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# DIGEST OF BILLS

Enacted by The

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## FIFTY-FIFTH GENERAL ASSEMBLY

**1985 First Regular Session**



**COLORADO  
LEGISLATIVE DRAFTING OFFICE**

30 State Capitol Bldg.  
Denver, Colorado 80203

**July, 1985**

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DIGEST  
 OF  
 SENATE AND HOUSE BILLS ENACTED  
 BY THE  
 FIFTY-FIFTH GENERAL ASSEMBLY  
 OF THE  
 STATE OF COLORADO  
 (1985 - 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  
 Legislative Drafting Office  
 and the  
 Office of Revisor of Statutes  
 State Capitol Building  
 Denver

\* \* \* \* \*

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". All vetoes which were overridden are also indicated.

9 House Bills and 3 Senate Bills became law without the Governor's signature. 7 House Bills and 1 Senate Bill, which were vetoed by the Governor, became law when the vetoes were overridden by the General Assembly. The Became Law totals below include these bills.

This digest also includes one Senate Concurrent Resolution and one House Concurrent Resolution, which are proposed state constitutional amendments.

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	386	209	3	206
SENATE	<u>256</u>	<u>141</u>	<u>2</u>	<u>139</u>
TOTALS	642	350	5	345



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PROPOSED STATE CONSTITUTIONAL AMENDMENTS

S.C.R. 6 State personnel system - appointments and promotions. Requires that appointments and promotions in the state personnel system be made without regard to race, creed, color, religion, sex, national origin or ancestry, handicap, age, or political affiliation. Excepts encumbered position reallocations from the requirement of competitive tests. Exempts persons whose salaries are paid solely from federal or private grants from the personnel system. Requires a 2/3 vote on final passage by each house of the general assembly or a constitutional amendment to increase exemptions from the system. Eliminates the state personnel board. Grants rule-making authority to the state personnel director. Authorizes the attorney general or his designee to veto personnel rules he determines to be unconstitutional, otherwise illegal, arbitrary, or capricious. Permits appointing authorities to shorten the 12-month probationary period for initial appointments. Extends provisions for temporary employment from 6 months to one year. Makes department heads or their designees the appointing authorities for their departments, except for the Colorado state patrol, whose employees the patrol chief shall appoint. Provides a grievance procedure, including arbitration, for employee grievances. Eliminates the requirement that a state employee reside in Colorado.

H.C.R. 1003 Compensation of county officers - authority of county commissioners. Provides that the boards of county commissioners rather than the general assembly have authority to fix the compensation of county officers within the respective counties. States that no county officer's compensation may be decreased unless there is a decrease in the compensation of all county officers. Provides that compensation in effect on January 1, 1987, in each county continues until changed by the board of county commissioners.

## ADMINISTRATIVE RULE REVIEW

H.B. 1373 Continuation of 1984 rules of executive agencies.  
Postpones the expiration of rules and regulations of executive agencies which were adopted or amended during 1984, except that specified rules and regulations are allowed to expire as scheduled on June 1, 1985.

Allows the following 1984 rules to expire as scheduled: Several rules of the health facilities review council relating to the "Colorado Certificate of Public Necessity Act"; a rule of the student loan division of the department of higher education permitting a special student to borrow under the student loan program even though he has not yet been accepted for enrollment in an eligible institution; a rule of the state department of highways concerning the procedure to request a hearing upon the denial of a transport permit for the movement of overweight and oversize vehicles or loads; the rules and regulations of the department of institutions concerning developmental disabilities; a rule of the wildlife commission concerning procedures for rule-making and adjudicatory hearings; 2 rules of the wildlife commission concerning damage caused by big game; the rules of the commissioner of insurance concerning life insurance solicitation and disclosure requirements for annuity and deposit fund solicitations; a rule of the commissioner of insurance concerning payment of monetary penalties by insurers for failure to promptly pay claims for medical services; a rule of the state board of dental examiners concerning dental hygienists administering local anesthesia by infiltration methods; a rule of the board of chiropractic examiners concerning renewal of licenses; a regulation of the department of revenue concerning gambling conducted by charitable and nonprofit organizations on premises licensed under the liquor code; and the "3 + 3" affirmative action rules of the department of personnel.

Also allows the following 1984 rules of the department of social services to expire as scheduled: A rule concerning the role of the state long term care ombudsman in the relocation of nursing home residents and a rule concerning a fee for certification of alternative care facilities, of the rules concerning medical assistance; various rules concerning home and community based services for the developmentally disabled and the mentally ill; and various rules concerning child care and child welfare in the rules concerning adult, family, and children's services. Postpones the expiration of the rules concerning the program of alternative care services for so long as statutory authority for the program continues.



Postpones until June 1, 1986, the expiration of various rules of the department of education relating to school finance and concerning increases in the local revenue base and the authorized revenue base. Postpones until November 30, 1985, the expiration of the 1984 rules and regulations of the public utilities commission governing the shipping and transportation of hazardous materials.

May 31

May 31

## AGRICULTURE

- H.B. 1029 Colorado beef board - appropriation. Provides for an incremental increase in the maximum beef board fee which the board is authorized to collect. Provides that the Colorado beef board may also be known as the Colorado beef council.

Appropriates \$894,000 to the beef board for its expenses.

June 6                      July 1

- H.B. 1047 "Pesticide Applicators' Act" - extension. Extends the termination date of the "Pesticide Applicators' Act" until 1990.

April 5                      April 5

- H.B. 1056 Pest control. Clarifies that the commissioner of agriculture is responsible for the administration of the "Pest Control Act". Permits the commissioner to delegate such administration to department of agriculture employees. Gives the commissioner rule-making authority to implement the Act. Eliminates the position of state pest inspector. Authorizes the use of measures to control or eradicate exotic pests not previously found in the United States, pests known to cause high levels of economic damage under similar conditions in other states, or pests known to have caused high levels of economic damage in the past in this state. Permits the commissioner to enter into agreements with other state agencies or other states to carry out this Act.

Authorizes the commissioner to declare quarantines against the importation of certain pests in this state. Directs that funds for the control and eradication of such pests come from specific appropriations or from the governor's agricultural emergency and disaster fund. Permits the governor, upon notification by the commissioner that specified conditions exist, to declare a quarantine emergency. States that, during a quarantine emergency, possession of material which is a host to a pest is not a criminal offense.

Defines "weeds" and includes "weeds" in the definition of "pests" except for purposes of a provision dealing with inspection activities of county pest inspectors.

Repeals statutory provisions pertaining to pest and plant quarantines.

May 16

May 16

H.B. 1206 Beekeepers - licensing - appropriation. Extends the termination date of the statutory provisions relating to licensing of beekeepers from July 1, 1985, to July 1, 1990. Authorizes the state agricultural commission to set, assess, and collect fees for beekeeper licenses and for inspections and certificates of inspection for bee colonies. Creates the beekeeper licensing fund and requires that all fees collected by the commission be deposited in such fund.

Appropriates \$23,554 and 1.0 FTE to the department of agriculture for licensing functions.

May 31

May 31

H.B. 1232 Mandatory fruit and vegetable inspection - fees - appropriations. Places fees collected for mandatory inspection services into a new cash fund for appropriation to the department of agriculture for such services but limits expenditure of such cash appropriation on indirect costs to 5%. Limits general fund appropriations to 50% of operational costs or \$400,000, whichever is lesser. Allows the mandatory inspection fees to exceed 50% of operational costs if such costs surpass the general fund limit.

May 24

July 1

AERONAUTICS: AIRCRAFT AND AIRPORTS

H.B. 1050 Airport authorities - inclusion of counties and municipalities. Authorizes the inclusion of one or more counties or municipalities in an airport authority originally created by the independent action of a county. Upon inclusion of an additional municipality or county, deems the authority created by a combination.

March 10

March 10

APPROPRIATIONS

S.B. 193 Appropriation - diagnostic center. Appropriates \$1,000,000 to the state department of corrections for needs analysis, planning, site selection, architectural fees, engineering fees, and program design for a new diagnostic center to house 150 persons in the Denver metropolitan area.

June 6

June 6

S.B. 205 Supplemental appropriation - department of administration. Amends the 1984 general appropriation act to decrease the total appropriation to the department.

May 3

May 3

S.B. 206 Supplemental appropriation - department of agriculture. Amends the 1984 general appropriation act to decrease the total appropriation to the department.

May 3

May 3

S.B. 207 Supplemental appropriation - department of corrections. Amends the 1984 general appropriation act to increase the total appropriation to the department. Amends the 1983 general appropriation act to eliminate a line item appropriation to the department for the purchase of a management study of inmate reclassification.

PORTION VETOED June 4

OVERRIDDEN June 13

June 4

S.B. 208 Supplemental appropriation - department of education. Amends the 1984 general appropriation act to decrease the total appropriation to the department. Reduces the general fund portion of the appropriation and increases the cash funds portion of the appropriation.

May 3

May 3

S.B. 209 Supplemental appropriation - department of health.  
Amends the 1984 general appropriation act to decrease the total appropriation to the department. Reduces the general fund portion of the appropriation and increases the cash funds portion of the appropriation.

May 3                      May 3

S.B. 210 Supplemental appropriation - department of higher education. Amends the 1984 general appropriation act to decrease the total appropriation to the department.

May 3                      May 3

S.B. 211 Supplemental appropriation - department of institutions.  
Amends the 1983 and 1984 general appropriation acts to decrease the total appropriation to the department for both years.

May 3                      May 3

S.B. 212 Supplemental appropriation - judicial department. Amends the 1984 general appropriation act to decrease the total appropriation to the department.

May 3                      May 3

S.B. 213 Supplemental appropriation - department of labor and employment. Amends the 1984 general appropriation act to increase the total appropriation to the department. Reduces the general fund and federal funds portions of the appropriation and increases the cash funds portion of the appropriation. Restores appropriations for the office of rural job training and for the major medical insurance program, which appropriations were vetoed by the governor in the 1984 general appropriation act.

PORTION VETOED May 3  
OVERRIDDEN June 13

May 3

S.B. 214 Supplemental appropriation - department of local affairs.  
Amends the 1984 general appropriation act to decrease the total appropriation to the department.

May 3                      May 3

S.B. 215 Supplemental appropriation - department of military affairs. Amends the 1984 general appropriation act to decrease the total appropriation to the department.

May 3                      May 3

S.B. 216 Supplemental appropriation - department of natural resources. Amends the 1984 general appropriation act to decrease the total appropriation to the department. Reduces the general fund portion of the appropriation and increases the cash funds portion of the appropriation.

May 3                      May 3

S.B. 217 Supplemental appropriation - department of personnel.  
Amends the 1984 general appropriation act to decrease the total appropriation to the department.

May 10                     May 10

S.B. 218 Supplemental appropriation - department of public safety.  
Amends the 1984 general appropriation act to decrease the total appropriation to the department.

May 3                      May 3

S.B. 219 Supplemental appropriation - department of regulatory agencies. Amends the 1984 general appropriation act to decrease the total appropriation to the department.

May 10                     May 10

S.B. 220 Supplemental appropriation - department of revenue.  
Amends the 1984 general appropriation act to decrease the total appropriation to the department.

May 10                      May 10

S.B. 221 Supplemental appropriation - department of social services. Amends the 1984 general appropriation act to decrease the total appropriation to the department. Adjusts various line items in the 1983 general appropriation act to reflect the department's actual expenditures of federal funds during the fiscal year ending June 30, 1984, and the effect of the "(M) headnote".

May 16                      May 16

S.B. 222 Supplemental appropriation - department of state. Amends the 1984 general appropriation act to decrease the total appropriation to the department.

May 3                        May 3

S.B. 223 Supplemental appropriation - department of the treasury.  
Amends the 1984 general appropriation act to decrease the total appropriation to the department.

May 3                        May 3

S.B. 224 Supplemental appropriation - capital construction.  
Amends the 1984 general appropriation act by adding various capital construction projects and by adjusting various totals to reflect the governor's vetoes of various line items. Amends the 1983 general appropriation act to increase the capital construction fund appropriation for a project at Colorado state hospital.

May 10                      May 10

S.B. 225 Supplemental appropriation - department of administration. Amends the 1984 general appropriation act to increase the total appropriation to the department.

May 16                      May 16



S.B. 226 Supplemental appropriation - department of agriculture.  
Amends the 1984 general appropriation act to increase the total appropriation to the department.

May 16                      May 16

S.B. 228 Supplemental appropriation - department of education.  
Amends the 1984 general appropriation act to increase the total appropriation to the department.

May 3                        May 3

S.B. 229 Supplemental appropriation - office of the governor.  
Amends the 1984 general appropriation act to increase the appropriation for the governor's office and residence and to restore an appropriation of \$28,991,909 for other programs and grants which the governor vetoed in the general appropriation act.

PORTION VETOED May 16  
OVERRIDDEN June 13                      May 16

S.B. 230 Supplemental appropriation - department of health.  
Amends the 1984 general appropriation act to increase the total appropriation to the department. Amends the 1983 general appropriation act to decrease personal services appropriations associated with health policy planning and evaluation and with the certificate of public necessity program.

PORTION VETOED June 4  
OVERRIDDEN June 13                      June 4

S.B. 231 Supplemental appropriation - department of higher education. Amends the 1984 general appropriation act to increase the total appropriation to the department. Includes in such increase new appropriations for the national defense student loan program, for enrichment at various institutions, and for job training partnership act expenses for the division of occupational education.

PORTION VETOED May 16  
OVERRIDDEN June 13                      May 16

S.B. 232 Supplemental appropriation - department of institutions. Amends the 1984 general appropriation act to increase the total appropriation to the department.

May 3                      May 3

S.B. 233 Supplemental appropriation - judicial department. Amends the 1984 general appropriation act to increase the total appropriation to the department.

May 16                      May 16

S.B. 234 Supplemental appropriation - department of labor and employment. Amends the 1984 general appropriation act to increase the total appropriation to the department.

PORTION VETOED May 3  
OVERRIDDEN June 13                      May 3

S.B. 235 Supplemental appropriation - department of law. Amends the 1984 general appropriation act to increase the total appropriation to the department. Adds \$109,736 for S.B. 87 reserved water rights litigation expenses, \$1,229,964 for Indian and non-Indian water rights litigation expenses, and \$3,469,878 for Comprehensive Environmental Response, Compensation, and Liability Act litigation expenses.

May 16                      May 16

S.B. 236 Supplemental appropriation - department of local affairs. Amends the 1984 general appropriation act to increase the total appropriation to the department.

May 16                      May 16

S.B. 237 Supplemental appropriation - department of natural resources. Amends the 1984 general appropriation act to increase the total appropriation to the department.

May 3                      May 3

S.B. 238 Supplemental appropriation - department of personnel.  
Amends the 1984 general appropriation act to increase the total appropriation to the department.

May 16                      May 16

S.B. 239 Supplemental appropriation - department of public safety.  
Amends the 1984 general appropriation act to increase the total appropriation to the department. Adds new line item appropriations for 1984 west slope flood damage, for victims and criminal justice assistance programs, for CBI lab capital outlay for support of local law enforcement agencies, and for support for prison industry projects.

June 3                      June 3

S.B. 240 Supplemental appropriation - department of regulatory agencies. Amends the 1984 general appropriation act to increase the total appropriation to the department.

May 16                      May 16

S.B. 241 Supplemental appropriation - department of revenue.  
Amends the 1984 general appropriation act to increase the appropriation to the state lottery and to reallocate the source of funding in the appropriation to the taxation division for purchase of services from the joint audit program.

May 24                      May 24

S.B. 242 Supplemental appropriation - department of social services. Amends the 1984 general appropriation act to increase the total appropriation to the department.

May 16                      May 16

S.B. 243 Supplemental appropriation - department of state. Amends the 1984 general appropriation act to increase the total appropriation to the department.

May 16                      May 16

S.B. 244 Supplemental appropriation - department of the treasury.  
Amends the 1984 general appropriation act to increase the total appropriation to the department.

May 16                      May 16

S.B. 246 Department of state - transfer of cash funds to general fund. Directs the state treasurer to transfer \$1,000,000 from the department of state cash fund to the general fund.

May 16                      May 16

S.B. 250 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, 1985. Sets the grand total of the operating budget at \$3,718,148,417, of which \$1,875,248,463 is from the general fund, \$1,001,403,016 is from cash funds, and \$841,496,938 is from federal funds. Transfers \$14,395,000 from the lottery fund to the capital construction fund. Appropriates \$135,936,130 for capital construction, of which \$89,406,764 is from the capital construction fund, \$11,148,366 is from cash funds, and \$35,381,000 is from federal funds.

PORTION VETOED June 14                      June 14

S.B. 251 Legislative department. Appropriates \$14,093,332 to the legislative department for its expenses for the fiscal year beginning July 1, 1985.

June 6                      June 6

H.B. 1059 Department of labor and employment - property and facilities of division of employment and training. Appropriates \$761,963.26 to the department of labor and employment for allocation to the division of employment and training to be used for remodeling and improving its main facility and for improvements required for the use and operation of any of its locations.

February 11                  February 11

S.B. 238 Supplemental appropriation - department of personnel.  
Amends the 1984 general appropriation act to increase the total appropriation to the department.

May 16                      May 16

S.B. 239 Supplemental appropriation - department of public safety.  
Amends the 1984 general appropriation act to increase the total appropriation to the department. Adds new line item appropriations for 1984 west slope flood damage, for victims and criminal justice assistance programs, for CBI lab capital outlay for support of local law enforcement agencies, and for support for prison industry projects.

June 3                      June 3

S.B. 240 Supplemental appropriation - department of regulatory agencies. Amends the 1984 general appropriation act to increase the total appropriation to the department.

May 16                      May 16

S.B. 241 Supplemental appropriation - department of revenue.  
Amends the 1984 general appropriation act to increase the appropriation to the state lottery and to reallocate the source of funding in the appropriation to the taxation division for purchase of services from the joint audit program.

May 24                      May 24

S.B. 242 Supplemental appropriation - department of social services. Amends the 1984 general appropriation act to increase the total appropriation to the department.

May 16                      May 16

S.B. 243 Supplemental appropriation - department of state. Amends the 1984 general appropriation act to increase the total appropriation to the department.

May 16                      May 16

S.B. 244 Supplemental appropriation - department of the treasury.  
Amends the 1984 general appropriation act to increase the total appropriation to the department.

May 16

May 16

S.B. 246 Department of state - transfer of cash funds to general fund. Directs the state treasurer to transfer \$1,000,000 from the department of state cash fund to the general fund.

May 16

May 16

S.B. 250 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, 1985. Sets the grand total of the operating budget at \$3,718,148,417, of which \$1,875,248,463 is from the general fund, \$1,001,403,016 is from cash funds, and \$841,496,938 is from federal funds. Transfers \$14,395,000 from the lottery fund to the capital construction fund. Appropriates \$135,936,130 for capital construction, of which \$89,406,764 is from the capital construction fund, \$11,148,366 is from cash funds, and \$35,381,000 is from federal funds.

PORTION VETOED June 14

June 14

S.B. 251 Legislative department. Appropriates \$14,093,332 to the legislative department for its expenses for the fiscal year beginning July 1, 1985.

June 6

June 6

H.B. 1059 Department of labor and employment - property and facilities of division of employment and training. Appropriates \$761,963.26 to the department of labor and employment for allocation to the division of employment and training to be used for remodeling and improving its main facility and for improvements required for the use and operation of any of its locations.

February 11

February 11

H.B. 1311 Superconducting supercollider accelerator - appropriation from severance tax trust fund. Declares that the state of Colorado is the best location for the superconducting supercollider accelerator to be built by the federal department of energy.

Makes an appropriation of \$3,000,000 from the severance tax trust fund for the purpose of acquiring real property, easements, and rights-of-way and appurtenances thereto for the accelerator, contingent upon the decision being made to build the accelerator in Colorado. Makes the moneys available on and after July 1, 1985, and repeals the appropriation authority on July 1, 1988.

June 6

June 6

H.B. 1352 Transfer of appropriations - June, 1985 payroll obligations - medicaid expenses - grasshopper spraying - employees' emeritus retirement. Makes or authorizes various transfers of moneys between line item appropriations necessary to enable the state to meet its payroll obligations for the month of June, 1985, and to pay providers of medicaid services. Appropriates \$170,000 to the department of agriculture for grasshopper spraying and \$2,700 to the department of administration for employees' emeritus retirement.

June 25

June 25

CHILDREN AND DOMESTIC MATTERS

- S.B. 91 Guardianship and custody of a child who is eligible for adoption. In a relinquishment of parental rights proceeding, requires that a court give preference to a request that guardianship of a child be placed with a relative when such placement is in the best interests of the child. States that neither the birth parents nor a placement agency with custody of the child is required to notify such relatives of the pending relinquishment proceeding. Provides that the preference shall not apply where the birth parents have designated an adoptive family or have designated that placement should not be with a relative and the child has not been in the legal custody of such relative or has not been in the physical custody of such relative for more than 6 months.

May 24

July 1

- S.B. 170 Child support enforcement - determination of parentage - appropriation. Conforms state statutes to the federal "Child Support Enforcement Amendments of 1984", Pub. L. 98-378, which amended the federal "Social Security Act" and required the states to provide certain child support enforcement mechanisms.

Requires that wage assignments be filed in every action in which child support is ordered or modified. Provides that a wage assignment shall be activated by the obligee when a payment is not made when due. Requires that an employer notify the court when an obligor quits or is fired and that the employer provide the court with the obligor's social security number and his new place of employment if known. Provides that an employer may be found guilty of a misdemeanor for violating the provisions of the wage assignment law. Designates the state department of social services as the income withholding agency.

As a means of expediting the process of collecting child support, authorizes the appointment of family law referees in the several judicial districts. Grants such referees the power to hear non-jury actions to establish and modify orders to pay child support and to enforce such orders, actions on stipulated agreements to pay child support and voluntary acknowledgements of support liability, and certain RURESA actions. Provides that such referees shall have all of the powers of the district court judge and their orders shall be those of a district court. Provides for automatic review in district court of decisions of a referee. Permits a party to file a motion for reconsideration of a referee's decision with the district court.



Provides procedures for offsetting state income tax refunds against child support arrearages. Enables the department to collect a fee to cover the cost of collecting past-due child support.

Establishes procedures for an interested party to request that the obligor post security, a bond, or other form of guarantee to secure the payment of child support arrearages in an amount of \$1,000 or more.

Authorizes the state department of social services to provide information to consumer reporting agencies on or after October 1, 1985, regarding child support debt or arrearages which are past due and which are in an amount of \$1,000 or more. Requires the state department to notify the obligor in advance of providing such information. Authorizes the department to collect fees for such services.

Provides that orders requiring the payment of child support may include a requirement that the obligor provide medical insurance to cover the child or in some other manner provide for the medical needs of the child and may make a determination of who is responsible for paying medical insurance deductibles and co-payments.

Establishes a formula for providing incentive payments to county and district departments of social services based on the amount of child support which they actually collect.

Designates the state department as the state child support enforcement agency to assume the functions currently being performed by the courts regarding collection of child support and maintenance payments. Provides that on and after January 1, 1986, the court shall transfer to the child support enforcement agency information on orders issued or modified requiring child support or maintenance, and that on or after January 1, 1989, all child support and maintenance payments shall be made to the child support enforcement agency which shall keep records on such payments and make proper disbursement.

Provides that when a child is placed in foster care there is an automatic assignment of child support rights to the state department until all foster care maintenance costs have been recovered.

Clarifies that actions to establish the parentage of a child, except ones brought by the child, shall be brought before the child reaches 18 years of age. Actions may be brought by the child until 3 years after the child reaches the age of majority. Clarifies that

the state, the state department of social services, and the county department of social services have standing to bring a parentage action.

Clarifies that statutes on unemployment benefits and garnishment are subject to a wage assignment for past-due child support.

Appropriates \$10,949 and 0.5 FTE to the department of revenue to implement the provisions concerning the offsetting of income tax refunds against child support arrearages.

May 31                      July 1

H.B. 1005 "Colorado Children's Code" - juvenile violations of county ordinances. Provides that the procedures applicable to children violating municipal ordinances be used for children violating county ordinances.

March 1                      March 1

H.B. 1035 Domestic abuse - enforcement of restraining orders. Requires peace officers and sheriffs to remove violators of emergency protection orders and restraining orders from the premises whenever the order is presented to the officer and the officer has cause to believe that a violation of the order has occurred.

March 10                      March 10

H.B. 1249 "Children's Code" - mentally ill children - prescreening procedures - developmentally disabled children. Before the juvenile court may place a child who appears to be mentally ill in a mental health facility for a 72-hour evaluation and treatment, requires that the child be examined by a mental health professional to determine whether he is a danger to himself or others and should be sent to such a facility.

When a child appears to have a developmental disability, requires the court to refer such child to a community centered board for a determination as to placement.

When children committed to the custody of the department of institutions are transferred to a mental health facility, requires an evaluation every 60 days concerning continued placement.

