
FILE COPY DIGEST OF BILLS

Enacted by The

FIFTY-FOURTH GENERAL ASSEMBLY

1984 Second Regular Session



**COLORADO
LEGISLATIVE DRAFTING OFFICE**

30 State Capitol Bldg.
Denver, Colorado 80203

June, 1984

DIGEST
OF
SENATE AND HOUSE BILLS ENACTED
BY THE
FIFTY-FOURTH GENERAL ASSEMBLY
OF THE
STATE OF COLORADO
(1984 - Second Regular Session)

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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
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Denver

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The first date appearing after the act is the date on which it was approved by the Governor or, if noted, became law without his signature; the second date is the effective date of the act. Vetoed bills are digested and marked "VETOED".

2 House Bills and 1 Senate Bill became law without the Governor's signature. 1 House Bill and 1 Senate Bill, which were vetoed by the Governor, became law when the vetoes were overridden by the General Assembly. These totals are included in the totals below.

This digest also includes three House Concurrent Resolutions, two which are proposed state constitutional amendments and one which ratifies a proposed amendment to the U.S. Constitution.

This digest is intended to direct the user to the text of specific bills and does not purport to be exhaustive.

	<u>Introduced</u>	<u>Passed</u>	<u>Vetoed</u>	<u>Became law</u>
HOUSE	441	229	9	220
SENATE	<u>218</u>	<u>110</u>	<u>4</u>	<u>106</u>
TOTALS	659	339	13	326

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PROPOSED STATE CONSTITUTIONAL AMENDMENTS

H.C.R. 1003

Electors signing petitions or voting - registration requirement. Requires that electors be registered to vote rather than only qualified for purposes of constitutional provisions concerning voting on elective executive officers, removal of county seats, striking off county territory, service authorities, and franchises in home rule cities. Also requires registration to sign petitions as well as to vote on county home rule, municipal home rule, and recall. Retains the same percentages for determining the number of signatures on home rule and recall petitions.

H.C.R. 1011

Commissioner of insurance - appointment by governor with consent of senate - exemption from state personnel system. Authorizes the governor, by and with the consent of the senate, to appoint the commissioner of insurance. Exempts the commissioner of insurance from the state personnel system.

PROPOSED U.S. CONSTITUTIONAL AMENDMENT

H.C.R. 1008

Ratification of a proposed amendment to the United States constitution - delay in an increase in compensation for members of the United States congress. Ratifies a proposed amendment to the United States constitution which would prohibit any law varying the compensation for the services of United States senators and representatives from taking effect until an election of representatives has intervened, and urges other state legislatures to ratify said proposed amendment.

ADMINISTRATIVE RULE REVIEW

- H.B. 1090 Continuation of 1983 rules of executive agencies. Extends the rules and regulations of executive agencies which were adopted or amended during 1983, except for specified rules and regulations which shall expire as scheduled on June 1, 1984. Does not provide for the continuation of any 1983 rules of the departments of law, state, and education, because such rules are continued in separate acts.

Does not continue the following 1983 rules: Several fiscal rules of the controller relating to mileage expenses; the rules of the department of health concerning hospice; the rules of the department of institutions governing procedures for home and community-based mental health services; rules of the department of institutions relating to developmental disabilities; a rule of the department of natural resources which repealed 2 rules concerning recreational vehicles; several rules of the state bank commissioner concerning industrial banks; several rules of the state board of medical examiners concerning physician assistants; and the "3 + 3" affirmative action rules of the department of personnel. In addition, extends only until June 1, 1985, the rules of the department of social services concerning adult, family, and children's services.

April 9 April 9

- H.B. 1091 Continuation of rules of the department of law. Extends the rules and regulations of the department of law which were adopted before January 1, 1984, with the exception of the rules for procedure relating to the "Colorado Consumer Protection Act" and 2 rules of the collection agency board, which rules are not so continued and therefore expire on July 1, 1984.

April 5 April 5

- H.B. 1092 Continuation of rules of the department of state. Extends the rules and regulations of the department of state which were adopted before January 1, 1984, and which were scheduled to expire July 1, 1984.

March 29 March 29

H.B. 1094 Continuation of rules of the department of education.
Extends the rules and regulations of the department of education which were adopted before January 1, 1984, with the exception of the rules governing the state teachers' emeritus retirement fund, the rules governing the state institutions of higher education emeritus retirement fund, 2 rules relating to the "Exceptional Children's Educational Act", and the rule which repealed the rules and regulations concerning the "Career Education Act", which rules are not so continued and therefore expire on July 1, 1984.

April 9

April 9

AGRICULTURE

- S.B. 4 Colorado agricultural development authority - repealer - duty to report. Repeals the statutory provision which would have repealed the "Colorado Agricultural Development Authority Act" on July 1, 1984. Beginning in 1986, requires the authority to report biennially on its activities to the general assembly no later than January 15.

March 26 March 26

- S.B. 38 Unlawful moving of livestock. Repeals a duplicative statute concerning the unlawful moving of livestock without proper inspection.

March 26 March 26

- S.B. 144 Soil conservation districts - board of supervisors - elections. Provides that after 1985 members of a soil conservation district board of supervisors shall be elected for staggered four-year terms, rather than three-year terms, with elections to be held in even-numbered years.

April 5 April 5

- S.B. 208 Nonmandated agricultural product inspections - cash funding. Differentiates the fees collected by the state agricultural commission for the inspection and issuance of certificates of inspection on the basis of mandatory versus optional inspection of fruits, vegetables, and other agricultural products. Directs fees which are collected for optional inspections to be credited to a newly created agricultural products inspection cash fund rather than to the general fund. Mandates that all moneys in the agricultural products inspection cash fund are to be appropriated by the general assembly to the department of agriculture to be used for nonmandated inspection services.

Appropriates \$42,000 and 2.0 FTE to the department of agriculture for the implementation of the act.

April 27 April 27

H.B. 1153 "Colorado Farm Equipment Fair Dealership Act" - creation. Specifies that a farm equipment retailer who enters into a franchise agreement with a wholesaler, manufacturer, or distributor to maintain an inventory may require that the inventory be repurchased if the agreement is terminated by either party. Allocates the costs of repurchasing inventory. Specifies that once the repurchase price is paid, title and the right to possession pass to the repurchaser.

April 5 July 1

H.B. 1281 State fair authority - audits. Requires annual audits of the state fair authority under the direction of the state auditor. Changes to March the month in which the authority makes its annual report to the general assembly, and requires that the annual report be based on the authority's previous fiscal year ending in December.

April 5 April 5

APPROPRIATIONS

S.B. 70 Department of institutions - department of social services - payment of judgment against - appropriation. Appropriates \$28,059.82 to satisfy a judgment in favor of the Adams County Community Center for Retarded and Seriously Handicapped, Inc. against the department of institutions and the department of social services.

May 11 May 11

S.B. 207 Payment to Grace Srb - satisfaction of judgment entered against state - appropriation. Appropriates \$57,737 to satisfy a judgment against the state in favor of Grace Srb, individually and as administratrix or personal representative of the estate of Hugo Srb.

May 11 May 11

S.B. 216 Appropriation - legislative department. Appropriates \$13,395,661 to the legislative department for its expenses for the fiscal year beginning July 1, 1984.

April 27 April 27

H.B. 1200 Supplemental appropriation - department of natural resources - game feeding and game damage. Amends the 1983 general appropriation act to provide funds for feeding game and controlling game damage resulting from the severe winter conditions of 1983-84.

March 19 March 19

H.B. 1204 Supplemental appropriation - department of revenue - state lottery. Amends the 1983 general appropriation act to decrease the appropriation to the department for the state lottery.

May 11 May 11

H.B. 1402 Colorado water resources institute - appropriation.
Appropriates \$67,000 to the Colorado water resources
institute for the fiscal year commencing July 1, 1984.

June 7 June 7

H.B. 1403 Supplemental appropriation - department of
administration. Amends the 1983 general appropriation
act to decrease the appropriation to the department.

April 6 April 6

H.B. 1404 Supplemental appropriation - department of agriculture.
Amends the 1983 general appropriation act to increase the
appropriation to the department.

PORTIONS VETOED May 11 May 11

H.B. 1405 Supplemental appropriation - department of corrections.
Amends the 1983 general appropriation act to decrease the
appropriation to the department.

PORTIONS VETOED April 26 April 26

H.B. 1406 Supplemental appropriation - department of education.
Amends the 1983 general appropriations act to decrease
the appropriation to the department.

April 6 April 6

H.B. 1407 Supplemental appropriation - department of health.
Amends the 1983 general appropriation act to increase the
total appropriation to the department. Reduces the
general fund portion of the appropriation, and increases
the cash funds and federal funds portions of the
appropriation.

PORTIONS VETOED April 13 April 13

H.B. 1408 Supplemental appropriation - department of higher education. Amends the 1983 general appropriation act to increase the general operating appropriation to the department and to decrease the capital construction appropriation to the department.

May 11 May 11

H.B. 1409 Supplemental appropriation - state department of highways. Amends the 1983 general appropriation act to increase the appropriation to the department.

May 11 May 11

H.B. 1410 Supplemental appropriation - department of institutions. Amends the 1983 general appropriation act to increase the appropriation to the department.

May 11 May 11

H.B. 1411 Supplemental appropriation - judicial department. Amends the 1983 general appropriation act to increase the appropriation to the department. Adds a footnote limiting the amount of space available to community corrections diversion clients who are probation eligible.

May 9 May 9

H.B. 1412 Supplemental appropriation - department of labor and employment. Amends the 1983 general appropriation act to increase the appropriation to the department.

PORTIONS VETOED May 11 May 11

H.B. 1413 Department of law - transfer of moneys - supplemental appropriation. Directs the state treasurer to transfer \$4,295,930 from the reserved rights litigation fund to the general fund. Amends the 1983 general appropriation act to decrease the general fund appropriation to the department and to increase the cash funds appropriation to the department by the same amount.

PORTIONS VETOED April 13 April 13

H.B. 1414 Supplemental appropriation - department of local affairs.
Amends the 1983 general appropriation act to increase the
general operating and capital construction appropriations
to the department.

May 11 May 11

H.B. 1415 Supplemental appropriation - department of military
affairs. Amends the 1983 general appropriations act to
increase the appropriation to the department.

April 6 April 6

H.B. 1416 Supplemental appropriation - department of natural
resources. Amends the 1983 general appropriation act to
increase the total general operating appropriation to the
department. Reduces the general fund portion of the
appropriation, and increases the cash funds and federal
funds portions of the appropriation. Also amends capital
construction appropriations to the department in the
1979, 1981, 1982, and 1983 general appropriation acts.

April 25 April 25

H.B. 1417 Supplemental appropriation - department of personnel.
Amends the 1983 general appropriation act to increase the
appropriation to the department.

May 11 May 11

H.B. 1418 Supplemental appropriation - office of state planning and
budgeting. Amends the 1983 general appropriation act to
increase the appropriation to the department.

May 11 May 11

H.B. 1419 Supplemental appropriation - department of regulatory
agencies. Amends the 1983 general appropriation act to
increase the appropriation to the department.

May 11 May 11

H.B. 1420 Supplemental appropriation - department of revenue. Amends the 1983 general appropriation act to increase the appropriation to the department. Amends the 1982 general appropriation act to reduce cash funds appropriations and increase general fund appropriations by the same amount.

May 11 May 11

H.B. 1421 Supplemental appropriation - department of social services. Amends the 1983 general appropriation act to increase the total appropriation to the department. Reduces the general fund portion of the appropriation, and increases the cash funds and federal funds portions of the appropriation.

April 6 April 6

H.B. 1422 Supplemental appropriation - department of social services. Amends the 1983 general appropriation act to increase the appropriation to the department for the 1983-84 fiscal year. Amends the 1982 general appropriation act to increase the appropriation to the department for fiscal year 1982-83.

May 11 May 11

H.B. 1423 Department of state - transfer of moneys - supplemental appropriation. Directs the state treasurer to transfer \$1,500,000 from the department of state cash fund to the general fund. Amends the 1983 general appropriation act to increase the cash funds appropriation to the department.

VETOED April 13

H.B. 1424 Supplemental appropriation - department of the treasury. Amends the 1983 general appropriation act to decrease the appropriation to the department.

May 11 May 11

H.B. 1425 General appropriation - "long bill". Makes appropriations for the expenses of the executive, legislative, and judicial departments of state government for the fiscal year beginning July 1, 1984. Sets the

grand total of the operating budget at \$3,507,422,052, of which \$1,763,718,107 is from the general fund, \$959,946,305 is from cash funds, and \$783,757,640 is from federal funds. Appropriates a total of \$52,247,261 for capital construction, of which \$34,785,893 is from the capital construction fund, \$12,572,368 is from cash funds, and \$4,889,000 is from federal funds. Transfers \$22,150,000 to the capital construction fund from moneys in the general fund and the lottery fund.

PORTIONS VETOED May 18

May 18

H.B. 1432 Department of state - transfer of cash funds to general fund. Directs the state treasurer to transfer \$1,500,000 from the department of state cash fund to the general fund.

May 11

May 11

H.B. 1433 Supplemental appropriation - department of state. Amends the 1983 general appropriation act to increase the appropriation to the department.

May 11

May 11

CHILDREN AND DOMESTIC MATTERS

- S.B. 75 Temporary child custody - affidavit requirement. Removes the requirement that a temporary custody order be supported by an affidavit, and prohibits the judge from granting temporary custody solely on the basis of affidavits submitted by the parties.

March 16 March 16

- S.B. 88 Dependent or neglected children - temporary orders - legal custody - treatment plans - abandonment. Clarifies that the juvenile court, upon hearing and after prior notice, may issue temporary orders or legal custody, psychological evaluation and treatment, or dental treatment of a child who is the subject of a petition. Clarifies that the court may grant orders of legal custody in detention and shelter hearings when the same procedures are followed.

States that no counterclaim or other claim for damages may be asserted by a respondent in an action alleging the dependency or neglect of a child.

Requires the court to approve an appropriate treatment plan for a dependent or neglected child and for each parent named and served in the action, unless the court finds that no such plan can be devised because the child has been abandoned and the parents cannot be located. Defines "appropriate treatment plan". Clarifies the criteria for "abandonment", and states when an affidavit must be filed in actions to terminate parent-child relationships based on abandonment.

April 5 April 5

- S.B. 126 "Colorado Children's Code" - emergency protection order. Allows the court to issue an ex parte emergency protection order upon the request of any person having the responsibility of supervising a child placed out of the home by court order. Predicates such order on the assertion of said person that the child is in immediate and present danger based on an allegation that the child is absent without permission from said placement.

April 2 April 2

- S.B. 127 Colorado Children's Code - aggravated juvenile offenders - procedure and disposition. Creates the category of

aggravated juvenile offender under the "Colorado Children's Code" for a child 12 years of age or older who commits an act which would be murder in the first or second degree if committed by an adult or for a child 16 years of age or older who, with a prior felony adjudication, commits an act which would be a crime of violence if committed by an adult. Establishes procedures for adjudicating a child as an aggravated juvenile offender. Allows the commitment of an aggravated juvenile offender to the department of institutions for a determinate period of 5 years.

April 12 July 1

S.B. 145 Neglect or dependency proceedings - time frame. States that in the case of neglect or dependency proceedings the adjudicatory hearing shall not be held later than 90 days after the filing of the petition. Also states that the court may enter a decree of disposition at the time of the adjudicatory hearing, but if the court does not enter a decree of disposition at such time, the court shall enter said decree within 45 days of the adjudicatory hearing.

Applies to petitions alleging the dependency or neglect of a child filed on or after April 27, 1984.

April 27 April 27

S.B. 157 Juvenile court - representation of children by legal counsel or guardian. Makes the appointment of either legal counsel or a guardian ad litem mandatory for any child in dependency and neglect proceedings brought as a result of the child's having run away from home or being beyond the control of his parents and in proceedings brought under the "School Attendance Law of 1963".

April 13 July 1

S.B. 163 State central registry of child protection - access. Specifies that, for the purpose of investigating incidents of suspected child abuse or neglect, the county department of social services or a law enforcement agency shall have access to the central registry for information under the name of the child or the suspected perpetrator.

April 5 April 5

H.B. 1248 Child support enforcement - wage assignments. Defines wages for purposes of enforcement remedies including garnishment and wage assignments. Requires that a wage assignment be executed in any action in which child support is ordered, to be activated immediately upon agreement of the parties or held by the court pending notification by the obligee that the obligor under the support order has defaulted. Allows the obligee to initiate activation of a wage assignment by giving notice to the court that a payment is delinquent. Establishes procedures for termination of a wage assignment.

April 30 July 1

H.B. 1291 Juvenile detention services and facilities - education - expenses. From January 1, 1985, until January 1, 1988, changes the formula for allocation of expenses incurred by school districts which furnish teachers and materials to juvenile detention facilities.

Requires the division of youth services of the department of institutions to consult with the department of education and school districts in which detention facilities are located to develop a reporting system to show the amount of educational services provided to children of each school district. Requires school districts which incur such expenses to prepare an annual billing to school districts of residence of detainees for educational services provided to each such detainee.

April 27 January 1, 1985

CONSUMER AND COMMERCIAL TRANSACTIONS

- S.B. 13 Residential construction - site analysis. Requires developers or builders of residences for human habitation to furnish purchasers with analyses of the site and the soil on which the habitation is constructed. If potential for expansive soils is present, requires the purchaser to be provided with a publication detailing problems and suggestions for dealing with such soils. Subjects builders and developers to a \$500 civil penalty for failure to provide the analysis and publication.

April 5 July 1

- S.B. 23 Restraint of trade and commerce - authority to institute action - penalty. In addition to authority vested in the attorney general, authorizes any person, corporation, copartnership, company, firm, trustee, or association threatened with impending loss or damage by a trust or conspiracy in restraint of trade or commerce to institute an action or proceeding to prevent or restrain such restraint of trade or commerce. Makes a violation relating to the restraint of trade or commerce a class 4 felony if committed by a natural person, punishable by a maximum fine of \$100,000, and a felony if committed by a corporation or other entity, punishable by a maximum fine of \$1,000,000.

Requires the executive director of the state department of highways to promulgate rules governing debarment of contractors.

April 30 April 30

- S.B. 26 "Uniform Commercial Code - Bulk Transfers" - nonapplicability to certain financial institutions. Specifies that banks, industrial banks, and savings and loan associations regulated under state or federal law are not enterprises subject to the bulk transfer provisions.

February 23 February 23

- S.B. 34 Interest on civil non-personal-injury judgments which are appealed - computation. Applies the statutory rate of interest on judgments which are appealed in cases where there is no contract between the parties, and specifies that said rate does not apply to personal injury cases.

Allows interest to be compounded annually if the appealed judgment is affirmed, modified, or reversed and the court directs that a judgment for money be entered in the trial court. Specifies that the 8% interest rate authorized by law is the lower limit for interest in all cases.

March 16 July 1

- H.B. 1197 Interest on a judgment when contract specifies variable rate. States that, when a contract provides for a variable interest rate, a judgment on such contract shall bear interest at the rate in effect on the date judgment enters.

March 16 July 1

- H.B. 1271 "Colorado Consumer Protection Act" - rescission after sale of time share - deceptive trade practices. Defines "time share". Establishes the following activities as deceptive trade practices: Misrepresentation in the sale of a time share; failure to allow the purchaser to rescind the sale within 5 days; failure to inform the purchaser of such right; and failure to refund any down payment after rescission.

March 29 July 1

- H.B. 1385 Deceptive trade practices - sale of food. Specifies that a false representation as to the characteristics, ingredients, uses, benefits, alterations, or quantities of food is a deceptive trade practice.

March 26 July 1

CORPORATIONS AND ASSOCIATIONS

H.B. 1344 "Colorado Corporation Code" - procedures for conducting business. Defines "verify" for purposes of the "Colorado Corporation Code". Requires that a resolution concerning the certification of shares held for the account of another indicate the date by which such certification must be received by the corporation. Removes the requirement that foreign corporations file their articles of incorporation and articles of merger with the secretary of state.

