

**DIGEST OF BILLS**

*Enacted by The*

**FIFTY-FIFTH  
GENERAL ASSEMBLY**

*1986 Second Regular Session*

*June, 1986*

**FILE COPY**



**COLORADO  
LEGISLATIVE DRAFTING OFFICE**

091 State Capitol Bldg.  
Denver, Colorado 80203



DIGEST  
OF  
SENATE AND HOUSE BILLS ENACTED  
BY THE  
FIFTY-FIFTH GENERAL ASSEMBLY  
OF THE  
STATE OF COLORADO

(1986 - Second Regular Session)

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

Detailed subject index appears at end of digest,  
followed by an index by bill number and lists of  
interim committee bills which became law, bills  
which became law without the Governor's  
signature, and bills vetoed by the Governor.

\* \* \* \* \*

Compiled by the  
Legislative Drafting Office  
and the  
Office of Revisor of Statutes  
State Capitol Building  
Denver

\* \* \* \* \*

This digest includes all bills enacted by the General Assembly, including bills vetoed by the Governor. The digest also includes one House Concurrent Resolution, which is a proposed state constitutional amendment.

	Introduced	Passed
HOUSE BILLS	358	198
SENATE BILLS	<u>170</u>	<u>80</u>
TOTALS	528	278

278  
271  
271  
267

- Of the House Bills passed: 178 were signed by the Governor  
(includes appropriation bills with portion vetoes)  
10 became law without the Governor's signature  
3 became law when the Governor's veto was overridden  
7 were vetoed by the Governor
- Of the Senate Bills passed: 68 were signed by the Governor  
6 became law without the Governor's signature  
2 became law when the Governor's veto was overridden  
4 were vetoed by the Governor



## SUBJECT HEADINGS

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PROPOSED STATE CONSTITUTIONAL AMENDMENTS

H.C.R. 1002

Franchises granted by home rule city subject to initiative and referendum. Strikes language which now provides that any franchise of a home rule municipality shall be granted only upon the vote of the registered electors. Makes such franchise subject to the initiative and referendum powers reserved to the people. Specifies that no more than 5% of the registered electors of a home rule city shall be required to subject a franchise to a referendum. Requires the grantee of a franchise to deposit the expense of a referendum with the treasurer.

ADMINISTRATIVE RULE REVIEW

S.B. 39 Continuation of 1985 rules of executive agencies.  
Postpones the expiration of rules and regulations of executive agencies which were adopted or amended during 1985, except that specified rules and regulations are allowed to expire as scheduled on June 1, 1986.

Allows the following 1985 rules to expire as scheduled: Several rules of the controller concerning the state employees' and officials' group insurance program; several rules and an outline for prehearing statement of the division of hearing officers concerning procedural rules for the conduct of administrative proceedings before the division of hearing officers; several rules of the state department of highways concerning the operation of longer vehicle combinations on selected state highway segments; a rule of the state department of highways concerning the opening of sealed bids; a rule of the department of institutions concerning the standards for approving the purchase of services from community mental health clinics; a rule of the oil and gas conservation commission concerning the mill levy on oil and gas production; a rule of the division of parks and outdoor recreation concerning the possession of beer in kegs on any swim beach or swim beach parking lot; several rules of the division of parks and outdoor recreation concerning river outfitters; several rules of the wildlife commission concerning the use of division of wildlife properties; rules of the advisory board to the director of the division of fire safety concerning voluntary certification of firefighters on the first responder program; 2 rules of the board of medical examiners concerning the licensing of graduates of foreign medical schools and the administration of the FLEX program; 3 rules of the public utilities commission concerning regulating the service of electric, gas, and water utilities; a rule of the state board of social services concerning reimbursement of members of the state advisory committee; a rule of the state board of social services concerning reimbursement to nursing home vendors; and the "3 + 3" affirmative action rules of the department of personnel.

BECAME LAW without Governor's signature  
EFFECTIVE

April 19  
April 19



AGRICULTURE

S.B. 41 Range improvement fund - administration. Requires the commissioner of agriculture, in the event the grazing advisory boards established by federal law cease to exist, to establish boards of district advisers to determine the use of the range improvement fund.

APPROVED by Governor March 20

EFFECTIVE March 20

H.B. 1284 Economy of the agricultural community - redemption of equipment and livestock - financial training - farm owner-tenants - homestead protections. Limits a secured party's rights to take possession or dispose of collateral where such collateral is used in farming or ranching. Allows a farmer or rancher to establish a plan of payment to redeem farm or ranch machinery or equipment, livestock, or feed or inventory held for livestock and, if the court finds the plan to be feasible, provides that the court will establish a plan of payment for the current crop year. Also allows a farmer or rancher to redeem any such property if he tenders to the court an amount to make the debt thereon current including the payment of interest and a penalty fee. Provides that any such proceedings shall be given priority by the court.

Requires the state board for community colleges and occupational education and all junior college districts to assist the agricultural community by providing financial training.

Allows a farmer or rancher to remain on his land which is subject to foreclosure if he can reach an acceptable agreement to lease the land from the secured party by using crop rents in kind or cash rents equivalent to the fair market rents prevailing in the area for crops customarily grown in the area.

Gives a farmer or rancher the opportunity to buy his home and at least 5 acres of surrounding property after foreclosure proceedings have been started instead of having to buy the entire property to stop the foreclosure.

Sunsets all the provisions in the act on January 31, 1990.

APPROVED by Governor April 18

EFFECTIVE April 18

H.B. 1339 Livestock protection collars containing "1080" pesticide - sale authorization. Authorizes the registration for sale of livestock protection collars containing the pesticide known as "1080" (sodium fluoroacetate).

APPROVED by Governor April 19

EFFECTIVE April 19

APPROPRIATIONS

H.B. 1294 General government computer center - lease purchase of central processing unit. Changes an appropriation in the 1985-86 long bill for the lease of a central processing unit for the general government computer center to an appropriation for the lease purchase of such unit. Repeals a footnote which prohibited such lease purchase.

APPROVED by Governor April 11                      EFFECTIVE April 11

H.B. 1295 Supplemental appropriation - department of administration. Amends the 1985 general appropriation act to decrease the total appropriation to the department.

APPROVED by Governor April 14                      EFFECTIVE April 14

H.B. 1296 Supplemental appropriation - department of agriculture. Amends the 1985 general appropriation act to decrease the total appropriation to the department.

PORTION APPROVED April 14                      EFFECTIVE April 14  
PORTION VETOED April 14                      OVERRIDDEN May 16

H.B. 1297 Supplemental appropriation - department of corrections. Amends the 1985 general appropriation act to decrease the total appropriation to the department.

PORTION APPROVED April 16                      EFFECTIVE April 16  
PORTION VETOED April 16

H.B. 1298 Supplemental appropriation - department of education. Amends the 1985 general appropriation act and the appropriation sections of two other bills enacted in 1985 to decrease the total appropriation to the department for fiscal year 1986-86.

APPROVED by Governor April 14                      EFFECTIVE April 14

H.B. 1299 Supplemental appropriation - office of the governor.  
Amends the 1985 general appropriation act to decrease appropriations to the office of the governor, the office of the lieutenant governor, and the office of state planning and budgeting.

PORTION APPROVED April 16  
PORTION VETOED April 16

EFFECTIVE April 16  
OVERRIDDEN May 16

H.B. 1300 Supplemental appropriation - department of health.  
Amends the 1985 general appropriation act to decrease the total appropriation to the department.

APPROVED by Governor April 16

EFFECTIVE April 16

H.B. 1301 Supplemental appropriation - department of higher education. Amends the 1985 general appropriation act to decrease the total appropriation to the department.

PORTION APPROVED April 16  
PORTION VETOED April 16

EFFECTIVE April 16  
OVERRIDDEN May 16

H.B. 1302 Supplemental appropriation - department of institutions.  
Amends the 1985 general appropriation act to increase the total appropriation to the department. Reduces the general fund portion of the appropriation and increases the cash funds portion of the appropriation.

APPROVED by Governor April 14

EFFECTIVE April 14

H.B. 1303 Supplemental appropriation - judicial department. Amends the 1985 general appropriation act to decrease the total general fund appropriation to the department.

APPROVED by Governor April 16

EFFECTIVE April 16

H.B. 1304 Supplemental appropriation - department of labor and employment. Amends the 1985 general appropriation act to decrease the total appropriation to the department.

PORTION APPROVED April 16  
PORTION VETOED April 16

EFFECTIVE April 16  
OVERRIDDEN May 16

H.B. 1305 Supplemental appropriation - department of law. Amends the 1985 general appropriation act to decrease the total appropriation to the department. Also amends the 1984 general appropriation act to extend the appropriation for Comprehensive Environmental Response, Compensation, and Liability Act expenses to the 1986-87 fiscal year and to reduce the amount of the appropriation.

APPROVED by Governor April 16                      EFFECTIVE April 16

H.B. 1306 Supplemental appropriation - legislative department. Amends the 1985 general appropriation act to decrease the appropriation to the legislative council for a property tax study. Amends the 1985 legislative appropriation act to decrease the total appropriation.

APPROVED by Governor April 16                      EFFECTIVE April 16

H.B. 1307 Supplemental appropriation - department of local affairs. Amends the 1985 general appropriation act to decrease the total appropriation to the department.

APPROVED by Governor April 16                      EFFECTIVE April 16

H.B. 1308 Supplemental appropriation - department of military affairs. Amends the 1985 general appropriation act to decrease the total appropriation to the department.

APPROVED by Governor April 14                      EFFECTIVE April 14

H.B. 1309 Supplemental appropriation - department of natural resources. Amends the 1985 general appropriation act to decrease the total appropriation to the department.

APPROVED by Governor April 14                      EFFECTIVE April 14

H.B. 1310 Supplemental appropriation - department of personnel. Amends the 1985 general appropriation act to decrease the general fund appropriation to the department for personal services.

APPROVED by Governor April 16                      EFFECTIVE April 16

H.B. 1311 Supplemental appropriation - department of public safety.  
Amends the 1985 general appropriation act to decrease the total appropriation to the department.

PORTION APPROVED April 14  
PORTION VETOED April 14

EFFECTIVE April 14  
OVERRIDDEN May 16

H.B. 1312 Supplemental appropriation - department of regulatory agencies. Amends the 1985 general appropriation act to decrease various general fund appropriations to the department.

APPROVED by Governor April 14

EFFECTIVE April 14

H.B. 1313 Supplemental appropriation - department of revenue.  
Amends the 1985 general appropriation act to decrease the total appropriation to the department.

APPROVED by Governor April 14

EFFECTIVE April 14

H.B. 1314 Supplemental appropriation - department of social services. Amends the 1985 general appropriation act to decrease the total appropriation to the department and to exempt the county departments of social services and the low income energy assistance block grant from the headnotes governing lease purchases and leased space.

APPROVED by Governor April 14

EFFECTIVE April 14

H.B. 1315 Supplemental appropriation - department of the treasury.  
Amends the 1985 general appropriation act to decrease the total appropriation to the department.

APPROVED by Governor April 14

EFFECTIVE April 14

H.B. 1316 Transfer of moneys from boiler inspection fund to general fund. Directs the state treasurer to transfer \$200,000 from the boiler inspection fund to the general fund.

APPROVED by Governor May 23

EFFECTIVE May 23

H.B. 1317 Supplemental appropriation - department of administration. Amends the 1985 general appropriation act to increase the amounts appropriated to the department from the general fund, from cash funds, and from federal funds. Amends the cash funds headnote (which describes limitations on the expenditure of appropriated cash funds) to provide that the limitations shall not apply to the expenditure of cash funds received by an agency from a centralized appropriation and to provide that the limitations shall not apply to cash funds generated by an agency for distribution to another state agency to which such funds are appropriated.

APPROVED by Governor May 22                      EFFECTIVE      May 22

H.B. 1318 Supplemental appropriation - department of agriculture. Amends the 1985 general appropriation act to increase the appropriations to the department for utilities and predatory animal control.

APPROVED by Governor May 16                      EFFECTIVE      May 16

H.B. 1319 Supplemental appropriation - department of corrections. Amends the 1985 general appropriation act to increase the total general fund appropriation to the department. Includes in such increase an appropriation of \$676,533 to pay the settlement in the Ramos prison suit. Amends 1985 Senate Bill No. 193 to reduce the amount appropriated for needs analysis, planning, site selection, architectural and engineering fees, and program design for a new diagnostic center to be located in the Denver area.

APPROVED by Governor May 21                      EFFECTIVE      May 21

H.B. 1320 Supplemental appropriation - department of education. Amends the 1985 general appropriation act to increase the total appropriation to the department.

APPROVED by Governor May 16                      EFFECTIVE      May 16

H.B. 1321 Supplemental appropriation - office of the governor. Amends the 1985 general appropriation act to increase the total appropriation to the governor's office.

PORTION APPROVED May 20                      EFFECTIVE      May 20  
PORTION VETOED May 20                      OVERRIDDEN    May 27

H.B. 1322 Supplemental appropriation - department of health. Amends the 1985 general appropriation act to increase the total appropriation to the department. Adds new appropriations for AIDS surveillance and for underground storage tank inspection.

APPROVED by Governor May 16                      EFFECTIVE      May 16

H.B. 1323 Supplemental appropriation - department of higher education. Amends the 1985 general appropriation act to increase the total general fund appropriation to the department. Adds a footnote encouraging the Colorado commission on higher education to consider accelerating its study of the governance of higher education.

PORTION APPROVED May 20                      EFFECTIVE      May 20  
PORTION VETOED May 20                      OVERRIDDEN    May 27

H.B. 1324 Supplemental appropriation - department of institutions. Amends the 1985 general appropriation act to decrease the total appropriation to the department. Increases the general fund portion of the appropriation and reduces the cash funds portion.

APPROVED by Governor May 16                      EFFECTIVE      May 16

H.B. 1325 Supplemental appropriation - judicial department. Amends the 1985 general appropriation act to increase the total general fund appropriation to the department.

APPROVED by Governor May 16                      EFFECTIVE      May 16

H.B. 1326 Supplemental appropriation - department of labor and employment. Amends the 1985 general appropriation act to increase the total appropriation to the department.

PORTION APPROVED May 20                      EFFECTIVE      May 20  
PORTION VETOED May 20                      OVERRIDDEN    May 27

H.B. 1327 Supplemental appropriation - department of law. Amends the 1985 general appropriation act to increase the total appropriation to the department. Amends footnote 64b to permit a greater portion of the appropriation for water rights and Supreme Court litigation to be used for



contractual services for the Arkansas river litigation. Adds a new footnote that states that the appropriation for legal services to state agencies is intended to be sufficient to provide such legal services and that the average hourly rate charged state agencies for legal services should not exceed the actual hourly rate required to provide such services.

APPROVED by Governor May 16                      EFFECTIVE      May 16

H.B. 1328 Supplemental appropriation - department of local affairs. Amends the 1985 general appropriation act to increase the total cash funds appropriation to the department.

APPROVED by Governor May 16                      EFFECTIVE      May 16

H.B. 1329 Supplemental appropriation - department of military affairs. Amends the 1985 general appropriation act to increase the total appropriation to the department.

APPROVED by Governor May 22                      EFFECTIVE      May 22

H.B. 1330 Supplemental appropriation - department of natural resources. Amends the 1985 general appropriation act to increase the total appropriation to the department, including an increase of \$504,020 in the general fund appropriation for Arkansas river litigation.

APPROVED by Governor May 22                      EFFECTIVE      May 22

H.B. 1331 Supplemental appropriation - department of personnel. Amends the 1985 general appropriation act to increase the cash funds appropriation to the department for operating expenses and to add a general fund appropriation for a division of water resources study.

APPROVED by Governor May 16                      EFFECTIVE      May 16

H.B. 1332 Supplemental appropriation - department of public safety. Amends the 1985 general appropriation act to increase the total appropriation to the department. Includes in such increase a new appropriation of \$25,000 from the general fund to the division of criminal justice for an inmate classification study.

BECAME LAW without Governor's signature      June 27  
EFFECTIVE      June 27

H.B. 1333 Supplemental appropriation - department of regulatory agencies. Amends the 1985 general appropriation act to increase the total appropriation to the department. Amends 1985 Senate Bill No. 189, concerning the regulatory costs of nonprofit horse racing, to increase the general fund appropriation to the state treasurer for the implementation of the act.

APPROVED by Governor May 16                      EFFECTIVE      May 16

H.B. 1334 Supplemental appropriation - department of revenue. Amends the 1985 general appropriation act to increase the total appropriation to the department.

APPROVED by Governor May 16                      EFFECTIVE      May 16

H.B. 1335 Supplemental appropriation - department of social services. Amends the 1985 general appropriation act to increase the total appropriation to the department by \$22,207,692, which includes an increase of \$12,415,677 in the general fund appropriation to the department.

APPROVED by Governor May 23                      EFFECTIVE      May 23

H.B. 1336 Supplemental appropriation - department of state. Amends the 1985 general appropriation act to increase the total cash funds appropriation to the department, including a \$1,000,000 increase in the appropriation for computer systems.

APPROVED by Governor May 16                      EFFECTIVE      May 16

H.B. 1337 Supplemental appropriation - department of the treasury. Amends the 1985 general appropriation act to increase the total appropriation to the department.

APPROVED by Governor May 13                      EFFECTIVE      May 13

H.B. 1338 Supplemental appropriation - capital construction. Amends the 1985 general appropriation act to increase the total appropriation for capital construction. Included are the following changes: A decrease in the appropriation for capitol complex land acquisition and increases in appropriations for the renovation of the old

museum building, phase I construction of a new 500-bed prison, replacement of the computed tomography unit at the health sciences center, and renovation of Lowell Heiny Hall at Mesa College. Transfers \$4,500,000 from the general fund to the capital construction fund.

APPROVED by Governor May 9

EFFECTIVE May 9

H.B. 1342 General appropriation act - "long bill". Makes appropriations for the expenses of the executive, legislative, and judicial departments of state government for the fiscal year beginning July 1, 1986. Sets the grand total of the operating budget at \$3,822,339,797, of which \$1,960,659,752 is from the general fund, \$1,047,553,612 is from cash funds, and \$814,126,433 is from federal funds. Transfers \$39,129,135 to the capital construction fund, of which \$14,590,500 is from the lottery fund, and \$24,538,635 is from the general fund. Appropriates \$134,889,801 for capital construction, of which \$39,129,135 is from the capital construction fund, \$28,572,095 is from cash funds, and \$67,188,571 is from federal funds.

PORTION APPROVED May 26  
PORTION VETOED May 26

EFFECTIVE May 26  
OVERRIDDEN May 27

Note: All items vetoed were overridden except for item 12 in Governor's veto message.

H.B. 1345 Appropriation - legislative department. Appropriates \$14,503,458, including \$73,000 in cash funds, to the legislative department for its expenses during the 1986-87 fiscal year.

BECAME LAW without Governor's signature May 27  
EFFECTIVE May 27

CHILDREN AND DOMESTIC MATTERS

- S.B. 125 Child support orders - contempt of court. Makes evidence of noncompliance with a child support order in the form of an affidavit from the clerk of the court or in the form of a certified record of payments prima facie evidence of contempt of court. Allows a court, in determining whether or not the obligor is in contempt of court, to consider that the required payment was made prior to the contempt hearing or that the obligor was unable for good cause to comply with the support order.