Gives rule-making authority to the executive director of the department of institutions regarding the department's duties under the "Children's Code".

May 31

July 1

H.B. 1272 "Children's Code" - jurisdiction - procedures. Conforms the jurisdiction of the juvenile court of Denver with the provisions relating to the jurisdiction of the juvenile divisions of all district courts.

Adds a violation of a county ordinance to the definition of a delinquent act.

Authorizes the court to issue ex parte emergency orders if the child's welfare is endangered and the court reasonably believes that emergency medical or surgical treatment is needed. Provides that such order expires 24 hours after issuance and that a parent, guardian, or legal custodian may apply during such time for a hearing to set aside the order.

Requires the court to sentence a child as an adult when criminal charges are transferred to or filed in the district court against a child 16 years of age or older who has previously been committed to the department of institutions as a violent or repeat juvenile offender or as an aggravated juvenile offender.

Allows an adjudicatory hearing without a jury if the district attorney waives the right to seek commitment to the department of institutions or to seek a sentence to the county jail of 6 months or longer.

States that persons who have an interest in hearings on petitions include the district attorney and the child or his parents or guardian. Specifies that the public may be excluded from such hearings when the court finds it to be in the best interest of the community.

Allows impeachment of a child in a delinquency proceeding by evidence of prior adjudications.

States that an adjudication under the Code shall not affect a child's right to pursue or obtain a government position.

Clarifies that decisions of a commissioner on preliminary hearings and pretrial motions may be reviewed by the court.

Authorizes a judge of a court of record or a juvenile commissioner to issue an arrest warrant, prior to the filing of a petition, upon receiving an affidavit stating facts which indicate that there is probable cause to believe that a delinquent act was committed and that a particular child committed the act.

Authorizes a judge of a court of record or a juvenile commissioner to issue a warrant to search or seize property related to a delinquent act.

Establishes statutory exceptions to the exclusionary rule when evidence is sought to be suppressed in a delinquency proceeding based upon the conduct of a peace officer leading to its discovery. Declares that it is the intent of the general assembly that such evidence should not be suppressed when the conduct was pursuant to a reasonable good faith belief that it was proper under the circumstances. Provides that evidence which is obtained as a result of a voluntary confession made in a noncustodial setting should not be suppressed if otherwise admissible.

Imposes a mandatory restraining order against a child who is the subject of a delinquency petition.

Adds factors which the juvenile court must consider in determining whether to transfer a case to the district court. Specifies procedures which may be followed once an action has been remanded to the juvenile court after a previous action was successfully transferred to the district court.

Requires the court to order that a child who has been adjudicated a delinquent child make restitution to the victim of the delinquent act unless such restitution would cause serious hardship or injustice to the child. Enables the court to require that the child's parent, guardian, or legal custodian make restitution, but limits such restitution for any one delinquent act to the amount of damages as set forth in the statute concerning damages for destruction or bodily injury caused by minors.

Enables the court to order that a child participate in a supervised community service program or community work program as a condition of continued adjudication or of probation.

June 6

July 1

H.B. 1327 Child abuse hearsay exception - investigations of child abuse and neglect - "enticement of a child" - medical neglect. Extends the hearsay exception allowed to child victims to admit into evidence in child abuse or neglect and dependency proceedings statements descriptive of criminal acts of child abuse to which the declarant was subjected.

Creates the crime of "enticement of a child" which is committed by enticing a child into a secluded area for the purpose of sexual assault. Classifies the crime as a class 4 felony; except that, if the defendant has a prior conviction for enticement or sexual assault upon a child, the crime is a class 3 felony.

Adds failure to provide medical care to the definition of acts of child abuse or neglect under the "Children's Code", subject to religious considerations.

Provides for the confinement of a person who is responsible for an alleged victim of child abuse or neglect when such person impedes investigation of the allegations by refusing to permit access to the child, unless it is established that such person cannot aid in providing information about the child.

Expressly authorizes the department of social services to accept federal funds made available for the prevention of child abuse and neglect.

June 7

June 7

CONSUMER AND COMMERCIAL TRANSACTIONS

H.B. 1004 "Uniform Commercial Code" - uncertificated securities. Amends articles 1, 5, and 9 of the "Uniform Commercial Code" to correspond with amendments to article 8 that were made in 1981 in order to provide a single method of creating and perfecting security interests in uncertificated securities. Inserts the word "certificated" in certain provisions to conform with the new definition of an "uncertificated security" and a "certificated security". Repeals an obsolete definition of "security".

March 1                      July 1

H.B. 1081 "Uniform Consumer Credit Code" - debtor's right to rescind certain transactions - continuation of exclusion of advances under open-end credit plans from such right. In the section of the code which allows debtors to rescind transactions in which a security interest was given in property used as a dwelling, continues the exclusion of advances under certain open-end credit plans by repealing the provision which would have eliminated such exclusion on April 1 of this year.

March 10                    April 1

H.B. 1159 "Colorado Consumer Protection Act" - health club membership sale and advertisement - deceptive trade practices. Defines "health club", "health club facilities", and "health club services" for purposes of the "Colorado Consumer Protection Act". Defines deceptive trade practices under the Act to include failure to allow the buyer to rescind the membership contract within 3 days of receiving a copy of the contract; failure to provide conspicuous notice of the buyer's right to rescind the sale; or failure to refund payment after the contract is rescinded less a prorated fee for days of actual health club use by the buyer. Also specifies that it is a deceptive trade practice to fail to allow cancellation of a membership contract under the following circumstances: The buyer dies or is totally physically disabled as determined by a licensed physician; the health club is relocated to a location more than 5 miles from the location of the club when the buyer entered into the contract; the membership is transferred because of cessation of health club services to a location which is more than 5 miles from the location of the club when the buyer entered into the

contract; the health club goes out of business or is sold and the sale results in a substantial decline in the quality of health club services, subject to a 30-day right-to-cure for the health club; the health club fails to open for use within 60 days of the opening date specified in the contract; the health club fails to escrow preopening membership sales receipts or provide cash bond, letter of credit, certificate of deposit, or similar surety for \$50,000 for repayment of amounts paid under preopening membership agreements; or the health club sells membership contracts the actual and financial duration of which are for a period longer than 24 months.

June 3

June 1

Note: Although the effective date stated in the act is June 1, 1985, the Governor did not sign the act until June 3, 1985.

H.B. 1245 Consumer credit transactions - credit card surcharges - consumer credit insurance - disclosure requirements - rescission procedures. Provides that an out-of-state seller or lender may not contract for or receive charges exceeding those permitted by the "Consumer Credit Code" if the goods or services purchased or the cash proceeds of a loan are received in this state.

Changes the definition of "consumer lease" to include insurance and certain incidental services.

Includes credit card surcharges within the scope of the provisions of the code pertaining to consumer related sales. Makes any discount offered or disclosed to all prospective buyers by a seller to induce payment by means other than a credit card not a credit service charge regardless of the amount of discount. Provides that no surcharge may be added on a purchase for using a credit card instead of other means of payment.

Requires a lessor to make disclosures to a lessee as required by the "Federal Consumer Credit Protection Act" and federal regulations.

In the definition of "consumer credit insurance", includes insurance on a credit transaction where a payment is scheduled more than 10 years after the extension of credit and a credit service charge or loan finance charge is imposed. With respect to consumer credit insurance, allows a lessee to provide insurance required by a lessor in the same manner as a debtor may provide insurance required by a creditor. Provides that

a debtor's right to rescind a consumer credit sale or consumer loan with respect to which a security interest is retained or acquired in any property which is the dwelling of the debtor applies except when otherwise ordered by a court.

May 10

May 10

H.B. 1250 "Uniform Consumer Credit Code" - refinance loans.  
Provides that certain first deed of trust residential refinance loans, including those involving additional sums for purposes which are not related to the residence but excluding precomputed loans, are not subject to certain provisions of the "Uniform Consumer Credit Code". Directs that refinance loans in the form of a revolving loan account which is in whole or in part for purposes other than acquisition or construction will be governed by the code provisions dealing with changes in the terms of revolving loan accounts. States that a loan is a "consumer loan" for the purposes of the statutes setting forth the powers and functions of the administrator of the code.

Requires lenders to disclose to debtors that refinance loans secured by a first mortgage or deed of trust lien against a dwelling create a lien against the debtor's property and that the provision in the code limiting the amount of attorney fees that a lender may charge the debtor is not applicable.

June 2

June 2



CORPORATIONS AND ASSOCIATIONS

S.B. 123 Nonprofit corporations - certificates of correction.  
Authorizes nonprofit corporations to file certificates of correction to correct any documents concerning corporate action required by law to be filed with the secretary of state.

April 24                      April 24

H.B. 1200 "Colorado Corporation Code". Outlines items that are permitted to be set forth in the articles of incorporation. States what changes may be made when articles of incorporation are amended. Allows a corporation to impose restrictions on the transfer of its shares. Establishes procedures for the indemnification of directors, officers, employees, and agents, whether current or former. Provides for the assignment or termination by a foreign corporation of the registration of its corporate name. Eliminates the requirement that shares of a corporation be represented by certificates. States the circumstances under which a court may order a shareholders' meeting. Establishes procedures for voting of shares held by more than one person. Permits directors to take action without a meeting under certain circumstances. Allows the board of directors to impose conditions on shareholder approval of certain corporate proposals.

Allows nonprofit corporations to make guarantees and correct corporate documents.

May 3                              January 1, 1986

CORRECTIONS

H.B. 1037 Good time earned by inmates in correctional facilities.  
Eliminates the vesting of good time for persons sentenced for crimes committed on or after July 1, 1985. Requires the department of corrections to report annually to the general assembly the number of good time days authorized per inmate, the number of good time days withheld or deducted per inmate, and the average length of stay per inmate during each calendar year.

June 6

June 6

H.B. 1097 Parole proceedings - notification - public records.  
States that votes of the parole board shall be recorded and shall be a public record open to inspection. Allows the victim of a crime to request a person to appear on behalf of the victim at any parole proceeding. Requires the board to establish a system of notification allowing any person making a written request to the board to receive notification of a parole proceeding.

Allows the parole board to meet in executive session, but prohibits the board from making final parole decisions while in executive session.

Became law without the Governor's signature

June 4

July 1

H.B. 1120 Reimbursement to local governments - persons committed to custody of department of corrections - appropriation.  
Requires that a county or a city and county be reimbursed by the department of corrections in an amount not more than \$35 per day for holding longer than 72 hours any person sentenced to a state correctional facility but confined in the jail of a county or city and county prior to his transfer to the facility; for holding any person who is being returned or transferred to a correctional facility or community correctional facility, or for holding any person prior to his extradition. Directs that such moneys be placed in the county or city and county general fund by the county treasurer or the manager of revenue of the city and county of Denver.

Enables the executive director of the department of corrections to negotiate contracts for the housing of prisoners in his custody in the jails of cities, counties, or city and counties within the state of Colorado and prohibits the executive director from

housing such prisoners except under such provisions.

Repeals the contracting and payment provisions on July 1, 1988.

Appropriates \$886,950 to the department of corrections to carry out its duties.

VETOED June 7

H.B. 1292 Parole - revocation - administrative hearing officers - parole board abolished - appointment of new parole board - duties. Eliminates the probable cause hearing currently required when a parolee is arrested for a parole violation. Specifies that parolees arrested for a parole violation are ineligible for bail. Specifies that administrative hearing officers may hear parole revocation hearings. Allows the parole officer, within 10 days after a parolee has been arrested for a parole violation, to release the parolee and issue a summons for him to appear before the parole board. Establishes new time periods within which a parole revocation hearing must take place. States that parolees may not request continuances, but specifies that the board or a hearing officer may grant a continuance for good cause found by the board or the hearing officer.

Abolishes the current parole board on July 1, 1987, and authorizes the governor to appoint a new board consisting of 4 members, rather than 5, who must be confirmed by the senate. Effective July 1, 1985, provides criteria for removal of board members by the governor. Authorizes the chairperson of the board to act as administrative head of the board with responsibility for calendars of hearings and assignment of board members to conduct hearings. Requires the chairperson of the board to promulgate rules and regulations under the "State Administrative Procedure Act", approved by a majority of the board, governing the conduct of board members and procedures for board hearings. Enables the chairperson to contract with licensed attorneys to act as administrative hearing officers to hear parole revocation hearings. Provides that an interview with a parole applicant shall be conducted by one member of the parole board rather than 2 members, and that appeal of such decision shall be made to 2 members rather than 3.

June 6                      July 1

H.B. 1385 Local governments - reimbursement for expenses of persons confined in jails - appropriation. Subject to appropriations, requires the department of corrections to reimburse any county or city and county in an amount of \$16 per day for expenses incurred by that county or city and county for confining in a local jail any person who is sentenced to a term of imprisonment in a correctional facility. Directs that such moneys be placed in the county or city and county general fund by the county treasurer or the manager fo revenue of the city and county of Denver. Repeals these provisions, effective July 1, 1988.

Appropriates \$886,950 to the department to carry out its duties.

June 28      July 1

## COURTS

S.B. 87 District courts - power to enforce foreign subpoenas. Clarifies that the district court has the authority to enforce a subpoena issued by a court outside of the state commanding a witness to appear and testify by deposition. Specifies that the place of the deposition shall be the county of the witness's residence or another convenient place as fixed by order of the court. States that any questions of conflicts of law shall be governed by Colorado law.

May 24

May 24

S.B. 140 Mobile home park tenancy - termination - specification of reasons in complaint. Requires that a complaint in an action for termination of a tenancy in a mobile home park specify the particular reasons for the termination, including the time, place, and manner in which the tenant allegedly committed the acts giving rise to the complaint.

May 24

July 1

H.B. 1019 Garnishment - procedures. Clarifies that a judgment creditor applying for continuing garnishment shall apply to the court clerk rather than to the court. Specifies that a writ of garnishment shall be served upon the judgment debtor as soon as practicable following service upon the garnishee rather than at the same time as the service upon the garnishee. Excludes postjudgment garnishments from the operation of procedures for writs of execution and writs of attachment.

May 3

May 3

H.B. 1027 "Colorado Medical Decision Treatment Act" - right to refuse medical treatment. Allows a competent adult to declare that his life shall not be artificially prolonged if, at some future time, he becomes incapacitated by a terminal medical condition and is unable to reject artificially life-prolonging medical procedures. Sets out procedures to challenge the validity of such declarations and provides for revocation thereof. Provides that death resulting from compliance with the terms of a declaration cannot be considered a suicide or homicide. Imposes penalties for forging, defacing,

destroying, or withholding information about a declaration.

Makes it unprofessional conduct for a physician to refuse to comply with the terms of his patient's declaration and to fail to transfer care of such patient to another physician.

May 9

May 9

H.B. 1071 Theft - civil damages for losses. Allows the owner of a mercantile establishment to recover actual damages and a civil penalty from adults or emancipated minors for the theft of merchandise or shopping carts. Allows recovery against the parents or guardian of an unemancipated minor for the theft of merchandise by such minor. Provides that a criminal conviction for theft is not a condition precedent to maintaining a civil action.

May 2

July 1

H.B. 1074 Superior courts - abolition - increase in judges for 18th judicial district. Abolishes the superior courts. Increases the number of judges in the 18th judicial district from 9 to 10.

April 4

November 14, 1986

H.B. 1158 "Colorado Probate Code" - estate tax apportionment - omitted spouse - notice. Adds omitted spouse to a statute that makes the "Probate Code" control over the will as to the apportionment of estate tax where the method of estate tax apportionment in the will differs from the method used in the Code. Expands the notice required to be given by a conservator upon the death of a protected person.

April 30

April 30

H.B. 1231 Comparative negligence actions - joint and several liability. Assesses joint and several liability against defendants to whom some negligence is attributable in comparative negligence actions, but limits the liability of a defendant whose negligence is not greater than the claimant's to that portion of the judgment which corresponds to his degree of negligence.

May 16

July 1

H.B. 1248 Writs of attachment and execution - exemption for motor vehicles used by debtors to obtain medical care. Exempts from writs of attachment and execution vehicles used by elderly or disabled debtors to obtain medical care for themselves or their dependents. Defines "disabled person" and "elderly person".

April 30          April 30

H.B. 1303 Evidence - visual reproductions of property alleged to have been obtained unlawfully. States that photographs, video tapes, or films of property over which a person is alleged to have exerted unauthorized control or to have otherwise obtained unlawfully are competent evidence if the photographs, video tapes, or films are admissible into evidence under the rules of law governing the admissibility of photographs, video tapes, or films into evidence. Establishes a process for returning property which would otherwise be used as evidence to the owner.

May 3              July 1

H.B. 1379 Oral arguments in the supreme court. Instead of making oral arguments mandatory upon request, permits the supreme court of Colorado to allow oral arguments on final hearing at its discretion.

May 31            May 31

CRIMES

S.B. 27 Littering of public or private property - penalty.  
Increases the fine for littering and makes such fine mandatory. Limits the court's discretion to suspend any or all of a fine imposed for littering to that amount in excess of the mandatory minimum fine. Authorizes the court to condition suspension of any or all of a fine imposed for littering upon the convicted person's picking up litter for not less than 8 hours for a first conviction or not less than 16 hours for a subsequent conviction. Applies the increased mandatory minimum fine to unlawful littering on land or water under the control of the division of parks and outdoor recreation.

May 23 July 1

S.B. 31 Disarming a peace officer. Makes it a class 5 felony to knowingly, without justification and without consent, remove the firearm of a peace officer who is acting under color of his official authority. Defines "peace officer" for such purposes.

May 24 July 1

S.B. 42 Child abuse - definition - penalties - proceedings.  
Redefines the crime of child abuse. Combines the provisions which defined child abuse in terms of "endanger" and "may endanger" situations into a "situation which poses a threat of injury", thereby leaving the probability of the threatened injury to be dealt with in the result-oriented penalty provisions. Reorganizes the penalty provisions according to the results of the defendant's act and specifically penalizes certain conduct even though no injury results. Uniformly applies the culpability provisions as 2 states of mind: Knowingly or recklessly and criminal negligence. Increases penalties with regard to recklessly committed child abuse resulting in death or serious bodily injury and with regard to knowingly or recklessly committed child abuse resulting in no injury. Requires more severe sentencing for habitual offenders and certain class 2 or 3 felony offenders and prohibits deferred prosecution, probation, or suspended sentencing for such offenders. Excludes persons responsible for the commission of the crime from the statutes granting immunity from liability to persons reporting incidents of child abuse. Allows testimony of a victim of child abuse to be used as evidence under an exception to rules prohibiting "hearsay" evidence and allows for the videotaping of



depositions of a victim of child abuse. Authorizes the sentencing court to order a convicted offender to pay for treatment prescribed for the victim of his offense. Establishes statutes of limitations of 10 years for prosecution of felony child abuse and 5 years for prosecution of misdemeanor child abuse. Prohibits exercise of a statutory privilege between a victim-patient and his physician or between a husband and wife when the privilege would exclude testimony in a child abuse prosecution.

June 7                      June 7

- S.B. 97      Sentencing - prosecutions involving multiple victims. When multiple victims are involved in a prosecution of multiple counts for the same act, allows the court, within its discretion, to impose consecutive sentences on the defendant.

April 24                      July 1

- S.B. 116      Sexual assault - sentencing. Requires the court to sentence a defendant to greater than the maximum in the presumptive range for sexual assault in the first degree if the defendant is convicted of said offense when the offense is attended by specified circumstances. Prohibits a defendant convicted of said offense from being eligible for suspension of sentence or probation. States that, as a condition of parole, the offender shall be required to participate in mental health counseling or an appropriate treatment plan.

June 6                      July 1

- S.B. 159      Criminal acts - procedure - bail bonds. Authorizes the court after a hearing to order a refund of a premium paid by a defendant on a bond if, within 30 days of the posting of the bond, the terms and conditions are changed by order of the court or upon motion of the district attorney or the defendant. Provides for exoneration of bond liability upon entry of a deferred judgment. Provides that a bond shall not be continued nor shall the posting of any bond which allows for the continuance of a bond be required after a plea of guilty or nolo contendere unless the written consents of the sureties are filed of record.

Specifies that the prosecution may introduce evidence of similar acts or transactions of a defendant to show motive in a criminal prosecution for an unlawful sexual offense or for first degree felony murder in which

the underlying felony is the commission of sexual assault in the first or second degree or the commission of a class 3 felony for sexual assault on a child.

Adds as an aggravating circumstance in sentencing the fact that a defendant was under a deferred sentence for another felony at the time of the commission of a felony.

Permits a defendant to waive speedy trial rights and to agree to a continuance without making a court appearance. Requires a defendant to move for dismissal on speedy trial grounds before certain pretrial motions are heard. Deems the date offered by a trial court as the date for calculating speedy trial time periods unless the defendant or his attorney objects to such date. Excludes from speedy trial time periods the period between a new trial date and the date on which a period of excluded time expires, not to exceed 3 months.

Redefines the term prostitution by a child to include a person performing or offering or agreeing to perform a sexual act upon a child not the person's spouse in exchange for money or value. Redefines prostitution of a child to include a person inducing a child by coercion or threat or in exchange for money or value to participate in a sexual act in which the person performs or offers or agrees to perform such act upon a child not the person's spouse.

Makes a knowing violation of the conditions of a bail bond issued in connection with a felony or misdemeanor charge a class 5 felony or a class 3 misdemeanor, respectively.

Removes a requirement that a peace officer be outside of a structure when requesting a person to let him enter the premises or to vacate the premises.

Repeals a statute that made sponsoring, promoting, conducting, or engaging in endurance contests for longer than 12 hours a class 1 petty offense.

June 6                      July 1

H.B. 1038 "Serious bodily injury" - definition. Clarifies that the term "serious bodily injury", when used in the "Criminal Code", includes bodily injury involving a substantial risk of serious permanent disfigurement or a substantial risk of protracted loss or impairment of the function of any body organ or part.

March 1                      March 1

H.B. 1039 Criminally negligent homicide - classification. Changes the classification of criminally negligent homicide from a class 1 misdemeanor to a class 5 felony.

April 24      July 1

H.B. 1093 "Colorado Crime Victim Compensation Act" - coverage - increase in fees - creation of state crime victim compensation fund - continuation. Eliminates the 30-day residency requirement for eligibility of a crime victim to apply for compensation. Defines "economic loss" to include "net income" rather than "work loss". Permits the crime victim compensation board to waive any of the requirements in the act rather than only those specifically listed. Adds mental health counseling as a compensable loss.

Increases the costs levied on felonies from \$50 to \$75, on misdemeanors from \$30 to \$40, on class 1 traffic offenses from \$15 to \$35, and on class 2 traffic offenses from \$15 to \$25.

Requires the court administrator of each judicial district to report to the state court administrator on the amount of moneys collected and distributed by the judicial district in the prior fiscal year. Directs those judicial districts that have distributed less than 60% of the total moneys collected in the prior fiscal year to victims to transmit to the state treasurer, upon notification of the state court administrator, the difference between 60% of the total moneys collected in the prior fiscal year and the amount actually distributed for such fiscal year. Requires that such moneys be credited to the state crime victim compensation fund which is created in the act and allocated by the state court administrator among the judicial districts which have distributed 75% or more of the total moneys collected in the prior fiscal year to crime victims.

Clarifies that federal funds accepted for the purpose of assisting crime victims shall not be used to replace state funds available for such purpose.

Repeals the automatic termination date of the act.

April 11      April 11

H.B. 1101 Felony theft from a store - mandatory sentencing - evidence of the value of the thing taken. Establishes a mandatory sentencing requirement for the third conviction of felony theft from a store. When theft from a store occurs, states that evidence of the retail value of the thing taken shall be prima facie evidence for establishing the value of the thing.

Became law without Governor's signature  
May 3 July 1

H.B. 1116 Felonies - penalties - appropriation. Permits the imposition of a fine in addition to or in lieu of any sentence of imprisonment which may be imposed upon a person committing a class 2, 3, 4, or 5 felony. Establishes presumptive ranges of such fines for the different classes of felonies. Prohibits the imposition of a fine in lieu of a sentence of imprisonment where a person is convicted of a crime of violence. Specifies that a sentence of life imprisonment shall mean imprisonment without possibility of parole for 40 years.

Appropriates \$360,000 to the judicial department for allocation to the office of the state public defender for the implementation of the act.

June 6 July 1

H.B. 1239 Crimes involving cocaine - definitional elements. Specifies that cocaine means any material, compound, mixture, or preparation which contains cocaine for purposes of provisions requiring mandatory sentencing for the unlawful distribution, manufacture, dispensing, sale, or possession of cocaine.

June 6 July 1

H.B. 1264 Victims and witnesses assistance and law enforcement fund - surcharge on penalty assessments. Clarifies that a 37% surcharge shall be levied against all penalty assessments imposed for a violation of a class A or class B traffic infraction or class 1 or class 2 traffic offense and all penalty assessments imposed for fish and game offenses. Specifies that all moneys collected by the department of revenue and the division of wildlife as surcharges shall be transmitted for credit to the victims and witnesses assistance and law enforcement fund established in the judicial district of the county in which the infraction or offense occurred.