March 26

March 26

CORRECTIONS

- S.B. 40 Credit for good conduct by offenders in correctional facilities - repeal. Repeals provisions regarding good conduct credit for offenders convicted prior to September 1, 1935.

March 16 March 16

- S.B. 71 Correctional facilities, release from - earned time - good time - parole. Restructures statutes relating to good time and earned time accrued while an inmate is confined in a correctional facility of the department of corrections. Provides that good time awarded to a person sentenced for a crime committed on or after July 1, 1985, shall vest annually and that no more than 180 days of good time may be withheld by the department in any twelve-month period of sentence. Allows the department to withhold good time earnable but not yet earned. Does not allow any earned time deduction awarded to vest for persons sentenced on or after said date, whereas any earned time deduction awarded to a person sentenced before said date vests when granted.

Allows the state board of parole to provide up to 3 years of parole for any offender sentenced for a class 2, class 3, class 4, or class 5 felony committed on or after July 1, 1984, if he is determined to present a high risk to the general population upon release. Allows the board to discharge an offender from parole if he has been sufficiently rehabilitated and reintegrated into society.

States that an inmate shall be subject to the statute setting forth his rights as of the date of his crime and shall not be eligible for the provisions of any statute relating to other dates. Transfers responsibility for administering earned time provisions from the state board of parole to the executive director of the department of corrections on July 1, 1984. Repeals inconsistent provisions.

April 13 July 1

- S.B. 84 Division of correctional industries - goods and services procured by state agencies. Specifies that state agencies do not have to purchase goods and services from the division of correctional industries if the goods and services may be obtained at or below the amount established for small purchases which are exempt from the bidding process required under the "Procurement Code" or

if the division certifies that it is not able to provide the goods or services at the current market price and within a reasonable delivery time. States that the purchase of goods or services from a source other than the division without a certified waiver shall be cause for suspension for up to one year of the authority of a purchasing agency to purchase goods and services.

Requires state agencies to keep the division informed of purchases of goods and services available from the division and to report on such purchases and on the actual value of purchases from the division as a part of their annual budget request to the joint budget committee. Allows the division access to the records of purchasing agents of the state agencies. Requires the division to report to the joint budget committee the value of the goods and services sold to each state agency. States that sole source procurement provisions shall not be used by purchasing agencies when goods and services are available through the division unless the purchasing agencies specify the division as the sole source provider.

May 2

May 2

H.B. 1023 Department of corrections - intensive supervision programs. Authorizes the executive director of the department of corrections to establish nonresidential intensive supervision programs in the community for selected offenders who are in community correctional facilities and have not more than 120 days remaining until their parole date. Establishes criteria for selecting offenders for such programs, provides for notice to be sent to units of local government and interested parties in the criminal justice system, and requires the director of the department of corrections to annually report on such programs to the governor and general assembly.

Establishes that an offender who fails to remain within the limits of confinement set under the program is guilty of escape from custody.

Provides for automatic termination of such programs on February 15, 1986.

April 30

July 1

H.B. 1040 Recommendations for a new correctional facility. Directs the department of corrections to study and make recommendations to the general assembly concerning a site

for and design features of a new correctional facility or an addition to the existing facility to house at least 250 persons. Specifies that construction of the facility should begin no later than fiscal year 1985-86.

June 7 July 1

H.B. 1129 Community correctional facilities and programs - approval. Adds the governing body of a city to the list of those entities which must approve the establishment of a nongovernmental community correctional facility or program.

April 5 April 5

H.B. 1151 Prison overcrowding - formula for predicting populations - construction of facilities - prison overcrowding state of emergency - release of offenders. Establishes a formula for the general assembly to use in projecting inmate population levels in the facilities of the department of corrections based on population data supplied by the state demographer. Requires that the general assembly use the projected inmate levels in calculating appropriations to the department of corrections for construction of correctional facilities.

Authorizes the governor, the attorney general, and the executive director of the department of public safety to declare a prison overcrowding state of emergency whenever the total population of the state's correctional facilities exceeds the total capacity of such facilities for 30 consecutive days. Provides for release of certain inmates before their parole eligibility date during a state of emergency.

Provides for automatic termination of the prison overcrowding emergency powers act on February 15, 1986.

VETOED May 17

H.B. 1182 State board of parole - risk assessment guidelines - early release or extended parole - modification of conditions. Authorizes the state board of parole to adopt risk assessment guidelines for use in determining whether an inmate should be released on his eligibility date or placed on extended parole of up to 3 years. Enables the state board of parole to discharge an offender from parole before the original parole period is completed, to modify the conditions of parole under

determinate sentencing after a parole violation, and to place an offender on parole supervision even when prevented from complying with publication and interview requirements.

Makes early release and extended parole provisions applicable only to persons sentenced for offenses committed on or after July 1, 1984.

April 13

April 13

COURTS

- S.B. 37 Forcible entry and detainer actions - service of process. Requires that the copy of the summons and complaint mailed to the defendant in a forcible entry and detainer action be sent on the date the complaint is filed. Changes the time frame for personal service or service by posting from at least 8 days before said date of appearance specified in the summons to 5 days before said date of appearance.

March 16 March 16

- S.B. 50 Closely held corporations - legal representation. In a statutory provision allowing representation of closely held corporations by officers, clarifies that the term "shareholder" means an individual who holds "title" to a share of stock, rather than "fee title".

March 16 March 16

- S.B. 182 Attorney fees - award by court - factors to be considered. Allows any court of record to award reasonable attorney fees in any civil action commenced or appealed in this state. Requires the court to award reasonable attorney fees against any attorney or party who has brought or defended a civil action that lacked substantial justification or was interposed for delay or harassment or if a proceeding was expanded unnecessarily by other improper conduct. Allows the court to allocate the payment of attorney fees, jointly or severally, as it deems most just. Defines the term "lacked substantial justification" to mean substantially frivolous, substantially groundless, or substantially vexatious, and makes that term the burden of proof instead of the prior burden of proving that the action was frivolous or groundless.

Provides that attorney fees shall not be assessed under certain specified circumstances and that the attorney fee provisions shall not apply to traffic offenses, "Colorado Children's Code" or related juvenile matters, and municipal ordinance violations.

Sets forth the factors a court shall consider in determining whether to assess attorney fees and the amount of attorney fees. Requires the court to approve any stipulation which provides for no award of attorney fees or to an award of attorney fees different from that provided by statute.

Repeals the statute allowing a defendant to recover costs, witness fees, and attorney fees against a plaintiff, if the plaintiff is a public entity, who brings an action without reasonable basis or frivolously since this situation is now covered by the changes in the amended statutes relating to attorney fees.

Makes the act applicable to any civil action commenced on or after July 1, 1984, and applicable to attorney fees for services rendered for the appeal of any civil action commenced prior to July 1, 1984, if the notice of the appeal is filed on or after such date.

April 27 July 1

S.B. 184 County small claims court referees - qualifications.
Specifies that a nonattorney may serve as a county small claims court referee if he is serving as a county judge.

April 5 April 5

S.B. 198 Forcible entry and detainer actions - bond - damages.
Removes the requirement that the defendant in an eviction proceeding file a bond prior to making an appeal, but empowers the court taking the appeal to order an additional undertaking under certain circumstances. Specifies that the prevailing party in an eviction proceeding, not just the plaintiff, is entitled to recover damages, fees, and costs in the action.

April 5 July 1

H.B. 1069 County grand juries - numbers. Allows counties to have more than one grand jury at a time.

February 6 February 6

H.B. 1116 "Uniform Transboundary Pollution Reciprocal Access Act" - enactment - jurisdiction. Enacts the "Uniform Transboundary Pollution Reciprocal Access Act", which allows pollution victims access to the courts of the jurisdiction where the pollution originated if different from the situs of the victims.

April 5 July 1

H.B. 1141 Uniform conflict of laws - selection of limitation periods in civil actions. Enacts the "Uniform Conflict of Laws - Limitations Act" to cover civil claims. Treats all limitation periods as substantive and governed by the limitations law of the state whose law governs other substantive issues raised in the claim. Directs Colorado courts to use Colorado's conflicts law to select the substantive law and the corresponding limitation periods that govern the claim when the Colorado court must choose between applying the law of 2 or more other states. Regards all tolling and accrual provisions as substantive parts of the limitations law of whatever state's law is held to be applicable. Allows the court, in extreme cases, to choose Colorado's limitation period when another state's limitation period is deemed to be unfair.

Repeals Colorado's borrowing statute which applied the statute of limitations of another state in certain circumstances.

March 26 July 1

H.B. 1205 Damages - liability of the issuer of a dishonored negotiable instrument. In a statutory provision establishing the liability of an issuer of a dishonored negotiable instrument, increases the amount of damages which may be recovered by a holder of such instrument to treble the amount of the check, draft, or order or \$100, whichever is greater.

March 22 July 1

H.B. 1220 Increase in number of district court judges - increase in number of county court judges - pay raise for judges and justices - increase in docket fees - temporary judicial duty of retired judges - appropriation. Increases the number of district court judges, effective September 1, 1984, in the fifth and seventh judicial districts from 2 judges in each district to 3 and in the seventeenth judicial district from 5 judges to 7. Increases the number of county judges, effective September 1, 1984, in Arapahoe county from 4 judges to 6. Raises the salaries of justices and judges. Increases docket fees in civil actions, including: Proceedings for dissolution of marriage; fees in probate proceedings; and fees for actions relating to a trust. Mandates that a retired justice or judge agreeing to perform temporary judicial duties shall have his annuity increased by an amount equal to 20% of the monthly salary applicable to the judicial position from which he retired for the year in which the temporary judicial duties are performed.

Appropriates \$1,860,208 to the judicial department for implementation of the act.

April 25 July 1

H.B. 1250 Garnishment - continuing garnishment - notice and service of notice - claim of exemption or objection - hearing - prohibition against discharge from employment. Changes the procedure for garnishment of earnings. Creates a continuing garnishment which operates as a continuing lien against earnings due the judgment debtor for 90 days after service of the writ of continuing garnishment. Authorizes suspension of a continuing garnishment upon the written agreement of the parties filed with the court and served on the garnishee. Prioritizes competing writs of continuing garnishment and provides that, in any event, a continuing garnishment for the satisfaction of a debt or judgment for child support has priority over any other continuing garnishment.

Delineates what personal property is subject to garnishment and what earnings are subject to continuing garnishment. Specifies the notice which must be given to the judgment debtor and the procedure for service. Specifies the manner in which a judgment debtor may object to the amount of earnings withheld in a continuing garnishment and the manner in which a judgment debtor may claim certain property as exempt in a garnishment of personal property. Specifies procedures for hearings on such claims or objections.

Prohibits the garnishee from discharging an employee for the reason that his earnings have been garnished. Empowers the discharged employee to bring a civil suit for reinstatement, up to 6 weeks of lost wages, attorney fees, and costs.

April 30 January 1, 1985

H.B. 1290 State court administrator - elimination of requirement for keeping records of judicial decisions involving felony cases. Removes the requirement that the state court administrator keep records for each judicial district of judicial decisions involving defendants charged with the commission of felonies.

March 26 March 26

CRIMES

- S.B. 35 Charitable fraud - elements - definitions. Defines the terms "primary benefit", "adjusted gross proceeds" and "administrative cost" for purposes of the charitable fraud statute, and creates an additional ground for which one may be charged with the crime of charitable fraud.

April 12 April 12

- S.B. 80 Cocaine offenses - definition - penalty. Defines "cocaine" and includes the term in the definition of "controlled substance". States that any person convicted of knowingly or intentionally manufacturing, dispensing, selling, or distributing a certain amount of cocaine or inducing or attempting to induce or conspiring with any person to do the same shall be sentenced to at least the minimum term of incarceration in the presumptive range for a class 2 or class 3 felony, whichever is applicable, and, in addition, provides for a fine. Specifies that said person shall not be eligible for probation or a suspended sentence.

Became law without the Governor's signature
April 3 July 1

- S.B. 130 Crimes - theft and assault against the elderly or the handicapped. Creates the crime of theft against the handicapped and describes the disability which constitutes a handicap for purposes of the offense. Provides that such theft is a class 1 misdemeanor if the value of the thing involved is less than \$200 and a class 3 felony if the value is \$200 or more. Creates the crime of assault on the elderly or the handicapped. Defines the disability which constitutes a handicap for purposes of the offense. Provides different degrees of the offense depending on the circumstances.

April 12 April 12

- S.B. 172 Expungement of records on juvenile detention - evidence of former convictions - venue - theft levels - imitation controlled substances - prohibited use of weapons - explosives. Enables a juvenile who is taken into temporary custody and subsequently released without a petition being filed to petition the court for expungement of any record relating thereto. Requires that records on a minor be destroyed one year after such

minor successfully completes a juvenile diversion program.

Provides that records kept by a custodian authorized by the department of corrections, instead of the department itself, are prima facie evidence of identity and may be used as evidence.

Specifies that when an offense is committed on the boundary line between two counties venue is proper in either county.

Changes the dollar amounts for determining the classification of theft, criminal mischief, fraud, or computer crime offenses, effective July 1, 1985.

Amends the definition of "imitation controlled substance".

Creates the offense of sale of an explosive or incendiary device by a person authorized to possess and control such device to a person who is not so authorized. Makes such sale or distribution a class 4 felony.

Makes use or possession in a public place of a nunchaku or throwing star a class 2 misdemeanor, unless such possession or use is in an authorized public demonstration or exhibition or pursuant to instruction.

May 11 July 1

H.B. 1018 Sexual exploitation of children. Removes the requirement of a commercial purpose from the offense of sexual exploitation of a child.

April 12 July 1

H.B. 1284 Financial transaction devices - criminal offenses. Makes it a crime to issue a false financial statement for purposes of obtaining a financial transaction device. Defines the term "financial transaction device" as any instrument or device that can be used to obtain cash, goods, property, or services or to make financial payments, but the term does not include a check, negotiable order of withdrawal, or share draft. Places all offenses involving financial transaction devices, except issuance of a false financial statement, in a separate part of the criminal code. Adds the new offenses of criminal possession or sale of a blank

financial transaction device, criminal possession of forgery devices, and unlawful manufacture of a financial transaction device.

April 5 July 1

H.B. 1287 Theft of cable television services - civil and criminal remedies. Makes the knowing commission of any of the following acts a class 2 misdemeanor: Obtaining cable television service without the authorization of the cable system, connecting to any component or modifying any installed device of a cable T.V. system without authorization, and manufacturing, distributing, selling, or offering for sale, rental, or use any decoding or descrambling device designed to aid the doing of the aforementioned acts. Specifies that these criminal provisions do not apply to satellite dishes.

Allows a cable television system to bring a civil action for damages against any person who wilfully or intentionally obtains such T.V. service or connects to any component of the system or modifies any installed device without the cable T.V. system's authorization. Entitles a successful plaintiff to treble recovery of actual damages, plus costs and expenses incurred as a result of such theft. Entitles the prevailing party to recover his reasonable attorney fees. Provides that prima facie evidence of the defendant's intent and commission of the act of civil theft of cable television service is established by the existence on his property and in his actual possession of any device connected in such a manner as to appear to permit use of the television service without the same being reported for payment to and authorized by the cable television system.

April 25 July 1

H.B. 1315 Civil disorder - terrorist training activities - penalties. Makes it a class 5 felony for any person to teach or demonstrate the use or making of firearms, explosives, or incendiary devices or techniques capable of causing injury or death, with the knowledge that such information will be used in furtherance of a civil disorder.

Makes it a class 5 felony for any person to assemble with one or more other persons to train, practice, or receive instruction in the use or making of firearms, explosives, or incendiary devices, or techniques capable of causing injury or death, with the intent to use such information in furtherance of a civil

disorder.

With regard to the two new offenses, exempts acts of law enforcement officers in the performance of their official duties, the use of lawful force or the instruction of lawful force for the defense of home, person, or property, and lawful instruction designed to teach the safe handling of firearms and weaponry.

May 3

July 1

H.B. 1326 Rights of witnesses to and victims of crimes - restraining order against defendant - suit for damages by victim of intimidation or retaliation. Permits a victim of crime or a relative of the victim to attend and give testimony at the defendant's sentencing proceedings and parole hearings. Creates a restraining order against any person charged with a crime, effective upon arraignment, restraining the defendant from harming, intimidating, or retaliating against any witness to or victim of the acts charged. Adopts the "Colorado Victim and Witness Protection Act of 1984" which extends the present crimes of bribing, intimidating, and tampering with a witness to victims, and creates the crimes of aggravated intimidation of a witness or victim and retaliation against a witness or victim. Empowers victims of intimidation or retaliation to seek treble damages and attorney fees in a civil suit against the perpetrator.

April 30

July 1

CRIMINAL PROCEDURE

- H.B. 1067 Criminal insanity - grammatical correction. Corrects a grammatical error in the statutory provision on the test of insanity by inserting the omitted words.

February 6 February 6

- H.B. 1068 Resentencing of criminal offenders - community correctional facilities. Authorizes the court which sentenced a criminal offender who has been rejected by a community correctional facility to transfer the offender to the department of corrections, to resentence the offender, and to impose any sentence which might originally have been imposed. Authorizes the sentencing court to transfer an offender, who has been transferred to a county jail from a community correctional facility by the administrator of such facility, back to a correctional facility after resentencing him.

February 6 February 6

- H.B. 1075 Trial judgments - collateral attacks - exceptions. Adds the exceptions of justifiable excuse and excusable neglect to the existing exceptions from the time limitations on collateral attacks upon trial judgments. Makes the same change in the provisions relating to traffic offenses and traffic infractions.

February 6 February 6

- H.B. 1212 Victim impact statement - "Son of Sam" statute on proceeds of crime - rights of victims of and witnesses to crimes - victims and witnesses assistance and law enforcement funds - surcharge on fines - grants to law enforcement agencies. Requires that a victim impact statement be prepared by the district attorney and submitted to the court with a presentence report on and after September 1, 1985.

Requires that money owed to a defendant with respect to the reenactment of the crime charged or with respect to the expressions of the accused's thoughts, feelings, or emotions regarding the crime by way of a movie, book, television presentation, or similar means be deposited in an escrow account for the benefit of the victim of the crime. Provides that such funds shall be available to the victim upon receiving a judgment for

damages in a civil action.

Establishes guidelines for assuring the rights of victims of and witnesses to crimes.

Establishes a victims and witnesses assistance and law enforcement fund in the office of the court administrator in each judicial district, made up of a 37% surcharge on fines levied in criminal actions committed on and after January 1, 1985. Establishes a board in each judicial district to administer such funds, and specifies that up to 10% of each such fund may be used by the district attorney for administrative costs and preparation of victim impact statements. Specifies that, of the net, 10% shall be sent to a state fund, administered by the department of public safety's division of criminal justice for use by state law enforcement agencies, at least 50% of the remainder shall be applied toward victims and witnesses assistance programs, and any moneys remaining can be granted to local law enforcement agencies for equipment, training programs, and additional personnel. Requires that reports be made annually to the general assembly and the legislative audit committee detailing grants made, disbursements, and contracts entered into.

Provides for automatic termination of such funds and boards on July 1, 1988.

May 14

May 14

H.B. 1260 Restitution - charges for bad checks. Empowers the probation department or other agency collecting restitution payments ordered as a condition of a plea bargain agreement to assess a charge of up to \$15 to the defendant upon receipt of a bad check.

March 26

July 1

H.B. 1268 "Colorado Contraband Forfeiture Act" - adoption. Adopts the "Colorado Contraband Forfeiture Act", which empowers law enforcement agencies to seize unlawful drugs and drug paraphernalia, personal property, and currency used in the unlawful manufacture, possession, transportation, or distribution of controlled substances, imitation controlled substances, and drug paraphernalia. Provides that title to seized personal property and currency vests in the state subject to a forfeiture hearing at which title is perfected. Establishes procedures for a forfeiture hearing, sale of personal property, and disposition of the proceeds of such sale.

April 5

July 1

H.B. 1310 Sentencing for class 1 felonies. Mandates that a defendant convicted of a class 1 felony who was under the age of 18 years at the time of the commission of such felony shall only be sentenced to life imprisonment.

