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DIGEST OF BILLS

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Enacted by The

FIFTY-SECOND GENERAL ASSEMBLY

1979 First Regular Session



COLORADO

LEGISLATIVE DRAFTING OFFICE

30 State Capitol Bldg.
Denver, Colorado 80203

July, 1979

DIGEST
 OF
 SENATE AND HOUSE BILLS ENACTED
 BY THE
 FIFTY-SECOND GENERAL ASSEMBLY
 OF THE
 STATE OF COLORADO
 (1979 - First Regular Session)
 and
 APPROVED OR VETOED BY THE GOVERNOR

* * * * *

For grouping of bills by general subject matter,
 see pages i and ii.

Detailed subject index appears at end of digest,
 together with index by bill number.

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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. Vetoed bills are digested and marked "VETOED".

	<u>Introduced</u>	<u>Passed</u>	<u>Vetoed</u>	<u>Passed and Approved</u>
HOUSE	611	220	12	208
SENATE	<u>537</u>	<u>236</u>	<u>11</u>	<u>225</u>
TOTALS	1148	456	23	433

Note: 14 House Bills and 9 Senate Bills became law without Governor's signature. 1 House Bill was vetoed, then overridden by the General Assembly. These totals are included in the totals above.

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PROPOSED CONSTITUTIONAL AMENDMENTS

The general assembly proposed the following amendments to the state constitution, and they will be submitted at the 1980 general election to the qualified electors of the state for their approval or rejection:

S.C.R. 7 Initiative and referendum - voter signatures - submission for review - constitutional amendments. Provides that initiated measures must be filed 3 months, instead of 4 months, before the general election and that such measures must be signed by registered electors numbering at least 5% of the total number of votes cast for the office of secretary of state at the previous election. The constitution presently requires that a person need only be qualified to register to vote and not actually registered. Applies the same signatory provisions to referendums. Requires initiated measures be submitted to the legislative research drafting offices for review and comment at a public meeting.

HCR 1007 Amendment to the state constitution - lotteries. Authorizes the establishment of a state-supervised lottery. The net proceeds of the lottery, unless otherwise provided by statute, would be allocated to the conservation trust fund of the state for distribution to municipalities and counties for park, recreation, and open space purposes.

ADMINISTRATIVE RULE REVIEW

S.B. 227 Rule-making procedures of state agencies - legislative control. Declares that the executive and judicial branches of government have no rule-making authority other than that granted by the constitution or delegated by the general assembly and that all grants of such authority by the general assembly are provisional in nature and are subject to review and repeal by the general assembly. Provides that such review and repeal powers are expressions of legislative intent and relate solely to the business of the two houses. Eliminates provisions relating to temporary rules, authorizes the legislative committee on legal services to submit joint resolutions to the general assembly, and eliminates that committee as the committee of reference for proposed legislation concerning rules. Authorizes joint resolutions rather than bills to rescind or delete portions of rules. Provides that all rules adopted on and after July 1, 1979, expire June 1 of the year following such adoption unless the general assembly postpones such expiration by bill. The effect of such postponement is limited to 2 years, but may be renewed. This limitation on the period of effectiveness of a rule is repealed as of July 1, 1983.

VETOED March 23

H.B. 1063 Legislative review of rules of executive agencies. Provides that all rules adopted or amended on or after July 1, 1979, shall expire June 1 of the year following their adoption unless the general assembly by bill postpones their expiration date. Rules whose expiration has been postponed, together with existing rules, are subject to a new schedule for the periodic expiration of all the rules of the principal departments of state government by July 1, 1984. Allows the general assembly to postpone by bill the expiration of a department's rules (or part of its rules) for a period not to exceed 4 years. Provides that the new review process is in addition to any action permitted under existing law.

Provides that when a state agency or board is subject to review pursuant to the Sunset Law, the general assembly must consider whether its rules are within the power delegated to the agency and as authorized by law.

Became law without Governor's signature

June 29

July 1

H.B. 1071 Rules and regulations of secretary of state - amendment.
Amends a regulation of the bingo and raffle rules of the secretary of state's office to strike a provision prohibiting anyone under age 16 from participating in the operation of bingo games.

Became law without Governor's signature
April 28 April 28

H.B. 1095 Rules and regulations of the department of health - repeal. Repeals department of health rules concerning revocation of certificates relating to water and wastewater treatment, and also concerning violations of the department's regulations.

May 22 May 22

H.B. 1266 Rules and regulations of the commissioner of insurance - repeal. Repeals regulation 76-5 of the division of insurance, concerning public adjuster representation contracts.

June 21 June 21

H.B. 1393 Revision of administrative rules to conform with legislative action - publication of revisions. Requires agencies to revise their rules to reflect action taken by the general assembly and to transmit such revisions to the secretary of state for publication.

May 25 May 25

H.B. 1529 State board of dental examiners - rules and regulations. Repeals the prohibition against the adjustment of dental appliances and the taking of various impressions of a patient's teeth by certain dental auxiliaries and dental hygienists.

May 22 May 22

AGRICULTURE

S.B. 337 Interstate compact - agricultural grain marketing. Authorizes Colorado's joinder of an interstate compact on agricultural grain marketing. Sets forth the purpose of such compact. States that the compact will become effective when enacted into law by at least 5 agricultural grain marketing states prior to July 1, 1981. Establishes the interstate agricultural grain marketing commission and provides for the membership and powers and duties therefor. States that no general fund appropriations will be used to pay the expenses of such commission.

May 30

May 30

S.B. 351 Board of stock inspection commissioners - reissue of livestock brands - portion of proceeds of livestock sales retained. Authorizes the reissuance, after 3 years, of livestock brands which have been cancelled for failure of the owner of record to pay the assessment against the brand. Authorizes sums of up to \$10 per animal to be retained by the board from the sale of estrays and abandoned livestock.

May 18

May 18

H.B. 1121 Pesticides - exemption from licensing of applicators. Exempts from the need for a pesticide applicator's license an employee of an owner or lessee of property who occasionally applies pesticide to the property under the supervision of the employer. Prohibits such employee from claiming to be a pesticide applicator.

May 22

May 22

H.B. 1367 Pesticides - definitions - workshops required. Subjects the commissioner of agriculture and all governmental and political subdivisions to the regulations of the "Pesticide Act" and the "Commercial Pesticide Applicators' Act". Requires that pesticide applicators attend a workshop every third year rather than every other year.

May 25

July 1

H.B. 1368 Commercial agricultural feeding stuffs - regulation - criminal penalties. Repeals and reenacts the statute dealing with commercial feeding stuffs for animals. Requires registration of commercial feed with the commissioner of agriculture. Specifies what is required in labeling and what constitutes mislabeling. Specifies what is adulteration of commercial feed. Provides for inspection fees and semiannual reports of distribution of commercial feed. Provides for inspection of sites in which commercial feeds are manufactured, processed, packed, or held for distribution, and allows the commissioner to obtain a court ordered search warrant to perform such inspection. Empowers the commissioner of agriculture to detain the distribution of and seize commercial feeds which violate the act. Provides criminal penalties for violations of the act. Requires the commissioner of agriculture to publish annual reports regarding the sale, production, and use of commercial feed.

June 7

July 1

H.B. 1413 Agricultural commodities marketing orders. Includes corn in the definition of "agricultural commodity" for purposes of coverage by marketing orders issued by the commissioner of agriculture. Removes the limitation on such orders covering cattle which restricted such orders to promotion, sale, and research.

Amends the provisions requiring a referendum of wheat producers to raise amounts collected for implementing a marketing order concerning wheat to delete the requirement that such referendum also ask for continuation and approval of the order as a separate question.

May 31

May 31

H.B. 1463 Motor fuel from agricultural products - promotion fund - tax benefits. Establishes the gasohol promotion fund in the state treasury, and provides that contributions to the fund will come from users of motor fuel in agricultural equipment who authorize payment of their excise tax refunds into the fund. Gives property used in production of alcohol for use in motor fuel a reduced valuation for assessment for property tax purposes in the beginning years of plants which produce 2 1/2 million gallons or less annually. Such tax benefit and the 5¢

per gallon excise tax deduction on gasohol are to expire at the time of the scheduled expiration of the special preference given to gasohol in 1985.

May 8

May 8

H.B. 1607 Gasohol - labeling of containers - gasohol promotion fund - valuation for assessment. Requires that, where sold or offered for sale, all visible containers and all devices for drawing class A products mixed with alcohol from underground sources be labelled with information indicating from what source the alcohol in the motor-fuel blend is derived. Prohibits the use of the moneys in the gasohol promotion fund for the promotion of any motor fuel containing a minimum 10% blend of methyl alcohol. Reduces the property tax valuation for assessment on certain facilities producing alcohol for use in motor fuel and derived from hydrocarbon or carbon-containing by-products or waste products.

June 21

July 1

APPROPRIATIONS

S.B. 279 Supplemental appropriation - department of natural resources - judicial department. Makes a supplemental appropriation of \$43,620 to the department of natural resources for the services of a groundwater engineer and related expenses incurred in protesting the large number of water rights applications filed in 1978. Makes a supplemental appropriation of \$52,122 to the judicial department for expenses related to the appointment of a special water judge necessitated by the opinion of the Supreme Court in Southeastern Colorado Water Conservancy District, et. al. v. Huston, et. al. Case No. 79SA38.

June 7

June 7

S.B. 377 Appropriation - department of revenue. \$600,000 to the ports of entry division of the department of revenue, of which \$60,000 shall be from the highway users tax fund and \$540,000 shall be from federal funds. Such moneys shall be used for relocating the port of entry currently located near Grand Junction so it can be used as a dual port of entry in conjunction with the state of Utah.

June 19

June 19

S.B. 398 Supplemental appropriation - department of higher education. Amends the 1978 long bill to increase the total appropriation to the department of higher education by \$155,879, and includes the following changes, among others: Increases by \$950,000 the appropriation to the board of regents of the university of Colorado for release to the Colorado medical center after a review of the center's billing practices and patient verification procedures, and to cover deficits in "self-funded" activities; reallocates the source of certain appropriations; and decreases by \$740,050 the appropriation to Colorado general hospital for nursing and support staff.

June 22

June 22

S.B. 500 Supplemental appropriation - department of institutions. Amends the 1978 long bill to increase the total

appropriation to the department of institutions by \$1,195,105, as follows: Increases the appropriation to the office of the executive director by \$16,450; increases the appropriation to the division of youth services by \$42,077; increases the appropriation to the division for developmental disabilities by \$455,386; and increases the appropriation to the division of mental health by \$681,192. Changes the capital construction appropriation to the department by deleting \$46,000 for the remodeling of the Grand Junction youth holding facility and repeals the footnote dealing therewith.

June 7

June 7

S.B. 501 Supplemental appropriation - department of military affairs. Amends the 1978 long bill by increasing the appropriation to the national guard within the department of military affairs by \$5,000.

May 25

May 25

S.B. 502 Supplemental appropriation - department of health. Amends the 1978 long bill by increasing the appropriation to the department of health by \$930,003 as follows: Increases the appropriation to the office of health protection by \$207,412; increases the appropriation to the office of medical care by \$716,543; increases the appropriation for administration and support by \$6,048. Amends the 1977 long bill by decreasing the appropriation for handicapped children by \$14,964 and increasing the appropriation for alcohol and drug abuse by \$7,822. Amends the 1976 long bill by decreasing the appropriation for handicapped children by \$5,948 and the appropriation for alcohol and drug abuse by \$122,068.

May 24

May 24

S.B. 503 Supplemental appropriation - department of natural resources. Increases the 1978 long bill appropriation to the department of natural resources by \$1,073,244. Provides that certain cash funds appropriated for parks and recreation activities are to come from the snowmobile recreation fund as well as from the parks and outdoor recreation cash fund and the parks motorized recreational trails fund; provides for reversion to the wildlife cash fund of game-feeding funds not used specifically for this

purpose; and delays the reversion of previously appropriated capital construction funds for Barr lake, Roxborough park, and Chatfield reservoir to June 30, 1979.

May 11

May 11

- S.B. 504 Supplemental appropriation - department of highways.
Amends the 1977 long bill by increasing the appropriation for construction of the Castle Rock office of the state patrol by \$22,250. Amends the 1978 long bill by increasing the appropriation to the department by \$129,851 as follows: Increasing the appropriation for capitol and governor's security by \$7,062; increasing the appropriation to the Colorado state patrol for personal services by \$13,520; increasing the appropriation for capital outlay by \$73,155; and increasing the appropriation for transportation services for the handicapped elderly by \$31,326.

May 30

May 30

- S.B. 505 Supplemental appropriation - department of corrections - loan write off - loan. Authorizes the state treasurer and the controller to write off \$365,148 owed the state by the division of correctional industries. Such authorization is repealed effective July 1, 1980. Makes a supplemental appropriation in the form of a loan from the general fund to the division of correctional industries for \$2,871,977 for specified purposes. Amends the 1975 long bill, as amended, by increasing the appropriation for enlargement of the state reformatory vocational building by \$34,038. Amends the 1976 long bill by increasing the appropriation for construction purposes at the penitentiary by \$46,184. Further amends the 1976 long bill, as amended, by increasing the appropriation for construction of a minimum security facility by \$115,941. Amends the 1977 long bill, as amended, by reducing the appropriation for operating expenses of the division of corrections by \$253,278. Amends the 1978 long bill by decreasing the total appropriation to the department of corrections by \$1,336,435 and making amendments to the footnotes thereto. Repeals certain footnotes in the 1977 and 1978 long bills.

May 23

May 23

S.B. 506 Supplemental appropriation - department of social services. Amends the 1978 long bill to decrease the total appropriation to the department of social services by \$1,294,706, including the following changes, among others: \$10,122,037 decrease in aid to families with dependent children under basic grants; \$939,844 decrease for the state-only program for aid to the needy disabled; \$1,397,559 increase in aid to income-eligible families with dependent children under day care programs; \$1,458,301 increase for nursing care; \$4,781,716 increase for skilled and intermediate care for mentally retarded in state institutions; \$898,373 increase for state psychiatric hospital care for persons under age 21; and \$1,222,911 increase of Indo-Chinese refugee payments (all from federal moneys).

PORTIONS VETOED June 14 June 14

S.B. 507 Supplemental appropriation - department of higher education. Amends the 1978 long bill to decrease the total appropriation to the department of higher education by \$1,144,393; and to increase the total capital construction appropriation for construction at Otero community college and Trinidad state junior college.

May 18 May 18

S.B. 508 Supplemental appropriation - department of education. Amends the 1978 long bill to decrease the total appropriation to the department of education by \$1,530,726 as follows: Increases the appropriation for administration of the department by \$5,983; increases the appropriation for publication of school laws as an improvement of local school district administration by \$10,050; decreases appropriations for school district distributions by \$66,428; and decreases the appropriation for public school foundation program by \$1,480,331.

June 7 June 7

S.B. 509 Supplemental appropriation - judicial department. Amends the 1978 long bill to increase the total appropriation to the judicial department by \$2,135,908, of which \$358,962 is from cash funds and the balance from general funds. A

footnote pertaining to additional court-appointed counsel and attorney fees was vetoed.

PORTION VETOED May 20

May 20

- S.B. 510 Supplemental appropriation - department of local affairs.
Reduces the 1978 long bill appropriation to the department of local affairs by a total of \$18,174, which includes reductions for the division of commerce and development and the law enforcement training academy and an increase for the Colorado bureau of investigation.

May 18

May 18

- S.B. 511 Supplemental appropriation - department of revenue.
Amends the 1977 long bill, as partially amended in 1978, to reapportion the appropriation to the department of revenue between cash funds and the general fund; increases the 1978 long bill appropriation to the department for operating expenses by \$413,029, of which \$203,164 is charged to the general fund and \$209,865 to cash funds; and amends the 1978 long bill capital construction appropriation to the department by providing for a new port of entry at Dumont at a cost of \$660,000 (rather than improvements costing \$75,000), the additional \$585,000 to come from federal funds.

June 7

June 7

- S.B. 512 Supplemental appropriation - department of regulatory agencies. Increases the 1978 long bill appropriation to the department of regulatory agencies by \$133,140, of which \$112,323 is from the general fund and \$20,817 is from cash funds.

May 18

May 18

- S.B. 513 Supplemental appropriation - department of personnel.
Amends the 1978 long bill to decrease the appropriation for the department of personnel by \$27,981.

VETOED May 20

S.B. 514 Supplemental appropriation - department of law. Amends the 1978 long bill to increase the appropriation to the department of law by \$184,644.

May 18

May 18

S.B. 515 Supplemental appropriation - department of labor and employment. Amends the 1978 long bill to increase the appropriation for the department of labor and employment by \$22,154.

May 18

May 18

S.B. 516 Supplemental appropriation - department of administration. Increases the 1978 long bill appropriation to the department of administration for operating expenses by \$3,272,326, of which \$1,578,104 is from the general fund and \$1,694,222 is from cash funds.

May 30

May 30

S.B. 517 Supplemental appropriation - department of agriculture. Increases the appropriation for the department of agriculture by \$875,564 as follows: Increases the appropriation for personal services in administration and agricultural services by \$45,745; increases the appropriation for brand inspection by \$15,704; and adds an appropriation for emergency grasshopper control of \$814,115. Provides that these grasshopper control funds will be reduced by the amount which the governor transferred prior to May 25 pursuant to his existing transfer authority.

May 25

May 25

S.B. 519 Supplemental appropriation - department of state. Amends the 1978 long bill to decrease the appropriation to the department of state by \$203,200.

VETOED May 20

S.B. 525 General appropriation - long bill. For the expenses of the executive and judicial departments of state government for the fiscal year commencing July 1, 1979, the grand total of the operating budget is \$2,101,739,293 (\$43,571,298 of which is for the judicial department) of which \$1,180,833,514 is from the general fund, \$427,890,139 is from cash funds, and \$493,015,640 is from federal funds. The total appropriation for capital construction is \$50,395,105 of which \$24,605,917 is from the capital construction fund, \$16,033,787 is from cash funds, and \$9,755,401 is from federal funds.

PORTIONS VETOED June 22

June 22

H.B. 1072 Supplemental appropriation - department of labor and employment. Appropriates \$1,030,456.03, out of moneys available under section 903 of the federal "Social Security Act", for allocation to the division of employment and training for remodeling and improving the property and facilities at 251 E. 12th Ave., Denver, for acquiring new land and erecting buildings for the division, and for acquiring such other improvements, facilities, buildings, and equipment as the division needs for its existing locations. Requires that priority be given for job service centers in areas under 100,000 population. Prior to encumbering such moneys, directs the department of labor and employment to consult with and obtain the approval of the joint budget committee, which shall in turn inform the appropriate legislative committees.

Became law without Governor's signature

June 29

June 29

H.B. 1436 Appropriation - payment of judgment. \$16,182.05 to the attorney general for payment of a judgment entered in favor of William H. Walker.

June 21

June 21

H.B. 1472 Appropriation - department of labor and employment. Appropriates \$125,794 to the department for present and future payment of benefits to the widows of 2 men killed in the crash of a Colorado civil air patrol search

aircraft.

June 21

June 21

H.B. 1593 Appropriation - payment of judgment. Appropriates \$950 to William E. Caldwell for the payment of a judgment and interest thereon entered in his favor against the division of adult parole.

June 21

June 21

H.B. 1602 Appropriation for payment of settlement. Appropriates \$8,800 to the attorney general for the payment of a settlement agreement between Robert W. Johnson and the state of Colorado relating to civil action No. C-13410 in Morgan county.

June 21

June 21

H.B. 1604 Appropriation - legislative department. Appropriates \$9,375,684 to the legislative department for its expenses for the fiscal year beginning July 1, 1979, allocated as follows:

House of representatives and senate	\$3,828,402
State auditor	2,578,877
Joint budget committee	402,053
Legislative council	799,128
Legislative studies	251,000
Legislative drafting office	659,024
Office of revisor of statutes	777,700
Committee on legal services	67,000
Committee on uniform state laws	12,500

Became law without Governor's signature

June 12

June 12

CHILDREN AND DOMESTIC MATTERS

- S.B. 26 Out-of-home placement of children. Requires a petition for review of placement to be filed for any child who is likely to be or has been placed out of his home for more than 90 days. Specifies criteria to be considered in placing a child out of the home and requires specific judicial findings of fact in cases of out-of-state placement, placement contrary to recommendations, or placement in facilities costing more than the amount designated by the general assembly. Makes various amendments to existing provisions of the children's code relating to placement out of the home and establishes a state reimbursement program as an incentive for county development of alternatives to placement out of the home.

July 3

July 3

- S.B. 185 Child custody proceedings - no presumption based upon sex. The court is not to consider a proposed custodian's sex in deciding who shall have custody of a child under the "Uniform Dissolution of Marriage Act".

March 2

March 2

- S.B. 187 Child custody - investigations and reports - discretion of court. Makes the granting of a motion to investigate and report on custodial arrangements in child custody proceedings a matter of court discretion. Previously, the court was required to grant such a motion.

March 2

March 2

- S.B. 322 Temporary custody of children - expungement of record. Provides that any child who has been taken into temporary custody and who has not been subject to further proceedings may after 2 years petition the court in which any records or information pertaining to such temporary custody is located for expungement of such records or information.

May 18

May 18

S.B. 362 Offenses committed by children - damages - detention - disposition. Raises the limit of damages recoverable from the parents of a child under 18 years of age found guilty of maliciously or willfully destroying property and living with said parents from \$1,500 to \$2,500. Provides that no child held for trial for certain felonies shall be held at a facility utilized by other child offenders. Allows such a child to be held at a facility for adult offenders if there is no alternative and the child can be segregated from such adults. Provides that in cases of the disposition of a child needing oversight or a delinquent child that the decree of disposition must require that the child pay for any damage done to persons or property unless such requirement would cause serious hardship or injustice to the child. Repeals the prohibition against the publication of the names, pictures, identity, or residence of persons, including children, involved in juvenile court hearings.

June 15 July 1

H.B. 1069 Requirement of physician's examination for female applicant for marriage license. Requires a physician's examination prior to the issuance of a marriage license for female applicants under age 45, and requires a serological test for rubella immunity and Rh type blood, eliminating a prior requirement of testing and reporting on syphilis and other venereal disease for all applicants.

June 7 July 1

H.B. 1226 Dissolution of marriage - factors considered for maintenance order. The future earning capacity of the party seeking maintenance is added as a factor to be considered by the court in making an order for maintenance.

April 25 July 1

H.B. 1283 Children needing oversight. Makes various technical conforming amendments necessitated by Senate Bill No. 101, enacted in 1978, including detention limitations and elimination of a redundant provision. Clarifies the effective date of said bill, and repeals provisions in

conflict with or superseded by said bill.

May 31 July 1

H.B. 1559 Children's code - determination of parentage - termination of parent-child legal relationship - juvenile court commissioners. Makes miscellaneous amendments to the children's code relating to the procedures involved in determining parentage and terminating parent-child legal relationships. Changes juvenile court referees to "commissioners". Specifies the legal effect of the acts of commissioners by providing that judgments and orders of commissioners shall be subject to review by the juvenile judge at the request of any party, but that otherwise such acts become the judgments and orders of the juvenile court as if originally entered by the judge of the juvenile court.

June 21 July 1

CONSUMER AFFAIRS

- S.B. 60 Consumer credit code - when notification fee is required. Provides that a person making consumer credit sales must pay the annual notification fee to the administrator only if he charges a credit service charge or assigns his right to receive payment.

May 18

July 1

- S.B. 179 Loans secured by interest in land - when excluded from consumer credit code. Provides that a loan made between July 1, 1979, and July 1, 1981, which is primarily secured by an interest in land is not a consumer loan and thus not subject to the "Uniform Consumer Credit Code" if the annual loan finance charge does not exceed 13%.

May 18

May 18

- S.B. 292 Residential building energy conservation - insulation and thermal performance standards - functions of division. Makes amendments to the "Residential Building Energy Conservation Act of 1977". Adds several definitions relating to energy conservation in connection with residential buildings, including "heating degree day", "overall thermal transmittance", and "thermal transmittance". Exempts from the energy conservation standards buildings designated as historic. Revises provisions concerning the insulation standards and energy conserving alternatives; adds thermal performance standards; and provides for repeal of the minimum insulation standards effective as of March 31, 1980. Adds to the functions of the division of housing the provision of information needed to correlate the R-values to the U-values of energy conserving performance standards to any person who applies for or obtains a homeowner's permit to build his own home; to distribute this information to local building departments and building material supply outlets in the state and give it to builders and unlicensed persons who apply for or obtain homeowner's permits to build their own homes; and to provide technical assistance to building officials who instruct such persons on the use of such information.

June 7

July 1

S.B. 399 Consumer credit code - administration - supervised lenders. Increases from \$150 to \$200 the notification fee required each year from supervised lenders, but also increases from \$1,500,000 to \$2,000,000 the threshold amount over which an additional fee is required for consumer insurance premium loans.

May 18

July 1

S.B. 417 Provisions relating to compound interest. Recites that the compounding of interest is not against public policy, and that no provision of law or public policy limiting such interest is applicable to promissory notes secured by graduated payment mortgages or deeds of trust or mortgages or deeds of trust containing stipulated provisions relating to the periodic disbursement of loan proceeds.

May 18

July 1

CORPORATIONS AND ASSOCIATIONS

S.B. 291 Regulation of corporations. Makes various amendments to the "Colorado Corporation Code" and statutory provisions dealing with nonprofit corporations including, among others, provisions relating to filings with the secretary of state, suspension of corporations and authority to do business, fees charged by the secretary of state, restated articles of incorporation, reinstatement of corporations, and involuntary dissolution.

May 30

July 1

H.B. 1212 Assessment on stock of ditch, canal, or reservoir companies. Repeals and reenacts the provision concerning the making of assessments on such stock to provide that the assessment may be approved by a majority of the voting stock represented at an annual or special meeting for that purpose, either by the owner or by proxy, if a quorum is present. If such meeting is not held or such assessment is not authorized within 90 days after the close of the company's fiscal year, the directors can make such assessment at any regular or special meeting for that purpose.

June 15

June 15

CORRECTIONS

- S.B. 34 Extension of moratorium on new jails - membership and powers of state jail advisory committee. Extends the termination date of the moratorium on construction of new jails by units of local government from July 1, 1979, to July 1, 1981. Reduces the state jail advisory committee from 13 to 7 members and removes said committee's power to develop guidelines for the construction and operation of jails.

June 7

June 7

- S.B. 172 Community correctional facilities and programs - allocation of moneys. Requires that moneys appropriated in the fiscal year 1979-1980 for community corrections programs shall not be less than the amount distributed the previous fiscal year. Directs the department of corrections to study various methods of distribution of such moneys and report the results of the study to the legislative council no later than December 1, 1979. Makes conditional the distribution of moneys appropriated for transitional community placements. Repeals the provision requiring review by the local governmental unit of agreements and contracts between the chief judge of a judicial district and a correctional facility for utilization of the facility for sentencing purposes. Repeals the provision dealing with reimbursement of such facility by the judicial district at a rate set in the annual long appropriation bill. Repeals a similar provision regarding reimbursement by the department of corrections.