May 3 May 3

H.B. 1356 Cruelty to animals - dog-fighting - penalty. Makes it unlawful for any person to cause, sponsor, arrange, hold, or encourage a fight between dogs for monetary gain or entertainment but exempts normal hunting practices or dog training. Makes a first offense punishable as a class 5 felony and by a fine of up to \$1000 and a second or subsequent offense punishable as a class 4 felony and by a fine of up to \$5000.

May 2

July 1

H.B. 1361 Self-defense - use of deadly physical force. Clarifies that an occupant of a dwelling is justified in using deadly physical force against an intruder in his home when the occupant reasonably believes that the intruder has committed or intends to commit a crime in the dwelling in addition to the uninvited entry, and that the intruder might use any physical force against any occupant. Immunizes the occupant from any criminal or civil liability for injuries or death resulting from the use of such force.

June 6

June 6

CRIMINAL PROCEDURE

S.B. 184 Probation or parole - restitution to crime victims. Specifies that when restitution is ordered as a condition of probation or parole, it may be paid to a member of the victim's immediate family as well as to the victim. Defines "immediate family" to include the victim's spouse and the victim's parent, sibling, or child who is living with the victim. Eliminates hardship of the defendant or of the defendant's family as a ground for waiving the requirement to make restitution.

April 24 July 1

H.B. 1095 Restitution as condition of probation - definition of "victim". Defines "victim" as the party immediately and directly aggrieved by a defendant who is convicted of a criminal act and who is granted probation, including any other person who has suffered a loss because of his contractual relationships with such party or because of liability for family expenses. Requires the payment of compensation first to the party immediately and directly aggrieved if there is more than one victim.

April 23 April 23

H.B. 1195 Material witnesses - compulsory attendance at a criminal proceeding in another county. Establishes a procedure by which a court in one county in the state may compel a material witness in another county to attend and give testimony or produce evidence in a criminal action or grand jury investigation pending in the requesting county. Before the witness may be summoned by the requesting court, requires the court where the witness is located to find that the witness is material and necessary and that it will not cause undue hardship to the witness to be compelled to attend. Immunizes such witness from arrest or service of process while enroute to the proceeding in the requesting county and while returning therefrom.

April 24 April 24

H.B. 1254 Issuance of search warrants - admission of evidence - statute of limitations for specified crimes - deferred sentencing and prosecution - sex offenses. Includes as property which may be seized pursuant to a search warrant any property which would aid in the detection of the

whereabouts of or in the apprehension of a person for whom a lawful arrest warrant is outstanding. States that it shall be prima facie evidence that the conduct of the peace officer was performed in the reasonable good faith belief that it was proper if there is a showing that the evidence was obtained pursuant to and within the scope of a warrant, unless the warrant was obtained through intentional and material misrepresentation.

Clarifies that the intent of the general assembly in enacting specified sections regarding sexual crimes against children was to create a 10-year statute of limitations for such crimes.

Extends the period of deferred prosecution and sentencing for up to 180 days if the sole condition of supervision which has not been fulfilled is the failure to pay specified amounts because of inability to pay and the defendant has shown a future ability to pay.

Establishes the venue in cases involving violations of custody orders.

Adds the crimes of procurement of a child for sexual exploitation, procurement of a child, and inducement of child prostitution to the list sex offenses against children subject to the 10-year statute of limitations.

June 2                      July 1

H.B. 1263 Impaired mental condition - assertion of defense. Specifies that it is the intent of the general assembly that the affirmative defense of impaired mental condition not be asserted in such a fashion that it is used to circumvent the requirements set out in the criminal procedure rules relating to discovery. Requires a defendant to raise impaired mental condition as an assertion of affirmative defense.

June 6                      June 6

H.B. 1320 Criminal justice - consecutive sentences - parole regulations and guidelines - presumptive sentences - life imprisonment - appropriation. States that a person who is convicted of 2 separate crimes of violence arising out of the same incident shall be sentenced for such crimes so that the sentences are served consecutively rather than concurrently.

Enumerates the purposes of parole to include the successful reintegration of a convicted offender into the community while recognizing the need for public safety. Specifies factors that the parole board shall use when considering offenders for parole, including the testimony of the victim of the crime, the offender's willingness to make restitution to the victim, and the offender's willingness to devote time to a specific employment or occupation. Requires the board to consider specified extraordinary aggravating circumstances when determining the conditions for parole and the length of time of parole supervision.

Doubles the maximum sentence in the presumptive range for class 2, 3, 4, and 5 felonies. Changes the period of time in which a person who has been sentenced to life imprisonment must stay in prison from 20 years to 40 years. Extends the period of time a person may be on parole from 3 years to 5 years.

Appropriates \$106,400 to the judicial department for criminal justice purposes.

Became law without Governor's signature

June 18

July 1



DISTRICT ATTORNEYS

H.B. 1243 Duty to provide legal advice. Requires that district attorneys provide legal advice to peace officers pertaining to the preparation and review of affidavits and warrants for arrests, searches, seizures, and nontestimonial identification items.

April 30      April 30

EDUCATION - PUBLIC SCHOOLS

S.B. 187 Programs for gifted and talented students. Authorizes the department of education to contract with private for-profit or nonprofit agencies, organizations, or institutions to provide or to assist such groups to provide educational programs for gifted and talented secondary school students. Provides that purchased programs shall be approved by the state board of education, shall be of short duration, shall offer a curriculum that is pervasively nonsectarian, and shall not be operated by nor connected with a pervasively sectarian agency, organization, or institution. Directs the state board of education to establish criteria for selecting students who attend such programs.

Permits teachers in local school districts, students preparing to enter teaching, and instructors in teacher education to apply to teach and to participate for a short time period in an approved gifted and talented educational program. Provides for assistance with tuition and transportation expenses for students who qualify on the basis of need and with transportation expenses for participating teachers, students preparing to enter teaching, and instructors in teacher education. Authorizes the department of education to accept private donations to be used for gifted and talented educational programs.

June 6

July 1, 1986

S.B. 255 Financing of public schools. Fixes the amount of increases in authorized revenue bases which will be allowed for the budget year 1986 at 5 1/4% of the statewide average revenue base per pupil for the 1985 budget year; except that no district need have an authorized revenue base of less than \$2,730 per pupil. Fixes the amount of increases in authorized revenue bases which will be allowed for the budget year 1987 at 5 1/4% of the statewide average revenue base per pupil for the 1986 budget year; except that no district need have an authorized revenue base of less than \$2,910 per pupil. Retains the 5 1/2% increase permitted for authorized revenue bases for the 1988 budget year and thereafter. Requires the department of education to set the equalization program support level so as not to exceed state appropriations for the equalization program. Clarifies the treatment of unequalized local revenue bases for years after the first year in which they are established by the state board of education or by a local vote. Provides that increases granted by the state board which are less than the average equalized revenue base

but are not specified for first-year equalization will be deemed local revenue bases instead of authorized revenue bases for the first year of such increase. Alters the definition of "average equalized revenue base" so as to avoid reliance on estimated enrollments for the next budget year before such enrollments become final.

June 6

June 6

- H.B. 1046 Alcohol and controlled substances - teaching of effects and illegal aspects of use. Requires that the physical, emotional, psychological, and social dangers of the use of alcoholic drinks and controlled substances be taught in public schools with an emphasis upon the nonuse of such substances by school-age children. Also requires that the illegal aspects of their use be taught.

Repeals the statute allowing for the removal of any education official for failure to teach temperance with respect to such use.

March 12

July 1

- H.B. 1218 Disciplinary actions against certified public school personnel. Specifies that a court's acceptance of a guilty plea or a plea of nolo contendere regarding a violation or commission of any of the following is sufficient to revoke or suspend a teaching certificate or letter of authorization or to dismiss a tenure teacher: Any law of this state or any municipality of this state involving unlawful sexual behavior; any law of the state, any municipality of this state, or the United States involving the illegal sale of controlled substances; or a felony.

Authorizes revocation, suspension, or dismissal immediately and without a hearing when the state board of education has received a certified copy of the judgment of a court of competent jurisdiction for a conviction of unlawful sexual behavior or illegal sale of controlled substances.

Became law without the Governor's signature

May 25

May 25

- H.B. 1310 Renewal of teaching certificate. Eliminates the requirement that semester hours of credit for renewal of a teaching certificate acquired by a teacher from an institution within the state system of Colorado community and technical colleges or from a Colorado local junior college have prior course approval by the Colorado

department of education. Requires that renewal credit relating to a teacher's endorsement area or area of assignment be in that area rather than merely applicable to it. Permits teachers to acquire renewal credits in programs to extend computer skills and programs related to the elimination of child abuse.

Effective September 1, 1988, repeals all existing law pertinent to requirements for the renewal of teaching certificates, replacing it with the following: Requires all teachers applying for recertification under the "Teacher Certification Act of 1975" to take at least 6 semester hours of renewal credit within the 5-year period prior to the date of application.

Requires that in order to validate renewal credits every teacher seeking recertification must obtain approval for such credits from that teacher's employing board or state agency; or, if that teacher is not employed full-time or is employed by an entity other than an employing board or state agency, from the department of education; or, if that teacher is employed by the Colorado school for the deaf and the blind, from the commissioner of education.

Stipulates that at least 3 hours of such renewal credit be in a program pertinent to that teacher's endorsement area, an additional endorsement area, or the teacher's current or proposed assignment and may include programs to extend the computer skills of the teacher or programs related to the elimination of child abuse.

Provides that teachers employed by an employing board or state agency may be required by that board or agency to take up to 4 hours of recertification credit to assist the teacher in addressing any problems or weaknesses identified pursuant to the "Certificated Personnel Performance Evaluation Act". Limits to 6 the total number of semester hours of renewal credit that a teacher may be required to take during any one certification period. Institutes a number of requirements intended to ensure due process for a teacher requesting approval for recertification credits from an employing board or state agency, including but not limited to the following: A formal discussion to be held with each teacher to plan an appropriate recertification program; procedures for appealing disputes between a teacher and his employing board or state agency to be developed by each such employing board or state agency; procedures for formalizing a recertification plan developed for each teacher; and the appointment of a panel of teachers in each school district to advise each employing board on the recertification process.

Permits teachers employed by an employing board or state agency to acquire renewal credits through in-service programs, programs involving the supervision of interns or student teachers, work experience programs, professional development activities, and employment-related educational travel.

When a teacher changes employment within Colorado during a 5-year recertification period, the teacher's new employing board or state agency or, if the teacher is unemployed, the department of education honor all renewal credits accumulated by that teacher and approved by his former employing board or state agency.

May 31                      July 1

H.B. 1315 Early childhood education of handicapped or non-English speaking children - study - report to general assembly - appropriation. Requires the commissioner of education to submit to the general assembly, not later than January 1, 1986, a report concerning a program to assist public school districts in providing early childhood educational programs to handicapped or non-English speaking children who are at least 3 years of age and in improving the rate of retention of all children in public schools.

Stipulates that the report shall include findings pertaining to: The feasibility of such a program of assistance; the identification of the potential target population of children who may be eligible for early childhood educational programs and the potential benefits of such intervention; the identification of the optimal intervention components of early childhood educational programs for specified populations of children who may be eligible; guidelines for sharing expertise with participating districts and for working with the state department of institutions to implement early childhood educational programs; the impact of such early intervention upon families of participating children and a proposal to improve parental involvement in the program; and the improvement of the rate of retention of all children in public schools.

Repeals the provision of law requiring such report on July 1, 1986.

Appropriates \$19,500 to the department of education to pay for the costs of compiling and submitting the report.

June 6                      July 1

H.B. 1372 Financing of capital outlay items for education purposes. Provides that a school district's bond redemption fund may be used only to make payments on obligations having a term greater than one year and approved at an election. Prohibits a levy for the bond redemption fund, or the use of moneys in the bond redemption fund, to make payments under an installment purchase agreement or a lease agreement with an option to purchase which has not been approved at an election. Limits financing of such agreements which are expressly subject to annual appropriations to the capital reserve and general funds. Imposes similar limitations on districts participating in cooperative service agreements. Provides that junior college districts which contract for capital outlay purposes are governed by specified provisions of the junior college laws and not by a statute governing municipalities. Does not apply to any payment out of the bond redemption fund of a school district which was specifically budgeted and appropriated as a lease payment in 1984 for the budget year 1985.

May 31

May 31

H.B. 1382 Extended day kindergarten - elimination. Extends for 4 years the limit on the number of full-day kindergarten pupils funded under the "Public School Finance Act". Eliminates funding for full-day kindergarten pupils effective July 1, 1989.

June 6

June 6

H.B. 1383 Department of education - special programs - funding - appropriation. Directs the department of education to use available moneys appropriated by the general assembly to administer achievement tests to third, sixth, ninth, and eleventh grade students in state-supported schools, to assess the quality of teacher and educational administrator programs, to study and remedy the dropout problem in Colorado, to study and provide special programs for gifted and talented students, to evaluate certificated educational personnel, to develop alternative approaches to teacher advancement, to improve the training of educational administrators, and to otherwise further educational quality in Colorado. Authorizes the department to promulgate rules to carry out such duties. Requires the department to report to the general assembly by November 15, 1986, on implementation of such duties. Reduces equalization support to school districts in order to fund the programs.

Creates a second chance program for the education of dropouts. Authorizes such a student to attend a school outside his district of residence upon approval of the school board of his district of residence. Provides for funding of such a student through transmission of money from the school district of residence to the school or district of attendance. Provides for the repeal of the program on July 1, 1987.

Appropriates to the department of education \$2,000,000 for special programs and \$85,000 for the second chance program.

June 6

July 1

EDUCATION - UNIVERSITIES, COLLEGES, AND VOCATIONAL

- S.B. 129 Classification of students for tuition purposes. Clarifies and strengthens rules for determination of residency classification for tuition purposes at state institutions of higher education. Requires clear and convincing rather than satisfactory evidence to overcome the presumption that a registered student's classification for tuition purposes remains unchanged during such student's education. Prohibits the establishment of a Colorado domicile solely for the purpose of changing a student's classification for tuition purposes. Makes vehicle and voter registration in Colorado evidence of Colorado domicile. Makes vehicle registration or return to a former residence in another state evidence of non-Colorado domicile.

May 24

May 24

- S.B. 155 "Colorado Postsecondary Educational Facilities Authority Act" - institution of postsecondary education - Auraria Higher Education Center. Expands the definition of "institution of postsecondary education" to include an educational institution operating in this state which provides not less than a 6-month program of training to develop the occupational skills of persons in their current employment or of persons seeking new or different employment. Specifically includes the Auraria Higher Education Center in the definition of an "institution of postsecondary education" and in any reference to "institution of postsecondary education supported in whole or in part by state funds".

Authorizes the Colorado Postsecondary Educational Facilities Authority to enter into renewable one-year leases with institutions of postsecondary education supported in whole or in part by state funds pursuant to specific authorization by the general assembly.

April 12

April 12

- H.B. 1094 Tuition assistance - members of national guard. Reduces the amount of higher education tuition assistance available to a member of the Colorado national guard from 100% to 75% of the cost of such tuition. Makes such assistance available for a member pursuing a postgraduate degree as well as an undergraduate degree. Designates additional institutions of higher education for which such assistance is available.

May 10

May 10



H.B. 1109 Department of higher education - student loan division - investigations unit. Authorizes the student loan division of the department of higher education to establish an investigations unit to detect and investigate incidents of fraud and abuse and to locate defaulted borrowers under the student loan program.

April 30          April 30

H.B. 1132 Student loan program - student loan division in department of higher education. Exempts loans originated, disbursed, or serviced under the state-administered student loan program from the provisions of the "Uniform Consumer Credit Code".

Expands the powers of the student loan division to make, originate, disburse, service, or guarantee loans to persons attending an institution of higher education outside Colorado who would qualify for Colorado in-state tuition status. Expands the ability of the division to borrow funds to make such loans, so long as such loans are insured against default. Allows the division to require lenders and institutions of higher education to take reasonable corrective action to remedy violations of laws or regulations concerning the student loan program.

Requires a minimum balance to be maintained in the guaranteed student loan guarantee reserve account, consisting of 1% of the unpaid principal balance of all outstanding guaranteed student loans, and allows amounts in excess of this minimum balance to be deposited in the guaranteed student loan operating account.

April 5          April 5

H.B. 1139 Nonresident students - tuition for training in critical services programs. Allows nonresident students to qualify for resident status for tuition purposes in critical services programs. Defines critical services program to include certain courses for emergency medical technicians, law enforcement personnel, firefighters, and nurses. Requires agencies which intend to hire persons for critical services employment to certify that intent to the school in which the person is enrolled.

Provides for the repeal of the tuition provisions on June 30, 1990.

May 10          May 10

H.B. 1187 Reorganization of state system of higher education. Effective June 30, 1985, abolishes the existing commission on higher education and creates a new 9-member commission. Abolishes the present advisory committee to the commission. Creates a new advisory committee of not less than 13 members, including 6 members from the general assembly, one faculty member and one student from state-supported institutions of higher education, and 5 other members. Abolishes said advisory committee on July 1, 1989.

Directs the general assembly to make annual appropriations as single line items to each governing board for the institutions which they govern. Requires separate appropriations for the university of Colorado health sciences center and the veterinary school of Colorado state university. Permits governing boards to retain appropriations from year to year. Authorizes the commission to set fiscal policies for governing boards and to make funding recommendations to the general assembly. Directs the commission to set policies for determination of student residence for tuition purposes. Directs the general assembly to set aside 1% of the annual appropriations for higher education for the support of centers of excellence.

Directs the commission to review and approve master plans for capital construction and to approve all capital construction projects costing more than \$250,000 of state moneys. Requires that an institutional acquisition of real property receive prior approval from the commission if the acquisition will require the expenditure of state or federal funds.

Requires the commission to review and approve all proposals for new programs at institutions. Authorizes the commission to require the discontinuance of degree programs. Requires the commission to prepare a master plan for higher education for submission to the governor and the general assembly. Authorizes the commission to set enrollment policies and to determine the role and mission of institutions, within statutory guidelines. Requires the commission to develop criteria and make recommendations to the general assembly regarding the consolidation and closure of institutions. Requires the commission to establish student transfer agreements between institutions. Authorizes the commission to enter into agreements with other states to grant out-of-state tuition waivers on a reciprocal basis. Requires the commission to set tuition and fee policies. Directs the governing boards to set tuition consistent with such policies. Directs the commission to set policies for off-campus instruction by each institution within its geographic service area. Directs the commission to make

a study of vocational education and report to the general assembly thereon by January 15, 1986. Requires the commission to set and governing boards to administer academic admission standards for freshmen and transfer students at baccalaureate and graduate institutions. Directs the commission to reduce the number of education programs offered at institutions. Requires institutions to develop and use methods of evaluating student development and to publish the results of such evaluations. Authorizes the commission to retain 2% of the appropriations to any institution which fails to implement such evaluation program.

Statutorily creates and defines the role and mission of each state-supported institution in the state. Creates 2 new community colleges out of the campuses of the community college of Denver, to be known as Front Range community college and Red Rocks community college. Directs the commission to define a service area for each community college. Authorizes community colleges to withdraw from the state system under procedures established by the commission. Requires the independent operation of Fort Lewis college until April of 1986. Requires the general assembly to appropriate 100% of the tuition for Indian students at Fort Lewis college. Limits the authority of college councils with respect to community colleges. Provides the commission with authority to resolve interinstitutional disputes on academic issues at the Auraria campus.

May 7                      July 1

H.B. 1219 Faculty of state colleges - authority to set degree programs. Specifies that the trustees of state colleges have the overall authority to prescribe degree programs with the advice of the faculty. Requires the faculty to advise and consent to textbooks, courses of study, and instruction.

May 10                      May 10

H.B. 1220 Local junior colleges - entry into state system of community colleges. Requires the general assembly's approval, by bill, as a condition of the entry of a local junior college district into the state system of community colleges.

May 3                      May 3

H.B. 1336 Nonstate postsecondary institutions - regulation.  
Requires private and nonstate public colleges and universities, seminaries, bible colleges, and private occupational schools which discontinue operations in Colorado to notify the commission on higher education of the date of such discontinuance and the name and address of the agency at which the institutions' records shall be maintained.

June 6

June 6

## ELECTIONS

S.B. 86 "Colorado Election Code of 1980". Provides for the use of newly available electronic voting systems. Changes the method for computing time under the Code. Authorizes the county clerk and recorder to purge the names of deceased electors from the registration book. Allows a voter registration page to be used to determine whether a person is eligible to hold office. Changes the number of signatures needed for designation of party candidates by petition and for nomination of independent candidates by petition. Provides for the order of names on primary and general election ballots to be established by lot. Allows county clerk and recorders to remove election judges on election day in certain circumstances. Provides that neither vote shall count if a person votes for a candidate whose name appears on the ballot and for a candidate whose name he writes in. Allows for replacement of an absent voter's ballot. Requires information concerning assistance in voting to be included in the affidavit printed on the return envelope for absent voters' ballots and new residents' ballots. Eliminates the requirement that candidates for certain offices, incumbent state officers, and party officials meet in September in each even-numbered year to formulate and make public the state platform of their political party.

May 31

May 31

S.B. 102 Implementation of Constitutional Amendment Number 2. Conforms several statutory provisions concerning elections to constitutional provisions amended at the general election in November, 1984, in which the terms "qualified electors" and "electors" were changed to the term "registered electors". Requires persons to be registered electors in order to: Vote for state executive officers; vote for the removal of a county seat; sign a petition for or vote on county or municipal home rule; vote on the striking off of county territory; and sign a petition for or vote on the recall of state and local elective public officers.

April 30

April 30

H.B. 1063 Primary elections - date. Changes the date of primary elections from the second Tuesday in September to the second Tuesday in August. Changes dates and time limitations relating to primary, general, and congressional vacancy elections to make them consistent with the new primary election date.

VETOED May 19  
OVERRIDDEN May 22

July 1

H.B. 1086 Election judges - compensation. Increases the maximum amount of compensation payable to election judges from not more than \$50 to not more than \$60. Allows each election judge to be paid expenses for attending election schools.

April 30      July 1

H.B. 1214 Municipal elections. Amends the "Campaign Reform Act of 1974" to make the municipal clerk the filing officer for reports submitted by candidates in municipal elections. Denies state reimbursement for administrative expenses to those home rule municipalities which adopt ordinances or charter provisions that are more stringent than the provisions in the Act. Repeals a provision in the "Colorado Municipal Election Code of 1965" which required candidates for municipal office to file a statement of campaign donations and expenses.

Changes the date for holding elections in cities from the first Tuesday of November in each odd-numbered year to the first Tuesday succeeding the first Monday of November in each odd-numbered year.

April 30      April 30

## FINANCIAL INSTITUTIONS

- S.B. 47 Limited service banking institutions - prohibition on acquisition or control. Prohibits a bank holding company or any other company from acquiring or controlling any banking institution in this state that does not both accept deposits that the depositor has a legal right to withdraw on demand and engage in the business of making commercial loans.

January 30      January 30

- S.B. 70 State commissioner of savings and loan associations - supervisory powers. Requires any savings and loan association which intends to declare a cash dividend on permanent stock to provide 30 days written notice of such intent to the commissioner of savings and loan associations. Authorizes the commissioner to suspend or remove a director, officer, or employee of an association who violates a law or regulation or who breaches a fiduciary duty with respect to an association. Allows the commissioner to furnish information as to the condition of savings and loan associations to the executive director of the department of regulatory agencies and the division of banking.

May 24              May 24

- S.B. 139 State banking board - power to assess civil money penalties. Authorizes the state banking board to assess a civil money penalty, not to exceed \$1000 per day of violation, against any person who violates a cease and desist order of the board. Establishes procedures to be followed in assessing civil money penalties and prescribes the contents and time of payment of a notice of assessment of a civil money penalty. Allows the banking board to modify or set aside any such penalty.

April 30            April 30

- H.B. 1002 Maximum interest rate - credit union loans. Repeals a provision setting the maximum rate of interest on loans made by a credit union since said provision was superseded by the "Uniform Consumer Credit Code".

March 1             March 1

H.B. 1082 Public deposits - savings and loans. Expands the definition of "eligible collateral" in the "Savings and Loan Association Deposit Protection Act" to include notes secured by first lien mortgages or deeds of trust on any real property and certain mortgage-backed securities. Redefines "eligible collateral" to exclude industrial development revenue bonds. Authorizes the state commissioner of savings and loan associations to require public depositories to substitute new eligible collateral for collateral which he deems to be ineligible. Changes the provision requiring collateral to be held in custody by any federal reserve branch bank located in Denver to allow the collateral to be held in any federal reserve bank or branch thereof.