States that alternate jurors in class 1 felony cases shall not be excused before the trial jury has rendered its verdict on guilt or innocence. Directs that alternate jurors shall continue to sit on the issue of punishment if the verdict is guilty and may replace any juror who is excused.

Allows any evidence relevant to the nature of the crime, defendant's character, background, and history, and any matter relating to aggravating or mitigating factors to be introduced in the sentencing hearing if it has probative value and if each party is given an opportunity to rebut such evidence. Requires the judge to instruct the jury on the meaning of a life imprisonment sentence.

Establishes a discovery process for the exchanging of names, addresses, and subject matter of testimony of any witnesses expected to be called by either the prosecuting attorney or the defendant. Mandates that the prosecuting attorney's burden of proof on aggravating factors is the reasonable doubt standard. States that there is no burden of proof on mitigating factors.

Creates a new sentencing standard in which the trier of fact determines if at least one aggravating factor has been proved, determines if any mitigating factors exist, and then balances whether those mitigating factors are sufficient to outweigh the aggravating factor or factors.

States that when no aggravating factors are found, the verdict should be life imprisonment. Specifies that a verdict of death should be rendered only if the jury finds in writing that at least one aggravating factor has been proved and there are insufficient mitigating factors to outweigh the aggravating factor or factors. Requires the jury verdict of death to be unanimous and, if not, requires the court to discharge the jury and sentence the defendant to life imprisonment. Declares that a jury verdict of death is binding on the court unless the court finds in writing that the verdict is clearly erroneous as contrary to the weight of the evidence, in which case the court is directed to sentence the defendant to life imprisonment.

Directs judges, in nonjury proceedings, to use the same sentencing standards as the jury.

Repeals the use of mitigating factors that mandate

imposition of life imprisonment. Creates a new list of mitigating factors.

Limits the use of prior convictions as aggravating factors to those convictions which would constitute a more serious class of felony under Colorado law. Adds judges, elected state, county, or municipal officials, and federal law enforcement officers to the list of persons the intentional killing of which is an aggravating factor. Redefines peace officer and firefighter to conform with their statutory definitions. Adds as aggravating factors the commission of a class 1 felony for pecuniary gain and for avoiding arrest or prosecution or for escaping custody.

Contains savings clauses to sever any unconstitutional portions of the statute from the rest of the statute and to provide for a life imprisonment sentence in the event a death sentence is held unconstitutional or invalid.

April 12 July 1

H.B. 1331 Evidence - admissibility of laboratory test results. In those cases where seized evidence is of so small a quantity or of such unstable condition that testing consumes the evidence which might have been favorable to the defendant, permits the admission in court of the state's laboratory test results if performed in good faith and in accordance with regular procedures for preservation. Sets forth factors for the trial court to consider in determining whether the state met its obligation to preserve the evidence. Specifies applicability of the standard to blood, urine, and breath samples which form the basis for a conclusion upon which a statutory presumption arises. Provides that the standard for all other types of blood, urine, and breath analysis and for certain other types of tests is whether the testing was performed in a good-faith belief that it was proper. Allows a laboratory report to be admitted as evidence in lieu of a personal appearance and testimony by a laboratory technician.

March 29 July 1

H.B. 1399 Persons convicted of crimes - attendance in postsecondary educational institutions. Specifies that before a person who has been convicted of a crime is released from a correctional facility to attend a postsecondary educational institution, the institution and the prosecuting attorney shall be notified and requested to

comment on the pending release. Requires the prosecuting attorney and the institution to reply to such notice within a specified time and, in the case of the institution, requires that the reply include a statement regarding whether or not it will accept the person as a student.

April 5

April 5

DISTRICT ATTORNEYS

S.B. 91 Compensation - appropriation. Effective January 8, 1985, increases from \$35,000 to \$47,500 the minimum salary for district attorneys and raises the state's required annual share of such salaries from \$28,000 to \$38,000.

Appropriates \$117,930 to the department of law for implementation of the act.

May 9

May 9

EDUCATION - PUBLIC SCHOOLS

- S.B. 16 Daily attendance - inclusion of kindergarten pupils. Extends through June 30, 1985, the period of applicability of the law which allows kindergarten pupils to be counted for the purposes of daily attendance in order to determine state equalization support to public schools under the "Public School Finance Act of 1973".

March 26 March 26

- S.B. 17 Instructional time - amount required. Requires that school districts, in order to be eligible for the state equalization program support, have 180 actual days of planned teacher-pupil instruction and of teacher-pupil contact during the regular school year. Provides that eligibility shall not be lost if the actual days of school are reduced to not less than 176 days by closings necessary for the health, safety, or welfare of students. Increases from 172 to 176 the number of days each school must be in session. Applies to school years commencing on or after April 2, 1984.

April 2 April 2

- S.B. 29 School district board members - conflicts of interest - abstention from voting. Empowers a board of education to adopt written bylaws relating to conflicts of interest for its members. Exempts the board from criminal provisions concerning failure to disclose upon the filing of the bylaws with the department of education. Directs the commissioner of education to notify the secretary of state of the exemption. Excuses a board member from voting at board meetings when he has a disclosed conflict.

March 26 July 1

- S.B. 36 "Educational Achievement Act of Colorado" - repeal. Repeals the "Educational Achievement Act of Colorado".

March 16 March 16

S.B. 39 "Comprehensive Educational Planning Act" - repeal.
Repeals the "Comprehensive Educational Planning Act".

March 19 March 19

S.B. 41 School election judges - compensation. Increases the compensation paid to school election judges to not less than \$25 nor more than \$50 to conform with the amount paid general election judges.

March 26 March 26

S.B. 42 County superintendents of schools - repeal. Repeals statutory provisions and references relating to county superintendents of schools.

March 19 March 19

S.B. 192 Boards of education - discipline code - attendance policy - suspension or expulsion. Requires the board of education of each school district to adopt a discipline code. Grants immunity from civil and criminal liability to those persons acting in good faith in carrying out the provisions of said code.

Also requires each board of education to adopt a written policy setting forth the district's attendance requirements. Requires that such policy contain provisions for excused and unexcused absences, and that suspension and expulsion shall be considered unexcused.

Specifies that serious violations in or on school property, including possession of a deadly weapon, the sale of a drug or controlled substance, robbery, or assault, are grounds for mandatory suspension or expulsion.

April 5 April 5

S.B. 200 Teachers - pilot alternative salary policies. Permits the board of a school district to develop and implement pilot alternative salary policies for the purpose of allowing the department of education to evaluate the effectiveness of such policies in promoting educational quality.

Requires that each pilot alternative salary policy consider the quality of a teacher's performance as one of the factors to determine the teacher's compensation. Also requires that each alternative salary policy provide evidence that the board has created and utilized an advisory group comprised of parents, students, teachers, administrators, and community representatives to advise the board in developing the pilot alternative salary policy and that the board will utilize the advice of such

group in implementing and evaluating the policy. Requires prior approval for such a policy by the state board of education, and establishes procedures for obtaining such approval.

Following each academic year that the pilot alternative salary policies are in effect, requires that the department of education make an annual report to the general assembly regarding the potential effectiveness of such policies in promoting educational quality.

Provides for the repeal of the statutory provisions allowing pilot alternative salary policies on July 1, 1987.

May 9

May 9

H.B. 1025 Teacher recertification. Changes what constitutes the renewal credit required to renew a teacher's certificate so as to include alternate educational experience in the form of the planning and implementation of an approved school-wide improvement program. Requires the local board of education and the state department of education to approve such school-wide improvement programs.

May 11

May 11

H.B. 1045 School construction - local planning, zoning, and building regulations. Repeals and reenacts certain provisions regarding the application of local planning, zoning, and building regulations to school construction so as to include the following changes: Requires the board of education to consult with the governing body of the territory in which the school is to located, if no planning commission exists, in order that the proposed site conform to the adopted plan of the territory insofar as is feasible; requires the board to submit a site development plan for review and comment to such planning commission or governing body prior to construction; allows for a public hearing on the school's proposed site location or development plan; requires the board to consult with the Colorado geological survey regarding certain geological features prior to buying land or constructing buildings; allows the board to finally determine the location of schools and to erect necessary buildings and structures.

Allows a fee to be charged for inspections conducted to determine if a school building conforms with the standards of the state industrial commission if such fee is approved by the district's board of education and is based on the cost of such inspection.

April 5 April 5

- H.B. 1054 Scholastic achievement - repeal. Repeals the "Scholastic Achievement Act" which implemented the federal "National Defense Education Act of 1958" and is now obsolete.

February 17 February 17

- H.B. 1059 State course of study - repeal. Repeals an obsolete statute which required the commissioner of education to include certain subjects in the "state course of study", because the state no longer has a state course of study.

February 17 February 17

- H.B. 1061 "Exceptional Children's Educational Act" - clarification of terms. Eliminates references to "group living facility" to be consistent with the term used in the "Colorado Children's Code".

March 5 March 5

- H.B. 1251 Commissioner of education - annual report. Eliminates various requirements regarding the content of the annual report from the commissioner of education to the governor and general assembly, and provides instead that the commissioner and the state board of education shall determine the content of such reports.

April 5 April 5

- H.B. 1309 Enforcement of compulsory public school attendance - judicial proceedings - fines. Requires the attendance officer for a school district to make a report to the local board of education on the causes of nonattendance in public schools. Specifies that the duty to initiate, when appropriate, proceedings for the enforcement of compulsory school attendance is upon the attendance officer designated by the local board of education or the

local board of education rather than just the attorney for the school district. Deletes a provision requiring the district attorney to initiate proceedings for the enforcement of compulsory school attendance. Allows the imposition of a fine of up to \$25 per day on parents for failure to obey an order of the court in regard to school attendance by their children.

April 30 July 1

- H.B. 1321 Teacher training - information on child abuse or neglect. Requires the board of education of a school district to provide periodic in-service programs for teachers on child abuse and neglect. Requires institutions of higher education to provide similar courses to persons seeking teacher certification from the state.

April 5 January 1, 1985

- H.B. 1338 Certificated personnel - employment evaluations - powers and duties of state board of education - certificated personnel performance evaluation councils created. Adopts the "Certificated Personnel Performance Evaluation Act." By July 1, 1986, requires all school districts to have a written system to evaluate the employment performance of all certificated school district personnel, which includes teachers, principals, and administrators. Specifies minimum standards for such system. Requires an evaluation report to be issued upon completion of any performance evaluation conducted pursuant to such system, and specifies the minimum contents of such report.

Requires the state board of education to develop guidelines regarding certificated personnel performance evaluation systems which school districts may follow in developing and implementing their own systems. Directs the board to perform a number of services relating to the planning, development, implementation, and assessment of such systems, and directs the board to suspend or withhold the accreditation of any school district upon a determination by the board that such school district has not complied with the provisions of the act.

Creates a state certificated personnel performance evaluation council and specifies the membership thereof. Requires said council to assess and advise the board concerning evaluation systems.

Directs every school district to create an advisory school district personnel performance evaluation council,

and specifies the membership thereof. Requires said council to conduct a continuing evaluation of the school district's evaluation system.

Appropriates \$30,000 to the department of education for the implementation of the act.

May 14

May 14

H.B. 1430 Financing of public schools. Permits a \$159.44 increase in authorized revenue bases for the 1985 budget year of school districts, and provides that no district need have an authorized revenue base of less than \$2,550. Abolishes the alternate minimum guarantee, and fixes the amount of the minimum guarantee at \$10 per pupil per mill for 1985 and future budget years.

Enacts a new formula for determining attendance entitlement which uses the highest of either the pupil counts for the two next preceding budget years or a four-year average. Reduces the percentage amount of the "density factor" to 103%. Places a limit on growth of state appropriations for the equalization program. Retains the 5.5% increase permitted for authorized revenue bases for the 1986 budget year and thereafter.

Provides that the state board of education will perform the functions of the state school district budget review board. Establishes a new method of granting revenue increases in excess of the authorized revenue base, which provides that state board-approved increases over a state average will not be eligible for state equalization funds but which allows equalization of increases below the state average in the first year, subject to state appropriations. Permits voter-approved increases which are not equalized in the first year but which may be subsequently equalized if they are below the state average.

Repeals provisions concerning the specification of the state's percentage share, the composition of the state school district budget review board, and the method of allowing voter-approved increases for the 1984 budget year.

April 30

April 30

EDUCATION - UNIVERSITIES, COLLEGES, AND VOCATIONAL

- S.B. 32 Loan guarantee division - debts - state tax refunds.
When a debt is owed to the loan guarantee division, allows the division to have any overpayment of state income tax up to the debt amount withheld from the debtor's refund and credited to the unpaid debt.

March 29 March 29

- S.B. 83 Colorado postsecondary educational facilities authority - general powers - bonds. Authorizes an institution of postsecondary education to make minor repairs or improvements costing under \$1,000,000 or to have moveable or fixed equipment financed by the Colorado postsecondary educational facilities authority, without authorization from the general assembly.

Authorizes the board of directors of the Colorado postsecondary educational facilities authority to allow the executive director of the authority or any officer of the board to fix the amounts, maturity dates, interest rates, and purchase prices of certain short-term notes or other obligations. Allows a bank or trust company outside Colorado to be named as trustee if determined by the authority to be in the best interest of the financing. Provides that the rate of interest on the bonds may be determined by a formula prescribed by the authority.

April 5 April 5

- H.B. 1177 State board for community colleges and occupational education - establishment of a Colorado customized training program. Establishes the Colorado customized training program within the state board for community colleges and occupational education in order to provide incentives for companies to expand or locate in this state, and to help Coloradans fill these newly created jobs by sponsoring job-specific skills training.

May 11 July 1

- H.B. 1181 Professional veterinary medicine program - accountable students. Requires the state board of agriculture to enter into an agreement with or with respect to each accountable student to insure that, as a condition of the student's continued enrollment in the veterinary medicine

program, the student shall annually pay the special hospital fee fixed by the board.

April 5 April 5

- H.B. 1253 Junior college district-board of control - membership. Designate a junior college district board of control as the board of trustees, rather than a committee. Allows a board to consist of either 5 or 7 members.

March 26 July 1

- H.B. 1269 Auraria higher education center - board of directors - inclusion of faculty member. Provides for the election of a faculty member to the Auraria board to serve in an advisory capacity.

April 5 April 5

- H.B. 1273 Student loans - loan guarantee division - Colorado student - obligation bond authority - expansion of powers. Expands the powers of the loan guarantee division in the department of higher education and of the Colorado student obligation bond authority to allow for student loans in addition to those which are reinsured by the federal government pursuant to the federal "Higher Education Act of 1965".

States that contracts or agreements entered into by the division or the bond authority for student loans shall not constitute an indebtedness of the state of Colorado.

Renames the loan guarantee division as the student loan division.

On and after July 1, 1984, increases the 7 member board of directors of the Colorado student obligation bond authority to 9 members.

April 10 April 10

- H.B. 1305 Tuition - classification of students. Makes various changes in the law dealing with the classification of students for tuition purposes at state institutions of higher education. To qualify as an emancipated minor, requires that the parents of the emancipated minor not

have made provision for his support. Changes the definition of the term "parent-qualified student" to mean an unemancipated minor who is not domiciled in the state but who has a parent domiciled in the state. Makes various changes in the presumptions and rules used in determining student status, including, but not limited to, changes in the establishment of domicile by a qualified person, provisions on domicile for members of the armed forces and parents of parent-qualified students, and provisions on financial support given or loaned to students.

Includes a provision on the retention of domicile until the student would qualify, under Colorado standards, as an in-state student in another state and a provision for retention of domicile by an unemancipated minor who stays in Colorado although his parents have moved from the state. Repeals a provision defining "annual teaching contract" and a provision establishing a presumption that a married woman's domicile is that of her husband.

April 5

April 5

H.B. 1360 Higher education - study of reorganization. Directs the appointment of a nine-member higher education committee which shall conduct a study of higher education in Colorado and make recommendations to the general assembly. Requires the committee to form a technical advisory group. Directs the director of the legislative council to provide staff services to the committee. Requires the committee to submit its findings and conclusions to the general assembly before January 16, 1985.

Provides for the repeal of the reorganization study provisions on July 1, 1985.

April 27

April 27

ELECTIONS

S.B. 77 General elections - order of questions on ballot.
Changes the placement on voting machines of questions relating to the retention of judges in office.

March 16

March 16

H.B. 1349 Political committee reports in multicounty political subdivisions - supplemental financial reports - unexpended campaign contributions. Requires political committees in support of or in opposition to issues which are not statewide issues but are issues in a multicounty political subdivision to file all necessary reports in the office of the county clerk and recorder of each county within the political subdivision.

Mandates the filing of supplemental reports when the unexpended balance or deficit from the previous year remains unchanged.

Permits contributions not expended on behalf of a nonpartisan candidate's campaign, upon approval by the nonpartisan candidate or political committee, or contributions not expended on behalf of a political committee's campaign to influence the passage or defeat of any issue, upon approval by said committee, to be contributed to any nonprofit or charitable organization or to the state or any political subdivision thereof, but not to any political party or candidate.

April 9

April 9

FINANCIAL INSTITUTIONS

- S.B. 51 Division of securities - duties. Removes the requirement that the division of securities be responsible for administering statutory provisions regarding uniform gifts to minors, refunding revenue securities, and facsimile signature of public officials.

March 26 March 26

- H.B. 1053 Banking code - definitions - banking board powers - liquidations. Modifies the definition of executive officer in the banking code.

In proceedings of the banking board, which are not required to be conducted publicly, allows the board to establish a quorum by a telephone conference call recorded in the board's minutes.

Exempts business of the banking board regarding voluntary or involuntary liquidations or restrictions on the withdrawal of deposits from the requirement that business be conducted publicly.

Authorizes the bank commissioner, with approval of the banking board, to institute liquidation proceedings where an assessment to remedy an impairment of capital is not paid within 30 days after the date of the order to levy.

Defines capital and surplus for purposes of provisions on reserves, loans, and investments.

March 12 March 12

- H.B. 1150 Registered public obligations - public inspection or copying prohibited. Prohibits public inspection or copying of the ownership of or security interests in registered public obligations.

March 26 March 26

- H.B. 1213 Savings and loan associations - amendment of articles of incorporation - miscellaneous amendments. Requires the state commissioner of savings and loan associations to charge both state and federal savings and loan associations which are public depositories for the cost of examinations which are required to comply with the law

on public depositories. Removes the specified dollar amounts for various fees and requires the commissioner to establish the amount of such fees. Sets forth provisions regarding reports by and examinations of insurers of obligations of savings and loan associations. Changes the provisions on who is eligible to be a director of a savings and loan association. Sets forth a method of amending the articles of incorporation of an association to allow the association to be transformed into a corporation which is not in the savings and loan business. Requires member or stockholder approval of such amendment as well as approval of the commissioner. Sets forth the criteria upon which the commissioner's approval must be based.

Permits the commissioner to visit and examine the affairs of any branch office as well as the home office of a savings and loan association and to accept and use examination reports prepared by other regulatory authorities in lieu of making his own examination. Allows the commissioner to furnish information on savings and loan associations to insurers of obligations of savings and loan associations and to insurers of accounts of savings and loan associations. Allows such insurers to be appointed receivers and liquidators of savings and loan associations.

May 11

May 11

- H.B. 1231 "Colorado Uniform Transfers to Minors Act" - adoption. Adopts the "Colorado Uniform Transfers to Minors Act" to replace the "Colorado Uniform Gifts to Minors Act". Expands the prior act by allowing a transfer, which is more inclusive than a gift, of property to a custodian for the benefit of a minor. Permits such transfers in the form of a lifetime outright gift, trust, estate, or guardianship and from a third party indebted to a minor who does not have a conservator.

March 29

July 1

- H.B. 1263 Industrial banks. Makes numerous changes in the laws governing industrial banks, including amendments relating to the following: Proposed changes in locations of banks; undivided profits accounts; the purchase of shares of defaulting stockholders; detached facilities; investment in personal property leases; loans to officers, directors, employees, or stockholders; examinations by the commissioner of banking; Saturday closings; acquisition of property to satisfy indebtedness; the guarantee of savings obligations; and

notice to depositors, creditors, and bailors of bank liquidation.