June 19

July 1

- H.B. 1096 Correctional industries - power to borrow money. Limits the amount that the division of correctional industries may borrow from the state treasury to \$3,000,000. Requires that such loan be repaid within 10 years. Requires prior approval of the joint review committee on corrections before borrowing or disbursing such moneys. Excepts the division from certain loan practices of the state.

May 22

May 22

H.B. 1106 Division of correctional industries - debt write off.
Authorizes the state treasurer and controller to write off as a uncollectable bad debt the sum of \$365,148 owed by the division of correctional industries to the state. Contains a repeal effective July 1, 1980.

May 25

May 25

H.B. 1288 Division of correctional industries - sale of goods.
Authorizes the division to contract with the federal government or other states to manufacture and sell license plates, validation stickers, or wood products.

May 22

May 22

H.B. 1499 Department of corrections - sentence to custody of the executive director. Declares that imprisonment for conviction of a crime is to be served by confinement in an appropriate correctional facility to be determined by the executive director of the department of corrections. Courts are to sentence the offender to the custody of the executive director rather than to a particular institution or facility. Most of the act consists of numerous conforming amendments to reflect this change.

Authorizes a judge of a court of record to conduct parole revocation hearings. Classifies a number of previously unclassified felonies.

June 21

July 1

COURTS

S.B. 44 Consent of minors for emergency health care. Adds emergency health care by an emergency health care provider to the list of kinds of care relating to health for which minors can give consent, for themselves or for their children.

May 18

May 18

S.B. 102 Assistant county judge - Eagle county - official residence and chambers. Provides that an assistant county judge in Eagle county shall maintain his official residence and chambers in the Roaring Fork river drainage area of Eagle county, rather than being limited to the town of Basalt.

May 18

May 18

S.B. 130 Small claims divisions of county courts. Continues the small claims divisions of county courts by removing a provision which provided for the repeal of the authorization for such divisions as of October 1, 1979.

March 2

March 2

S.B. 171 Jurors - limitation on service. Provides that no person shall be required to serve on a jury more than once in any 3-year period.

June 22

July 1

S.B. 192 Extensions of time for bringing causes of action. Suspends the operation of any statute of limitations for one year after the death of a person who had a cause of action which survived death. The period of such suspension was 4 months under prior law. Repeals a similar provision which extended the time for bringing the action to one year from the appointment of an administrator or executor. Also amends the provisions regarding limitations on the time for bringing an action

based on a judgment rendered in another state.

May 18

July 1

- S.B. 344 Judges - 18th district - appropriation. Increases the number of judges for the 18th judicial district from 8 to 9 and requires that 2 of those judges maintain their offices and courtrooms in the Arapahoe county portion of the city of Aurora. Appropriates \$100,000 for the implementation of the act.

June 19

June 19

- S.B. 358 Judicial departments - employees - PERA benefits. Permits employees of the judicial department who are covered by retirement benefits to purchase prior service credit at any time, and adds the requirement that any such purchase be actuarially sound and without expense to the state.

June 19

June 19

- S.B. 386 Statute of limitations on real property improvement actions. Amends existing law on the limitation of actions relating to real property improvements to more particularly describe the type of actions and persons coming within the law. States when a claim for relief arises, and extends from one to 2 years the time within which an action must be brought if the claim arises in the 9th or 10th year after completion of the improvement.

June 7

July 1

- S.B. 463 Interest on money, property, and damages. Amends the "Uniform Consumer Credit Code" to specify that the 8% legal rate of interest is to be compounded annually. Rewrites provisions concerning statutory interest to provide that creditors will receive interest, except when there is an agreement otherwise, which fully recognizes the gain or benefit realized by a person wrongfully withholding money or property from the date of the wrongful withholding or to the date of payment or judgment, whichever is first, or, at the claimant's election, at the legal rate of interest after wrongful

withholding of money or property or after money becomes due to the date of payment or the date judgment is entered, whichever comes first. Such interest is allowed even if the amount is unliquidated when wrongfully withheld or due.

Also provides, when there is no agreement as to the rate of interest, for 8% interest per annum compounded annually on all moneys after they become due on any bill, bond, promissory note, or similar instrument, and on money due on mutual settlement of accounts from the date of such settlement and on money due on account from the date when it becomes due. Judgment creditors shall be allowed 8% compounded annually on any judgment recovered from the date of entering said judgment until satisfaction is made.

In cases where personal injury damages are recovered, interest may be claimed from the date the action accrued and shall be compounded annually from the date suit was filed.

June 20

July 1

- S.B. 532 Rules of evidence - grant of authority - reservation of power. Authorizes the state supreme court to prescribe rules of evidence for Colorado courts of record, which are to be construed as rules of practice and procedure. Reserves to the general assembly the right to enact laws relating to substantive rights, including among others the right to eliminate or modify the rules of evidence.

July 3

July 3

- H.B. 1014 Powers of county court clerks. Provides that county court clerks can be authorized by the chief judge of a judicial district to perform various duties going beyond the ordinary clerk duties, after approval thereof by the chief justice of the supreme court. Such duties, which may be authorized generally or in specific cases only, may include advising defendants of their rights, issuing various warrants and writs on the order of a judge, accepting pleas of not guilty and setting dates thereon, and, subject to rules of procedure, entering default judgments and issuing process thereon. Under supervision, a clerk may grant continuances and set dates for trials and motion hearings. A clerk may also be authorized to accept guilty pleas and impose penalties

according to schedules of fines in traffic and wildlife cases up to \$300.

April 25

April 25

- H.B. 1033 Development of plan to inform electorate of performance of judge. The judicial department is instructed to submit to the general assembly by January 1, 1980, a plan designed to inform the electorate of the performance of a judge, including his criminal case decisions and such other information as the judicial department wishes to present. The act is repealed as of June 30, 1980.

April 25

April 25

- H.B. 1163 Probate - closing inactive estates - effect. Allows an estate to be closed without further accounting after 5 years of inactivity, on the motion of any interested person, on the motion of the court, or on the motion of the attorney of record. Notice of the motion is required. An order of closing releases the sureties on any bond from claims arising after such closure.

February 22

February 22

- H.B. 1185 Time limitations for probate proceedings. Removes from the 3-year limitation for commencement of proceedings those appointment proceedings related to the determination of heirs of an intestate and those appointment proceedings where no previous testacy proceedings or proceedings determining heirship have been concluded in this state. Authorizes the court to close an estate without further accounting when its records show no action has been taken for 5 years or more. Such closure does not discharge the personal representative or any other person from liability but does release sureties as to claims arising after such closure. Such closure shall be without accounting, report, or hearing unless the administration by the personal representative has been improper. An estate once thus closed shall be reopened on motion of an interested person. This section on closure applies to all decedents' estates regardless of the time of institution.

May 25

May 25

H.B. 1197 Petition for decree of heirship - determination of heirship. Provides that any interested person may petition for a decree of heirship if no probate action has been brought within one year after the death of a decedent. Defines interested person to be an heir at law, a devisee, or a beneficiary. Requires the court to grant the petition if all interested persons join in the execution of the petition or in a request that it be granted. Sets forth the procedure and requirements for filing such a petition. Provides for a hearing and the opportunity for an interested person not so joining or requesting to appear and answer the petition. Provides that a decree of heirship transfers title to real and personal property and spells out what is necessary to perfect such transfer. Provides that it is perjury to make false statements in such a petition. Retains the right to have descent of real property determined under the rules of civil procedure.

May 25

July 1

H.B. 1204 Requirements for medical examination and treatment of minor - sexual assault. Authorizes a physician to examine a minor after consultation indicates that a sexual assault has occurred, and the physician may examine the minor both to obtain evidence thereof and to prescribe and treat any condition resulting from the assault. The physician must first make a reasonable effort to notify the minor's parent, guardian, or custodian but may proceed to examine and treat without any permission other than that of the minor. If the person having charge of the minor objects to treatment, the physician must proceed subject to the provisions of the "Child Protection Act of 1975", which must be complied with in all respects regardless of whether or not the physician has permission to treat. The physician is granted immunity from liability if he proceeds under the consent statute, but he remains liable for negligence.

May 4

May 4

H.B. 1206 Miscellaneous amendments - courts. Makes various changes concerning court records. Provides that the supreme court shall fix the effective dates and applicability of its rules. Provides that supreme court and district court employees will be compensated and appointed as provided by statute. Expects bar admission and attorney

registration fees from deposit requirements and abolishes the supreme court library fund. Increases the mileage fee paid to the judicial nominating commission and to judges holding court outside the court of their residence to the amount presently paid to state officers and employees generally. Authorizes the chief justice to consolidate the offices of clerks of district and county courts in any county. Makes county court jurisdiction subject to supreme court rule on venue if there are no statutory restrictions of venue. Authorizes county courts to issue restraining orders to prevent assaults and threatened bodily harm and authorizes the supreme court to give injunctive jurisdiction to county courts by supreme court rule if not specifically authorized by statute. Specifically provides that county courts shall have concurrent original jurisdiction with district courts in criminal actions involving petty offenses. Consolidates duplicate provisions concerning the qualifications of county judges in counties of Class C and Class D. Authorizes the chief justice to designate a presiding judge when there is a failure to select a judge pursuant to the rules. Deletes a provision giving the juvenile court authority to appoint the head of the juvenile hall. Eliminates the requirement that costs recovered by poor persons be paid to the "registry" of the court. Provides that the "additional fee" provided for in contested civil actions shall be assessed against the party in whose favor a monetary judgment was rendered even if such party was not the plaintiff. Clarifies the priority for payments by defendants on probation or work release. Provides that transcripts ordered by the prosecution shall be paid for by the prosecution. Provides for treating court reporters' expenses in the same manner as other judicial department employees' expenses. Repeals provisions requiring bonds for county court, juvenile court, and probate court clerks. Amends provisions concerning the appointment of domestic relations counselors. Corrects language and references concerning court fees.

June 22

July 1

H.B. 1210 Restrictions on garnishment and levy under execution or attachment. Rewrites the Colorado law on exemptions from garnishment or levy under execution or attachment to conform to federal law, which has been held to preempt state law in the area of garnishment where state law allows a greater amount of earnings to be subject to garnishment than allowed by federal law. Provides that,

in general, the amount of weekly disposable earnings subject to garnishment or levy under execution or attachment may not exceed 25% of such earnings or the amount by which weekly disposable earnings exceed 30 times the federal minimum wage, whichever is less. Also specifies exceptions to the general rule.

May 31

May 31

- H.B. 1230 Probate code - duties of conservators, guardians, personal representatives, and other fiduciaries. Makes substantive additions to the statutes dealing with procedures relating to the appointment and the activities of guardians and others appointed in proceedings affecting incapacitated persons and minors. Additionally, minor changes are made with respect to decedent estates involving creditor claims, proof of will, and related provisions.

March 23

July 1

- H.B. 1324 Compensation of court reporters and others for transcripts. Provides that the supreme court is to establish the rates to be paid shorthand reporters and other personnel of courts of record for preparing trial transcripts outside of regular working hours. The rates formerly were set by statute.

May 22

May 22

- H.B. 1333 Solemnization and registration of marriages. Provides that a marriage may be solemnized by a retired judge of a court of record.

May 25

May 25

- H.B. 1399 Jury service - summoning jurors - failure to respond. Allows service of summons to persons whose names are drawn for jury service to be by regular mail. If a person given such notice fails to respond or fails to complete jury service as required, he may be summoned by registered or certified mail to appear and show cause for his failure to appear or his failure to complete his specified service.

April 18

April 18

H.B. 1439 Limitation of actions for wrongful death. Limits the bringing of an action for wrongful death to 2 years after the alleged negligence or within one year after the death for which suit is brought, whichever is later.

June 7

June 7

H.B. 1456 Selection of county grand juries. Provides that in selecting the jury panel for county grand juries, the court shall publicly draw at random the list of jurors in open court and, upon request, make available the names and addresses of all selected jurors. Also states that the court may strike the name of any juror who appears to be incompetent or unqualified.

May 25

May 25

H.B. 1568 Additional docket fees in civil actions when judgment is paid. In contested civil actions resulting in a monetary judgment of which all or part is paid, the judgment debtor is also required to pay the court an additional docket fee, graduated according to the amount of the payment on the judgment, before he can receive credit on court records for the payment. Under prior law liability for such additional docket fee was on the successful plaintiff.

May 31

June 1

H.B. 1573 Land surveyors - statute of limitations on actions. Sets out a 6-year statute of limitations for damage actions against land surveyors based upon allegedly negligent or defective land surveys. Such period commences at the time the alleged defect is discovered or should have been discovered, but in no case more than 10 years after the survey was completed. As a prerequisite to the operation of such limitations, the survey document must have contained notice of such limitation or, if no document was required, such notice must have been given in writing within 90 days after completion of the survey.

June 21

July 1

CRIMES

S.B. 189 Assault - effect of passion on degree of offense. Amends the existing law to provide that an assault in the first degree, otherwise a class 3 felony, shall be a class 5 felony when committed upon a sudden heat of passion caused by a provoking act of the victim. Provides that an assault in the second degree, otherwise a class 4 felony, shall be a class 1 misdemeanor when committed upon a sudden heat of passion caused by a provoking act of the victim.

May 18

May 18

S.B. 190 Miscellaneous - speedy trial requirements - definitions concerning riots in correctional institutions. When a case has been reversed on appeal, the new trial must begin within 6 months from the date the trial court receives the mandate from the appellate court, instead of from the date of the appellate decision. The offense of active participation in a riot by one confined in a correctional institution includes participation in violent conduct which causes damage or injury.

March 13

October 1

S.B. 201 Sexual exploitation of children - penalties. Declares that it is necessary to protect children from commercial sexual exploitation. Defines various terms dealing with commercial sexual exploitation of a child and makes such exploitation a class 3 felony. Contains a severability clause.

May 18

July 1

S.B. 202 Robbery from the aged or handicapped. Establishes a new crime of robbery of the elderly or handicapped, and designates it as a class 3 felony. (Ordinary robbery is a class 4 felony.) Defines a "person of advanced age" as a person aged 60 or older, and a "handicapped person" as one who is disabled because of the loss of a hand or foot, or the loss of use thereof, or because of blindness or virtual blindness. Authorizes the court to order the offender to make restitution if the victim has sustained

monetary damages, and if he has not initiated restitution within a reasonable period, not to exceed 180 days, his probation must be revoked.

May 25

July 1

- S.B. 388 Public servants' conflicts of interest - failure to disclose. Changes the office to which public servants must report conflicts of interest prior to a transaction involving said conflict of interest from the office of the attorney general to the office of the secretary of state.

May 18

July 1

- S.B. 450 Selling or exhibiting indecent publications to a child. Provides that any person who knowingly and for commercial gain sells, exhibits, lends, intends to sell, or otherwise makes available to a child certain indecent publications commits selling or exhibiting indecent publications to a child. Provides penalties for violations and defines terms used in the law.

VETOED May 20

- S.B. 489 Penalties for transferring or dispensing cannabis. Creates a new category and penalty for an adult who transfers or dispenses any amount of cannabis, with or without consideration, to a person under age 15. Such offense is a class 4 felony (2 to 4 years imprisonment) upon a first offense and a class 3 felony (4 to 8 years imprisonment) upon a second or subsequent offense; in addition, a fine up to \$5,000 or \$10,000, respectively, may be imposed for such offenses.

Also increases from a class 4 felony to a class 3 felony the penalty for a second and subsequent offense for an adult who transfers or dispenses more than one ounce of cannabis for consideration to any person under age 18, but who is at least age 15, or any amount of cannabis concentrate, with or without consideration, to a person under age 18. A fine up to \$5,000 or \$10,000 for the first or subsequent offenses, respectively, is also imposed.

Provides that the class 3 felony penalties for second and subsequent offenses under both such provisions are mandatory.

Became law without Governor's signature

May 30

July 1

S.B. 530 Felonies - narcotic drugs - penalties. Alters the penalties for the conviction of certain narcotic drug laws that were amended by H.B. 1589, passed in the 1977 session, to more accurately reflect prior legislative intent.

June 15

July 1

H.B. 1018 False reports of explosives. Makes the crime of false reporting of explosives, which is a class 5 felony, applicable to any such report made by one person to another, regardless of the identity or occupation of the recipient of the report.

March 23

July 1

H.B. 1040 Fraud by check - felony. Makes the criminal offense of fraud by check in any amount a felony. Previously it had been a petty offense, misdemeanor, or felony depending on the amount involved.

VETOED May 25

H.B. 1080 Definition of a deadly weapon. Changes the definition of a deadly weapon for the purposes of the "Colorado Criminal Code" by specifying that a firearm is a deadly weapon whether loaded or unloaded.

May 22

October 1

H.B. 1110 Miscellaneous criminal code amendments. Makes various amendments to the "Colorado Criminal Code". Allows use of deadly physical force against another person committing sexual assault in the first or second degree rather than any sexual assault as previously allowed.

Includes confidential information and medical records in the definition of "thing of value" for purposes of the code. In the definition of manslaughter, changes intent to cause death to knowingly causing death. Adds new provisions concerning aggravated motor vehicle theft, including making it a class 5 felony for a third offense. Provides for the crime of theft of medical records or medical information, and makes it a class 5 felony. Adds a new article dealing with computer crimes. Makes child abuse a class 3 felony if death results. Requires reporting of crimes. Repeals and reenacts provisions dealing with the possession of a dangerous or illegal weapon.

June 22

July 1

H.B. 1304 Unlawful use of automated dialing systems. Provides that it a class 1 petty offense for any person to use an automated dialing system with a prerecorded message for soliciting the sale of goods or services unless there is an existing business relationship between such user and the person called and the person called consents to hear the message.

May 31

July 1

H.B. 1370 Aggravated motor vehicle theft - elements of crime. Provides that the theft of a motor vehicle constitutes aggravated motor vehicle theft if the perpetrator causes bodily injury to another while he is in control of the vehicle.

April 25

April 25

H.B. 1377 Lawful possession of antique gambling devices. Exempts from seizure and destruction an antique gambling device not used for gambling for profit or business purposes. States that gambling devices manufactured prior to 1950 are conclusively presumed to be antique gambling devices.

May 25

May 25

H.B. 1574 Child prostitution. Provides new criminal offenses of soliciting for child prostitution, pandering of a child, keeping a place of child prostitution, pimping of a child, and patronizing a prostituted child, all of which

are class 3 felonies except certain types of pandering. Defines a "child" as a person under age 18. Provides that ignorance or mistake as to the actual age of the child is no defense to a criminal prosecution for such offenses.

May 31

May 31

CRIMINAL PROCEDURE

S.B. 32 Commutation of sentence or pardon for crime. Provides that before the governor approves an application for commutation of sentence or pardon from a crime that the application be first submitted to the present district attorney of the district in which the applicant was convicted, to the judge who sentenced, and to the attorney who prosecuted at the trial of the applicant, if available, for comment. Also requires the governor to make reasonable efforts to locate the judge who sentenced and the attorney who prosecuted the applicant for comment. States that these provisions are met if such persons fail to comment within 10 days or such other time in excess thereof as specified by the governor or if the sentencing judge or prosecuting attorney cannot be located, is incapacitated, or is otherwise unavailable for comment.

May 25

July 1

S.B. 184 Public records - access to criminal justice records. Removes the Colorado bureau of investigation as a necessary party to a proceeding involving a petition to seal or limit the release of criminal records pertaining to the petitioner. The petition procedure is not available when a class 2, 3, or 4 traffic offense or a municipal offense is involved, unless a jail sentence was imposed.

March 13

March 13

S.B. 363 Pretrial release on bail of persons accused of crimes. Provides procedure for setting bail in capital offense cases in which the proof is evident or the presumption great. Adds required condition to every bail bond that the released person not commit any felony while at liberty on bond and gives the court the power to revoke or increase the bond or increase the bail. Requires a speedy trial for those changes which result in a bail bond being revoked or increased. Changes the classification of the crime of failure to appear and repeals the section dealing with violation of bond conditions.

May 24

July 1

H.B. 1269 Imposition of sentence for class 1 felonies. Reinstates the death penalty in response to recent U.S. and Colorado supreme court decisions. In addition to those mitigating factors which were set forth in existing law, the trier of fact is to hear at the sentencing hearing any other factors bearing on the question of mitigation. Sets forth a noninclusive list of such mitigating factors. If a sentence to life imprisonment results from a finding of one or more of the new mitigating factors, the trier of fact is to set forth in writing the particular mitigating factor or factors. Declares that the rules of evidence are not to apply in the proof of all mitigating factors. Prohibits the use of evidence obtained in violation of the U.S. or state constitution. Requires the existence of an aggravating factor to be proved by the prosecution beyond a reasonable doubt.

Requires the supreme court to review each sentence of death having regard to the nature of the offense, the character and record of the offender, the public interest, and the manner in which the sentence was imposed. Prohibits imposition of the death penalty if the supreme court finds that the sentence was imposed under the influence of passion or prejudice or any other arbitrary factor or that the evidence does not support a finding of aggravating circumstances.

Became law without Governor's signature
August 7 August 7

H.B. 1396 State public defender - legislative declaration - commission established. Authorizes the state public defender to provide legal services to indigents accused of crime commensurate with services available to the nonindigent, operating his office in accordance with the state code of professional responsibility and American bar standards for the administration of criminal justice. Provides for a 5-member commission, to be established by the supreme court, which is to appoint the state public defender. The state public defender's salary is to be set by the general assembly, and he is authorized to employ his own deputies and other employees at salaries subject to supreme court approval. All deputies are to be on a full time basis and shall not otherwise practice law.

April 25 July 1

H.B. 1589 Felonies - sentencing. Modifies the sentencing scheme for felony convictions. Does not change the sentence for a class 1 felony, but requires a definite sentence within the presumptive range for class 2, class 3, class 4, and class 5 felonies. Authorizes a court to vary the sentence from the presumptive range, when it finds extraordinary mitigating or aggravating circumstances. The court is to state on the record its specific findings of mitigating or aggravating circumstances. A sentence which is not within the presumptive range is to be automatically reviewed by the court of appeals in a nonadversary proceeding. Adopts a good time scheme which includes earned time. Abolishes parole as an early release mechanism for felons. Declares that the act is to be totally prospective in its application.

March 29

July 1

DISTRICT ATTORNEYS

S.B. 354 Special deputy district attorneys - appointment authorized. Authorizes district attorneys to appoint, as special district attorney for their district, the attorney general or member of his staff, the U.S. attorney or his assistant for Colorado, or another district attorney or member of his staff.

May 18

May 18

EDUCATION - PUBLIC SCHOOLS

S.B. 57 Counting of kindergarten pupils. Continues for an additional fiscal year the present method of counting kindergarten pupils for purposes of the "Public School Finance Act of 1973".

March 2

March 2

S.B. 249 Area vocational schools - tuition rates. Requires that tuition rates and fees of area vocational schools which are charged to a person not enrolled in a secondary school curriculum be uniform for any group classification.

May 18

July 1

S.B. 273 Use of state public school finance moneys. Prohibits the use of moneys received under the "Public School Finance Act of 1973" for the making of alterations and improvements to existing structures and grounds if the cost of materials and labor exceeds \$5,000. Formerly, only the construction of additions to existing structures costing more than \$5,000 was prohibited.

May 18

May 18

S.B. 319 Teacher education through work experience. Provides for an economic work-learn program for teachers to earn no more than 4 semester hours of recertification credit by actual, on-the-job work experience relating to the teacher's assignment. Requires that participation in such a program will not affect tenure, salary, or other contractual benefits and that teachers be informed of the program by the state board of education.

June 19

July 1

S.B. 367 Educational programs outside district boundaries. Permits school districts to conduct educational programs outside district boundaries if it is necessary for the efficient operation of the district, if written consent

of the district in which the program is to be conducted is obtained, and if conducting the program within the district would be unduly burdensome on the district and the students.

June 7

June 7

S.B. 406 Teacher certificate - requirement of growth plans for renewal. Eliminates the requirement of completion of a professional growth plan as a prerequisite for renewal of a teacher certificate. Provides that renewal credit must maintain or improve skills in employment. Authorizes an applicant whose application for renewal of a certificate has been denied to appeal to the state board of education.

June 15

June 15

S.B. 477 Student conduct in the public schools - rules governing procedures. Requires boards of education to adopt rules for mandatory procedures to be used in any case of assault, disorderly conduct, harassment, or other offense under the criminal code by a student against a teacher or other school employee, and in any case of damage by a student to the property of a teacher or school employee. The rules must require that a complaint be filed with the school administration and the board; that the administration suspend the student for 3 days if the report and proof thereof are deemed adequate; and that procedures be commenced for further suspension or for expulsion of the student if injury or property damage resulted from the act. The rules are also to provide for reporting to local law enforcement authorities for investigation and decision on criminal charges or juvenile proceedings. Actions taken under the rules do not preclude other actions by the teacher or employee.

May 18

July 1

H.B. 1088 High school equivalency certificates. Requires the commissioner of education to establish requirements whereby residents who are over 17 years of age may earn a high school equivalency certificate.

June 15

July 1

H.B. 1112 School district bonds - fee authorized for county treasurer. Authorizes the county treasurer to charge a fee equal to what he is charged by a financial institution for handling the payments of principal and interest on school district bonds. The amount of such fee is to be set by agreement with the school board based upon rates charged by commercial banks for such service.

May 22

July 1

H.B. 1191 Grounds for expulsion from public schools. Broadens the description of behavior which justifies suspension, expulsion, or denial of admission of a student to include behavior detrimental (rather than inimicable) to the welfare, safety, or morals of school personnel, as well as of other pupils.

February 22

July 1

H.B. 1234 Teacher tenure - procedures for dismissal of teachers. Increases the age at which teacher tenure provisions no longer apply from 65 to 70. Provides that the proceedings under which a tenure teacher may be dismissed by the board of education of a school district are to be held before a hearing officer rather than a panel of 3 persons. The division of hearing officers in the state department of administration is to submit a list of 3 hearing officers from which one is to be eliminated by the school board and one by the teacher, leaving a single hearing officer who is to make findings of fact and recommendations, the expenses thereof to be paid by the school district. If the school board dismisses the teacher when the hearing officer recommends retention, it must conclude, giving its reasons therefor, that the hearing officer's findings of fact are not supported by the record. Gives the court of appeals initial jurisdiction to review the board's decision, based on the record, applying the standards of review established by the state administrative procedure act.

May 25

July 1

H.B. 1335 Pupil enrollment threshold for submission time of tax revenue need certificates. Lowers, from 70,000 to 50,000, the number of enrolled pupils required of a school district for it to make later submission of tax

revenue need certificates to the board of county commissioners.