May 31

May 31

H.B. 1207 Savings and loan associations and banks - investments in real estate. Authorizes savings and loan associations and banks to invest directly in real estate. Limits the total amount a savings and loan association may invest in real estate to 10% of its assets. Empowers the banking board to limit, by rule and regulation, the total amount which a bank may invest in real estate.

May 16

May 16

H.B. 1369 "Securities Act of 1981" - injunctive authority of securities commissioner. When the securities commissioner applies to the district court for a permanent or temporary order restraining or enjoining a person for acts or practices constituting a violation of the "Securities Act of 1981" or of rules or regulations promulgated under such act, requires that the commissioner must make such application upon satisfactory evidence that a person has engaged in or is about to engage in such an act or practice.

Limits the type of claim that the commissioner may include in an injunctive order to a claim for damages, restitution, disgorgement, or other equitable relief for violations relating to the registration and sale of securities or for fraudulent and prohibited practices.

May 31

May 31



GENERAL ASSEMBLY

- S.B. 168 Statutory revision committee. Repeals the statutes authorizing the statutory revision committee.

Became law without the Governor's signature  
April 26 April 26

- S.B. 256 Increase in lodging and expense allowance for members of general assembly - appropriation. Increases the maximum daily lodging and expense allowance for members of the general assembly from \$20 to \$35 in the case of members who live in the Denver metropolitan area and from \$40 to \$70 in the case of members who live outside the Denver metropolitan area. Limits such increase to the first 140 days of session each year, and provides that thereafter the maximum daily allowance shall be \$20 for Denver area members and \$40 for other members.

Appropriates \$302,500 to the legislative department for the payment of such increased allowances, as of January 8, 1986.

June 6 June 6

- H.B. 1070 Capital development - creation of committee - transfer of general fund revenues - water diversion fund. Creates a capital development committee composed of state senators and representatives to establish priorities for the acquisition and controlled maintenance of capital assets by the various departments, institutions, and agencies of state government. Exempts highway and bridge projects from such requirement. Empowers the committee to appoint its own advisory committee from among professionals in the private sector. Abolishes the committee on July 1, 1989.

Provides that 75% of general fund revenues in excess of general fund appropriations, after retention of a reserve, shall be transferred to the capital construction fund on the last day of each fiscal year. Allows the moneys in such fund to be appropriated for capital construction, including controlled maintenance projects.

Imposes a fee on the diversion of water outside of the state and creates a water diversion fund for moneys so collected. Requires the general assembly to annually appropriate all moneys in said fund for water projects.

May 23

May 23

H.B. 1087 Sunrise and sunset review committee - review of regulatory agencies subject to termination - review of proposed regulation of professions and occupations - appropriation. Transfers the responsibility for making recommendations to the general assembly concerning the continuation of boards and commissions scheduled to terminate under the "Sunset Law" from the legislative council to the sunrise and sunset review committee, created by joint rule of the Senate and House of Representatives.

Mandates that an individual or organization proposing the regulation of an unregulated occupation or profession submit such proposal to the committee. Requires the department of regulatory agencies to conduct an analysis and evaluation of the proposed regulation and report its findings to the committee.

Appropriates \$14,844 to the department of regulatory agencies for duties related to the committee.

May 23

May 23

H.B. 1366 Membership of committee on legal services - manner of designation. Increases the number of members from 8 to 10. Changes the manner for designating members. Allows the judiciary committee chairman in each house or his designee to continue to be members but provides that the remaining 8 members be appointed by the president of the senate and speaker of the house, with the approval of a majority of the members of each house when the general assembly is in session. Requires the president and the speaker to each appoint 4 members from their respective houses, 2 from each major political party, one of whom shall be an attorney if there is an attorney in each party. Provides that committee members may succeed themselves on the committee and that vacancies are filled in the same manner as original appointments.

VETOED May 3  
OVERRIDDEN June 13

June 13

H.B. 1376 Discretion of general assembly to establish levels of funding - proration when appropriations insufficient - county contingency fund for public assistance. Declares that each general assembly is a separate entity, that the acts of one general assembly do not bind future general assemblies, and that, accordingly, legislation passed by one general assembly requiring an appropriation does not bind future general assemblies. Further declares that, when a statute provides for proration of insufficient appropriations, the general assembly intends that the level of funding is in the full and complete discretion of the general assembly and that no rights to funding levels are created in the ultimate recipients of such funding.

Clarifies that the state's responsibility to make payments out of the county contingency fund for public assistance is subject to available appropriations and authorizes proration of advancements out of the fund when appropriations are insufficient. Limits a county's financial responsibility to the pro rata share of the general assembly's appropriation to the county contingency fund and provides, if state and county appropriations are insufficient, that rates of expenditure must be reduced. States that the general assembly does not adopt a decision of the Colorado supreme court which interpreted the statute creating the county contingency fund to require the general assembly to fully fund the county contingency fund.

Became law without the Governor's signature  
June 11                      June 11

GOVERNMENT - COUNTY

- H.B. 1011 County improvement district - fire protection services - noncontiguous parcels. Authorizes a county improvement district to provide fire protection services and, in connection therewith, to construct, install, or acquire fire protection facilities.

Allows an improvement district to consist of noncontiguous tracts or parcels and to be organized within an existing special district if it is not providing the same service as the special district. Requires a petition to create a district consisting of noncontiguous tracts or parcels to be signed by not less than a majority of those electors who own taxable real or personal property in each of the included tracts or parcels.

April 24          April 24

- H.B. 1036 Fire codes - adoption by boards of county commissioners. Empowers boards of county commissioners in counties having not less than 15,000 population to adopt fire safety standards by ordinance. Requires such standards to be modeled upon those of the uniform fire code. Conditions adoption of such an ordinance upon the recommendation of a fire code adoption commission. Exempts a municipality within a county adopting such ordinances from the application of such standards unless the municipality elects to apply them. Exempts farms and ranches from such standards.

April 30          July 1

- H.B. 1169 Solid waste disposal - site application and preoperation inspection by the department of health - fee - appropriation. Authorizes the department of health to promulgate rules and regulations establishing a fee for the review of solid waste disposal site applications and preoperation inspection of such sites. Provides for the fees to be deposited in the solid waste management fund in the state treasury and specifies that moneys in said fund shall be appropriated annually to the department of health.

Appropriates \$89,400 and 2.0 FTE out of the solid waste management fund to the department of health to review solid waste disposal site applications and to make preoperation inspections of such sites.

June 6          July 1

H.B. 1270 Local improvement districts. Permits a county improvement district to include improvements within a municipality if the municipality consents to the improvements and gives the county corresponding construction, assessment, and enforcement powers. Requires that preliminary plans rather than full details and specifications regarding construction materials shall be adopted and filed before the first hearing creating the improvement district. Deletes the requirement that the preliminary order specify the interest rate on unpaid and deferred installments. Provides that cost estimates in the preliminary order are to be good faith, nonbinding estimates. Permits improvement districts to be used to finance the acquisition of existing improvements.

Clarifies that assessments can be based on reasonable cost determinations made prior to construction. Removes the 6% limit on incidental costs. Permits the board of county commissioners to determine whether and how assessment liens may be apportioned on subdivisions of any land. Permits a county to create a surplus and deficiency fund which may be used to provide additional security for special assessment bonds.

May 24

May 24

H.B. 1332 Removal of pituitary glands. Authorizes an examining physician, during a postmortem examination, to remove the pituitary gland from the body of the deceased when certain conditions are met. Immunizes coroners and physicians from civil and criminal liability in the performance of this procedure.

May 3

May 3

GOVERNMENT - LOCAL

- S.B. 34 "Colorado Housing Finance Authority Act" - definition of "housing facility" - debt limit - investment powers. Clarifies the definition of "housing facility" for purposes of the "Colorado Housing Finance Authority Act" to include separate, shared, or congregate facilities. Raises the debt limit for the Colorado housing finance authority from \$1,200,000,000 to \$1,800,000,000. Authorizes the board of the authority to invest funds in investments meeting specified standards.

April 5            July 1

- S.B. 50 Emergency telephone services - equipment costs. In addition to the authority to provide for installation and other directly related costs for emergency telephone service, allows a governing body to incur the equipment costs of providing emergency telephone service and to pay for such costs by imposing an emergency telephone charge.

April 17           April 17

- H.B. 1007 Sales and use taxes - uniform provisions - appropriation. Exempts from the local sales tax of both home rule and statutory entities building and construction materials if such materials are subject to use tax, and provides a credit against sales tax on sales of tangible personal property at retail or sales of services when a sales or use tax has been previously paid. Requires home rule entities to conform their collection procedures to state law with regard to statutes of limitation, penalties, interests, and bonds. On and after July 1, 1985, requires a standard form for reporting home rule and statutory municipal sales and use taxes.

Establishes a deficiency dispute resolution procedure which includes a remedy when the taxpayer has paid the disputed tax but to the wrong jurisdiction. Requires home rule entities to provide boundary maps upon which a vendor may rely in determining whether a sales or use tax is collectible.

Eliminates use tax on storage of construction and building materials. Precludes application of the use tax to tangible personal property the sale or use of which has already been subjected to a sales or use tax by an equivalent local jurisdiction, whether statutory or home rule. Prohibits a home rule municipality from taxing a

use or consumption of tangible personal property which occurs more than 3 years after the most recent sale of the property if the property has been significantly used within that period. Limits a home rule municipality's use tax as applied to construction equipment.

On July 1, 1985, establishes a sales and use tax simplification task force to study and make recommendations for standard definitions and regulations of taxable and exempt items and phasing out storage taxes. Abolishes the task force on January 1, 1986.

Appropriates \$61,700 and 1.0 FTE to the department of revenue for its costs related to the collection of sales and use tax.

June 6

January 1, 1986

H.B. 1017 Local governments - administration. Requires units of local government to adopt annual budgets by December 31 and to file a copy of the budgets with the division of local government in the state department of local affairs within 30 days of adoption. Allows the division to authorize the county treasurer to prohibit the release of moneys to a local government upon its failure to file such budget. In addition, causes any local government which is exempt from state audit requirements to lose such exemption, and allows the state auditor to authorize the county treasurer to prohibit the release of moneys held by the county treasurer, upon a local government's failure to file a report on its affairs with the state auditor.

Requires the division of local government to maintain information about special districts and requires each special district to file such information with the division when certifying an election and to file further general information with affected counties, municipalities, and the division. Requires a special district to deliver an approved service plan for public inspection to the county clerk and recorder of each county in which the special district lies and requires a map of the district to be filed with the division.

Allows the division to dissolve a special district by administrative action if the district has failed to hold or cancel an election, failed to adopt a budget for 2 years, failed to comply with the audit law for 2 years, or has not provided or attempted to provide the services or facilities for which it was organized for 2 years.

Requires notice of cancellation of a special district election and additional information concerning any election which is held to be forwarded to the division.

Prohibits the levying of taxes by a new special district unless an approved service plan is filed with and officially noticed by the division.

March 1            July 1

H.B. 1077 Solid waste disposal - penalties. Authorizes counties and municipalities to issue orders requiring persons disposing of solid waste at nondesignated locations to clean up or cease disposing of such solid waste. Subjects persons failing to comply with such orders to civil penalties of not more than \$2000 for each day of noncompliance. Permits counties and municipalities to retain the penalties collected.

May 10            July 1

H.B. 1108 Programs for financing home loans - issuance of qualified mortgage bonds or participation in the qualified mortgage credit certificate programs. Specifies the method of allocating the state ceiling on the issuance of qualified mortgage bonds under the federal "Mortgage Subsidy Bond Tax Act of 1980" to cities, cities and counties, towns, counties, and the Colorado housing finance authority. States the method of allocating the state ceiling on the issuance of mortgage credit certificates under the federal "Tax Reform Act of 1984" to cities, cities and counties, towns, counties, and the Colorado housing finance authority. Requires governmental units issuing bonds or electing a nonissued bond amount to report specified information to the director of housing of the division of housing in the department of local affairs. Establishes a method of reallocating the unused portion of the state ceiling.

March 15            March 15

H.B. 1221 Countywide sales or use tax - multiple-county municipality excepted from levy. Allows a county to except from the levy of a sales or use tax a municipality which extends into another county when: Those municipalities located entirely within the county agree to lower their tax rates so that the additional county



tax will not cause the statutory limit on the combination of state and local sales or use taxes to be exceeded; the imposition of the additional county tax within the municipality to be excepted would cause the statutory limitation to be exceeded; and other counties into which the municipality extends agree to compensate the county for services which it may render to the municipality as a result of revenues derived from the tax levy from which the municipality is excepted.

May 2

May 2

- H.B. 1282 Tax anticipation notes - authorization to issue. Authorizes local governments to issue tax anticipation notes to pay their budgeted expenses if property tax revenues will not be received in time to pay such expenses. Sets forth the maximum amount which may be issued. Requires the deposit of tax revenues received after the issuance of such notes into a special fund for payment of such notes. Sets forth a time limit within which legal actions on such notes must be brought.

June 6

June 6

- H.B. 1335 Nude dancing establishments - regulation by local governments. Authorizes non-home rule counties and municipalities to adopt regulations applicable to establishments which are open to the public and which feature nude dancing as entertainment. Limits the applicability of such regulations to establishments which promote or exploit nude dancing for commercial gain.

May 10

May 10

GOVERNMENT - MUNICIPAL

S.B. 82 Fire and police pensions and benefits. Makes firemen and policemen on authorized leaves of absence eligible for disability or survivor benefits. Prohibits withdrawals by any employers from the fire and police pension association after July 1, 1988. Prohibits modifications of any provision of a nonexempt pension plan without the approval of a specified percentage of active members rather than of all members affected. Prohibits members receiving disability pensions from receiving normal retirement pensions simultaneously. Prohibits payment of disability benefits to members disabled in whole or in part by addiction to a controlled substance, participation in a felony, or self-inflicted injury. Subjects the investment authority of the board with respect to the fire and police members benefit fund to the statutory investment limitations on fiduciaries. Removes limitations on investments in second or other junior mortgages or deeds of trust. Requires employers to pick up employee contributions to pension plans for federal tax purposes only.

June 6

June 6

H.B. 1080 Volunteer firefighters - workmen's compensation coverage - special lights - annuity for surviving spouse. For purposes of workmen's compensation, includes within the definition of "employee" any person ordered by the chief of a fire department or his designee at the scene of an emergency or during the period of an emergency to perform the duties of a fireman but only if such person reports a claim within 10 days of the cessation of the emergency. Allows a member of a volunteer fire department to temporarily or permanently mount a signal lamp on the top of his private automobile. Strikes the maximum age limit a retired volunteer fireman can attain in order to be eligible for an annuity and prohibits a surviving spouse from receiving both an annuity as the survivor of a fireman who dies from injuries received while in the line of duty and an annuity as the survivor of a retired or pensioned fireman.

May 1

May 1

H.B. 1271 Waterworks - jurisdiction. Modifies the extent of a municipality's jurisdiction over waterworks located outside its corporate limits. Authorizes municipalities to seek injunctive and declaratory relief to enforce

ordinances enacted for the purpose of protecting the water within the city's jurisdiction from pollution. Declares that no extraterritorial land use powers are granted by these changes.

VETOED May 9

GOVERNMENT - SPECIAL DISTRICTS

- S.B. 12 Special districts - formation of and exclusion or inclusion of property in - limitation. Prohibits the approval of a service plan for a special district if a petition is filed with the board of county commissioners objecting to such approval signed by owners of 50% of the total valuation for assessment of taxable real and personal property in the proposed special district, unless such property has been excluded by the board of county commissioners. Prohibits the inclusion of territory in a special district if a petition is filed with the board of a special district objecting to such inclusion signed by owners of taxable real and personal property, which property equals more than 50% of the total valuation for assessment of all taxable real and personal property to be included in the special district.

Allows a board of county commissioners to exclude territory from a proposed special district prior to approval of the service plan, with the burden on the petitioners to show that such exclusion is not in the best interest of the proposed special district.

June 2

July 1

- S.B. 15 Three lakes water and sanitation district - recall of officers. Changes the recall requirements for officers of the three lakes water and sanitation district by allowing a recall petition to be signed by 300 electors of the district or 40% of real property owners in the district, whichever is lesser, and by conforming the recall procedure to the procedure set forth to recall officers of other special districts. Limits the number of petitions which may be filed against an officer and clarifies the procedures for an election to fill the vacancy for a recalled officer.

May 22

May 22

- S.B. 18 Definition of special district. Excludes irrigation districts, internal improvement districts, water conservancy districts, and water conservation districts from the definition of a special district.

April 30

April 30

S.B. 19 Elections - taxing entities and special districts. Reduces the amount of advertising required when a taxing entity intends to exceed the 7% limitation to raise revenue. Specifies requirements for notice of an election to grant an increased levy in a taxing district.

Changes the special district election law to allow a special election to be held on the first Tuesday after the first Monday in February, May, September, or December, instead of any Tuesday other than a regular election day.

Prohibits a member of or a candidate for the board of directors of a special district from serving as an election judge. Allows any registered elector of the state to serve as a judge.

May 22                      July 1

H.B. 1009 Consolidation - procedures. Allows special districts to consolidate one or more of their services into a new special district, which may include the consolidation of all services of a special district with only specified services of one or more other special districts. Prohibits the formation of a separate new district if a district which provides a single service or water and sanitation services consolidates its service or services with another single service district. Establishes procedures and requirements for consolidation, including a requirement that electors vote separately on the issue of consolidation, on the issue of granting the powers of a metropolitan district to the consolidated district, and on the issue of assuming outstanding bonded indebtedness of the consolidating special districts.

Specifies that bonded indebtedness of a special district which consolidates part of its services shall remain the obligation of the special district which incurred such bonded indebtedness, unless otherwise provided by preconsolidation agreement and approved by the electors.

Limits a newly established consolidated district in its exercise of the rights, powers, and authorities granted or validated to a consolidated district to the extent that the purposes and powers are stated in the consolidation resolution or subsequently approved by the electors of the consolidated district.

May 3                      July 1

H.B. 1013 Signatures required to organize a special district or include territory within an existing special district. Increases the number of electors of a proposed or existing special district that are necessary to sign a petition for organization of a special district or for inclusion of territory within a special district to 20% or 200, whichever is lesser.

March 1

March 1

H.B. 1020 Formation and operation. Clarifies and increases the amount of information that the service plan of a proposed special district shall contain prior to being filed with a board of county commissioners. States that a certificate of public necessity filed by a proposed hospital district shall constitute compliance with service plan filing requirements. Shifts the burden to show that a service plan should be approved to the proponents of a special district. Allows the board of county commissioners to disapprove a service plan unless certain evidence is presented.

Prohibits the formation of a special district which is wholly within a municipality or municipalities except upon adoption of a resolution or resolutions approving such special district.

Changes the standard which allows a court to enjoin the departure from a service plan originally approved and requires any action to enjoin any proposed activity of a special district to be brought within 45 days of the published notice to undertake such activity. Allows a board of county commissioners or governing body of a municipality to request a special district annual report. Requires older special districts with no service plan to file a statement of purposes with the board of county commissioners and each municipality which has territory in the special district on or before July 1, 1986.

Makes the provisions of the act concerning a proposed special district applicable to any service plan submitted to a board of county commissioners or the governing body of a municipality on or after May 3, 1985.

May 3

May 3

H.B. 1021 Exclusion orders - issuance. Requires that a municipality agree to provide a service formerly provided by a special district immediately upon the effective date of an exclusion order excluding municipal territory from a special district as a condition of the court's issuing such order.

April 24                  April 24

H.B. 1062 Elections. Changes the concept of "wards" to that of "director districts" and requires such districts to be as compact and contiguous as possible. Changes the time to file nominations for director of a special district or to file for an unexpired term from 25 days to 45 days prior to the date of the election filling the position. Changes the requirements for notice of an election. Prohibits a candidate for a board or a board member from serving as an election judge. Requires polling places to be in public buildings if possible. Increases the time period for which election records must be kept from 45 days to 6 months. Modifies absent voters' ballots and balloting procedures. Increases the time limit for applying for an absent voter's ballot from 30 to 45 days before the election. Decreases the time period after an election in which a board must meet from 3 days to not more than 24 hours after receiving the election returns. Sets forth the reasons for and the procedures to follow in contesting an election.

Amends the definition of a special district "elector" to include a person registered to vote in state general elections instead of qualified to vote in state general elections.

June 6                      July 1, 1986

H.B. 1125 Public hearing on service plan or meeting on inclusion of property within special district - postcard notification. Requires the petitioners for organization of a special district to mail postcard notification of the hearing before a board of county commissioners to each property owner within the proposed special district, unless the petitioners represent 100% of the property owners in the proposed special district. Requires the secretary of a special district to mail postcard notification of the meeting of a special district board on the inclusion of territory within a special district to each property owner within the area proposed to be included within the special district, unless the petitioners for inclusion represent 100% of the property owners of the territory to be included.

May 3                        January 1, 1986

H.B. 1171 Regional transportation district - definition of "mass transportation system". Deletes the requirement that the transportation system for the regional transportation district be along prescribed routes and allows the district to contract with other systems for the provision of transportation services.

May 3

May 3

H.B. 1331 Regional transportation district - financial matters. Authorizes the regional transportation district to transact its banking affairs in a manner most financially advantageous to the district, consistent with prudent banking practice, and to conduct its banking affairs with any federally insured financial institution whether located within or without the district. Expands the ability of the district to invest its moneys, including the ability to enter into arrangements involving debt futures and options only on obligations of the United States government. Sets forth the standard for making investment decisions and requires the district to establish a written investment policy.

May 10

May 10



GOVERNMENT - STATE

- S.B. 22 Elected state officials - reimbursement of recall expenses. Designates the state controller, rather than the state auditor, as the person to review requests made by elected state officials for reimbursement of recall expenses.

April 30      July 1

- S.B. 64 Exchange of real property held by the state for real property located in Larimer county by state board of land commissioners. Authorizes the state board of land commissioners to exchange state-owned real property in Arapahoe county for real property owned by the city of Aurora in Larimer county.

Specifies that the state reserves all rights to natural resources and water lying under the state land exchanged. Requires the values of the lands exchanged to be determined by a certified professional appraiser. Requires the board to report annually to the general assembly concerning real property acquired from this exchange.

May 16      May 16

- S.B. 67 Public employees' retirement association - group insurance plan. Effective July 1, 1986, establishes a group health insurance and supplemental plan for retired members of the public employees' retirement association, their survivors, and certain of their dependents to be administered by the public employees' retirement board. Effective July 1, 1985, transfers a portion of the regular contributions made by employers to the association to the retired public employees' health insurance reserve fund to be used to partially fund the insurance program. Limits the dollar amount which may be contributed from the fund for each member's plan and provides for any additional amount to be paid by the retired member.

Authorizes the legislative council to contract for an actuarial study concerning the impact of establishing the plan, such study to be used as a basis for recommendations concerning the plan to be made in the 1986 legislative session. Allows an amount not to exceed \$50,000 to be paid out of the retired public employees' health insurance reserve fund for the costs of the study.

Discontinues group life insurance coverage for retired members effective July 1, 1986, but allows retired members having coverage on such date to continue having such coverage. Transfers the administration of the coverage from the Colorado state employees' and officials' group insurance board of administration to the public employees' retirement board.

May 24

July 1, 1986

- S.B. 68 Multistate highway transportation agreement. Authorizes the governor to enter into an agreement on behalf of the state of Colorado with any other state or states which have also approved the "Multistate Highway Transportation Agreement". Provides that representatives of the participating jurisdictions shall constitute a cooperating committee which shall collect information and make recommendations concerning vehicle size and weight, safety, enforcement, and related matters. States that the objective of the participating jurisdictions shall be to obtain more efficient and economical transportation by allowing the operation of motor vehicles which do not exceed a weight to be determined by an established formula, to facilitate the operation of motor vehicles among the various jurisdictions, to secure congressional approval of the agreement, and to encourage development of broad, uniform size and weight standards on a national basis.

May 22

May 22

- S.B. 101 Exchange of land in El Paso county. Authorizes the state board of land commissioners to exchange a parcel of property in El Paso county held by the state of Colorado, retaining the mineral and water rights thereto, for another parcel of property located in El Paso county.

May 24

May 24

- S.B. 108 Private activity bonds - state allocation of federal ceiling. Implements a provision in the federal "Deficit Reduction Act of 1984" which allows each state to establish its own method of allocating the federal ceiling on the volume of tax-exempt industrial development bonds and tax-exempt student obligation bonds which may be issued in the state. Establishes an allocation formula which insures that a portion of the ceiling will be made available to the Colorado student

obligation bond authority, the Colorado health facilities authority, the Colorado housing finance authority, and the Colorado agricultural development authority and that a portion of the ceiling will be made available to other authorities in the state which desire to issue tax-exempt industrial development bonds. Requires the department of local affairs to administer the allocation of the ceiling.