Repeals provisions relating to the industrial bank savings guaranty corporation of Colorado.

April 12 April 12

H.B. 1274 Securities - exemption of real estate brokers or salesmen - notice of sales - regulation of brokers and dealers - exempted securities and transactions - criminal violations and penalties. Specifies that licensed real estate brokers and salesmen are exempt from certain registration, examination, and minimum capital requirements under the "Securities Act" when involved in certain real estate transactions. Requires that certain documents be provided to the securities commissioner within 10 days after the first sale of such securities is made in the state rather than within 10 days after any sale. Empowers the securities commissioner to designate hearing officers. Changes the penalty for willful fraud from a class 5 to a class 3 felony. Extends the statute of limitations for criminal violations of securities laws and regulation from 3 to 5 years. Repeals the "Investor Protection Act".

April 9 July 1

H.B. 1325 Credit unions - bylaws - membership - elections - directors and officers - loans - dividends - conversion - merger - student loan guarantee program. Requires all credit unions to operate under the standard form bylaws unless they are modified by the credit union's board of directors. In determining membership, defines "immediate family" as those persons related by blood, marriage, or adoption regardless of whether they live together as one household. Enables the board of directors to appoint a supervisory committee rather than such committee being elected by the membership. Precludes any member from holding more than one elected office in the credit union simultaneously. Limits compensation for the treasurer and members of the board of directors of any committee.

Prohibits a credit union from loaning more than 10% of its assets to any one member and makes provisions for prepayment of loans secured by an interest in realty. Prohibits payment of dividends in excess of available earnings. Provides for the conversion of a federal credit union to a state credit union. Deletes the requirement that the par value of the shares of a new credit union after merger be \$5 each. Enables a state

credit union to be a lender in the student loan guarantee program.

March 29 July 1

H.B. 1366 Trust companies. Repeals and reenacts the "Colorado Trust Company Act". Specifies proper business activities for trust companies, including: Power to maintain and rent safe deposit facilities; power to maintain certain interest-bearing and noninterest-bearing deposit accounts; power to act as an investment advisor.

Increases the application fee for a trust company charter from \$250 to \$1500, \$500 of which is refundable upon withdrawal of the application before public hearing.

Requires any trust company to have paid-in capital stock of \$250,000 before commencing business, rather than requiring a trust company located in an area with a population of 150,000 or more to have paid-in capital stock of \$250,000, or requiring a trust company located in an area with a population of less than 150,000 but more than 50,000 to have paid-in capital stock of \$100,000, or requiring a trust company located in an area with a population of 50,000 or less to have paid-in capital stock of \$50,000.

Prohibits payment of corporate organizational expenses from any funds of the trust company other than cash amounts paid by stock subscribers solely for that purpose.

Specifies procedures for application for, and grant of, a trust company charter. Requires proposed articles of incorporation to be approved by the state bank commissioner before a charter is granted.

Specifies investments which a trust company may make, including: Certain interest-bearing bonds, bonds secured by a mortgage or deed of trust on real estate; certificates of deposit; demand deposits, or time deposits; and capital stock of other corporations.

Grants the commissioner the power to approve or deny transactions resulting in the acquisition of majority control over a trust company. Requires a \$1000 nonrefundable filing fee to be submitted with an application for such approval.

In addition to other powers, empowers the commissioner to require each trust company to maintain insurance, to approve amendments to a trust company's articles of incorporation, or to approve a change of

location.

Requires a trust company to submit an annual report of its financial condition to the commissioner. Imposes a \$50 fine per day for failure to timely file such report.

Specifies procedures for voluntary or involuntary dissolution and liquidation of a trust company.

April 30 July 1

GENERAL ASSEMBLY

- S.B. 60 General assembly - summoning of witnesses - contempt.
Provides a unified system for the summoning of witnesses by the general assembly both during and between legislative sessions. Sets forth procedures for the issuance of subpoenas. Authorizes the issuance of protective orders by district courts for the limitation of legislative subpoenas. Authorizes the general assembly to apply to the district court to compel obedience with legislative subpoenas and to the Denver district attorney for prosecution of legislative contempts. Provides a misdemeanor penalty for failure to respond to a legislative subpoena and for other contempts of the general assembly.

VETOED April 6

- S.B. 218 Increase in compensation for members of general assembly.
Increases the amount of compensation received by members of the general assembly from \$50 to \$75 per day for attendance at legislative committee meetings while the general assembly is in recess or not in session. Specifies that, commencing January 2, 1985, the compensation for members of the general assembly elected at the 1984 general election and thereafter shall be \$17,500 per annum, payable at the rate of \$2,187.50 per month for the months of January to April, inclusive, and \$1,093.75 per month for the remaining eight months of the year.

May 9

May 9

GOVERNMENT - COUNTY

- S.B. 102 Manufactured housing - zoning regulations. Prohibits counties, cities, towns, and cities and counties from having or enacting zoning regulations or subdivision regulations which exclude or have the effect of excluding manufactured homes if such homes meet or exceed, on an equivalent performance engineering basis, standards established by the entity's building code.

April 6 January 1, 1985

- S.B. 135 Reapportionment of county commissioner districts. Specifies that reapportionment of county commissioner districts, except in cases of reapportionment resulting from boundary changes, shall only be made in odd-numbered years and, if made, such reapportionment shall be completed by September 30 of that year. Requires every county commissioner district to be established, revised, or altered to be as nearly equal in population as possible by September 30 of the odd-numbered year following each federal census of the United States.

March 26 March 26

- S.B. 160 County treasurer - fees based on payments of property taxes. Allows each county treasurer to charge and receive a fee of 4% of the moneys received by him in payment of any property tax statement which is \$25 or less.

March 29 March 29

- H.B. 1081 Ouray and San Miguel county boundary - correction. Corrects a point of reference in the description of the county boundary between Ouray and San Miguel counties.

March 16 March 16

- H.B. 1087 Subdivision regulations. Provides that county subdivision regulations pertaining to sites and land areas for schools and parks may allow a combination of land dedications and monetary payments. Prohibits the value of such combination from exceeding the full market value of the land.

April 9 April 9

H.B. 1111 Fees collected by county sheriffs. Increases various fees which are charged by county sheriffs for performing certain tasks. Requires such fees to be the same for all classes of counties rather than varied according to the class of the particular county.

March 16 March 16

H.B. 1189 Board of county commissioners - use of dedicated subdivision sites and land areas or payments in lieu thereof. Permits the board of county commissioners of a county to use county moneys derived from subdivision sites and land areas for growth-related planning functions by school districts for educational purposes.

Permits a board of county commissioners to allocate dedicated subdivision sites and land areas, or payments in lieu thereof, specifically for the use of school districts and local government entities, which land or moneys shall immediately after allocation be transferred to the appropriate school district or local government entity.

April 30 April 30

H.B. 1246 Capital expenditures funds - public works funds. Allows each county to establish and levy a property tax for a capital expenditures fund, which fund shall replace the existing county public works fund. Requires that such fund be used solely for capital expenditures, which term is defined. Allows moneys from any source, except certain specified moneys, to be credited to such fund and provides that such moneys shall not revert to or be transferred to any other fund. Requires any county having moneys in a public works fund to abolish the fund and transfer such moneys to a capital expenditures fund.

April 5 April 5

H.B. 1316 Solid waste disposal site and facility - application fee. Increases the application fee for approval of a solid waste disposal site and facility from \$25 to \$300.

April 5 July 1

GOVERNMENT - LOCAL

S.B. 194 Zoning - statewide concern - voter review. Declares that the zoning regulatory process and the use of the initiative and referendum with regard to zoning have a direct and substantial effect upon the diverse constitutional rights of the people to express their will to the powers of government and to acquire, possess, and protect property, and, therefore, the nature of the zoning regulatory process and the application of initiative and referendum and voter review procedures to such process are matters of statewide concern.

Declares that the zoning process involves separate and distinct legislative and quasi-judicial acts and describes what constitutes legislative acts and quasi-judicial acts. States that legislative zoning acts shall be subject to initiative and referendum and that quasi-judicial acts shall not be subject to initiative and referendum.

Establishes a new voter review process of quasi-judicial acts of zoning by municipalities. Sets forth procedures for such voter review process, which may be commenced not later than 10 days after final passage of a zoning ordinance by the filing of a notice of intent to file a petition. Requires that a petition for voter review be signed by registered electors equal in number to at least 8% of the registered electors and be filed within 60 days after the notice of intent is filed. Directs the governing body of the municipality to either repeal the ordinance or submit it to an election within 60 to 150 days after the petition is filed. Declares that if no notice of intent is filed within said 10 days or if no petition is filed within said 60 days, no voter review of the zoning ordinance may be commenced.

VETOED May 3

S.B. 213 Colorado housing finance authority - authority to provide assistance for export trade activities. Authorizes the Colorado housing finance authority to provide financial advice and counseling with respect to export trade activities and to provide for guarantees or forms of insurance against political or credit risks of loss on loans to finance export trade activities under a contract with the export-import bank of the United States. Prohibits the use of state moneys or moneys of the authority to fund such guarantees or insurance and prohibits placing any assets, properties, or revenues of

the authority at risk for such activities.

April 13 April 13

H.B. 1228 Park and open space - dedication of high voltage transmission line rights-of-way. Encourages owners of high voltage electric transmission line rights-of-way to dedicate land located in any urban area for use as parks, trails, and open spaces. States that the governing board which accepts or rejects the offer of the dedication or use of such land shall consider such factors as the needs of the public and measures to enhance the safety of the right-of-way. Directs the governing body to consider the property rights of adjacent owners and, if necessary, to provide an access or egress from the point of termination to a public street or highway, except that the right of eminent domain shall not be used to obtain such access or egress. Limits the liability of the right-of-way owners and the governmental entities involved in the dedication for any injury or death except in cases of gross negligence or willful misconduct. States that the liability and limitations on liability shall supersede the liability and limitations of persons who come within the provisions of statutory provisions on privately owned recreational areas.

April 30 April 30

H.B. 1302 Possession of hazardous substances - duty to report - privileged information - penalty. Changes the mandatory reporting requirement for persons possessing specified hazardous substances to require reporting only when requested to do so by the designated emergency response authority, the department of health, or the local fire department. Requires an annual update of such report unless the designated response authority, the department of health, or the local fire department requests an updated report prior to the annual update. Makes the information contained in such report privileged and not subject to release to the public without the express written consent of the person providing the information. Makes the release of information contained within a report, without express consent, a class 3 misdemeanor.

April 9 July 1

H.B. 1322 Residency requirements in employment. Allows employees of local governments to reside anywhere they want, whether within or without the boundaries of the local

government. Defines the terms "employee" and "local government". Prohibits local governments from imposing residency requirements on employees, and provides that this provision preempts conflicting local government ordinances, charters, resolutions, and statutes.

VETOED April 4

GOVERNMENT - MUNICIPAL

- S.B. 46 Municipal incorporation election - notice - filing. Requires the clerk of the court to provide 3 rather than 2 certified copies of the notice of a new municipal incorporation to the appropriate county clerk and recorder, and requires that one copy be filed in the office of the secretary of state.

March 22 March 22

- H.B. 1149 Volunteer firemen - pensions - employment protection - equipment. Increases from \$200 to \$300 per month the maximum pension which a local government may pay a retired volunteer fireman. Prohibits an employer from terminating an employee who is a volunteer fireman and who fails to report to work because he has responded to an emergency, if such volunteer provides the employer with a written statement from the fire chief. Allows an employer to deduct wages due for time lost from employment as a result of responding to an emergency summons. Permits volunteer firemen to have more elaborate signal lamps mounted on their private vehicles.

March 22 March 22

- H.B. 1174 Municipal home rule charters - initiative procedures. Conforms the number of signatures required to initiate petitions relating to municipal home rule charters to the state constitution. Requires that such petitions be signed by at least 5% of the qualified electors of the municipality or, in the case of adoption of a charter, the territory proposed to be embraced. Establishes procedures governing circulation and signing of petitions to adopt, amend, or repeal a municipal home rule charter. Provides criminal penalties for violations of acts prohibited in the circulation of petitions.

April 25 July 1

- H.B. 1303 Elected municipal officials - reimbursement of recall expenses. Requires the controller, rather than the state auditor, to review recall expenses of elected municipal officials before payment.

March 29 July 1

H.B. 1347 Improvement districts - formation - sale of bonds.
States that a general improvement district may be formed for the purpose of acquiring an improvement. Deletes the 25% valuation for assessment limitation on bond issues made by a general improvement district. Empowers the governing body of a general improvement district to reject bids received for bonds issued and to sell such bonds at a private sale. Under certain circumstances empowers the governing body of a general or special improvement district to waive the requirements for notice, publication, and hearing on the petition for the formation of the district.

March 29

March 29

H.B. 1350 Gambling - authority to prohibit. Authorizes
municipalities to enact and enforce ordinances
prohibiting gambling in or on public places.

April 2

April 2

GOVERNMENT - SPECIAL DISTRICTS

S.B. 146 Special district directors - compensation. Exempts reimbursed expense payments from the limitations on compensation of directors of special districts. Prohibits directors receiving workmen's compensation as a result of volunteer firefighter service or pension payments as a result of paid firefighter service from voting on issues involving their disability or pension payments.

April 5 July 1

H.B. 1304 Urban drainage and flood control district - tax levy elections - interest rate on assessments. Provides that property taxes levied by the urban drainage and flood control district for the payment of the principal of, redemption of, or interest on bonds or obligations may exceed nine-tenths of a mill without having to be approved by the electors. Clarifies the original intent of the section of law dealing with securities which do not constitute indebtedness of such district by correcting errors made in publication. Allows the board of the district to set the maximum allowable rate of interest on unpaid assessments.

April 5 July 1

GOVERNMENT - STATE

- S.B. 8 Salaries of appointed state commissioners - appropriations. Increases the salaries of the state board of land commissioners and of the members of the public utilities commission and the industrial commission of Colorado. Specifies that such increased salaries become payable on August 1, 1984.

Makes appropriations of \$21,290 to the department of natural resources, \$21,136 to the department of labor and employment, and \$25,918 to the department of regulatory agencies for implementation of this act.

May 9

May 9

- S.B. 10 Public employees' retirement association - benefits. Increases the benefits paid to public employees' retirement association beneficiaries.

March 26

July 1

- S.B. 27 State funds - cash funds - expenditure subject to appropriation. Specifies that cash funds shall not be expended unless appropriated by the general assembly. Defines cash funds and identifies particular cash fund accounts. Appropriates trust and agency funds and custodial funds for expenditure during the first year of the state's entitlement to such funds. Exempts certain funds from the provisions of the act either because their appropriation is already addressed by law or because the funds are subject to expenditure restrictions imposed by a donor or by a trust or agency agreement.

VETOED April 2

- S.B. 61 Division of securities - continuation. Extends the automatic termination date of the division of securities to July 1, 1994, pursuant to the provisions of the Sunset Law.

March 19

July 1

S.B. 62 Division of banking - continuation. Extends the automatic termination date of the division of banking to July 1, 1994, pursuant to the provisions of the Sunset Law.

March 19 July 1

S.B. 65 Division of savings and loan - continuation. Extends the automatic termination date of the division of savings and loan to July 1, 1994, pursuant to the provisions of the Sunset Law.

March 19 July 1

S.B. 68 Civil defense workers - disposition of injury claims. Requires claims of volunteer civil defense workers who suffer injury as a result of civil defense service to be determined by the division of labor, rather than the division of the state compensation insurance fund, in accordance with hearing and review procedures of the "Workmen's Compensation Act of Colorado".

March 26 July 1

S.B. 69 Prevailing wage payment requirement on state contracts. Raises from \$5,000 to \$150,000 the contract amount above which the prevailing rate of wages in a given local government jurisdiction must be paid by contractors to workers employed on state projects except highway projects. Requires the division of labor to conduct a survey within the twelve-month period preceding the contract bid to determine the prevailing wage. Provides a hearing process for protest of such determinations. Defines "prevailing rate of wages" as the single rate paid to a majority of workers in a particular classification on similar construction in the locality.

April 13 April 13

S.B. 107 Public employees' social security - administration - contribution fund. Shifts the administration of public employees' social security from the division of employment and training to the department of labor and employment generally.

Specifies that the interest rate for delinquent payments to the contribution fund shall be set pursuant

to federal or state regulation rather than by agreement between the state and the affected political subdivision. Allows the department to deposit any moneys in the contribution fund in excess of anticipated expenditures in the general fund annually rather than quarterly and to use said moneys to pay unanticipated liabilities.

March 26

March 26

- S.B. 147 Department of natural resources - division of parks and outdoor recreation - application of lottery proceeds to operating budget. Allows the 10% of the lottery proceeds which is allocated to the division of parks and outdoor recreation in the department of natural resources for parks, trails, and recreation areas to be appropriated for the division's operating budget in addition to its capital construction budget. Requires the division to specify in its annual budget request the amount of its operating budget which is attributable to the maintenance and operation of parks, trails, and recreation areas acquired or developed with lottery money. Directs the joint budget committee to consider such data with regard to the amounts necessary from the general fund, the division's cash fund, and the lottery fund for the division's operation.

Applies to fiscal years beginning on or after July 1, 1984.

May 3

May 3

- S.B. 156 Disaster agencies - information regarding disaster emergency plans. States that any person providing information to a disaster agency for the preparation of any disaster emergency plan may request limited dissemination of such information.

April 5

July 1

- S.B. 167 Checks issued to the state - insufficient funds - penalty. Requires the controller, prior to July 1, 1985, to assess a \$15 penalty against any person who issues to any state agency a check which is returned for insufficient funds.

On July 1, 1985, requires the controller, by fiscal rule, to assess a monetary penalty based upon cost against any person who issues to any state agency a check which is returned for insufficient funds.

April 5 July 1

- S.B. 168 State treasurer - authority to issue and sell notes.
Authorizes the state treasurer to issue and sell short-term notes in anticipation of revenue that will be credited to a fund but which is not yet received. Sets forth the form and terms of such notes and places a limit on the amount of notes payable from any fund of 50% of the amount of revenue anticipated but not yet credited to the fund for the fiscal year. Allows the state treasurer to invest or reinvest the proceeds from the notes in legal investments for the particular fund or in any eligible public depository. States that the issuance of such notes does not create an unconstitutional state debt and that the notes shall be legal investments for any political subdivision or public body of the state. Requires the state auditor to prepare a report for the legislative audit committee which reviews the issuance of such notes.

Repeals the authorization on June 30, 1986.

April 22 April 22

- S.B. 169 Department of the treasury - administrative procedures.
Removes the requirement that the department categorize the daily receipts and disbursements with regard to the several funds created by law and the accounts within such funds. Authorizes the department to enter into a contract with any bank holding cancelled state warrants to microfilm and store such warrants for the benefit of the department unless the cost of the service charged by the bank is more than the cost the state would incur by providing the same service. Specifies that distributions from the mineral leasing fund shall be made 10 days after the receipt of the last payment in the quarter rather than upon receipt of payment.

April 5 April 5

- S.B. 176 Auraria higher education center - acquisition of facilities - financing. Authorizes the board of directors of the Auraria higher education center to enter into a lease-purchase agreement for the purpose of

providing an instructional facility at the center. Provides that financing for the facility may be accomplished through the Colorado postsecondary educational facilities authority or through the sale of real property located in Denver and held by the regents of the university of Colorado. Makes a declaration that the Auraria higher education center is an institution of postsecondary education. Specifically authorizes the regents of the university of Colorado to convey such real property.

April 5 April 5

H.B. 1013 Construction contracts with public entities - definition of "acceptable securities". In a statutory provision relating to security required by construction contracts with public entities, defines the term "acceptable securities" to include money market deposit accounts from qualified financial institutions.

February 23 February 23

H.B. 1014 Acquisition of land in Otero county - appropriation. Authorizes the division of wildlife to acquire fee title to approximately 662.3 acres of land, including the water rights thereof, in Otero county to be used for public purposes.

Appropriates \$287,000 for the acquisition of the property.