May 25

May 25

- H.B. 1378 Education of handicapped children - school registered nurses. Requires every administrative unit responsible for the local administration of the "Handicapped Children's Educational Act" to employ an adequate number of school registered nurses. Provides that school registered nurses employed as such prior to July 1, 1978, need not be certified by the department of education for the purposes of reimbursement under the Act.

June 21

June 21

- H.B. 1426 Teacher emeritus retirement - appropriation. Deletes the time limitation by which retiring teachers had to apply for emeritus retirement benefits and two other eligibility requirements relating to time limitations. Appropriates \$10,000 to the department of education to implement the act.

June 21

July 1

- H.B. 1443 Public school attendance - expulsion or denial of admission. Authorizes the diversion of a pupil to an appropriate alternate program on the grounds set forth in existing law for the expulsion from or denial of admission to a public school. Subjects such diversions, expulsions, and denials of admission to the school district's responsibilities to handicapped children.

June 15

June 15

- H.B. 1477 Public school finance - allocation of funds - residential child care facilities. Provides that when a child is placed in a residential child care facility outside his district of residence, the district in which the facility lies shall be subsidized therefor and funds shall be withheld from the district of residence. Requires agencies authorized to place children in residential child care facilities to notify the districts in question and the department of education of any such placement

within 15 days of the placement. Makes minor technical changes in the statute.

June 15

June 15

H.B. 1500 Special education - exceptional children - appropriation. Changes the legislative declaration to show that the purpose of the article is to provide for gifted, as well as handicapped, children, and changes the title of the act to refer to exceptional rather than handicapped children. Appropriates \$49,000 to the department of education for the fiscal year beginning July 1, 1979, for the support of programs for gifted children.

June 22

July 1

H.B. 1517 Suspension of pupils. Requires immediate notice of the suspension of a pupil to be given to his parents or legal custodian and specifies what information shall be given in such notice, including the grounds therefor. Requires a review of a suspension by the suspending authority and the parent or custodian unless the parent or custodian cannot be contacted or repeatedly fails to appear.

May 25

July 1

EDUCATION - UNIVERSITIES AND COLLEGES

S.B. 52 Student loan guarantee program - student obligation bonds - appropriation. Establishes a program to guarantee 100% of unpaid principal and interest on loans to any person attending a Colorado institution of higher education (including accredited 4-year, 2-year, and vocational institutions) and to a Colorado resident attending an institution outside Colorado. Creates the loan guarantee division in the department of higher education to administer the program and establishes an advisory committee on loan guarantees.

Authorizes the division, inter alia, to establish criteria for the eligibility of students, lenders, and institutions of higher education; to set the insurance premium charged to student borrowers, not to exceed the amount allowed by federal law; to purchase defaulted loans; to collect defaulted loans which it has purchased; and to provide incentives to lenders. Provides that no loan shall be guaranteed unless it is eligible for federal reinsurance under the federal "Higher Education Act of 1965", as amended. States that loan guarantees do not constitute an indebtedness of the state and do not obligate state tax revenues. Declares that loan guarantees are payable solely from user fees and federal payments. Creates the loan guarantee fund which consists of the guarantee reserve account, used to purchase defaulted loans, and the operating account, used to pay administrative expenses. Provides that a portion, not less than 1% of the loan's face value, of each special loan insurance premium is to be deposited in the guarantee reserve account. The remainder of the premium, together with federal administrative allowances, is to be deposited in the operating account.

Creates the Colorado student obligation bond authority as an independent body politic and a political subdivision of the state, and not as a state agency. Provides a 7-member governing board and an executive officer for the authority. Empowers the authority to issue bonds and notes for the purpose of purchasing or making student obligations insured by the state and reinsured by the federal government but requires a finding of insufficient access in the private market before issuing bonds or notes. Limits the principal amount of outstanding bonds to \$50 million. Allows the principal and interest on such bonds and notes to be

secured by a trust indenture providing for the pledge of the authority's revenues, including student and other obligations, and the moneys received in payment of such obligations and interest thereon. Provides that obligations issued by the authority are not a debt of the state and that such obligations are exempt from state taxation. Specifies investment powers of the authority and bondholders' rights and requires the authority to report to the governor and the state auditor.

Appropriates \$15,000 to the loan guarantee division for implementation of the act.

June 20

July 1

- S.B. 53 Student financial assistance. Repeals and reenacts statutory provisions concerning student financial assistance to place all such provisions in a single place in the statutes. Statutorily authorizes certain programs formerly administered solely through long bill funding. Specifies procedures for administration of student financial assistance.

June 19

June 19

- S.B. 55 Tuition assistance for Colorado national guardsmen. Provides for tuition at designated institutions of higher education in the state to be paid by the department of higher education, subject to available appropriations, for members of the Colorado national guard. Limits the total number of hours for which such assistance is available and specifies procedures for administering such assistance.

July 6

July 6

- S.B. 77 Colorado cooperative extension service. Recognizes the Colorado state university cooperative extension service as bearing primary responsibility for statewide educational extension programs pursuant to specified federal statutes. States that the service's objective is to disseminate information in order to assist the people of Colorado in applying the results of scientific research and technological developments to the solution of individual, family, and community problems. Provides that the service is an organizational unit of Colorado

state university, under the control of the university's administration and the state board of agriculture. Authorizes the service to contract with federal, state, and local agencies and with private organizations and associations for the funding and administration of its programs. Provides that the service may expend appropriations, collect fees, employ personnel, and take other necessary action to accomplish its purposes, including training of leaders and directing group educational activities; conducting workshops and noncredit courses; use of demonstrations and other dissemination of information; and other matters. Requires the service to provide an annual report to the governor.

May 25

May 25

- S.B. 82 Student classification for tuition purposes - residence. Provides that an unemancipated minor whose parent, guardian, or custodian removes from the state after at least 4 years residence does not lose his status as an in-state student for tuition purposes if he matriculates at a Colorado institution of higher education within 8 months after graduating from high school and if he attends a majority of the institution's academic terms during any 12-month period. Provides that an emancipated minor or adult may qualify as an in-state student after he has completed 12 months' continuous residence in the state.

June 7

June 7

- S.B. 126 Governing boards of institutions - political party representation. Prohibits any governing board of an institution of higher education whose members are appointed by the governor from having the number of members from one major political party exceed the number of members from the other party by more than one. Applies only to appointments made on or after the effective date.

VETOED May 25

- H.B. 1038 Undergraduate fellowship program - repeal. Repeals the automatic repealer of the undergraduate fellowship program, thereby extending the life of the program

indefinitely.

May 25

May 25

- H.B. 1479 Colorado school of mines - authorization to sell, purchase, and convey land in Jefferson county. Authorizes the Colorado school of mines to sell described real property in Jefferson county and to use the proceeds thereof to purchase other described property in Jefferson county for the construction thereon of an academic instruction building. Also authorizes the exchange of described lands in the city of Golden between the school of mines and the Golden Canal and Reservoir Co.

May 4

May 4

- H.B. 1498 Auraria higher education center. Requires the Colorado commission on higher education to recommend to the general assembly, by no later than January 15, 1980, that the Auraria higher education center and the constituent institutions be terminated, merged, continued, or restructured. Specifies certain considerations the commission shall make in forming such recommendation.

June 15

June 15

- H.B. 1609 Public hospitals - ownership by state or municipality - operations and functions. Provides that the regents of the university of Colorado are to govern the university of Colorado university hospital, formerly Colorado general hospital, and may hire any entity to manage and operate the hospital, but no such administration is to affect the educational program of the university of Colorado, nor the rights of any present state personnel system employees of the university. The purpose of the hospital continues to be to care for state residents who cannot pay for such care, as well as for health, science, education, and research. Provisions for patient admission to the hospital are not changed. Authorizes municipalities to provide for the operation and management of municipal hospitals in a similar manner.

June 21

June 21

ELECTIONS

- S.B. 19 Registration of independent candidates. Amends the procedure for the nomination of independent candidates by petition by requiring the candidate to have been registered as "unaffiliated" for at least 12 months prior to the date of the filing of the petition. However, if the election is nonpartisan, the candidate need only be a registered elector on the date of the earliest signature on the petition. Previously, for both partisan and nonpartisan elections, the candidate need only have been a registered elector on the date of the earliest signature of the petition.

Became law without Governor's signature

May 22

July 1

- S.B. 251 Residence qualifications for electors. Provides a definition of "residence" for purposes of determining who is a qualified elector under the state election code and the municipal election code, and specifies certain circumstances to be considered in determining what is considered the principal or primary home or place of abode of an elector.

June 7

June 7

- S.B. 263 "Colorado Election Code of 1963" - miscellaneous amendments. Makes various amendments to the "Colorado Election Code of 1963", including changes to provisions relating to mobile offices for registration, change of address and name, branch registration, judges of election and election supplies, voting and vote tallies, abstract and canvass of votes, vacancies in the general assembly, destruction of election material, and party affiliation and committees.

Provides that municipal clerks act as deputy county clerk and recorder for purposes of registration and makes various changes in provisions relating to recounts. Repeals provisions dealing with minority judges, appointment of judges of election, and preliminary abstracts.

June 22

June 22

S.B. 282 County officers - recall - procedures. Establishes procedures for a special election to fill the vacancy created when an incumbent is recalled from a county office. Provides that the date for the special election shall be fixed within 48 hours after the recall election and that the special election shall be held on the 6th Tuesday after the recall election. Specifies procedures for making nominations by petition, which must be signed by at least 100 registered electors and must be filed with the county clerk and recorder at least 15 days before the special election. Authorizes the use of absentee ballots for the recall election and the special election. Enacts procedures for canvassing the vote. Provides for the payment by the state of the expenses, incurred because of the recall election, of an incumbent whose recall was unsuccessfully sought.

May 30

May 30

S.B. 300 State officers - recall - procedures. Provides procedures to supplement the requirements of article XXI of the state constitution, concerning the recall of state officers. Establishes procedures for filling the vacancy created when an incumbent is recalled from a state office, which procedures are similar to those in S.B. 282 (see above), enacted in the 1979 regular session, for the special election held after a county officer is recalled; except that a nominating petition must be signed by 300 registered electors and the vacancy, if any, is filled at the same election as the recall election. Provides for payment by the state of the expenses, incurred because of the recall election, of an incumbent whose recall was unsuccessfully sought.

May 30

May 30

S.B. 466 Primary elections - change of date. Changes the date of the state primary election from the second Tuesday in September to the first Tuesday in August and makes corresponding changes in election and political party procedures.

VETOED May 25

H.B. 1012 Municipal election code - employee time off to vote. Conforms the municipal election code to a provision of

the general election law which gives an employee the right to take 2 hours off work to vote, but only if the employee does not have at least 3 hours time (not necessarily a continuous period) to vote outside of working hours.

April 25

April 25

- H.B. 1219 Municipal elections. Repeals and reenacts the procedure to amend or repeal a home rule charter. Amends the procedure for filling a vacancy in the office of mayor or councilman of a city or town. Provides for reimbursement of an incumbent officer who successfully defends against a recall action and defines the expenses which are reimbursable. Amends time limits for acts to be done before or during a municipal election. Allows emergency absentee voting and establishes procedures therefor. Repeals some provisions dealing with the establishment of and number of voters in a precinct.

June 22

July 1

- H.B. 1379 Recounts for congressional, state, and district elections - expenses of recount. Provides that if a candidate demands a recount of the votes in a general, special, or primary election and he is then declared the winner based upon the result of the recount or he loses by a margin for which a recount is required by law, said candidate shall be refunded the cost of the recount.

June 22

July 1

- H.B. 1558 Political campaign sign prohibitions repealed. Repeals statutes prohibiting the posting of political signs in areas not zoned for commercial or industrial uses, based upon an unpublished decision of the U.S. District Court for Colorado (Davis v. Van Meveren, Civil Action No. 76-M-868, November 28, 1977) holding such prohibition unconstitutional as a restriction on free speech.

June 7

June 7

- H.B. 1597 Political party reports under the "Campaign Reform Act of 1974". Exempts that part of the organizational structure of a political party performing only day-to-day

operations of the party at the national level from certain Colorado filing requirements if appropriate federal reports are filed with the secretary of state which contain all the information otherwise required by state law.

June 21

July 1

S.B. 240 Industrial banks - reserves in savings and loan deposits authorized. Authorizes industrial banks to use demand and time deposits in savings and loan associations as part of the reserves against liability they are required to maintain.

February 13 February 13

S.B. 274 Alternatives to statutory requirements for surety bonds. Provides that in specified cases in which a statute requires a surety bond as a condition for licensing or as authority to conduct a business or to perform duties, a person may furnish, in lieu of a surety bond, an insured savings account, deposit, or certificate of deposit and an assignment of such account to the proper state agency for the use of the people of the state of Colorado.

June 7 July 1

H.B. 1313 Credit unions - incorporation requirements - par value of shares. Authorizes 8 or more residents of Colorado to incorporate a credit union if they meet the defined requirements for membership in such credit union. The par value of credit union shares can be \$5 or any multiple up to \$25.

May 22 July 1

H.B. 1314 Credit union powers - sale and purchase of assets. Authorizes a credit union incorporated under state law to sell to or buy from another credit union all or any of its assets and to assume its liabilities, with the approval of the state bank commissioner.

May 22 July 1

H.B. 1315 Credit unions - annual meetings - credit officers - entrance fees - reserves. Increases from 45 days to 5 months the time period following the end of a credit union's fiscal year within which the annual meeting must be held. Provides for credit unions to employ a credit officer to supervise loans and amends provisions concerning loan applications, disbursement of funds, and loan officers. Removes the monetary limitation on

entrance fees and requires that entrance fees be uniform to all members. Rewrites provisions concerning reserves required to be set aside against losses.

May 25

July 1

H.B. 1600 Concerning the financial operations of state banks. Increases the maximum amount of loans made to state bank officers (formerly \$10,000), but limits the basis for such increased borrowing to \$60,000 for a home loan and \$20,000 for children's education. Allows state banks to make real estate loans secured by junior liens if made to finance real estate improvements for 10 years or less and if all loans against the property do not exceed 85% of appraised value thereof. Raises the amount of a limitation on the real estate loans and investments of a state bank. Eliminates a requirement that a state bank director own shares of the bank's stock.

May 22

May 22

GENERAL ASSEMBLY

- S.B. 129 Committee on legal services - minority members. Removes the requirement that the minority member from the house of representatives and the minority member of the senate on the legal services committee be attorneys-at-law if the minority party in the respective house does not have a member who is an attorney-at-law.

July 13

July 13

- S.B. 498 Colorado energy coordinating council. Establishes the 12-member Colorado energy coordinating council, composed of 6 legislators appointed by the president of the senate and speaker of the house, 3 persons appointed by the governor, 2 jointly appointed persons from energy businesses or industries, and one jointly appointed person who represents consumers of energy. Requires that the council inventory all state agencies which have programs or activities which directly or indirectly affect the research, development, or implementation of energy policy of this state, to develop from such inventory an estimate of the total cost of the number of state employees required for such state agencies and activities, to study and analyze the various energy policies of such state agencies and activities, to evaluate the feasibility of reorganization and consolidation of such state agencies and activities, to inventory all federal agencies, programs, and activities concerning energy policy in this state, and to issue a report of its findings and recommendations to the governor and general assembly by December 31, 1979.

Transfers \$5,000 of research moneys allocated to the Colorado energy research institute to the council for implementation of the act. Provides for the repeal of the council and related provisions on December 31, 1979.

June 22

June 22

- H.B. 1555 Legislative oversight of principal departments of state government. Beginning in 1980, the general assembly in its second regular session and in each second regular session thereafter until 1992 shall designate at least 3 principal departments for study by joint legislative oversight committees during the interim following the first regular session of the next general assembly.

Joint legislative oversight committee members shall be appointed by the leadership from among members of the appropriate standing committees of the general assembly serving during the conduct of the study. Performance audits of the principal departments designated for study shall be provided by the legislative audit committee. A joint legislative oversight committee will study the powers, duties, and functions of a principal department to determine whether there is a public need for continued existence of said powers, duties, and functions and whether the public need would be better served by the elimination, reassignment, or expansion of said powers, duties, and functions, and will report to the second regular session of the general assembly. Staff services shall be provided by existing legislative service agencies.

June 15

June 15

GOVERNMENT - COUNTY

- S.B. 173 County commissioner vacancies - method of filling. Implements the constitutional amendment adopted by the voters in 1978 concerning vacancies in the office of county commissioner.

Provides that the county central committee of the vacating commissioner's political party shall appoint a vacancy committee to fill county commissioner vacancies. In the event such vacancy committee is not appointed, the vacancy committee shall consist of the party's county executive committee, but if no such executive committee exists, the vacancy committee shall consist of the chairman, vice-chairman, and secretary of said county central committee. Provides similar procedures when the vacating commissioner was elected by voters of a county district.

If the vacating commissioner is unaffiliated, a registered unaffiliated successor shall be appointed by the governor.

In all such vacancies, if the vacancy committee fails to act within 10 days after the vacancy occurs, the governor shall fill the vacancy within 15 days after the vacancy occurs.

March 13

March 13

- S.B. 383 Subdivision regulations - dedication of sites and land areas. Provides that subdivision regulations adopted by a board of county commissioners may allow the board to sell sites and land areas dedicated to the county or the public for schools and parks. Provides that moneys paid in lieu of such dedication or moneys from the sale of dedicated sites and land areas may be used for capital outlay purposes or for the development of such sites and land areas for park purposes.

June 20

July 1

- H.B. 1011 Subdivision plat approval - payment of taxes. Provides that no plat for subdivided land shall be approved by a board of county commissioners unless the subdivider

presents certification from the treasurer's office that all ad valorem taxes applicable to the land for prior years have been paid.

Applies to plats approved on or after July 1, 1979.

June 15

June 15

H.B. 1090 Solid waste disposal - burning. Specifies that processing, reclaiming, or recycling operations for solid wastes are not disposal sites and facilities if not operated on landfill or incineration sites. Requires a certificate of designation for incineration of solid wastes but excepts noncommercial burning of trash in unincorporated areas in counties of less than 25,000 which does not violate air quality provisions.

Became law without Governor's signature

June 29

June 29

H.B. 1158 County employees - hours of work - overtime compensation. Specifies that a workweek for county employees is not less than 40 hours. Authorizes county classification and compensation plans to use formulas involving averaging of hours, which may provide for workweeks exceeding 40 hours. Requires payment in cash or in compensatory time for overtime work, as computed under the formulas established.

April 25

April 25

H.B. 1211 Bonds issued for county improvements. Authorizes counties to vote on bonded indebtedness for county improvements at either general or special elections. At such election on the creation of county debt by issuing bonds, a proposal for county sales or use taxes may also be voted on. Makes the aggregate indebtedness limit applicable to every county regardless of its total valuation for assessment. Amends provisions relating to county bonds concerning prepayment, interest payment dates, place of payment, and the commissioners' duties in raising the revenue necessary for bond redemption, including interest and redemption premiums.

May 4

May 4

H.B. 1218 Boards of county commissioners - meetings. Requires boards of county commissioners to meet during at least one business day each month, instead of quarterly. Provides that meetings are to be held on a regular, published schedule. Authorizes special or emergency meetings and a publication procedure therefor.

June 15

June 15

H.B. 1221 Local improvements in counties - street lighting. Adds street lighting to the local improvements counties may make in unincorporated areas, but requires property owners within such improvement districts to assume liability for the maintenance and operation of such street lighting, and prohibits payments therefor out of the county general fund.

April 25

April 25

H.B. 1264 Powers granted to counties - ordinances authorized on local matters. Grants to counties the power to enact ordinances governing matters of purely local concern in the unincorporated areas of counties. Such authority is generally patterned after that granted to statutory municipalities to exercise police powers involving the health, safety, and welfare of county residents. Provides for the style and method of passage of ordinances and their publication and adoption in code form, and authorizes penalties of up to \$300 and 90 days' imprisonment in the county jail for violations. The county court is given jurisdiction to hear cases involving violations of such ordinances, and all fees and fines belong to the county. No ordinance is to be adopted which conflicts with a state statute.

May 24

May 24

H.B. 1331 Impact assistance grants - appropriation. Allows counties having a certain portion of their acreage owned by the division of wildlife or the division of parks and outdoor recreation, or both, to receive financial assistance to meet the negative impact resulting from the removal of that acreage from the tax base. Sets forth the mechanism for filing for such assistance and for determining the amount of such assistance. Such assistance is in the form of an appropriation by the

general assembly, from the wildlife cash fund for lands owned by the division of wildlife and the general fund or the parks and outdoor recreation cash fund for lands owned by the division of parks and outdoor recreation.

Appropriates \$54,395 to the department of the treasury for implementation of the act.

June 22

June 22

H.B. 1538 Support of public schools from federal payments in lieu of taxes. Authorizes boards of county commissioners to appropriate moneys derived from federal PILT (payment in lieu of taxes) moneys to public school districts which contain lands for which the PILT moneys are received.

June 7

June 7

GOVERNMENT - LOCAL

S.B. 79

Fire and police pensions. Establishes a new, statewide benefit plan for all firemen and policemen in the state hired after April 7, 1978, and for those hired on or before said date who choose to participate. Creates a fire and police pension association, governed by an 11-member board with power to determine disability and manage the association, including the moneys in the fund.

All employers in the state having "new" members are in the association except those covering their employees under social security. Employers that opt out of the state plan prior to January 1, 1980, except those having money purchase plans on December 1, 1978, are exempt from the retirement provisions of the state system, and employers having established money purchase plans by December 1, 1978, are exempt from the retirement, death, and disability provisions. An employer may withdraw from the association by filing a resolution with the board and upon the affirmative vote of 65% of all board members, but any plan established by such employer must be actuarially sound. No withdrawal, except to establish a money purchase plan, and no reentry may take place after January 1, 1985.

Employers having members hired on or before April 7, 1978, may affiliate with the association for such members, and at that time, each "old" member must make an irrevocable election whether to retain the retirement benefits of the current plan or those of the statewide plan. In order to receive state moneys contributed toward unfunded liability, employers having "old" members whose current retirement plans include rank escalation must affiliate with the association.

Retirement qualifications and benefits, including early retirement, deferred receipt of retirement benefits, and joint and survivor options, are specified as are disability and death benefit provisions. Cost of living and return or transfer of contributions provisions are included, and the fire and police members' benefit fund is created and provision made for its management and investment. Employer and member contribution rates are established and the state contribution is divided into 3 parts: 1) Funding of death and disability benefits, to be phased out in 13 years; 2) "hold harmless" contributions for volunteer and money purchase plans; and 3) contributions toward unfunded liability, to be phased out as each employer becomes actuarially sound.

Other provisions include power for the board to borrow to finance its initial operations, removal of the mill levy limitation on fire protection districts, and repeal of the current distribution provisions for fire and police plans.

June 22

January 1, 1980

S.B. 150 Land use regulations - solar energy. Provides that county and municipal master plans, zoning plans, and zoning regulations may consider access to sunlight for solar energy devices, and states that one of the purposes of zoning regulations may be to promote energy conservation. Provides that county and municipal zoning regulations may restrict height, number of stories, size of buildings and other structures, and height and location of trees and other vegetation, but that they may not apply to existing buildings, structures, trees, and vegetation except for new growth on such vegetation. Allows county and municipal boards of adjustment to vary or modify zoning regulations in order to consider access to sunlight for solar energy devices. Authorizes subdivision regulations of counties and municipalities to provide for the protection and assurance of access to sunlight for solar energy devices through the use of restrictive covenants, solar easements, height restrictions, setback requirements, and the like.

May 25

January 1, 1980

S.B. 204 Housing finance authority - limitation on indebtedness. Increases from \$400 million to \$800 million the aggregate principal amount of bonds which the housing finance authority may have outstanding at any one time, not including anticipation notes or refunded bonds.

May 1

May 1

S.B. 211 Housing finance authority - repeal of limitation on mortgages and loans. Repeals a provision which limited the housing finance authority's mortgage purchases or loans to lenders to one-half of the limits on the principal amount of bonds outstanding.

May 1

May 1

S.B. 270 Fiscal policies - budget transfers - supplementary budgets. Authorizes counties, municipalities (other than home rule cities, cities and counties, and charter cities), and special districts to transfer moneys from an agency in a fund to an agency in another fund, and to transfer moneys between agencies within a fund, upon compliance with the specified procedures. Such procedures involve the adoption, after publication, of an ordinance or resolution authorizing the transfer, transmittal of the ordinance or resolution to the agencies affected, and filing of a certified copy thereof with the division of local government in the department of local affairs. Also allows such local governments which receive unanticipated revenues or revenues not assured when the budget was adopted to authorize expenditures thereof by enacting a supplementary budget and appropriation and complying with similar procedures. The publication requirements for transfers and supplementary budgets do not apply to local governments having annual budgets of \$10,000 or less, but the proposed ordinance or resolution must be posted at least 24 hours before it is considered.

May 18

May 18

H.B. 1146 Contractor's bonds for public works projects. Changes the provision of the law requiring a contractor entering into a public works contract with a county, municipality, or school district to execute a penal bond to provide that no such bond is required unless the contract is for more than \$10,000 or unless the governing body of the county, municipality, or school district determines that the best interests of the public require such a bond.

May 25

May 25

H.B. 1153 Subdivision regulations - rights of subsurface mineral interest holders. Requires counties and municipalities to accord owners and lessees of subsurface mineral rights in property the same rights and privileges as surface owners with respect to notice of subdivision plats submitted to county commissioners or planning commissions for approval. Requires the applicant seeking approval of the plat to submit with the plat the names and addresses of all surface owners and subsurface owners and lessees to whom notice is to be sent concerning the hearing for approval of the plat.

Became law without Governor's signature
June 5 July 1

H.B. 1160 County and municipal sales and use tax elections.
Provides for submitting questions relating to the
imposition of municipal or county sales or use taxes to
the registered (rather than qualified) electors of the
county or municipality.

April 25 April 25

H.B. 1243 Firefighters - voluntary certification - advisory board.
Establishes a statewide, voluntary program to train and
certify firefighters. Creates an advisory board within
the division of local government of the department of
local affairs to carry out the program. Provides for the
repeal of the program and the board effective July 1,
1983. Provides for cash funding after the first year of
operation.

June 21 June 21

H.B. 1342 Local government self-insurance against property loss or
damage. Authorizes units of local government to insure
their property against loss or damage through
self-insurance or an insurance company or a combination
of both. Units of local government may cooperate to form
a self-insurance pool for such insurance coverage, but
they shall be subject to approval and inspection by the
commissioner of insurance and shall file an annual report
with the commissioner. Specifies grounds and procedure
for suspension or revocation of a certificate of
authority similar to those for insurance companies.