APPROVED by Governor May 8                      EFFECTIVE              May 1

Note: Although the effective date stated in the act is May 1, 1986, the Governor did not sign the act until May 8, 1986.

- H.B. 1103 Requirements for marriage license - evidence of rubella immunity. Abolishes the requirement that a female applicant for a license undergo a medical examination and a serological test for Rh type. Changes the requirement of serological testing for rubella immunity to that of documentary evidence of rubella immunity. Permits the requirement to be met by the submission of either a previous record of rubella vaccination or test of immunity. Provides that if neither record is submitted the applicant shall file a certificate issued by a physician that states the serological test for rubella has been given.

Repeals the requirement of documentary evidence of rubella immunity on July 1, 1989.

APPROVED by Governor April 30                      EFFECTIVE              July 1

- H.B. 1125 Child abuse or neglect - access of district attorneys to records and reports. Grants access to reports and records of child abuse or neglect and the state central registry of child protection to any district attorney investigating a report of known or suspected child abuse or neglect.

APPROVED by Governor April 3                      EFFECTIVE              April 3

H.B. 1159 Child care facilities - access to child protection registry - cash fund - appropriation. Allows the state department of social services, a county department of social services, or a child placement agency to have access to the state central registry of child protection for the purpose of screening potential or current employees of a day camp, day care center, preschool, or residential child care facility when so requested by the operator of such facility. Imposes criminal penalties on operators who request such information concerning persons who are not potential or current employees. Requires the department or agency to respond within 10 days of the operator's request and specifies the information which they must provide. Clarifies that any operator who releases such information to any other person shall be subject to the penalty for breaching the confidentiality of child abuse and neglect records. Requires the state department of social services to establish fees to be assessed against any operator making a request and establishes the central registry fund to which such fees shall be credited.

Appropriates \$18,677 out of the central registry fund to the department of social services for the direct and indirect costs of administering the act.

APPROVED by Governor May 23

EFFECTIVE July 1

H.B. 1170 Foster care placement of children. Creates a foster care management incentive program which allows county departments of social services to retain 25% of the unexpended moneys which comprise the state's share of the moneys allocated by the department of social services for reimbursement of foster care expenditures which are unexpended at the end of the fiscal year. Requires the department of social services to report all unexpended moneys to the joint budget committee. Requires the general assembly to appropriate money from such unexpended moneys for a study of county foster care programs and the funding formula utilized, which study shall be submitted to the general assembly on or before January 1, 1988. Authorizes the state board of social services to promulgate rules and regulations to implement such program. Allows a county department to retain 15% of the ability-to-pay fee paid by any person legally responsible for a child committed to foster care placement.

VETOED April 20

H.B. 1212 Colorado Marital Agreement Act - spousal rights. Enacts the "Colorado Marital Agreement Act", which allows parties to a marriage to enter into a marital agreement affecting rights of the parties with respect to marital property, spousal maintenance, or any other matter, but not with respect to child support.

Makes such agreement enforceable without consideration but unenforceable if the party against whom enforcement is brought proves that such party did not execute the agreement voluntarily or proves that there was not fair and reasonable disclosure of the property or financial obligations of the other party.

Makes a marital agreement, which is otherwise enforceable, unenforceable insofar as it relates to spousal maintenance if the provisions relating thereto are unconscionable at the time of enforcement.

States that any change in the rights or obligations of any parties to a marital agreement because of the passage of time or occurrence or nonoccurrence of any event shall not be unenforceable by the terms of an agreement that is otherwise enforceable.

Provides that a marital agreement is enforceable only to the extent necessary to avoid an inequitable result if the marriage of the parties is declared invalid.

Provides for the tolling of any statute of limitations applicable to a marital agreement during the marriage of the parties.

Applies only to marital agreements which become effective on or after July 1, 1986.

Allows a surviving spouse to waive his or her right of election and other spousal rights upon signing a writing after fair disclosure.

APPROVED by Governor April 14

EFFECTIVE July 1

H.B. 1236 "Children's Code" - jurisdiction - offenses - procedure. Repeals the provisions regulating "children needing oversight" under the "Colorado Children's Code". Includes persons confined or in custody as a result of being charged or adjudicated as a delinquent child for purposes of certain sections of the first and second degree assault statutes. Allows a court to sentence a person 18 years of age or older to community corrections if he has been adjudicated a delinquent child or a

mandatory sentence offender for acts committed prior to his eighteenth birthday. Removes children charged with violations of nonfelony parks and recreation laws or regulations from jurisdiction under the code. Allows a law enforcement agency to take a child into temporary custody when an arrest warrant has been issued for the child's parent or guardian on the grounds of violation of custody. Allows an attorney, in a proceeding to have a child adjudicated a delinquent for an act which would constitute a felony if committed by an adult, to attempt to impeach the testimony of any witness by introducing evidence of prior adjudications of such witness. Clarifies that a child being held prior to a detention hearing requested by a law enforcement agency has no right to bail. Repeals the statute providing a penalty for aiding or abetting child runaways.

APPROVED by Governor April 8

EFFECTIVE July 1

H.B. 1242 Dissolution of marriage or legal separation - enforcement of automatic, temporary injunction. Makes it the duty of a peace officer, level I, or a sheriff to enforce the automatic, temporary injunction which enjoins the molesting of either party to proceedings for dissolution of marriage or for legal separation. Provides that peace officers shall not be civilly or criminally liable for actions relating to such enforcement, if his actions are in good faith and without malice.

APPROVED by Governor April 29

EFFECTIVE April 29

H.B. 1275 Child support obligations. Enacts child support guidelines to be used as a rebuttable presumption in establishing or modifying the amount of child support. Provides that a basic child support obligation shall be calculated according to a schedule based on the parents combined gross income with child care costs, extraordinary medical expenses, and extraordinary education expenses factored in and adjustments made in the amount as a result of shared and split physical custody.

Extends the child support enforcement methods to cover the collection of maintenance when combined with child support. Provides that a child support decree may be modified only as to subsequent installments and only upon a showing of changed circumstances that are substantial and continuing. States that a less than 10% change in the amount of support shall not constitute a substantial and continuing change in circumstances for a

modification brought under the child support guidelines.

Specifies that the rate of interest on child support obligations shall be 4% greater than the statutory rate. Provides that any interest collected on child support obligations for recipients of aid to families with dependent children shall be deposited in the county social services fund.

Mandates an expedited process for filing wage assignments with the court. Imposes a payment on arrearages of one-twenty fourth of the total amount due. Specifies the type of notice and information required to be given to an obligor in a notice of intent to activate a wage assignment. Requires that an obligor's objection to wage assignment be heard promptly.

Permits an employer subject to more than one wage assignment to the same court to combine the payments in one payment. Specifies the time period within which a wage assignment must be made and forwarded. Requires prompt distribution of wage assignments. Makes statutory exemptions from attachment, execution, and garnishment not applicable to child support debt.

Adds the standard of living the child would have enjoyed had the parents been married as a factor for determining the amount of child support. Creates a standard based on the percentage of completed child support obligations for determining the necessity of appointing a family law referee in a judicial district.

Permits the state parent locator service or a child support enforcement unit to ask employers for assistance in locating a parent with a child support obligation.

Permits a state income tax refund to be offset in order to collect child support arrearages under an order from another state brought through the "Revised Uniform Reciprocal Enforcement of Support Act". Permits foreign support orders to be registered in this state.

Makes the child support guidelines effective November 1, 1986, and provides that such guidelines and the provisions regarding modification of child support orders shall apply to child support obligations arising on or after said date.

APPROVED by Governor May 19  
PORTIONS EFFECTIVE: July 1  
November 1



CONSUMER AND COMMERCIAL TRANSACTIONS

H.B. 1022 Hearing aids - protection of users - board of hearing aid dealers abolished. Includes the following activities by hearing aid dealers as deceptive trade practices under the "Colorado Consumer Protection Act": Failure to provide a receipt to a hearing aid buyer; sale of a hearing aid to a child without ascertaining whether the child has been examined by an otologist or audiologist in the last 6 months; failure to receive a prescription specifying that a person is in need of a hearing aid before fitting that person with a hearing aid; failure to recommend to a prospective user that his best interests would be served by consulting a physician if the dealer observes specified conditions; failure to provide a thirty-day rescission period upon the sale of a hearing aid; any representation that the dealer is licensed or registered by the state or that the dealer is providing service by persons trained in medicine; attempting to offer anything of value as an inducement to influence persons or to have them influence others to purchase products from a dealer or to refrain from dealing in the products of competitors; and the dispensing of a hearing aid to a person who has not been tested by appropriate established procedures. Authorizes the attorney general or a district attorney to obtain a temporary restraining order or an injunction to prevent such a deceptive trade practice.

Abolishes the board of hearing aid dealers.

APPROVED by Governor April 17

EFFECTIVE April 17

H.B. 1117 Loans - unsolicited checks or drafts mailed by supervised lenders to prospective debtors. Repeals a provision which prohibited supervised lenders from mailing unsolicited checks or drafts to prospective debtors for the purpose of inducing such debtors to enter into loans.

APPROVED by Governor April 8

EFFECTIVE April 8

CORPORATIONS AND ASSOCIATIONS

H.B. 1182 Limited partnerships - amendments. Amends the "Colorado Uniform Limited Partnership Act of 1981" with respect to: Use of the name of the limited partnership in existence on October 31, 1981; offices, agents, and records required to be kept by a limited partnership; requirements of a certificate of limited partnership; amendments to a certificate of limited partnership; execution of a certificate of limited partnership; merger and consolidation of limited partnerships; admission of limited partners to a partnership; liability of limited partners to third parties; withdrawal from a limited partnership; liability for contributions to a limited partnership; sharing of profits and losses and distributions of a limited partnership; rights of an assignee to become a limited partner; dissolution of a limited partnership; registration of a limited partnership; and execution of an application or certification of a limited partnership.

States that an "uncertificated security", for purposes of the "Uniform Commercial Code", is an obligation of an issuer which is not a partnership interest in a limited partnership unless the partnership interest is approved for trading or quoting. Requires a limited partnership using a different name to register such name with the department of revenue.

Repeals a provision requiring a foreign limited partnership to set forth the general character of the business it proposes to transact in this state when filing an application for registration with the secretary of state.

APPROVED by Governor April 17                      EFFECTIVE      July 1

H.B. 1260 "Uniform Trade Secrets Act". Specifies the damages to be awarded in civil actions concerning the misappropriation of a trade secret. Allows the court to issue temporary and final injunctions to prevent the misappropriation of a trade secret. Requires the court to use reasonable means to preserve the secrecy of an alleged trade secret in an action brought under the act. Allows the court to award attorney fees to the prevailing party under certain circumstances.

APPROVED by Governor April 29                      EFFECTIVE      July 1

## CORRECTIONS

**S.B. 100** Lease of Colorado territorial correctional property - terms and provisions. Authorizes the executive director of the department of corrections to lease cell house 4, located on the grounds of the Colorado territorial correctional facility, to a local governmental agency within Fremont county for use as a museum to display historical items relating to corrections and to sell items of inmate art and manufacture. Specifies that the lease shall be for a term of 99 years unless cancelled by either party on 60 days' notice. States that the lease shall be for nominal consideration, such consideration to be reviewed by the executive director every 5 years. Allows the executive director to collect and transmit the consideration to the state treasurer, who shall credit the same to the general fund.

Stipulates that the lessee shall: Obtain liability insurance to cover claims arising on the property; insure the property and its contents against any type of loss or damage; be responsible for the care and maintenance of the property and the cost of utilities; and agree to comply with any request of the department to close and secure the property if necessary.

State that it is the general assembly's intent that the lessee shall consider employing inmates to maintain the property and shall cooperate with other state agencies for the promotion of tourism in Colorado.

APPROVED by Governor April 24

EFFECTIVE April 24

**S.B. 114** Private jail facility - pilot project. Authorizes Las Animas and Huerfano counties to enter into a contract with each other for the establishment of a pilot project for the provision and operation of a private jail facility. Authorizes the establishment of a joint jail commission to study the feasibility and other aspects of such private jail facility. Requires the division of criminal justice in the department of public safety to approve a contract between Las Animas and Huerfano counties and a private contractor for the provision and operation of such jail and establishes mandatory provisions to be included in the contract. Requires biannual jail inspections by the boards of county commissioners, the sheriffs, and the division of criminal justice. Requires the project to comply with statutory provisions pertaining to intergovernmental relationships. Requires the termination of the project after 3 years subject to renewal by the general assembly upon

recommendation by the division of criminal justice.

APPROVED by Governor April 24

EFFECTIVE April 24

S.B. 155 Denver diagnostic center - location - planning.  
Specifies where the diagnostic center authorized to be constructed in the Denver metropolitan area is to be located. Expands the definition of "diagnostic services" to include medical and dental evaluations, psychological testing, academic and vocational assessment, and identification of special needs. Expresses the intent of the general assembly that the department of corrections establish an advisory group to advise on the planning and design of the diagnostic center. States that the capacity of the diagnostic center shall be determined when funds are appropriated for its construction. Exempts the diagnostic center from the requirement that a certain percentage of the capital construction appropriation for a public construction project be spent on works of art.

APPROVED by Governor May 8

EFFECTIVE May 8

H.B. 1082 Community corrections - placement of offenders - contracts - intensive supervision programs. Effective July 1, 1986, allows a local community corrections board to reject the placement of an offender in a nongovernmental and nonresidential community corrections type facility when such offender has been convicted of a class 1, 2, or 3 violent felony within the past 5 years. Authorizes the division of criminal justice in the department of public safety to administer all community corrections contracts until March 1, 1989. Allows the executive director of the department of corrections to establish and contract for intensive supervision programs in the community as a supplement to community correctional facilities. Allows a court to sentence a nonviolent offender whose parole has been revoked to a community correctional facility or program. Authorizes a corrections board to establish and enforce standards for the operation of any community correctional facility or program under its jurisdiction. Allows a corrections board, the judicial department, or a judicial district to use an objective risk assessment scale for screening offenders before placement in community corrections.

APPROVED by Governor May 28

PORTIONS EFFECTIVE: May 28

July 1

H.B. 1240 Nongovernmental facilities for criminal offenders - notices - fingerprinting requirements. Requires nongovernmental facilities which provide residential treatment for criminal offenders to provide local law enforcement agencies and community corrections boards with notices regarding admissions to and unauthorized absences from the facility. Allows local law enforcement agencies to require persons admitted to such facilities to be fingerprinted and photographed.

APPROVED by Governor April 29

EFFECTIVE July 1

## COURTS

- S.B. 32 18th judicial district - judges assigned to Arapahoe county - location of offices. Deletes a provision scheduled to take effect on November 14, 1986, which would have required 2 of the 10 district judges in the 18th judicial district to maintain their offices in the Arapahoe county portion of Aurora. Provides instead that those district judges of the 18th judicial district regularly assigned to Arapahoe county shall maintain their offices in one location within Arapahoe county and does not limit such location to the Aurora portion.

APPROVED by Governor February 27      EFFECTIVE November 14

- S.B. 67 Damages in civil actions - limitations on pain and suffering - actions against architects, engineers, and land surveyors - certificate of review required - collateral source - assumption of risk. Limits the amount of damages which may be awarded in any civil action for pain and suffering to \$250,000 unless the court finds clear and convincing evidence for raising such limit to \$500,000. Prohibits the award of damages for derivative pain and suffering unless the court finds clear and convincing evidence for such an award, in which case the award shall be limited to \$250,000. Provides that such limits shall not apply to the recovery of compensatory damages for physical impairment or disfigurement.

Requires a plaintiff's attorney, as a condition to the filing of any action against an architect, engineer, or land surveyor for professional negligence, to execute a certificate stating that he has consulted with another architect, engineer, or land surveyor and such person has concluded that there are grounds for filing such action. Requires any plaintiff's attorney failing to secure such a certificate to file a certificate stating the names of 5 professionals of the same discipline as the defendant who were consulted but declined to certify that the action is meritorious.

Reduces the amount of damages in any tort action for death or injury to person or property by the amount by which the plaintiff has been reimbursed by a collateral source for his loss; except that damages shall not be reduced for compensation and indemnification benefits paid as a result of a contract entered into by or on behalf of the plaintiff. Requires the trier of fact in apportioning negligence in a tort action to consider the assumption of risk by a plaintiff. Defines

"assumption of risk" as voluntary or unreasonable exposure to injury or damage with knowledge or appreciation of the danger and risk involved. Repeals a provision that requires the jury in a civil action in which contributory negligence is an issue to be instructed of the effect of its finding as to the degree of negligence of each party.

APPROVED by Governor May 23

EFFECTIVE July 1

S.B. 69 Statutes of limitations - civil actions - legal representative - person under disability. Consolidates the statutes of limitations for personal civil actions by specifically stating either a one-, two-, or three-year time period for bringing a particular action. Makes most time periods uniform at 3 years. Makes the time limitations for bringing tort actions either one or 2 years. Retains the six-year time period for actions relating to debt, arrears of rent, and for the majority of actions of replevin.

For purposes of the statutes of limitations, clarifies the definition of "person under disability" and permits any real party in interest to apply for the appointment of a legal representative for such person.

Applies to claims arising on or after July 1, 1986; except that causes of action arising before July 1, 1986, which would not be barred under the prior time period or under another applicable statute of limitation shall be commenced, depending on the prior statute of limitation, either on or before July 1, 1988, on or before July 1, 1989, or on or before July 1, 1992.

(For later changes to S.B. 69, see S.B. 153 and H.B. 1352.)

APPROVED by Governor May 23

EFFECTIVE July 1

S.B. 70 Joint and several liability in civil actions. Limits the liability of a defendant in any civil liability action to that amount represented by his share of the negligence or fault producing the claimed injury, death, damage, or loss. Directs the finder of fact to determine the damages sustained by each claimant and the percentage of fault or negligence of all parties to an action and of all nonparties who have received notice. Authorizes the finder of fact to consider the fault or negligence of nonparties in apportioning fault or negligence among parties, if such a nonparty entered into a settlement agreement with the claimant or if a defending party files

a pleading designating the nonparty, giving notice of the existence and identity of such nonparty, and stating the basis for such nonparty's fault. States that a finding that a nonparty was negligent or at fault shall not constitute a presumptive or conclusive finding as to the nonparty in a prior or subsequent action. Permits attorney fees to be assessed against an attorney or a party for a designation of a nonparty that lacked substantial justification.

APPROVED by Governor May 16

EFFECTIVE July 1

- S.B. 76 Actions not constituting an assumption of a duty of care. Provides a good-faith immunity from all tort liability for persons who perform a service or act of assistance for no compensation or who adopt or enforce a policy or a regulation to protect another person. Provides that such performance of a service or act of assistance shall not create a duty of care for third persons. Defines person to mean any individual, corporation, partnership, or association. Prohibits holding a member of the board of directors of a nonprofit corporation liable for acts or omissions in the performance of his duties, except willful or wanton acts or omissions.