April 5

April 5

S.B. 117 Colorado office of volunteerism - creation - appropriation. Creates the Colorado office of volunteerism in the state department of local affairs to perform duties and functions pertaining to the facilitation of volunteer activity. Provides for a director to act as the head of the office and creates a Colorado volunteerism board of advisors to advise the director and to assist him in performing the duties and functions of the office. Also provides for the appointment of regional directors, one from each of the planning regions of the state, to assist the office. Authorizes the department of local affairs to accept, receive, and expend grants, gifts, and moneys from any other source to be used by the office for the purpose of performing its duties and functions.

Provides for the repeal of the office on July 1, 1989.

Appropriates \$60,125 to the department of local affairs for the costs of the Colorado office of volunteerism.

June 6

June 6

S.B. 122 State officials - compensation and expenses. Increases the salaries of certain elected state officials in January of 1987. Appropriates funds to elected state officials to use at their discretion for business-related expenses. Changes the deadline for the filing of the biannual report by the Colorado state officials compensation commission.

June 6

July 1

S.B. 124 State personnel system - administration. Changes the time periods for hearings and decisions on appeals of allocations of positions to classes and other revisions in the state personnel system. Changes from January 15 to February 7 the annual date by which the personnel director must submit salary and fringe benefit recommendations to the governor. Shortens from one year to 6 months the normal life of an eligible list for a class. Establishes appeals procedures and deadlines for the selection and examination process which parallel existing procedures and deadlines for classification appeals. Transfers authority to determine the limitations on the use of the rule of 3 in appointments from the state personnel board to the personnel director.

May 24

July 1

S.B. 156 Department of social services - interstate compacts - adoption subsidy payments and medical services for special needs children. Authorizes the state department of social services to enter into interstate compacts with other states to implement the providing of adoption subsidy payments and medical services pursuant to the federal "Social Security Act" for special needs children for which the state of Colorado is responsible and who are residing in another state. Specifies that, under a compact, when the family of a special needs child who is receiving an adoption subsidy and medicaid moves out of Colorado, Colorado will continue the adoption subsidy and the state of residence will assume the medicaid payment. Also specifies that such a compact will allow children with special needs who move into the state with their adoptive parents to receive an adoption subsidy from their state of origin but to have medicaid payments made by the state of Colorado. Requires the department of social services to report to the general assembly on the number of children served under the program and future projections.

May 24

July 1

S.B. 160 Colorado bureau of investigation - list of missing children - compilation and distribution - appropriation. Requires the Colorado bureau of investigation to keep appropriate statistical records on all missing children reports which it receives. Provides for the confidentiality of all information received by the bureau, but provides that the bureau shall release statistical information to the public at least once each calendar year and shall report such statistics and additional information the bureau deems appropriate to the general assembly and to the governor once each

calendar year. Specifies that the state's school districts shall either immediately notify the bureau if a student's name appears on the list or, alternatively, that the school districts shall send the bureau the names of all new or transfer students as soon as the students enroll, and the bureau shall determine if the child has been listed as missing in Colorado or any other state. Authorizes the bureau to accept grants and gifts to be used to carry out its duties concerning missing children.

Appropriates \$30,000 and 1.0 FTE to the Colorado bureau of investigation for its duties relating to missing children.

June 6

June 6

- S.B. 167 State lottery - disclosure requirements for contractors. Requires a publicly held corporation supplying gaming equipment to the state lottery to disclose the names and addresses of those owning or holding 5%, rather than 1%, or more of its securities. Allows the director of the state lottery commission to form a contract with a supplier who has disclosed a conviction of a crime if such crime was not related to gambling and if the director's determination that the supplier is otherwise of good character and reputation is approved by a 3-member panel. Requires prospective suppliers of lottery tickets, lottery consulting services, or lottery terminals or equipment having a value of \$100,000 or more, or drawing equipment of any value, to provide a verified affidavit as to the ownership of any interest in any operator of a gaming establishment. Requires the executive director of the department of revenue to determine which officers of any company affiliated with the supplier are affiliated with the lottery and must file a current personal financial statement and individual income tax returns from the past 3 years.

June 6

June 6

- S.B. 173 Expenditures of public funds without specific legislative appropriation. Amends several provisions which allowed payments out of the state treasury without requiring an appropriation by the general assembly. Provides that the method of compelling a public entity to pay a judgment obtained under the "Colorado Governmental Immunity Act" applies only to actions in which sovereign immunity is waived by the provisions of such act, and provides that moneys in the statutorily established reserve shall not be available for the payment of a judgment or settlement

in such an action against the state. Requires that bounty payments by the state for the killing of coyotes shall be made only out of moneys in the state treasury appropriated for such purpose. Repeals a statute which authorized payment from the state treasury, upon certification of the governor and without an appropriation, of the expenses incurred by the governor in employing counsel other than the attorney general and in causing the laws to be executed.

VETOED June 7

- S.B. 175 Prohibition on establishment of agencies by executive branch. Eliminates a provision which authorized the head of a principal department of state government, upon approval of the governor, to establish divisions, sections, and other agencies within his principal department. Prohibits the governor from establishing state agencies by executive order, unless required by the statutes or the constitution.

VETOED May 24

- S.B. 253 Concurrent legislative jurisdiction - Pinon Canyon Maneuver Site. Grants concurrent legislative jurisdiction under the laws of Colorado to the United States over the Pinon Canyon Maneuver Site in Las Animas county.

June 6

June 6

- H.B. 1033 Library districts - increased mill levy - election. Increases the maximum mill levy which may be imposed for library purposes from 2.5 mills to 4 mills, and requires that such an increase be approved by the registered qualified electors of the governmental unit or district. Authorizes such approval to be given at a special election called by the governmental unit or library district. Prohibits an election from being held within 2 years of the last library district election.

If the tax levy for a library district is greater than 2.5 mills, states that, upon any reassessment, the mill levy shall be reduced so as to prohibit raising revenue in an amount greater than that which was raised in the previous year plus 7%.

June 2

June 2

H.B. 1043 Department of local affairs - foreign trade office - termination. Repeals provisions mandating termination of the foreign trade office on July 1 of this year and extends its existence until 1988.

March 14                  March 14

H.B. 1049 Exchange of parcels of real property in Jefferson county by the department of institutions. Authorizes the executive director of the department of institutions to convey parcels of real property in Jefferson county in exchange for land of equal value. Requires the fair market value of the conveyed lands to be determined by a professional appraiser. Empowers the executive director to execute a deed of conveyance to effectuate the exchange.

May 31                    May 31

H.B. 1090 Department of public safety - division of fire safety - advisory board. Expands the 5-member advisory board of the division of fire safety to 7 members and authorizes such board to certify firefighters in the first responder program developed by the National Highway Traffic Safety Administration.

May 16                    July 1

H.B. 1110 Public employees' retirement association benefits - surviving spouse - election to receive option 3 annuity. Extends to the surviving spouse of an active retirement association member who died prior to July 1, 1979, after 10 or more years' service, the right to elect to receive an option 3 annuity, which is based on the number of years of service at time of the member's death and is not terminated by remarriage of the spouse. Provides that such annuity is payable only after all surviving children are no longer eligible for survivor benefits. Establishes procedures for election of the option 3 annuity by a surviving spouse, including the requirement that the spouse, as a precondition of receiving option 3 annuity payments, repay, with interest at 8% per year, any lump sum previously refunded by the retirement association to the surviving spouse or other named beneficiary from the deceased's deposits.

May 3                    July 1

H.B. 1117 Department of local affairs - division of housing - continuation of the short-term loan revolving fund. Changes the termination date of the fund from July 1, 1985, to July 1, 1989.

May 16                      May 16

H.B. 1118 Peace officers standards and training board - composition. Increases from 9 to 15 the number of members of the peace officers standards and training board by adding 3 additional chiefs of police and 3 additional sheriffs. Requires that chiefs of police and sheriffs be appointed equally from those departments which have their own training academies and those departments which use the Colorado law enforcement training academy. Makes the reimbursement of expenses incurred by members in the performance of their official duties permissive rather than mandatory.

May 10                      July 1

H.B. 1121 Department of institutions - demolition of abandoned buildings. Authorizes the executive director of the state department of institutions to demolish specified abandoned and unused buildings located on property of the department. To demolish these buildings, permits the executive director to contract for their sale and removal. Conditions the authorization to demolish on a determination by the executive director that no appropriation is necessary to accomplish the demolition.

April 4                      April 4

H.B. 1178 State purchasing - changes in "Procurement Code". Defines "award" as the acceptance of a bid or proposal. Requires the completion of the administrative appeals process before a contract is awarded pursuant to the competitive sealed proposals process. Limits the bidder's ability to recover costs in administrative appeals to situations where the protest is successful due to a defect in the solicitation. Limits the parties in an administrative appeal to the person aggrieved and the state agency. Changes the time limitation for appeals from 7 days to 10 days. Requires the division of purchasing to establish a 2-year pilot program to determine the most cost-effective method for the procurement of travel products for state employees. Repeals the state preference provisions outside the "Procurement Code".

June 6                      June 6



H.B. 1226 Public records law - inspection - institutions of higher education included. Defines "institution", for purposes of laws relating to the inspection of public records, to include all state institutions and specifically the university of Colorado and all other institutions of higher education.

June 6

June 6

H.B. 1261 Sale of real property in Denver by department of administration. Authorizes the department of administration to sell a parcel of real property in the city and county of Denver pursuant to a contract of sale containing the following: Dates for performances by the parties to the contract; a requirement that 2 appraisals be performed in connection with the sale; and a sale price which presents alternatives including the construction of one or 2 comparable buildings.

May 16

May 16

H.B. 1269 State telecommunications director - authorization for contracts with any county, city and county, or state agency. Authorizes the state telecommunications director to enter into contracts with any county, city and county, or state agency and to act as a telecommunications network provider between or among two or more counties or state agencies. Requires the director to develop a uniform set of standards for facilities to be used by the contracting entities.

Authorizes the board of county commissioners of a county and the city and county of Denver to enter into contracts with the state telecommunications director for the purpose of providing teleconferencing facilities and services, particularly with respect to any person in the custody of the county or the city and county of Denver.

May 23

May 23

H.B. 1318 Disposition of awards received by the state. Directs that moneys or property received by the state or any of its departments, agencies, or institutions as the result of a judgment, settlement, or consent order be credited to the general fund and not expended unless appropriated by the general assembly. Provides exceptions for collections or recoveries which are governed by specific statutes prescribing how the moneys or property are to be

treated and for situations where the court places conditions on the disposition of such moneys. Requires the controller to submit an annual report on receipts and dispositions on such moneys and property.

VETOED May 24

- H.B. 1354 Legislative appropriation of federal funds. Authorizes the general assembly to appropriate federal block grant moneys, which are defined as moneys received for use in a broad functional area and concerning which the state has specified types of policy discretion. Prohibits appropriation of federal highway aid and federal grants for research at institutions of higher education. Requires agencies which apply for or receive block grant moneys to file certain materials with the joint budget committee.

VETOED June 7

OVERRIDDEN June 13

July 1

- H.B. 1358 Lottery - sales agent licensing. Allows the director of the lottery division discretion with respect to licensing decisions in which conviction of a felony or conviction involving fraud is an issue, but requires his decision to be approved or rejected by a panel composed of the chairman of the lottery commission, the executive director of the department of revenue, and the secretary of state.

May 16

May 16

- H.B. 1374 Medium security correctional facility - authorization to construct - allocation to correctional industries for works of art. Authorizes and directs the department of corrections to provide for construction of a new medium security correctional facility to be located in or near Ordway, Colorado. Requires such facility to contain space for 250 prisoners and allow expansion to a capacity of approximately 500 prisoners.

Requires the capital construction appropriation for such facility to include an allocation to the division of correctional industries of not more than 1/6 of 1% to be used for materials and labor to allow inmates to create works of art for the facility.

May 31

May 31

H.B. 1381 State personnel system - salary survey adjustments.  
Prohibits salary survey decreases for the fiscal year beginning July 1, 1985. Delays implementation of salary survey increases until September 1, 1985.

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

H.B. 1386 Determination of expenditures and encumbrances at close of fiscal year. Extends the deadline for determining expenditures and encumbrances for the state's 1984-85 fiscal year from 45 days to 57 days after the close of the fiscal year.

x                              x

Note: At the time of the publication of this digest, the Governor had not acted on this measure.

HEALTH

S.B. 14 Vital statistics records. Authorizes judicial administrators to collect a \$3 fee on actions affecting vital statistics which shall be transmitted to the state treasurer and credited to the vital statistics records cash fund to defray the cost of maintaining vital statistics records. Deletes language which refers to the vital statistics office certifying the cause of death and authorizing the final disposition of a dead body.

May 24

May 24

S.B. 51 Self-service bulk foods - sanitation requirements. Defines "bulk foods" and requires labeling of product modules which contain bulk foods. Requires the sanitary protection of bulk foods during display and the sanitary maintenance of the product modules and the utensils used to withdraw bulk foods from the product modules. Defines "potentially hazardous foods" and prohibits customer self-service of such foods. Authorizes the department of health to promulgate rules and regulations concerning sanitation requirements.

May 23

July 1

S.B. 77 Cost of bringing hazardous waste ("CERCLA") suits - recovery fund - appropriation. Authorizes appropriations out of the special reserve fund for the cost of bringing lawsuits pursuant to the federal "Comprehensive Environmental Response, Compensation, and Liability Act of 1980" ("CERCLA"). Creates the CERCLA recovery fund, to which recoveries in CERCLA lawsuits will be credited. States that moneys in the CERCLA recovery fund may be appropriated for any lawful purpose, and requires the attorney general to report to the legal services committee on the disposition of moneys therefrom and on the progress of suits filed with such moneys.

Appropriates \$5,300,000 out of the special reserve fund to the department of law for the costs of bringing civil actions pursuant to the federal CERCLA.

February 19

February 19

S.B. 83 Water quality control - duties of the commission - review of variances - conditional repealer. Requires the water quality control commission to maintain a water pollution control program which does not conflict with provisions of the federal "Clean Water Act". Specifies that the commission shall promulgate rules and regulations to govern certification activities pursuant to section 401 of the "Clean Water Act". Establishes a procedure by which the commission shall review any classification or standard for consistency with certain specified criteria. States that when the commission determines that such classification or standard is inconsistent with such criteria, it shall deem the classification or standard void ab initio and shall simultaneously establish appropriate classifications or standards.

Designates a hearing officer, rather than the commission, to review variance decisions of the division of administration of the department of health which involve discharge permit conditions required by the "Clean Water Act". Requires that the review of technology-based effluent limitations based on best professional judgment be made by a hearing officer instead of the commission. States that the division must determine whether or not any or all of the water-quality-standard-based effluent limitations in a permit are reasonably related to economic, environmental, and public health factors.

Repeals specified statutory provisions relating to the state permit program if there is final federal agency action taken to revoke or withdraw prior federal approval of all or any part of the state program

Became law without the Governor's signature  
June 4 June 4

S.B. 107 Dairy products - regulation and inspection. Transfers the authority to regulate and inspect dairy products, imitation dairy products, and frozen desserts from the department of agriculture to the department of health. Redefines "dairy products" to include ice cream and other frozen desserts and "imitation dairy products" to include products that closely resemble dairy products but which contain no dairy ingredients. Changes the required milk fat content for sherbet and whole milk for retail sale.

April 5 April 5

S.B. 109 Hazardous substance sites - cleanup - funding - appropriation. Imposes user fees upon the disposal of solid waste at solid waste disposal sites, at the following rates: 5¢ per load transported by car; 10¢ per load transported by truck; 15¢ per cubic yard per load transported by a commercial vehicle. Credits fee moneys to the hazardous substance response fund. Provides credits for the costs of collecting fees and administering the fund. Provides penalties for failure to collect or transmit fees. Directs the use of moneys in the fund to inventory, clean up, and monitor hazardous substance sites on the national priority list of hazardous substance sites.

Appropriates \$702,717 from the fund for use during the 1985-86 fiscal year in matching federal funds for the cleanup of 7 sites on the national priority list.

May 23 July 1

S.B. 152 Colorado health facilities authority - issuance of bonds. Authorizes the Colorado health facilities authority to issue bonds to finance the cost of any health institution under the "Colorado Health Facilities Authority Act". Removes a time limitation on the maturation of obligations or certificates in which the authority may invest escrowed proceeds of bonds issued for the purpose of refunding other outstanding bonds or for the purpose of constructing, adding to, improving, extending, or enlarging a facility. Permits the authority to invest such proceeds in specified securities.

May 24 July 1

S.B. 166 Asbestos control - appropriation. Defines "asbestos abatement" and requires the air quality control commission to develop performance standards and practices for asbestos abatement and to determine a maximum acceptable asbestos level. Requires the division of administration of the department of health to develop an asbestos surveillance plan which shall include the dissemination of information materials explaining the hazards of asbestos exposure, the inspection of buildings, and, if the asbestos levels in the inspected buildings exceed the maximum acceptable level established by the commission, the notification to building owners that steps must be taken to reduce the asbestos level.

Appropriates \$20,005 and 0.5 FTE to the department of health for allocation to the air pollution control division for asbestos control.

June 6 July 1

H.B. 1025 Alternative health care delivery systems - authorization to organize and operate. Authorizes hospitals licensed or certified in Colorado, independent practice associations of physicians, and professional service corporations for the practice of medicine to organize and operate health maintenance organizations in Colorado. Exempts free-standing birthing centers from the definition of "health care facility" in the "Colorado Certificate of Public Necessity Act", thereby exempting the construction, development, or other establishment of any new center from regulation under that Act.

May 3

May 3

H.B. 1034 Colorado health data commission - appropriation. Creates the Colorado health data commission in the state department of local affairs to acquire, compile, correlate, and disseminate data from agencies of state government, health care providers, third-party payers, the state medicaid program, and other appropriate sources for the purpose of encouraging competition and informed decisions by users in the health care industry. Provides administrative guidelines for the operation of the commission.

Permits the commission to conduct or contract for studies which will enable the commission to carry out its duties. Mandates the use of a uniform billing system by third-party payers, hospitals, and doctors by July 1, 1986. Provides safeguards to protect the identity of patients. Requires the commission to report to the general assembly not later than January 15, 1987, and annually thereafter.

Appropriates \$200,000 to the department of local affairs for allocation to the Colorado health data commission.

June 6

July 1

H.B. 1078 Water and wastewater treatment facilities - certification of operators. Redefines "wastewater treatment plant" to exclude any facility used for treating or handling industrial wastes or other wastes not discharged into state waters. Redefines "water supply systems" to exclude water systems below a certain capacity. Requires applicants who seek to benefit from a grandfather clause allowing certification without examination to register before July 1, 1985. Allows the board to certify industrial wastewater treatment plant operators who

successfully complete the appropriate examination and who meet the requirements set by the board pursuant to rules and regulations.

April 24                      April 24

H.B. 1100 State advisory council on emergency medical services - membership. Increases the number of members on the state advisory council on emergency medical services from 16 to 17. Provides that one member shall be a fire chief involved in emergency medical services.

May 24                      July 1

H.B. 1114 Personal care boarding homes - licensing - appropriation. Requires that all personal care boarding homes be licensed by the state department of health by July 1, 1986. Provides that minimum standards for such homes shall be set out in regulations promulgated by the state board of health on or before November 1, 1985.

Requires that the department of health annually inspect homes for which a license application has been submitted. Enables the department to contract with local boards of health to perform the annual inspections and to enforce the statewide standards.

Provides that denial, suspension, or revocation of an original or renewal license to operate a personal care boarding home must be accomplished under the procedures mandated by the "State Administrative Procedure Act".

Enables the department of health to collect an application fee of \$50 for an original or renewal license to operate a personal care boarding home.

Establishes an advisory committee, to remain in force until July 1, 1988 and consisting of 9 members, to evaluate the licensing program and to report annually to the general assembly on its findings.

Authorizes the state board of health to promulgate regulations to implement the licensing process.

Redefines "personal care boarding home" to include facilities certified as alternate care facilities by the state department of social services.

Appropriates \$43,260 to the department of health for the licensing of personal care boarding homes.

June 6                      July 1



H.B. 1333 Health care providers - abuse of health insurance. Creates the crime of abuse of health insurance, which makes it a class 1 petty offense for any health care provider to accept from any third-party payor, as payment in full for services rendered, the amount the third-party payor covers or to submit a fee to a third-party payor which is higher than the fee he has agreed to accept from the insured patient with the understanding of waiving the required deductible or copayment. Makes a violation of abuse of health insurance or the advertising of practices that constitute such abuse grounds for disciplinary action against the health care provider. Exempts reimbursements made pursuant to the "Colorado Medical Assistance Act", the program for the medically indigent, and federal medicare laws, reimbursements for community mental health services, and charitable reimbursements, on a case-by-case basis, when certain criteria are met.

May 24                      July 1

H.B. 1334 Environmental and chronic disease control - programs of the department of health. Authorizes the department of health to establish and operate programs for the detection, prevention, and control of environmental and chronic diseases. Defines the terms "environmental disease" and "chronic disease".

June 6                      July 1

HIGHWAYS AND ROADS

- S.B. 24 Rights-of-way - acquisition and disposition. Gives the abutting owner, rather than the original owner, a right of refusal on property which the state highway department is selling and which no political subdivision wishes to purchase.

April 5            July 1

- S.B. 249 Closure for athletic or special events. Establishes a procedure for the Colorado state patrol to follow in closing all or a portion of a highway for the purpose of conducting an athletic or special event on the highway and authorizes the patrol and the state department of highways to use necessary equipment and personnel to ensure the safe conduct of the closure. Requires approval of such a closure by the executive director of the state department of highways and the approval of a local jurisdiction if the closure will restrict use of the local jurisdiction's roads, streets, or highways. Requires the person applying for the closure to reimburse the patrol and the department for all costs and to provide liability insurance.

June 6            June 6

## INSTITUTIONS

- S.B. 59 Board of medical consultants - appointment. Requires the executive director of the department of institutions to appoint a board to act as medical consultants to the department with respect to persons receiving services from specified institutions. Requires members to be licensed by the state board of medical examiners, but allows the executive director to determine other qualifications and the compensation of the members.

May 22

July 1

- H.B. 1001 Training schools - deletion of gender references in names. Changes the name of Lookout Mountain school for boys to Lookout Mountain school and the name of Mount View girls' school to Mount View school.

March 30

March 30

- H.B. 1205 Services for persons with developmental disabilities. Authorizes the department of institutions to provide or to purchase the following services for persons with developmental disabilities: Family support services, case management services, respite care services, day program services, residential program services, vocational and employment-related services, and support services. Requires regional centers to periodically review persons receiving services in regional centers.

Provides that case management services shall be provided through designated community centered boards under contract with the department of institutions based on criteria developed in regulations promulgated by the department. Requires the department to purchase all other authorized services either through designated community centered boards or directly from approved service agencies. Establishes criteria for the department and for community centered boards when they purchase services through an approved service agency. Creates standards for the approval of service agencies and for the designation of community centered boards. Places conditions upon community centered boards when they replace purchased services or advertise for the purchase of services.

Provides that every person within the state have the right to a determination as to whether he has developmental disabilities and to the preparation of an

individual habilitation plan to identify services which he needs. Provides that community centered boards shall determine if a person is eligible for services and shall provide such person with a list of approved service agencies which can meet his needs and from which he may select, subject to available appropriations and space, the approved service agency to serve him.

Requires the department of health and the department of institutions to implement a system of joint licensure and certification of community-based residential facilities. Makes the provisions on such licensure or certification effective January 1, 1986.

Gives the executive director of the department of institutions broad authority to promulgate rules and regulations to implement the purchase of services for persons with developmental disabilities.

Clarifies that all persons with developmental disabilities who receive services are entitled to certain guaranteed rights.

Directs the state auditor to conduct an evaluation of the different methods of providing services and to report to the general assembly on or before November 1, 1987.

Consolidates the statutes regarding provision of services for persons with developmental disabilities.

Increases the number of persons on the state council for developmental disabilities from 21 to 24.

Provides for the repeal of such services and programs on July 1, 1988.

June 6

July 1

INSURANCE

- S.B. 32 State employees and officials group insurance - increase in state contribution - appropriation. Increases the state contribution to the state employees and officials group insurance plan from \$54 to \$59.

Appropriates \$1,596,840 to the department of administration for payment of the increased state contribution.

June 6                      July 1

- S.B. 143 Preneed funeral contracts - sale of final resting places. If the seller of preneed funeral contracts has sufficient inventory to cover such contracts or posts a sufficient bond and has inventory to meet 25% of such contracts and if such contracts provide for identifiable resting places for the interment of human bodies, provides that such contracts are exempt from the requirement that 85% of the funds received by the seller be deposited with a trustee.