May 25 May 25

H.B. 1382 County and municipal revenue bonds - exemption of
interest from taxation. Provides that the interest on
certain county and municipal revenue bonds issued on or
after July 1, 1979, shall be exempt from the Colorado
income tax.

June 22 July 1

GOVERNMENT - MUNICIPAL

- S.B. 25 Municipal finances - disbursement of funds by check authorized. Authorizes municipalities to provide for the disbursement of moneys by check in lieu of a warrant.

May 18

May 18

- S.B. 107 Public improvements - contracts - statutory cities. Requires statutory cities to contract to the lowest responsible bidder for works of public improvement costing \$5,000 or more. Makes it unlawful to divide works of public improvement construction for the purpose of evading the bidding requirement for works costing \$5,000 or more, unless the total project cost would be less if divided. The city may negotiate concerning the contract if all bids are too high, but no negotiated price shall exceed the lowest responsible bid previously received.

May 18

May 18

- S.B. 135 Municipal planning commission - personnel. Provides that each municipality may provide by ordinance for the size, membership, designation of alternate membership, terms of members, removal of members, and filling of vacancies subject to certain restrictions on the commission.

June 19

June 19

- H.B. 1220 Amending the charter of the city of Central. Adds a new article to the Central City charter to authorize improvements to the city's water facilities financed by issuing general obligation and revenue bonds.

April 25

April 25

- H.B. 1232 Requirements for annexation based upon more than 2/3 boundary contiguity. Enacts new provisions governing municipal annexations of unincorporated areas having had more than 2/3 boundary contiguity with a municipality for at least 3 years. Annexation in such cases may only be by means of a petition for annexation signed by more than

50% of the landowners of the area, or by an election called upon the vote of a 2/3 majority of the governing body of the municipality, or called in response to a petition signed by at least 10% of the landowners of the area to be annexed. A proposal by either means must be approved by the vote of a majority of the qualified electors and landowners of the area to be annexed.

VETOED April 14

H.B. 1515 Amending the charter of the city of Blackhawk. Amends the charter of the city of Blackhawk, eliminating as elective or appointive offices of the city those of city treasurer, assessor, and police judge, as of the date of the city election in 1982.

May 22

May 22

H.B. 1594 Incorporation - population requirement. Adds to the requirements for incorporation an alternative finding by the court, to be repealed July 1, 1981, that the proposed incorporation is more than 25 square miles, has a population of at least 2,000, and has an average of at least 15 registered electors for each square mile.

June 21

June 21

GOVERNMENT - SPECIAL DISTRICTS

- S.B. 104 Water conservancy districts - mill levy limitations. Authorizes water conservancy districts to increase their maximum mill levy but such increase shall be submitted to the electors of the district.

June 20 July 1

- S.B. 158 Special district elections - cancellation of election. Provides that a special district election for directors may be cancelled and the candidates declared elected if, at the close of business on the Friday before the election, there are no more candidates, including write-in candidates, than offices to be filled. Provides for notice of such cancellation to be given to electors and posted at each polling place and one other public place.

May 30 July 1

- S.B. 413 Grand Junction drainage district. Makes miscellaneous revisions to statutes concerning the Grand Junction drainage district including: Allowing polls for district elections to be open from 7 a.m. to 7 p.m. as other election polls; allowing the board to enter into contracts involving amounts up to 25% of the district's budget without having to hold an election; providing a \$35 per diem for board members, but not to exceed \$960 annually; and updating provisions relating to the treasurer and the keeping of records, including the repeal of related provisions.

May 18 July 1

- H.B. 1132 Fire protection districts - mill levy limits. Allows fire protection districts to increase their stated mill levy limit from 8 to 10 mills when approved at a special district election, but such increased limit may only continue for 2 years unless its continuance is again approved at another election.

April 25 April 25

H.B. 1281 Urban drainage and flood control district. Requires the board of directors of the district to institute, administer, and maintain a systematic and uniform program of preventive maintenance in the district. Authorizes the board to levy an additional 0.4 mills for the years 1980 to 1983 to be used for the maintenance and preservation of floodways and flood plains without having a vote by electors of the district.

May 31

July 1

GOVERNMENT - STATE

- S.B. 20 Life cycle cost analysis by state agencies. Requires that state agencies compare 3, rather than 2, energy consumption system alternatives when doing a life cycle cost analysis of a state owned or assisted facility and that at least one of such alternatives shall be a natural or mechanical solar energy system.

Declares that the act does not require any increase in appropriation expenditures.

May 18

May 18

- S.B. 22 Lobbyists - registration statements - disclosure. Requires a lobbyist to include his business telephone number and the telephone number of his employer as a part of his disclosure statement filed annually with the secretary of state. Makes other technical changes in the statute.

Became law without Governor's signature

June 23

January 1, 1980

- S.B. 93 Qualifications of the executive director of the department of health. Revises the qualifications of the executive director to require that he either: (1) Have a degree of doctor of medicine and be licensed to practice medicine in Colorado, or (2) Have one year of graduate study in a school of public health, or (3) Have 2 years' administrative experience in a health care organization, or (4) Have 4 years of said experience when one year of such graduate study has not been completed and be licensed to practice medicine in Colorado.

May 25

May 25

- S.B. 99 Civil rights commission - judicial review of decisions. Provides that review of final decisions of the Colorado civil rights commission will be in the court of appeals, rather than the district court. Provides that upon motion, either the commission or the court may grant a stay of the commission's order pending appeal. Prior law stated that the commencement of review proceedings

automatically stayed such order.

May 25

July 1

- S.B. 101 Governmental immunity - suits against public employees. Changes the time for filing a notice of claim from 90 to 180 days after discovery of injury. Relieves public entities from defending and paying judgments on behalf of their employees for accidents caused by them when the employee fails to notify the public entity of the accident within a reasonable time after its occurrence. Increases the maximum recoverable under the "Colorado Governmental Immunity Act" from \$100,000 to \$150,000 for injury to one person, and from \$300,000 to \$400,000 for injury to two or more. Amends the section dealing with self-insurance and annual tax levies therefor by public entities other than the state. Amends provisions regarding self-insurance pools. Adds requirements and limitations with regard to tort suits against public employees.

June 15

July 1

- S.B. 112 State employees - legal holidays. States that the designation of any day as a legal holiday does not prohibit state agencies from doing business on that day. Provides that any state personnel system employee who must work on a legal holiday shall be given an alternate day off in the same fiscal year or be paid in accordance with personnel or fiscal rules in effect on April 30, 1979.

May 24

May 24

- S.B. 137 State personnel system - temporary appointments - personal service contracts. Requires prior approval by the state personnel director before any temporary appointment to a permanent position is made. If prior approval is not obtained, the appointment is declared void from the beginning and the person appointed must be immediately terminated.

Declares state policy to be that personal service contracts creating an employer-employee relationship normally shall not be used to fill positions in the state personnel system where the duties are classified and are

commonly or historically performed by regular personnel system employees. Allows the head of a principal department or a college or university to seek the state personnel director's approval for a contract for a position which (1) will not become a permanent assignment within the personnel system or (2) cannot be properly allocated to an existing classification or for which there is no need to develop a permanent class specification because of the unusual or specialized nature of the work. Grants the state personnel director authority to give final approval or disapproval to such contracts, but allows him to delegate preliminary authority to enter into contracts if any of the statutory criteria are met. Prohibits any such contract, or any combination of a contract and other temporary employment, for more than 6 months in a 12-month period. If the contract is disapproved, it is declared void from the beginning and the person appointed must be immediately terminated.

May 25

July 1

- S.B. 157 State employees - improper personnel actions - attorney fees and costs. Authorizes recovery of attorney's fees and other costs by a state personnel system employee against whom a personnel action is taken and who is ultimately restored to his position with back pay, if it is determined that the personnel action was instituted frivolously, in bad faith, maliciously, or as a means of harassment or was otherwise groundless. Payment is to be made upon presentation of a statement, approved by the state personnel board, of the amounts incurred. The claim is a charge on moneys appropriated to the employing agency. The act applies to personnel actions commenced on or after July 1.

Became law without Governor's signature

May 26

July 1

- S.B. 164 Zero-base budgeting program - implementation. Provides that the zero-based budgeting program analyses, which are required by existing law, shall be presented to the joint budget committee at its request rather than over a 5-year period, thus providing for immediate implementation of the program.

July 3

July 3

S.B. 165 General fund - year-end balance. Changes the general fund surplus from the unappropriated balance remaining in the general fund at the end of the fiscal year to the unrestricted balance. Provides that the unrestricted balance at the end of any fiscal year shall not include moneys budgeted or allocated for possible state liability from legal actions nor moneys invested or spent on inventories. Provides that such moneys may be budgeted or allocated without regard to the general restriction on increases in state spending. Includes moneys from the federal government for purposes of determining the general fund year-end balances.

June 19

July 1

S.B. 220 Rehabilitation center for the visually impaired - sale of products and services to state agencies. In order to give preferential treatment to the products and services of the rehabilitation center for the visually impaired in the department of social services, the act requires state agencies to purchase directly from the center. Sets the price of products and services at cost plus labor, overhead, and delivery. Specifies that a state agency is not required to purchase products and services which do not conform to standards and specifications. Authorizes the center, the division of correctional industries, and any other state agency from which purchases are required by law to make such cooperative arrangements as may be beneficial to the realization of the objectives of the law.

May 18

July 1

S.B. 229 Sunshine law - filing requirements for disclosure by public officials. Provides that each district attorney, member of the state board of education, regent of the university of Colorado, public utilities commissioner, or insurance board member, holding office on July 1, 1979, must disclose financial interests in the same manner as members of the general assembly, elected members of the executive branch, and judges. Changes the approval of forms and the office of filing from the attorney general to the secretary of state.

June 7

July 1

S.B. 264 Department of regulatory agencies - compensation of boards and commissions. Provides that members of boards and commissions in the division of registrations in the department of regulatory agencies will receive a \$50 per diem allowance, plus reimbursement for actual and necessary expenses incurred in the discharge of official duties. Limits such compensation to the maximum amount approved by the state personnel board for employees not in the state personnel system. Also applies such provisions regarding compensation to members of the insurance board, the banking board, the Colorado racing commission, the Colorado commission on women, and the Colorado civil rights commission.

June 19

July 1

S.B. 278 Tourism information and promotion program - appropriation. Establishes a tourism information and promotion program consisting of an out-of-state media campaign, including a toll-free telephone line, to promote tourism in Colorado. Information provided includes travel information, gas station hours, and fuel availability. The program is to be operated by the division of commerce and development and includes soliciting contributions from the tourist industry, local governments, and other interested persons.

Appropriates \$150,000 for implementation of the act.

June 22

June 22

S.B. 301 Public employees' retirement association - board members. Increases from 14 to 15 the members on the board and provides for two, rather than one, retired members of the association on the board.

May 18

May 18

S.B. 302 Public employees - disability retirement - "buy-in" and "buy-back" programs. Adds new disability benefit provisions applicable to public employees' retirement association (PERA) members who first attain 5 years of service credit after July 1, 1979. Adds provisions relating to the benefits payable to a cobeneficiary of an employee retired for disability who dies within one year

of retirement, and also to benefits available to the surviving spouse of an employee who was under the age of retirement and had at least 10 years of service. Provides for refunds of amounts credited to an employee's account for his contribution to his retirement fund and remaining to his credit after he has been retired for disability, has recovered, and has left public employment. Conforms certain provisions for the retirement of judges to those covering state and other public employees, including those described above.

Authorizes members of the retirement association who are currently employed by an affiliated employer under PERA to "purchase" periods of service performed for other public employers and which are not vested in another retirement system.

Also authorizes any member of PERA who was not a member while performing service prior to July 1, 1979, for an affiliated employer to acquire credit for such employment under PERA by means of a "buy-back" program, paying to PERA the present value of the service credit. The employer who was an affiliated employer at the time is required to certify the former employment and pay the employer's share for such period. If the employer fails to make such payment, the employee may pay such share, in addition to the employee's share.

June 22 July 1

S.B. 303 Publicly-supported libraries. Reorganizes and rewrites the statutory provisions concerning public libraries, clarifying the procedure for organization of such libraries, the powers and duties of trustees of such libraries, and the tax support of such libraries. Additionally reorganizes provisions relating to the state library and the powers and duties of the state librarian.

June 1 July 1

S.B. 304 State auditor's reports - disclosure - penalty. Provides that a state employee who willfully and knowingly discloses the contents of a state auditor's report before it is filed with the legislative audit committee is guilty of a misdemeanor and may be punished by a fine of not more than \$500. Does not apply to communications necessary to complete the audit report.

May 18 July 1

S.B. 306 State buildings - transfer of functions. Transfers powers, duties, and functions relating to state buildings by a type 2 transfer from the office of state planning and budgeting to the department of administration. Increases the minimum cost, from \$10,000 to \$15,000, of certain capital construction projects which the department of administration has authority to supervise. Requires that any standards concerning space, architectural, structural, and other systems, or energy conservation developed by the department of administration must be approved by the president of the senate and the speaker of the house of representatives when they relate to space controlled by the general assembly.

June 1

July 1

S.B. 308 Security for state capitol buildings group - jurisdiction of law enforcement personnel on state property. Authorizes the city and county of Denver to enforce the laws of the state of Colorado for the security of persons and property in the state capitol buildings group. Provides that ordinances of the city and county of Denver relating to access to and conduct on properties referred to as parks shall likewise apply to the grounds of the state capitol buildings group with certain exceptions. Repeals the above provisions effective July 1, 1981.

May 18

May 18

S.B. 332 Litter control program - revision of program - repeal of litter assessment. Substantially revises the litter control program, including the repeal of the litter assessment on businesses. Requires that not less than 80% of the moneys appropriated each year by the general assembly under the "Colorado Litter Control Act" may be used for recycling programs and that grants for such programs be made to persons who, in the discretion of state and local governments, have an acceptable program and show a financial need. States that the division of local government shall accomplish its duties and programs under the act by contracted services.

Requires the solid waste advisory committee to report to the general assembly on the effectiveness of the program by December 15 each year.

Extends the act until July 1, 1982, and requires the division to submit a report on the program to the general assembly by December 15, 1981.

Became law without Governor's signature
June 29 June 29

- S.B. 374 Judicial review - state agency actions - counties. Gives counties standing to obtain judicial review of state agency actions and allows officials, boards, and employees of counties to obtain judicial review of a state agency action when an action is brought by such state agency for judicial enforcement of any final order. Prohibits temporary or preliminary injunctive relief pending the final decision on the merits of a claim by such official, board, or employee of a county.

Became law without Governor's signature
May 26 May 26

- S.B. 384 Corrective deed for conveyance of land in Moffat county. Authorizes the issuance of a quitclaim deed to certain state property in Moffat county to correct an earlier deed conveying said property by omitting from such corrective deed any requirement as to the use to be made of such property. Provides for the conveyance to be by public sale, after notice, or by lease to the city of Craig, Colorado. Directs that the net proceeds of any sale or lease be used exclusively for youth recreational facilities.

May 18 May 18

- S.B. 390 Colorado bureau of investigation - temporary agents. Permits the director of the Colorado bureau of investigation to appoint peace officers from outside the bureau as temporary agents with the approval of their employer. Provides that such temporary agents will have all the powers, protections, defenses, and immunities of bureau agents but will not receive tenure under the state personnel system. Specifies responsibilities for compensation and employment benefits as well as expenses.

May 24 May 24

S.B. 405 Lease of state land - Lookout Mountain school. Changes the use of the "Superintendent's House" at the Lookout Mountain school for boys from development of a specialized group home for nonadjudicated males aged 11 through 17 for short term or emergency placement to a group home for youths aged 11 through 20.

May 18

May 18

S.B. 412 Accounts and control - transfers of moneys. Provides that the division of accounts and control may recommend transfers only between line items within a principal department of government, or between line items (regardless of funding source) of an institution of higher education receiving a separate appropriation. Requires the governor to notify the legislative audit committee and the joint budget committee prior to approving any such transfer. Declares that the general assembly, by future legislation or by an appropriation act, may provide additional transfer authority or additional restrictions on transfers.

VETOED June 22

S.B. 435 Executive departments - moneys collected - report to general assembly. Requires each principal department of state government to make a biennial report to the general assembly listing the fees, fines, and other charges it imposes and collects as well as administrative and service costs of the department and the disposition of such moneys. Provides that rules adopted by the principal departments on or after July 1, 1979, relating to fees, fines, or other charges shall expire June 1 of the year following their adoption unless extended by the general assembly.

VETOED June 8

S.B. 447 Department of administration - purchase of products and services of the severely handicapped. Directs the executive director of the department of administration to select a private nonprofit entity to serve as the central agency for the preparation of a procurement list of the products and services offered for sale by nonprofit agencies for the severely handicapped. After the department approves the list, the central agency must

distribute it to state agencies, political subdivisions, and other interested persons and entities. The central agency is declared not to be a state agency or a political subdivision, and its employees are not state employees.

In order to give preferential treatment to the products and services of nonprofit agencies for the severely handicapped, the act requires state agencies to purchase directly from such agencies. It sets the price of products and services at cost plus labor, overhead, and delivery. No state agency is required to purchase products and services which do not conform to standards and specifications. The general assembly's intent is that the department of administration, the division of correctional industries, and any other state agency from which purchases are required by law shall make such cooperative arrangements as may be beneficial to the realization of the objectives of the law.

May 25

July 1

S.B. 468 Review of department of personnel - performance audit - public hearings. Requires the legislative audit committee to conduct and complete by December 1980 a performance audit of the department of personnel and the state personnel board and to hold a public hearing to review the report of the audit. Provides for another audit by December 1984 and every 4 years thereafter. Requires each committee of reference to hold public hearings in which the department and the board have the burden of showing the extent to which changes in administration, rules and regulations, or operations thereof may increase their efficiency. Sets forth matters to be considered in such audit and at such hearings.

May 24

July 1

S.B. 476 Legal services for state agencies. Permits the head of any principal department, upon specific appropriation by the general assembly, to approve the appointment of legal counsel under the state personnel system and, additionally, to request the transfer of a state solicitor from the division of state solicitor general to the principal department or an agency thereof.

VETOED June 22

S.B. 491 Judicial review of rules made by state agencies - parties and procedure. Defines an "aggrieved" person, who is entitled to challenge state agency rules, as one who suffers any actual or potential loss of or injury to any legitimate interests. For purposes of judicial review, the rule-making process is deemed final agency action when the rule becomes effective.

Became law without Governor's signature

May 22

May 22

S.B. 520 Colorado bureau of investigation - medicaid fraud and abuse - appropriation. Adds to the powers of the Colorado bureau of investigation the power to investigate and assist in the prosecution of medicaid fraud and patient abuse in accordance with the federal "Medicare-Medicaid Anti-Fraud and Abuse Amendments". Makes such power contingent on federal participation in reimbursement of at least 90% of prosecution expenses and terminates such power on July 1, 1983, unless specifically renewed by the general assembly.

Appropriates \$550,000 for the Colorado bureau of investigation for the implementation of the act, of which \$50,000 is state money and \$500,000 is federal money.

June 22

June 22

S.B. 526 State personnel system - reassignment of classes. Requires that any assignment or reassignment of classes within the state personnel system which is required by the creation of new positions or any duly authorized reorganization or change in work methods shall become effective, with the governor's approval, the following July 1.

Became law without Governor's signature

June 29

June 29

S.B. 528 Fuel conservation powers - energy or energy-related emergencies. Authorizes the governor to proclaim a state of emergency upon determining that an energy or an energy-related emergency is imminent and after calling a meeting of the fuel conservation policy council at which he details his proposed solution and seeks the council's advice. Thereafter, for one 45-day period, unless

renewed or extended by the general assembly, the governor, after consultation with the council, may execute specified fuel conservation powers and issue executive orders, rules, proclamations, and regulations to execute such powers. The fuel conservation powers which may be employed by the governor include: Implementing programs as are reasonable and necessary for the conservation of fuel; cooperating in the establishment of regional fuel programs and agreements with other states and the federal government; implementing programs to reduce fuel usage by state agencies; implementing programs for the conservation and salvage of fuel supplies by state agencies; implementing programs to encourage increased production of fuel products; establishing programs, controls, standards, priorities, and quotas for the allocation, conservation, and consumption of fuel; suspending or modifying existing standards and requirements affecting the use of fuel, including those related to air quality control, the type and composition of fuels, the production and distribution of energy resources, and the hours and days during which public buildings and commercial and industrial establishments may be open; and suspending rules and regulations which are counterproductive to the conserving of or the efficient use of fuel.

Establishes the fuel conservation policy council, composed of 15 members, one of whom is the governor as chairman of the council, and 14 of whom are legislators. The council is to provide advice to the governor concerning the implementation of fuel conservation powers.

Authorizes the governor to obtain information from fuel resource producers and suppliers, public agencies, consumers, and political subdivisions as necessary for him to determine the need to execute fuel conservation powers, and empowers him to obtain a subpoena from the district court if necessary to obtain such information. Upon request, such information shall be available to the council. Includes other provisions concerning confidential information, issuance of compliance orders, nonliability for complying with the act, and penalties for violations.

Adds a definition of "period of employment" for purposes of persons employed in various occupations in order to permit them to work 4-day work weeks for the purpose of giving full effect to state programs for conserving fuel and not to impede or prevent the execution of any fuel conservation powers.

Provides for the repeal of the act, except for the 4-day work week provision, on February 1, 1980.

June 22

June 22

H.B. 1020 State employees - mandatory retirement and postponement thereof. Requires employees who are in the state personnel system to retire at age 70, subject to extension by means of postponement by the appointing authority in the department involved. The postponement must be reviewed annually. Previously the age limit was 65, and postponement of retirement was limited to one year at a time.

Became law without Governor's signature

May 1

May 1

H.B. 1052 Department of administration - control of supplies, property, and inventory. Transfers control of all supply stocks, property, and equipment in use and the power to enforce the keeping of inventory accounts from the division of purchasing to the division of accounts and control.

May 22

July 1

H.B. 1156 State funds - capital construction definition. Redefines capital construction for purposes of the statute governing the state capital construction fund, to include work projects on buildings and utility systems costing a minimum of \$15,000. The previous minimum was \$10,000.

February 22

July 1

H.B. 1169 Repeal of authority to establish microfilm revolving fund. Repeals the statute passed in 1959 which authorized the establishment of a revolving fund for the acquisition of microfilm stock and related supplies for the state microfilming program.

June 7

July 1

H.B. 1170 State purchase of passenger vehicles. Deletes the requirement that passenger cars purchased for use within 50 miles of their base of operations cost not more than \$2,500, and provides that the price of all passenger cars is to be established after open competitive bidding. Requires consideration of energy consumed in determining the lowest responsible bidder. Vests the state purchasing agent with responsibility for approving optional equipment items, which are determined to be necessary for safety. Alters the prerequisites for trading in or selling state vehicles, from 2 years' use or 100,000 miles to 4 years' use or 70,000 miles. Provides that a state agency asking for the replacement of its vehicles must report the operational cost per mile (other than the original purchase cost) of all its vehicles. If the operational cost is greater than the state mileage allowance, it constitutes a basis for selling or salvaging the vehicle.

June 15

July 1

H.B. 1237 Employees of general assembly - membership in retirement association. Makes each employee of the general assembly as of May 1, 1979, a member of the public employees' retirement association unless, by June 1, 1979, he requests exemption therefrom in writing. Any such employee employed after May 1, 1979, has 30 days from the date of employment to request exemption from membership.

May 18

May 18

H.B. 1239 Construction contracts involving public entities - retention of funds. On contracts for public improvements exceeding \$80,000, the state or the county, municipality, or district involved is to authorize monthly partial payments for work done by the contractor of at least 90% of the value of the work done each month, if the contractor is performing satisfactorily. After the work is half finished, no such retention of funds from the monthly installments due is required if the contractor is performing satisfactorily. Payment of amounts previously withheld may be made before completion of the contract if requested by the contractor, substantial reasons are shown, and the contractor's surety approves. Advance payment of sums retained under the contract may be made by the public entity to the contractor if the contractor

deposits acceptable securities. A public entity may use an escrow agent designated by the contractor for the safekeeping and servicing of such securities if no service charges are incurred by the public entity. If federal or other funds are involved, their retention requirements control over those provided in this act.

May 30

July 1

- H.B. 1262 State library - automated library cataloging system. Requires the Colorado state library to develop and establish an automated catalog system available for use by all publicly and privately supported libraries in Colorado by January 1, 1981, with submission of a project plan to the general assembly by October 15, 1979, and a progress report by February 15, 1980.

June 21

July 1

- H.B. 1319 Judgments against the state. Requires the attorney general to give certain information to the general assembly when a final money judgment or settlement is made against the state which requires an appropriation.

May 25

May 25

- H.B. 1328 Authorization of exchange of land in Routt county. Authorizes the exchange of lands located in Routt county between the state, acting through the state board of land commissioners, and the H-G Coal Company.

May 31

May 31

- H.B. 1355 Colorado civil rights commission - procedures - Sunset Law. Reorganizes the laws concerning the Colorado civil rights commission, procedures before the commission, and unfair or discriminatory practices in employment, housing, public accommodations, and advertising. Provides a uniform procedure for all types of charges.

Establishes deadlines for administrative proceedings before the commission. Requires written notice that a formal hearing will be held within 180 days after the filing of a charge. Requires that the hearing

be commenced within 120 days after service of the notice of hearing. Allows extensions of time up to a total of 180 days for all parties. If the deadlines are not met, the jurisdiction of the commission ceases and any relief is available only in the district court. States that the conduct of a respondent is presumed not to be unfair or discriminatory until proven otherwise.

Other changes include specification of the matters to be included in the complaint and notice of hearing; a requirement that the respondent be notified of the filing of charges prior to any action by the commission; separation of the prosecution role from the role of advisor or counselor to the commission; and a requirement that decisions include a statement of reasons. Allows a person who has received unemployment benefits to pursue his remedies under the civil rights laws, but permits a respondent to offer evidence of such benefits and have any relief under the civil rights laws reduced by the amount of such benefits. Denies the commission power to enforce federal law, but provides that the commission may accept federal grants to enforce state law.

Authorizes the commission to require a respondent in a public accommodations or discriminatory advertising case to take affirmative action, including the posting of notices setting forth the substantive rights of the public, and to rehire, reinstate, and provide back pay to any employee discriminated against because of his compliance with the civil rights law. Adds marital status to the grounds on which discrimination is forbidden in the law concerning public accommodations and advertising.

Abolishes the office of coordinator of fair employment practices, and replaces it with the office of director of the Colorado civil rights commission. Extends the commission until July 1, 1985, pursuant to the provisions of the Sunset Law.

June 22

July 1

H.B. 1363 Deposits and investments of public moneys - custodians.
Makes amendments to various statutes dealing with the deposit or investment of public moneys. Authorizes the director of the division of labor to deposit workmen's compensation payments for a dependent of a decedent in insured state or national banks or savings and loan associations. Changes the definition of eligible collateral and adds the definition of market value for

the purposes of protecting public deposits in such banks and associations. Authorizes the boards of managers of school teachers' retirement funds to appoint custodians of such funds and allows such funds to be invested or deposited in the same manner as other public funds.