APPROVED by Governor May 12

EFFECTIVE July 1

- S.B. 86 Civil liability of persons who sell and serve alcoholic beverages - common law causes of action abolished - limitations on civil liability. Abolishes any common law cause of action against a vendor of alcoholic beverages and declares that in certain cases, the consumption of alcoholic beverages, rather than the sale, service, or provision thereof, is the proximate cause of injuries or damages resulting from the actions of an intoxicated person.

Limits the civil liability of persons licensed to sell and serve alcoholic beverages to cases where it is proven that the licensee willfully and knowingly sold or served a minor or a visibly intoxicated person. Limits the civil liability of social hosts to cases where it is proven that the social host willfully and knowingly served a minor. Requires an action to be commenced within one year of the sale or service and allows an action to be brought only by an individual other than the intoxicated person. Provides that total liability in such cases shall not exceed \$150,000.

BECAME LAW without Governor's signature May 3

EFFECTIVE May 3



S.B. 153 Statutes of limitation - correction to S.B. 69. Amends Senate Bill No. 69, enacted at the second regular session of the fifty-fifth general assembly, which bill makes the statutes of limitations for civil actions uniform, to correctly list the time periods for bringing actions for fraud, misrepresentation, concealment, or deceit.

APPROVED by Governor May 23                      EFFECTIVE      July 1

H.B. 1025 Mortality table - appropriation. Increases the life expectancy rate for each age within the mortality table from which the life expectancy of any person can be determined for evidentiary purposes.

Appropriates \$28,000 to the department of labor and employment for the implementation of the act.

APPROVED by Governor April 3                      EFFECTIVE      July 1

H.B. 1192 Firearms and ammunition - product liability actions. Requires a plaintiff in a products liability action against a manufacturer, importer, distributor, or seller of firearms or ammunition to prove that the product had an actual defect in design or manufacture which caused the alleged injury, damage, or death. States that the actual discharge of a firearm or ammunition shall be deemed the proximate cause of any injury, damage, or death resulting therefrom and not the product's inherent capability to cause injury, damage, or death or the product's placement in the stream of commerce. Makes it an absolute defense to a claim brought by a criminal alleging a defect in a firearm or ammunition that the injury, damage, or death resulted from the use of the product during the commission of a felony or a class 1 or 2 misdemeanor.

APPROVED by Governor May 12                      EFFECTIVE      May 12

H.B. 1197 Exemplary damages in civil actions - limitations. Limits exemplary damages in civil actions for a wrong done to a person to an amount equal to the amount of actual damages awarded. Provides for 2/3 of all exemplary damages to be paid to the injured party and 1/3 to be paid into the state general fund. Provides that exemplary damages may be awarded for willful and wanton conduct rather than for a wanton and reckless disregard of the injured party's rights and feelings. Provides that exemplary damages may not be awarded for conduct that is attended by insult.

Permits the court to disallow or reduce exemplary damage awards to the extent that the deterrent effect has been accomplished, the wrongful conduct has ceased, or the purpose of the damages has otherwise been served. Permits the court to increase exemplary damages if the conduct has continued during the pendency of the case or the defendant has acted in a willful and wanton manner during the action which has further aggravated the plaintiff's damages.

Prohibits exemplary damages in administrative or arbitration proceedings. Prohibits consideration of evidence of the income or net worth of the party in awarding exemplary damages.

APPROVED by Governor May 16

EFFECTIVE July 1

H.B. 1201 Liability of mental health providers for the violent acts of patients. States that persons providing mental health services shall not be liable in any civil action for failure to warn or protect any person against a mental health patient's violent behavior. States that mental health care providers shall not be liable for failure to predict such violent behavior except where the patient has communicated to the mental health care provider a serious threat of imminent physical violence against a specific person or persons. Provides that such duty to warn shall be discharged by the provider making reasonable and timely efforts to notify the persons threatened as well as the appropriate law enforcement agency or by taking other appropriate action, including hospitalizing the patient. Immunizes such provider from civil liability and professional discipline for warning against or predicting a mental health patient's violent behavior. Defines psychiatric nurse. Provides that the immunity from liability shall not apply to the negligent release of mental health patients from a mental hospital or ward or to the negligent failure to initiate involuntary seventy-two-hour treatment and evaluation after a personal patient evaluation determining that the person appears to be mentally ill and an imminent danger to others.

APPROVED by Governor May 22

EFFECTIVE May 22

H.B. 1205 Actions against landowners - standard of care. Provides that a landowner's liability for injuries occurring on his property by reason of the condition of such property is defined as follows:

(1) If the plaintiff in the action entered or remained on the landowner's property without a privilege to do so, he may recover only for damages willfully or deliberately caused by the landowner.

(2) If the plaintiff entered or remained on the property with the landowner's consent but for the plaintiff's own purposes, he may recover only for damages caused by the landowner's deliberate failure to exercise reasonable care in conducting his active operations on the land or by the landowner's failure to warn of unusual dangers of which he actually knew.

(3) If the landowner has invited the plaintiff onto the property for the landowner's purposes, he may recover for damages caused by the landowner's deliberate failure to exercise reasonable care to protect against unusual dangers of which he actually knew.

Specifies that it is the judge's duty to determine which standard of care applies and that the issues of liability and damages are for the jury to decide or, if there is no jury, for the judge. Provides that the doctrine of attractive nuisance is applicable to persons under 14 years of age.

BECAME LAW without Governor's signature May 16  
EFFECTIVE May 16

H.B. 1276 Judicial proceedings - security measures. Authorizes a judge to order necessary security measures if he reasonably believes that violence will occur in a court. Grants immunity from civil liability for damages to those persons providing such security.

APPROVED by Governor April 21 EFFECTIVE July 1

H.B. 1352 Applicability of S.B. No. 69 pertaining to statutes of limitations. Amends the applicability of Senate Bill No. 69, enacted at the second regular session of the fifty-fifth general assembly, which bill amends the statutes of limitations for civil actions, to specify that causes of action arising before the effective date of S.B. No. 69 but commenced on or after said date shall be subject to the statutes of limitations in effect at the time such causes of action arose.

APPROVED by Governor May 23 EFFECTIVE July 1

CRIMES

S.B. 44 Crime victim compensation fund - costs levied on offenses. Exempts certain class 1 and class 2 traffic offenses and misdemeanors which are traffic offenses from the levy of an additional charge for the benefit of the crime victim compensation fund. Increases the charge levied on felonies from \$75 to \$100.

APPROVED by Governor May 8                      EFFECTIVE      July 1

H.B. 1008 Crimes of violence - mandatory sentencing. Requires the court to sentence a defendant in accordance with the provisions of the crimes of violence statute when the defendant is convicted of a crime which includes among its elements the use of a deadly weapon or the infliction of serious bodily injury or death to the victim or is convicted of a sexual offense involving the element of the use of force, intimidation, or threat against the victim.

APPROVED by Governor April 19                      EFFECTIVE      July 1

H.B. 1046 Aiding or harboring runaway children - penalty. Makes it a class 2 misdemeanor to knowingly aid a child in running away from home or to harbor a child who has run away from home.

APPROVED by Governor April 14                      EFFECTIVE      April 14

H.B. 1127 Regulation of obscenity. Repeals provisions regulating the promotion of obscene devices. Defines "prurient interest" as a shameful or morbid interest. Changes the definition of "patently offensive" to mean so offensive as to affront current community standards of "tolerance" rather than "decency". Eliminates the presumption that a person who promotes obscene material or possesses said material with intent to promote it in the course of his business does so with knowledge of its content and character. Provides that the difference between the fair market value of real property in the vicinity of an enterprise through which persons are engaging in racketeering activity involving the promotion of obscenity and the value of such property without the location of said enterprise shall be a compensable injury. Repeals the provision limiting the applicability of the act.

APPROVED by Governor April 21                      EFFECTIVE      April 21

H.B. 1134 Drip gasoline - criminal provisions concerning use, transportation, and storage. Makes it a class 2 misdemeanor for certain persons to transport and store drip gasoline without having in his possession either a written instrument issued and signed by a licensed seller of gasoline, stating the names and addresses of the seller and purchaser, the date of sale, and the amount sold and paid for the gasoline, or a copy of a contract authorizing the loading and transportation of the drip gasoline.

Prohibits the use of drip gasoline in a motor vehicle.

APPROVED by Governor April 8

EFFECTIVE April 8

H.B. 1153 Peace officer - definition - defense to carrying a concealed weapon. Creates 4 categories of peace officers for purposes of the criminal code. Provides that only persons in the first 3 categories shall have an affirmative defense to a charge of illegally carrying a concealed weapon. Clarifies that parks and recreation officers have the authority to enforce state laws while in the performance of their duties. Allows a sheriff to elect to be certified by the peace officers standards and training board.

APPROVED by Governor April 17

EFFECTIVE July 1

H.B. 1225 Violation of child custody orders - amnesty for parent who voluntarily returns child. Grants amnesty from criminal prosecution on violation of custody charges to any parent who has taken a child before January 31 and who voluntarily returns such child during the period between April 3 and December 1.

APPROVED by Governor April 3

EFFECTIVE April 3

H.B. 1226 Vehicular eluding resulting in death - penalty. Raises the offense of vehicular eluding of a peace officer to a class 3 felony if such eluding results in death to another person.

APPROVED by Governor March 20

EFFECTIVE July 1

H.B. 1230 Criminal acts - change or clarification of elements of offenses - jury trial in misdemeanor cases - sentencing. Includes as aggravating circumstances for purposes of an enhanced penalty that the defendant was on parole for a delinquent act or was on appeal bond at the time of the commission of the felony. Allows a court to consider certain factors as aggravating circumstances even though they constitute elements of the offense. Abolishes the right of a jury of 12 in class 1 misdemeanor cases. Includes an institutional care worker under the definition of one in a "position of trust" for purposes of child sexual abuse offenses. Raises the offense of false reporting to authorities from a petty offense to a misdemeanor. Replaces the offense of rioting in a correctional facility with the offense of rioting in a detention facility and defines "detention facility" for the purpose of that offense.

Repeals the offense of concealing a fugitive. Makes clarifying amendments throughout the criminal code.

APPROVED by Governor May 28

EFFECTIVE July 1

CRIMINAL PROCEDURE

- S.B. 167 Felony sentencing guidelines. Establishes guidelines to be used by the court in sentencing offenders convicted of a class 2, 3, 4, or 5 felony. Bases such guidelines on the offender's past criminal history and the seriousness of the offense for which he is to be sentenced. Assigns points for an offender's prior convictions, adjudications, and commitments for the purpose of calculating an offender's criminal history score. Directs the court to calculate such criminal history score and to determine whether the current offense is violent or non-violent before imposing a sentence in accordance with the chart provided by the act. Allows the court to deviate from the guidelines if unusual or extenuating circumstances are present or as justice otherwise requires. Allows the court to consider extraordinary aggravating or mitigating circumstances and to increase or decrease a sentence up to 50% greater or lesser than the sentence indicated by the guidelines. Changes the definition of "crime of violence" and provides that the mandatory sentencing provisions for violent crimes shall apply only to offenders who commit a crime of violence prior to July 1, 1986.

VETOED June 26

- H.B. 1006 Intensive supervision probation programs. Allows the judicial department to establish intensive supervision probation programs as an alternative to sentences to the department of corrections. Specifies certain elements to be included in the program such as daily contact between the offender and the probation officer, monitored curfew, home visitation, and drug and alcohol screening. Limits eligibility for such programs to non-violent offenders. Requires an annual report to the joint budget committee on the number of offenders diverted to each intensive supervision probation program and the amount of state money saved because of such diversion.

VETOED April 17  
OVERRIDDEN May 16

EFFECTIVE May 16

- H.B. 1026 Release from commitment after verdict of not guilty by reason of insanity or impaired mental condition - expert medical evidence. Requires a court to deny a defendant's request for a hearing concerning release from commitment after a verdict of not guilty by reason of insanity or

impaired mental condition when no court-ordered report indicates that the defendant is eligible for release and the defendant is unable to present any evidence by a medical expert in mental disorders that indicates that he is eligible for release. Defines "medical expert in mental disorders" as a licensed physician, a licensed psychologist, a licensed psychiatric technician, a registered professional nurse with postgraduate training in psychiatric or mental health nursing, or a licensed social worker II.

APPROVED by Governor March 13

EFFECTIVE March 13

H.B. 1027 Class 1 and class 2 traffic offenses - services rendered at state expense for defendants. Includes class 1 and class 2 traffic offenses within statutory provisions providing that legal representation and supporting services rendered at state expense are not required for a defendant charged with certain offenses if the prosecutor states that he will not seek incarceration as part of the penalty.

APPROVED by Governor March 20

EFFECTIVE July 1

H.B. 1044 Temporary removal of criminal defendants for treatment and rehabilitation - notice. Requires that notification be sent by certified mail to the committing court and district attorney when institutions seek temporary removal for treatment and rehabilitation of criminal defendants confined following a determination of not guilty by reason of insanity, not guilty by reason of impaired mental condition, or incompetency to proceed.

APPROVED by Governor April 17

EFFECTIVE July 1

H.B. 1122 Public defender - communication with persons in custody. Abolishes the right of the public defender to communicate with any person in custody. Allows the public defender to communicate with a person in custody only if such person indicates his desire to speak with an attorney or if the court determines that an inquiry into the matter of such person's indigency should occur.

APPROVED by Governor April 3

EFFECTIVE July 1



H.B. 1220 Interlocutory appeals - habeas corpus review - victim impact statements - hospital reports - "Colorado Contraband Forfeiture Act" actions. Authorizes the prosecution to file interlocutory appeals in the supreme court from certain decisions of the trial court. Provides that review of a decision concerning a writ of habeas corpus in an extradition proceeding shall be only in the supreme court by petition for certiorari. Requires the department of social services to provide the district attorney's office with the information necessary for the preparation of a victim impact statement. Requires a hospital authority releasing a defendant who was committed after a finding of not guilty by reason of insanity to furnish the prosecuting attorney with a copy of the report determining that the defendant no longer requires hospitalization. Extends the time period for the district attorney to bring an action under the "Colorado Contraband Forfeiture Act" from 45 days to 75 days after seizure of the property.

APPROVED by Governor April 17                      EFFECTIVE      July 1

H.B. 1291 Federally forfeited property - receipt by law enforcement agencies. Authorizes law enforcement agencies to accept, receive, dispose of, and expend the property or proceeds from any property forfeited to the United States government and allocated to the agencies pursuant to federal law.

APPROVED by Governor April 3                      EFFECTIVE      April 3

EDUCATION - PUBLIC SCHOOLS

S.B. 94 Substitute teachers - employment of. Authorizes the state board of education to issue provisional certificates to 3 additional categories of applicants: (1) Teachers holding valid certificates to teach in other states; (2) retired teachers who, at the time of retirement, held valid certificates to teach in Colorado or in other states; and (3) those who at any time held a valid Colorado certificate. Provides that each such certificate is valid for substitute teaching only and for a specified time only.

Authorizes the state board to consider plans by local boards of education to utilize emergency substitute teachers and to use its discretion to approve such plans in one-year increments.

Expands the definition of "substitute teacher" to include an itinerant teacher who works on 2 or more assignments for a total of less than 110 regular school days during an academic year. Increases from 90 to 110 the number of days which a retiree may work as a substitute teacher without the suspension or reduction of his retirement benefits.

APPROVED by Governor April 29

EFFECTIVE April 29

S.B. 112 School district fiscal year study - conformance of school and state fiscal years. Provides that a study shall be conducted of the implementation of the same fiscal year for the state and for school districts. Directs the study to consider changing the school district fiscal year to the current state fiscal year, changing the state fiscal year to the local government fiscal year, changing both the state and local government fiscal years to the federal fiscal year, and altering the property tax assessment and levy calendar.

Authorizes the legislative council to designate an existing legislative council committee or to determine that a new committee should be appointed to conduct the study. Outlines the membership of any such new committee.

Provides that, unless the committee recommends and the general assembly enacts measures other than the state's changing to a January 1-December 31 fiscal year, the fiscal year of school districts and of the state shall be the January 1-December 31 fiscal year, effective January 1, 1988.

VETOED May 26  
OVERRIDDEN May 27

EFFECTIVE May 27

S.B. 141 Dropout rates - collection of data - development of plans. Directs the state board of education to develop and implement a model student accounting method and data collection system on dropouts in grades 7 through 12 and on students in alternative programs of study. Requires the state board to report results to the general assembly by January 1, 1988. Defines "dropout".

APPROVED by Governor April 3                      EFFECTIVE April 3

S.B. 169 School finance - additional aid to districts with increased enrollment during a budget year. Clarifies that the increased enrollment program shall be funded by a combination of state and local funds, rather than solely by state funds. Directs the department of education, with state board certification, to determine local increased enrollment support levels for qualified districts in accordance with the level of state appropriations. Establishes a "growth revenue base" for the purpose of distributing state aid for increased enrollment. Sets the amount of state support for increased enrollment at an amount equal to the difference between the growth revenue base and the amount of the authorized levy for increased enrollment purposes.

APPROVED by Governor May 23                      EFFECTIVE May 23

H.B. 1111 Public school finance act - measure of time of required pupil instruction. Changes the unit of measurement of required time of pupil instruction under the "Public School Finance Act" from a fixed number of days of instruction to an equivalent fixed number of hours of instruction. Requires the prior, specific approval of the commissioner of education for a school to be in session for fewer than 160 days. Authorizes school districts to allow for flexible school class schedules with the approval of the commissioner.

APPROVED by Governor April 8                      EFFECTIVE July 1

H.B. 1349 School finance - authorized revenue base. Specifies that, for the school district budget year 1987, the authorized revenue base (ARB) may increase by an amount which is 4 1/4% of the statewide average revenue base and that no district need have an ARB for such budget year of less than \$2,890. Deletes provisions which allowed a 5 1/2% ARB increase for future budget years.

Provides that amounts to be withheld from districts during the first 6 months of 1987 for the "2 plus 2" program (a program for the general assessment of elementary and secondary education) will be withheld in proportion to each district's total spending, rather than in proportion to its state aid.

BECAME LAW without Governor's signature May 27  
EFFECTIVE May 27

H.B. 1353 School finance - proration due to state budget cuts. Provides that the amount of the reduction in appropriations for the equalization program made during the 1985-86 fiscal year of the state will be withheld from districts in proportion to their total spending, rather than in proportion to their state aid. States that the reductions shall not be deemed to reduce any district's authorized revenue base for 1986 or any future budget year.

APPROVED by Governor May 23

EFFECTIVE May 23

EDUCATION - UNIVERSITIES, COLLEGES, & VOCATIONAL

- S.B. 14 Colorado state university - veterinary medicine program - maximum number of accountable students allowed. Increases the maximum number of accountable students allowed to be enrolled in the veterinary medicine program at Colorado state university from 248 to 308.