April 27 April 27

H.B. 1015 Insufficient fund checks - civil penalty. Increases from \$5 to \$15 the civil penalty assessed against persons who issue checks to the department of revenue which are returned for insufficient funds.

March 19 March 19

H.B. 1027 Lease-purchase activity - controller to report. Requires the controller to annually report to the general assembly on executive agencies' lease-purchase agreements having a value of \$50,000 or more. Defines the types of agreements to which reporting applies.

March 19 July 1

H.B. 1029 State funds - executive transfer of appropriations. Limits the governor's authority to transfer moneys appropriated by the general assembly by allowing only transfers between departments and only in a disaster or emergency circumstance. Repeals a provision under which the controller makes recommendations for transfers between appropriations to become effective upon approval by the governor.

VETOED April 2

H.B. 1031 State funds - federal block grant moneys - report of agency receipts. Requires each executive department or agency to report annually to the controller on all federal moneys which it received. Requires the controller to report the same data to the general assembly by November 1 of each year.

April 9 April 9

H.B. 1065 Lottery - revocation of lottery license - performance bond requirement - examination of lottery drawing equipment. Authorizes the director of the state lottery division to deny, suspend, or revoke any lottery license after compliance with procedures required under the "State Administrative Procedure Act". Allows the director to appoint a hearing officer to take evidence and make findings.

Exempts contracts for advertising and promotion of the lottery from the performance bond requirement for contractors supplying materials, equipment, and supplies for the lottery.

Changes the assessment of costs for investigating the background of a lottery supplier from the applicant seeking a contract to the apparent successful bidder for the contract.

Requires one or more lottery commissioners rather than the entire lottery commission to examine all drawing equipment used in a public drawing.

April 5 July 1

H.B. 1080 Acquisition of land and water rights in Routt County - appropriation. Authorizes the division of wildlife to acquire the title, including specified water rights, to 863 acres of real property located in Routt County.

States the general assembly's intent that the division manage the property and cooperate with local weed control agencies in a manner that controls noxious weeds on the property.

Appropriates \$535,000 out of the wildlife cash fund for the acquisition of said property and water rights.

April 9

April 9

H.B. 1084 State personnel system - salary survey - personnel board - appeals process. Directs the state personnel director to establish an affirmative action program in the personnel system to remedy the underutilization of certain groups of people. Permits the governor to remove a member of the state personnel board for failure to attend 3 consecutive regular board meetings. Requires hearing officers employed by the board to be lawyers with at least 5 years experience. Requires that either the chairman or vice-chairman of the board be a gubernatorial appointee. Requires the affirmative vote of at least 3 members of the board to reverse or modify the action of the director or an appointing authority. Makes changes in the procedure governing the conduct of salary and fringe benefits surveys. Creates a compensation advisory committee to be appointed by the director to assist in the surveys. Provides an appeals procedure to hear classification appeals within specified time limits. Changes time limits for submission to the governor of the results of the salary and fringe benefits surveys. Prohibits rejection of applicants for positions in the personnel system solely on the basis of lack of education unless such education is required by federal law or is a professional prerequisite. Directs the reinstatement of employees at their former certified class or position when such employees are promoted or transferred and then dismissed for unsatisfactory performance. Establishes procedures for disciplinary and other appeals and sets time limits for the disposal of such appeals. Permits recovery of costs from employees instituting frivolous or malicious personnel actions.

May 11

July 1

H.B. 1093 State publications depository and distribution center - rules. Eliminates the requirement that the rules of the state board of education governing the state publications depository and distribution center be submitted to and approved by the committee on legal services prior to

adoption.

April 5

April 5

H.B. 1136 Authority to sell real property - lease-purchase agreement - proceeds. Authorizes the executive director of the department of administration to sell 2 parcels of real property located in El Paso and Pueblo counties by private negotiation with units of local government for parks, recreation, or flood control or to the highest bidder after a sealed bid procedure.

Authorizes the executive director of the department of administration to enter into a lease-purchase agreement, exclusive of any water rights, with the city of Golden for a term not to exceed 5 years for the lease of 3 parcels of state property located in Jefferson county which is no longer needed for state purposes. Allows for inclusion in such lease-purchase agreement of an initial payment of the lease to cover the costs of conducting a title search and an examination, appraisal, and evaluation of the water rights of the property.

Directs that the proceeds of the sale of the parcels in El Paso and Pueblo counties and the proceeds of the sale or lease of the parcels in Jefferson county be credited to the general fund for appropriation to: The department of administration for conducting the title search and examination of the water rights of the Jefferson county parcels and for capital improvements to the state office facility in Grand Junction; to the department of institutions for capital improvements to the Lookout Mountain School for boys and to the Jefferson county detention center.

May 9

May 9

H.B. 1175 Department of institutions - authority to demolish buildings. Grants the executive director of the department of institutions authority to demolish or contract for the demolition of specified abandoned and unused buildings on grounds of the department if no appropriation is required for the demolition. Requires that any moneys which the department realizes from the salvage of the demolished buildings revert to the general fund.

March 29

March 29

H.B. 1193 Public employees' retirement association - members tax-deferred contributions. Directs employers of public employees who are members of the public employees' retirement association to pick up employee contributions required for all salaries paid after June 30, 1984, in lieu of paying the same amount to such employees, and specifies that such contributions shall be treated as employer contributions pursuant to section 414 (h) (2) of the "Internal Revenue Code of 1954", as amended, thereby making such contributions tax-deferred for federal income tax purposes. Removes the limit on the income tax exemption allowed for such contributions returned as a pension and upon which taxes were paid when earned. Amends the state income tax provisions to provide for the taxation of such contributions when earned.

Authorizes the public employees' retirement board to establish and administer a voluntary tax-deferred contribution plan, pursuant to section 401 (k) of the "Internal Revenue Code of 1954", as amended, for members of the public employees' retirement association, thereby making such contributions tax-deferred for state and federal income tax purposes.

April 25 July 1

H.B. 1201 Legal holidays - the birthday of Dr. Martin Luther King, Jr. Establishes the birthday of Dr. Martin Luther King, Jr., as a state and school holiday and as a business holiday for purposes of the consumer credit code to be observed on the 3rd Monday in January.

Combines Lincoln's and Washington's birthdays into a single holiday to be observed on the 3rd Monday in February.

Eliminates general election day as a state holiday but retains the liquor code prohibitions on general election day. Provides that state employees required to work during polling hours shall be given 2 hours off for voting unless the employee's hours are such that there are 3 or more polling hours during which the employee is not required to work.

April 4 January 1, 1986

H.B. 1211 Civil rights commission - authority to accept and spend grants and gifts. Authorizes the civil rights commission to accept and expend grants and gifts from public and private sources to accomplish its statutory duties.

VETOED April 6

H.B. 1214 Agency rule-making - public participation. Requires a state agency to made available to any person, at least 5 days prior to a public hearing, any proposed rule or revised proposed rule which is going to be considered at a public hearing along with a proposed statement of basis, specific statutory authority and purpose, and a proposed fiscal impact statement.

Specifies that an agency shall consider, when promulgating any rule, any written comments on the proposed rule or revised proposed rule. Allows the agency to adopt the proposed rule or revised proposed rule at the last public hearing if no change is made to such rule, but if an agency is going to make a change it must announce at the last public hearing the date of availability of the incorporated change in the proposed final rule. Requires the agency, prior to adoption of such rule, to afford any party to the public hearing at least 4 working days following availability of such proposed final rule to submit written comments on the proposed final rule. Exempts the wildlife commission when establishing seasons and bag limits from the requirement of affording any party to the public hearing the opportunity to submit written comments on the proposed final rule.

Mandates that the agency incorporate by reference the specific statutory authority for a rule.

March 26 July 1

H.B. 1217 Municipal, county, and special district employee retirement funds - mandatory contributions. Allows employers to pay the mandatory employee contributions to municipal, county, and special district retirement funds.

April 5 July 1

H.B. 1223 Acquisition of lands by division of wildlife - appropriation. Authorizes the division of wildlife to acquire 2 parcels of land in Montezuma county.

Appropriates \$325,000 from the wildlife cash fund for acquisition of the property.

April 5 April 5

H.B. 1277 Colorado Bureau of Investigation - missing children - list. Requires law enforcement agencies and coroners to provide information to the Colorado bureau of investigation for use by the bureau in compiling a list of missing children to be distributed to school districts and other persons or entities.

April 5 July 1

H.B. 1288 Acquisition of land in Yuma and Morgan counties. Authorizes the division of wildlife to acquire 3 parcels of land in Yuma and Morgan counties to provide public access to hunting and fishing areas.

Appropriates \$1,035,750 for the acquisition of such property.

April 5 April 5

H.B. 1294 Property or funds awarded to state agencies by court - disposition. Treats any properties or funds awarded by a court to any state agency as general fund revenue unless such properties or funds are specifically awarded by court order to a statutorily created cash fund. Requires the controller to prescribe the procedure for disposing of awarded property and for depositing the proceeds in the general fund.

VETOED April 6

H.B. 1317 Legal publications - rates. Increases the maximum rates that can be charged for the publication of legal notices or advertisements required to be published by law or court order. Requires that the rate per line shall be pro rated if the column width is either wider or narrower than 10 pica ems. Also increases the maximum rate for all emblems, display headings, rule work, and necessary blank space.

April 5 January 1, 1985

H.B. 1382 Deputy secretary of state and deputy state treasurer - salary increases. Increases the salaries of the deputy secretary of state and deputy state treasurer from \$21,500 each to \$27,500 each.

Appropriates \$6,732 from the department of state cash fund to the department of state and \$6,732 from the state treasury to the department of the treasury for the implementation of the act.

May 11

July 1

H.B. 1386 Department of institutions - authorization for the sale of real property in Jefferson county - appropriation. Authorizes the executive director of the department of institutions, on behalf of the state, to sell real property situated in Jefferson county to the highest bidder. Directs that proceeds of the sale shall be credited to the general fund and shall be subject to appropriation.

Appropriates \$94,000 out of the general fund for the implementation of the act. Directs that said funds shall be used to develop a program for the division of youth services regarding detention and institutional services, and that said funds shall become available when the proceeds from the sale of the property are credited to the general fund.

April 30

April 30

H.B. 1427 Restoration of moneys transferred to general fund - fiscal emergency. Makes repayment of the severance tax trust fund the fourth priority, instead of the third priority, for repayment of the special funds from which moneys were transferred into the fiscal emergency fund. Directs that repayment of the severance tax trust fund from moneys in the general fund and the capital construction fund be completed by June 30, 1987.

April 30

April 30

HEALTH

- S.B. 12 Air quality hearings board - abolishment. Eliminates the air quality hearings board and substitutes the air quality control commission as the forum for review of acts of the division of administration in the department of health with regard to air quality control.

Beginning January 1, 1987, requires 3 members of the commission to have private sector, technical, or industrial employment experience.

March 19 July 1

- S.B. 82 Colorado health facilities authority - issuance of bonds. In the issuance of bonds by the Colorado health facilities authority, allows banks or trust companies outside Colorado to be named as trustees if the authority determines it to be in the best interests of the financing. Permits a designated agent of the authority to determine the interest rate of the bonds in accordance with specified procedures. Provides that the authorization granted by the board of directors concerning short-term notes or other obligations shall remain effective even if the composition of the board subsequently changes unless the board rescinds the authorization before the expiration of the time period designated for the duration of the authorization.

April 5 April 5

- S.B. 106 Streptococcus culture testing - cash fund. Authorizes the executive director of the department of health to develop a culture-testing program for streptococcus. Establishes the streptococcus cash fund for the deposit of fees which the department is authorized to collect for its costs in performing such tests. States that the moneys in said fund are for the operation of the program subject to appropriation by the general assembly.

April 5 July 1

- S.B. 123 Health facilities - certificate of public necessity - various changes. Makes various changes in the "Colorado Certificate of Public Necessity Act", including the following:

Structural changes: Reduces the number of members

on the Colorado health facilities review council from 13 to 9; restricts the political affiliation of members on the council; requires particular training or experience for certain council members.

Procedural changes: Establishes additional procedural requirements for the council; establishes a filing fee of \$2,000 to accompany an application for a certificate of public necessity (COPN); provides that a hearing officer may be appointed to review certain applications subject to later review by the council, the final decision of which may be appealed directly to court; restricts such a reviewing court to the record as certified by the council; establishes time limitations within which the council must act on various types of applications or the applications shall be deemed approved; allocates responsibility to pay for the actual and direct costs of conducting a hearing officer review among the applicants or the council, depending on who requests such a review, and provides that all such payments made by applicants shall be credited to the health facilities review council cash fund and shall remain subject to appropriation by the general assembly; allows for revision of an application after a hearing and prior to a decision by the hearing officer; allows all rejected applications to be resubmitted to the council.

Changes in standards to be applied: Increases the capital expenditure threshold requiring a COPN review from \$750,000 to \$2,000,000; applies this threshold of \$2,000,000 to free-standing ambulatory surgical facilities, free-standing emergency facilities, and free-standing kidney dialysis units; establishes an expenditure for major medical equipment or services requiring a COPN review at \$1,000,000; for specific geographic markets, allows for the exemption of certain classes of services, equipment, or expenditures from COPN review; requires the council to promulgate rules providing incentives for applicants to simultaneously reduce excess capacity for service, beds, or equipment that would otherwise exist upon the issuance of the COPN; modifies and provides additional standards by which the council shall analyze proposed applications.

May 3

May 3

S.B. 137 State participation in the federal "Comprehensive Environmental Response, Compensation, and Liability Act of 1980" - authorization. Authorizes the department of health to participate in federal implementation of the "Comprehensive Environmental Response, Compensation, and Liability Act of 1980". Requires any state matching payment required by a cooperative agreement between the

department of health and the federal government for remedial action and responses relating to hazardous waste disposal and control to be approved by the general assembly acting by bill. Continues the cooperative program until July 1, 1989.

April 12 April 12

S.B. 142 "Vital Statistics Act" - reports - certificates - procedures - fees - penalties. Makes various changes in the "Vital Statistics Act", including the following:

Eliminates local registration districts, requires the state registrar to designate organized local health departments, and empowers the state registrar to establish or designate additional offices throughout Colorado to aid in the administration of the system of vital statistics.

Expands the vital statistics records cash fund to provide for the direct and indirect costs of the office of the state registrar. Requires that various fees collected pursuant to the act be credited to the cash fund and permits the adjustment of such fees to pay for the direct and indirect costs of the office of the state registrar. Increases the fee for the preparation of certain reports from \$1 to \$3.

Specifies procedures for preparing and filing a certificate of death in various situations, including the following circumstances: When death occurs in a moving conveyance; when an inquiry is required; and when death is presumed to have occurred within Colorado but the body cannot be located.

Specifies procedures for preparing and filing certificates of birth, including situations in which birth occurs in a moving conveyance.

Broadens the scope of application of the existing penalty section.

April 5 July 1

S.B. 193 Air pollution from motor vehicles - reduction of emissions from diesel-powered motor vehicles. Extends statewide the prohibition and penalties for operating gasoline-powered motor vehicles which emit visible air pollutants, which prohibition and penalties previously applied only in designated counties along the front range. Revises the opacity standard for determining when

a diesel-powered motor vehicle is emitting a level of visible air pollutants which creates an unreasonable nuisance or danger to the public. Increases the penalty applicable in the automobile inspection and readjustment (AIR) program area for operating a diesel-powered motor vehicle which emits an excessive level of visible air contaminants, allows for a reduction in the penalty if the owner obtains, prior to his appearance in court, a certificate from a state-operated emissions technical center that the emissions level is no longer exceeded, and provides that such penalties shall be transmitted to the treasurer of the local jurisdiction in which the violation occurred.

Requires the department of health to study and report to the general assembly on methods of controlling emissions from light and heavy duty diesel-powered motor vehicles. Requires the department of health to establish and operate for 2 years a pilot voluntary inspection and maintenance program for light duty diesel-powered motor vehicles and for selected fleets of heavy duty diesel-powered motor vehicles. Also requires the department to establish a two-year pilot program, to be followed in 1988 by a permanent program, of self-inspection and maintenance for fleets of heavy duty diesel-powered motor vehicles registered in the AIR program area. Imposes an additional \$10 registration fee on diesel-powered motor vehicles to support the diesel-powered motor vehicle emissions control activities of the departments of health and revenue.

Appropriates \$670,036 from the AIR account in the highway users tax fund to the department of health for the implementation of the act.

May 2

July 1

H.B. 1010 Board of hospital trustees for county hospitals - qualifications of members. Eliminates the restriction that no practicing physician be appointed as a trustee of a county hospital but limits membership on the hospital board to one licensed physician at any given time.

March 5

March 5

H.B. 1066 Water quality control commission - staggered terms for members. Establishes variable terms for new appointees to the water quality control commission, so that no more than one-third of the commission's members' terms would expire at one time.

March 16 March 16

H.B. 1167 Standards for regulation of personal care boarding homes. Requires the department of health to promulgate and adopt guidelines by January 1, 1985, for rules and regulations establishing minimum standards for the location, sanitation, adequacy of facilities, adequacy of diet and nutrition, equipment, structure, operation, provision of personal services and protective oversight, and personnel practices of personal care boarding homes.

April 30 July 1

H.B. 1179 Emergency medical services - personnel requirements - certification and renewal - minimum ambulance equipment requirements. Changes the minimum requirements for ambulance drivers and persons providing direct care to ambulance patients. Allows any person to operate an ambulance where there are no qualified persons in an ambulance service area available to respond to an emergency call.

States that emergency medical technician certificates are valid for 3 years and renewable upon completion of a refresher course program. Defines "refresher course program", and requires the state advisory council on emergency medical services to establish such program.

Requires the council to establish a list of minimum equipment for ambulances to be approved by the state board of health.

Authorizes the council, by two-thirds vote, to overturn actions of the state department of health regarding emergency medical services, upon the petition of an aggrieved party and after notice and hearing.

April 13 July 1

H.B. 1187 Pollution from wood stoves and fireplaces - appropriation. Authorizes the air quality control commission to establish standards for emission

performance and emission testing procedures for new wood stoves. Directs the air quality control division to develop an evaluation and certification program in which wood stoves are tested for emission performance by an independent testing laboratory to determine if they meet Colorado's emission performance standards. Authorizes the air quality control division to certify, by issuing a certification label, that a wood stove meets the emission performance standards of the commission.

On or after January 1, 1987, prohibits selling, advertising for sale, or offering for sale a new wood stove unless the model has been tested for emission performance and has been certified as having passed such test. Allows evaluation and certification of wood stoves prior to the compliance date for certification.

Authorizes the commission to establish design specifications for fireplaces. Requires all fireplaces installed on or after July 1, 1987, to meet approved design specifications. Mandates counties and municipalities with building codes to adopt provisions requiring any person constructing a fireplace by July 1, 1987, to comply with the approved design specifications.

Places fees collected by the health department for certifying wood stoves in the stationary sources control fund.

Appropriates out of the stationary sources control fund \$49,324 and 1.0 FTE to cover the costs of the emission control programs. Allocates \$75,000 of federal grant moneys to the department of health for the air pollution control division.

April 12 April 12

H.B. 1247 Hospice and home health care - insurance coverage - regulatory authority. Requires every insurer under a policy of sickness and accident insurance and every nonprofit corporation operating a nonprofit plan of prepaid health services to offer their policyholders and subscribers the opportunity to purchase coverage for hospice and home health care. Applies to policies and plans issued or renewed on or after July 1, 1985.

Establishes authority for the department of health to license and regulate hospice care facilities for the terminally ill.

April 25 April 25

HIGHWAYS AND ROADS

- S.B. 148 Longer vehicle combinations - permits - extension.
Authorizes the operation of longer vehicle combinations on interstate highway 70 west of its intersection with state highway 65 in Mesa county.

April 5 April 5

- H.B. 1078 Turnpikes - construction, improvement, or reconstruction - bonds authorized. Requires that any bonds issued by the state department of highways for the construction, improvement, or reconstruction of a turnpike be approved by a joint resolution of the senate and house of representatives, signed by the governor. Changes the interest rate on such bonds from an effective rate of 3% per year to a maximum net effective rate authorized by resolution of the state department of highways on the face value of the issue of bonds. Makes all such bonds issued a first lien on all or any part of the moneys pledged or set aside from which the bonds are to be paid.