Authorizes the appointment of custodians of the following funds and the deposit of the following funds in insured state or national banks or state or federal savings and loan associations: State moneys of a trust or quasi-trust nature; moneys of a governmental entity made up of political subdivisions of the state through contractual or corporation agreements; certain moneys of a housing authority; general or special funds of a municipality; policemen's pension funds; firemen's pension funds; certain moneys of a public improvement authority; certain moneys of a metropolitan recreation district and park district; certain moneys of a fire protection district, metropolitan district, mosquito control district, public park district, safety protection district, sanitation district, street improvement district, or water district; certain moneys of a hospital district; certain moneys of a service authority; certain moneys of the Moffat tunnel improvement district; certain moneys of the regional transportation district; certain moneys of the three lakes water and sanitation district; and certain moneys of the urban drainage and flood control district. Authorizes the deposit of certain county and municipal funds in insured state or national banks or state or federal savings and loan associations.

June 8

June 8

H.B. 1395 Conveyance of state lands to Golden. Authorizes the sale of certain described state lands to the city of Golden at not less than appraised value, to be used for parks and recreation purposes. Restricts the rights of Golden to drill water wells or use any existing water wells on the property and provides for the reversion of such property if not used for park and recreational purposes or if the water well restrictions are violated. Retains the right of free access to the property for the department of institutions and provides that the proceeds of the sale be available to the department for future acquisition of real property and facilities. Requires the city of Golden to construct recreational facilities on the lands.

VETOED June 21

H.B. 1432 Department of administration - contracts for professional services. On proposed projects for services to be rendered to the state by architects (including landscape architects), engineers, and land surveyors, the head of the state agency needing the services is to pick at least 3 providers of the type of professional services required by reviewing the records of the department of administration to pick the most qualified. The agency head is to endeavor to agree on terms, and to repeat the process with others so chosen, as necessary to get the project done. Consideration of minority subcontractors is required. The provider of the services is required to give various certificates showing compliance with employment and other requirements, and must also certify that it did not use an independent negotiator on a contingent fee basis to get the contract. Negotiating for such state contracts on a contingent fee basis is made a crime for all parties involved. Public notice must be given for all projects involving construction costs exceeding \$100,000 or professional fees exceeding \$10,000.

June 21

June 21

H.B. 1464 Land use planning - consideration of wildlife resources. Narrows the definition of "natural resources of statewide importance", for purposes of designating areas of state interest, to essential rather than significant wildlife habitats, to significant wildlife species, and to species, habitats, and shorelines which would rather than could be endangered. Provides that use of privately owned land shall not be impaired by designation as an essential wildlife habitat. Permits rather than requires that consideration be given to the protection of wildlife habitats of significant species in land use planning decisions.

VETOED May 25

H.B. 1494 State personnel system - employees within department of highways - paydays. Provides that personnel system employees in the state department of highways, except those employed by the Colorado state patrol, shall be paid on or as of the first working day of each January for services performed during the preceding December.

June 21

June 21

H.B. 1549 Lease of land to Spanish Peaks mental health center. Authorizes the lease, for up to 50 years, of land located in the city of Pueblo to the Spanish Peaks mental health center. Establishes a method for determining the amount of rental based upon the appraised value of the land and repeals an earlier law authorizing the public conveyance of said land. Proceeds from the lease will be credited to the unemployment revenue fund.

Became law without Governor's signature
June 5 June 5

H.B. 1560 Division of registrations - administration. Provides that the division of registrations in the department of regulatory agencies shall provide supervision and control only for type 2 boards and commissions, and that type 1 boards and commissions will receive management support from the division. Requires the director of the division, in appointing the primary administrator for boards and commissions in the division, to give good faith consideration to the recommendations of the applicable board or commission.

May 25 May 25

H.B. 1566 Division of disaster emergency services - deputy director - personnel services - appropriation. Removes the statutory requirement that the director of the division be the adjutant general of the state and provides for the appointment of a civilian deputy director as the head of the division by the head of the department of military affairs. Provides that the deputy director shall answer to the adjutant general. Directs the merit system council of the department of social services to administer a merit system and provide other personnel services for civil defense employees of the political subdivisions of the state.

Appropriates \$33,000 to the department of military affairs for the fiscal year beginning July 1, 1979, for the implementation of the act.

June 21 June 21

H.B. 1582 State employees - protection from retaliation. Forbids any appointing authority or supervisor from taking

disciplinary action against a state employee for disclosing information in writing to anyone concerning any act of a state agency. Excepts from protection those disclosures made with knowledge that the information is false, disclosures of information closed by law to public inspection, and disclosures of any other information made confidential by law. Provides for complaints of violations through the state personnel system by employees who are members, and authorizes civil court actions for damages by employees within or outside the state personnel system. Provides that the state auditor and the legislative audit committee will act to investigate complaints relating to waste of public funds or mismanagement of a state agency.

June 15

June 15

HEALTH

S.B. 1 Air pollution control - reduction of mobile source emissions - appropriation. Requires the legislative council to compare the air pollution control effectiveness, costs, and benefits of a program of emission inspection of all motor vehicles and maintenance of vehicles which do not meet applicable standards with a program of mandatory adjustment of the operation of all vehicles to manufacturer specifications. Mandates an evaluation of testing of emissions using idle and loaded mode testing and a modified federal test procedure. Requires the legislative council to report to the general assembly on the results of such tests not later than January 1, 1980, and requires the general assembly to review such results and to take legislative action thereon, if any, not later than March 1, 1980.

Requires the air quality control commission to annually develop, adopt, and submit to the general assembly motor vehicle emission standards. Requires the general assembly to annually approve emission standards. Provides that, beginning March 1, 1981, motor vehicles registered in certain front-range counties must be inspected annually for compliance with applicable standards. Prohibits issuance of a certificate of inspection unless the inspection station has in its possession a certification of emissions compliance or a certification of emissions maintenance for a car requiring one of the latter certifications. Provides that areas which are not included by statute in the program may elect to be included. Provides that a performance audit of the program is to be completed not later than January 1, 1985, and provides for termination of the program on January 1, 1986. Requires school districts in areas where emissions inspection of motor vehicles is required to develop plans for the reduction of motor vehicle exhaust emissions from vehicles used for the transportation of pupils.

Requires the state purchasing agent to purchase only those vehicles which meet emissions standards. Increases the penalty for tampering with motor vehicle emission control equipment. Provides, effective January 1, 1980, criminal sanctions for causing or permitting certain motor vehicle exhaust emissions to escape into the air. Provides for a training course for the state patrol to enable the patrol to ascertain violations of diesel fuel emissions standards set by the department of health.

Provides that the air quality control commission must submit those portions of the state implementation plan required by the federal "Clean Air Act" which pertain to motor vehicles to the legislative council for review and possible submission to the general assembly, which may in turn approve or disapprove the plan. If the plan is disapproved it shall not be submitted to the federal government.

Defines ridesharing arrangements, and provides that primary insurance coverage for persons injured in an accident involving a vehicle being used in a ridesharing arrangement shall be provided by such individuals' personal motor vehicle insurance policy, if any. Raises the minimum limit for a tort suit against the owner, operator, or user of a vehicle being used in a ridesharing arrangement. Provides that ridesharing arrangements are not subject to regulation by the public utilities commission.

Provides that the fee paid for a required emissions inspection is tax deductible for Colorado income tax purposes. Excludes from an employee's individual gross income benefits provided by an employer which are related to ridesharing arrangements or subsidized employee use of mass transit. Allows employers to deduct from Colorado gross income any contributions to free or subsidized ridesharing arrangements or employee use of mass transit.

Amends the 1979-80 long bill to decrease the appropriation to the department of revenue for motor vehicle inspections by \$227,865 and to decrease the appropriation to the mobile sources section of the department of health by \$444,600. Appropriates \$549,000 to the legislative council for the conduct of motor vehicle emissions studies; \$10,833 to the department of health for a training course in detecting smoking vehicles; \$8,375 to the Colorado state patrol for the control of smoking vehicles; \$25,244 to the department of administration for use in the state vanpooling program; \$24,000 to the division of wildlife for the purchase of vans to be used in employee vanpools; and \$24,000 to the office of state planning and budgeting for preferential carpool parking and other employee incentives to reduce the use of private automobiles in commuting to and from work.

June 20

June 20

S.B. 36 Mental health centers and clinics - licenses -

reimbursement for services. Defines "clinic services" as those provided by a community mental health center or clinic and provides that such services are included among those which are reimbursible under the "Colorado Medical Assistance Act". Requires that evidence showing compliance with standards, rules, and regulations promulgated by the department of institutions be submitted by a community mental health center or clinic for licensure. Directs the state department of social services to establish a price list with the department of institutions with regard to reimbursing community mental health center and clinic vendors for cost of services. Requires the department of institutions to adopt standards as well as rules and regulations in carrying out its responsibilities regarding licensure of such centers or clinics.

May 18

July 1

- S.B. 38 Colorado hospital commission - repeal - appropriation.
Deletes provisions specifying causes for removal of members of the Colorado hospital commission, and provides that the governor may summarily remove any member with or without cause. Abolishes the commission effective March 1, 1980. Appropriates \$218,490 and 9.0 FTE for the operation and administration of the commission during the fiscal year beginning July 1, 1979.

May 18

May 18

- S.B. 335 Control of radioactive materials - licenses and fees.
Provides for fees for licenses relating to radioactive materials and for radiation control services and authorizes the state board of health to formulate, adopt, and promulgate a fee schedule for radiation control services. Creates the hazardous waste disposal fund, limits its amount to \$67,624, and provides for its abolition on July 1, 1980.

Defines specific licenses and requires that such licenses and fees be in accord with policies and priorities of the federal nuclear regulatory commission. Specifies penalties for failure to pay fees and exemptions from license requirements. Adds a provision relating to provisional licenses for hospitals.

Provides for disposal of radioactive wastes originating outside Colorado, requiring approval of the

governor and the general assembly before a facility or site may be used for disposal of such wastes.

June 15

July 1

- S.B. 336 Hazardous waste disposal - study - appropriation. Provides for a study to be conducted by the department of health of hazardous waste disposal prior to enactment of legislation governing such disposal. The study is to include development of criteria for classification of hazardous wastes and suitable disposal sites, criteria for packaging and proper disposal of such wastes, and the legal, financial, and other implications of establishing hazardous waste disposal sites in Colorado. The department is to report to the general assembly no later than January 10, 1980. Appropriates \$67,624 from the hazardous waste disposal fund and provides for 5 temporary FTE for the study.

June 22

June 22

- S.B. 343 Emergency medical services - personnel requirements. With respect to ambulance services which are based in and funded by a local government which is located more than 15 miles from the nearest approved emergency facility, the county commissioners may waive, on an annual basis, the locally established qualifications for emergency medical personnel, which qualifications are more stringent than those required by state law.

May 25

July 1

- S.B. 353 Advisory commission on family medicine. Specifies that the commission is within the department of health. Provides that staff shall be provided by the Colorado academy of family physicians rather than the department of higher education. Changes the commission's termination from July 1, 1979, to July 1, 1983.

June 22

July 1

- S.B. 378 Dental care. Extends indefinitely the dental care program of the "Colorado Dental Care Act of 1977" and provides for an adjustment in maximum fees for dental

services under the act based upon changes in the Denver area consumer price index.

June 19

June 19

- S.B. 461 Long-term health care facilities - receivership mechanism. Provides that, upon the revocation or suspension of the license of a long-term health care facility by the department of health, a receiver may be appointed by the district court to continue the operation of the facility for a period of up to 180 days, unless extended by written agreement. Requires the court to make a finding that the appointment of a receiver is needed to continue care on a temporary basis, pending arrangements for the lease, sale, or closure of the facility, so as to avoid possible transfer trauma to the residents of the facility. Authorizes the court to determine and to maintain direction over the duties and responsibilities of the receiver.

June 7

June 7

- S.B. 483 Certificates of public necessity - miscellaneous amendments. Makes various amendments to the "Colorado Certificate of Public Necessity Act", including: Addition of definitions of "capital expenditure" and "receipt"; reducing the number of members of the Colorado health facilities review council; ~~requiring senate~~ confirmation of members; adding provisions relating to when a certificate of public necessity is required and the determination process on applications; and requiring consultation with health care facilities in the development of general principles governing the certificate-granting process.

May 31

July 1

- H.B. 1042 "Dangerous Drugs Therapeutic Research Act" - appropriation. Establishes the dangerous drugs therapeutic research program in Colorado general hospital, which is empowered to make rules and regulations which must be approved by the general assembly before taking effect. Restricts the program to cancer chemotherapy and glaucoma patients, and sets forth other qualifications for their eligibility. Authorizes the chancellor for health affairs of the university of

Colorado medical center to obtain and transfer to a certified state-operated pharmacy cannabis for treatment upon prescriptions therefor. Requires annual reports by the chancellor to the general assembly. Removes criminal penalties for possession by eligible persons. Appropriates \$15,000 to Colorado general hospital for implementation of the act.

June 21

June 21

H.B. 1109 Air pollution control - appropriation. Repeals and reenacts article 7 of title 25, C.R.S. 1973, as the "Colorado Air Quality Control Act".

Changes the name of the air pollution control commission to the air quality control commission, and modifies the structure, duties, and authority of said commission. Provides that said commission shall serve as the state agency for all purposes of the federal "Clear Air Act". Provides that the commission is to adopt the state implementation plan required by the federal act. Changes the term "air contaminant" to "air pollutant", and defines other important terms. Abolishes the variance board and creates an air quality hearings board. Requires disclosure by commission and board members of potential conflicts of interest.

Defines a program for nonattainment areas, and establishes the scope of such program. Provides for the banking of offsets in nonattainment areas and for the use of alternative emission reductions within the same source to meet applicable state implementation plan requirements. Defines a program for the prevention of significant deterioration in attainment areas, and provides that such program shall take effect only after it is approved as a part of the state implementation plan by the administrator of the United States environmental protection agency.

Provides for reclassification of areas, including reclassifications at the request of an air pollution source. Provides for redesignation of attainment areas, and provides that in those areas designated as Colorado category I for sulphur dioxide that the increase in sulphur dioxide concentrations shall not exceed the increase allowed by the federal act for Class I areas.

Provides for the enforcement of emission control regulations, provisions of the state implementation plan, and provisions of the "Colorado Air Quality Control Act".

Provides for delayed compliance orders. Increases the civil penalty for violation of a final order of the commission, board, or division which is not subject to stay to not more than \$25,000 per day of violation. Provides for non-compliance penalties. Provides for injunctive relief against air pollution sources which cause extreme discomfort or which are an immediate danger to the public welfare.

Appropriates \$332,422 to the department of health for implementation of the act.

June 20

June 20

- H.B. 1130 Electroconvulsive treatment - consent - restrictions. Rewrites the article dealing with electroconvulsive treatment. Requires physicians to give sufficient information concerning such treatment to enable the patient to give written informed consent. Prohibits such treatment to minors under 16 years of age. Requires the concurring approval of 2 psychiatrists and a parent or guardian to give the treatment to a person over 16 and under 18. Before such treatment may be performed on a person age 18 or older, a determination must be made by 2 psychiatrists that such treatment is the most preferred form of treatment. Requires that a report be filed with the department of health by the person giving the treatment for every person receiving such treatment. Provides for confidentiality of identity of persons receiving such treatment.

June 22

July 1

- H.B. 1238 Colorado health facilities authority - board member may not participate - when. Requires a member of the board of directors of the Colorado health facilities authority who is a trustee, director, officer, or employee of any business to abstain from any activity of the board when his business affiliation is related to the matter being considered by the board. Such abstention formerly was discretionary.

March 23

March 23

- H.B. 1267 "Colorado Health Facilities Authority Act". Makes various amendments to the act including the following: Amends the definition of a "health facility", a "health

institution", and "costs" to broaden the scope of such terms; provides for the removal of a board member of the Colorado health facilities authority by the governor for unexcused failure to attend 3 regular meetings in a 12-month period; makes optional the appointment of an associate executive director; requires at least one manual signature on bonds issued by the authority; provides for a review of the authority and applicable law by the legislative audit committee every 2 years; and make minor amendments to provisions concerning planning service fees and the investment of funds.

May 25

May 25

- H.B. 1392 Use of laetrile in the treatment of cancer. Expects the use of laetrile from the provisions of the cancer cure control statute. Permits a physician to prescribe laetrile but only at the request of the patient. Requires that the physician inform the patient of the known effects and reliability or unreliability of laetrile. Provides that a physician, pharmacist, or hospital prescribing or administering laetrile shall be immune from civil or criminal liability therefor.

VETOED June 19

OVERRIDDEN June 29 July 1

- H.B. 1458 "Colorado Water Quality Control Act" - sewage treatment. Amends the provision which requires sewage treatment facilities to be approved by the water quality control commission to specify that it applies to domestic sewage treatment plants, interceptors, or pumping stations.

May 31

May 31

- H.B. 1509 Uranium mill tailings - federal cooperation. Authorizes the department of health to cooperate with the federal government in implementing the "Uranium Mill Tailings Radiation Control Act of 1978", and sets forth the department's duties regarding such cooperation. Accepts federal requirements for state assumption of 10% of the cost of remedial action and administrative costs connected with disposal of uranium waste. Expects sites designated under such cooperation provisions from designation as activities of state interest by local governments.

June 21

January 1, 1980

HIGHWAYS AND ROADS

S.B. 12 Contracts for highway projects - minimum wages and equipment rates. Repeals statutory provisions which specified classes of laborers on highway projects and set minimum wages therefor based upon the geographic location of the project. States that no minimum wage or equipment rates will be established for contracts to which the state department of highways or the chief engineer is a party.

May 24

July 1

S.B. 17 State highway supplemental fund. Provides that moneys in the state highway supplemental fund shall be available to the state department of highways for general purposes.

May 18

May 18

S.B. 18 State department of highways - dates for construction budget. Provides that the portion of the highway budget covering construction projects must be prepared within 60 days after the department receives notice of federal highway fund apportionments for the next fiscal year and is to be submitted to the governor, controller, and general assembly within that same time.

May 18

May 18

S.B. 24 Traffic and parking regulations for state highways - effective date. Provides that traffic and parking regulations adopted after December 31, 1979, by cities, cities and counties, and towns for streets which are state highways shall become effective 60 days after receipt for review by the state department of highways, unless they are disapproved in writing by the department during the 60-day period.

May 18

May 18

S.B. 136 State highway commission - political party

representation. Prohibits any major political party from being represented on the state highway commission by more than one member more than the other party. Applies only to appointments made after the effective date.

VETOED May 25

- S.B. 407 Highway users tax fund - municipal allocation. Requires state department of highways costs, except construction, improvements, and maintenance, to be deducted from the highway users tax fund before determining the municipal allocation. Provides that 80% of the additional moneys made available to the highway users tax fund from sales and use taxes (under S.B. 536, see below) will be allocated to cities and incorporated towns, and specifies the distribution formula therefor. Provides for repeal of the provisions making such allocation at the same time a repeal of the sales and use tax provision adding moneys to the highway users tax fund becomes effective.

July 6

July 6

- S.B. 529 State department of highways - administration of federal "Urban Mass Transportation Act of 1964". Designates the state department of highways as the authorized agency for entering into contracts or agreements necessary for administration of section 18 of the federal "Urban Mass Transportation Act of 1964", which concerns public transportation projects outside of urban areas. Directs the department to prepare programs for implementation of the act and to provide for the distribution of moneys made available by the act. Authorizes the department to promulgate rules and regulations to carry out the purposes of the new statute.

June 22

June 22

- S.B. 536 Highway expenditures. Currently, all but 15% of all state sales and use tax receipts are credited to the old age pension fund. Of that remaining 15%, the act provides that an amount equal to 6% of net revenues from sales and use taxes, but not to exceed \$30 million, shall be credited to the highway users tax fund for the fiscal years 1979-80, an amount equal to 7% of such net revenues, but not to exceed \$33 million, shall be so credited for fiscal year 1980-81, and an amount equal to

8% of such net revenues, but not to exceed \$36 million, shall be so credited for the fiscal year 1981-82. Of these moneys transferred to the highway users tax fund, the state shall receive 60%, counties 22%, and municipalities 18%. Unless the general assembly acts to continue these credits, the law authorizing the credits will be repealed July 1, 1982.

July 6

July 6

- H.B. 1102 Legal services for department of highways. Conforms state highway law to other statutes concerning the provisions of legal services by the attorney general, and restates the various legal services which the department may require.

February 22

February 22

- H.B. 1104 County and municipal roads and streets - information required. In January, 1980, the state department of highways is to advise counties and municipalities as to which of their streets and roads are part of the state highway system, and the department is to keep such reports current thereafter. The counties and municipalities are to advise the highway commission annually of their priorities for highway construction, both relating to roads on the state highway system and as to other projects involving federal funds. Repeals certain highway department duties relating to local road priorities.

April 25

April 25

- H.B. 1115 Outdoor advertising - regulation. Rewrites the statute to incorporate the basic 1965 law, subsequent amendments thereto, and state statutes on secondary road system advertising. The changes include provisions relating to: Procedures involved in the removal of advertising devices; a recognition of need for tourist-related advertising devices and providing exceptions to removal requirements under procedures available to local authorities; permitting advertising device erection in areas locally zoned therefor without regard to the date of zoning; basing the permit fee for devices on the size of the billboards; and the creation of a roadside advertising fund for the deposit of all fees. The

rewritten version keeps Independence Pass as a scenic area in which no advertising devices may be erected.

VETOED June 15

H.B. 1445 Highway users tax fund - limitations on payments. States that the general assembly shall not make any appropriation or statutory distribution from the highway users tax fund which is more than 23% of the net revenue of the fund for the prior year or which is more than a 7% increase over such appropriation for the prior fiscal year, with the balance of net revenues allocated to the state highway fund, counties, and municipalities as provided under existing law. Redefines "net revenue" to exclude costs of collection, expenses of administration, and revenue available from sales tax on auto accessories and parts.

June 1

July 1

H.B. 1524 Roadside advertising devices - specific information signs. Allows the state department of highways to erect and administer signs on highway rights-of-way containing information of interest to travelers. Allows annual permits to private businesses for such signs.

June 21

June 21

INSTITUTIONS

S.B. 437 Detainment of mentally ill persons - emergency procedures. Provides that when a mentally ill person is taken into custody because he presents an imminent danger to himself or others, he shall not be held in a jail used for confinement of penal prisoners unless there is no other appropriate place to keep him. If said mentally ill person is held in jail, he must be separated from the penal prisoners, and in no case shall he be held in jail longer than 24 hours, excluding Saturdays, Sundays, and holidays. While in custody the prisoner shall be examined at least once every 12 hours to insure appropriate care.

June 7

June 7

H.B. 1339 State council on developmental disabilities. Establishes a state council on developmental disabilities in the department of institutions, under a type 1 transfer, to serve as a central point for coordination, evaluation, and comprehensive planning of services for the developmentally disabled. The council consists of 21 members, appointed by the governor for 3-year terms, and is to include persons with developmental disabilities or their parents or guardians, nongovernmental and state agencies concerned with services for the developmentally disabled, and elected public officials. Requires the council to develop a state plan, containing specific provisions, every 3 years and sets forth other powers and duties of the council. Abolishes the former state coordinating advisory board.

June 22

July 1

H.B. 1603 Incapacitated persons - court determinations concerning legal rights. Sets forth the procedure by which any interested person may petition a court to obtain a determination as to the imposition of a legal disability or the deprivation of a legal right of a person who is incapacitated by reason of mental illness, mental retardation, developmental disability, grave disability, or insanity. Sets forth the grounds upon which a court may impose a legal disability or deprive a person of a legal right. Provides for restoration of legal rights and the removal of an adjudication of legal disability. Sets forth judicial procedure for handling such

petitions. Provides that persons adjudicated to be legally disabled or who have been deprived of a legal right by a court order prior to July 1, 1979, shall be released from such court order on December 31, 1979.

June 22

July 1

INSURANCE

S.B. 30 Reporting of arson information. Requires an insurance company to notify an "authorized agency" (fire department, local law enforcement agency, the Colorado bureau of investigation, or prosecuting district or county attorney) when a fire loss may be due to arson. Provides that an authorized agency may require an insurance company to release information relating to the fire loss to the agency and requires the authorized agency to hold such information in confidence and release it only to another such agency or as required in a civil or criminal proceeding. In the absence of actual malice, provides civil immunity to any insurance company or authorized agency acting pursuant to the act and provides criminal penalties for violations of the act. Addresses the act's relationship to certain municipal ordinances and the common law and provides concurrent investigative authority for the Colorado bureau of investigation in fire loss cases in which the bureau's assistance is requested.

June 7

June 7

S.B. 209 No-fault insurance - primary coverage. Provides that a no-fault automobile insurance policy covering a person occupying a vehicle designed to seat 12 or more passengers, which is owned by and is being operated on behalf of a nonprofit religious, charitable, or educational organization, is primary, and that the policy covering the vehicle itself is secondary and excess as to such occupant. However, the policy covering the vehicle is primary as to the operator or assistant operator of the vehicle. The act applies to accidents occurring on or after July 1.

May 18

July 1

S.B. 360 Unfair claim settlement practices. Provides that it is an unfair practice for an insurance company to raise as a defense or partial offset in the adjustment of a third-party claim the defense of comparative negligence unless there is an investigation and evidence in support of such defense. Requires an insurer which uses such defense to furnish a statement thereon to the

commissioner of insurance.

May 18

July 1

- S.B. 366 Prohibiting changes by insurers on prepaid property and casualty insurance contracts. Property or casualty insurers who write policies which are subject to statutory rate regulation may not unilaterally increase the rate or decrease the coverage when the insured has prepaid the premium for the term of the policy. This does not prohibit changes based on acts of the insured which change the risk, including misrepresentation, nor cancellation authorized by the policy or by statute during the first 60 days of the policy term.

May 30

July 1

- S.B. 460 Tort recovery under no-fault insurance. Provides that an insurer, paying benefits for a person for whose injuries liability may also exist on a third person who is not insured, has a direct cause of action against an alleged tort-feasor to only the extent of the alleged tort-feasor's insurance coverage in excess of reasonable compensation paid to the injured person by the alleged tort-feasor's insurance company and only if the injured person could recover in tort as allowed under the no-fault provisions.

In cases involving a nonprivate passenger motor vehicle and a private passenger motor vehicle, the insurer of the private passenger motor vehicle is similarly limited in his direct action to the tort-feasor's insurance coverage in excess of reasonable compensation paid.

States that intercompany arbitration or setoff shall not be used to reduce the insurance available to reasonably compensate an injured victim under the no-fault provisions.