May 24                      July 1

- S.B. 144 Implementation of Constitutional Amendment Number 1 - appointment of commissioner of insurance. Conforms the statutory provision concerning the appointment of the commissioner of insurance to the constitutional provision adopted at the general election in November, 1984, by stating that the governor, rather than the executive director of the department of regulatory agencies, appoints the commissioner of insurance.

April 17                      April 17

- S.B. 179 Insurance board - abolition. Repeals the statutes establishing the insurance board.

April 17                      April 17

H.B. 1089 Reinsurance - security for reserve liabilities. Includes a commercial surety bond approved by the commissioner of insurance as a means by which the reserve liabilities of a reinsurer to a ceding insurer can be secured to the ceding insurer.

May 10                      July 1

H.B. 1127 Group life insurance - policy payments for expenses incurred incident to last illness or death of insured. In the absence of a designated beneficiary of a group life insurance policy, allows payment of up to \$5,000, rather than \$250, by an insurer to any person who has incurred verifiable expenses incident to the last illness or death of the insured.

March 24                      July 1

H.B. 1210 Domestic insurance companies - investments - money market funds. Allows domestic insurance companies to invest in money market funds which maintain a stable net asset value of a specified dollar amount per share and which allow shareholders to withdraw the dollar amount of their shares. Restricts the aggregate value of such investment to 10% of the domestic insurance company's total admitted assets and, in the shares of any one money market fund, to 5% of the domestic insurance company's total admitted assets. Restricts the investment of any one domestic insurance company to 5% of the outstanding shares of any one money market fund. Defines money market fund.

May 1                              May 1

H.B. 1348 No-fault insurance - benefits for accidents involving a motor vehicle and a regional transportation district motor vehicle. Precludes a cause of action or a right of reimbursement against the regional transportation district by the insurer of a private passenger motor vehicle or a nonprivate passenger motor vehicle for no-fault benefits paid as a result of an accident involving such vehicle and a motor vehicle owned or operated by the regional transportation district, except maintenance and service vehicles.

May 19                              May 19

INSURANCE

- S.B. 32 State employees and officials group insurance - increase in state contribution - appropriation. Increases the state contribution to the state employees and officials group insurance plan from \$54 to \$59.

Appropriates \$1,596,840 to the department of administration for payment of the increased state contribution.

June 6                      July 1

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May 10 July 1

H.B. 1127 Group life insurance - policy payments for expenses incurred incident to last illness or death of insured. In the absence of a designated beneficiary of a group life insurance policy, allows payment of up to \$5,000, rather than \$250, by an insurer to any person who has incurred verifiable expenses incident to the last illness or death of the insured.

March 24 July 1

H.B. 1210 Domestic insurance companies - investments - money market funds. Allows domestic insurance companies to invest in money market funds which maintain a stable net asset value of a specified dollar amount per share and which allow shareholders to withdraw the dollar amount of their shares. Restricts the aggregate value of such investment to 10% of the domestic insurance company's total admitted assets and, in the shares of any one money market fund, to 5% of the domestic insurance company's total admitted assets. Restricts the investment of any one domestic insurance company to 5% of the outstanding shares of any one money market fund. Defines money market fund.

May 1 May 1

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May 19 May 19



LABOR AND INDUSTRY

- S.B. 71 Unemployment compensation - taxing provisions. Redefines "employer" to include a unit which employs at least one individual performing services at any time except for certain specified employing units. Sets a \$50 ceiling for the amount paid for casual labor not in the course of the employer's trade or business in order to exempt such labor from the definition of "employment". Allows an employer who acquires assets of another employer to receive a partial or total transfer of the experience rating record of the predecessor employer. Provides that no voluntary taxes paid by an employer shall be refunded or applied toward future tax liability.

April 24          July 1

- S.B. 112 Prevailing wage requirement on state contracts. Repeals the provision providing that the state require payment of the prevailing regional wage for work performed by laborers and mechanics on state contracts.

VETOED May 24

OVERRIDDEN June 13

June 13

- S.B. 132 Workmen's compensation - exclusion of persons operating commercial vehicles as independent contractors. Provides that a person, company, or corporation operating a commercial vehicle who holds himself out as an independent contractor only to perform for-hire transportation, including loading and unloading, and who contracts with another party to perform a specific transportation job, task, or delivery is not entering into an employee and employer relationship for purposes of workmen's compensation coverage.

Became law without the Governor's signature

May 26

July 1

- H.B. 1003 Unemployment compensation - technical changes. Corrects a reference in the definition of "wages" to parallel the federal law upon which such definition was based. Directs that taxes paid by employers be based upon taxable wages paid rather than all wages paid. Specifies that the surcharge tax for benefits paid and not chargeable to any active employer account be assessed annually.

March 1

March 1

H.B. 1052 Workmen's compensation - exclusion of certain licensed real estate salesmen and brokers. Excludes from the definition of "employee" a licensed real estate salesman or licensed real estate broker associated with another real estate broker if the salesman or broker receives most of his real estate brokerage income from commissions, is considered an independent contractor, and is not treated as an employee for federal income tax purposes. Provides that such a salesman or broker shall not be included within a workmen's compensation provision dealing with contracted-out employees.

Became law without the Governor's signature

March 19                      March 19

H.B. 1057 Unemployment compensation - conformance of Colorado law with federal law. Harmonizes the "Colorado Employment Security Act" with federal law by making the following changes: Extends the date used to determine whether certain types of agricultural labor will be included in the definition of employment; includes within the definition of wages tips received while performing services that constitute employment and any amount included in the definition of wages under federal law; modifies certain provisions relating to exclusions from the definition of wages while adding new exclusions relating to amounts paid for certain services in any medium other than cash, amounts paid on behalf of deceased former employees, and amounts paid under or to a qualified annuity plan; repeals current exclusions relating to amounts paid to an employee on account of retirement, certain amounts paid to employees over 65, amounts paid to lessees under mining lease agreements or contracts, and payments made to an employer for the purpose of supplementing unemployment benefits; requires the application for a determination of benefit rights to include the claimant's social security number; authorizes the denial of benefits for receipt of disqualifying income; and allows the division of employment to enter into an agreement for the exchange of information among agencies administering federally assisted human service programs.

April 4

April 4

H.B. 1091 Workmen's compensation - study of medical care cost containment - appropriation. Requires the executive director of the department of labor and employment to review and analyze various potential medical care cost containment models and strategies under the "Workmen's Compensation Act of Colorado", to develop a medical care cost containment program based on such review and

analysis, and to submit to the general assembly a report including a description of such program and a comparative analysis of the various alternative models and strategies reviewed.

Appropriates \$50,000 and 1.0 FTE to the department of labor and employment for the study.

June 6                  July 1

- H.B. 1107 Division of labor - public safety inspection fund - appropriation. Creates the public safety inspection fund. Requires that the fees collected by the division of labor for regulating carnivals and amusement parks, explosives, and inspection of school buildings be credited to the public safety inspection fund. Increases the application and renewal fees for a permit to use explosives from \$10 to \$50. Sets a fee of \$200 to be charged by the division for inspecting school buildings.

Appropriates \$31,290 out of the public safety inspection fund to the department of labor and employment for allocation to the division for public safety inspection activities.

June 6                  July 1

- H.B. 1201 Unemployment compensation - taxes and benefits - seasonal industry. Specifies when a seasonal employer or a seasonal worker loses seasonal status for purposes of employment security taxes and benefits.

Applies to seasonal workers as reported on seasonal employers' quarterly returns for calendar quarters commencing on and after April 1.

March 30                March 30

- H.B. 1223 Construction contracts for public projects - bid preference. Allows a resident bidder a preference when a contract for a public project is to be awarded against a nonresident bidder equal to the preference given or required by the state or foreign country in which the nonresident bidder is a resident, unless the officer awarding the bid determines that by allowing such a preference, federal moneys may be denied.

Defines "public project" to include any such project awarded by any county, municipality, school district, special district, or other political subdivision of the state; any publicly funded contract subject to the "Procurement Code"; and any highway or bridge construction in which the expenditure may exceed \$50,000. Defines "resident bidder" as a person, partnership, corporation, or joint venture which is authorized to transact business in Colorado and which maintains its principal place of business in Colorado or a person, partnership, corporation, or joint venture which is authorized to transact business in Colorado, which maintains a place of business in Colorado, and which has paid Colorado unemployment compensation taxes in at least 75% of the 8 quarters immediately prior to bidding on a construction contract for a public project.

Makes the new provisions applicable to construction contracts for public projects awarded on or after July 1, 1985, and repeals the provisions on July 1, 1988.

June 6                      July 1

H.B. 1235 Workmen's compensation and public assistance benefits - eligibility. Includes any person who is assigned to work for any state agency or political subdivision or any nonprofit agency within the definition of "employee" for workmen's compensation purposes and states that any person who receives a work assignment to a position in a federal office or agency is deemed while so assigned to be an employee of the county arranging the work assignment. Includes work experiences for a federal office or agency, for a county or municipality, for a school district, or for a private or public nonprofit agency within the definition of "work assignment" for the purposes of determining eligibility for public assistance.

April 5                      April 5

H.B. 1247 Workmen's compensation - exclusion of property owners from liability. Excludes the owner of real property who contracts out work for such property from liability under the "Workmen's Compensation Act of Colorado" if such owner has no other employees subject to the Act, if the work is not within the course of the trade, business, or profession of such owner, and if the amounts expended by the owner do not exceed \$2000 per year.

April 24                      April 24

H.B. 1255 Workmen's compensation - pilot program of self-insurance - department of institutions. Establishes a workmen's compensation self-insurance pilot program for the department of institutions. Requires the executive director of the department to make an annual report to the legislative audit committee concerning such program.

Repeals the program on July 1, 1988.

May 1                      May 1

H.B. 1267 Unemployment compensation - persons providing in-home services. Excepts persons providing "in-home services", defined as services provided by an individual provider to a long-term care eligible person in his residence under a case plan or plan of care, from the definition of employment for purposes of eligibility for unemployment compensation benefits. Provides that the exception will take effect January 1, 1986, but only upon certification that such provision is in compliance with the federal laws governing unemployment compensation.

April 5                      April 5

H.B. 1294 Unemployment compensation - subsequent separations from employment - definition of permanent resident under color of law - withholding of benefit payments. In the event that a claimant has more than one separation from the same employer in the base period or in the benefit year, or a combination thereof, specifies that the most recent separation from such employer shall be controlling as to the determination of eligibility for remaining benefit credits attributable to that employer; except that attributable benefits previously reduced because of a disqualification will become available when a full award is granted on the most recent separation. Establishes a 10-week deferral of benefits in the event that subsequent employment results in a separation and does not include wages in the base period. Allows the industrial commission to establish by rules and regulations how the first week of a benefit claim series shall be determined. Permits the division of employment and training to prescribe what information is necessary in the separation reports and other reports, instead of permitting the commission to prescribe such information. Defines "permanent resident under color of law". Allows the division to withhold more than 25% of a benefit payment in those cases where overpayments have occurred on an established current claim.

April 30                      July 1

H.B. 1367 Workmen's compensation - settlements - reopening.  
Prohibits the reopening of a workmen's compensation claim on any ground other than fraud or mutual mistake of material fact if the claimant agreed in a settlement to waive his right to have such claim reopened.

April 5 April 5

## MOTOR VEHICLES

S.B. 80 Identification of motor vehicles at port of entry weigh stations. Changes the marking requirements on certain vehicles which pass through port of entry weigh stations by requiring the markings to include the name or company logo of the owner or operator and eliminating the address and tare weight marking requirements.

May 31

May 31

S.B. 81 Careless driving resulting in serious bodily injury or death. Increases the penalty imposed on a person convicted of careless driving from a class 2 traffic offense to a class 1 traffic offense when the driver of a motor vehicle causes bodily injury or death to another.

May 31

July 1

S.B. 104 Commercial vehicles - safety standards. Changes the definition of "commercial vehicle" and requires the department of public safety to adopt safety standards which include the United States department of transportation rules relating to the transportation of hazardous materials. Upgrades the penalty for violations of the rules from a class A traffic infraction to a misdemeanor. Authorizes port of entry personnel to direct the disposition of motor vehicles transporting hazardous materials and to enforce the safety standards adopted by the department of public safety. Increases the penalty assessed for violations of the standards adopted for commercial vehicles and for violations of the provisions relating to the transportation of hazardous materials.

June 6

July 1

S.B. 115 Longer vehicle combinations. Extends existing authorization for the operation of longer vehicle combinations over selected segments of state highways to a truck and single trailer combination having an overall length of not more than 85 feet, the truck of which is not more than 35 feet long and the trailer of which is not more than 40 feet long.

April 24

April 24

S.B. 157 Oversize and overweight permitted vehicles - penalties. Increases the penalties for vehicles in violation of an overweight or oversize permit. Sets the penalty for any person who fails to have a required escort vehicle at \$250.

April 30 July 1

H.B. 1085 Hit-and-run accidents involving death - felony classification. Increases the felony classification for hit-and-run accidents resulting in death from a class 5 felony to a class 4 felony.

April 23 July 1

H.B. 1124 Traffic offenses - driving while license is denied, suspended, or revoked - introduction of identifying information relating to former convictions of alcohol-related driving offenses. Makes a duly authenticated copy of the record of former convictions and judgments of a court of record for drunk driving offenses sufficient to establish such former convictions and judgments in a trial against a person accused of the offense of driving a motor vehicle while his driver's license or driving privilege is denied, suspended, or revoked. Specifies that identifying photographs and fingerprints that are part of the record of such former convictions and judgments and of his incarceration for those convictions and judgments shall be sufficient to establish the party's identity and may be used as evidence against him in such trial.

March 10 March 10

H.B. 1164 Renewal of permanent driver's license. Provides that a permanent driver's license shall not be renewed if a person has an outstanding judgment entered against him by a county or municipal court for a violation of any statute or ordinance regulating motor vehicles or traffic, excluding parking regulations. Provides that a permanent driver's license shall not be renewed if a person has a bench warrant issued against him by a county court or municipal court for failure to appear to answer for a citation on an alleged violation of any statute or ordinance regulating motor vehicles or traffic, excluding traffic infractions defined by state statute or ordinance and parking regulations. Makes the payment of such fines and costs or forfeitures a condition of renewal of a



permanent driver's license. Requires the department of revenue, prior to renewal of such license, to determine if an applicant has any outstanding judgments or warrants entered or issued against him.

Requires persons paying an outstanding judgment or who have a bench warrant entered against them to pay a \$30 administrative processing cost in addition to the other penalties. Directs the court to remit 50% of such fee to the department of revenue and to retain the remaining 50%. Requires the executive director of the department of revenue to determine if the fee adequately covers administrative costs and to report to the general assembly concerning suggested changes in the fee. Requires the department of revenue to coordinate the design and implementation of specified forms for use by the courts.

Applies to applications for obtaining or renewing a driver's license on or after January 1, 1986, and only to judgments or warrants issued on or after January 1, 1986.

May 24

January 1, 1986

H.B. 1184 Transported hay - width of loads. Allows a load of baled hay which exceeds 102 inches in width but which does not exceed 12 feet in width to be transported under a permit obtained from the state department of highways or the Colorado state patrol so long as the bed of the truck or trailer transporting such load does not exceed 24 feet in length and no more than one unit is used. Allows a hay producer to transport a load of round, loosely bound hay bales of up to 12 feet in width without such a permit.

April 5

April 5

H.B. 1193 Drivers' licenses - issuance and renewal of - use of medical advice. Authorizes the department of revenue to seek and receive a written medical opinion from any licensed physician or optometrist for the purpose of determining whether any licensed driver or applicant for a driver's license is capable of operating a motor vehicle. Allows the department to consider a written medical opinion received from the personal physician or optometrist of any licensed driver or applicant. Immunizes physicians and optometrists who provide such information from civil or criminal liability if their actions are not willful or wanton. Requires the department to use any information received from a physician or optometrist in a confidential manner and

solely in making decisions on the individual's qualifications as a driver. Authorizes the department to use the written medical opinions in the adoption of rules concerning medical criteria for driver licensing.

June 6

June 6

H.B. 1291 Annual registration fee - metro vehicles. Changes the definition of "metro vehicle" so it applies only to a truck having an empty weight of between 10,000 and 16,000 pounds which is operated not more than 25 miles beyond the boundaries of a city, city and county, or incorporated town. Eliminates the 5 established registration fees for metro vehicles which were based on designated ranges of weight and sets the amount of the annual registration fee at \$143 plus \$2.31 per 100 pounds of empty weight exceeding 10,000 pounds.

April 24

January 1, 1986

H.B. 1325 "Lemon law" - consumer remedies against motor vehicle manufacturers. Clarifies that the term "business days", as used to describe the time required for a motor vehicle to be out of service for repairs in order to create a presumption that a reasonable number of attempts have been made to conform the vehicle to the warranty, means the business days of the repairer. Includes as a nonconformity for the purpose of "reasonable number of attempts" any alleged defects which have been brought to the attention of the manufacturer. Requires that the form included with the owner's manual disclose that notification to the manufacturer of any defect is required before the consumer is allowed the remedies provided under state law. Tolls the statute of limitations during the period a consumer has submitted to arbitration pursuant to federal regulations.

May 16

July 1

NATURAL RESOURCES

- S.B. 62 Safety regulations - oil and gas industry. Requires the oil and gas commission to promulgate rules and regulations to protect the health, safety, and welfare of any person at an oil or gas well. States that such rules and regulations shall not regulate matters regulated under the federal "Occupational Safety and Health Act of 1970". Requires the commission to promulgate rules and regulations for the protection of the general public in the drilling, completion, and operation of oil and gas wells and production facilities.

Repeals statutory provisions relating to the inspection of oil wells.

May 22 July 1

- S.B. 94 Mining operations using cyanide compounds - financial warranty. Excepts mining operations using cyanide compounds in leaching processes from the \$5,000 financial warranty limit for limited impact operations. Sets the financial warranty limit for such operations at \$10,000, effective July 1, 1985. Increases the limit to \$15,000 on July 1, 1986, and \$20,000 on July 1, 1987.

April 24 April 24

- S.B. 200 State board of land commissioners - allocation of moneys from lands under control of - appropriation. On and after July 1, 1984, increases the percentage of moneys derived from the sale or lease of any state lands under the control of the state board of land commissioners and the percentage of any other income from such lands which are allocated to the state land board administration fund from 5% to 10%.

Continues the section making such allocation from June 30, 1986, to June 30, 1989.

Appropriates \$235,173 out of the state land board administration fund to the state board of land commissioners for its expenses.

June 6 June 6

H.B. 1154 Oil and gas conservation commission - increase in membership. Increases the number of members appointed to the oil and gas conservation commission from 5 to 6.

April 24      July 1

H.B. 1215 Park passes and permits - imposition of fees. Empowers the board of parks and outdoor recreation in the department of natural resources to set fees for park passes and permits in an amount sufficient to raise revenues for the operation of the state park and recreation system, but not greater than the statutory maximum. Prohibits such fees from being used for capital construction other than controlled maintenance. Increases the maximum fee for an annual park pass from \$20 to \$25, a one-day park pass from \$2 to \$3, and any pass or permit not otherwise specified from \$5 to \$7.

June 2      January 1, 1986

H.B. 1323 State board of land commissioners - land and water management fund. Recreates and reenacts the section creating the state board of land commissioners land and water management fund, which was repealed on January 1, 1985. Increases the amount which can be expended in any fiscal year from the fund from \$50,000 to \$75,000. Sets a new termination date for the fund of January 1, 1990.

May 3      May 3

## PROFESSIONS AND OCCUPATIONS

- S.B. 11 Physicians and surgeons - continuation of Colorado board of medical examiners - regulation of profession. Requires the trustee of a trust established to provide an alternative to malpractice insurance to report specified malpractice claims against licensed practitioners to the Colorado state board of medical examiners. Eliminates the list of specific subjects to be covered in the examination for a license to practice medicine and requires the board to determine the passing score. Expands the definition of "unprofessional conduct" to include sexual acts with patients during the course of patient care. Substitutes the term "unprofessional conduct" for "misconduct" in sections concerning disciplinary action by the board. Makes additional changes in the "Colorado Medical Practice Act" and in the statutes governing emergency medical technicians.

Extends the termination date of the Colorado state board of medical examiners to July 1, 1995, pursuant to the provisions of the Sunset Law.

April 12            July 1

- S.B. 13 Nurses and psychiatric technicians - continuation of state board of nursing - regulation of professions. Adjusts the terms of the board members so that no more than four members are appointed in a given year. Requires judicial review of all disciplinary hearings to be conducted in the court of appeals. Conforms the disciplinary sections of the statutes relating to psychiatric technicians to those governing nurses. Makes additional changes in statutes relating to nurses and psychiatric technicians.

Extends the termination date of the state board of nursing to July 1, 1995, pursuant to the provisions of the Sunset Law.

April 12            July 1

- S.B. 30 Division of racing events - appointment of director - Colorado racing commission. Provides that the director of the division of racing events, rather than the Colorado racing commission, shall head the division. Requires that the director shall be appointed by the executive director of the state department of regulatory agencies. Eliminates the position of secretary of the commission.

Prohibits any member of a commissioner's immediate family from holding any pecuniary interest in any racetrack operating in Colorado. Defines "immediate family".

Changes the formula for determining the license fees payable by tracks which race greyhounds to provide that if the aggregate amount paid as license fees by such tracks exceeds a certain guarantee amount, then no track shall be assessed an additional fee to obtain its license for the following year; if the aggregate amount paid by such tracks falls below the guarantee amount, each track shall be assessed a proportionate share of the shortfall in order to obtain its license for the following year.

June 6

July 1

S.B. 49 Real estate - licensing of brokers and salesmen - recovery fund - disclosure requirements concerning securities. Raises the limit for exemption and exempts the first 20 notes, bonds, or evidences of indebtedness secured by mortgages or deeds of trust sold during a 12-month period from the disclosure requirement of the securities law. Excludes a partnership from the definition of real estate broker or salesman when conveying property owned or leased by it at a cost which includes a new building upon such property. Allows the real estate commission to consider the character of persons having a substantial, as opposed to a controlling, interest in a corporate applicant for licensure. Recognizes real estate study at an out-of-state school within the provision dealing with the educational requirements of licensee applicants. Makes license fees nonrefundable. Authorizes the real estate commission to send a letter of admonition to a licensee against whom a complaint has been filed but which complaint does not merit formal action. Sets forth standards for staying final commission orders.

Continues the collection of fees from licensees to finance the real estate recovery fund until July 1, 1988, and increases such fees from \$10 to \$20. Limits the amount of attorney fees payable out of the real estate recovery fund, and allows recovery from said fund for claims against persons who engage in real estate transactions but who are exempt from regulation. Alters the standard which governs pursuit of judgment debtors as a prerequisite to claims against the fund.

Gives initial jurisdiction to the court of appeals to review final decisions or orders of the real estate commission. Allows any person, partnership, or other business organization registering a trade name to record

an affidavit stating the names of all parties representing such person, partnership, or business organization and provides that such affidavit shall constitute prima facie evidence of the facts it contains as the same affect title to real property.

May 31                      July 1

- S.B. 120 Racing - enforcement of statutory provisions. Authorizes the board of stewards and judges of the Colorado racing commission to punish violators of the statutory provisions relating to racing, as well as rules promulgated pursuant to such provisions. Increases the period for suspending the license of a violator of such statute or rules from 30 to 60 days. Imposes a sanction on the untimely payment of fines imposed pursuant to such statutory provisions and on the use of bad checks in the payment of fines or license fees imposed pursuant to such statutory provisions.

April 17                      April 17

- S.B. 178 "Colorado Liquor Code" - sale of special malt liquors. Authorizes a person licensed under the provisions of the "Colorado Liquor Code" to sell, possess, transport, and otherwise act with respect to special malt liquors as he may act with respect to other malt liquors. Defines special malt liquors as those containing not less than 0.5% and not more than 2% alcohol by weight. Requires that special malt liquors be clearly identified to consumers by a statement of alcoholic content or the equivalent.

April 24                      April 24

- S.B. 189 Horse racing - regulatory costs - appropriation. Increases from 12 to 15 the maximum number of days on which nonprofit organizations may conduct horse racing and qualify for the "fair circuit" fee. Provides for the deposit of "fair circuit" fees into the general fund. Provides for general funding of the direct costs of regulating the "fair circuit" tracks and of all indirect costs of the racing commission. Limits cash funding to the direct costs of regulating nonprofit organizations conducting more than 15 days of racing.

Appropriates \$140,000 to the state treasurer for implementation of the act.

June 6                              June 6

H.B. 1030 Chiropractors - continuation of state board of chiropractic examiners - regulation of profession. In the definition of "chiropractic", includes venipuncture and acupuncture but excludes colonic irrigation. Limits to 2 the number of consecutive terms board members may serve and allows the governor to remove board members for misconduct, incompetence, or neglect of duty. Eliminates the requirement that the board consider an applicant's moral character as part of the license application procedure. Authorizes the board to change the period during which licenses issued by the board are valid. Requires chiropractors who file a late application for license renewal to pay an additional sum. Authorizes the board to issue a letter of admonition as part of its disciplinary proceedings. Establishes judicial review of all final actions of the board in the court of appeals. Repeals various provisions in the statutes regulating chiropractors.