Authorizes the lawful purchase of such bonds by the state of Colorado and any of its institutions, agencies, or political subdivisions, any political or public corporation of the state, or any other financial institution or other fiduciary. Directs interest from the investment of the bonds to be applied for bond purposes and to remain in the funds created by and for the issuance of the bonds.

April 9 April 9

- H.B. 1280 Public highway access - access code - administrative hearing - variance. States that any decision by the state highway commission or a hearing officer made pursuant to a review of a decision of the state highway department is a final agency action.

Authorizes the commission to grant variances to the state highway access code where necessary for the public convenience, safety, and welfare. States that failure to grant a variance which results in a denial of reasonable access to the general street system may be subject to state statutory and constitutional eminent domain provisions.

April 5 July 1

H.B. 1299 Department of highways - appointment of internal auditor.
Requires the executive director of the state department of highways to appoint an internal auditor after giving consideration to the recommendations of the state highway commission and sets forth his responsibilities. Provides that the state highway commission establish an audit review committee to oversee the operations of the internal auditor.

April 5

April 5

INSTITUTIONS

S.B. 139 Voluntary application for mental health services - minors - procedures - review of need for continued hospitalization. Requires that a guardian ad litem be appointed for a minor who is less than 15 years of age and a ward of the department of social services when hospitalization for mental health purposes is sought for such minor. Requires that the need for continued hospitalization of all voluntary patients who are minors shall be reviewed every 6 months by a professional person who is not a member of the minor's treating team and who has not previously reviewed the child. Establishes review procedures for minors who object to continued hospitalization, and specifies when such minors may request a court hearing on the need for continued hospitalization. Requires that a minor be given written notice of his rights upon admission to hospitalization for mental health services.

April 12 April 12

INSURANCE

H.B. 1056 No fault insurance - coverage required for motorcycles and motorscooters. Requires no fault insurance for the previously exempt operation of motorcycles and motorscooters, as defined in the motor vehicle law, but limits required coverage to \$25,000 for bodily injury or death to any one person and \$50,000 to all persons and \$15,000 for property damage in any one accident. Failure to obtain a complying policy is a violation of the motor vehicle financial responsibility law which is a class one traffic offense punishable by a fine of \$100 to \$1,000 or imprisonment for 10 days to one year or both.

March 29 July 1

H.B. 1148 Health maintenance organizations - review by the commissioner of insurance. Substitutes a review procedure for health maintenance organizations subject to the Colorado income tax act, or having owners whose ownership interest is subject to said act, which no longer requires the commissioner of insurance to approve the schedules of charges of such organizations.

March 12 December 31

H.B. 1192 Benefit payments to individuals eligible for state medical assistance - denial of payments prohibited. Prohibits the denial of benefit payments under hospital or medical insurance coverage for individuals eligible for or receiving benefits under the "Colorado Medical Assistance Act" or the "Alternatives to Long-term Nursing Home Care Act" by any of the following organizations: Sickness and accident insurance companies; nonprofit hospital and health service corporations; prepaid dental care plan organizations; health maintenance organizations, or organizations issuing supplemental medicare insurance.

Applies to policies issued, renewed, or reinstated on or after August 1, 1984.

March 29 July 1

H.B. 1377 Unfair trade practices by insurance companies - failure to pay claim - rules and regulations - penalties. Redefines "person" to include health maintenance organizations for purposes of being regulated pursuant to

statutory provisions relating to unfair competition and deceptive practices in the insurance industry. Authorizes the commissioner of insurance to promulgate rules which would penalize insurance companies for delaying the payment of benefits when such payment is delayed more than 60 days after the filing of a valid and complete claim unless there is a reasonable dispute between the parties. Limits such penalty to \$20 on claims of less than \$100 or interest at a rate of 8% annually on claims above \$100.

April 5 July 1

LABOR AND INDUSTRY

- S.B. 67 Workmen's compensation - default of employer - additional liability. States that a noninsured employer under workmen's compensation law who fails to comply with a lawful order or judgment awarding compensation is subject to a penalty of an amount equal to 50% of the order or judgment or \$1,000, whichever is greater, plus reasonable attorney fees.

March 26 March 26

- S.B. 177 Unemployment insurance - disqualification - tax rate for benefits not effectively charged. Disqualifies individuals seeking unemployment compensation, rather than reducing their benefit award, when the acts of such individuals are the proximate cause of their unemployment. Specifies acts which will not result in disqualification. Enumerates acts of an exemployee which will result in his exemployer's release from liability for benefits which would otherwise be attributable to such exemployee's employment. Places a flat-rate surcharge tax on employers for benefits not effectively charged, and exempts from such tax employers whose benefit-charge account balance is zero.

April 27 July 1

- H.B. 1115 Members of the industrial commission - terms - chairman. Staggers the appointment and terms of members of the industrial commission in order to avoid the situation in which all of the commissioner's terms could expire on the same date. Provides that the commission chairman be appointed annually by the governor to serve as chairman for one year rather than for the remainder of his term as a commission member.

February 23 July 1

- H.B. 1118 Workmen's compensation - review procedures. Allows settlement of all or part of a workmen's compensation claim if such settlement is in writing, signed by the employer's representative or his insurer, and signed and sworn to by the injured employee. Requires a hearing officer or the director of the division of labor to review the settlement with the injured employee and to approve such settlement in writing. Requires the settlement to be filed with the division of labor.

Mandates the preparation of a full transcript when relevant to an appeal of a workmen's compensation matter. Extends most filing deadlines from 15 to 20 days. Clarifies the review procedure in workmen's compensation cases by tying most of the deadlines to the date of the certificate of mailing of orders or notices. Sets up a procedure for all parties to order, review, and pay for transcripts. Requires the commission to send a written notice to all parties of the right to file an appeal before an order becomes final in those instances in which the commission has failed to enter an order within 60 days of receipt of the record.

Restores the former statute of limitations for reopening awards. Provides that appeals to the court of appeals from orders of the industrial commission of Colorado shall conform to the Colorado appellate rules.

March 29

March 29

- H.B. 1160 Division of labor - authority of director with respect to the subsequent injury, medical disaster, and major medical insurance funds. Authorizes the director of the division of labor to administer and conduct, in the name of the division, all matters involving the subsequent injury fund, the medical disaster insurance fund, and the major medical insurance fund. Includes in such authority the power to sue and be sued, to make and enter into contracts of obligations relating to the funds, and, with respect to the medical disaster and the major medical insurance funds, to contract with doctors and hospitals for treatment of persons entitled to benefits from the respective fund.

March 26

March 26

- H.B. 1161 Workmen's compensation - self-insurance - fees for administration - appropriation. Requires the industrial commission to establish fees necessary to administer the laws relating to employers who are acting as self-insurers under the "Workmen's Compensation Act of Colorado", which fees shall not exceed \$1,250 for an initial application or \$1,000 for an annual review. Creates the workmen's compensation self-insurance fund from which funds are to be appropriated to administer the regulatory provisions. Repeals the language authorizing the fees and creating the fund, effective July 1, 1987.

Appropriates \$45,200 and 2.0 FTE from the workmen's compensation self-insurance fund for the implementation of the act.

April 9 July 1

H.B. 1186 "Colorado Employment Security Act" - payment of benefits - frequency. Specifies that an individual's eligibility and benefit amounts shall be determined weekly and that payment of said amounts shall be made not less frequently than biweekly. Requires implementation of these provisions by July 1, 1985.

March 26 March 26

H.B. 1230 "Colorado Employment Security Act" - administration - determination of benefits - appeals - penalties. Makes a number of changes in the administration and determination of benefits under the "Colorado Employment Security Act". Amends the definition of "partially employed" to exclude those employees who work 32 hours or more per week. Includes employer contributions and some compensation plans within the definition of "wages" and excludes a number of payments and expenses from the same definition. Conforms state law to federal law with respect to qualification for compensation in an individual's next benefit year.

Clarifies the appeals process from any decision of the industrial commission. States that determinations made under the Act shall not be binding on the interested parties under any other statutory or contractual relationship or on any other agency or court. Specifies that an employer's failure to furnish tax reports or to file true reports shall be considered offenses only if committed as of the date a determination of delinquency is no longer subject to appeal. Rewrites the penalty section relating to any person who received moneys under the workmen's compensation law to which he was not entitled. Repeals the provision which provides that service by a person shall be deemed to be employment unless performed pursuant to a written contract which provides that the person shall not be treated as an employee for federal tax purposes.

April 9 July 1

H.B. 1353 Unemployment compensation - denial of benefits - reduction of benefits - interest costs. Denies

unemployment compensation to any individual for any week during a period of both unpaid sabbatical or other voluntary leave under specified circumstances. Allows no payment of unemployment benefits if a separation from employment is because of voluntary retirement. Reduces potential entitlement by the amount of severance allowances. Provides that employers with a positive excess of plus 7% or more and employers whose benefit-charge account balance is zero shall not be subject to interest costs based on interest-bearing advances from the federal unemployment trust fund.

April 25 July 1

H.B. 1388 Workmen's compensation insurance premiums - surtax increase. Increases the surtax imposed on workmen's compensation insurance premiums from .5% to .75% on new and renewal policies. On January 1, 1985, the surtax increases to 1% and on July 1, 1985, the surtax is further increased to 1.5% to continue at such level until the balance in the major medical insurance fund exceeds \$1,000,000.

April 5 July 1

MOTOR VEHICLES

- S.B. 22 Department of revenue - service fees in connection with drivers' licenses and other records. Increases the fee charged for a copy of a public record from the department of revenue from \$1.25 to \$2.00. Raises the fee for issuance of a driver's license, including a provisional license, and a minor's license from \$5.50 to \$6.50, with the extra \$1.00 forwarded to the state if the license is issued by a county clerk and recorder. Increases the fee for restoration of a revoked, suspended, or cancelled driver's license from \$20.00 to \$30.00.

April 2 January 1, 1985

- S.B. 72 Height limits - designated highways. Allows vehicles, including buses, with heights of 14 feet 6 inches, previously 13 feet 6 inches, to operate on highways designated by the state department of highways.

April 5 April 5

- S.B. 111 Alcohol- or drug-related traffic offenses - useful public service by offenders. Authorizes the establishment of useful public service programs in the probation department of each judicial district for the purpose of administering the public service portion of an offender's sentence. Requires any general public liability insurance obtained to cover persons in the program to have a combined single limit of not less than \$1,000,000.

April 5 July 1

- S.B. 158 Overlength public utility loads and vehicles - annual fleet permit. Authorizes the issuance of an annual fleet permit for overlength public utility loads or vehicles which are within legal weight limits for a fee of \$1500 plus \$15 per fleet vehicle.

April 5 April 5

- S.B. 186 Child restraint systems - exemptions. Exempts from the requirements of the child restraint systems law those children who are transported in a motor vehicle in which all the seats or child restraint systems are occupied and

who are transported in a motor vehicle as the result of a medical emergency.

April 5 April 5

H.B. 1024 Motor vehicles subject to ton-mile or passenger-mile tax - records - penalty. Requires every owner or operator of a motor vehicle subject to the ton-mile or passenger-mile tax to keep records in such form and manner as to reflect the actual activity of the motor vehicle. Adds a penalty of 25% and penalty interest of .5% per month on any deficiency assessed due to an error in keeping such records.

March 16 March 16

H.B. 1033 Mobile home - permit to move. Requires each application for a single trip permit to move a mobile home to be accompanied by an authentication of paid ad valorem taxes on the used mobile home. Requires holders of permits to keep records showing the exact address and the name and address of the landowner of final destination of the mobile home for at least 3 calendar years and further requires the permit holder to notify the county treasurer of the county from which the mobile home is being moved of the new exact address and name and address of the landowner of the final destination of the mobile home.

March 19 March 19

H.B. 1035 Registration fees - metro vehicles - trucks and truck tractors exempt from gross ton-mile tax. Increases the registration fee from \$83.10 to \$89.10 for metro vehicles having an empty weight of more than 10,000 lbs. but less than 10,200 lbs. and for vehicles having an empty weight of more than 10,200 lbs., increases such fee to \$87.72 plus \$2.31 per 100 lbs. of empty weight exceeding 10,200 lbs. Increases the registration fee for trucks and truck tractors having an empty weight exceeding 10,000 lbs. from \$22.50 to \$143.00 plus \$2.00 for each 100 lbs., or fraction thereof, in excess of 10,000 lbs. if the vehicle is one of the following vehicles exempt from the gross ton-mile tax: A vehicle specially constructed for towing, wrecking or repairing, an operator-owned vehicle transporting racehorses, or a veterinary mobile truck unit.

April 5 July 1

H.B. 1038 Automobile inspection and readjustment program - evidence of compliance - penalty. Prohibits parking, as well as operating, a motor vehicle in a public place without displaying a valid certificate of emissions control. Amends the penalty for failure to display such certificate as follows: \$50 upon conviction for an owner; \$15 for an owner who conforms his motor vehicle within 30 days after the issuance of the notice and summons; and \$15 upon conviction for a nonowner driver. Allows fines to be retained by the jurisdiction in whose name the penalty was assessed. States that any municipality, city, county, or city and county may adopt its own ordinance or resolution pertaining to emissions control requirements.

April 30 July 1

H.B. 1082 Vehicles designated as class F personal property - rentals - alternative method of payment of specific ownership tax. Allows an owner of mobile machinery or self-propelled construction equipment who regularly sells and rents such equipment an alternative manner of paying ownership tax. Mandates that the owner of such equipment shall collect from the user thereof the specific ownership tax in the amount equivalent to 2% of the amount of the rental or lease payment. Requires specific authorization from the authorized agent in the county in which the owner's principal place of business is located prior to the collection of the tax. Requires the owner of such equipment to apply for and pay a fee of \$5 for an identifying decal for each item of equipment to be rented or leased. Specifies that the owner of such equipment shall submit a report together with the remittance for all taxes collected for the proceeding month to the authorized agent in the county in which the equipment is used.

April 5 July 1

H.B. 1106 Length of school buses. Permits the use of school buses with a length of forty feet without obtaining prior authorization from the department of education.

April 12 July 1

H.B. 1108 Mandatory insurance. Requires motor vehicle registrants to affirm, by signature, that they have in effect a complying policy of no-fault insurance or self-insurance covering their motor vehicle. Specifies that applicants

be informed on the registration card and on the notice for renewal of registration that the minimum penalty for not complying with the compulsory motor vehicle insurance laws is 10 days imprisonment or a \$100 fine or both, that the maximum penalty for such offense is one year imprisonment or a \$1,000 fine or both, and that failure to sign the affirmation of insurance on the registration card shall be punishable by a \$10 fine. Directs the department of revenue, from January 1, 1985, to January 1, 1986, to include a letter with the registration card that explains the duty to sign the affirmation of insurance and the penalties connected therewith.

Makes the failure to sign the affirmation of insurance on the registration card a class B traffic infraction punishable by a \$10 fine.

Increases from \$25,000 to \$50,000 the minimum insurance coverage required per person per accident under the no fault insurance statute. Expands from 3 to 5 years the length of time after an accident during which insurance payments are required for expenses for medical treatment and for recognized religious methods of healing.

Establishes a graduated schedule for the payment of benefits, not to exceed \$400 per week, to replace lost income due to an accident. Increases the payment of benefits from \$15 to \$25 for essential services which the accident victim would have performed without income following an accident.

Expands the definition of "private passenger motor vehicle" to allow self-insurers of certain private passenger motor vehicles which are regulated by the public utilities commission to sue negligent parties to recover benefits actually paid out.

Increases from \$500 to \$2,500 the threshold amount of reasonably needed medical, care, and rehabilitation expenses required in order for an accident victim to bring a tort action to recover damages.

April 30 January 1, 1985

H.B. 1169 Vehicle length restriction. Increases the maximum permissible length of a single motor vehicle from 35 feet to 40 feet. Increases the maximum permissible length of school buses from 36 feet to 40 feet and deletes the requirement that school buses more than 36 feet in length contain 3 axles.

April 9 April 9

H.B. 1249 Alcohol-related traffic offenses - preliminary screening test prior to making arrest. Allows a law enforcement official who has reasonable cause to believe that a driver is driving under the influence of, or while impaired by, alcohol or that the driver has been involved in a vehicle collision resulting in injury or death to request such driver to submit to a preliminary screening test for the purpose of deciding whether an arrest should be made and whether to administer the chemical test authorized by the drunk driving statute.

April 5 July 1

H.B. 1259 Suspension of driver's license - recognition of traffic violation judgments entered by the Southern Ute Indian tribal court. In statutory provisions concerning suspension of driver's licenses, allows for the recognition of all traffic violation judgments, including civil traffic infraction violations, entered by the Southern Ute Indian tribal court by deleting language which limited such recognition to only criminal traffic offenses.

March 26 July 1

H.B. 1307 Safety inspections for vehicles - elimination. Repeals the motor vehicle safety inspection program which was scheduled to be reimposed on July 1, 1984.

May 11 July 1

H.B. 1334 Alcohol- or drug-related traffic offenses - useful public service program. Assesses a fee of \$40 upon each person convicted of an alcohol- or drug-related traffic offense when such person is required to perform useful public service rather than a fee of \$2 per day of service. States that the fee shall be used for the general administration of the useful public service program, as well as to purchase insurance for such person. Provides

for the distribution of such fees to the operating agency responsible for overseeing such person's useful public service program.

April 25 July 1

H.B. 1384 Motor vehicles owned by veterans - exemption from specific ownership tax - special license plates. Raises the allowable weight from 5,500 lbs. to 6,500 lbs. for a motor vehicle which is exempt from the specific ownership tax and which may be issued special license plates by virtue of being owned by a disabled veteran or a former prisoner of war. Authorizes additional special license plates for vehicles owned by such eligible persons, including special license plates for motor homes, upon the payment of applicable fees and taxes.

April 27 April 27

H.B. 1389 Motor vehicle manufacturers - express warranties - consumer remedies. Requires the manufacturer, or its agent or authorized dealer, of any motor vehicle sold on or after July 1, 1984, to repair a vehicle which does not conform to an applicable express warranty if the consumer notifies the manufacturer by certified mail of any defect and gives the manufacturer an opportunity to cure the alleged defect. Upon failure to make such repairs after a reasonable number of attempts, allows the consumer to seek the replacement of the vehicle or a refund.

Mandates that a form for notification by the consumer containing the manufacturer's name and business address be included with the motor vehicle owner's manual.

Provides for attorney fees to prevailing parties, sets forth affirmative defenses, and specifies a statute of limitations.

April 5 July 1

NATURAL RESOURCES

- S.B. 78 Revision of statutes on powers, duties, and functions of divisions of wildlife and parks and outdoor recreation. Amends, revises, and recodifies most of title 33, Colorado Revised Statutes, to include substantive changes and to separate, clarify, and update provisions on wildlife and parks and outdoor recreation, which were once under the same administrative agency, but have been operated, administered, and enforced separately under the division of wildlife and the division of parks and outdoor recreation for several years. Such changes do not deal with the issues of damage by wildlife or wildlife licenses and fee adjustments.

May 11 January 1, 1985

- S.B. 93 Oil and gas conservation commission - director - duties. Authorizes the appointment of a director of the oil and gas conservation commission and establishes his powers and duties.

March 26 March 26

- S.B. 105 Oil and natural gas - production and purchase - returns. Changes the date for filing quarterly reports with the oil and gas conservation commission by oil and natural gas producers and makes certain purchasers subject to the reporting requirements. Requires each producer to advise the commission whether he or the purchaser will be responsible for filing such return. If the producer files such return, mandates that the producer maintain records of purchase invoices for 3 years.

States that reports shall contain the volume and the sales value, rather than the market value, of oil and gas produced or purchased and the percentage interests of each owner of interest therein.

Increases the amount of penalty interest due for delinquent payment of charges imposed on the market value of the oil or gas produced from .5% per month to 3% per month.