June 15

June 15

- H.B. 1137 Group term life insurance - limitation. Repeals the limitation on the amount of group term life insurance which may be carried on the life of a member of a group.

May 25

May 25

- H.B. 1245 Regulation of insurance companies - reinsurance. Restates the conditions imposed on the reinsurance of risks by insurance companies and the effect of reinsurance on the reserves of a company. Broadens an exception to the applicability of the reinsurance statutes.

May 25

May 25

- H.B. 1475 "Colorado Insurance Guaranty Association Act" - insolvency. Redefines "insolvent insurer" for purposes of said act to be an insurer against whom a final order of liquidation with a finding of insolvency has been entered by a court either in the insured's state or Colorado.

May 31

May 31

- H.B. 1510 Regulation of insurance companies and their rates. Makes miscellaneous changes in the insurance law, primarily with respect to the rates of property and casualty companies, including the following: Authorizes more than one deputy insurance commissioner; increases required amounts of capital and surplus for most types of insurance and allows existing companies 10 years to comply with increased limits; changes certain tests for finding a company guilty of unfair claim settlement practices; and requires property and casualty insurers to furnish simple written explanations of coverages, exclusions, and grounds for cancellation and nonrenewal.

Substantially changes the procedures for regulating rates on specified property and casualty insurance coverages to waive the need for prior filing of rates and supporting information with the insurance commissioner. Detailed standards for setting rates are specified, including prior filing and approval, as well as the powers available to and duties of the commissioner in carrying out his regulatory function. Consolidates provisions relating to regulation of rating organizations, advisory organizations, joint underwriters, and assigned risk motor vehicle insurance.

"Professional bondsman" is redefined, and the amount of the qualification bond is increased. Imposes a

tax on certain fees charged by professional bondsmen,
patterned after the insurance premium tax.

June 22

July 1

H.B. 1548 Prepaid dental care plans - establishment - regulation.
Allows the establishment of prepaid dental care plan organizations and defines terms used therewith. Provides for the licensing and regulation of such organizations by the division of insurance. Includes within such regulation the following: Requirement for guarantee fund deposits; reserve requirements; contract provisions; periodic examinations by the commissioner of insurance; annual reporting; limitations on operational expenses; and grounds and procedures for suspension or revocation of a certificate of authority. Provides that any rehabilitation, liquidation, or conservation of such organization shall be conducted pursuant to the "Uniform Insurers Liquidation Act".

June 22

January 1, 1980

LABOR AND INDUSTRY

S.B. 188 Employment security legislation. States that all legislation concerning employment security shall become applicable to unemployment claims on the Sunday of the first calendar week after the effective date of such legislation, unless otherwise specifically provided.

May 18

May 18

S.B. 210 Workmen's compensation - benefits to nonresident dependents. Provides that death benefits paid to dependents of deceased workers shall be the same for nonresidents of the United States who are dependents as they are for resident dependents. Requires that documentation of actual dependency be furnished to the director of the division of labor. Repeals these provisions effective July 1, 1983.

June 19

July 1

S.B. 233 Examination and treatment of injured employees. Requires that a self-insured employer acting as his own insurance carrier for purposes of workmen's compensation coverage shall pay for chiropractic care for an injured employee.

May 18

May 18

S.B. 265 Workmen's compensation - contractors - farming operations. Persons contracting with landowners or lessees of land to perform specified farm or ranch operations are required to provide workmen's compensation coverage for their employees and laborers who are involved in performing a contract, and if the contractor fails to do so, he is guilty of a misdemeanor and subject to a fine and imprisonment. No injured employee of the contractor has any right against the landowner or lessee, and such landowner or lessee has the right to attorney fees if he is joined in any such action, and also the right to join the contractor as a third party defendant in any action in which he is named as a defendant in a case involving injuries to employees of the contractor.

Became law without Governor's signature

June 2

July 1

S.B. 333 Workmen's compensation - calculating average weekly wage of certain employees. Changes the method of calculating the average weekly wage of an employee who is paid on a piecework, tonnage, commission, or any basis other than a monthly, weekly, daily, or hourly basis. Provides that the average of the 12 pay periods immediately preceding the injury shall apply.

May 18

July 1

S.B. 440 Purchasing of goods by state agencies. Requires that state agencies and institutions and every county, municipality, and school district purchase only fresh or frozen meats which are grown and processed and only dairy products produced and processed in the United States for sale in Colorado.

May 18

May 18

H.B. 1303 Treasurer to invest moneys from funds relating to workmen's compensation. Transfers investment decisions regarding moneys in the state compensation insurance fund, the subsequent injury fund, the special trust fund for unpaid compensation or benefits, and the major medical insurance fund from the industrial commission to the state treasurer and, in like manner, decisions regarding moneys in the medical disaster insurance fund from the director of the division of labor to the state treasurer.

May 25

July 1

H.B. 1569 Unemployment compensation - benefits - eligibility - review - coverage. Excludes from coverage those persons employed by educational institutions operated by religious organizations. Changes the computation used to determine the weekly benefit amount for total unemployment. Accommodates federal law with respect to employment by educational institutions and with respect to total reduction of benefits. Sets forth conditions when an award decision is not required, and amends provisions concerning full and reduced awards and other remuneration. Provides that an award may not be reduced if a person quits employment because of personal harassment by the employer, and denies benefits to an individual who quits employment for reasons unknown to

the division of employment and training. Requires a decision by the deputy in all cases where a claim is made, and makes certain computations not immediately appealable. Provides time limits for notification to interested parties of a hearing, and requires the division to make notification to political subdivisions of their contribution rate. Sets the effective date of an election by a political subdivision to become a reimbursing or contributing employer.

Provides for an internal appeals procedure for employers wishing to appeal or protest certain determinations.

Allows waiver of noncollectible amounts owed to the division and of the offsetting of such amounts against future benefits.

Repeals inconsistent provisions and provisions concerning employment by an educational institution, dealing with the consideration of documents, allowing a municipally owned or operated hospital to obtain an individual rating, dealing with coverage by political subdivisions, allowing the division to conform state practice to federal law with respect to state employment, and making exceptions to employment by the state.

June 21

September 30

H.B. 1605 Rate of wages on public works. Requires that, in order for the prevailing rate of wages in a locality for work of a similar nature to apply under a contract with the state for the construction, alteration, or repair of any building or other public work, except contracts for highway work, the prevailing rate of wages must have been determined through use of a survey, conducted by the division of labor, in the locality of the building or other public work within 6 months immediately preceding the contract bid. Eliminates the authority of the director of the division of labor to conclusively decide disputes relating to the prevailing rates of wages.

VETOED June 22

MOTOR VEHICLES

- S.B. 3 Identification cards - available for residents - use for making anatomical gifts. Provides that identification cards for nondrivers are only available to residents of this state and that the cards may be used in the same manner as a driver's license for the purpose of making an anatomical gift.

May 18

July 1

- S.B. 4 Driver's license - extension of expiration date. Allows a licensee who is temporarily out of state or who is prevented by disability from renewing his license to obtain a one-year extension of the expiration date, if he applies therefor prior to the expiration date and pays a \$3 fee. Provides that the extension becomes null and void 90 days after the licensee is able to renew the license. Authorizes only one such extension except for a Colorado resident temporarily residing in a foreign country, who is permitted two such extensions.

May 24

July 1

- S.B. 5 Definition of "manufacturer" of motor vehicles. Changes the definition of "manufacturer" to mean any person, firm, association, corporation, or trust, whether resident or nonresident, who manufactures or assembles new or unused motor vehicles of a type required to be registered under the motor vehicle laws.

May 18

July 1

- S.B. 7 Motor vehicle defined - certificate of title act. Partially conforms the definition of motor vehicle in connection with certificates of title with the definition of the term as used in connection with the licensing and operation of motor vehicles.

May 18

July 1

- S.B. 9 Emergency lighting equipment carried by motor vehicles. Authorizes emergency lighting equipment to be carried

inside as well as outside of a truck, wrecker, or bus which is required to carry such equipment. Provides that the operator of any such vehicle stalled on a railroad crossing in darkness may, if fusees are not available, place any other available warning devices on the railroad track the required distance from the crossing.

May 18

July 1

- S.B. 10 Motor vehicle registration - certificate of title - applications - transfers. Lengthens the period in which a purchaser or transferee of a motor vehicle or trailer must apply for a registration and certificate of title to 30 days after purchase or transfer.

May 18

July 1

- S.B. 15 Removal of vehicles obstructing highways - short term impoundment - duty of ski areas. Authorizes a special proceeding for the short-term impoundment of vehicles, permitting the owner to reclaim the vehicle within 7 days without the releases ordinarily required. Protects police officers, agencies, and others from liability for vehicle contents, and from vehicle damage if they act with reasonable care in the towing and impoundment. This provision is repealed as of July 1, 1981. Requires ski areas to install road signs on both sides of every highway within one mile of said ski areas and which lead to said ski areas if the state or local authority in charge of the highways finds that there is inadequate parking at the ski areas and that patrons are parking on the highways and obstructing traffic flow.

June 15

June 15

- S.B. 181 Duties of county clerks - motor vehicle registration and titling fees. Increases the fee charged by county clerks and the Denver manager of revenue for their work in registering vehicles and enforcing registration and title requirements. The fee is increased from 30¢ to \$1 per registration and is in addition to the registration fee itself.

May 18

July 1

S.B. 253 Motor vehicle driver's licenses - issuance - affidavit of liability. Provides that a nonresident who is temporarily living in Colorado for purposes of his education, has a valid driver's license from his state of residence, and is a nonresident of Colorado for tuition purposes need not obtain a Colorado driver's license. Permits the department of revenue to require proof of age or identity from persons attempting to obtain a driver's license. Bars issuance of a driver's license to an illegal alien. Requires persons under 18 years of age to have possessed an instruction permit for at least 90 days prior to obtaining any type of driver's license. Permits holders of instruction permits to operate motorcycles when under the immediate supervision of a licensed driver. Removes the requirement of an oath by an applicant for a permit or license. Requires an affidavit of liability to be signed by a parent or guardian of a person under 18 years of age applying for a license. Repeals the requirement that every application for a driver's license contain a photograph of the applicant. Makes various minor technical and conforming changes in the driver's license law.

June 15

July 1

S.B. 396 Penalties for violations relating to driver's licenses. Increases from 4 to 5 the number of points against one's driver's license assessed for failure to stop for a school bus. Removes the offense of failure to exhibit license on demand from the list of offenses for which 3 points are assessed.

June 15

July 1

S.B. 402 Parking privileges for the handicapped. Changes the definition of those persons given special parking privileges from a "person with a mobility handicap" to a "handicapped person". Provides that use of special parking spaces reserved for the handicapped by a person not authorized to use such spaces shall be a class 2 petty offense, punishable by a fine of \$15.

May 17

May 17

S.B. 404 Height and length of school buses. Provides that school buses may extend to 36 feet in length.

May 24

May 24

S.B. 422 Parking violations - liability. Makes the lessee of a leased motor vehicle liable for payment of a parking violation if the lessor furnishes sufficient evidence that the violation occurred while the vehicle was in the lessee's possession, and specifies procedures required of the lessor to avoid liability. Permits local governments to adopt the state law.

May 30

July 1

H.B. 1034 Size and weight of vehicles. Establishes a maximum weight limit on noninterstate highways for single-unit trucks with 2 axles to 36,000 pounds, and to 54,000 pounds for trucks with 3 or more axles. Conforms Colorado law with federal law by allowing 80,000 pounds on trucks on interstate highways. Permits the governor to authorize weight limits on trucks hauling fuel up to 95,000 pounds until July 1, 1980.

May 31

July 1

H.B. 1041 Driving instruction permits of minors. Requires driver education courses to be approved rather than accredited by the department of education in order for a minor enrolled therein to get an instruction permit prior to his 16th birthday. Requires parental or guardian supervision by a validly licensed parent or guardian when such a minor is driving a motor vehicle on an instruction permit, but excludes motorcycles from such defining of motor vehicles. Allows such a minor to drive any motor vehicle including a motorcycle on such a permit if the vehicle is marked as an instructional vehicle and if supervised by an instructor educated in a course approved by the department of revenue. Provides for the expiration of such a permit 20 days after the applicant's 16th birthday.

May 25

May 25

H.B. 1056 Permissible size and weight of motor vehicles. Allows a police officer who believes the weight and load of a motor vehicle is unlawful to require the motor vehicle to be driven to a public scale for weighing if such scale is within 5 miles, rather than within 2 miles as previously

provided. Provides for special annual permits at \$25 for each power unit to operate motor vehicles on the interstate highway system at a maximum weight of 85,000 pounds unless such action jeopardizes federal highway funds.

May 25

July 1

H.B. 1059 Access to public highways - code established - permits required. Declares all state highways to be controlled access highways. Broadens the authority of the state department of highways and local governments to regulate access to or from any public highway. Directs the state highway commission to prepare and to adopt a highway access code. Permits the state department of highways and the appropriate local authority to require the reconstruction, relocation, or closure of nonconforming driveways constructed prior to the effective date of the code.

Provides that no person shall submit an application for subdivision approval to a local authority unless all lots thereon will have conforming access to state highways. Requires an access permit before building a driveway to or from any state highway. Provides for administration and hearings on permits and the denial thereof. Defines various terms for purposes of the statute. Repeals an inconsistent prior statute regarding driveways.

June 21

June 21

H.B. 1061 Driver's license fees. Increases the fee for a driver's and provisional driver's license from \$2.25 to \$5.50 and provides for the expiration thereof 4 years instead of 3 after its issuance. Allows the county clerk to retain \$3 thereof if the clerk has issued such license, the remainder to be credited to the highway users tax fund by the state treasurer. Makes the same fee increase for a minor driver's license. Increases the fee for duplicate licenses from \$1.25 to \$5 for the first duplicate license and \$10 for each subsequent duplicate.

June 21

July 1

H.B. 1062 Fees and costs allowable under the "Motor Vehicle Repair

Act of 1977". Authorizes the court, in a civil action brought against a repair garage for failure to comply with the "Motor Vehicle Repair Act of 1977", to award attorney fees and costs to the prevailing party in the action, rather than only to the garage customer.

Became law without Governor's signature
April 28 April 28

H.B. 1078 Motor vehicle repair garages. Increases from \$50 to \$75 the threshold amount under which motor vehicle repairs, including parts and labor, are not subject to mandatory consent and estimate provisions.

June 21 June 21

H.B. 1193 Specific ownership tax exemptions - disabled veterans. The exemption from the specific ownership tax on motor vehicles available to disabled veterans is made applicable to class B vehicles of up to 5,500 lbs. The former limit was 4,500 lbs.

February 22 February 22

H.B. 1242 Length of vehicles operated on the highways. Increases the maximum overall length allowable for combinations of vehicles coupled together from 65 feet to 70 feet.

May 22 July 1

H.B. 1337 Motor vehicle repairs - definitions - oral estimates. Provides for oral estimates of the cost of repairs to a customer. Requires that a garage owner giving an oral estimate keep a written record of the particulars of the oral estimate. Defines "necessary" for purposes of the act as "essential to a desired or projected end as stated by the customer, indispensable to avoid loss or damage". Provides a penalty for failure to abide by the requirements of the statute regarding oral estimates.

May 25 July 1

H.B. 1356 Motor vehicle registrations - fleet owners. Defines "fleet owner" as a resident who owns 10 or more motor vehicles and who is registered as a fleet owner with the department of revenue. Exempts fleet owners from the conventional motor vehicle registration requirements. Makes special provision for the registration of fleet vehicles and the assessment of fees and taxes.

May 25

May 25

H.B. 1448 Alcohol related traffic offenses. Clarifies the language used to determine the method of calculating the amount of alcohol in a person's blood by defining "percent by weight of alcohol per volume" to mean the number of grams of alcohol per 100 cubic centimeters of blood.

June 15

July 1

H.B. 1467 Alcohol and drug related traffic offenses - alcohol and drug driving safety program - appropriation. Establishes and finances an alcohol and drug driving safety program in each judicial district. Provides for evaluation of persons convicted of alcohol and drug related driving offenses. Provides limited driving privileges in certain instances.

Appropriates \$567,000 to fund the program for the first year.

June 22

October 1

H.B. 1512 Driving under the influence or while impaired - minimum penalties. Mandates a jail term of one day for a first offense of driving under the influence of intoxicating liquor or for a second or subsequent offense of driving while ability is impaired by alcohol. Eliminates the discretion of the court to grant probation or to suspend sentence in such cases.

VETOED June 8

NATURAL RESOURCES

- S.B. 117 State forest leases - use of fees. Provides that only moneys collected or acquired by the state board of land commissioners from fees derived from the lease or rental of surface rights for grazing, commercial, or recreational purposes of state school trust lands located in state forests shall be paid to the public school income fund and county public school fund as presently allocated.

May 25

May 25

- S.B. 149 "Colorado Mined Land Reclamation Act" - application notice. Provides that a copy of an application for a permit shall be placed at the office of the county clerk and recorder for public inspection rather than filing and recording it.

May 24

July 1

- S.B. 203 "Ski Safety Act of 1979" - duties of skiers and ski area operators - statute of limitations. Enacts the "Ski Safety Act of 1979", which establishes reasonable safety standards for the operation of ski areas and for skiers using such areas. Sets forth the legal responsibilities of ski area operators and their agents and employees and the responsibilities of skiers using such ski areas. Requires that all actions to recover damages for injury shall be brought within 3 years after the claim for relief arises.

May 25

July 1

- S.B. 323 Oil and gas conservation and regulation - application of federal law. Declares that it is in the public interest that producers and consumers of natural gas be afforded the protection and benefit of federal law, and particularly that the state oil and gas conservation commission exercise all authority delegated by federal law. Grants the commission additional powers to carry out such delegated powers relating to the price and allocation of natural gas and crude oil. Authorizes

hearings relating to petitions, protests, and other pleadings, and permits the commission to establish fees therefor. The commission may establish special rules relating to its functions under federal law.

February 16 February 16

S.B. 368 Regulation of the mining of metals and minerals other than coal. Revises and updates numerous provisions relating to mining, other than coal mining, including the following: Adds new definitions, including definitions of "authorized representative" of a "mine"; rewrites various provisions concerning access to works, notice of defects, compliance orders, disclosure of information, enforcement, annual reports of owners, and the reporting of injuries and deaths; and makes numerous technical changes.

Requires mine owners to make safety education and training courses, approved by the director of the division of mines, available to their employees and requires such employees to take said courses and refresher courses for jobs. Requires the division of mines to establish miner training and retraining programs for miners and mine operators who request such assistance in meeting the requirements of federal law and to assist them in complying with the mine rescue requirements of federal law.

Revises and updates provisions concerning the use of explosives in mines and requires mine owners who store, transport, or use explosives to obtain a permit therefor from the division of mines. Provides penalties for permit violations and provides that removal of explosives without the consent of the permittee is punished as provided in the "Colorado Criminal Code".

Provides for the repeal of the act July 1, 1981.

June 22 July 1

S.B. 391 Regulation of coal mining. Provides that any person holding a certificate of competency issued by another state may act in the capacity certified in Colorado only until the next regular examination held by the Colorado board of examiners.

Authorizes the board of examiners to give

examinations and issue certificate of competency for positions other than those specified in the law and which are necessary to meet state or federal requirements.

Increases from 30 to 90 days the period in which a coal mine can operate without a certified mine foreman.

Requires the division of mines to establish, on the advice of the board of examiners, miner training and retraining programs for miners and mine operators who request such assistance in meeting the requirements of the "Federal Mine Safety and Health Act of 1977" and to assist them in complying with the mine rescue requirements of such act.

Revises and updates provisions concerning the use of explosives in coal mines and requires coal mine owners or operators who store, transport, or use explosives to obtain a permit therefor from the division of mines. Provides penalties for permit violations and provides that removal of explosives without the consent of the permittee is punished as provided in the "Colorado Criminal Code".

June 20

July 1

S.B. 534 Ski area operators - signs required. Amends the "Ski Safety Act of 1979" (see S.B. 203 above) to provide that ski area operators must cover obstructions with shock-absorbent material that will lessen injuries. The act as originally enacted called for such material to substantially lessen injuries.

June 22

July 1

H.B. 1054 Nonresident fishing licenses - period - fees. Abolishes the present 5-day, \$10 fishing license for nonresidents, and substitutes a 2-day, \$5 nonresident license and a 10-day, \$15 nonresident license. Requires the date the license is to take effect to appear on the license, and provides that such date may be either the date on which the license is procured or any future date during the fishing season specified by the licensee. Repeals these provisions effective January 1, 1982.

June 15

January 1, 1980

H.B. 1127 Weather modification - penalty provisions. Increases to a class 5 felony the penalty for failure of a person without a license or permit to obey an order of the executive director of the department of natural resources to cease and desist from a weather modification operation. Creates an additional crime punishable as a class 5 felony for a person who is responsible for conducting such a weather modification operation to conduct the operation without a license and permit, and also for a person who contracts with or pays another for such operation knowing him to be unlicensed. Requires any such violation by a pilot to be reported to federal aviation authorities.

May 22

July 1

H.B. 1182 Counties as mining operators under the mined land reclamation law - exemption from fees. Provides that when a unit of county government acts as the operator of a limited impact mining operation, it need not pay any application fee, renewal fee, amendment fee, or annual plan and map fee, and need not furnish surety if it guarantees that its land reclamation operation will conform to statutory requirements.

May 25

May 25

H.B. 1223 "Colorado Surface Coal Mining Reclamation Act" - appropriation. Establishes the "Colorado Surface Coal Mining Reclamation Act" to be administered by the mined land reclamation board and the division of mined land reclamation in the department of natural resources for the regulation of surface coal mining operations and the surface effects of underground coal mining operations. Removes such coal mining operations from the permit and reclamation requirements of the "Colorado Mined Land Reclamation Act".

Requires persons desiring to conduct such coal mining operations, after federal approval of the state program therefor, to obtain a permit from the division pursuant to provisions of the new act. Sets forth procedures for obtaining a permit, including public notification and the filing of objections to a permit application, the holding of an informal conference on an application, bonding, submission of information with the permit, and the submission of a reclamation plan with the application, and requires renewal of the permit every 5

years. Requires more provisions in the reclamation plan than are currently required, including a detailed description of measures to be taken to protect the quality and quantity of surface water and groundwater systems.

Specifies numerous environmental protection performance standards for all surface coal mining and reclamation operations and additional special performance standards for steep-slope surface coal mining. Allows the board to permit variances from such standards under specific limitations. The performance standards substantially differ from existing requirements, including, among others, the following: Restoration of the approximate original land contours; special provisions for mining on prime farmlands; additional specifications for constructing water impoundments and for minimizing the disturbance to the prevailing hydrologic balance at the minesite and in associated off-site areas; contemporaneous reclamation efforts; and mandatory revegetation. Sets forth separate provisions dealing with the surface effects of underground coal mining operations.

Sets forth civil and criminal penalties for violations, provides for enforcement by notices, cessation orders, injunctions, and permit suspensions or revocations, and provides for board review of division actions and for judicial review of orders and decisions of the board.

Provides that the board, upon petition and after a public hearing, shall designate an area as unsuitable for surface coal mining operations if it determines that reclamation is not technically and economically feasible, and that the board, upon petition and after a public hearing, may designate as unsuitable for surface coal mining operations lands in which such operation would conflict with land use plans, or adversely and significantly affect fragile or historic lands, or adversely affect renewable resource lands and cause substantial loss in water or food supplies, or affect natural hazard areas and cause substantial danger to life and property.

Directs the division to develop an abandoned mine reclamation program for the purpose of receiving and administering grants or moneys returned to this state from the federal reclamation fee on coal mining operations. States that such plan shall provide for, among other things, the protection of the public from the dangers and adverse effects of past mining practices, the

acquisition, reclamation, and restoration of land and water resources adversely affected by mining practices, and the construction or improvement of public facilities in communities affected by coal or other energy development.

Authorizes civil actions by any person having an interest which is or may be adversely affected to compel compliance with the act or to recover damages, including attorney fees.

Appropriates \$106,000 to the department of natural resources, of which \$53,000 shall be from federal moneys, for the implementation of the act.

June 20

July 1

H.B. 1235 Division of wildlife - regulation of activities - appropriation. Establishes and defines the district wildlife manager (formerly wildlife conservation officer) as a peace officer. Increases the amount appropriated from the wildlife cash fund to the stores revolving fund from \$400,000 to \$800,000. Changes the funding mechanism of the "Colorado Outdoors" magazine. Repeals and reenacts laws which grant the state immunity from acts involving damage by wildlife or which make the state liable for such damage. Makes various amendments to sections concerning refunding of license fees, antelope licenses, hunting garments, possessing a loaded firearm in a motor vehicle, theft of wildlife, penalties, hearing on suspension of a license, and the size of controlled shooting areas. Makes it illegal to conduct a big game animal killing contest or to keep a dog which harasses wildlife. Allows a guide to be 18, instead of 21, and provides for emergency licensing of guides. Repeals provisions requiring that a taxidermist be licensed.

Appropriates \$800,000 out of the wildlife cash fund for implementing the act.

June 21

June 21

H.B. 1280 Nongame wildlife income tax check-off. Amends provisions concerning the voluntary check-off on Colorado income tax forms for nongame wildlife to permit the taxpayer to determine the amount to be designated. Establishes the nongame cash fund in the state treasury, provides for warrants drawn on the fund, specifies that moneys

credited to the fund are to remain in the fund, and provides that moneys appropriated from the fund are to be used for specified nongame wildlife purposes.

June 21

January 1, 1980

- H.B. 1289 Wildlife and outdoor recreation - transactions in land and water. Provides that the wildlife commission and the board of parks and outdoor recreation may not acquire land and may not acquire, exchange, or sell water unless the general assembly has authorized the transaction by bill. Exempts acquisitions by gift or devise and temporary exchanges of water not to exceed 30 days from the requirement of legislative authorization.

VETOED June 15

- H.B. 1296 Land and water condemnation by federal government - agreements by state agencies prohibited. Prohibits the wildlife commission, the division of wildlife, the board of parks and outdoor recreation, and the division of parks and outdoor recreation from entering into any agreement with any agency of the federal government relating to land or water condemned by the federal government without the express consent of the general assembly.

VETOED June 2

- H.B. 1308 State board of land commissioners - land and water management. Increases certain fees collected by the state board of land commissioners and categorizes some fees for clarification. Creates the state board of land commissioners land and water management fund, to be abolished January 1, 1985, to be used for management and improvement of state-owned lands and waters under the board's control. Provides for specified fees to be deposited in the fund. Other moneys received by the state board of land commissioners are to be deposited in the general fund.