APPROVED by Governor April 8                      EFFECTIVE      July 1

- S.B. 54 In-state tuition status - active duty members of the armed forces and their dependents stationed in Colorado. Provides that an active duty member of the armed forces and his dependents may be eligible for in-state tuition status at state institutions of higher education upon moving to Colorado on a permanent change-of-station basis, notwithstanding length of residency. Specifies that members and dependents who receive in-state tuition status shall not be considered in determining maximum enrollment for those institutions that are subject to enrollment caps. Provides that for purposes of calculating general fund support for the 1986-87 school year such students shall not be counted as residents. Requires the governing boards to report to the joint budget committee on the negative fiscal impact of granting such in-state tuition status. Directs the joint budget committee, subject to available funds, to consider restoring to the affected institutions those amounts reported as a negative fiscal impact.

Precludes a member of the armed forces or his dependents from receiving certain types of state financial aid on the basis of such tuition status until such time as the individual meets the length of residency requirement. Makes the in-state student classification inapplicable to members of the armed forces who attend on-base educational programs for purposes of the Colorado student incentive grant program.

VETOED May 30

- S.B. 93 Metropolitan state college - admission requirements - nontraditional students. Requires that nontraditional students seeking admission to Metropolitan state college possess a high school diploma, a high school equivalency certificate, or the equivalent thereof. Provides that the board of trustees of the consortium of state colleges be consulted in defining "nontraditional student".

APPROVED by Governor March 26                      EFFECTIVE March 26

S.B. 158 University of Colorado - requirements governing issuance of bonds. Raises from \$10 million to \$35 million the limit on the amount of bonds issued by the regents of the university of Colorado for acquisition or equipping of facilities that are related to the research mission of the university. Requires the regents to report to the joint budget and capital development committees of the general assembly on the amount, debt service, and purpose of any such bonds. Requires interest to remain in the research building revolving fund. Provides that student fees, tuition receipts, or general funds shall not be deposited in such fund or used for its programs.

APPROVED by Governor May 8                      EFFECTIVE              May 8

H.B. 1095 Auraria higher education center - board of directors - authorization to use Tivoli revenues. Authorizes the board of directors of the Auraria higher education center to use revenues derived from the Tivoli brewery and parking areas associated with the Tivoli brewery to repay the advancement of moneys for constructing, acquiring, and equipping dining facilities, recreational facilities, health facilities, parking facilities, and student center facilities for the use of students and employees at the Auraria center.

APPROVED by Governor April 3                      EFFECTIVE              April 3

H.B. 1115 Tuition assistance grant program - establishment of. Authorizes the commission on higher education to establish the Colorado tuition assistance grant program to assist Colorado high school graduates attending non-pervasively sectarian private institutions of higher education in Colorado. Defines such institutions. Authorizes the award of grants of up to \$1,500 per academic year to such students. Authorizes the provision of criteria, including need and merit, for the award of such grants. Authorizes the commission to accept moneys from any private source for the program. Creates the tuition assistance grant program cash fund for the reception of such moneys.

APPROVED by Governor April 30                      EFFECTIVE              July 1

H.B. 1133 Junior college districts - elections - board membership. Requires organizational petitions for junior college districts to specify whether the board of trustees shall consist of 5 or 7 members. Provides that the secretary

of state review the petition in districts of 2 or more counties, give notice to the electors in the district that the question of organizing a junior college district will be submitted at the next regular election or at a special election, and canvass the votes and determine the result.

Changes the percentage of affirmative votes required to establish a junior college district. Reduces the term of office for board members from 6 to 4 years. Provides that, for purposes of filling vacancies on the board at regular elections, members appointed to increase the board membership and members appointed to fill vacancies for reasons other than the natural expiration of a term shall not be considered vacancies. Increases the number of vacancies which may be filled at regular elections.

Requires that persons appointed to increase the board membership be appointed 120 days prior to the next junior college election. Extends the period preceding a regular junior college election during which persons appointed to the board are required to serve until the next succeeding regular junior college election.

Makes conforming amendments to change "committee" to "board of trustees".

APPROVED by Governor April 8                      EFFECTIVE July 1

H.B. 1160 Tuition classification of students - olympic athletes. Classifies an olympic athlete in residence at the United States olympic training center in Colorado Springs as an in-state student for tuition purposes at any state-supported institution of higher education in El Paso county. Provides that such athletes shall not be counted as resident students for any other purpose, including the calculation of general fund support for institutions granting students in-state tuition status pursuant to this act for the 1986-87 school year. Provides for the automatic repeal of this act on July 1, 1992.

BECAME LAW without Governor's signature May 26  
EFFECTIVE May 26

H.B. 1229 Faculty members - transitional retiree defined - impact on position when staff reduced. Defines the term "transitional retiree" as any part-time faculty member who was previously employed by the institution of higher

education on a full-time basis. States that the transitional retiree need not be terminated before other faculty members when staff reductions are necessary.

APPROVED by Governor April 3

EFFECTIVE April 3

H.B. 1237 State board for community colleges and occupational education - abolition and reestablishment - members - duties - college advisory council. Establishes the state board for community colleges and occupational education as the agency to develop and establish state policy for occupational education and to govern the state system of community colleges. Abolishes the existing board and establishes a new board. Includes a student member and a faculty member as nonvoting members of the board. Sets forth categories of persons who may not be a member of the board. Amends certain requirements of the state council to conform with federal law.

Requires that the board appoint an executive officer. Grants to the board the power to develop and implement a core transfer program for students ultimately wishing to obtain a baccalaureate degree, to be implemented by September 15, 1987. Authorizes the board, instead of the governor, to appoint a seven-member college advisory council for each community and technical college and changes certain requirements with respect to such local councils. Requires the board to recognize within its policies the way it will receive advice from local councils and further requires the board to develop a comprehensive plan for the role of occupational education in support of overall state educational policy.

APPROVED by Governor April 14

EFFECTIVE April 14



ELECTIONS

- S.B. 3 Campaign contributions by governmental entities - exceptions to the general prohibition. Establishes exceptions to the general rule that no governmental entity may make any campaign contribution. Provides that any candidate who inadvertently expends public moneys for campaign purposes shall reimburse the state or political subdivision for such amount.

APPROVED by Governor March 20

EFFECTIVE March 20

- S.B. 35 Voter registration. Redefines "registration book" and "registration sheet". Defines "voter registration information changes" to include name, address, and political affiliation changes and requires them to be made in writing on forms approved by the secretary of state. Permits persons to register up to 25 days before an election at branch registration offices. Requires the use of computer lists in lieu of registration books at all elections except primary, general, and congressional vacancy elections.

APPROVED by Governor April 17

EFFECTIVE April 17

- H.B. 1222 Special elections for school districts and special districts - dates - notice. Requires special elections concerning school districts to be held on the first Tuesday after the first Monday in February, May, October, November, or December. Authorizes a school district to petition the district court for permission to hold a special election on a day other than those specified days. Requires postcard notification to be sent to the registered electors of a school district giving notice of the election, but provides that the special election shall not be invalidated on the grounds that a registered elector did not receive postcard notification.

Changes the month in the fall in which special elections are held from September to October. Authorizes a special district to petition the district court for permission to hold a special election on a day other than those days specified by statute.

APPROVED by Governor March 26

EFFECTIVE July 1

## FINANCIAL INSTITUTIONS

S.B. 75 State banking code - assessments to remedy impairment of capital - definition of "capital and surplus" or "capital stock and unimpaired surplus fund" - acquisition of property to satisfy indebtedness - confidential information. Changes the procedures for the levying of an assessment upon the holders of common stock of a state bank to remedy an impairment of capital after being ordered to do so by the state bank commissioner. Changes the definition of "capital and surplus" or "capital stock and unimpaired surplus fund". Alters the period of time within which real property acquired by state banks to satisfy indebtedness must be sold from 5 to 15 years and other property from 6 months to 2 years. Changes the percentage rates per annum at which property acquired by state banks must be charged off on the banks' books from 10% to 5% for real estate and from 20% to 10% for other property. Mandates standards for the valuation of property acquired by state banks. Provides that real estate acquired as an investment authorized by law or as property to satisfy indebtedness shall not be categorized as classified assets. Limits real estate acquired as an investment or to satisfy indebtedness to 10% of a state bank's total assets. Authorizes information acquired by the state bank commissioner and his deputies in the exercise of their duties to be divulged to the executive director of the department of regulatory agencies and the division of savings and loan. Requires the executive director of the department of regulatory agencies, the commissioner of the division of savings and loan, and their deputies to take and subscribe an oath pledging to keep information obtained confidential.

APPROVED by Governor April 17

EFFECTIVE April 17

S.B. 118 Public deposits of money - where collateral held - surrender and examination of collateral - audits - appropriation. Authorizes depository trust companies to hold eligible collateral. Requires a written agreement between an eligible public depository and the custodian of eligible collateral providing for the surrender and examination of such collateral. Requires annual audits of eligible collateral held by nationally chartered institutions. Authorizes annual examinations of eligible collateral by the state bank commissioner. Eliminates the exception which allows public moneys to be deposited in institutions which have not been designated as eligible public depositories where such moneys are insured by the federal deposit insurance corporation. Prohibits the deposit of public moneys in insolvent, capitally impaired, or restricted institutions.

Appropriates \$17,010 to the department of regulatory agencies for distribution to the division of banking for implementation of the act.

APPROVED by Governor April 19                      EFFECTIVE      July 1

H.B. 1043 Public deposits - required collateral - where collateral held. Restricts the institutions which may hold eligible collateral required to be held in escrow to savings and loan associations or state or national banks located in Colorado. Authorizes the holding of eligible collateral by the federal home loan bank of Topeka, the Denver branch of the federal reserve bank of Kansas City, or the federal reserve bank of New York. Eliminates the authority for an eligible depository institution to segregate eligible collateral from its other assets and to hold such collateral in the institution's trust department.

APPROVED by Governor March 10                      EFFECTIVE      March 10

H.B. 1151 State banks - changes in control - approval by the banking board. Requires a person to apply to and receive approval from the banking board before purchasing or acquiring sufficient permanent stock to gain control of the state bank. Defines the circumstances under which a person shall be deemed to have control of a state bank. Specifies the information to be contained in applications for approval to purchase permanent stock sufficient to gain control of the state bank. Provides standards that the state bank commissioner shall apply when investigating such applications and that the banking board shall determine are met prior to the approval thereof.

APPROVED by Governor April 19                      EFFECTIVE      April 19

GENERAL ASSEMBLY

H.B. 1013 Postaudits - frequency. Declares that the state auditor may conduct postaudits of financial transactions and accounts kept by or for all departments, institutions, and agencies of state government on a biennial basis.

APPROVED by Governor March 20 EFFECTIVE March 20

H.B. 1135 State officials' compensation commission - reports. Requires the state officials' compensation commission to submit a report every 2 years rather than prior to the year in which the election for state officials' is held. Allows the commission to submit interim reports.

APPROVED by Governor March 20 EFFECTIVE March 20

GOVERNMENT - COUNTY

- S.B. 26 Sludge management program - appropriation. Authorizes the state board of health to impose a fee, not to exceed \$2.40 per dry ton of sludge, on the producers of domestic sewage sludge to cover the costs of implementing a program for the agricultural use of sludge. Provides that the fee is to be reconsidered by the general assembly every 3 years, following a report by the department of health on program costs.

Creates a sludge management program fund to which the fees collected shall be credited and from which funds will be appropriated to the department by the general assembly.

Appropriates \$78,473 to the department of health from the sludge management program fund for implementation of the act.

APPROVED by Governor May 28

EFFECTIVE July 1

- H.B. 1075 Salaries of elected county officers - authority of board of county commissioners to increase salaries. Authorizes the board of county commissioners to increase the salaries of elected county officers up to an amount not to exceed 25% of the amount of salary received by such county officers on January 1, 1987; except that, in a county which has more than 3 county commissioners, the amount of increase may not exceed 15%. Makes such salary increase effective on the second Tuesday of January, 1987. Requires the board of county commissioners to meet with the elected county officers on or before June 1, 1986, to set such salaries. Changes the category of some counties for purposes of setting salaries.

Provides for the repeal of the provisions relating to such salary increase effective upon the proclamation of the governor of the vote of the 1986 general election approving the constitutional amendment which authorizes boards of county commissioners to fix the compensation of elected county officers.

BECAME LAW without Governor's signature May 5  
EFFECTIVE May 5

H.B. 1130 County clerk and recorders - prohibition on purging certain recorded affidavits of trade or assumed names. Exempts certain recorded affidavits of trade or assumed names from provisions which allowed county clerk and recorders to purge all such recorded affidavits in their possession on and after July 1, 1990.

APPROVED by Governor March 20                      EFFECTIVE March 20

H.B. 1264 Annexations for the operation of airports - agreements between counties. Amends provisions governing county annexations to permit the boards of county commissioners of adjacent counties to enter into agreements for the annexation of territory from one county to another to facilitate the operation of a major air carrier airport. Requires the annexing county to have a population of more than 400,000. Requires such an agreement to include, among other things, a specific description of the area to be annexed. Requires each board to approve the agreement at a regular board meeting. Requires the registered electors of the county from which the territory is to be stricken off to approve the annexation agreement at a general or special election. Specifies that such annexations must comply with boundary control commission requirements when annexation to Denver is involved.

APPROVED by Governor April 1                      EFFECTIVE July 1

H.B. 1288 Public assistance - job alternative program - creation. Creates the job alternative program which allows counties to coordinate and consolidate employment, training, and supportive services for certain public assistance recipients and applicants. Requires the criteria for mandatory participation in the job alternative program to be the same as those used to require mandatory registration in the WIN program. Requires the department of social services to report to the general assembly concerning the effectiveness of the job alternative program on or before July 1, 1989.

Requires counties participating in the program to develop a comprehensive plan to implement the program. Requires that county plans comply with all applicable federal and state regulations and that the plans be submitted to the department of social services for approval. Specifies the information the plans are to include. Provides that a county which places an individual in a training diversion program shall receive the state's funding contribution for aid to families with dependent children for such household for a period of time not to exceed 12 months.

Includes assigned status recipients in the WIN program. Requires that WIN priorities and assignments be determined in accordance with the county plan implementing the job alternative program.

Expands the job diversion program eligibility to include recipients of aid to families with dependent children. Allows a county to require a mandatory WIN registrant to participate in the job diversion program. Includes other instructional training activities in the job diversion program. Allows participants in the job diversion program to participate in other diversion employment, training, and supportive services programs. Requires that the state's share of funding for aid to families with dependent children received by the board of county commissioners for the job diversion program be utilized for all program components.

APPROVED by Governor April 30

EFFECTIVE April 30

GOVERNMENT - LOCAL

H.B. 1003 Property taxes - limitation on revenues raised. Lowers the limitation on revenues raised by property taxes from an allowable increase of 7% over the prior year's revenues to 5.5% for the calculation of taxes payable in 1988 and to 6% for the calculation of taxes payable in years thereafter. Calculates the limitation against the total valuation for assessment with exclusions for increases in valuation during the preceding year due to: Annexation or inclusion of additional land and related improvements and personal property; new construction and related personal property; increased volume of production by a producing mine if an increase in local government services results; and the cessation of an exemption for federal property if an increase in local government services results. Allows accumulation of levy authority if the maximum allowable levy is not imposed, but limits extension of such authority to a past year no earlier than the first year under the new limits, thus preventing augmentation of revenues subject to the 5.5% limit by accumulation from a prior year at 7% but allowing any amount which is not actually raised from property taxes payable in 1988 and thereafter to be carried forward and raised in a subsequent year.

Narrows the purposes for which property tax revenues may be raised in excess of the limit to payments for bonds and interest, voter-approved contractual obligations, and capital expenditures, but enlarges the base by the last amount raised for pension fund payments by fire protection districts prior to the elimination of the exception for such levy. Allows the limitation to be exceeded and the increase added to the base if voters approve of the increase. Restricts to special districts the option of appealing to the division of local government for determination of need to exceed the limitation. Extends until January 1, 1990, the county and municipal option to adopt "truth-in-taxation" procedures to establish a revenue limit different from the statutorily set percentage.

Applies the revenue-raising limitation to home rule entities for levies set in 1987 for taxes payable in 1988, and substitutes the limitation in lieu of mill limits for school district levies for capital reserve and self-insurance purposes.

BECAME LAW without Governor's signature May 16  
PORTIONS EFFECTIVE: May 16, 1986  
January 1, 1987



H.B. 1184 Special assessment districts in local governments.  
Harmonizes the authority, powers, and duties of municipal  
and county special assessment districts.

Sections 1 through 3 of the act: (1) Permit a municipal special assessment district to include improvements in the county within which the municipality is situated if such unincorporated area of the county consents to the improvements and gives the municipality corresponding construction, assessment, and enforcement powers; (2) change the method of determining the number of property owners required to sign a petition to be presented as a prerequisite for the ordering of any improvement; (3) provide that a municipality may not proceed with the creation of a special assessment district if a number of property owners representing more than 50% of the estimated assessment protest prior to a hearing; (4) define "assessment unit" for the purposes of municipal special assessment districts; (5) substitute "preliminary plans" for "full details and specifications" in requirements of materials to be adopted and filed before the first public hearing to create such a district; (6) delete the requirement that the preliminary order specify the interest rate on unpaid and deferred installments; (7) provide that cost estimates in the preliminary order are to be good faith, nonbinding estimates; (8) change the number of days prior to a hearing that notice of such hearing must be publicized from 15 to 20; (9) delete the requirement that such notice specify the interest rate on unpaid and deferred installments; (10) provide that the probable per-foot cost estimate in such notice may be based upon another unit basis if appropriate; (11) permit such municipal special assessment districts to be used to finance the acquisition of existing improvements; (12) permit the governing body to enter into contracts with any owner of property within the municipal special assessment district or any other person concerning the construction or acquisition of improvements therein; (13) require the municipality to make a good faith effort to send a copy of the ordinance authorizing any improvement to the county treasurer.

Section 4 of the act expands the applicability of the factors to be considered in determining the special benefits conferred on property as a result of improvements to include property within any municipal special assessment district.

Sections 6 and 7 of the act: (1) Delete the requirement that aggregate payments under contracts for municipal improvements not exceed the estimates of the engineer or any similar officer; (2) clarify that assessments can be based on reasonable cost

determinations prior to construction; and (3) remove the 6% limit on incidental costs.

Sections 8 through 10 of the act authorize the governing body of a municipal special assessment district to direct the municipal treasurer to be collector of any such special assessment district assessments.

Sections 11 and 12 of the act: (1) Authorize the governing body of a municipal special assessment district to determine the method by which installment assessment payments shall be made; and (2) delete the requirement that interest on municipal special assessment district bonds be paid semiannually.

Sections 13 through 16 of the act: (1) Delete the requirement that such bonds be payable "to bearer" and the limit on the amount of the denomination of such bonds; (2) authorize the establishment of a special surplus and deficiency fund for use when all bonds of a municipal special assessment district have been paid and moneys remain to the credit of such district; and (3) clarify provisions in the statute of limitations on actions relating to municipal special assessment districts.

Sections 17 and 18 of the act: (1) Change the method of determining the number of property owners required to sign a petition to be presented as a prerequisite for the ordering of any county improvement, making this method parallel with that used for municipal special assessment districts; (2) permit the board of county commissioners to enter into contracts with any owner of property within the county special assessment district or any other person concerning the construction or acquisition of improvements, making this authority parallel with such authority given to municipal special assessment districts; and (3) authorize counties to pay assessments for special benefits conferred on county property, making this authority parallel with that of municipal special assessment districts.