Mandates that the oil and gas conservation commission rather than the department of revenue collect any charges and penalties assessed.

April 27 July 1

H.B. 1070 Ore sales - inspection of memoranda by secretary of state. Removes a provision governing memoranda of ore sales which provided for inspection of such memoranda by the secretary of state's office.

February 23 February 23

H.B. 1074 Colorado bureau of mines - seal. Repeals a provision which required the secretary of state to provide the Colorado bureau of mines with a seal for the use by the commissioner of mines.

February 23 February 23

H.B. 1191 River outfitters - licensing - regulation - penalties - appropriation. Requires river outfitters to be licensed and sets out minimum requirements for applicants.

Empowers the board of parks and outdoor recreation to promulgate rules and regulations governing the licensing of river outfitters. Requires river outfitters' equipment to be in serviceable condition in accordance with the rules promulgated by the board. Creates an advisory council to make recommendations to the board regarding river outfitters and associated river running activities.

Sets out activities which are prohibited and sets penalties for violation of such provisions, enforceable by any peace officer.

Requires a river outfitter to reimburse a governmental entity for any expenses incurred by such entity for search and rescue efforts stemming from any river running activity conducted for compensation by such river outfitter.

Provides for the repeal of the regulatory provisions on January 1, 1989.

Appropriates \$34,250 and 0.8 FTE to the division of parks and outdoor recreation to implement the licensing requirement.

May 9

January 1, 1985

H.B. 1376 Wildlife damage - responsibility of state - appropriation. In statutory provisions relating to damage by wildlife to orchards, nurseries, crops, fences,

and livestock forage, specifies that historic use levels by wildlife shall be designated by the claimant at the time of making a claim and that if the division disagrees with the claimant on historic levels or any element of damage, the matter may be submitted to arbitration within 10 days of notice by either party. Specifies that damages in excess of 10% to livestock forage and fences shall be reimbursed and that damages to aftermath on alfalfa shall be reimbursed in full. Repeals a provision which required deferred grazing land to be designated a year previous to the year in which a claim for wildlife damage is made. Requires that any reimbursement be reduced by the amount of any insurance claim awarded. Allows a claimant to file a claim for disputed damages in any court of competent jurisdiction in the judicial district in which the damage occurred.

Appropriates \$30,000 to the division of wildlife for implementation of the act.

May 2

May 2

PROFESSIONS AND OCCUPATIONS

- S.B. 33 State electrical board - regulations - national standards. Updates the citation to the national standards in the rule-making authority of the state electrical board to indicate that the board's rules and regulations shall be governed by the 1984 national electrical code.

March 19 July 1

- S.B. 43 Prescriptions issued by physician assistant - supervising physician's name. Requires the name of the supervising physician of a physician assistant to be printed rather than handwritten on any prescription issued by such assistant.

March 16 March 16

- S.B. 45 Optometrists - pharmaceutical agents. Authorizes certified optometrists to purchase and possess as well as administer certain diagnostic drugs.

March 16 March 16

- S.B. 49 Permanent state highway tunnel facilities - conformity to standards based on the national electrical code. Defines "permanent state highway tunnel facilities" in the statutes concerning electrical inspections and licensing, and requires such facilities to conform to standards based on the national electrical code, or more stringent standards if such standards are adopted by the department of highways. Excludes such facilities from the definition of a "mine" for purposes of inspection by the bureau of mines.

March 22 March 22

S.B. 76 Subdivision developers - time shares - registration.
Requires a subdivision developer of time shares to register with the real estate commission. States that such developer's refusal to honor a buyer's timely request to cancel a contract is grounds for suspension or revocation of registration.

April 2 April 2

S.B. 112 Beer code - liquor code - licenses - fees - unlawful acts - distance restrictions - definitions. Beer code:
Defines "adult" and clarifies what actions may be taken only by adults. Requires licensees to report to licensing authorities certain changes in financial interest and the name of the manager on the licensed retail premises. Clarifies when local licensing authorities can revoke or suspend a beer license. Eliminates the residence requirement for licensees. Increases the maximum local licensing authority application fee from \$350 to \$450 for a new license and from \$150 to \$250 for a license transfer.

Liquor code: Defines "adult" and clarifies what actions may be taken only by adults. Makes it unlawful for any licensee to allow any other person to use his license. Requires licensees to report to licensing authorities certain changes in financial interest and the name of the manager on the licensed premises. Allows delivery of malt, vinous, and spirituous liquors on general election day. Clarifies the hours during which liquor may be sold. Provides that a retail liquor store and liquor-licensed drugstore licensee may have open containers upon the premises when such containers were brought in by wholesalers for sampling by the retail licensee only. Provides that it is not unlawful financial assistance to have an interest in one airline public transportation system license and an interest in any other airline public transportation system license, and makes such provision effective upon passage of the act. Increases the maximum local licensing authority application fee from \$350 to \$450 for a new license and from \$150 to \$250 for a license transfer. Makes changes in provisions regulating the local licensing authority's consideration of applications for new licenses when the premises are located within a certain distance from a school.

April 12 July 1

S.B. 115 Barbers and cosmetologists - temporary locations.
Includes the term "temporary location" within the

definition of "barbershop" or "beauty salon" and states that said term includes a motor home.

April 26 July 1

- S.B. 122 Hearing aid dealers - licensing - provisional temporary permits. Authorizes the board of hearing aid dealers to issue a provisional temporary permit to an applicant under supervision. Allows the board to deny a license or permit to any applicant and to appoint committees to assist it in performing its duties. Requires prompt notification of change of address of any licensee or permittee.

April 2 July 1

- S.B. 217 Abolishment of casino-type gambling in conjunction with a liquor license. Removes the exception to the prohibition on gambling by certain nonprofit organizations in conjunction with a liquor license. Provides for nonprofit organizations to hold gambling events prior to July 1, 1984, under certain conditions. Allows a nonprofit organization which has paid an application fee but which has not been granted a permit to obtain a refund of said fee if it is prevented from conducting a gambling activity because of the passage of this act.

Repeals a provision which excepted the previously authorized gambling from the definition of gambling under the "Colorado Criminal Code".

April 30 April 30

- H.B. 1012 "Colorado Medical Practice Act" - physicians graduated from foreign medical schools. Specifies conditions under which a physician who has graduated from a foreign medical school and who is licensed in a foreign jurisdiction may obtain a temporary license to practice medicine in this state. Specifies that a temporary license to practice medicine may be granted to a physician who is offered a full-time medical school faculty position at a rank less than associate professor at the discretion of the state board of medical examiners. Also specifies that temporary licenses may be issued for a period of one year and may be renewed for one additional year. Empowers the state board to establish and charge a fee for a temporary license.

March 19 March 19

H.B. 1047 Pawnbrokers - local authority to regulate - required and prohibited acts - penalties. Authorizes local authorities to license and regulate pawnbrokers. Requires a pawnbroker to obtain from the customer adequate identification and a declaration as to ownership. Also requires a pawnbroker to keep records of all transactions and make such records available to local law enforcement agencies. Limits the amount over the original purchase price which a pawnbroker may charge a customer to redeem his goods. Prohibits transactions with persons under eighteen years of age. Sets penalties for violations by pawnbrokers and by persons supplying false information.

March 16 July 1

H.B. 1063 Detectives - licensing and regulation - repeal. Repeals statutory provisions which provide for the licensing of detectives as these provisions were held unconstitutional.

March 5 March 5

H.B. 1072 Fireworks - regulations and seizures. Removes a reference to the regulations of the secretary of state concerning fireworks, which regulations are not authorized. Removes a reference to the secretary of state involving seizure of fireworks, because the language is repetitious and because seizures are never actually made "in behalf of the secretary".

March 12 March 12

H.B. 1073 Notary public - address on notary acknowledgement. Removes the requirement that a notary show his address on an acknowledgement in order to conform this provision with the provision on affirmations by notaries.

February 23 February 23

H.B. 1105 Motor vehicle occupations - sanctions on licensees. Amends the grounds for denial, suspension, and revocation of motor vehicle dealers', wholesalers', and used motor vehicle dealers' licenses by including additional persons as victims of certain offenses and by changing the state of mind required for and the acts comprising certain offenses. Makes similar changes with respect to motor

vehicle salesmen, and adds as new grounds for license denial, suspension, and revocation the willful violation of laws or regulations and fiduciary breaches concerning money held by the salesmen. Substitutes more precise language in the provision concerning the procedure for denial, suspension, or revocation.

April 9 July 1

- H.B. 1117 Motor vehicle sales licensees - bond amounts. Effective July 1, 1985, increases the bond amounts required for licensure as a motor vehicle dealer, wholesaler, or used motor vehicle dealer from \$15,000 to \$20,000 and for licensure as a motor vehicle salesman from \$1,000 to \$2,000. Also corrects the terminology describing the act by which a certificate of title passes from the dealer or wholesaler to "transfer" rather than "issuance".

February 17 July 1

- H.B. 1133 Education or training requirements as a disciplinary action for licensed, registered, or certified professions. Allows a board, commission, or other agency of the state which licenses members of certain professions or occupations to impose, on a case-by-case basis, training or education requirements upon a licensee, registrant, or certificate holder in lieu of or in addition to present forms of disciplinary action.

March 26 March 26

- H.B. 1144 Liquor wholesalers - authorization to package vinous and spirituous liquors. Authorizes wholesalers of liquor to package certain vinous and spirituous liquors transported into or produced in Colorado.

February 23 February 23

- H.B. 1158 Nonprescription drug outlets - repeal of registration requirements. Starting with registration periods beginning on November 1, 1984, eliminates the requirement that nonprescription drug outlets register with the state board of pharmacy.

Stipulates that a person may lawfully sell and distribute nonprescription drugs.

February 17 February 17

H.B. 1166 Architects - practice requirements - exemptions. Extends the exemption from regulatory requirements governing architects to persons designing three-and four-family dwellings. Specifies that the regulatory requirements governing architects do not apply to engineers performing site development or engineering work in connection with any building project.

March 16 March 16

H.B. 1168 Sale of liquor permitted - club located on college campus. Permits a club located within the principal campus of any college, university, or seminary to sell liquor when membership in such club is limited to the faculty or staff of such institution.

March 29 March 29

H.B. 1199 Liquor license applications - public hearings by local licensing authorities. Permits representatives of organized neighborhood groups to present evidence at hearings on applications for new liquor licenses held by local licensing authorities. Specifies that such representatives shall not be entitled to cross-examine witnesses or seek judicial review of the local authority's decision.

March 22 July 1

H.B. 1219 Professional review committees - establishment. Authorizes the establishment of committees by specialty societies or associations of physicians to review physicians practicing in specific medical disciplines. Authorizes the establishment of committees by a society or association of licensed podiatric physicians to review practicing podiatric physicians.

March 26 March 26

H.B. 1262 Horse racing - state fair meet - 40-mile limit exemption. Allows the board of commissioners of the Colorado state fair authority to contract with a nearby private, nonprofit horse racing licensee for the latter to conduct horse race meets at the state fair, subject to authorization by the racing commission. Provides that the race days at the state fair shall not be counted against the limit for race days at the licensee's own track. Exempts a horse racing operation from the forty-mile restriction on track location when the only other racing operation within 40 miles is the state fair meet and their racing dates differ.

March 26

March 26

H.B. 1293 Examining board of plumbers - powers - inspectors - appropriation. Authorizes the examining board of plumbers in the department of regulatory agencies to employ inspectors and charge fees for making inspections in jurisdictions where a plumbing code has not been adopted, if such inspections are requested by the jurisdiction.

Appropriates \$43,645 and 1.0 FTE out of the division of registrations cash fund to the division of registrations for allocation to the examining board of plumbers for the implementation of the act.

April 30

April 30

H.B. 1336 Motor vehicles - sales - dealer licensing board - standard contract form. Requires the motor vehicle dealer licensing board to prescribe a standard contract form to be used in the sale of motor vehicles. Requires such form to contain disclosures relating to the sale, including instructions that the form is a legal instrument, that only the written form embodies the contract and any conflicting oral representations are void, that the contract either is or is not one for a single lump sum payment of the purchase price, and that the parties must execute a lease arrangement for the buyer's use of the motor vehicle in an installment loan contract when the buyer is arranging the financing and the buyer takes possession of the motor vehicle before paying the full purchase price.

Mandates that disclosures be in 12 point boldface type or in a size at least 3 points larger than the smallest type in the contract and that the disclosures be read and initialed by the parties at the time of the sale.

States that the use of the standard contract form is mandatory for the sale of motor vehicles on or after January 1, 1985.

April 27

April 27

PROPERTY

- S.B. 55 Priority in interests in real property - race-notice recording statute. Clarifies that the Colorado recording act is a "race-notice" statute rather than a "pure-notice" statute. Applies to all instruments recorded on or after July 1, 1984.

March 22 July 1

- H.B. 1097 Eminent domain - commissioners who determine compensation - qualifications - meeting. Requires commissioners who determine compensation in eminent domain proceedings to be disinterested and impartial freeholders. Requires the court appointing such commissioners and the interested parties to conduct a voir dire examination of the commissioners to determine whether they are disinterested and impartial freeholders, to replace those who are not, and to administer an oath to the commissioners at the hearing to determine compensation.

February 17 February 17

- H.B. 1123 Manufactured homes - elimination of identification stickers. Repeals the provision which required the county assessors to affix identification stickers to manufactured homes.

March 29 March 29

- H.B. 1142 Condemnation by eminent domain - interest on awards - written final negotiating offer - attorney fees. Increases the interest rate allowable to property owners in condemnation proceedings from 6% to 8% per annum. Where negotiating parties fail to reach an agreement as to fair market value of the condemned property, requires the condemning authority to furnish a written final offer to all owners of record before trial. Provides circumstances under which property owners may recover attorney fees in condemnation proceedings. Allows cemetery districts to acquire property by condemnation.

VETOED March 22

H.B. 1170 Mobile home landlord-tenant act - termination of tenancy. States that mobile home regulations promulgated by the owner of a mobile home park, without the consent of the tenant or mobile home occupant, when the mobile home is owned by an individual separate from the park owner are prima facie unreasonable in situations where termination of tenancy is based on noncompliance with rules and regulations of the park. Allows the mobile home park owner to enforce such regulations at the time of transfer of the unit to a new owner.

March 22 July 1

H.B. 1180 Limited interests in property obtained pursuant to eminent domain proceedings - easements and rights-of-way. Specifies that agricultural land taken for use by a pipeline company must be restored so as to provide for the continuation of such agricultural activity after the pipeline is constructed. Limits the uses of an easement or right-of-way.

April 12 April 12

H.B. 1369 Liens on real property - filing requirements. Requires lienors to put the address of the property being liened on the instrument creating a lien, except transcripts of judgment, as well as the mailing address of the lienor and lienee at the time the instrument is filed for recording. Exempts mechanics liens from these requirements. Specifies that failure to comply does not affect the validity of the recording or of the instrument itself.

April 12 July 1

PUBLIC UTILITIES

S.B. 11 Regulation of rail carriers - compliance with "Staggers Rail Act of 1980". Amends provisions relating to the public utilities commission's regulation of rail carriers to conform to the requirements of federal law as amended by the "Staggers Rail Act of 1980".

Prohibits the public utilities commission from exercising jurisdiction over general, inflation-based, or fuel adjustment surcharge rate increases.

Requires the public utilities commission to adopt rules or regulations to allow rail carriers: To increase rates due to inflation, without suspension thereof or a hearing thereon, based upon an adjusted base rate and to increase rates by a specified percentage of the adjusted base rate without suspension thereof and with a limited hearing thereon; and to increase rates, without suspension thereof or a hearing thereon, if the rail carrier proposing the increased rate does not have market dominance of the transportation to which the rate applies.

Requires rail carrier rates to be within the reasonable maximum and minimum rates established by federal law.

Requires the commission, in determining if a rate is reasonable, to consider the rail carrier's mix of rail traffic and revenues which do not or only marginally contribute to going-concern value.

Directs the public utilities commission to adopt standards for establishing adequate revenues for rail carriers, and specifies factors to be considered by the commission in setting such standards. Requires the commission to adopt regulations to eliminate discrimination in rate structures and other practices against rail transportation of recycled or recyclable materials.

Allows the public utilities commission by rule or regulation to exempt transportation by a rail carrier from its regulation upon specified findings of the commission.

Decreases the number of days' notice a rail carrier must give to the public utilities commission when it proposes a rate change and generally limits the commission's authority to suspend proposed rate increases. Allows for refunds or assessments if a rate is subsequently found unreasonable. Allows rail carriers to contract with rail shippers, thereby giving a

preference to certain shippers and localities, and to limit their liability for damages.

April 2 July 1

- S.B. 85 Motor vehicle carriers - identification cards. Enacts a provision based on a federal statute which allows the transfer of motor vehicle carrier identification stamps from one vehicle to another. Sets forth a procedure whereby a motor vehicle carrier can discontinue the use of a vehicle for which an identification stamp was purchased and substitute another vehicle in place of the discontinued vehicle without having to purchase a new identification stamp for that year.

April 2 April 2

- S.B. 120 Generation and transmission electric corporations or associations - exemption from "Public Utilities Law" as to rates and charges. Exempts generation and transmission electric corporations or associations, organized as cooperatives and supplying electricity to their members at wholesale, as to such wholesale service, from the jurisdiction, control, and regulation of the public utilities commission concerning rates and charges and from the provisions of the "Public Utilities Law" pertaining to such rates and charges.

Requires such generation and transmission electric corporation or association exempted from regulation to: Provide notice to end-use consumers of rate increases to member systems; to serve various specified persons and entities without prejudice, disadvantage, or discrimination; to provide notice of each meeting of its board of directors and to open all meetings of such board to the general public, except under certain specified conditions; to distribute specified materials if such materials are also distributed to its board of directors; and to make surplus capacity in transmission facilities which its owns available for the transmission and delivery of electric energy by, for, and to various specified types of public entities.

Permits distribution cooperative electric associations served by a generation and transmission cooperative electric association to vote to place such generation and transmission cooperative electric association under the regulation of the public utilities commission.

Permits the public utilities commission to deny an

application for a certificate of public convenience and necessity to any generation and transmission electric corporation or association exempted from regulation for any plant whose need is shown to be caused by off-system or nonmember sales which prevent or limit the existing generation and transmission plant from serving the growth or presence of member or on-system sales.

VETOED April 27

S.B. 181 Office of consumer counsel - creation - powers and duties - appropriation. Creates the office of consumer counsel as a division in the department of law. Requires the consumer counsel to have at least 5 years of experience in consumer related utility issues or in the operation, management, or regulation of utilities. States that the consumer counsel shall represent the public interest and, consistent with that representation, the interests of residential, agricultural, and small business consumers in proceedings before the public utilities commission and in appeals from commission decisions.

Sets forth considerations which the commission must utilize in determining the payment of expenses of intervenors, other than the office of consumer counsel, in proceedings before the commission. Requires the commission to report the awarding of intervenors' expenses for ultimate review by the general assembly as to the efficiency and appropriateness of such awards.

Authorizes the consumer counsel to hire employees, contract for services, and appear and intervene as a party in any proceeding before the commission. Requires the general assembly to appropriate moneys from the public utilities commission fixed utility fund to the office of consumer counsel for the direct and indirect costs of administration of the office. Terminates the office on July 1, 1988, unless continued by the general assembly.

Requires the consumer counsel to report to the general assembly by July 1, 1987, all of the moneys which the existence of the counsel has saved by its existence.

Appropriates \$665,736 and 16.0 FTE from the public utilities commission fixed utility fund for the implementation of the office.

April 23 July 1

H.B. 1154 Intrastate long distance telephone services - resale - exclusion from the definition of "public utility". Excludes from the definition of "public utility" entities which only resell to the general public intrastate long distance telephone services using the services and facilities of regulated telephone utilities.

April 2 April 2

H.B. 1252 Carriers of household goods - partial deregulation. Removes carriers of household goods from the definition of a public utility in the "Public Utilities Law". Allows for the regulation of carriers of household goods only to the extent that they must maintain insurance and adhere to safety requirements promulgated by the public utilities commission. Requires all carriers of household goods to pay an annual identification fee to the public utilities commission.