June 21

July 1

- H.B. 1383 Outdoor recreation - miscellaneous amendments. Makes

varied amendments to laws governing outdoor recreation. Changes the cost of duplicate licenses issued by the division of wildlife or the division of parks and outdoor recreation from 50% of the cost of the original but not to exceed \$25 to \$5 or 50% of the cost of the original but not to exceed \$5. Increases the fees for various licenses issued by the division of parks and outdoor recreation and adds new registrations which the division can issue. Amends provisions dealing with unlawful conduct on state property by vehicles and boats, and adds a prohibition against parking vehicles so as to create a safety hazard or impede traffic. Makes it a crime to camp in undesignated areas on state property. Makes various amendments regarding snowmobiles. Makes various amendments to statutes dealing with boats, including single-chambered air-inflated devices, required equipment, boat liveries, collisions and accidents, prohibited operations, water skiing, and penalties regarding violations of the statutes.

Provides an October 1, 1979, effective date for a section which concerns a \$2.50 fee for replacing a lost, mutilated, or destroyed snowmobile certificate or validating date tag.

June 21

January 1, 1980

PROFESSIONS AND OCCUPATIONS

- S.B. 6 Motor vehicle dealers - salesmen - grounds for denial, suspension, or revocation of license. Provides that a motor vehicle salesman is a natural person employed by a motor vehicle dealer or used motor vehicle dealer, and not by a wholesaler, manufacturer, distributor, or other organization. Authorizes the denial, suspension, or revocation of a dealer's, wholesaler's, or salesman's license for selling a vehicle which is not in condition to pass the state safety inspection to a retail customer. Authorizes the denial, suspension, or revocation of a salesman's license for conviction of a felony involving moral turpitude; knowingly purchasing or selling a stolen vehicle; employing an unlicensed salesman; violation of a statute or regulation dealing with odometers; defrauding a retail buyer; or representing a demonstration or other used vehicle as new or unused. Changes the name of the Colorado dealer licensing board to the motor vehicle dealer licensing board.

May 18

July 1

- S.B. 43 Regulation of podiatrists. Allows a podiatrist to use the title "podiatric physician" and to use the prefix "Doctor" if followed by qualifying words. Provides that the Colorado podiatry board shall set reasonable requirements for continuing education, but in no event more than 14 hours of credit per year. Previously the board was authorized to require at least 14 hours' credit. Rewrites and revises provisions concerning the taking of examinations and fees therefor to provide, among other changes, that an applicant may be reexamined more than once and that the fees shall cover the costs incurred by the board. Revises and reorganizes provisions concerning advertising and violations, penalties, and exemptions, including an exemption for a person serving a one-year residency program approved by the Colorado state board of medical examiners. Provides that the podiatry board members shall receive a per diem amount equivalent to that of legislators at interim meetings. Adds new definitions for "podiatric medicine" and "podiatric physician".

Extends the Colorado podiatry board, which was scheduled to terminate on July 1, 1979, until July 1, 1985, pursuant to the provisions of the Sunset Law.

June 19

July 1

S.B. 71 Dangerous drugs - humane societies - use of sodium pentobarbital. Provides that a humane society which has been doing business as a Colorado nonprofit corporation for at least 5 years may apply to the state board of pharmacy, on and after July 1, 1979, for a license to purchase, possess, and administer sodium pentobarbital to euthanize injured, sick, homeless, or unwanted pets and animals. Provides that a licensee shall not permit any person to administer sodium pentobarbital unless he demonstrates adequate knowledge of the potential hazards and proper techniques. Prescribes a \$15 fee for an initial license and an annual fee of \$10 for renewal. The license requirement does not apply to a licensed veterinarian.

Provides a misdemeanor penalty for violation of the license requirements, and extends the existing law on inspection of stock, maintenance of records, and seizure of unlawfully held drugs to cover licensed humane societies.

May 25

May 25

S.B. 119 Rental location agents - classified as real estate brokers. Amends the definition of "real estate broker" to include rental location agents. Excludes from the definition persons soliciting a fee from any person other than a prospective tenant for furnishing information concerning the availability of real property. Repeals the existing statutes dealing with rental location agents as of January 1, 1980.

May 18

May 18

S.B. 141 Inactive license status - continuing education requirements. Establishes a category of inactive licensees for persons licensed under title 12, C.R.S. 1973, for whom educational requirements are imposed as a condition of renewal of the license. For so long as the licensee remains inactive, he is not required to comply with the educational requirements. Provides that a licensee who wishes to resume active status must apply therefor, pay a renewal fee, and meet educational requirements determined by the licensing board. Declares that the practice of a profession or occupation while on inactive status may be grounds for revocation of the

license.

May 30

July 1

- S.B. 182 Chiropractors - practice act - revisions. Changes the method of determining per diem for board members. Amends provisions for board meetings. Broadens board powers regarding chiropractic trade practices. Amends the educational requirements for licensure. Tightens the requirements for passing the licensure examination. Requires proof of attendance at 15 hours of continuing education per year for renewal of license to practice. Redefines certain conduct calling for suspension or revocation of license. Amends provisions for disciplinary proceedings. Provides immunity for members of any board, professional review committee, or witness before them, acting in good faith in a board-authorized proceeding. Requires the department of regulatory agencies to inform the board of any correspondence received or transmitted concerning a licensed chiropractor. Makes a variety of minor technical changes in the act.

Extends the termination date of the board until July 1, 1985, pursuant to the provisions of the Sunset Law.

June 19

July 1

- S.B. 242 Real estate commission - continuation - transfer - membership. Creates the division of real estate in the department of regulatory agencies. Transfers the real estate commission and its powers and duties to the division. Extends the life of the commission to 1985 pursuant to the terms of the Sunset Law. Increases the membership of the real estate commission from 3 to 5. Requires that one member be an expert in subdivision development and that one member be a representative of the public at large. Repeals continuing education requirements for licensees.

June 22

July 1

- S.B. 293 Department of regulatory agencies - notices - annual reports. Provides that the preparation of annual reports by licensing boards and commissions in the department of

regulatory agencies is discretionary rather than mandatory. Provides that various notices required to be sent by such boards and commissions are to be sent by first-class mail, or in some cases by certified mail, instead of by registered mail. In some cases the requirement for certified mail is charged to a requirement for first-class mail. The reader is encouraged to consult the act itself in order to find requirements applicable to specific boards and commissions.

June 6

July 1

S.B. 296

Physicians and podiatrists - regulation. Makes numerous amendments concerning the Colorado state board of medical examiners, of which some are noted here. Increases the per diem allowance for members of the board. Revises and rewrites provisions concerning qualifications for a license, including the recognition of certification by the federation of state medical boards. Requires the board to adopt regulations concerning standards and procedures for the licensing of nonresident graduates from out-of-state medical schools. Makes numerous procedural modifications, including specific reference to podiatrists in the board's powers to deny, revoke, or suspend licenses. Provides that any fees to be collected by the board are to be determined by regulation. Rewrites certain provisions relating to what constitutes "unprofessional conduct", including references to advertising. Provides civil and criminal immunity for persons who in good faith participate in the making of a complaint or report or in an investigative or administrative proceeding relating thereto. Provides that reconsideration of disciplinary actions by the board rests in the sole discretion of the board. Provides that applicants for relicensure may be required to have completed no more than 20 hours of continuing medical education programs annually. Repeals provisions relating to surety bonding of certain board personnel, the licensee's filing of his license with the county clerk and recorder, obsolete provisions on keeping of examination records, and other obsolete provisions or provisions which conflict with the act's amendments.

Extends the life of the Colorado state board of medical examiners, scheduled to terminate on July 1, 1979, until July 1, 1985, pursuant to the provisions of the Sunset Law.

June 19

July 1

S.B. 314 Physical therapy board - continuation. Extends the life of the state board of physical therapy, due to expire July 1, 1979, until July 1, 1985, pursuant to the provisions of the Sunset Law.

May 18

July 1

S.B. 346 Psychiatric technician - care of developmentally disabled individuals. Allows psychiatric technicians to care for developmentally disabled individuals in state institutions. Establishes additional requirements for educational programs and examinations of psychiatric technicians. Allows the state board of nursing to issue a license with examination to persons who, not later than July 1, 1980, submit written evidence of good moral character, practical experience, and passage of a written examination on nursing service and mental retardation.

May 24

July 1

S.B. 357 Optometrists - practice of optometry - state board of optometric examiners. Changes the definition of the practice of optometry to include the diagnosis of any abnormal conditions in the eye, the scope of its functions in general, measurements of human vision, and the use of lenses and frames for the aid of such human vision. Excludes opticians from persons authorized to practice optometry. Changes the composition of the state board of optometric examiners. Expands the powers and duties of such board. Requires that an applicant for a license to practice optometry have graduated from an accredited school or college of optometry and passed the written examination of the national board of examiners in optometry, as well as passing the examinations of the state board of optometric examiners. Amends the unprofessional conduct provisions and the procedures for disciplinary action, including revocation or suspension of a license and probation. Extends the life of the state board of optometric examiners to July 1, 1985, pursuant to the provisions of the Sunset Law. Repeals sections concerning examination fees and continuing education for optometrists.

June 7

June 7

S.B. 419 Sale of hearing aids by the state - prohibition.

Prohibits the sale or dispensing of hearing aids by any arm of the state government funded by the general fund, except to persons receiving some form of public assistance. Specifies assistance provided pursuant to the "Older American's Act" as qualifying under the definition of public assistance.

VETOED June 15

S.B. 432 Definition of an inhabitant - Colorado liquor code. Defines an "inhabitant", in towns having less than 40,000 population, as an individual who resides in the community more than 6 months each year.

June 7

June 7

S.B. 449 Physical therapists - practice act - regulation. Redefines "physical therapy". Limits the authority of the physical therapist to undertake certain types of treatment. Expands the powers and the duties of the board of physical therapy. Amends the qualifications for licensure and the provisions for obtaining and renewing existing licenses. Makes broad changes in the disciplinary procedures. Makes various technical changes in the act.

June 7

July 1

S.B. 457 Subdivision developers - registration. Requires a subdivision developer to obtain a certificate of registration as a subdivision developer from the real estate commission before negotiating or agreeing to sell or lease any lot from a subdivision. Reduces from 20 to 10 the number of lots which constitute a "subdivision". Exempts from registration any developer whose subdivision is regulated by any regional, county, or municipal planning commission or agency.

Rewrites provisions for applications for registration and requires detailed information on both the developer and the subdivision. Eliminates the requirement that applications be accompanied by 3 recommendations from real property owners.

Clarifies the acts by a developer which justify the

refusal, revocation, or suspension of his registration by the real estate commission. Sets time limits for commission action and provides for notice and a hearing pursuant to the "State Administrative Procedure Act" prior to such refusal, revocation, or suspension. Authorizes necessary investigations and inspections, including the use of subpoenas, to enable the real estate commission to determine whether any developer has violated any law governing subdivision developers or any rule of the real estate commission.

May 25

May 25

- H.B. 1118 Practice of pharmacy - regulation by the state board. Rewrites the general provisions governing the practice of pharmacy. Extends the life of the state board of pharmacy to July 1, 1984, under the Sunset Law. Bases the compensation of board members for performing their official duties on that of legislators attending interim legislative committee meetings. Such duties include the control and regulation of drugs, nonprescription drugs, and devices. Provides for the employment of an administrator who is a licensed pharmacist, and for persons to inspect drug outlets, who are likewise to be licensed pharmacists. Authorizes inspectors to apply embargoes to drugs suspected of being adulterated or misbranded.

Fees for the licenses of the various classes of pharmacists and the registration of the various types of drug outlets are to be established by the division of registrations based upon the costs, direct and indirect, of issuing such licenses and registrations. References to good moral character in connection with the applications for licenses are removed. Annual registration for all drug outlets is required. The authorization to advertise drug prices, with the requirement that the drug's general name be included, is continued unchanged. Repeals some rules of the board of pharmacy concerning professional conduct and concerning a preceptor and preceptor pharmacy.

June 22

July 1

- H.B. 1128 State board of veterinary medicine - Sunset Law. Provides for the continuation of the board, which was scheduled to terminate on July 1, 1979, until July 1, 1987, pursuant to the provisions of the Sunset Law.

June 7

July 1

H.B. 1167 Liquor code - charitable groups authorized to conduct gambling. Allows certain charitable and benevolent organizations, which are exempt from federal income taxation, which are qualified to conduct games under the bingo and raffle law, and who agree to use the proceeds of gambling operations for their charitable or benevolent purposes, to conduct gambling on premises licensed to sell liquor without being held to be in violation of either the criminal law or the liquor law concerning gambling, so long as the organization does not conduct such gambling operation more than 7 days in one year. Requires such organizations to verify these facts to the licensing authority, in writing.

May 25

July 1

H.B. 1231 Real estate commission - division of real estate - fees - rules and regulations. Transfers the real estate commission to the department of regulatory agencies as a division thereof. Removes provisions setting forth specific fees for licenses, examinations, registrations, and the like, and in lieu thereof provides for an annual adjustment of fees so that revenues generated will approximate direct and indirect costs. Provides that moneys collected will be credited to the division of real estate cash fund rather than the general fund.

May 31

July 1

H.B. 1268 Real estate brokers and salesmen - licenses - subpoenas - rules and regulations. Makes miscellaneous amendments to the law regulating real estate brokers and real estate salesmen, including the exemption for on-site apartment and condominium managers. Most changes occur in the law relating to the issuance, surrender, reinstatement, and revocation of a license. Provides for the issuing of a subpoena for investigation or hearing purposes and imposes a penalty for not obeying the subpoena. Provides for audits of the business accounts of licensees by the director of the real estate commission.

May 31

May 31

H.B. 1275 Bingo and raffles law - technical changes. Makes certain technical changes to the "Bingo and Raffles Law" with regard to applications for licensing, licenses, placement of persons conducting games, and disposition of moneys received in the course of games. Repeals provisions concerning contents of the application for a license and conduct of games.

June 21

June 21

H.B. 1285 Licensing functions of various state agencies - scheduled termination and repeal. Provides that the licensing functions of the industrial commission relating to private employment agencies and managing personnel counselors and to theatrical employment agencies and agents and employees thereof, and relating to the licensing functions of the executive director of the department of revenue relating to automobile manufacturers, distributors, factory branches, distributor branches, factory representatives, and distributor representatives shall terminate on July 1, 1983, and shall be subject to a sunset process of review by the general assembly.

Provides a similar review process concerning the wildlife commission's licensing of outfitters, guides, and assistant guides and the commissioner of agriculture's licensing of beekeepers.

Repeals provisions concerning the licensing functions of the division of wildlife relating to taxidermists and fur dealers.

June 7

June 7

H.B. 1334 Regulation of preowned home warranty service companies. Provides for the registration and examination by the real estate commission of preowned home warranty service companies which provide or offer preowned home warranty service contracts. Requires such companies to deposit cash, a bond, or other surety for their obligations and provides for the suspension or revocation of registration under specified conditions as well as penalties for violations of the filing or registration provisions. Annual statements of financial condition are required. Prohibits any company selling or effecting the issuance of such service contracts, and any lending institution, from requiring a buyer, seller, or person refinancing a

home to purchase home warranty insurance.

Excludes from the definition of the transaction of insurance business any transaction of business by a preowned home warranty service company.

June 7

June 7

H.B. 1338 Practice of veterinary medicine - board - licenses - students. Repeals and reenacts definitions concerning the practice of veterinary medicine, and adds a definition of animal technician. Specifies what can be done without obtaining a veterinary license. Requires the board of veterinary medicine to include in its membership a consumer of services provided by a veterinarian. Changes the per diem compensation of board members. Allows the secretary of the board to receive overtime pay, changes the office of secretary-treasurer to the office of secretary, and permits some of the secretary's duties regarding examinations and license renewals to be performed by an authorized employee of the department of regulatory agencies. Changes the provisions regarding applications for and qualifications for a license. Requires an oral examination for a temporary permit to practice. Repeals and reenacts the provision dealing with the grounds for disciplining through suspension or revocation of the license to practice. Requires on-the-premises supervision of veterinary students and preceptors. Removes civil liability for administration of euthanasia if done without compensation.

June 15

June 15

H.B. 1350 Chain store license fees. Changes the method of calculating the license fees for chain stores to provide a single license fee of \$7.50 for each store. Applies to new licenses issued on or after July 1 and to renewals for calendar years beginning with 1980.

June 7

July 1

H.B. 1366 Medical practice - required reports of injuries. Requires physicians to report to the municipal police or county sheriff wounds suffered by persons from firearms or sharp instruments and believed to have been

intentionally inflicted, and also any other injury believed to involve a criminal act. Failure to so report is a class 2 petty offense. A physician is granted immunity from civil and criminal liability for reporting and for testifying concerning such injuries, when done in good faith.

May 22

July 1

- H.B. 1394 Attorney's license - bar association or other membership not required. Provides that membership in a professional organization or bar association is not a prerequisite to licensure as an attorney.

April 25

April 25

- H.B. 1400 Department of regulatory agencies - license fees. States that each board or commission in the division of registrations, based upon its appropriation and subject to the approval of the executive director of the department, shall adjust its fees to approximate its costs, rather than the general assembly making such annual adjustment. Requires that all fees collected by such boards or commissions be credited to the division of registrations cash fund and used for deferring the costs of operation of such boards or commissions.

May 25

May 25

- H.B. 1402 State electrical permits - exemptions. Exempts from the state permit and inspection requirements electrical installations under the exclusive control of electric utilities for certain specified purposes if such installation is located in buildings of such utilities or located outdoors on property owned or leased by such utilities or property to which they have established rights.

May 25

May 25

- H.B. 1406 Persons selling or exchanging motor vehicles as collectors' items. Excludes from regulation as a used motor vehicle dealer any person who only sells or exchanges no more than 4 motor vehicles as collectors' items.

May 31

May 31

H.B. 1474 Dental practice - regulation. Changes the membership of the state board of dental examiners and the per diem paid to each member. Authorizes the employment of legal counsel. Amends the definition of what constitutes practicing dentistry and those provisions prescribing which persons are exempt from the operations of the statutes on dentistry. Changes the percentage needed for passing the examination given by the board for dentists and dental hygienists. Amends and adds a number of provisions dealing with the procedure and grounds for denying the issuance or renewal of or suspending a license.

Defines what constitutes practicing dental hygiene and makes the practice thereof subject to the supervision of a licensed dentist, except in certain limited situations. Prescribes the tasks and procedures which may be performed by a dental auxiliary.

Extends the life of the board until July 1, 1985, pursuant to the provisions of the Sunset Law.

June 21

July 1

H.B. 1522 Surveying. Makes various amendments to statutory provisions governing surveyors, including qualifications of applicants, suspension and reissuance of certificates of registration, and hearings on charges. Requires that applicants meet all educational and experience requirements before taking the examination.

Amends criminal law provisions relating to landmarks and monuments. Clarifies provisions relating to disputed corner monuments, provides for assistants for county surveyors, and revises provisions concerning improvement location certificates.

June 21

July 1

PUBLIC UTILITIES

S.B. 59 Energy forecasting for public utilities - appropriation. Provides that beginning December 1, 1981, and every 2 years thereafter, the public utilities commission shall submit a comprehensive energy report to the governor and the general assembly concerning electric and natural gas public utilities. Specifies that the report shall include: Estimates of demand, effective conservation measures, and recommendations. Requires public utilities to submit biennially to the commission a 10-year energy forecast and that such forecasts be reviewed by the commission.

Provides for a repeal of the act on March 1, 1984.

Appropriates \$99,700 to the public utilities commission, out of the commission's fixed utility fund, for implementing the act.

June 22

June 22

S.B. 121 Transportation of hazardous material. Enacts the "Transportation of Hazardous Materials Act". Requires the public utilities commission to promulgate rules and regulations defining hazardous materials and regulating their transportation. Specifies that federal standards be used as guidelines for such rules. Requires annual review of such standards and such rules by the commission. Allows municipalities to enact standards no more stringent than the commission's. Provides criminal penalties for violations of such rules. Empowers the Colorado state patrol to immobilize, impound, or direct disposition of any motor vehicle transporting hazardous material when the motor vehicle or its operation is unsafe. Amends other current statutory provisions to relate the definition of hazardous material to the definition promulgated by the commission.

June 15

June 15

S.B. 372 Motor carrier temporary authority. Enables the public utilities commission to extend temporary authority to provide motor carrier service for an additional 90 days beyond the existing maximum period of 180 days for good cause shown.

June 19

June 19

PROPERTY

S.B. 133 Easements - creation and use of solar easements. Amends the existing statute on solar easements by adding definitions of "solar easement", which means the right of receiving sunlight across real property for any solar energy device, and "solar energy device", which means a device or a design feature of a structure which collects sunlight and is part of a system for converting the sun's energy into other forms of energy. Authorizes injunctive relief if appropriate for the enforcement of solar easements. Provides that a solar easement may not be acquired by prescription. Requires that an instrument creating a solar easement include any restrictions placed on vegetation, structures, or other objects which would impair or obstruct the passage of sunlight, and adds details regarding the description of the area or times of the day covered by the easement.

Provides that, after May 25, any covenant, restriction, or condition in any instrument affecting the transfer or sale of, or any interest in, real property solely on the basis of aesthetic considerations, which effectively prohibits or restricts the installation or use of a solar energy device, is void and unenforceable.

May 25

May 25

S.B. 436 Landlord-tenant relations - mobile home park. Revises procedures to be used by a mobile home park landlord when terminating a mobile home space tenancy. Allows an action for termination to be commenced in the same matter as in a forcible entry and detainer action. Sets forth time limits for notice to terminate in cases of condemnation or change of use of a mobile home park. Provides that the mobile home park landlord has certain rights and duties relating to moving and storing a mobile home following termination of a tenant's legal rights. Clarifies the definition of prohibited entry fees.

May 25

July 1

S.B. 470 Real property contracts - partial specific performance. Allows a purchaser or a holder of an option or a right to repurchase or lease to get specific performance for a portion of the real property contracted for when a

conveyance or part thereof becomes impossible, and to get damages or other relief for the remainder. Applies only to contracts executed after the effective date.

May 18

July 1

H.B. 1029 Eminent domain - damages - telephone companies - rights-of-way of railroad companies. Provides that the date as of which compensation in a condemnation case is determined is also the date as of which any other damages and benefits are to be computed, but any amount of compensation determined initially remains subject to adjustment for one year after the date of the initial determination to provide for additional damages or benefits not reasonably foreseeable at the time of the initial determination.

Includes companies formed for the purpose of constructing a telephone line or telephone plant among those permitted to condemn real estate or rights-of-way.

Describes the obligations of a transmission company which takes a portion of a railroad company's right-of-way to pay the cost of constructing or relocating its facilities. Prohibits a telephone or telegraph company from taking any portion of the right-of-way of a railroad company except to acquire an easement which does not materially interfere with the railroad's existing use, or as necessary to cross the railroad or to provide the railroad with service.

June 21

July 1

H.B. 1257 Condominiums - conversion of multiple-unit dwellings. Requires a developer who is converting a multiple-unit dwelling into condominium units to notify each residential tenant of such conversion. Sets forth provisions for the form, content, and delivery of such notice. Provides that residential tenancy may not be terminated less than 90 days after the notice is mailed or delivered or prior to the expiration date of an existing lease agreement unless consented to by both the tenant and the developer. Allows tenancy to be terminated within 90 days of notice if consideration of such termination is agreed upon or if the tenant fails to make rental or lease payments. Provides that the time limits for notice of terminating a tenancy shall not apply when a multiple-unit dwelling is being converted into condominiums.

June 21

June 21

H.B. 1469 Mechanics' lien laws - preservation of rights. Requires contractors who improve, repair, restore, remodel, or build additions to residential property and who subcontract for materials or labor to give the owner of such property or his agent notice concerning the possibility of subcontractors' liens and methods for their avoidance by a bond, lien waivers, or otherwise. Contractors not providing such notice have no right to file or claim any lien.

Clarifies provisions relating to lien notices and states that such notices extend the time for filing a lien statement to 4 months after completion or 6 months after the date of filing such notice, whichever occurs first. Allows such notices to be extended if the improvements are not completed prior to the termination of the notice.

Provides for the recording of lien notices rather than retention by the county clerk and recorder.

June 15

January 1, 1980

SOCIAL SERVICES

- S.B. 35 Basic services for the categorically needy - appropriation. Adds rural health clinic services to the basic services to be provided for the categorically needy and appropriates \$57,750 to the department of social services to implement the act, of which \$26,998 is to be state money from the general fund and \$30,752 is to be from federal funds.

June 22

July 1

- S.B. 183 Food stamps - administration - department of social services. Includes within the "Colorado Social Services Code" the administration of the food stamp program. Provides that the food stamp program will be administered in every county by the county department of social services or by the state department of social services pursuant to an agreement with one or more counties. Sets forth penalties for fraudulent acts concerning food stamps and the food stamp program.

May 18

July 1

- S.B. 222 Registration of blind-made products - no appropriation. To protect blind persons in the sale of blind-made products and to prevent misrepresentation, provides that blind-made products displayed, advertised, offered for sale, or sold in this state as blind-made products must bear an official imprint, stamp, symbol, or label designed or approved by the department of social services. Provides criminal penalties for violation of the act and that no appropriation is required to carry out the purposes of the act.

June 7

October 1

- S.B. 223 Executive director rules. Adds to those matters which are proper subjects for the promulgation of "executive director rules" in the department of social services accounting and fiscal reporting rules and regulations for disbursement of federal funds and contingency funds and for proration of available appropriations, except to the

extent such determinations are to be made by rules of the state board of social services.

June 7

June 7

S.B. 281 State nursing homes - management - eligibility for care - benefit fund. Places primary responsibility for management and supervision of state nursing homes and the Colorado state veterans center with the state board of social services and removes such responsibility from the executive director of the department of social services. Modifies the requirements and makes conforming technical changes for considering admission to any state nursing home and the Colorado state veterans center. Creates in the office of the state treasurer a benefit fund for the use of each state nursing home and the Colorado state veteran's center, and sets forth administrative provisions for such fund. Increases the allowable interest rate on anticipation warrants issued by the state board of social services. Changes the determination of a schedule of rates for occupancy in the veterans center.

June 7

July 1

S.B. 499 Rehabilitative nursing facility - pilot project extension. Extends the pilot project for a rehabilitative nursing facility, due to expire June 30, 1979, for another 12 months. Requires a report by the department of social services concerning the pilot project by January 15, 1980.

July 3

July 3

H.B. 1037 Colorado state veterans nursing homes - Garfield county - gifts - appropriation. Amends the statutes dealing with the state veterans nursing home at Florence, Colorado, by authorizing the establishment in Garfield county of another nursing home for veterans and their spouses. Makes the statutes presently applicable to the Florence home also applicable to the nursing home authorized in Garfield county. Provides that gifts of property by veterans groups or citizens shall be property of the nursing home to be used, with any profits made, to improve the facility and patient care and shall not revert to the general fund. Appropriates \$20,000 out of

the capital construction fund to the department of social services for planning of a 41,000 gross-square-foot nursing home in Garfield county.