Sections 19 and 20 of the act require that both municipal and county special assessment district liens be recorded on the land records of the county wherein the land on which such liens are held is located.

Sections 21 and 22 of the act clarify the penalty rate of interest to be charged by county and municipal special assessment districts upon unpaid amounts due from delinquent assessments.

Sections 23 and 24 of the act clarify the formula under which county and municipal special assessment district bonds shall be redeemed.

Sections 25 through 38 of the act replace the defined term "ordering authority" with the term "board".

Makes conforming amendments in other provisions of the act.

APPROVED by Governor April 17

EFFECTIVE July 1

GOVERNMENT - MUNICIPAL

H.B. 1054 Fire and police pensions - disability benefits. Authorizes a reduction in the level of benefits provided to a policeman or fireman who is retired for total disability if subsequent reexamination shows that the disability has ceased to exist or that such retiree is capable of other substantial, gainful activity. Declares such retiree to be occupationally disabled and reduces his benefits to the appropriate level for such disability.

APPROVED by Governor April 3

EFFECTIVE April 3

H.B. 1085 Political subdivisions - authority to plan, construct, acquire, and finance water and sewerage facilities. With respect to a municipality's authority relating to water and sewerage facilities, includes other political subdivisions within the definition of "municipality". Authorizes such political subdivisions to enter into contracts and agreements with other political subdivisions for the planning, construction, acquisition, or financing of water and sewerage facilities. Authorizes such political subdivisions, in addition to other rights with respect to such contracts or agreements, to obligate themselves to make payments for such facilities, to obligate themselves to pay for the output of any project whether or not the project is completed, operable, or operating, to obligate themselves for the proportionate payment and use of the output of the project upon default of any party to the project, and to make any such obligations general obligations of the political subdivision. Where a contract or agreement is to constitute a general obligation of the political subdivision and where the political subdivision shall be required to accept and pay for the output of the project contracted for by a defaulting political subdivision, provides that such contract or project shall not be entered into unless the question of incurring a general obligation has been approved by the voters of the political subdivision.

APPROVED by Governor April 29

EFFECTIVE April 29

GOVERNMENT - SPECIAL DISTRICTS

H.B. 1041 Urban drainage district - taxes levied for drainage and flood control purposes. Allows for an additional levy of  $\frac{1}{10}$  of a mill for the maintenance of and any improvements on that portion of the south Platte river which lies within the urban drainage and flood control district, except that part of the district lying in Boulder county where such mill levy shall not be applied. Increases the levy not subject to a vote by a majority of the electors in the district by a corresponding amount.

APPROVED by Governor April 17                      EFFECTIVE April 17

H.B. 1087 Hospital districts - tax levy limitations on district boards. Removes the limitation on the number of mills a hospital district may levy on the taxable property of the hospital district. With the approval of the electors at a special election, allows a hospital district to levy a tax in excess of the statutory tax limitation for local governments. Specifies how electors are to be notified of the election and how the election is to be conducted.

APPROVED by Governor March 26                      EFFECTIVE March 26

H.B. 1156 Special district elections - voting requirements - procedures. Requires that a voter be an elector as defined in the statutory provisions on special districts and be listed on the registration list or property owners' list, certified and furnished by the county clerk and recorder and county assessor. Allows a person whose name is omitted from either list to vote if he presents to the election judge a certificate of registration or property ownership issued on election day. Expands certain voting procedures to all types of special district elections. Permits a challenge to the qualifications of an absent voter's ballot.

APPROVED by Governor April 8                      EFFECTIVE July 1

H.B. 1281 Regional transportation district - inclusion of area within boundaries. Includes a specified area of land located in Douglas county in the vicinity of the intersection of County Line road and South Santa Fe drive within the boundaries of the regional transportation district.

APPROVED by Governor March 20                      EFFECTIVE March 20

GOVERNMENT - STATE

S.B. 23 Age discrimination - discriminatory or unfair practices - appropriation. Defines age to mean a chronological age of at least 40 years but less than 70 years. Includes within the powers and duties of the Colorado civil rights commission the duty to help eliminate age discrimination and the duty to help minimize or eliminate unfair practices aimed at such discrimination. Includes within the commission's powers and duties the duty to cooperate with other entities in planning and conducting educational programs designed to eliminate age tensions.

Prohibits an employer, labor organization, or employment agency from discriminatory or unfair employment practices against an otherwise qualified person because of age.

Provides that it is not an unfair labor practice to ascertain and record the age of an individual for the purpose of making reports required by law to agencies of the federal or state government.

Provides that it will not be a discriminatory or an unfair employment practice for an employer to take age into account if it is a bona fide occupational qualification, to observe the terms of a bona fide seniority system or employee benefit plan, to compel the retirement of an employee between 65 and 70 years of age who for 2 years prior to retirement was employed in an executive or high policy-making position if such employee is entitled to an immediate nonforfeitable annual retirement benefit from a pension, profit-sharing, savings, or deferred compensation plan if such plan equals in the aggregate at least \$40,000, or to discharge or otherwise discipline an individual for reasons other than age.

Prohibits an employee benefit plan to require or permit the involuntary retirement of an individual because of age.

Appropriates \$16,659 and 0.5 FTE to the department of regulatory agencies for allocation to the civil rights division for implementation of the act.

APPROVED by Governor May 8

EFFECTIVE May 8

S.B. 30 Colorado state fair authority - inclusion in the risk management fund. Includes the Colorado state fair authority within the definition of "state agency" for purposes of the risk management fund.

APPROVED by Governor February 27      EFFECTIVE February 27

S.B. 38 State personnel system - conforming the "State Personnel System Act" to the state constitution. Conforms statutory provisions relating to the state personnel system to the constitutional amendment to be submitted to the registered electors at the 1986 general election, which amendment makes changes to streamline the state personnel system, such as abolishing the state personnel board and altering appointing authorities. Provides that such changes will take effect only if the constitutional amendment is approved by the electors.

APPROVED by Governor March 26      EFFECTIVE July 1, 1987

S.B. 47 State treasurer - authority to issue and sell notes. Repeals and reenacts the "Funds Management Act of 1984", expanding the authority of the state treasurer to issue and sell notes payable from the anticipated revenue of any state fund. Allows the rate of interest on such notes to be fixed, adjustable, variable, or any combination thereof. Requires the state auditor to make an annual report to the legislative audit committee and the finance committees of the general assembly with respect to the issuance of such notes. States that the repeal and reenactment of the act shall not affect the validity of any notes issued under the previous act.

APPROVED by Governor March 26      EFFECTIVE July 1

S.B. 68 Handicapped persons - right to be accompanied by service dogs. Provides that physically disabled persons have the right to be accompanied by service dogs as well as guide dogs.

APPROVED by Governor March 20      EFFECTIVE March 20

S.B. 97 Retired public employees' health insurance reserve fund - contributions by state court judges. Requires a percentage of the salaries of certain state court judges to be transferred to the retired public employees' health insurance reserve fund.

APPROVED by Governor April 3      EFFECTIVE July 1

S.B. 101 Department of institutions - authorization for the executive director to acquire property through a lease-purchase agreement with the Colorado health facilities authority. Authorizes the executive director of the department of institutions to enter into a lease-purchase agreement with the executive director of the Colorado health facilities authority. Provides that such agreement shall be for the purpose of providing youth training and detention facilities and to provide additional facilities at the Pueblo regional center. Makes the lease-purchase agreement subject to annual appropriations of the general assembly. Specifies which facilities are to be constructed or rehabilitated. States that any construction contract for the facilities authorized by the agreement shall be submitted to competitive bidding, and that any contractor constructing facilities under such a contract shall comply with any local zoning or building codes.

Limits the net effective interest rate payable by the state under the lease-purchase agreement to 9% per year and the construction cost of facilities to \$32,059,258. Also limits the term of the lease-purchase agreement to 10 years. States that the lease-purchase agreement should be entered into in FY 1986-87, but that no appropriation is required for first year costs. States that the general assembly intends to appropriate sufficient moneys to cover costs over the remaining term of the lease-purchase agreement.

Directs the executive director of the department of institutions to request a proposal from the department of corrections for furnishings and equipment for the facilities. Authorizes the acceptance of private sector contributions for the purpose of purchasing furnishings and equipment. Also authorizes a program for the construction of furnishings and equipment by residents of youth correctional facilities.

Establishes procedures which apply to the lease-purchase agreement notwithstanding any other state or fiscal rule to the contrary. Requires approval of land purchases and construction sites by the legislative council of the general assembly. Requires the executive director of the department of institutions to make quarterly progress reports to the capital development committee of the general assembly and to annually report to the general assembly.

BECAME LAW without Governor's signature June 27  
EFFECTIVE June 27



S.B. 113 Agreements affecting appropriations - consent of general assembly. Provides that no agreement, including but not limited to a stipulation in a pending lawsuit, the lease or purchase of real property, or the settlement of any claim, which will require appropriations of \$250,000 in addition to those made for the current fiscal year and for the first half of the 1986-87 fiscal year, shall be valid unless the general assembly, acting by joint resolution, has given its consent. Requires submission of such proposed agreements to the office of state planning and budgeting, which is to provide a statement of fiscal impact. Prohibits funding of such agreements until the general assembly has given its consent. Provides that the statute does not apply to the settlement of claims which may be paid out of the risk management fund and which are settled in accordance with the settlement authority pertaining to that fund.

VETOED May 30

S.B. 138 Motion picture and television advisory commission - abolition and reestablishment. Abolishes the present motion picture and television advisory commission and terminates the terms of the members of such commission. Establishes a new nine-member commission for the purpose of promoting Colorado as a location for the production of motion pictures and television films. Requires the commission to report annually to the general assembly.

VETOED April 5

OVERRIDDEN May 16

EFFECTIVE May 16

S.B. 145 State employees - workweek - overtime compensation - compensatory time. Changes the prescribed workweek for state employees so it begins on Saturday and terminates on Friday and allows exceptions to the consecutive seven-day work period and forty-hour limitation for law enforcement, fire protection, and hospital employees. Requires compensatory time to be taken or paid for in cash within 2 months after the end of the payroll period in which the overtime was worked. Increases the amount of compensatory time which may be taken by a nonexempt employee from 40 hours to 60 hours. Amends the categories and designation of employees ineligible for cash overtime compensation. Allows department heads or their designees or appointing authorities, instead of the controller, to authorize compensatory time off.

Repeals the statute making overtime provisions inapplicable to employees of the Colorado state patrol.

APPROVED by Governor April 3

EFFECTIVE April 3

S.B. 150 Public employees' retirement association - benefits to surviving spouses of members. Authorizes benefits for the surviving spouse of any active member or judge who is an active member of the public employees' retirement association with less than 10 years' service credit earned through employment covered by the association whose death is proximately caused by an accident arising out of and in the course of the deceased's employment.

APPROVED by Governor March 26                      EFFECTIVE      July 1

S.B. 160 Nonessential function bonds - state allocation of unified bond ceiling. Implements a provision in the federal "Tax Reform Act of 1985" which allows each state to establish its own method of allocating the federal unified bond ceiling limitation on the volume of tax-exempt bonds which may be issued in the state. Establishes an allocation formula under which the department of local affairs apportions the unified bond ceiling limitation among Colorado state and local qualified issuing authorities. Provides procedures to be followed by the department of local affairs and state and local issuing authorities in determining allocations. Provides operative effective dates dependent upon the effective dates of the unified bond ceiling limitation provisions of the federal "Tax Reform Act of 1985".

APPROVED by Governor May 8                      EFFECTIVE      May 8

S.B. 162 Principal departments of state government - reconfirmation of executive directors. Requires senate reconfirmation of an executive director of a principal department of state government who is reappointed to the same position by a new governor after initial election of such new governor.

APPROVED by Governor May 23                      EFFECTIVE      May 23

S.B. 168 Compensation of state employees - salary survey adjustments - group health and life insurance. Postpones implementation of salary survey adjustments for classified employees from July 1, 1986, to March 1, 1987. Increases the state's contribution for group health and life insurance for state employees and officials from \$59 to \$66.

BECAME LAW without Governor's signature May 27  
EFFECTIVE July 1

H.B. 1014 Audits of mineral revenues - transfer of responsibility from state auditor to the department of revenue - appropriation. Changes the responsibility for audits of revenues from oil, gas, and mineral rents and royalties and mill levies on oil and gas production from the state auditor to the department of revenue. Requires the executive director of the department of revenue to supply information obtained from such audits to county assessors.

Appropriates \$251,015 to the department of revenue for implementation of the act.

APPROVED by Governor May 23                      EFFECTIVE      July 1

H.B. 1015 State treasurer's duties as ex officio treasurer of public employees' retirement system funds - discontinuation. Eliminates the duty of the state treasurer to act as ex officio treasurer of the public employees' retirement association, the judges' retirement fund, and the retired public employees' health insurance reserve fund.

APPROVED by Governor February 21      EFFECTIVE February 21

H.B. 1045 "Public Works Fiscal Responsibility Accounting Act of 1981" - continuation of. Repeals the section which would have repealed the "Public Works Fiscal Responsibility Accounting Act of 1981", thus continuing the act.

APPROVED by Governor February 27      EFFECTIVE February 27

H.B. 1050 Exchange of real property in Denver for real property and improvements in Jefferson county by the department of administration. Amends a land sale authorization contained in the 1985 Session Laws to allow the executive director of the department of administration to exchange real property and improvements located in the city and county of Denver for real property and improvements located in Jefferson county in lieu of selling such property.

APPROVED by Governor March 9                      EFFECTIVE      March 9

H.B. 1071 General government computer center - establishment as a division in the department of administration - functions. Establishes the general government computer center as a separate division within the department of administration. Transfers to the center the duties and functions of the division of automated data processing regarding the provision of data entry, systems development and programming, and computer services. Establishes the GGCC revolving fund to be financed by user fees and subjects the moneys in such fund to annual appropriations by the general assembly. Makes conforming amendments to parallel provisions in the statutes governing the division of automated data processing.

Establishes the division of telecommunications revolving fund to be financed by user fees, and subjects the moneys in such fund to annual appropriation by the general assembly.

Repeals the statutory authority for the general government computer center on July 1, 1989.

APPROVED by Governor May 28      EFFECTIVE July 1, 1987

H.B. 1086 Public employees - retirement benefits under PERA - increase. Allows for an increase in the maximum allowable retirement benefit which may be paid to members, or survivors of members, of the public employees' retirement association.

APPROVED by Governor March 20      EFFECTIVE July 1

H.B. 1101 Advisory committees - sunset review. Establishes a procedure for legislative review of advisory committees. Repeals the statutory authorization for specified existing advisory committees over a six-year period and provides for review by the committee for sunrise and sunset review prior to said repeal. Requires an agency with authority to create an advisory committee to furnish information regarding its existence to the committee for sunrise and sunset review.

APPROVED by Governor March 26      EFFECTIVE March 26

H.B. 1119 Transfer of land and improvements in Jefferson county from the department of institutions to the state board of land commissioners. Authorizes the executive director of the department of institutions to transfer land, improvements, and a right-of-way located in Jefferson county, which are no longer needed for use by the Wheat Ridge regional center, to the state board of land commissioners.

APPROVED by Governor April 4                      EFFECTIVE    April 4

H.B. 1162 Sale of property - proceeds to capital construction fund. Directs the state of Colorado to sell or exchange for equal or greater value a parcel of real property in Denver. Provides that proceeds from the sale of such property shall be credited to the capital construction fund.

APPROVED by Governor April 3                      EFFECTIVE    April 3

H.B. 1167 Division of risk management - power and duties - scope of risk management fund. Permanently extends the division of risk management and the risk management fund which were scheduled to expire automatically on June 30, 1986. Expands the authority of the division of risk management and expands the coverage of the risk management fund to include payment of audit expenses, payment of premiums for liability insurance policies purchased by the division to protect the state and its officials and employees, payment of premiums for policies of insurance to protect against loss or damage to state-owned property, and payment of deductibles on state insurance policies. Defines "property" as both real and personal property. Requires the state attorney general's concurrence when the executive director of the department of administration employs private attorneys. Authorizes investigation and adjustment of incidents or occurrences likely to result in claims against the state.

Requires that the purchase of property or liability insurance policies by state agencies be coordinated through and approved by the division of risk management. Requires that the purchase of all insurance policies for the state be pursuant to the "Procurement Code". When no responsible competitive sealed bids regarding the purchase of insurance are received, permits the state risk manager to negotiate with any agent, broker, or insurance company to secure the insurance policies. Clarifies that the authority to settle claims includes the authority to make payments in settlement of claims.

States that the statutes authorizing the division of risk management constitute the only statutory authorization pursuant to the state constitution to settle claims and pay judgments against the state.

APPROVED by Governor April 17

EFFECTIVE April 17

- H.B. 1173 Department of regulatory agencies - members of boards and commissions within the division of registrations - per diem compensation - appropriation. Deletes a provision prohibiting a member of a board or commission within the division of registrations of the department of regulatory agencies who is otherwise employed by the state or federal government from receiving per diem compensation. States that per diem compensation shall not be paid to a member who is a state employee for work performed during normal working hours or for work performed when the employee is on paid administrative leave or when otherwise prohibited by the fiscal rules of the controller.

Appropriates \$6,500 to the department of regulatory agencies for the implementation of the act.

APPROVED by Governor May 23

EFFECTIVE May 23

- H.B. 1196 Governmental immunity act - liability of public entities, officials, and employees. Makes the following changes to the "Colorado Governmental Immunity Act":

Clarifies that the act covers those actions which lie in tort or could lie in tort regardless of whether that may be the type of action or form of relief chosen by the claimant. Redefines "dangerous condition" so that sovereign immunity is not waived as to certain conditions resulting from weather. Includes an authorized volunteer as a public employee covered under the act. Clarifies that the waiver of immunity as to a highway applies only to a physical interference with the movement of travel and applies only to paved portions or to those portions of a road customarily used for travel and generally does not include physical interference with traffic signs.

Eliminates the provision that the purchase of insurance is a waiver of immunity or of the liability limits of the act. Permits the governing body of a public entity to waive the liability limits of the act and the immunity granted in the act by resolution.

States that a public entity has the same immunity as any immunity that is applicable to its public employees. Clarifies that the act does not create any

duty of care. States that a public entity or a public employee shall not be deemed to have assumed a duty of care by the performance of a service or an act for the benefit of any person or by the adoption or enforcement of a policy or regulation to protect any person's health or safety. Clarifies that sovereign immunity is a bar to bringing an action and requires the court to determine that issue by motion.

Clarifies that the one-hundred-eighty-day notice provision is a jurisdictional prerequisite and that such notice begins to run from the date of the discovery of the injury and not from the date of the discovery of the legal basis of the injury. Requires the claimant to wait 90 days after the notice is filed before filing suit. Provides that the ninety-day period tolls the particular statute of limitations.

Repeals provisions that allow public entities discretion over whether or not to defend a public employee who is sued. Awards attorney fees against the plaintiff and in favor of the public employee if there is a willful and wanton allegation on which the plaintiff does not prevail unless the court determines that it would be unjust to do so. Makes the public entity liable for reasonable attorney fees in defending a public employee. Permits a public entity to pay a punitive damage claim against a public employee if the governing body determines by resolution that it is in the public interest.