April 12 April 12

H.B. 1264 Intrastate telecommunications services. Establishes provisions for the public utilities commission to regulate intrastate telecommunications service. Recognizes the designation of local access and transport areas (LATA's) by the commission. States that the doctrine of regulated competition shall govern the provision of interLATA telecommunications services and that the doctrine of regulated monopoly shall govern the provision of intraLATA telecommunications services. Authorizes the commission to forbear regulation, for competitive purposes, of intraLATA telecommunications services upon petition of the provider of such services.

April 2 April 2

SOCIAL SERVICES

S.B. 206 Alternative care facilities as a home- and community-based service - pilot project - medicaid eligibility - medicaid payment for outpatient obstetrical care. Establishes a pilot program on developing alternative care facilities as a third option for eligible individuals in the medicaid program under the "Alternatives to Long-term Nursing Home Care Act". Creates an advisory committee to recommend standards for providers of alternative care services. Requires the department of social services and the advisory committee to preliminarily evaluate the pilot program and to report their findings and recommendations to the general assembly by March 1, 1985. Repeals the pilot program on July 1, 1985.

Requires the department of social services to establish rules and regulations for the operation and certification of alternative care facilities. Sets forth minimum standards for such facilities. Permits facilities to be certified as providers of alternative care services on or after July 1, 1984. Defines the terms "intermediate care facility", "intermediate nursing facility", and "skilled nursing facility".

Beginning July 1, 1985, makes ineligible for medical assistance payments those persons who are elderly, blind, or disabled, whose intermediate care needs can appropriately be served in an alternative care facility, and whose income equals or exceeds two hundred percent of the supplemental security income standard. Implements such limitation on eligibility only on or after July 1, 1985, and only if the program for alternative care services is extended on or after July 1, 1985.

Provides that outpatient obstetrical care in birthing centers may be provided under the "Colorado Medical Assistance Act" to the "categorically needy".

April 30 July 1

H.B. 1431 Reduction of expenditures under the social services code when rate of expenditure would exceed available funds. Authorizes the state board of social services to take action to bring the rate of expenditure into line with available funds when the executive director determines that an overexpenditure of an appropriation will occur.

May 11 May 11

H.B. 1434 Recipients of medical benefits under the "Colorado Medical Assistance Act" - payment required. Requires a recipient of medical benefits under the "Colorado Medical Assistance Act" to pay for a portion of such benefits at the time of service.

May 11

May 11

H.B. 1435 Nursing home vendors under the "Colorado Medical Assistance Act" - reduction of incentive. Reduces from 50% to 25% percent the percentage of the state's incentive payment to nursing home vendors under the "Colorado Medical Assistance Act", which percentage is applied to the amount by which specified reasonable costs of such vendors exceed their actual costs.

May 11

May 11

H.B. 1436 Aid to families with dependent children - eligibility. Eliminates unemployment of a father as a basis for eligibility to receive aid to families with dependent children.

Became law without the Governor's signature

May 22

March 1, 1985

H.B. 1437 Vendors under the "Colorado Medical Assistance Act" - rate of reimbursement. Effective July 1, 1984, requires the department of social services to reimburse vendors under the "Colorado Medical Assistance Act" at the rate established under the federal medicaid act or at the rate established under the federal medicare act, whichever is lower as applied in a particular instance.

Provides for the repeal of this requirement on January 1, 1985.

May 11

May 11

H.B. 1438 Nursing home vendors under the "Colorado Medical Assistance Act" - reduction in payments from the department. Reduces the rate of payment of the reasonable cost of health care services and food costs to nursing home vendors under the "Colorado Medical Assistance Act".

May 11

May 11

STATUTES

S.B. 128 Statutory changes resulting from department of public safety act. Makes changes in various statutory provisions relating to the department of public safety to conform those provisions to changes made during the 1983 session subsequent to the creation of the department. Corrects certain statutory references relating to the department.

March 29 July 1

H.B. 1102 Enactment of supplements. Validates and enacts the 1982 and 1983 supplements to Colorado Revised Statutes. Enacts the 1983 supplement as the positive statutory law of the state of Colorado.

March 26 March 26

H.B. 1329 Revisor's bill - revisions to conform, correct, and clarify. Amends or repeals various statutory provisions which are obsolete, inconsistent, or in conflict with other laws, clarifies the language and more accurately reflects the legislative intent of the laws, and conforms the laws to the constitution and to Colorado supreme court decisions.

June 7 June 7

TAXATION

- S.B. 87 Tax determination appeals - bond requirement. Clarifies the nature of the bond required to be filed when a taxpayer appeals an income or personal property tax determination.

March 26 March 26

- S.B. 101 Property tax - works of art, literary materials and artifacts. Provides a limited exemption from property tax for the period of time that works of art, literary materials, or artifacts are on loan to the state, a political subdivision thereof, a library or an art gallery or museum owned and operated by a charitable organization. Defines "artifact", "literary materials", and "charitable purpose". Requires the owner of works of art to provide proof of exemption to the county assessor. Directs the assessor of the county of display to proportionally value the work of art according to its periods of display.

Repeals a provision which provided a reduced valuation for assessment for works of art.

Applies to property tax years commencing on or after January 1, 1984.

April 5 January 1

- S.B. 132 Income tax - check-off contributions. Changes the provisions dealing with the voluntary income tax check-off programs in order to have the tax forms contain a line to be filled in by the taxpayer to indicate the amount of the contribution, if any, to be made rather than have the form contain boxes to be checked to indicate the amount of the contribution, if any, to be made.

Eliminates the nongame wildlife voluntary contribution designation for tax years beginning on or after January 1, 1988.

Applies to income tax years commencing on or after January 1, 1984.

April 5 April 5

S.B. 171 Taxpayer debts owed the state - reduction of refund - debt collection fund created. Authorizes the executive director of the department of revenue to offset any debt which a taxpayer owes the state against such taxpayer's tax overpayment. Requires the controller to give written notice to a taxpayer that a debt owed the state may be offset against a tax overpayment which would otherwise be refunded to the taxpayer. Specifies that for debts less than \$500 a taxpayer must be given a hearing before an offset or refund can be made. Requires that debts of \$500 or more must be reduced to judgment before an offset can be made. Creates the debt collection fund for deposit of net revenues collected by the controller.

Appropriates \$20,144 and 1.0 FTE to the department of revenue for allocation to the taxpayer service division and \$24,806 and 1.0 FTE to the department of administration for allocation to the division of accounts and control for the implementation of the act.

April 27 April 27

S.B. 214 Property tax - exemption of nonprofit domestic water companies. Exempts from property taxation all real and personal property which is owned and used for charitable purposes if such property is used as an integral part of a nonprofit domestic water company.

VETOED April 22
OVERRIDDEN May 22 May 22

H.B. 1011 Use tax returns and remittances - time for filing. Changes the time for filing use tax returns and remittances with the department of revenue so that, rather than filing every month for the preceding month, the taxpayer files at such time as the cumulative tax due at the end of any month exceeds \$300. Requires that such filing be made prior to the 20th day of the following month. Provides that, if the tax due in any calendar year is less than \$300, one filing be made for the whole year and that it be made prior to January 20 of the following year.

February 23 January 1, 1985

H.B. 1016 Sales and use taxes - exemption of aircraft. Exempts aircraft used or purchased for use in interstate commerce by a commercial airline from the state sales and use taxes.

March 5

March 5

H.B. 1028 Highway users tax fund - apportionment of moneys. Allows the state treasurer to apportion moneys from the highway users tax fund based upon estimates from the department of revenue on current monthly collections of highway users taxes, with monthly reconciliation of the state, county, and municipal accounts in each successive month. Requires the department of revenue to provide such estimates to the state treasurer by the 7th working day of each month and the state treasurer to apportion the funds within 5 working days of receiving the estimates.

March 16

March 16

H.B. 1037 Property tax - assessment ratios. Changes the valuation for assessment ratio for all property, except residential real property, producing mines, and lands or leaseholds producing oil or gas, from 30% to 29% of actual value. Provides that the valuation for assessment ratio for residential real property shall be 21% of actual value.

VETOED February 24

H.B. 1042 Property taxation - objection and protest - notice of meetings of state board of equalization - appeals to board of assessment appeals. Permits an objection and protest on property taxes to be made in person before the county assessor or filed in writing by mail with the assessor's office, stating in general terms the reason for the objection and protest.

Requires the state board of equalization to mail notice to each assessor and board of county commissioners of the nature of any action it may take pertaining to current year valuations for assessment.

Authorizes the board of assessment appeals to schedule hearings for 1983 appeals up to the end of April 1984, and requires decisions thereon within 30 days after the hearing or by May 1, 1984, whichever is earlier.

March 5

March 5

- H.B. 1046 Property tax administrator - appointment - term - exemption from personnel system. Provides that, consistent with the state constitution, the property tax administrator shall be appointed by the state board of equalization, shall serve for 5 years, shall be exempt from the state personnel system, and may be removed from office for cause.

February 17 February 17

- H.B. 1050 Property taxation - minerals and other classes of real property - determination of actual value when 3 approaches to appraisal are inapplicable - treatment of "other land" contiguous to mining claim. Declares that the actual value of certain classes of real property may not be able to be determined using the 3 approaches to value and that, in such cases actual value shall be determined by comparison of the surface use of the property being valued to property with a similar surface use.

Declares that a mineral while in the ground, whether known to exist or not, shall not be considered when determining the actual value of a producing or nonproducing mine.

Defines the term "other land" as real property which is not a mining claim, and amends provisions relating to the listing and valuation of mining claims to specify how such other land is to be listed and valued by a county assessor.

Applies to property tax year commencing on or after January 1, 1984.

VETOED March 29

- H.B. 1051 Property taxation - one-year extension of the implementation dates for the next reassessment cycle in the base year cycle. Changes the next base year level of value from 1984 to 1985, and the applicability of such level of value to the property tax years commencing in

1987 and 1988, thereby retaining the two-year reassessment cycle.

February 23 February 23

H.B. 1058 Gasohol - purity of alcohol used. Requires that the alcohol derived from agricultural commodities and forest products which is used in combination with gasoline to produce gasohol be of a purity of at least ninety-nine percent.

February 6 July 1

H.B. 1088 Property taxation - mill levies - changes in relation to changes in certified valuations for assessment. Requires that taxing authorities adjust their property tax levies when there has been a change in the certified valuation for assessment in order to ensure compliance with the 7% local government revenue-raising limitation. Allows taxing authorities to make such adjustments in order that the same amount of revenue be raised as long as revenue-raising and mill levy limits are not violated. Requires that a copy of any such adjustment be transmitted to the county assessor as well as to the property tax administrator.

March 26 March 26

H.B. 1089 Property taxation - use of sales prices of comparable properties. Requires that sales prices of comparable properties which are used in the determination of actual value be adjusted for time of sale to the base year level of value as determined by the state board of equalization.

Limits the use of sales prices of comparable properties to only those sales which are determined on an individual basis to reflect the price of the real property only or which are adjusted on an individual basis to reflect the price of the real property only.

March 16 March 16

H.B. 1164 Department of revenue - delinquent taxes - nonresident taxpayers - reciprocal agreements. Empowers the executive director of the department of revenue to enter into contracts with debt collection agencies or attorneys

to collect taxes owed to the state of Colorado by taxpayers who are not residing or domiciled in the state. Authorizes the executive director to enter into a reciprocal agreement with an agency of another state under which the agency would agree to collect delinquent taxes owed to the state of Colorado by taxpayers residing in that state and the department would undertake collection of the same type of taxes owed to the other state by taxpayers residing or domiciled in this state.

April 12 April 12

- H.B. 1178 County treasurers - duty with respect to tax revenues. Requires a county treasurer to apportion, credit, and distribute all taxes and penalty interest collected by him to the state, the county, and the several towns, cities, school districts, and special districts in the county on the 10th day of each month for all taxes and penalty interest collected during the immediately preceding month.

March 16 March 16

- H.B. 1190 Property tax - exemptions - day care centers - mixed use and ownership - governmental lease-purchase agreements. Exempts from property taxation property used as a part of any child care center which is licensed pursuant to state law and which meets other specified requirements, including being nonprofit and being irrevocably dedicated to a charitable purpose. Makes legislative declarations and findings in connection with such exemption.

Requires the owner and operator of any property for which a charitable exemption is claimed to show facts sufficient to support the exemption. Makes mandatory rather than permissive the provision that the property tax administrator require the owner or operator of such property to submit annual financial reports and require occupants of units which are claimed to qualify for a charitable exemption to submit copies of their income tax returns.

Exempts property which is used by the state or any of its political subdivisions, including cities and school districts, pursuant to any agreement whereby such governmental entity is entitled to acquire title to the property.

April 22 April 22

H.B. 1208 Severance tax - tonnage exemption for coal. For the period July 1, 1984, through June 30, 1987, increases the tonnage of coal produced in each quarter of the taxable year which is exempt from the severance tax from the first 8,000 tons to the first 25,000 tons. Provides, however, that the increased exemption shall not relieve a company from the production employee report requirement.

April 25 July 1

H.B. 1298 Severance tax - elimination of credit for ad valorem taxes on small oil wells. Eliminates the severance tax credit for ad valorem taxes paid or assessed on oil wells producing 10 barrels or less per day of crude oil.

April 2 January 1, 1985

H.B. 1308 Recording of conveyances of real property - requirements. Specifies that the documentary fee for recording a deed conveying real property is based upon consideration paid by the purchaser for the real property, inclusive of charges and expenses. States that the total amount of the sales price to the purchaser shall be deemed to be for the conveyance of the real property unless evidence of the separate consideration paid for personal property is shown on the contract of sale or the closing or settlement documents in the case of residential property or, in the case of commercial or industrial property, on the purchaser's use tax return.

Directs that any such evidence submitted to the county clerk and recorder is not to be recorded or filed, but is to be kept confidential and transmitted to the county assessor for appraisal purposes.

April 5 January 1, 1985

H.B. 1346 Property taxation - property of homeowners' organization property. Specifies that, for property tax purposes, property owned by a nonprofit homeowners' organization for the benefit of its members shall not be appraised and valued separately but shall be appraised and valued with the residential real property owned by the members of the organization.

Applies to property tax years commencing on or after January 1, 1985.

April 5 April 5

H.B. 1401 Income tax - residential energy credit - nature of qualifying expenditures. Clarifies that the residential energy credit is allowable only for net expenditures made for eligible equipment. Defines "net expenditures". Requires a certification of qualification to accompany an income tax return claiming the credit.

April 5 April 5

H.B. 1428 Property tax - inventory - rental property. Amends the definition of the term "inventories of merchandise and materials and supplies which are held for consumption by a business or are held primarily for sale" to exclude personal property which is subject to depreciation. Also amends such term to include inventory owned and in the possession of the manufacturer thereof unless certain specified conditions exist. Requires that the personal property schedule of a manufacturer include a description of previously exempt inventory which has become taxable. States that the lessor of inventory which becomes taxable due to its being rented shall be responsible for the property taxes on such inventory.

Terminates the income tax credit for payment of property taxes on freeport merchandise and stocks of merchandise.

Became law without the Governor's signature
May 8 May 8

H.B. 1429 Property tax reappraisals - funding - appropriation. Appropriates \$5,000,000 to the state board of equalization to fund the contract for the state conducted reappraisal of classes of property which the property tax assessment study indicates were incorrectly assessed. Specifies that such appropriation is not within the 7% state general fund limit. Requires that reimbursements by counties for the cost of such reappraisals be credited to the state general fund.

May 11 May 11

H.B. 1441 Temporary sales and use tax - extension - use of funds.
Changes the expiration date of the 1/2% sales and use tax originally imposed by reason of the fiscal emergency from June 30, 1984, to July 31, 1984. If moneys transferred from the Colorado water conservation board construction fund to the fiscal emergency fund have not been completely restored, requires the state treasurer to transfer from the general fund to such construction fund an amount equal to two-thirds of said tax collected during the month of July, 1984. Specifies that this transfer of funds is an exception to the priority previously established for the restoration of moneys transferred to the fiscal emergency fund.

June 7

June 7

WATER AND IRRIGATION

- S.B. 28 Restriction of facilities within reservoirs. Prohibits any person, including any state or federal agency, quasi-municipal corporation, or political subdivision, from constructing any permanent recreational structure within a reservoir below the elevation at the crest of the spillway of the reservoir unless such facility is constructed so as to withstand flooding with minimal or no damage or unless the facility is necessary to the operation of the reservoir. States that such recreational facilities should be capable of restoration for recreational use with a minimal amount of cleaning or expense. Exempts facilities completed prior to July 1, 1984.

Directs the state engineer to order the removal of any facility in violation of the act.

April 2 April 2

- S.B. 149 State engineer - duties - satellite monitoring system. Authorizes the state engineer to accept, operate, and house data processing equipment and programs for a satellite monitoring system to be acquired by the Colorado water resources and power development authority.

April 2 April 2

- H.B. 1052 Reservoirs and dams. Rewrites existing provisions concerning the right to store water, recognizing the right to store water as a right of appropriation, but prohibiting the construction or operation of reservoirs so as to impair existing water rights. Defines criteria for the determination of probable future flows of water in natural streams. Permits reservoir owners to withdraw water from natural streams only if no material injury results to the water rights of others, rather than permitting such owners to withdraw water if they give due regard to the water rights of others. Provides that a reservoir owner shall not be liable, in the absence of negligence, for flows of water from the reservoir which do not exceed the one-hundred-year floodplain. Revises the definition of reservoirs which come within the state engineer's jurisdiction with respect to the approval of plans for construction, alteration, enlargement, modification, and repair. Allows the state engineer to use criteria for the approval of new construction which include less stringent requirements than those dictated by consideration of probable maximum precipitation.

Removes requirements that the state engineer notify downstream counties and municipalities of proposed reservoir or dam projects and that the state engineer act as consulting engineer during construction. Requires dam safety inspections to be made as often as the state engineer deems necessary or appropriate, rather than annually. Permits the state engineer to recover from the reservoir owner expenses incurred by the state engineer in making an unsafe reservoir safe. Increases the minimum fine for violations of the directions of the state engineer. Provides that any person actually in control of the physical structure of any dam shall be deemed to be the owner of the dam for purposes of determining liability arising from ownership of the dam unless the true owner's name and address have been filed with the state engineer. Requires the state engineer to make an annual report on the reservoir safety program. Exempts certain structures from the jurisdiction of the state engineer, including mill tailings impoundment structures. Requires prior notice to the state engineer for the construction of any reservoir which is not within the state engineer's jurisdiction for plan approval.

April 30 April 30

H.B. 1128 Colorado water conservation board - projects - senate confirmation of board members. Approves 3 water resource projects for financial assistance loans out of the Colorado water conservation board construction fund in the amount of \$4,527,400, and sets forth certain conditions relating to such projects. Amends prior project authorizations and amounts therefor to reflect final expenditures. Deletes projects which are no longer authorized.

Requires the members of the Colorado water conservation board who are appointed by the governor to be confirmed by the senate.

VETOED March 29
OVERRIDDEN May 21

May 21

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11	107	71	19	146	59
12	72	72	87	147	62
13	16	75	13	148	78
16	36	76	98	149	123
17	36	77	45	156	62
22	87	78	93	157	14
23	16	80	27	158	87
26	16	82	72	160	52
27	60	83	42	163	14
28	123	84	19	167	62
29	36	85	108	168	63
32	42	87	114	169	63
33	97	88	13	171	115
34	16	91	35	172	27
35	27	93	93	176	63
36	36	101	114	177	83
37	23	102	52	181	109
38	5	105	93	182	23
39	37	106	72	184	24
40	19	107	61	186	87
41	37	111	87	192	37
42	37	112	98	193	74
43	97	115	98	194	54
45	97	120	108	198	24
46	57	122	99	200	37
49	97	123	72	206	111
50	23	126	13	207	7
51	46	127	13	208	5
55	105	128	113	213	54
60	51	130	27	214	115
61	60	132	114	216	7
62	61	135	52	217	99
65	61	137	73	218	51
67	83	139	80		