Extends the termination date of the state board of chiropractic examiners to July 1, 1995, pursuant to the provisions of the Sunset Law.

June 6                      July 1

H.B. 1031 Podiatrists - continuation of Colorado podiatry board - regulation of profession. Requires insurance companies engaged in writing malpractice insurance to send information to the Colorado podiatry board regarding malpractice claims against licensed podiatrists. Makes the podiatry board an independent board and changes the composition of the board by reducing the number of podiatrist members by one and requiring a member of the public at large to be on the board. Authorizes the governor to remove any member of the board for misconduct, incompetency, or neglect of duty. Requires the podiatry board to elect officers biennially and specifies when regular meetings shall be held and how regular and special meetings are called. Immunizes board members from civil or criminal liability based upon official acts. Eliminates the showing of good moral character as a prerequisite to licensure. Repeals the list of specific subjects covered in the license examination. Establishes disciplinary proceedings similar to those of the state board of medical examiners. Allows for judicial review of board actions by the court of appeals.



Removes regulation of podiatry from the duties of the state board of medical examiners.

Extends the termination date of the Colorado podiatry board to July 1, 1990, pursuant to the Sunset Law.

May 31

July 1

H.B. 1032 Optometrists - continuation of state board of optometric examiners - regulation of profession. Authorizes the governor to remove any member of the board for misconduct. Removes the examination percentage score requirement for license applicants. Eliminates the requirement that a licensee have a duplicate license for each office he maintains. Requires a licensee to furnish the board with the address of each location where he engages in his practice. Authorizes the board to issue a letter of admonition to or impose probation on a licensee for unprofessional conduct or for violations of any term of probation.

Extends the termination date of the board to July 1, 1995, pursuant to the provisions of the Sunset Law.

April 30

July 1

H.B. 1098 Physicians and dentists - advertising through independent advertising or marketing agents. Authorizes licensees under the "Colorado Medical Practice Act" and the "Dental Practice Law of Colorado" to hire independent advertising or marketing agents to perform advertising and marketing services. Clarifies statutes making advertising practices by such licensees unprofessional conduct to provide that if advertising is done through such agents the licensee cannot be disciplined by the state board of medical examiners or the state board of dental examiners. Specifies that such boards may not regulate such advertising practices, but gives the boards the authority to seek injunctive relief if the advertising is determined to be misleading, deceptive, or false. Makes licensees who provide accurate, factual information to such agents immune from any disciplinary action, injunction, or prosecution.

May 3

May 3

H.B. 1103 Racing - track workers' and owners' licenses. Allows the Colorado racing commission to waive the licensure requirement for persons who work upon track premises, except owners, trainers, farriers, security positions, persons selling tickets or handling money directly related to wagers, and any supervisory or management position, if the commission deems that licensure is unnecessary for the particular occupation. Requires that occupational and owners' license fees for the racing of animals other than horses be set at a rate which is compatible with the rate set for horse track workers and horse owners.

April 5                  April 5

H.B. 1153 Outfitters' licensing - appropriation. Provides for members of the Colorado outfitters' licensing board to receive the standard compensation of boards in the division of registrations. Adds examination, bonding, and insurance to the qualifications required of applicants for licensure or renewal. Allows the board to issue a license on a probationary basis pending investigation of an applicant. Provides for denial, suspension, and revocation of licenses and specifies the grounds therefor.

Defers the repeal date of the article from July 1, 1985, to July 1, 1988, and coordinates the sunset termination date with the new repeal date.

Appropriates \$67,615 and 1.2 FTE to the division of registrations in the department of regulatory agencies for allocation to the board for licensing functions.

June 6                  June 6

H.B. 1172 Unlawful acts by members of state-regulated professions - uniform punishments. Specifies uniform punishments for unlawful acts committed by members of state-regulated professions by classifying such acts as class 3 misdemeanors with the following exceptions: The first violation by a pharmacist remains a class 2 misdemeanor with subsequent offenses class 5 felonies; the first violation for the unlawful practice of medicine remains a class 2 misdemeanor with subsequent offenses class 5 felonies; subsequent violations by mobile home dealers remain class 2 misdemeanors; and subsequent violations by outfitters remain class 1 misdemeanors.

May 3                  July 1

H.B. 1183 Farm products - regulation of dealers, agents, transporters, and warehousemen. Simplifies and clarifies provisions governing the licensing and regulation of dealers and agents of farm products. Defines "transporter" and requires such person to obtain a license from the commissioner of agriculture and to post a bond as a condition of licensure. Deletes the term "commission merchant" and includes such person within the definition of "dealer". Specifies unlawful acts and the penalties therefor.

Establishes a system for the regulation of warehousemen of agricultural commodities. Requires such warehousemen to obtain licenses from the state department of agriculture and to post bonds with the commissioner of agriculture. Imposes a liability on a warehouseman for any loss or deterioration of such commodities caused by his failure to exercise reasonable care. Authorizes the department of agriculture to inspect public warehouses storing agricultural commodities and allows the state agricultural commission to fix and collect fees for such inspections. Specifies requirements for credit sale contracts. Designates the department as the sole source of negotiable warehouse receipts. Establishes procedures for the department to follow in the case of a warehouseman who does not possess sufficient commodities to cover his outstanding warehouse receipts. Authorizes the commissioner to issue a cease and desist orders. Requires a warehouseman to make and keep adequate warehouse records which are separate and distinct from any other business he may run. Specifies unlawful acts and the penalties therefor.

May 31

July 1

H.B. 1191 "Colorado Fair Debt Collection Practices Act" - appropriation. Creates the "Colorado Fair Debt Collection Practices Act", which is designed to curb abusive debt collection practices. Regulates communications by a debt collector with third parties and with the debtor. Prohibits certain conduct by a debt collector that amounts to harassment or abuse of a debtor. Prohibits false or misleading representations by a debt collector to a debtor in the course of collecting a debt. Characterizes certain conduct by debt collectors in the course of collecting debts as unfair practices.

Makes changes in existing law regulating collection agencies, including the following: Makes the Act applicable only to debtors who are natural persons; authorizes the collection agency board to seek an

injunction for a violation of the Act; increases the per diem compensation for collection agency board members from \$25 to \$50; allows the board to set application and license fees to cover the costs of investigation and administration of the article rather than setting such fees by statute; increases the amount of the surety bond required to be posted by a collection agency as a condition of procuring a license from \$8,000 to an amount not to exceed \$20,000; authorizes the executive director of the "Uniform Consumer Credit Code" to issue a blanket surety bond to cover qualified licensees.

Appropriates \$45,000 out of the collection agency board cash fund to the collection agency board for activities of said board.

May 17                      July 1

H.B. 1209 Engineers and land surveyors - regulation of professions.  
Revises statutory provisions which regulate engineers and land surveyors.

Defines "engineering experience". Allows for the revocation of the enrollment of engineers-in-training. Establishes qualifications for engineers-in-training and professional engineers. Adds new provisions to the definition of misconduct in relation to land surveying. Limits the forms of organizations permitted to practice land surveying. Establishes qualifications for surveyors-in-training and professional land surveyors, including certification and registration by comity. Delineates the services of the board for which fees shall be charged. Provides for appeals of final actions and orders of the board to the court of appeals.

May 24                      July 1

H.B. 1234 Fire trucks - regulation of sale. Exempts any person engaged in the sale of a fire truck from the definition of "motor vehicle dealer". Allows any person holding a manufacturer's, distributor's, factory branch's, or distributor branch's license to sell fire trucks.

June 2                      June 2

H.B. 1241 Anatomical gift cards. Requires the state department of revenue to place anatomical gift cards on the back of drivers' licenses and identification cards. Specifies the form of the anatomical gift cards and the information required thereon. Allows the donor of an anatomical gift to revoke the gift by crossing off his signature on the card.

May 24

January 1, 1986

H.B. 1258 Beer code - liquor code - unlawful acts - use of fraudulent proof of age - confiscation. Makes it an unlawful act under both the "Colorado Beer Code" and the "Colorado Liquor Code" to allow or fail to prevent the use of one's identification by an underage person to purchase beer or alcoholic beverages. Specifies that a person licensed to sell fermented malt beverages or malt, spirituous, or vinous liquors shall confiscate a fraudulent proof of age if he believes that the person exhibiting such fraudulent proof of age is under the age for making a legal purchase. States that the licensee or his employee shall, within 24 hours, turn such proof of age over to a local law enforcement agency, but specifies that the failure to do so does not constitute an unlawful act under either the beer or liquor code. Permits a licensee or his employee, acting in good faith and upon probable cause, to detain and question a person whom he reasonably believes is under the legal purchase age and is exhibiting fraudulent proof of age for the purpose of ascertaining whether the person is guilty of any unlawful act. Provides that such licensee or employee is immune from civil and criminal liability for such actions except when he acts willfully or wantonly. Changes penalty provisions of the beer and liquor codes so that the violation of certain provisions is a class 2 misdemeanor. Changes the required language in the existing warning that must be posted to include notification of the possibility of confiscation.

May 31

July 1

H.B. 1345 "Bingo and Raffles Law" - requirements imposed on licensees. Defines an "exempt organization" as a particular kind of tax-exempt organization of the type commonly known as a community chest, operating charitable fund-raising drives under specified circumstances. Exempts such an organization from particular licensure requirements under the "Bingo and Raffles Law", as follows: Allows the listing on the license application and license of more than one location where proposed

drawings are to be held; affords greater flexibility in providing supervision and in displaying a license during the conduct of a drawing; prohibits any unduly expensive requirements in the printing of tickets; and eliminates certain requirements regarding the filing of statements of receipts and expenses and the depositing of moneys collected or received in special accounts.

Permits licensees conducting games of chance to pay a reasonable amount for specified services rendered in connection with such games of chance as determined by the secretary of state in rules and regulations. Places a ceiling of \$20 per year on the amount that an exempt organization may be required to pay as an administrative fee.

May 24

May 24

PROPERTY

H.B. 1060 Conservation easements - creation - voidness - validation. Allows a conservation easement in gross to be created for buildings, sites, or structures which are not designated as historic landmarks, if such buildings, sites, or structures are listed as contributing building sites or structures within an historic district. Corrects an ambiguity regarding voidness of conservation easements in gross by repealing the provision that an easement in gross is void if a substantial purpose fulfilled by the creation of the easement is already served by existing laws. Validates those easements in gross created between July 1, 1976, and July 1, 1985, which were potentially void under such repealed section.

April 23          July 1

H.B. 1079 Mobile home park tenants - notice of rent increase. Requires that a written notice of rent increase to a mobile home tenant include the amount and effective date of the increase and, if such information has not been disclosed in the rental agreement, the name, address, and telephone number of the management.

April 5          July 1

H.B. 1168 Mobile homes - relationship between park owners and home owners. To clarify that the relationship between mobile home park owners and mobile home owners has been established through specific statutory provisions, entitles such provisions as the "Mobile Home Park Act" and states the purpose of such provisions in a legislative declaration.

June 6          June 6

H.B. 1260 Public works contractor's bonds - rental equipment. Extends the scope of penal bonds executed by contractors on public works projects to include rental machinery, tools, and equipment. Authorizes any supplier of rental machinery, tools, or equipment whose claim has not been paid by the contractor to file a verified statement of the amount due with the person through whom the contract was awarded.

May 10          May 10

H.B. 1273 Public trustees - increase in salary - classification of counties - bid form - certificate of purchase - issuance of deed - redemption period. Increases the salary of a public trustee in counties of the first, second, and third classes. Effective January 1, 1987, changes Las Animas county from a class 2 to a class 3 county and Mesa county from a class 3 to a class 2 county for purposes of setting the fees and salary of a public trustee. Requires a public trustee to include all notary fees collected for acknowledgments of documents in the trustee's quarterly payment to the county treasurer of sums collected by the trustee's office. Authorizes a public trustee to send a promissory note to a bidder with the deficiency noted thereon. Requires that notice of the right to have a deed executed by the proper county official be given to the holder of a certificate of purchase prior to expiration of the 9-month period following the last period of redemption. Requires the assignee of a certificate of purchase to record such assignment for purposes of receiving the notice of entitlement to a deed. Clarifies that, if the last day of the 75-day, 6-month, or lienor redemption period is a Saturday, Sunday, legal holiday, or a day the county courthouse is closed due to inclement weather, the period is extended to include the next business day.

June 6

January 1, 1986

H.B. 1357 Acquisition of real property - highways - relocation assistance. Deletes the minimum relocation payment based on annual net earnings of business or farm operations displaced by acquisition by public agencies. Increases the period between service of notice of eminent domain proceedings and the subsequent hearing. Prevents the petitioner in an eminent domain proceeding from taking possession of the condemned property until 30 days after the defendant is served with notice of the proceeding. Changes the interest rate awarded to property owners. Requires the condemning authority to provide a written final offer to all owners when the parties fail to reach agreement on the fair market value. Authorizes the property owner to obtain attorney fees if the petitioner is not authorized to acquire property in condemnation proceedings. Allows the owner of a parcel of land acquired for highway purposes to retain the mineral interests. Increases the maximum relocation payments allowed when the state department of highways acquires rights-of-way.

June 6

June 6



PUBLIC UTILITIES

S.B. 33 Rate changes - notice requirements. Exempts from the notice requirement changes in intrastate telecommunications services determined to be competitive in nature by the public utilities commission. Authorizes the commission to require transportation and water utilities to give additional notice of increases or other changes in rates, charges, classifications, and services in a manner set forth by the commission. Requires public utilities other than transportation and water utilities to give such additional notice by: Publication in newspapers of general circulation within their service areas; mailing to all affected customers; bill inserts; or by any other manner allowed by the commission. Specifies the information to be included in an additional notice. States that a single additional notice is sufficient even if the commission establishes multiple proceedings for changes resulting from requested increases in revenue requirements.

May 19

May 19

S.B. 58 Public utilities commission - administrative expenses. Extends, from July 1, 1985, to July 1, 1988, the date for the repeal of provisions requiring amounts expended by the commission for administrative expenses to be appropriated from the public utilities commission motor carrier fund rather than the highway users tax fund and for the repeal of provisions requiring motor vehicle carriers registered with the commission to pay an identification fee.

May 30

July 1

S.B. 100 Motor carriers - partial deregulation of various types of carriers. Removes charter or scenic buses, couriers, luxury limousines, and off-road scenic charters from the definition of public utility in the "Public Utilities Law". Allows for the regulation of such motor vehicle carriers by the public utilities commission to the extent that they must maintain general liability insurance policies in specified amounts, adhere to safety requirements promulgated by the commission, and maintain registration with the commission.

May 29

May 29

H.B. 1055 Cooperative electric associations - elections on exemption from regulation - applicability of statutory requirements. Allows an election on the question of exemption from the "Public Utilities Law" to be held at any time by eliminating the provision which required such an election to be held between July 1, 1983, and July 1, 1984.

Makes provisions relating to the holding, notice, and agenda of public meetings, consumer complaint regulations, and the nomination and election of boards of directors applicable to cooperative electric associations with memberships of more than 25,000 whether or not regulated by the public utilities commission.

May 31

May 31

H.B. 1123 Cooperative electric associations - exemption from regulation continued - extension of service - voting requirements. Allows cooperative electric associations which have voted to exempt themselves from regulation under the "Public Utilities Law" to continue to be exempt by eliminating provisions which would have reimposed regulation on July 1, 1987.

Allows exempt cooperative electric associations to extend service into an unserved, uncertified territory without obtaining a certificate of public convenience and necessity from the public utilities commission as long as notice is given by certified mail to other electric public utilities and no complaint is filed with the commission.

Deletes the requirement that ballots voted by mail be signed by the voting member. Requires that ballots not be opened until the day of the meeting at which the election is held.

April 5

April 5

H.B. 1148 Cooperative electric associations exempted from regulation - elimination of fees. Requires fees to be paid to the public utilities commission by an exempt association only if the commission is required to act with respect to a certificate of public convenience and necessity or an election concerning the reimposition of commission regulation.

April 30

April 30

H.B. 1287 Pay telephones - exemption from public utilities commission regulation. Exempts consumers who resell telephone services through pay telephone equipment from regulation by the public utilities commission.

April 30      April 30

H.B. 1347 Cellular communications services. Deregulates the provision and resale of cellular radio systems by excluding such systems from regulation by the public utilities commission. Defines "cellular radio".

May 19      May 19

SOCIAL SERVICES

- S.B. 21 Medically indigent program - contracts with providers. Removes conditional language pertaining to the geographic distribution of contracts with providers under the medically indigent program, leaving a requirement that such contracts reflect medical services rendered to the medically indigent in different regions of the state.

April 20      April 20

- S.B. 25 Job diversion projects - participation. Authorizes the Weld county department of social services to require any person applying for or receiving aid to families with dependent children to participate in the county job diversion project, subject to federal government approval. Limits the exclusion for single parents with children to those with children less than 6 months old. Extends the termination date of the Weld county job diversion project to July 1, 1989.

May 22      May 22

- S.B. 106 Independent living rehabilitation - coordination of programs - purchase of services. Authorizes the state department of social services to coordinate programs to provide independent living rehabilitation services to handicapped persons. Authorizes the department, subject to annual appropriations from the general assembly, to purchase such services if they are provided pursuant to a program approved by the department.

Authorizes the department to promulgate rules and regulations to set the levels and types of services to be provided by an approved independent living rehabilitation center program and provides that state funds may be withheld from a center that does not comply with the standards.

June 6      July 1

- S.B. 118 Nursing home vendors - capital-related assets - medicaid reimbursements. Requires the state department of social services to reimburse nursing home vendors for land and buildings and fixed equipment thereon through a fair rental allowance established by multiplying the base value thereof by the rental rate. Defines "rental rate"

and "base value". Establishes a method of determining the base value which employs annual increases or decreases in the Dodge construction systems cost index or a similar index. Directs the department to report to the general assembly by January 15, 1986, concerning the effect of and costs involved in such a method of determination and recommendations for future implementation.

May 24                      July 1

S.B. 119 Alternatives to long-term nursing home care for persons eligible for medicaid. Permanently extends programs which provide home health services and home and community-based services to medicaid eligible persons and which were pilot programs scheduled to expire July 1, 1985.

Defines "case management agency" and specifies the process for certification of such agencies, the geographic area an agency may serve, and the state department of social services' authority to contract with such agencies or to act directly as a case management agency.

Redefines services available to eligible persons under the home health and home and community-based services programs. Changes "plans of care" to "case plans".

Extends the alternative care facilities pilot program from the scheduled expiration date of July 1, 1985, to July 1, 1987. Redefines "alternative care services" to be consistent with federal law and regulations. Enables the state department of social services to collect a \$30 application fee from facilities applying to be certified as alternative care facilities. Amends current eligibility determinations to be consistent with the extension of the pilot program.

Grants rule-making authority to the state board of social services to implement the home health services program, the home and community-based services program, and the alternative care facilities pilot program.

Clarifies that the state department of social services is not administering the programs providing home and community-based services to the developmentally disabled and mentally ill.

May 24                      July 1

S.B. 153 Medicaid - overpayments to vendors - collection.  
Specifies that, for purposes of medical assistance, clinic services shall include services furnished to outpatients in a facility which is not part of a hospital but is organized and operated as an ambulatory surgery facility.

Sets out certain steps which may be taken by the state department of social services on its own behalf or that of a recipient in order to collect overpayments made to vendors of medical assistance. If the overpayment is due to fraud or defalcation on the part of the vendor, authorizes the state department to collect one and one-half times the amount of overpayment. Allows interest to accrue at the statutory rate from the date of identification of an overpayment. Specifies that the department may consider overpayments uncollectible after 7 years if the overpayment is due to fraud or defalcation on the part of the vendor and after 5 years if the overpayment is for other reasons. Provides that if a vendor defaults on repayment of the overpayment and interest the state department may bring a suit against the vendor to collect the amount owed. Specifies that such amounts may be turned over to the controller for collection.

Requires that when an applicant or recipient of medical assistance benefits brings a suit against a third party who may be liable for such benefits the department shall be notified.

May 24

July 1

S.B. 162 Statewide adoption resource registry - information included in. In the statewide adoption resource registry, which provides information through the state department of social services on children available for adoption, provides that, in addition to the age and sex of the child and a photograph, the registry shall contain the child's race or ethnic background, social and medical history, psychological and emotional status, and any known physical and mental impairments. Allows certain information to be kept regarding special services needed by the child and regarding the parents or other relatives if such information may have developmental significance to the child.

April 24

April 24

H.B. 1023 "Colorado Medical Assistance Act" - reimbursement to nursing home vendors - pilot program - appropriation. Requires the state department of social services to establish a pilot program to explore alternative reimbursement methods for health care services provided by nursing home vendors under the "Colorado Medical Assistance Act". Authorizes the department to promulgate rules and regulations for the operation of the pilot program. Establishes an advisory committee of not less than 9 members to make recommendations to the department concerning the design of the pilot program and the development of rules and regulations.

Appropriates \$100,000 to the department of social services for implementation of the pilot program.

June 6

June 6

H.B. 1111 "Colorado Medical Assistance Act" - reimbursement of licensed psychologists. Beginning March 1, 1986, allows licensed psychologists to receive reimbursement under the "Colorado Medical Assistance Act" (the state medicaid program) without referral by a doctor of medicine or osteopathy. During that period, includes services by licensed psychologists in the category of reimbursable services under the Act.

Conditions such reimbursement on the promulgation of rules by the state department of social services by March 1, 1986, to establish a program for the containment of the costs of services provided by licensed psychologists under the Act. Establishes guidelines for such rules. Requires the state department to submit a written report to the joint budget committee of the general assembly by February 1, 1986, which details the anticipated costs and effectiveness of such cost containment program. Requires the state department to report to the general assembly on or before January 15, 1987, and annually thereafter, on the demonstrated effectiveness of such program.

Provides for the repeal of the reimbursement provisions on July 1, 1988.

June 6

June 6

H.B. 1113 Public assistance - recovery of funds obtained fraudulently or through unintentional client error - county entitlement - administrative costs. Allows a county to receive 50% of the amount of state funds paid after recovery of any amount of fraudulently obtained public assistance funds in the form of assistance payments or medical assistance, with a commensurate reduction in the amount paid to the state. In the case of food stamp coupons which were obtained through unintentional client error, allows the county to keep 25% of the recovered funds. Authorizes the county department of social services to spend more than 20% of actual costs for the administrative costs of activities involving fraud investigations or prosecutions.

May 16

May 16

H.B. 1213 Home and community-based services for mentally ill persons and persons with developmental disabilities. Permanently extends the pilot programs established to provide home and community-based services for mentally ill persons and persons with developmental disabilities who would otherwise require placement in a nursing home. Clarifies the eligibility requirements for persons receiving services under these programs. Outlines the specific responsibilities of the department of social services and the department of institutions in implementing these programs. Specifies that both departments have rule-making authority for implementing the programs, and that if a direct conflict arises between the rules promulgated by the different departments, the rules of the department of social services will control.

Directs that the amount of payments by eligible persons shall be based upon federal regulations concerning the application of patient income to the cost of services. Requires residential facilities to establish personal needs trust funds. Repeals the requirement that plans of care developed for eligible persons always be subject to approval by a physician.

May 24

May 24

H.B. 1216 "Older Coloradans' Act" - state office on aging - creation. Sets forth Colorado state policy toward older Coloradans. Statutorily creates the state office on aging within the department of social services. Specifies that the state office on aging shall develop and implement the state's plan on aging. Authorizes the state office on aging to designate area agencies on aging to assist it in its functions and specifies the duties of such agencies. Authorizes the Colorado commission on the aging to advise the department of social services and the



state office on aging on the problems and programs for the aging and aged.

May 29

May 29

- H.B. 1298 State home for the aged - maintenance of residents' benefit funds. In lieu of a centralized fund in the office of the state treasurer upon which warrants were required to be drawn, authorizes each state nursing home for the aged to maintain residents' benefit funds in interest-bearing accounts with federally insured depositories, and requires that expenditures from such funds be authorized and approved by a residents' council elected by the residents.

April 30

July 1

- H.B. 1313 "Colorado Medical Assistance Act" - study of prospective payment system. Requires the state department of social services to conduct a study to determine the feasibility of paying hospitals for inpatient services under the "Colorado Medical Assistance Act" (the state medicaid program) pursuant to a system of prospective payment based upon a diagnostic classification system and the entry into negotiated contracts with vendors to provide medical services based on a fixed rate of reimbursement.

Requires the state department of social services to report to the general assembly regarding the results of this study by January 15, 1986. Stipulates that the report shall include recommendations by which such a system of prospective payment may be combined in a cost-effective manner with a competitive bidding system for hospital services.