Eliminates the distinction between public entities other than the state and the state made in connection with the payment of judgments and settlements. Provides that the liability limits apply regardless of the number of public entities or public employees joined in the suit. Permits a public entity, other than the state, to use an annual tax levy, appropriation, or both to fund a self-insurance fund.

On and after April 29, 1986, permits public entity pools for liability or property insurance purposes to combine and commingle funds.

Requires strict construction of the act. Clarifies that the act does not abrogate common law immunities. Requires federal causes of action brought in state court to comply with the provisions of the act. Adopts a severability clause.

APPROVED by Governor      April 29  
PORTIONS EFFECTIVE:      April 29  
   July 1

H.B. 1265 Contractor's payments in construction contracts - securities held for withdrawn sums - obligations addressed if public entity takes over contract. Requires a contractor, who deposits acceptable securities to guarantee the payments he received from the public entity, to take whatever action the public entity may require to transfer such securities to the public entity. Allows such securities to be held by an institution mutually selected by the public entity and the contractor. Provides that securities held by an institution are deemed to be in the possession of the public entity and the subject of a perfected security interest under the Uniform Commercial Code. If the institution selected is a state or national bank or a state or federal savings and loan association, states that the securities are not public deposits under the "Public Deposit Protection Act of 1975" or the "Savings and Loan Association Public Deposit Protection Act".

If the public entity is required to take over completion of the contract, allows the payments owed the contractor to be applied toward the cost of completing the contract, the payment of claims filed by suppliers, and the expenses of the contractor's surety before the contractor receives payment.

Removes money market accounts from the definition of "acceptable securities".

APPROVED by Governor April 17

EFFECTIVE July 1

H.B. 1277 Surplus and excess state property - administration by department of corrections. Authorizes the executive director of the department of corrections to utilize prison labor within the division of correctional industries to administer the distribution of excess and surplus state property, equipment, and supplies. Requires the executive director to promulgate rules with respect to the sale, lease, or disposal of surplus equipment and supplies by auction or bidding and the transfer of excess equipment and supplies. Designates revenues collected by the division of correctional industries from the transfer, sale, lease, or disposal of such property to be transmitted to the "correctional industries account". Transfers the Colorado state agency for surplus property from the division of purchasing in the department of administration to the division of correctional industries in the department of corrections, and repeals the authority of the director of the division of purchasing with respect to excess and surplus state supplies.



Requires the state agency for surplus property to distribute or otherwise dispose of surplus federal property currently held in Denver, Colorado. Requires the division to make a recommendation to the general assembly with respect to the lease, purchase, or construction of a facility to implement the provision of this act. Makes these requirements effective July 1, 1986.

VETOED April 14  
OVERRIDDEN May 16  
PORTIONS EFFECTIVE: July 1, 1986  
July 1, 1987

H.B. 1279 Public moneys - pooling of surplus funds - board custodianship of library district moneys. Authorizes political subdivisions, departments, agencies, and political and public corporations of the state to pool surplus moneys in their treasuries with the funds of similar entities for investment purposes.

Authorizes the treasurer of a library district to place library district moneys in the custodianship of the board of trustees, but requires that the board carry a bond, make monthly accountings, and cause to be made annual audits with respect to the board's management of such moneys.

APPROVED by Governor April 17                      EFFECTIVE April 17

H.B. 1346 Creation of advisory commission on information management - membership - duties. Creates, as a type 1 agency in the department of administration, a thirteen-member advisory commission on information management. States that the purpose of the advisory commission is to provide a centralized overview of state automated data processing plans and policies for hardware and software procurement to achieve statewide compatibility and accessibility of information. Provides that a majority of the members of the advisory commission shall be appointed from the private sector. Allows the advisory commission to adopt rules and regulations to govern agency procurements. Subjects the advisory commission to sunset review and provides for its repeal on July 1, 1989.

VETOED May 19

H.B. 1354 Authority to transfer between appropriations within a principal department or office of state government. From the effective date of the act until the date of repeal, September 1, 1986, allows transfers between appropriations within a principal department of state government if the appropriations are for like purposes. Describes certain exceptions to the "like purposes" rule and allows certain additional transfers. Statutorily authorizes transfers in the general appropriations act between appropriations within a department which are required to implement conditional appropriations. An example is appropriations to the executive director's office for salary pots and other, similar purposes. Allows similar transfers to be made by the office of the governor and the judicial department.

BECAME LAW without Governor's signature May 27  
EFFECTIVE May 27

H.B. 1355 Authority to transfer between appropriations made to different principal departments of state government in order to implement centralized appropriations or to meet medicaid expenditures. From the effective date of the act until the date of repeal, September 1, 1986, statutorily authorizes transfers between principal departments in the general appropriation act which are required to implement conditional appropriations, including centralized appropriations to the division of accounts and control for salary pots and other, similar purposes. Authorizes transfers between the departments of social services and institutions for medicaid programs of up to \$1,000,000.

BECAME LAW without Governor's signature May 27  
EFFECTIVE May 27

HEALTH

H.B. 1102 Individual medical accounts - treatment of interest earned thereon for income tax purposes. Allows an individual to deposit contributions to an individual medical account to be used to pay the medical expenses of the individual and his family. Specifies that the amount deposited per taxable year may not exceed \$2000 for the account holder, \$2000 for the spouse of the account holder, and \$1000 for each dependent child of the account holder.

Allows interest earned on an individual medical account to be exempt from taxation as Colorado adjusted gross income.

Allows an employee, upon agreement with his employer, to have the employer either contribute to the employee's individual medical account or continue making contributions under the employer's existing health insurance policy or program.

Requires the account to be managed as a trust. Imposes penalties for early withdrawal. Requires an account holder after reaching the age of 59 1/2 years to make withdrawals for medical, dental, or long-term care purposes only. Requires the account and any accumulated interest earned thereon to become part of the account holder's taxable estate upon his death.

APPROVED by Governor May 23

EFFECTIVE May 23

H.B. 1104 Colorado Certificate of Public Necessity Act - regulation under - exemptions - repeal of act. Removes health care providers, other than separately licensed nursing care facilities, intermediate care facilities, and facilities for the mentally retarded that are certified for medicaid reimbursement, from regulation under the Colorado Certificate of Public Necessity Act. Makes conforming amendments to the special district and health maintenance organization statutes. Additionally exempts from such regulation the health services provided by a hospital or a facility associated with a hospital or the hospital's holding company that are related to the conversion of up to 20 beds over a two-year period.

Repeals the Colorado Certificate of Public Necessity Act in its entirety on July 1, 1990.

VETOED May 21

H.B. 1139 Low-fat frozen dairy dessert - standards. Establishes the milk fat standard for low-fat frozen dairy dessert to be not less than 1.5% nor more than 1.9%, and establishes a food solids requirement to be not less than 1.3 pounds per gallon.

APPROVED by Governor April 3                      EFFECTIVE    April 3

H.B. 1268 Passenger tramway safety board - powers - duties. Allows the passenger tramway safety board to establish the date for registration of passenger tramways. Requires that passenger tramways be inspected prior to registration.

Allows the board to adopt rules and regulations requiring reports concerning accidents and other problems relating to passenger tramway design standards, construction, operation, or maintenance. Authorizes the board to conduct hearings itself with the assistance of a hearing officer or attorney from the office of the attorney general. Allows emergency shutdown orders to be served on operators of passenger tramways by the supervisory tramway engineer or any board member. Expands the authority of the board to take disciplinary actions against operators, including the imposition of fines, and establishes acts or omissions which may result in such actions being taken. Provides for judicial review of actions and orders of the board by the court of appeals.

Cloaks the board, its staff, its advisors and advisory committees, and independent contractors assisting the board with the protections of governmental immunity for acts or omissions committed in the course of official board duties.

APPROVED by Governor April 3                      EFFECTIVE    April 3

H.B. 1272 Uranium processing sites - acquisition of designated sites by the department of health - arbitration - condemnation. Authorizes the department of health to acquire uranium processing sites for participation in the federal "Uranium Mill Tailings Radiation Control Act of 1978". Requires the department to enter into nonbinding arbitration with the site owner to acquire such site if negotiations fail to bring about the acquisition of the site. States that the department is authorized to obtain such site by condemnation proceedings if the decision of the arbitration panel results in the department not acquiring the site.

Repeals statutory provisions upon acquisition of all 9 currently designated sites.

APPROVED by Governor May 16

EFFECTIVE May 16

H.B. 1289 AIR program - certificates of emission control. Requires owners of automobiles in the counties of Denver, Jefferson, Arapahoe, Boulder, Adams, Douglas, El Paso, and Larimer to have their automobiles inspected and to obtain a certificate of emissions control prior to registration. Increases the maximum amount required of an owner to bring his automobile into compliance from \$15 to \$50 for 1980 and older models and from \$100 to \$200 for 1981 and newer models. Requires 1967 and older model vehicles which were previously exempt to be tested. Makes these provisions effective July 1, 1987.

Specifies that the air quality control commission, by rule and regulation, shall require that instruments used for measuring exhaust gas be of a certain standard and that the department of administration shall let bids for the procurement of such instruments pursuant to certain standards. Makes this provision effective July 1, 1987.

Requires the department of health to conduct a one-year study, effective July 1, 1986, using technical and administrative centers in Denver, Fort Collins, and Colorado Springs for testing vehicles required to obtain certification. Requires the maximum fee allowed by law to be charged for such inspections and provides for the moneys therefrom to be deposited into the "AIR account". Requires the department to report to the Senate and House Health, Environment, Welfare and Institutions committees by July 1, 1987, on the results of the one-year study.

Allows peace officers or local government environmental officers to issue summons to operators of vehicles emitting visible air contaminants, effective July 1, 1987.

Requires the air quality control commission to develop and, effective January 1, 1987, to implement a fleet inspection and maintenance program for heavy-duty diesel-powered vehicles. Makes noncompliance with the program a misdemeanor.

Requires the department of health to promulgate rules and regulations to bring diesel vehicles into compliance with the existing opacity standard. Makes this provision effective July 1, 1987.

Makes the standards for visible smoke emissions from diesels more stringent, effective July 1, 1987.

Increases the registration fee for vehicles subject to the AIR program, effective July 1, 1987.

APPROVED by Governor May 12  
PORTIONS EFFECTIVE: May 12, 1986  
July 1, 1986  
July 1, 1987

H.B. 1344 Programs to control pollution caused by wood burning devices - compliance periods. Changes from January 1, 1987, to April 1, 1987, the scheduled time for compliance with the emissions certification standards for the sale of new wood stoves. Requires the air quality control commission to adopt a set of approved design specifications for building fireplaces as soon as practicable but no later than January 1, 1989. Changes the scheduled time for compliance with such fireplace design specifications from July 1, 1987, until as soon as practicable after the design specifications are adopted.

VETOED May 13

H.B. 1357 Colorado health data commission. Specifies the length of the term for members and provides for a staggered expiration of the terms of the current members. Allows the commission to analyze data and expands the subject matter for which data may be collected. To encourage compliance with the commission's requests for data, authorizes the commission to notify a person not in compliance and allows such person to respond at the commission's meetings. Also allows the commission to note such noncompliance in its reports and publications. Repeals the law relating to the commission on July 1, 1992.

APPROVED by Governor May 28

EFFECTIVE May 28

## HIGHWAYS AND ROADS

- S.B. 10 Highway data - centralized collection. Requires the state department of highways to compile and maintain information concerning the condition of the state's streets, roads, and highways. Requires the chief engineer to establish a uniform method of reporting such information.

Requires municipalities and counties to report information concerning the condition of the streets, roads, and highways in such municipalities and counties to the state department of highways in conjunction with the reports relating to total mileage changes.

APPROVED by Governor April 21

EFFECTIVE April 21

- S.B. 36 Highway finance - fuel taxes - gross ton-mile tax - highway budget process - management study of state highway department - "fair share" study - highway legislation review committee. Raises the gasoline tax from 12¢ to 18¢ per gallon, raises the special fuel tax from 13¢ to 20.5¢ per gallon, and imposes a minimum gross ton-mile tax of \$150. Repeals the tax increases on July 1, 1989, but states that the purpose of such repeal is to ensure legislative consideration of extending or modifying the tax increases after the general assembly has received the results of the "fair share" study provided for in the bill and after the highway legislation review committee has had an opportunity to make recommendations to the general assembly concerning the financing of streets, roads, and mass transit.

Allocates the revenues from the fuel tax increases to the state highway fund, to counties, and to cities in the same manner as current law. Repeals a provision which provides that cities and incorporated towns having an area greater than 10 square miles and fewer than 700 motor vehicle registrations shall be treated as unincorporated territory of the county for purposes of allocations of fuel tax revenues and shall therefore not receive municipal allocations. Permits fuel tax revenues (other than the revenues from the first 7¢ of fuel tax) to be used for new construction, safety improvements, maintenance, and capacity improvements, and removes a limitation that such revenues must be used only for existing highways. Requires the state highway commission to provide the general assembly with the specific construction, maintenance, and traffic control activities accomplished with fuel tax revenues.

Limits the state department of highways to 3,316 full-time equivalent employees for the 1986-87 and 1987-88 fiscal years. Makes various changes to the highway budgeting process, including the following: Eliminates the responsibility of the state engineer to prepare the initial proposed budget for approval of the state highway commission. Requires the commission to submit a proposed budget allocation plan by January 15 of each year to the joint budget committee, the house transportation and energy committee, the senate transportation committee, and the governor. Requires the plan to be submitted in a format determined by the joint budget committee, and revises the information required to be included in the proposed budget. Requires the house transportation and energy committee and the senate transportation committee to hold a joint meeting, with the opportunity for a public hearing, for review and comment on the proposed budget allocation plan. Requires the official response of such committees to the proposed budget allocation plan, together with any recommended changes, to be transmitted to the commission by April 15. Requires the commission to adopt a final budget allocation plan by May 15. Requires the commission to submit in writing to the general assembly its responses to the recommendations of the joint budget committee, the house transportation and energy committee, and the senate transportation committee. Permits the commission, in adopting the final budget allocation plan, to include changes recommended by such committees, but prohibits other changes to the proposed budget allocation plan except amendments reflecting unanticipated increases or decreases in revenue or expenditures and amendments increasing or decreasing expenditures as a result of emergencies or contingencies unforeseen at the time of the preparation of the proposed budget allocation plan.

Prohibits the state highway department from awarding a contract for a highway project for an amount more than 2% over the department's estimate on the project if there are less than 3 bidders on the project.

Requires the legislative council to contract with an independent auditor from the private sector whose primary business is unrelated to government activities to perform a complete management study to determine the efficiency and effectiveness of state department of highways personnel. Requires the study to include a time and motion analysis or equivalent evaluation. Requires a report of the completed study to be submitted to the general assembly by February 1, 1988. Requires the state highway commission to include the cost of the study in its budget, with such cost (not to exceed \$250,000) to be derived from savings achieved by the commission in nonmaintenance personnel costs.



Requires the legislative council to contract for a "fair share" study to determine the relative costs of highway repair, maintenance, and improvements which are attributable to various types of vehicles and highway uses. Requires such study to include recommendations for the financing of streets and highways and for means of implementing the findings. Requires such recommendations to take into consideration economic factors and limitations. Requires the results of the study to be submitted to the general assembly by February 1, 1988. Appropriates \$250,000 from the highway users tax fund to the legislative council for the costs of the study.

Reestablishes the highway legislation review committee as an eleven-member committee, as follows: 5 members appointed by the governor from highway advisory groups throughout the entire state, 3 members of the house of representatives appointed by the speaker, and 3 members of the senate appointed by the president of the senate. Provides that the terms of office of committee members shall be for 2 years, commencing February 1, 1987. Requires the committee to meet in 1987, 1988, and 1989, and every other year thereafter, to give guidance and direction to the highway department in the development of the state highway system, to review all highway legislation, to make recommendations to the general assembly for additional legislation as it deems necessary, and to develop and make recommendations concerning the financing of streets, roads, and mass transit. Authorizes the committee to review any phase of highway department operations, including postoperation project review, to require the highway department to adopt five-, ten-, and fifteen-year plans, and to conduct financial or performance audits. Provides that legislation recommended by the committee shall be treated as legislation recommended by an interim legislative committee for purposes of any bill limitations or deadlines imposed by the joint legislative rules. Terminates the committee on July 1, 1991.

BECAME LAW without Governor's signature May 27  
EFFECTIVE July 1

S.B. 50 Athletic or special events - closure of highways by state patrol or municipality - payment of costs - liability.  
Allows for partial closure of individual lanes or portions of highways or for the restriction of traffic on highways for athletic or special events upon application to the Colorado state patrol and payment of a fee in the same manner as for complete closures.

Authorizes municipalities to make such closures, partial closures, or restrictions when the closure or

restriction and any attendant disruption of traffic is entirely within the municipality, but requires the municipality to obtain the approval of the executive director of the state department of highways for state highway closures or restrictions.

Deletes the requirement that all applications for closures be approved by the executive director of the state department of highways.

Provides that all fees collected for closures be annually appropriated for expenses incurred by the patrol as a result of such closures.

Requires an applicant to provide for insurance in the amount required under the "Governmental Immunity Act" to protect the state from liability and provides that the risk management fund will not pay for liability claims resulting from such closures.

APPROVED by Governor March 20

EFFECTIVE March 20

S.B. 58

Hazardous materials - transportation - hazardous substance incidents - appropriation. Consolidates statutory provisions and administrative responsibility relating to hazardous materials transportation and emergency response under a new article entitled the "Hazardous Materials Safety Act of 1986". Defines 4 categories of hazardous materials. Requires the chief of the Colorado state patrol to promulgate rules and conduct hearings for the administration of the act. Requires the chief to annually submit a report to the governor and the general assembly concerning the effectiveness of the hazardous materials regulations established by the act.

Lists which officials have the authority to enforce the act and establishes a mechanism for assessing civil penalties. Preempts local governments from regulating the transportation of hazardous materials except when the local government adopts regulations identical to the provisions of the act.

Creates the hazardous materials safety fund and states that the moneys in the fund are subject to appropriation by the general assembly.

Authorizes the chief to promulgate rules for the safe transportation of hazardous materials by motor vehicle. Requires the department of public safety to promulgate rules for the safe transportation of hazardous materials by railroad.

Establishes a permit system for vehicles transporting certain hazardous materials. Requires applicants for such permits to supply proof of sufficient liability insurance, to submit a description of the hazardous materials to be transported, and to agree to comply with the rules promulgated by the chief. Establishes a schedule of permit fees and requires persons transporting hazardous materials to carry a copy of the permit. Authorizes the patrol to suspend or revoke permits and establishes civil and criminal penalties for violations of the permit requirement, which penalties shall apply to acts committed on or after October 1, 1986. Preempts local governments from establishing permit systems.

Authorizes the patrol to designate routes for vehicles transporting certain hazardous materials. Establishes a procedure through which local governments may petition for particular route designations. Establishes civil penalties for deviations from the designated route, which penalties shall apply to acts committed on or after July 1, 1987.

