the division of public welfare of the department of social services, \$47,566,547 from the general fund for the following purposes:

Medical care administration.....	\$ 615,000
Aid to dependent children.....	9,003,969
Work incentive program.....	629,164
Aid to needy disabled.....	2,110,498
Child welfare.....	4,297,801
Aid to the blind.....	51,850
Tuberculosis hospitalization.....	155,900
County administration.....	5,301,741
Medical care, Title XIX.....	24,479,482
State contingency.....	50,000
County contingency.....	200,000
Mental retardation placement program.....	347,222
Day care.....	323,920

(b) For grants to junior college districts, \$4,482,000, to be distributed at the rate of \$525 for the equivalent of each Colorado resident student carrying an average of 45 quarter hours or 30 semester hours during the current academic year, plus an additional \$475 for the equivalent of each Colorado resident student enrolled in occupational courses.

(c) To the division of game, fish, and parks of the department of natural resources for the fiscal year beginning July 1, 1970, \$7,054,176, from the game cash fund for operating costs of the game and fish functions of the division; \$1,257,830 from the general fund for operating costs of the parks function of the division; \$358,000 from the game cash fund for matching available federal funds apportioned during 1970 and 1971. For capital construction, \$2,903,820, for game and fish purposes, and \$3,041,650 for parks purposes.

April 10

July 1

1160 Explosives - regulation by division of labor. Requires permits to be obtained from the division of labor for the manufacture, sale, storage, or transportation of explosives. Exempted from the permit requirements are explosives regulated under the mining laws, fireworks, handloading equipment, and, under certain circumstances, the occasional purchase of explosives for normal agricultural purposes. The annual permit fee is \$10, and provision is made for the procedure for application for permits, and the denial, suspension, and revocation of permits. Permits are nontransferable, and the division may

No.

Subject

place such restriction on permits as it deems necessary. Permits are valid for the calendar year after the date of issue, and are renewable annually on January 1. Permittees are required to keep records for not less than 2 years following the year in which the record is made, and such records are open to inspection by the division or its agents. Criminal penalties are provided for failure to obtain a permit. The industrial commission is required to promulgate rules and regulations to implement the act.

The act is not to be construed as authorizing permits to be issued for "molotov cocktails" and similar incendiary or explosive devices.

April 1

April 1

1161 Statutes - Colorado Revised Statutes 1973 - preparation and publication. Directs the revisor of statutes to compile, edit, arrange, and prepare for publication, under the direction of the legislative committee on legal services, all Colorado laws of a general and permanent nature, including those enacted by the general assembly in 1973 at its regular session, all to be arranged and collated as the committee directs and to be entitled "Colorado Revised Statutes 1973" (C.R.S. 1973). The enactment of C.R.S. 1973 acts as a repeal and reenactment of C.R.S. 1963, and supplements thereto, and also acts as a repeal of all statutes and parts of statutes of a general and permanent nature not contained in C.R.S. 1973; the new laws become effective 40 days after deposit thereof in the office of the secretary of state in 1974.

Thereafter, the revisor is to prepare cumulative supplements to C.R.S. 1973 in the form of pocket parts, or replacement volumes, if necessary, embracing laws enacted after 1973.

Anyone desiring to publish and distribute any portion of the Colorado statutes must make application to the committee on legal services which is to arrange for printing thereof if the application is approved, such printing to be at the expense of the applicant.

Continues in effect a \$1 tax on all civil actions, except those specifically exempted, filed in courts of record, to reimburse the general fund for appropriations made for statute revision purposes.

April 1

April 1

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