June 20

June 20

- H.B. 1111 Welfare fraud - deleting effective date of repeal of certain sections dealing therewith. Deletes the repeal section of chapter 365, Session Laws of Colorado 1977, dealing with welfare fraud and the elimination thereof through use of a central registry, monthly reports, and other methods, which section provided for such repeal on January 1, 1980. Makes conforming repeals in the appropriate statutory sections.

June 21

June 21

- H.B. 1300 Child support enforcement. Makes public assistance paid to or for the benefit of a dependent child a debt owed to the state by the child's parent; however, exceptions are provided for. Provides such a debt is not incurred nor collectible if the parent is receiving aid to families with dependent children unless ordered by a court.

Establishes the "Colorado Child Support Enforcement Act", administered by the department of social services, to enforce support obligations by absent parents, locate such parents, establish parentage, and obtain child support. Establishes such programs in the department of social services and requires a state plan to meet federal requirements. Makes the department of social services the information agency for reciprocal enforcement purposes. Empowers the attorney general to declare another state to be a reciprocating state for child support enforcement purposes.

June 7

June 7

- H.B. 1398 Fraud prevention by county departments of social services. Requires that, commencing in 1979, various personnel within the county departments of social services who have not previously had such training receive no less than 8 hours of fraud prevention training conducted by a law enforcement agency or its professional association.

May 22

May 22

H.B. 1468 Statewide adoption resource registry. Provides that the adoption resource registry of the department of social services shall be available to organizations or individuals whose purpose is to seek or assist in the adoptive placement of children who are or could be listed in the registry and that such organizations or individuals may utilize any appropriate means to publicize the availability of such children.

Modifies what information about the child or his parents may be included in the registry.

May 25

May 25

STATUTES

H.B. 1154 Adoption of 1978 replacement volumes and supplements.
Approves and adopts the 1978 cumulative supplement to Colorado Revised Statutes 1973, containing all general and permanent laws enacted in the period 1974 through 1978, and also approves and adopts the 1978 replacement volumes 5 and 8.

April 25

April 25

H.B. 1320 Abolition of obsolete provisions and agencies. Abolishes the cancer advisory council in the department of health, the educational achievement committee which worked with the state board of education and its functions, the state coordinating advisory board which rendered advice to the executive director of the department of institutions and its functions, the commissioners for purchasing burial places and its functions, and the Colorado war veterans' memorial commission and its functions.

June 7

July 1

H.B. 1424 Statutory revision committee - powers and duties.
Repeals the requirement that the statutory revision committee consider changes in the law recommended by the American law institute, the national conference of commissioners on uniform state laws, the various bar associations, and other bodies.

May 22

May 22

H.B. 1501 Revisor's bill - revisions to conform, correct, and clarify. Amends or repeals various statutory provisions which are obsolete, inconsistent, or in conflict with other law; clarifies language and more accurately reflects legislative intent; and conforms certain provisions to the state constitution and to court decisions.

July 19

July 19

TAXATION

- S.B. 48 Income tax - definition of "pollution control property". Amends the definition of "pollution control property", for purposes of the income tax credit related to such property, to specify and clarify what types of property qualify for such credit. The definition specifically excludes any property in or on any residential building, domestic sewer lines, and property voluntarily installed, constructed, or used solely for the safety, health, protection, or benefit of the owner or lessee or his personnel. States that in the event pollution control property also serves another beneficial purpose or use, the division of administration of the department of health may certify only a portion of such property as qualifying for the credit.

March 13

March 13

- S.B. 49 Tax deferral on real property of elderly. Makes various amendments to existing law to clarify and simplify certain provisions, including, among others, the following: Provides that a qualifying homestead includes owner-occupied units in a condominium, townhouse, or similar structure; provides that first-in-time is first-in-right for lien priority purposes and eliminates the prohibition against liens governed by federal law; deletes the requirement that net equity in the property be sufficient to pay deferred taxes; simplifies the claim form for deferral and eliminates the \$10 handling fee; allows the owner of tax-deferred property, if he elects to do so, to convey the property in satisfaction of the lien for deferred taxes; eliminates the requirement that the state treasurer make a report to the general assembly on deferred taxes as related to encumbrances on deferred property; and requires the holder of escrow funds for taxes to return those funds to the homeowner within 30 days after receiving notice of tax deferral.

Appropriates \$770,000 for implementation of the act and limits administrative costs to \$5,590.

June 19

January 1, 1980

- S.B. 88 Farmers' payment of state income taxes in lieu of filing estimates. An individual whose estimated gross income from farming for a taxable year is at least 2/3 of his

total gross income, and who files a return by March 1 for that taxable year and pays the amount due, will be considered to have complied with the requirements for filing and paying estimated taxes for that taxable year.

May 18

July 1

- S.B. 168 Coal severance tax - index employed. Changes the reference point for variations in the amount of the tax on the severance of coal from the "index of wholesale prices" to the "index of producers prices".

May 18

January 1, 1980

- S.B. 288 Penalty interest on unpaid property taxes. Increases the rate of penalty interest paid upon delinquent property taxes to 1% per month.

May 18

January 1, 1980

- S.B. 295 Motor fuel and special fuel - collection of tax. Rewrites the statutes concerning the taxation of motor and special fuels to create separate provisions and procedures for a gasoline tax and a special fuel tax.

Provides for inclusion of tax on the pump for special fuels with collection and remittance by the last distributor and retains the current method of reporting by bulk users. Deletes the provision imposing an additional registration fee for diesel-powered private passenger vehicles.

June 20

January 1, 1980

- S.B. 316 Valuation for assessment - alternative energy devices. Provides that the addition of an "alternative energy device" shall not increase the valuation for assessment for property tax purposes for the years 1980 to 1989. Previously, similar devices were taxed at 5% of assessed value. Defines "alternative energy devices".

May 25

July 1

S.B. 321 Income tax deduction for alternative energy devices. Redefines "alternative energy device" to mean any system or mechanism or device which uses natural cooling or heating opportunities from solar energy or wind, geothermal, or renewable biomass resources. Also includes any active or passive solar structural design feature of a structure which is an integral part of such a system, mechanism, or device. Excludes wood burning devices.

May 25

May 25

S.B. 328 Motor fuel tax refunds - forms. Deletes the requirement that the date of payment for the motor fuel be shown on the invoice and requires only that a notation showing payment thereof be made on the invoice. Requires that refund forms be available at motor fuel dealers.

May 18

July 1

S.B. 518 Property tax deferral for the elderly - appropriation to department of the treasury. Provides that, out of the \$800,000 appropriated to the state treasurer in 1978 for property tax deferral for the elderly, no more than \$5,590 and 0.5 FTE shall be used for administrative costs of the state treasurer.

May 18

May 18

H.B. 1005 Sales tax exemption - automobiles purchased by nonresidents. Continues an exemption from all state and local sales taxes on the purchase of new or used automobiles by nonresidents for use outside Colorado.

Became law without Governor's signature

May 1

June 29

H.B. 1021 Property taxation - exempt real property leased by owner for consideration. Amends the law which subjects the lessee or user of tax-exempt real property to property taxation when such property is used in connection with a business conducted for profit. Provides that such property will not be taxed in the following cases: (1) When it is furnished by a governmental agency

to a contractor, pursuant to the contract, so long as the contractor keeps certain records; (2) when the property is leased, loaned, or otherwise made available to an airline company; and (3) when the land is owned by the state and managed by the state board of land commissioners.

Provides for determining the proportional valuation for assessment of exempt real property which is partially subject to taxation because a portion is made available to and used by a business conducted for profit.

Applies to property tax years commencing on or after January 1, 1979.

Became law without Governor's signature

June 29

June 29

H.B. 1048 Extending exemption from sales and use tax of straw and other bedding. Exempts straw and other bedding used in the care of poultry from the sales and use tax.

June 7

July 1

H.B. 1107 Church property exempt from taxation. Provides that the property tax exemption for improved real property owned by a church or synagogue and used solely and exclusively as the residence of a clergyman shall be increased from \$6,000 to \$16,000. Applies to tax years beginning on or after January 1, 1979.

June 21

June 21

H.B. 1108 Income tax - credit for pollution control property - valuation for assessment. Provides that the credit allowed for pollution control property may be based on general property taxes assessed during the taxable year or paid during the taxable year. Requires amending a tax return if such a tax estimate is different from the amount actually paid. Requires reports on or before January 1, 1981, from the departments of revenue, health, and local affairs to the general assembly on implementation of the credit provisions. Extends to future years provisions for certification and valuation of pollution control property which previously applied for 1978-1979 only. Provides for increased certification

fees and for costs to be assessed against an owner of such property. Repeals, effective July 1, 1981, the property tax credit provisions covering such property.

June 22

June 22

- H.B. 1114 Ad valorem taxes on mineral and oil and gas properties. Makes property taxes due on mines and mining claims and on oil and gas leaseholds and lands debts of the owner, user, or unit operator, and authorizes the county treasurer to sue on the debt and collect thereon as if the property was personal. If a unit operator fails to remit the entire tax on a unit involving fractional interests, he is liable for the entire tax on the unit.

April 25

April 25

- H.B. 1125 Personal property schedule - filing. Changes the date by which personal property schedules must be returned to the assessor from April 15 of the year following the assessment to March 15 of such year and changes the provisions concerning extensions of time for such filing. Applies to property tax years beginning on or after January 1, 1980.

June 21

June 21

- H.B. 1150 Property taxation - freeport merchandise valuation. Makes the county assessors' duties with respect to reporting freeport merchandise valuations to the property tax administrator identical with their duties relating to reporting on the valuation of stocks of merchandise.

February 22

January 1, 1980

- H.B. 1214 Condominiums - time share ownership - liability for taxes. Provides that the time share owners of a portion of a condominium unit are liable to the unit owners' association for property taxes on that unit, and the association is liable for the payment of such taxes unless agreements provide otherwise. With respect to the other owners of the unit, the individual owner of a time share estate is liable only for his share of such taxes. Repeals a provision requiring separate tax assessment of

each time share estate. Applies to tax years commencing on or after January 1, 1979.

May 22

May 22

- H.B. 1227 Property taxes - apportionment to governmental units. Strengthens procedures for the collection of property taxes. Specifies that payment of taxes occurs when payment is actually received in the treasurer's office. Authorizes each board of county commissioners to add a maximum charge of \$25 to any delinquent taxes totalling less than \$50 for the purpose of covering the administrative costs of the county in collecting such delinquencies. Provides for the apportionment of taxes to the units of government for which they were collected. Authorizes the distraint and sale of personal property of public utilities whose taxes are delinquent in the same manner as is provided for other personal property. Provides a \$5 penalty for insufficient fund checks used to make payments to county treasurers.

May 25

January 1, 1980

- H.B. 1233 Valuation of property of railroads - allocation between states. If a railroad company or the property tax administrator feels that the portion of the railroad's value allocated to Colorado cannot be fairly measured using only the track mileage factor, the administrator may use any other recognized basis for allocation of the proper portion of the railroad's property assessable for taxation in Colorado.

VETOED May 24

- H.B. 1241 Inheritance tax - valuation of agricultural lands. Provides that agricultural lands shall be valued for inheritance tax purposes in the same manner they are valued for property tax purposes. If the executive director of the department of revenue wishes to contest the valuation, or the classification of lands as agricultural, he can appeal to the board of assessment appeals, whose decision shall be binding.

May 25

July 1

H.B. 1252 Income tax - computation of individual and corporate income. Specifies that, in computing either resident individual or corporate state income taxes, any wages or salaries paid to employees by the taxpayer which were disallowed for federal income tax purposes under section 280C of the federal Internal Revenue Code (concerning wages paid to new employees for which other federal credits are allowed) may be deducted. The act applies to taxable periods beginning on or after January 1, 1978.

March 26

March 26

H.B. 1323 State-employed chaplains - designation of rental allowance. Defines "salary" with respect to chaplains. Designates \$4,200 of the annual compensation of every full-time state-employed chaplain as the payment of a rental allowance for the purpose of permitting such chaplains to exclude such amount from gross income under section 107 of the federal Internal Revenue Code of 1954.

May 31

July 1

H.B. 1451 Transactions exempt from state sales and use taxes. Exempts from the state sales and use tax sales of construction and building materials purchased by contractors for use in structures, highways, and other public works owned and used by the United States government, any department or institution of state government, any political subdivision thereof acting in its governmental capacity, any charitable organization acting as such, or any nonprofit school. The department of revenue is to issue a contractor or subcontractor a certificate of exemption from sales tax in such cases. Refunds are provided for taxes paid on purchases made before July 1, 1979, by independent contractors for construction on property owned by anyone entitled to an exemption, and no assessment may be made on validly issued refunds made under prior law.

Also makes 48% of the purchase price of factory-built housing exempt from state sales tax.

June 7

June 7

H.B. 1514 Sales tax - exemption for diabetic accessories. Adds to items exempted from the state sales tax equipment and

glucose used in diabetic testing, and insulin measuring and injecting devices.

June 20

January 1, 1980

H.B. 1523 Severance tax - credit for new operations. Establishes a credit against any severance taxes which will become due and credited to the local government severance tax fund, for new operations where first severance occurs after June 30, 1979. The credit is in an amount equal to the value of contributions by the taxpayer made prior to first severance to assist units of local government in solving impact problems resulting from such new operations.

Requires that such contributions be used for specified purposes, be based upon an agreement, and be approved by the executive director of the department of local affairs upon the recommendation of the impact assistance advisory committee.

May 31

May 31

H.B. 1531 Taxation of users of tax-exempt property. Provides that tax-exempt property for which payments in lieu of taxes are made in an amount equivalent to property taxes shall not be subject to taxation. Exempts from taxation rights-of-way, leases, permits, licenses, or easements acquired by public utilities or for access roads. Except for ski recreation areas, exempts from taxation the use of tax-exempt property by a private person when such use is by way of lease of or a concession in certain property available to the use of the public. Revises the exemption from taxation of the use of property owned by the state, the federal government, or subdivisions of the state to include property made available to and used by a private individual or entity before January 1, 1975, from the previous exemption date of July 1, 1976.

Became law without Governor's signature

June 29

June 29

H.B. 1541 Income tax refunds - time of payment. Requires the department of revenue to pay refunds within 45 days after the filing of the personal income tax return and defines date of filing. Failure to pay on time requires the

department of revenue to add on and pay to the taxpayer interest at the rate of 0.5% per month unless the return is being audited or the processing is taking longer than normal due to mistakes in the return or failure of processing equipment.

VETOED June 22

H.B. 1586 Taxation of severed mineral interests. Requires a county assessor to place a severed mineral interest on the tax roll of the county at the request of the owner of the surface estate if the owner of the surface estate provides proof of ownership and a record of the creation of the severed mineral interest.

May 31

July 1

H.B. 1610 Reduction and elimination of taxes for individuals and businesses - highway expenditures - water projects - other fiscal policy matters. Contains numerous changes in the tax and fiscal policy laws, including reduction and elimination of certain state taxes, the transfer of sales and use tax proceeds for highway expenditures and water projects, and other fiscal policy matters. Denominated the "tax package".

For a detailed explanation of the contents of H.B. 1610, see H.B. 1611, below; S.B. 536, page 100, and S.B. 537, page 163.

VETOED June 20

H.B. 1611 Reduction and elimination of taxes for individuals and businesses - relief from heat or fuel expenses for the elderly and disabled - limitation on state expenditures. Makes numerous changes in the tax and fiscal policy laws, which changes can be summarized as follows:

I. Reduction and elimination of state taxes

A. State income tax

1. Individual income taxes, generally

a. For the 1979 income tax year, the "annual inflation factor" is increased from 106% to 107%. The

tax brackets, the standard deduction, and personal exemptions are annually multiplied by the annual inflation factor, with the result that each is cumulatively increased.

b. For the 1979 and 1980 income tax years, a credit against income taxes equal to 10% of annual income tax liability is provided. These credits will be noted on a special line on the income tax return for the 1979 and 1980 income tax years. Withholding tax tables should not reflect these credits before July 1, 1980.

c. For all income tax years commencing January 1, 1979, and thereafter, the exemption from the surtax on income from dividends and interest will be increased from \$5,000 to \$15,000.

d. For all income tax years commencing January 1, 1979, and thereafter, those elderly persons who do not qualify for an old age pension and disabled persons will qualify for a credit or refund against income taxes for their heat and fuel expenses. (Those elderly persons who receive old age pensions will receive an amount in addition to the pension of up to \$32 dollars per household per month during the winter months to help meet the increased expense of providing heat or fuel.)

2. Business income taxes, generally

a. For all income tax years commencing January 1, 1979, and thereafter, a credit will be allowed against Colorado income taxes for depreciable property used in Colorado which credit shall be equal to 10% of the credit allowed under federal law against federal income taxes for investment in depreciable property.

b. For all income tax years commencing January 1, 1979, and thereafter, certain changes are made in the "Job Expansion and Investment Credit Act of 1978". These changes affect the period of availability of the credit and qualifications for the credit.

c. For all income tax years commencing January 1, 1979, and thereafter, the act rewrites one of the two formulas which may be used to determine, for corporate income tax purposes, how much of a multistate corporation's income is attributable to Colorado sources and how much is attributable to out-of-state sources.

d. For all income tax years commencing January 1, 1979, and thereafter, the act provides a credit or refund against income taxes equal to 20% of the general property

taxes paid on freeport merchandise and stocks of merchandise in 1979, 40% of such property taxes in 1980, 60% of such property taxes in 1981, 80% of such property taxes in 1982, and 100% of such taxes for 1983 and each year thereafter.

3. Technical changes in income tax law

a. The date by which the general assembly is to determine the annual inflation factor applicable to the current income tax year is moved from May 1 to July 1. If the general assembly does not act by July 1, the department of revenue is to assume that the factor is 106%.

b. The executive director of the department of revenue is to determine annually when an individual's adjusted gross income is equal to or greater than the individual's Colorado standard deduction and Colorado exemptions and thus whether the individual should file a Colorado income tax return.

c. The period during which a taxpayer qualified for the income tax credit or refund based on payment of real property taxes or tax-equivalent payments may claim such credit or refund is extended from 12 months to 24 months to conform with the similar requirement of the credit or refund for heat or fuel expenses in contemplation of incorporating both credits or refunds into the same income tax form.

d. A provision is added that a taxpayer's income tax year is deemed to begin on the first day of the month closest to the first day of the taxpayer's income tax year.

B. State sales and use taxes

1. Effective July 1, 1979, the exemption from sales tax for all sales of items of personal property through coin-operated vending machines for 15¢ or less is increased to sales for 30¢ or less.

2. Effective July 1, 1979, certain purchases of machinery or machine tools used in manufacturing will be exempt from state sales and use taxes. While the first \$1,000 of the cost of a purchase of such machinery or machine tools is subject to sales tax, the remainder of the cost of a purchase is sales tax free up to a ceiling which increases from \$100,000 to \$500,000 at the rate of \$100,000 a year for the next 4 years.

3. Effective January 1, 1980, the state sales and use taxes will be removed from food purchased in grocery stores for consumption at home.

4. Effective July 1, 1980, the state sales and use taxes on sales and use of electricity, coal, gas, fuel oil, and coke for use in residences will be repealed for one year.

5. Effective December 1, 1979, specifically defines the method of payment of state sales tax by retailers doing business wholly or partly on a credit basis.

6. The act includes technical amendments related to changes in state sales and use taxes. The provisions of state law which govern the imposition of sales and use taxes by statutory municipalities and counties require that the taxable incidents and exemptions from tax in a municipal sales tax ordinance or county sales tax resolution conform to the incidents and exemptions provided by state law. In order to preserve a local option with regard to sales tax on food, machinery or machine tools used in manufacturing, and power or fuel used for domestic purposes, the act excepts these items from the requirement of conformity with incidents and exemptions under the state law; further, the act provides that statutory municipalities and counties now imposing sales tax on food, machinery or machine tools used in manufacturing, and power or fuel used for domestic purposes may continue the imposition of such tax on such items without altering ordinances or resolutions. However, a statutory municipality or county wishing to exempt such items from local sales tax must do so by vote of the people. Finally, the regional transportation district is allowed discretion whether to continue to impose sales tax on food, machinery or machine tools used in manufacturing, and power or fuel used for domestic purposes.

C. State inheritance and gift taxes

1. Beginning January 1, 1980, the act replaces the state inheritance tax with an estate tax based upon the concept of a "gap" tax. The "gap" tax is equal to the credit for state death taxes allowed under the federal estate tax law; implicitly, an estate which has no federal estate tax liability will have no liability for Colorado estate tax. Current state inheritance tax laws will apply only to the estates of decedents dying on or before December 31, 1979, and will remain in effect until all moneys due and collectible under the inheritance tax

laws are collected.

2. Beginning January 1, 1980, the state gift tax will not apply to transfers of property by gift, but the gift tax law will remain in effect until all moneys due and collectible under the gift tax law are collected.

D. Tax on licensees for the racing of horses

Effective July 1, 1979, the license fee for a licensee for the racing of horses shall be reduced to 3.5% of the gross receipts of pari-mutuel wagering at a race meet. On July 1, 1981, the computation of the fee shall be returned to the current "sliding-scale" basis under which the licensee pays 4% on the first \$200,000, 5% on the excess over \$200,000 which does not exceed \$300,000, and 6% on receipts in excess of \$300,000.

II. Fiscal policy matters

Amends the law to extend the 7% limit on state general fund spending indefinitely, to provide that the retention of unrestricted general fund year-end balances shall be at least 4% of amounts appropriated from the general fund for the current fiscal year, and to provide that the special reserve fund may be used for general tax relief, as opposed to property tax relief only.

July 3

July 3

WATER AND IRRIGATION

S.B. 69 Administration of underground water. Makes miscellaneous amendments concerning the administration of underground water in designated ground water basins, including changes dealing with applications for use of ground water, requirements for issuance of a final permit, publication of priorities of use, and the powers of the ground water commission and ground water management districts. The authority of ground water management districts to levy property taxes is increased to 2 mills.

June 7

June 7

S.B. 70 Determination of water rights - historic practice. Provides that in the tabulation of priority of water rights, a water right enjoyed for 18 years or more, the priority of which is designated in accordance with historic practice, shall not be given a priority senior to its actual date of initial appropriation nor shall it be free from regulation and administration in the priority system.

June 19

June 19

S.B. 115 Wells - permits - time limitations. Allows the state engineer, upon application showing good cause why a well has not been completed and the time estimated for completion, to extend a permit to construct a well for one additional period, not to exceed one year. The limitation on extension does not apply to well permits for federally authorized water projects.

May 18

May 18

S.B. 116 Tabulations of water rights - evidentiary value. Makes the tabulations of water rights which have been incorporated into judgment and decree prima facie evidence (rather than conclusive) of the dates of adjudication and appropriation and the volume or amount of water listed in the tabulation.

May 18

May 18

S.B. 170 Severance tax trust fund - used for water projects. Adds to the purposes for which the severance tax trust fund may be used the development and conservation of the state's water resources under the supervision of the Colorado water conservation board. Requires repayment of moneys advanced from the fund, and provides that half of the total gross receipts from severance taxes after June 30, 1981, are to be credited to the state fund, the other half to the local government severance tax fund.

June 19

June 19

S.B. 342 State engineer approval of reservoirs. Specifies that, to determine if it must be approved by the state engineer, the measurement of reservoirs having a dam or embankment in excess of 10 feet in vertical height shall be made from the bottom of the channel to the bottom of the spillway.

May 24

May 24

S.B. 394 Colorado River water conservation district - powers of taxation. Provides for the levy of property taxes against real and personal property in the Colorado River water conservation district on behalf of the district and its subdistricts, said levy being limited as to the amounts provided for the administration and the ordinary expenses of its water projects, but unlimited as to the payment of indebtedness other than the issuance of bonds. Levies for deficiencies are authorized both for the district and for subdistricts. A stated maximum levy of 5 mills is provided for subdistricts, but the maximum does not apply to levies for bonds or other general obligation indebtedness.

May 24

May 31

S.B. 481 Water subject to appropriation. Rewrites statutory provisions on water, specifying that water in or tributary to natural surface streams is subject to the doctrine of prior appropriation and that other waters are subject to administration and use as provided by law. Includes "closed basin" waters as natural streams subject to appropriation.

Clarifies provisions relating to rights to foreign,

nontributary, and developed water and relating to underground storage of water. Adds restrictions for the appropriation of water to require specific acts or commitments rather than mere speculative proposals.

June 22

June 22

- S.B. 537 Water projects - funding from sales and use tax revenues. Out of the portion of the net revenues from sales and use taxes which is not credited to the highway users tax fund and which would otherwise be credited to the general fund under S.B. No. 536 (see page 100), the following amounts are to be credited to the Colorado water conservation board construction fund: For the 1979-80 fiscal year, \$8 million; for the 1980-81 fiscal year, \$10 million; and for the 1981-82 fiscal year, \$10 million. Unless the general assembly acts to continue these credits, they will be repealed July 1, 1982. Provisions authorizing the water conservation board to construct water and power facilities are amended to include flood control and related recreational facilities, and approval by the general assembly of facilities as well as contracts is required. The act specifically provides construction authorization and priority for certain water projects.

July 6

July 6

- H.B. 1409 Diversion of water for use in adjoining states. Provides that where an owner of agricultural land in Colorado owns agricultural land in an adjacent state which is contiguous with his Colorado land, specific authorization of the general assembly, on the advice of the state engineer, is required in order for him to use Colorado water on his land in such adjacent state. States that the general assembly shall consider the willingness of such adjacent state to allow diversions of its water in Colorado in deciding to give such specific authorization. The new provisions do not apply to water in any aquifer or being a part of or hydraulically connected to any interstate stream system.

May 31

May 31

- H.B. 1506 Applications relating to water right determinations. Provides that a statement of opposition to a water right application may be made on behalf of owners of water

rights which may be affected, if such owners consent to such statement by their signatures, in person or by attorney.

May 31

May 31

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The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every sale, purchase, and expense must be properly documented to ensure the integrity of the financial statements. This includes obtaining receipts for all purchases and recording them in the appropriate ledger accounts.

The second part of the document focuses on the classification of assets and liabilities. It explains how to distinguish between current and long-term assets and liabilities, and how to properly value them. The document also discusses the treatment of intangible assets and the impact of depreciation on the value of tangible assets.

The third part of the document addresses the calculation of net income. It details the process of starting with total revenues, subtracting the cost of goods sold, and then deducting operating expenses to arrive at the net income figure. The document also discusses the treatment of non-recurring items and the impact of taxes on net income.

The final part of the document discusses the preparation of the financial statements. It explains how to transfer the data from the ledgers to the balance sheet, income statement, and statement of cash flows. It also discusses the importance of reconciling the books and the role of the auditor in verifying the accuracy of the financial statements.

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