Transfers existing statutory authority concerning hazardous substance incidents from the department of health to the department of public safety. Recognizes the emergency response authorities designated and the mutual aid pacts entered into prior to July 1, 1986, as valid.

To implement the act, appropriates \$176,986 and 8.0 FTE to the department of revenue for allocation to the ports of entry division; \$51,118 and 2.0 FTE to the department of regulatory agencies for allocation to the public utilities commission; \$609,855 and 22.5 FTE to the department of public safety for allocation to the Colorado state patrol; and \$200,000 to the department of public safety for grants to response teams.

VETOED May 22

S.B. 106 Vehicles transporting hazardous materials - financial responsibility requirements. Requires the chief of the Colorado state patrol to promulgate rules outlining financial responsibility requirements for persons transporting certain hazardous materials in vehicles with a gross vehicle weight of 10,000 pounds or less. Requires the chief to use as guidelines certain rules of the United States department of transportation.

Limits the rule-making authority of the public utilities commission concerning financial responsibility

requirements for transporting hazardous materials to vehicles with a gross vehicle weight greater than 10,000 pounds.

APPROVED by Governor April 20

EFFECTIVE April 20

H.B. 1020 Highway users tax fund - special account for highway bridges. Extends the expiration date of the special account in the highway users tax fund for highway bridge repair, replacement, or posting from June 30, 1987, to June 30, 1992.

APPROVED by Governor April 3

EFFECTIVE April 3

H.B. 1258 Metropolitan roadway fund - voter-approved fuel tax increases. Creates a metropolitan roadway fund for the purpose of financing the construction, reconstruction, and increase in the capacity of regional roadways in the Denver metropolitan region. Defines "metropolitan region" to include the city and county of Denver and the incorporated and unincorporated areas of the counties of Adams, Arapahoe, Boulder, Douglas, and Jefferson. Defines "regional roadway" to include roadways which are not on the state or federal highway system and which are designed primarily for major traffic movement, with regulated public and private access permitting higher traffic speeds.

Requires a majority of the governing bodies of local governments in the metropolitan region to approve participation in the metropolitan roadway fund before the fund may be implemented. Authorizes the imposition of a 3¢ per gallon surcharge on gasoline and special fuel sold or used in the metropolitan region if such surcharge is approved by a majority of the registered electors in the metropolitan region. Requires that the net revenue raised by such surcharge be credited to the metropolitan roadway fund.

Establishes in each county in the metropolitan region a county regional roadway prioritization committee. Requires each such committee to select one of its members to serve as a trustee of the fund. Also requires each committee to make annual recommendations to the trustees of the fund concerning regional roadway projects to be undertaken in the county with moneys from the metropolitan roadway fund. Requires the trustees of the fund to adopt an annual regional roadway prioritization plan which identifies projects to be undertaken in the metropolitan region in the next

calendar year with moneys from the fund. Requires the trustees to adopt and file with the state treasurer an annual schedule of allocations from the fund to local governments to carry out the projects identified in the prioritization plan.

If a fuel tax surcharge has not been approved by the voters of the metropolitan region by July 1, 1989, repeals the fund on that date. Places a 10-year limit on any fuel tax surcharge imposed. Authorizes the termination of the metropolitan roadway fund and the fuel tax surcharge prior to the end of the 10-year period if such termination is approved by a majority of the governing bodies of the local governments and by a majority of the registered electors in the metropolitan region.

VETOED June 3

## INSTITUTIONS

S.B. 105 Minors' continued hospitalization for mental health services - objection procedures. Establishes the procedures to be used by minors who object to continued hospitalization for mental health services in instances where hospitalization was initially voluntary. Requires the court, in reviewing the hospitalization of minors, to base its decision regarding continued hospitalization on the same factors a mental health professional applies in initially hospitalizing the minors. Permits the appointment of a guardian ad litem for objecting minors under 15 years of age.

APPROVED by Governor March 26                      EFFECTIVE      July 1

S.B. 120 Care and treatment of the mentally ill - level of service subject to available appropriations. Provides that the level of care or treatment of the mentally ill, including but not limited to inpatient services, outpatient services, partial hospitalization, emergency services, and consultative and educational services, is subject to available appropriations. States that the purpose of the act is to clarify that the statutory right of any person to mental health services is subject to the general assembly's right to establish the level of services through the power of appropriation.

APPROVED by Governor May 3                      EFFECTIVE      May 3

INSURANCE

S.B. 51 Health benefit plans - continued coverage upon termination of employment. Requires group sickness and accident insurance policies and group contracts issued by non-profit hospital, medical-surgical, and health service corporations and by health maintenance organizations to contain a provision which permits an eligible employee, upon termination of his employment, to elect to continue the coverage provided for in such policy or contract for himself and his dependents. Limits the duration of such coverage to 90 days or until the employee becomes reemployed, whichever occurs first. Requires the employer to notify the employee in writing of his right to continue health care coverage and further requires the employee to notify the employer in writing of his election to continue such coverage. Requires such group sickness and accident insurance policies and contracts to provide that the employee, spouse, or dependent, at his expense, may elect individual coverage upon expiration of the continued group coverage.

APPROVED by Governor April 17

EFFECTIVE April 17

S.B. 64 Banks and bank holding companies - authority to sell insurance for public securities. Authorizes a bank or bank holding company, or any subsidiary, affiliate, or employee thereof, to own an insurance company authorized to sell insurance to guarantee the payment of amounts due in connection with public securities. Prohibits a bank, bank holding company, subsidiary, or affiliate subject to the supervision of the state bank commissioner from owning such an insurance company without the consent of the commissioner. Provides that no bank shall invest more than 10% of its capital and surplus in such an insurance company.

APPROVED by Governor April 3

EFFECTIVE April 3

S.B. 78 Credit life insurance. Provides that either single or joint credit life insurance may be issued in connection with a contract of indebtedness, including indebtedness pursuant to a revolving charge or revolving loan account.

APPROVED by Governor March 26

EFFECTIVE March 26

S.B. 83

Property damage insurance - payments received by a loss payee - return of draft or check to insured - holding funds by loss payee for repair of damage. Specifies the procedures which shall be followed whenever an insurance company issues a draft or check to a loss payee and the insured under the terms of a property damage policy. Requires the insured to endorse the draft or check and deliver it to the loss payee. Requires the loss payee to return the draft or check, properly endorsed, to the insured within 10 days of its receipt if the amount of the draft or check is less than \$1,000 and is for the full amount of the loss. If the amount of the draft or check exceeds \$1,000, permits the loss payee to reject the draft or check and to pursue a claim for loss under the terms of the policy. Authorizes the loss payee to return the draft or check, properly endorsed, to the insured if the amount of the draft or check is more than \$1,000.

Allows the loss payee to process the draft or check for collection or deposit when specified conditions are present. Authorizes a loss payee holding funds for the repair of property to: Approve contracts for repairs; obtain lien waivers; make progress payments for the repairs; and retain 15% of the amount of the draft or check until the repairs are completed and the work inspected.

APPROVED by Governor April 3

EFFECTIVE April 3

H.B. 1154

Investment by insurance companies in bonds providing for imputed interest at maturity - hospice and home health care requirements. Permits domestic insurance companies to invest in bonds which provide for imputed interest payable at maturity. Requires insurance policies which provide hospital, surgical, or major medical coverage on an expense incurred basis to offer benefits for home health services and hospice care. Excludes limited purpose sickness and accident insurance policies from such requirement.

APPROVED by Governor April 3

EFFECTIVE April 3

H.B. 1158

Insurance policies for long-term care - incentives. Provides that insurance policies for long-term care which are certified by the commissioner of insurance as complying with specified provisions shall qualify issuing insurance companies for a reduced tax on premiums for such policies and shall qualify persons paying premiums for such policies for an income tax deduction based on such payments.



Provides that an insurance policy shall be in compliance if the commissioner examines such policy and certifies it as providing benefits for a period of not less than 12 months for each person covered under the policy, on an expense incurred, indemnity, or annuity basis, or combination thereof, for necessary diagnostic, preventive, therapeutic, rehabilitative, or custodial services in or by a duly licensed home health agency, intermediate nursing facility, or nursing care facility. Requires the commissioner to report to the general assembly on or before January 1, 1988, regarding such examinations.

Repeals the provision providing the opportunity for the reduced premiums tax, effective July 1, 1989.

APPROVED by Governor April 14                      EFFECTIVE      July 1

H.B. 1193 Commercial and medical malpractice policies - requirements of an insurer's notice of intent to take action regarding such policies. Increases the time requirement in which an insurer may notify an insured of intent to cancel or not renew any medical malpractice policy from 60 to 90 days and any commercial insurance policy from 45 to 90 days. Requires an insurer to provide 90 days' notice of intent to unilaterally increase the premium or to decrease the coverage benefits of a medical malpractice or commercial insurance policy and to include the reason therefor. Specifies that a notice of intent to cancel a commercial insurance policy or to decrease the coverage benefits of a medical malpractice policy or a commercial insurance policy shall be valid only for the following reasons: Nonpayment of premiums; a false statement on the application for insurance which was knowingly made by the insured; or a change in the exposure or risk other than that indicated in the application and underwritten as of the effective date of the policy. Makes a change in the exposure or risk other than that indicated in the application and underwritten as of the effective date of the policy a valid reason for cancellation of a medical malpractice policy. Requires 45 days' notice of intent to cancel, not renew, unilaterally increase the premium, or decrease the coverage benefits for a commercial automobile policy issued for 6 months or less. Requires 10 days' notice of cancellation of a commercial insurance policy if the reason for cancellation is nonpayment of premium.

Repeals provisions that made nonpayment of premium a valid reason for not renewing a medical malpractice or commercial insurance policy. Expands the list of insurance policies for which an insurer must notify the

insured prior to nonrenewal to include policies providing coverages on commercial exposures, including municipal liability, automobile liability and physical damage, fidelity and surety, fire and allied lines, inland marine, products liability, and police liability.

APPROVED by Governor April 17                      EFFECTIVE      July 1

H.B. 1204 Exemptions to insurer's notice of intent - rate regulation - regulation of issued or proposed insurance documents - claims-made policy forms. Permits the commissioner of insurance to grant insurers reasonable exemptions to the notice of intent requirements on cancellation, nonrenewal, change in benefits, and increase in rates, based on certain enumerated circumstances and where compliance is shown to be impracticable.

Requires type II insurers to file rating data with the commissioner of insurance concurrent with the effective date of new rates. Clarifies the obligation of insurers to maintain records evidencing the bases of their rates and underwriting practices. Allows hearings regarding rate regulation to be held by the commissioner or his designee.

Makes issued or proposed insurance documents of an advisory organization subject to review by the insurance commissioner. Adds policy forms, certificates, or contracts of insurance or riders to the list of insurance documents for which the commissioner's review may be requested. Authorizes the commissioner of insurance to inspect any rate, underwriting rule, policy form, certificate, or contract of insurance or rider used or proposed by an insurer, advisory organization, or rating organization. Allows the commissioner of insurance, upon hearing, to prohibit the use of any policy form, certificate, contract of insurance or rider, or proposal thereof if its use would be hazardous to the public or to the insurance policyholders.

States that exclusions of coverage of claims made by a member of a household against another member of the same household are within public policy of this state and shall not be grounds for a finding by the commissioner of noncompliance with state requirements.

Defines "claims-made policy" and requires insurers to file claims-made policy forms with the commissioner on or after January 1, 1987. Provides that if the commissioner has not disapproved the claims-made policy form within 30 days of filing, it shall be deemed

approved. States that the commissioner shall not approve a claims-made policy form unless it meets certain requirements including detailed disclosure, an offer of at least a one-year extended reporting period for claims not filed during the expiring reporting period, provision of information to the insured about his aggregate coverage, approval and acknowledgement by the insured of exclusionary endorsements, training of persons engaged in the sale, consultation, and adjustment of claims-made policies. States that the commissioner may disapprove a claims-made policy if the policy does not contain one or more of the following policy provisions: Legal defense costs are covered by the policy but excluded from the claims-made policy aggregate; a guarantee, in the event of cancellation or nonrenewal, of a sixty-day period to purchase extended reporting period coverage; and an option to purchase extended reporting period coverage for at least the length of exposure under the applicable statute of limitation.

Authorizes the immediate use of a standardized claims-made policy form previously approved by the commissioner. Exempts public entity self-insurance pools or any insurance offered or issued to such pools from the requirements applied to claims-made policies. Applies the claims-made policy requirements to surplus line insurance.

APPROVED by Governor May 30

EFFECTIVE July 1

H.B. 1206 Regulation of investments of assets by domestic insurers in affiliated insurance holding companies. Makes the following changes to the insurance holding company system act: Permits an insurer to submit to its shareholders a synopsis of documents rather than all of the documents relating to an acquisition. Removes the requirement that an applicant seeking to acquire control of an insurer send a copy of the application form to all shareholders. Eliminates a requirement that the division of insurance protect the interests of shareholders when the control of an insurer is changed. Permits the insurance commissioner to waive the requirement of an acquiring party to submit audited financial information when such a party is an individual.

Makes the following changes to the act based upon the model insurance holding company system act of the national association of insurance commissioners:

1) Increases from 5% to 10% the amount of assets an insurer may invest in a subsidiary;

2) States that the value of investments in subsidiaries shall be based on the value of the investment as of the date of the latest investment;

3) Includes the pledging of stock of insurers, subsidiaries, or controlling affiliates as consideration in the acquisition of an insurer;

4) Conditions the commissioner's approval of a merger or other acquisition of control with a domestic insurer upon whether such action would substantially lessen competition or tend to create a monopoly and whether the acquisition is likely to be hazardous or prejudicial to the buying public;

5) Permits the commissioner to retain at the acquiring party's expense the services of attorneys, actuaries, and accountants to review a proposal of acquisition of an insurer;

6) Imposes additional requirements on the type of material to be submitted for the registration of insurers;

7) Limits the type of investments that domestic insurers can make with affiliated companies;

8) Allows an insurer to carry forward income from the previous 2 calendar years that has not already been paid out as dividends in order to determine whether a dividend or distribution is extraordinary;

9) Creates a civil penalty of not more than \$5,000 for failure to file any registration statement, amendment, or notice required by statute; and

10) Permits the receiver to recover on behalf of a domestic insurer a distribution or payment made prior to a petition for liquidation, conservation, or rehabilitation of a parent corporation or holding company.

APPROVED by Governor April 21

EFFECTIVE April 21

H.B. 1358 Increase in fees - filing requirements for supplemental reports or closed-claim files - reports by the commissioner - appropriation. Increases fees for certain types of insurance licenses and for services provided by the division of insurance. On and after July 1, 1989, provides for the fees to return to the amount assessed prior to such increases.

Authorizes the insurance commissioner to promulgate rules requiring insurers to file supplemental reports or closed-claim files (or closed-claim studies) or both for any line, class, or subclass to allow the commissioner to determine the appropriateness of rates, determine whether to convene a hearing to review rates, or investigate availability or affordability problems. Makes such filings not subject to public inspection if there are fewer than 5 claims. Repeals the statutory authority for such filing requirements on July 1, 1989.

Appropriates \$266,182 and 8.0 FTE to the division of insurance for the implementation of this act.

APPROVED by Governor May 30

EFFECTIVE July 1

LABOR AND INDUSTRY

- S.B. 5 Workmen's compensation - increase of burial fee.  
Increases the burial expense fee payable under the "Workmen's Compensation Act of Colorado" from \$1,000 to \$2,000. Provides that, in addition to the undertaker, such sum may be paid to the cemetery or to any other person who has paid the funeral and burial costs.

APPROVED by Governor April 29

EFFECTIVE April 29

- S.B. 8 Workmen's compensation - enforcement of orders.  
Eliminates the filing of a civil action by the director of the division of labor as a method for collecting penalties in connection with workmen's compensation benefits. Provides instead for the collection of such penalties by registering any final order assessing penalties with a district court for execution thereon.

APPROVED by Governor May 23

EFFECTIVE July 1

- S.B. 12 Department of labor and employment - duties - abolition of the industrial commission. Abolishes the industrial commission of Colorado and, in connection therewith, transfers existing administrative and adjudicative functions of the commission to other state agencies.

Transfers the industrial commission's rule-making authority for the division of labor and the division of employment and training to the directors of such divisions under the supervisory authority of the executive director of the department of labor and employment.

Creates the industrial claim appeals office. Transfers to the industrial claim appeals panel within such office the industrial commission's authority to hear appeals from decisions in workmen's compensation and unemployment insurance benefit cases. Sets standards for the review of workmen's compensation cases.

Allows parties aggrieved by administrative decisions of the director of the division of labor and of the director of the division of employment and training with respect to labor disputes and unemployment insurance tax determinations to seek judicial review as provided in the "State Administrative Procedure Act".

Transfers the industrial commission's supervisory authority over entities which self-insure to the executive director of the department of labor and employment. Transfers the industrial commission's authority to fix and determine rates for insurance charged by the state compensation insurance fund to the executive director of the department of labor and employment.

Transfers the industrial commission's supervisory, enforcement, and rule-making functions regarding working conditions to the director of the division of labor and the state board of pharmacy.

Repeals statutory authority for the promulgation and enforcement of state standards for safety glazing materials and leaves the promulgation and enforcement of safety glazing materials regulations to county and municipal governments.

APPROVED by Governor April 24

EFFECTIVE July 1

S.B. 22

Workmen's compensation - compensation for stress-related disorders - abolition of the state compensation insurance fund - creation of the state compensation insurance authority - recording of hearings. Provides that the terms "accident", "injury", and "occupational disease" shall not include disability or death caused by or resulting from mental or emotional stress unless it is shown that such mental or emotional stress was proximately caused by hazards to which the worker would not have been equally exposed outside the employment. Enumerates conditions which must occur for the right of compensation to obtain for injuries or death caused by or resulting from mental or emotional stress.

Provides that the application for or prosecution of a claim for workmen's compensation benefits shall be a waiver of any privilege concerning communications relating to all medical issues raised by the claim.

Effective July 1, 1987, abolishes the division of the state compensation insurance fund in the department of labor and employment and creates a state compensation insurance authority which shall continue to offer workmen's compensation insurance and provide all of the services previously provided by the division. Vests the powers of such authority in a five-member board, created effective January 1, 1987, consisting of the executive director of the department of labor and employment and 4 members appointed by the governor with the consent of the senate. Effective July 1, 1987, transfers the moneys in

the state compensation insurance fund to the state compensation insurance authority fund and places such fund under the control of the board. Authorizes the board to contract with the state personnel board or with the private sector for administrative support services. Provides for the continuance of PERA rights for employees of the division who become employees of the authority. Provides that all employees of the state compensation insurance authority fund shall be exempt from the state personnel system but shall be subject to the PERA system. Provides a time period in which employees of the division shall elect to become employees of the authority or remain in the state personnel system. Provides that employees of the division who do not become employees of the authority continue to be employees of the department of labor and employment. Requires the board to hire a manager to administer such fund. Requires the manager to report annually to the governor and the joint budget committee. Abolishes the advisory council. Repeals provisions relating to the budget process for the division.