June 6

June 6

- H.B. 1371 Implementation of Amendment 3 to article V of the Colorado constitution. Implements amendment 3 to article V of the Colorado constitution, passed by the voters at the November 1984 general election, which prohibits the use of public funds for abortions. Authorizes the use of funds from the state medicaid program and from the state program of health care for the medically indigent to pay for medical services where such services are necessary to prevent the death of the woman or the unborn child. Requires physicians rendering such services to report specified information regarding such services to the state department of social services and provides that such information shall be maintained as a public record.

Became law without the Governor's signature

June 4

June 4

STATUTES

S.B. 2 Enactment of supplements and replacement volumes.  
Establishes the effective date for the 1982 and 1984 replacement volumes and the 1984 supplements to the Colorado Revised Statutes and enacts the 1984 supplements and replacement volumes as the positive statutory law of the state of Colorado.

May 22

May 22

H.B. 1380 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 28

June 28

TAXATION

S.B. 35 Local government severance tax fund - assistance to political subdivisions for domestic wastewater treatment works and potable water treatment facilities. Authorizes the executive director of the department of local affairs to distribute moneys or make loans from the local government severance tax fund to political subdivisions for the planning, construction, expansion, or other work on domestic wastewater treatment works or potable water treatment facilities. If the executive director makes a loan for such purposes, requires that such loan be made under such terms as will insure repayment of the loan at an interest rate of not less than 5%.

May 31

May 31

S.B. 85 Board of assessment appeals - judicial review of decisions - appropriation. Permits a county board of equalization to appeal to the district court decisions of the board of assessment appeals if the board of assessment appeals makes a recommendation that the decision has resulted in a significant decrease in the total assessed valuation of the respondent county. If such recommendation is not made, provides that the respondent may petition the district court for judicial review of whether the decision has resulted in a significant decrease in the total assessed valuation of the respondent county.

Appropriates \$14,480 to the department of local affairs for allocation to the board of assessment appeals for payment of expenses of the board.

May 24

July 1

S.B. 105 Gasohol - extension of tax reduction. Extends to July 1, 1986, the 5¢ excise tax reduction for gasoline which is blended with at least 10% by volume of alcohol derived from agricultural commodities and forest products. Limits such tax reduction to blended gasoline produced from alcohol from a facility holding a valid United States alcohol fuel producers permit or a valid United States distilled spirits permit and having a design production capacity of 5,000,000 gallons or less per year of alcohol. Requires an applicant claiming credit for alcohol produced in a plant not holding a permit to provide proof that such alcohol meets the conditions of the federal "Clean Air Act" and is produced in a facility which qualifies under the federal act. Requires agents of the department of revenue to inspect facilities not holding a permit and audit their financial records.

Requires the applicant claiming credit to pay all the expenses of such inspection and to provide proof that all taxes and other fees pertaining to said alcohol have been paid, that a clear chain of evidence exists to trace the alcohol to its source, and that the alcohol has not been commingled with alcohol which does not qualify under the federal act.

June 6

June 6

S.B. 151 Property tax - capitalization rate - agricultural lands.  
Increases the capitalization rate on agricultural lands from 11 1/2% to 13%.

Applies to tax years commencing on or after January 1, 1986.

May 24

May 24

H.B. 1006 Property tax - new construction. When a county is becoming severely impacted by residential growth, provides that the board of county commissioners shall make a finding to that effect, based upon certain criteria, and shall resolve to assess and levy general property taxes against newly constructed buildings completed in the county after the assessment date but prior to August 1. After reimbursement to the county for its costs in implementing the levy, allows for distribution of the moneys collected from such levy in the same manner as all other property tax revenues but limits use of the money by the receiving taxing authority to capital expenditures. Specifies that money received by a school district be deposited in its capital reserve fund and not included in calculating the amount of revenue the district is entitled to receive from the property tax levy for its general fund under the "Public School Finance Act of 1973".

Became law without the Governor's signature

May 14

January 1, 1986

H.B. 1010 Income tax - corporations - unitary business income.  
Limits application of the unitary concept of corporate income by excluding corporations doing 80% of their business outside the 50 states and the district of Columbia from combined reporting requirements, by excluding from income the dividends a corporation receives from another corporation includible in a

combined report, by establishing a formula for determining foreign source income, and by setting forth factors to determine the scope of the unitary business and unitary income.

Applies to income tax years beginning on or after January 1, 1986.

VETOED May 30  
OVERRIDDEN June 12

June 12

- H.B. 1014 County property tax notices - itemization of rates of levy. Beginning January 1, 1988, requires that each taxpayer's county tax notice separately list the mill levies and amount of taxes applicable to the taxpayer's property which are credited to the state, the county, municipalities, school districts, special districts, and other districts within the county.

April 5

April 5

- H.B. 1105 Property tax - board of assessment appeals - hearing session - appropriation. Makes permanent the extension allowed in 1984 of an additional 2 months in which to schedule hearings not completed in the prior calendar year and an additional 40 compensable days for board members.

Appropriates \$4,827 to the department of local affairs for allocation to the board to pay expenses of the members.

March 24

March 24

- H.B. 1106 Property tax - assessment appeals - appropriation. Fixes the per diem compensation of members of the board of assessment appeals at \$140 instead of a discretionary reimbursement set by the executive branch. Increases the number of compensable days from 120 to 160.

Allows a property taxpayer the option of appealing directly to the district court, in lieu of a preliminary appeal to the board of assessment appeals, when the county board of equalization has denied his petition protesting the valuation for assessment of his property.

Appropriates \$19,200 to the department of local affairs for allocation to the board of assessment appeals for per diem reimbursement.

June 6

July 1

H.B. 1126 Severance tax - withholding of income from carbon dioxide or oil and gas. Allows a 2%, rather than a 3%, withholding of income from interest earned from any carbon dioxide or oil and gas produced in Colorado.

March 25

January 1, 1986

H.B. 1131 Sales tax - exemption for preprinted newspaper supplements. Clarifies, for purposes of the sales tax, that the definition of "tangible personal property" does not include preprinted newspaper supplements which become attached to or inserted in and distributed with newspapers.

June 6

June 6

H.B. 1143 Sales tax licenses - issuance and renewal. Increases the duration of a license to engage in the business of selling at retail from one year to 2 years and adjusts renewal requirements accordingly. Specifies that inactive licenses shall not be renewed. Increases the fee for the application for and renewal of such licenses from \$2 plus a 50¢ filing fee per one-year period to \$16 per 2-year period plus a one-time-only deposit of \$50 to be allowed as a credit against Colorado sales tax to be remitted. Waives the requirement of such a deposit for persons who sell only products which are subject to city or county, but no state, sales tax. Requires the proration of fees for such licenses when paid after June 30 in a given year.

Specifies that any person engaged in the business of selling at retail without securing a license therefor commits a class 3 misdemeanor and may also be subject to a civil penalty of \$50 per day to a maximum penalty of \$1,000. Authorizes persons operating exclusively as wholesalers to acquire licenses to engage in the business of selling at wholesale and sets a fee of \$16 per 2-year period for each such license. Authorizes persons operating as charitable organizations and persons conducting singular sales events for a temporary period of time to acquire licenses to engage in the business of selling at retail and sets a fee of \$8 for each such license.

Exempts individuals having occasional or isolated sales of tangible personal property from their own private residences, the aggregate dollar amount of which may not exceed \$1,000 for any calendar year, from having to obtain a Colorado retail sales tax license. Places additional conditions on obtaining such an exemption. When necessary for the efficient administration of licensure requirements, allows the executive director of the department of revenue to treat any salesman, representative, peddler, or canvasser as the agent of and jointly responsible for the payment of sales tax with such agent's principal, distributor, supervisor, or employer.

Repeals statutory provisions which required a license for the operation or establishment of a store in Colorado.

May 31                      January 1, 1986

H.B. 1167 Property tax - board of assessment appeals - proceedings. Permits assessment appeals to be heard in Denver or in a county of closer location to the subject property. Permits preliminary decisions to be made by one or more members of the board of assessment appeals, and makes that decision final upon concurrence by the board. Requires that the board be advised by counsel from the office of the attorney general upon request of a member of the board, but precludes that counsel from being the same counsel who represents the state property tax administrator when the property tax administrator is a party to the appeal.

May 16                      July 1

H.B. 1185 Property tax - "inventories of merchandise and materials and supplies which are held for consumption by a business or are held primarily for sale" - definition. Adds to 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" personal property which is rented for 30 days or less and can be returned at the option of the renter in a transaction on which the sales or use tax is actually collected before being sold.

Applies to property tax years commencing on or after January 1, 1986.

VETOED May 3

OVERRIDDEN May 9

May 9

H.B. 1188 Enforcement of tax compliance - amnesty - increased penalties - appropriation. Directs the executive director of the department of revenue to conduct a plan of amnesty during the 1985-86 fiscal year which will permit delinquent taxpayers having liability for payment of the following state taxes, for which reports or returns were required to be filed before January 1, 1985, to satisfy such liability without fine or other penalty: Income taxes, estate taxes, sales and use taxes, gasoline and special fuel taxes, cigarette taxes, severance taxes, local sales and use taxes collected by the department, regional transportation district sales taxes, gross ton-mile taxes, and passenger-mile taxes. Excludes delinquent taxpayers to whom notices of tax deficiency have been mailed from the program of amnesty.

Substantially increases and standardizes the penalties for, and associated with, nonpayment of taxes, including the imposition of class 4 felony penalties and fines of up to \$100,000, or up to \$500,000 in the case of a corporation. Provides for such penalties to take effect on January 1, 1986.

Appropriates \$563,192 to the department of revenue for the conduct of the amnesty program.

June 6

July 1

H.B. 1196 Severance tax - definition of oil and gas gross income. Redefines gross income for oil and gas severance tax purposes as the net amount realized by the taxpayer for sale of oil and gas, whether such sale occurs at the wellhead or after transportation, manufacturing, and processing. Requires that gross income be determined by reference to comparable arms-length sales when the sale is between related parties and the sales price is below market value.

April 5

July 1



H.B. 1204 Property tax - valuation for assessment - application of the approaches to determining actual value. Directs the assessor to determine the actual value of any parcel of property by comparison of its surface use with a similar surface use when, having considered the income, cost, and market approaches, the assessor determines that use of the 3 approaches cannot accurately determine the actual value of the parcel or does not result in uniform, just, and equalized valuation. Requires the assessor to show by preponderant evidence that the 3 approaches result in uniform, just, and equal valuation when applied to nonproducing mines and nonproducing severed mineral interests except severed nonproducing oil, gas, or oil and gas mineral interests. Requires a representative body of sales sufficient to set a pattern for use of the market approach to appraisal, with a minimum of 5 arm's-length sales required for oil shale mineral interests. Requires appraisals to reflect the comparability of sales. Excludes minerals in place from determinations of the actual value of real property unless the assessor can show by preponderant evidence that the valuation thereof resulting from appraisal of real property through consideration of the 3 approaches is uniform, just, and equal.

Requires the assessor to determine the actual value of severed nonproducing oil, gas, or oil and gas mineral interests by the income approach capitalizing annual net rental at an appropriate market rate. If unleased, requires the average per acre "annual rental" of all severed nonproducing oil, gas, or oil and gas mineral interests under lease in the area to be used to determine actual value. If using the income approach to determine the actual value of nonproducing oil shale mineral interests, requires the assessor to capitalize the annual net rental or, if unleased, sets the "annual rental" at 13%. Requires a lessor of a mineral interest to file with the assessor, within 10 days after execution of the lease, an affidavit stating the annual net rental payable, such affidavit to be treated as confidential. Defines "annual rental", but excludes royalties and bonus payments from such definition.

Requires mines and mining claims to be listed by the recordation information on the conveyance deed instead of the mineral survey number when other land is part of the mine. States that contiguous other land used in the same manner as the claim is to be listed also as one unit, and that contiguous other land is to be deemed part of a producing mine and assessed therewith if any phase of the mining operation was conducted on such other land. Requires all other land to be valued in the same manner as other real property, on an acreage basis, regardless of surface contiguity.

Applies to property tax years commencing on or after January 1, 1986.

VETOED May 2

OVERRIDDEN May 9

May 9

- H.B. 1227 Income tax - tax deferral of employee contributions to school district retirement systems. Defers the income tax on certain contributions made by members of a benefit retirement system established by a school district.

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

May 3

May 3

- H.B. 1304 Sale of tax liens on real estate for delinquent taxes. Clarifies the procedures relating to county treasurers' tax sales to recover delinquent taxes on real estate to indicate that the item sold at a tax sale is the tax lien and not the actual real estate. Makes the same change in procedures for redemption of real estate for which a tax lien has been sold or for which a tax deed has been issued to the holder of a tax lien.

Permits a county treasurer to hold a public auction at any location in the county that he deems suitable. Requires all of the property offered for sale on the same day to be offered at the same location.

Provides that an action for the recovery of a severed mineral interest for which a tax deed was issued shall be brought within the same time period (5 years) as required for an action for the recovery of land.

Standardizes the interest rate for subsequent taxes which are paid before delinquency to 9 percentage points above a certain discount rate.

June 28

July 1

- H.B. 1326 Income tax - voluntary contribution programs. Provides for the administrative costs of processing the income tax refunds contributed to voluntary contribution programs to be paid out of such funds. Declares a legislative intent that future programs apply to no more than 3 income tax years unless extended by the general assembly and that termination or extension of such programs be preceded by

Legislative hearings.

Applies to administrative costs incurred in processing contributions of refunds of taxes paid for the income tax years commencing on or after January 1, 1985.

June 2

June 2

- H.B. 1370 Income tax - taxable income of nonresident shareholders of Subchapter S corporations. Includes as Colorado taxable income a nonresident's share of Subchapter S corporation income allocable or apportionable to Colorado.

May 31

January 1, 1986

- H.B. 1375 Fiscal policy of the state. Reduces the annual inflation factor from 106% to 103% for the 1986 income tax year and any following income tax year for which the general assembly does not specify a different percentage. Extends the suspension of the 1/2% credit against the income tax of an individual, estate, or trust until January 1, 1988. Continues the flat 5% corporate income tax rate for an additional 2 years, providing for resumption of the graduated rate in 1988. Makes permanent the additional 5¢ cigarette tax and the provisions for the disposition of the revenue therefrom.

Beginning with the fiscal year 1986-87, places a \$50,000,000 cap on the amount of sales and use tax revenues allocated to the highway users tax fund, and eliminates the repeal of such allocations which was scheduled to occur on July 1, 1986. Repeals a provision which coordinated cessation of the municipal distribution of the sales and use tax funds from the highway users tax fund with the repeal of sales and use tax allocations to the highway users tax fund.

Requires that moneys transferred out of the severance tax trust fund prior to July 1, 1985, to avoid a budget deficit shall be restored to the fund out of general fund moneys by June 30, 1986. Transfers the restored \$74,800,000 to the capital construction fund during the 1985-86 fiscal year. Credits the interest earned on moneys in the capital construction fund to the capital construction fund, instead of the general fund.

Provides that 75% of general fund revenues in excess of general fund appropriations and after retention of the reserve may be appropriated for capital

construction during the regular session next following the actual transfer of said 75% to the capital construction fund. Also provides that the 25% excess, which may be appropriated without regard to the 7% limit on increases in general fund appropriations, shall be available for appropriation during the regular session next following the controller's submission of financial statements of the amount of such excess. Provides that the base for calculating the limitation on general fund appropriations will be increased for 1986-87, rather than for 1985-86, by the amount of the prior year's appropriations outside the 7% limit. Sets the level of the required reserve at 5% of general fund appropriations for the fiscal year 1986-87 and thereafter. Excludes moneys transferred to the capital construction fund from the basis for calculating the required reserve.

May 30

May 30

## WATER AND IRRIGATION

- S.B. 3 Reservoir operators - compliance with directions of state engineer. Permits the attorney general to commence proceedings against reservoir operators to obtain compliance with the directions of the state engineer.

April 12                  April 12

- S.B. 5 Nontributary ground water - legislative declaration - definition - permits for wells - adjudication of water rights - appropriation. Makes a legislative declaration that recognizes the unique, finite nature of nontributary ground water; declares that nontributary ground water shall be devoted to beneficial use in amounts based upon conservation of the resource and protection of vested water rights; states that the doctrine of prior appropriation shall not apply to nontributary ground water; and requires that nontributary ground water be allocated on the basis of ownership of the overlying land.

Defines "nontributary ground water". Details the procedures to obtain a permit to construct a well to withdraw specified ground water. States that such a well permit shall expire one year after its issuance and that upon a showing of good cause and an estimate of the time necessary to complete the well the state engineer shall extend the permit for one or more additional one-year periods. Allows the state engineer to require the filing of a notice of commencement of beneficial use under such permit. Authorizes withdrawal of such specified ground water on the basis of an aquifer life of 100 years.

Requires the applicant for a permit to withdraw such specified ground water to own the land, have consent of the landowner to withdraw such ground water, or have consent of the landowner to withdraw such ground water by means of a municipal ordinance or quasi-municipal district resolution.

Requires the state engineer to promulgate rules and regulations which facilitate the permitting of wells to withdraw nontributary ground water in the Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifers by December 31, 1985. Allows the state engineer to promulgate rules and regulations to facilitate the permitting of wells to withdraw specified ground water in any aquifer or portion thereof.

Entitles the owners of permits to withdraw specified ground water to obtain additional permits for additional wells to be constructed on certain specified land.

States that applications for determinations of rights to specified ground water shall be supplemented by evidence that the state engineer has issued or failed to issue, within 4 months of the filing of the application in water court, a determination as to the facts of the application. Requires the water clerk to forward such application to the state engineer and does not require a separate filing or docketing with the state engineer by the applicant.

With respect to standards to be applied by the referee and the water judge, establishes that nontributary ground water shall not be administered in accordance with priority of appropriation. Retains jurisdiction, as to determinations to specified ground water, with the water judge to afford the water judge the opportunity to adjust as necessary the annual amount of withdrawal allowable from such specified ground water wells so as to conform to actual local aquifer characteristics. States that right to such specified ground water shall be deemed vested property rights.

Authorizes a study of the state's ground water resources.

Appropriates \$79,550 to the department of natural resources for allocation to the division of water resources for its expenses.

June 6

July 1

S.B. 74 Water well construction and pump installation. Makes various changes in existing definitions for statutory provisions regulating contractors involved in water well construction and pump installation. Establishes additional definitions for "dewatering well", "directly employed", "monitoring and observation well", "person", "private pump installer", "supervision", and "test hole". Changes the name of the state board of examiners of water well and pump installation contractors to the state board of examiners of water well construction and pump installation contractors.

Allows the board to designate a hearing officer who has technical expertise in the areas of well construction or pump installation to conduct hearings. Authorizes the board to promulgate rules and regulations regarding the construction, use, and abandonment of monitoring and

observation wells, dewatering wells, and test holes. Requires the board to disseminate information to pump installation contractors and well construction contractors in order to protect and preserve the ground water resources of the state.

Allows for the licensure of one or more methods of well construction or pump installation. Establishes criteria for such licensure. Specifies categories of professionals who are not required to be licensed for the purpose of sampling, measuring, or test-pumping for scientific, engineering, or regulatory purposes. Raises the application fee for residents from \$10 to \$20 and raises the fee imposed upon successful completion of the examination from \$25 to \$50.

Adds grounds which may result in the withholding, denial, revocation, or suspension of a license by the board. Limits the time period within which a hearing may be held on a complaint. Imposes civil penalties for the commission of unlawful acts.

May 22                      July 1

S.B. 127    State engineer - setting and collection of fees - creation of cash funds - appropriation. Authorizes the state engineer to set and collect fees for the distribution of water data, for the sale of publications of the division of water resources, and for the use of the equipment and programs of the satellite monitoring system. Creates the water data bank cash fund, the division of water resources publication fund, and the satellite monitoring system cash fund for the respective deposit of such fees.

Appropriates \$5,000 to the department of natural resources for allocation to the state engineer for publications purposes.

June 6                      July 1

S.B. 141    Water conservancy districts - judicially appointed boards of directors. Requires that members of judicially appointed boards of directors have backgrounds reflecting the agricultural, municipal, industrial, and other interests in the beneficial use of water within the water conservancy district, be knowledgeable in water matters, geographically reflect the district, and reside and own real property within the district. Makes such criteria inapplicable to districts organized prior to July 1, 1985, unless the court reopens the organizational decree of such district upon the filing of a valid petition

requesting the court to do so.

Allows for public inspection of a list showing the names, counties of residence, and expiration dates of the terms of board members. Requires public notice, prior to the expiration of a board member's term, that applications for appointment to the board will be accepted by the court but that the applicants must meet certain criteria.

Establishes a procedure for resolving disagreements regarding appointees to the board in a district extending into 2 or more judicial districts.

Allows the court to remove a director for malfeasance, misfeasance, willful neglect of duty, or other cause which renders him incapable or unfit to perform his duties.

With respect to a petition requesting an election of a director in lieu of judicial appointment, requires the petitioners to be registered electors of the county or portion thereof entitled to the director, to have resided within the district for one year, and to be owners of real property within the district.

Subjects meetings of the board of directors of a water conservancy district to the public meeting requirements applicable to local governments. Requires the board to keep written minutes of its proceedings and makes them prima facie evidence of the acts of the board. Declares records of the district to be public records for purposes of the state open records law.

June 6

June 6

H.B. 1042 Colorado water conservation board - projects - extension of repayment period. Approves 10 water resource projects for financial assistance loans out of the Colorado water conservation board construction fund in the amount of \$12,927,500, and sets forth certain conditions relating to such projects. Deletes projects which are no longer authorized.

Permits the board to extend the authorized repayment period for any project under specified conditions.

June 2

June 2



H.B. 1088 Water projects - Colorado water resources and power development authority. Declares that it is the policy of the general assembly to protect and foster the full utilization of Colorado's limited surface water resources by allocation thereof through the operation of the appropriation system. States that the water rights appropriation and adjudication system of the state shall continue to be utilized to establish priority of right to the use of surface water resources in the state. Declares that it is the policy of the general assembly to fully utilize the waters of the interstate streams subject to compact agreements with neighboring states. Further declares that, in order to achieve such utilization, certain water projects should be constructed. Authorizes the Colorado water resources and power development authority to consider construction of specified water projects.

Requires the Colorado water conservation board to present, to the general assembly on or before January 1, 1987, procedures that facilitate the identification, evaluation, prioritization, scheduling, and funding of water projects.

VETOED May 24  
OVERRIDDEN June 13

June 13

H.B. 1173 Determination of designated ground water basins - Laramie-Fox Hills Formation - exception. Changes the definition of "designated ground water" so that it may include any ground water in the Crow Creek Drainage Area in Weld county, upstream from the confluence of Crow Creek and Little Crow Creek, within the Laramie-Fox Hills Formation located outside such boundaries when the Laramie-Fox Hills Formation is not overlaid by the Dawson-Arkose, Denver, or Arapahoe Formations. Allows the ground water commission to designate such ground water as part of a designated ground water basin. Repeals this provision upon determination that such area should not be a designated ground water basin.

June 6

July 1

H.B. 1322 Designated ground water. Amends the "Colorado Ground Water Management Act" in the following manner: Requires that evidence that water has been put to beneficial use be submitted to the ground water commission within 3 years after the date that the conditional permit to appropriate designated ground water was issued rather than as of the expiration date of the conditional permit.

Provides that the commission may not increase the quantity of water allowed to be put to a beneficial use pursuant to a conditional or final permit beyond that allowed in the original appropriation. Requires certain information to be set forth in a final permit to appropriate designated ground water. Specifies procedures to apply when a well has been timely completed pursuant to a conditional well permit but information regarding such completion has not been submitted to the commission. Requires that applications for changes in the provisions of a conditional as well as a final permit be published. Clarifies and limits the right to request an administrative hearing before the state engineer or the commission. Defines "all interested parties" for purposes of appeals from the actions of the state engineer or the commission. Allows the commission as well as the state engineer to collect fees imposed under the act. Provides that fees collected to offset expenses of publication shall be credited to the newly-created ground water publication fund. Imposes a nonrefundable fee for any application to change a conditional or final permit. Changes the basis for the special assessment imposed on wells by the board of directors of a district.

May 31

May 31

H.B. 1377 Liability of reservoir owners for damages. Allows a reservoir owner to maintain, in lieu of an insurance policy, alternative means of indemnification for damages arising from leakage or overflow of the waters therefrom or floods caused by the breaking of the embankments of such reservoir. Specifies that such alternative may include a bond, an escrow of securities, an irrevocable letter of credit, or a combination thereof. Requires such alternative to provide for indemnification for at least \$1,000,000 in damages. Requires every owner who obtains insurance or who utilizes an alternative means of indemnification to file with the state engineer a brief description of the policy or of the alternative means of indemnification.

June 6

June 6

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Any act containing an appropriation has been additionally listed under APPROPRIATIONS.

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