Permits the director of the division of labor to electronically record hearings under the "Workmen's Compensation Act of Colorado" and to provide for the preparation and certification of a transcript from such recording. Repeals a provision that required the notice of hearing sent by the division to include a statement of the issues.

APPROVED by Governor      May 3  
PORTIONS EFFECTIVE:      July 1, 1986  
   January 1, 1987  
   July 1, 1987

S.B. 56      Fuel products - class A specifications - labeling gasohol containers - unlawful act to deceive purchaser as to price - measuring device specifications. Requires that gasoline comply with the specifications of the American Society for Testing and Materials, publication number D-439. Where gasoline is blended with ethanol, applies such specifications only to the gasoline.

Clarifies gasohol labeling provisions to require that all visible containers and all devices for drawing motor fuel blends containing class A fuel products and at least 1% by volume of alcohol be stamped with information identifying the maximum percentage by volume of alcohol and the type of alcohol in such blend.



Makes it unlawful for any person to sell liquid fuels or similar products in a manner which would deceive the purchaser as to the price of the product.

Applies the specifications published in the national bureau of standards handbook 44, "Specifications, Tolerances, and Other Technical Requirements for Commercial Weighing and Measuring Devices", to the provisions relating to fuel products.

APPROVED by Governor April 3

EFFECTIVE July 1

H.B. 1012 Unemployment compensation - definitions - tax rates to employers - eligibility requirements. Changes the exceptions to the definition of "employment" under the "Colorado Employment Security Act" to include service performed by insurance agents or solicitors, if such service is performed solely on a commission basis, and securities salesmen.

Changes the definition of "taxable wages" to conform to changes in the basis of tax rates under the "Colorado Employment Security Act". Changes the formula for calculating the maximum weekly benefit amount for total unemployment. Changes eligibility requirements for benefits from service performed on behalf of an educational institution of an organization or activity exempted from the definition of "employment".

Adds the requirement of a written employment contract to the separation prerequisite for receipt of a full award of benefits.

Makes changes to the types of other remuneration which will be included to calculate the total number of weeks an individual received his full-time weekly wage for purposes of awarding benefits.

Limits reconsideration of a decision relating to unemployment compensation to a twelve-month period subsequent to the date of the decision.

States that an employer is subject to the surcharge tax rate established annually by the division of employment and training, if he is still being rated as a new employer.

Makes changes in the positive and negative excess employers' tax rate schedules.

Empowers the state treasurer to refuse to honor warrants or checks issued against accounts of the unemployment compensation fund not presented for payment within 2 calendar years from date of issue.

APPROVED by Governor May 28  
PORTIONS EFFECTIVE: May 28  
July 1

H.B. 1016 Workmen's compensation benefits - limitation on payments to incarcerated individuals. Makes individuals confined in a jail or prison following conviction ineligible to receive workmen's compensation benefit payments unless such compensation is received pursuant to the disability schedule as permanent total disability or as permanent partial disability, or unless such compensation is assigned to a spouse or minor children.

APPROVED by Governor April 17 EFFECTIVE April 17

H.B. 1073 Eight-hour day for public employees. Repeals the prohibition of workdays longer than 8 hours for public employees and also repeals exceptions relating to such workdays, required overtime compensation, and criminal penalties.

APPROVED by Governor March 26 EFFECTIVE March 26

H.B. 1080 Occupational injuries - civil suits against state officials in connection therewith. Provides that Colorado does not waive any provision of the "Colorado Governmental Immunity Act" or the immunity of the state from suit in federal court pursuant to the eleventh amendment to the United States Constitution in connection with actions against state officials arising out of occupational injuries.

APPROVED by Governor April 4 EFFECTIVE April 4

H.B. 1200 Workmen's compensation - school districts' coverage through self-insurance. Clarifies that a school district's annual tax for workmen's compensation self-insurance shall be levied within the mill limit for general liability and property damage self-insurance.

APPROVED by Governor March 20 EFFECTIVE March 20

H.B. 1231 Disputed wage claims. States that an individual who is primarily free from control in the performance of a service and who is customarily engaged in an independent trade, occupation, profession, or business related to the service performed is not an "employee" for purposes of wage disputes. Sets forth those items which are not lawful charges or indebtednesses and, therefore, cannot be set off from an employee's final paycheck.

Clarifies the time in which an employer must pay wages due upon termination or layoff of an employee. Makes employers liable to pay to the employee the greater of 50% of the wages or a daily wage penalty not to exceed 10 days for the failure to pay wages. Requires the employee to make a written demand for the wage payment within 60 days from the date of separation in order to be entitled to receive a penalty payment. Provides that the daily wage penalty shall not be imposed until the employer receives the written demand. Requires the employee to file suit to obtain the penalty.

Requires employers to provide each employee with a statement of earnings. Makes the failure to pay wages, without good faith legal justification, a continuing violation for purposes of the penalty that is forfeited to the state. Provides for the filing with the court and execution thereon of an order of the director of the division of labor pertaining to wage claims, including an order to pay wages. States that an employee's acceptance of a conceded amount of wages due does not indicate his agreement as to the disputed amounts. Prescribes a penalty for willfully refusing to pay wages where an employer is able to and under a duty to pay wages. Applies the protections for waiving employee rights and against employer retaliation for filing a wage claim to all employees. Creates a statute of limitations for wage claims.

APPROVED by Governor April 29

EFFECTIVE April 29

MILITARY AND VETERANS

H.B. 1150 Military forces - powers and duties of adjutant general - code of military justice. Requires that proceeds from dispositions of real estate belonging to the department of military affairs be deposited in an interest-bearing account for the benefit of state armories. Limits monetary penalties which a commanding officer may impose for acts committed on or after July 1, 1986. Limits the requirement for investigations preceding courts-martial for acts committed on or after July 1, 1986. Requires notice to local prosecuting authorities of a court-martial's cognizance of felony cases, and removes the requirement that local prosecutors waive jurisdiction prior to the court-martial's cognizance for acts committed on or after July 1, 1986. Retains jurisdiction of the military court in cases where the military code has not been explained to members of the state military forces. Changes references to "state guard" to "state defense force". Repeals provisions for a quartermaster's payment of accounts.

APPROVED by Governor May 3  
PORTIONS EFFECTIVE: May 3  
July 1

MOTOR VEHICLES

S.B. 107 Motor vehicles impounded by Colorado state patrol - notice and hearings. Requires the Colorado state patrol to notify the owner of a motor vehicle impounded by the patrol for a violation of registration or inspection laws of the fact of such impoundment and of the owner's opportunity to request a hearing concerning the validity of the impoundment. Gives the county court original jurisdiction in such hearings.

APPROVED by Governor April 3                      EFFECTIVE April 3

H.B. 1030 Speed limits - violations - clarification of elements. Clarifies that the class 2 traffic offense of violating a speed limit means speeding 20 miles per hour or more over the prima facie speed limit.

APPROVED by Governor March 20                      EFFECTIVE July 1

H.B. 1049 License plates - clearance lamps. Deletes the statutory requirement that license plates be parallel to the axles of the vehicle to which they are affixed, but requires such plates to be horizontal. Allows vehicles required to have clearance lamps to mount rear clearance lamps at optional height if 3 or more identification lamps are mounted on the vertical center line and at the extreme height of the vehicle.

APPROVED by Governor April 4                      EFFECTIVE April 4

H.B. 1062 Alcohol- and drug-related traffic offenses - collection of fines - allocation-appropriation. Increases by \$20 the additional fine assessed for alcohol- and drug-related traffic offenses. Specifies that \$15 of this amount shall be deposited into the law enforcement assistance fund and \$5 shall be deposited into the county treasury of the county where the conviction occurred. Of the law enforcement assistance fund money received by the division of highway safety, allocates not less than 30% and not more than 50% to counties that have established a qualified drunken driving prevention and law enforcement program and allocates not less than 50% and not more than 70% to municipalities and city and counties that have established such a program.

Appropriates out of the law enforcement assistance fund \$288,000 to the division of highway safety and \$72,000 to the division of alcohol and drug abuse for implementation of the act.

APPROVED by Governor May 23                      EFFECTIVE July 1

H.B. 1063 Abandoned motor vehicles - towing procedures. Specifies procedures to be followed when an abandoned motor vehicle is towed from public property by order of a law enforcement agency or from private property at the request of the owner of the property. Requires the responsible law enforcement agency to notify the owner of a vehicle towed from public property of his right to request a hearing concerning the legality of the tow. Establishes procedures whereby an operator of a towing-storage company may perfect and foreclose on a lien upon a motor vehicle and its attached accessories and equipment. Provides that an abandoned motor vehicle towed from public property be appraised and sold by the responsible law enforcement agency while an abandoned motor vehicle towed from private property be appraised and sold by the operator of the towing-storage company. Specifies how the proceeds from such sales shall be spent. Allows any governmental entity to enter into contracts for the removal and storage of abandoned motor vehicles within its jurisdiction. Makes it a class 2 misdemeanor to violate any of the provisions of the act.

APPROVED by Governor April 8                      EFFECTIVE      July 1

H.B. 1074 Transported hay - length and width of loads. With regard to restrictions on loads of hay which are transported on highways, clarifies that a load of loose hay includes loosely bound, round bales which do not exceed 12 feet in width and provides that a single unit vehicle may transport a load of small rectangular hay bales if the vehicle and load do not exceed 126 inches in width and 30 feet in length.

APPROVED by Governor February 5                      EFFECTIVE February 5

H.B. 1084 Special laden weight registration - fees. Requires certain vehicles operating in interstate commerce to apply for a special laden weight registration valid for 72 hours. Imposes a \$10 registration fee and provides that the collected fees be credited to the highway users tax fund.

APPROVED by Governor April 3                      EFFECTIVE      July 1

H.B. 1093 Probationary drivers' licenses - alcohol- or drug-related offenses. Clarifies that the statutory provision which prohibits the issuance of a second probationary driver's license within a five-year period applies only to individuals whose drivers' licenses were suspended because of a conviction of an alcohol- or drug-related traffic offense.

APPROVED by Governor March 26                      EFFECTIVE      March 26

H.B. 1112 Registration - period of temporary registration - fees. Increases from 30 to 45 days the number of days an individual has after purchase of a vehicle or after becoming a resident of the state to obtain registration for his vehicle. Increases from \$10 to \$25 the fine for failing to obtain vehicle registration within such time period. Raises the temporary vehicle registration fee for individuals and motor vehicle dealers from \$1.25 to \$2.

Requires dealers of motor vehicles to deliver the certificate of title to a purchaser of a motor vehicle or holder of a chattel mortgage on such motor vehicle within 30 days.

Increases from 30 to 45 days the time a purchaser or transferee of a motor vehicle has to obtain a new certificate of title after sale or transfer of a vehicle for which a certificate of title has been issued.

APPROVED by Governor April 21

EFFECTIVE April 21

H.B. 1126 Residency requirement for registration of a motor vehicle - penalties. Provides that a person's residence for purposes of registering a motor vehicle shall be his principal or primary home or place of abode, which shall be determined in the same manner as residency for purposes of voter registration. Allows a motor vehicle owned and operated by a business primarily for business purposes to be registered at the address from which it is principally operated or maintained and allows a motor vehicle permanently operated at an address other than the owner's primary home or place of abode to be registered at the address from which it is permanently operated and maintained.

Increases the penalties for registering a motor vehicle at an incorrect address and authorizes imposition of a civil penalty to be assessed and collected by a municipality or county in which such motor vehicle should have been registered if it is found to be incorrectly registered.

Requires the name and correct address of the owner of the motor vehicle to be included on an application for registration and on an application for a certificate of title.

APPROVED by Governor March 20

EFFECTIVE July 1

H.B. 1199 Physicians and optometrists - immunity - medical opinions regarding drivers' licenses. Eliminates the "willfully or wantonly" exception to the statute granting immunity to any physician or optometrist providing a medical opinion regarding a driver's license to the department of revenue and instead grants such immunity to any physician or optometrist who acts in good faith and without malice.

APPROVED by Governor April 17

EFFECTIVE April 17

H.B. 1211 Monetary penalties imposed for traffic violations - release of information concerning driving record - failure to sign affirmation regarding vehicle insurance - reclassification of certain traffic infractions. Increases the monetary penalties, as set forth in the penalty assessment schedule, for many traffic offenses and infractions. Applies the excess weight fine schedules to violators who receive notice of violations either through a penalty assessment notice or a summons and complaint.

Provides that the surcharge levied on traffic violations for credit to the victims and witnesses assistance and law enforcement fund shall be levied on the penalty assessment schedule in effect prior to July 1, 1986.

Prohibits the department of revenue from releasing to a person other than the licensee or a law enforcement agency, information relating to such licensee's conviction for a single violation that resulted in the assessment of 4 or fewer points, or his convictions for 2 or fewer violations that resulted in the assessment of not more than 7 points, or information relating to the reinstatement of his driver's license.

Reclassifies certain traffic infractions relating to the size, weight, and load of vehicles as class 2 traffic offenses. Allows the driver or owner of a vehicle that exceeds statutory wheel and axle or gross weight specifications to be penalized as a traffic offender. Clarifies that port of entry personnel may enforce statutory provisions concerning the size, weight, and load of vehicles.

APPROVED by Governor May 30

EFFECTIVE July 1



NATURAL RESOURCES

- S.B. 1 Sale of timber on state lands - competitive bidding.  
With respect to proposed sales of timber on state land, increases from \$1,000 to \$5,000 the appraised value of timber which triggers competitive bidding requirements.

APPROVED by Governor March 26

EFFECTIVE March 26

- S.B. 102 Oil and gas conservation commission - fees for sale of computer tape - reversion of funds in oil and gas conservation fund. Authorizes the oil and gas conservation commission to establish and collect fees for services it provides, including the sale of computer tape. Provides that 10% of the moneys remaining in the oil and gas conservation fund at the end of each fiscal year, beginning with the fiscal year 1985-86 and ending with the fiscal year 1989-90, shall not revert to the general fund.

APPROVED by Governor April 3

EFFECTIVE April 3

- H.B. 1248 Forest products - possession and transportation. Defines "forest product" and requires any person removing forest products from the land of another to secure written permission from the landowner. Requires any person who transports or possesses forest products in the state of Colorado to have proof of ownership of such forest products. Further requires persons transporting or possessing forest products to exhibit proof of ownership to certain law enforcement officers upon request.

Establishes penalties for violations of these provisions and states that proof of ownership shall be an affirmative defense.

APPROVED by Governor May 12

EFFECTIVE July 1

## PROFESSIONS AND OCCUPATIONS

S.B. 2 State board of dental examiners - powers and duties. Continues the state board of dental examiners and increases the number of members of the committee from 8 to 9. Changes the composition of the board and decreases the term of office for members from 5 years to 4 years. Allows the governor to remove a member for misconduct, incompetence, or neglect of duty. Allows the board to conduct hearings with a hearing officer or advisory attorney from the attorney general's office. Specifies that the board may promulgate rules with respect to administration of different kinds of anesthetics. Allows the program administrator to administer oaths and take affirmations of witnesses.

Allows the board greater discretion in subjects to be tested on the dental examination and removes the oral requirement and the requirement that an applicant appear personally before the board. Lists causes for denying, suspending, or revoking the license of a dentist or dental hygienist, which in many cases are similar to those contained in the "Colorado Medical Practice Act". States that suspension or revocation of a license in another jurisdiction shall be prima facie evidence of grounds for disciplinary action. Specifies when records of board proceedings are open to the public and when records are available to the licensee being investigated.

Defines the practice of unsupervised dental hygiene and the practice of supervised dental hygiene. Allows a supervised dental hygienist to perform root planning, removal of live epithelial tissue, radiographic and x-ray surveys, and the administration of a local anesthetic under the direct supervision of a dentist. Allows dental hygienists to be the proprietor of a place where supervised or unsupervised dental hygiene is performed. Allows the board to license an applicant for a dental hygienist's license from another state or territory showing proof of substantially equivalent qualifications to Colorado requirements for licensure. Allows dental hygienists to employ an independent advertising or marketing agent in the same manner as a dentist.

Schedules the board for termination on July 1, 1996. Repeals sections necessary to conform to other changes made.

APPROVED by Governor May 16

EFFECTIVE July 1

S.B. 11 Physical therapy - termination of state board of physical therapy - registration of physical therapists with department of regulatory agencies. Allows the termination of the state board of physical therapy. Requires physical therapists to be registered with the director of the division of registrations in the department of regulatory agencies, instead of licensed by the board. Makes conforming amendments to effectuate such transfer.

Allows a physical therapist to treat persons only with the prescription or referral of a physician, dentist, or podiatrist, which prescription or referral shall be valid for not more than 12 months. Allows a physical therapist to perform advisory or minor first aid services without such prescription or referral.

Allows the director to register a physical therapist by endorsement without examination under certain circumstances. Makes attempting to violate or aiding in the violation of the physical therapy statutes or rules or regulations grounds for disciplinary proceedings. Makes failure to report a malpractice judgment or settlement by a physical therapist and failure to refer a patient to a physician, dentist, or podiatrist when the problem is beyond the scope of a physical therapist grounds for disciplinary proceedings. Authorizes the director to require a physical therapist to submit to a mental or physical examination upon reasonable cause. Requires the supervisor of a physical therapist to report to the director when the physical therapist is dismissed for incompetence or failure to comply with the standards of practice. Requires a physical therapist to report violations of the standards of practice by another physical therapist.

Directs appeals from a decision of the director to the court of appeals, not the district court. Repeals regulatory provisions on July 1, 1991.

APPROVED by Governor April 29                      EFFECTIVE      July 1

S.B. 42 Dentists - trust agreements for self-insurance against liability. Authorizes a group or association of dentists, in the same manner as physicians and health care institutions, to establish trusts for the purpose of insuring against workmen's compensation claims and against general public liability claims based upon acts or omissions, including claims based upon malpractice.

APPROVED by Governor April 3                      EFFECTIVE      April 3

S.B. 80 Bingo and raffles law - presence of shorthand reporters at licensure hearings - repeal. Repeals a provision which required the secretary of state to have a shorthand reporter present at any hearing held under the "Bingo and Raffles Law" for the suspension or revocation of a license when oral testimony was taken.

APPROVED by Governor March 20

EFFECTIVE March 20

S.B. 84 Real estate brokers or salesmen - requirements for licensure. Requires an applicant for a real estate broker's or salesman's license to have instruction in Colorado real estate law and real estate contracts. Allows applicants who have been licensed in another jurisdiction for at least 2 years to complete only part of the educational requirements in order to be eligible for licensure and, if such applicants have been licensed in the other jurisdiction within the immediate past 2 years and have passed a recognized national real estate examination, to successfully complete only the Colorado part of the required examination. Amends reinstatement provisions to allow reinstatement of a real estate broker's or salesman's license upon meeting specified requirements.

APPROVED by Governor April 17

EFFECTIVE July 1

H.B. 1024 Drug paraphernalia - definition - manufacture, sale, delivery, or possession. Expands the definition of drug paraphernalia to include any equipment, products, or materials used, intended for use, or designed for use in the cultivation, harvesting, storage, or testing of a controlled substance or for the introduction of a controlled substance into the human body. Changes the mental state required for a conviction of the offenses of possession or manufacture, sale, or delivery of drug paraphernalia from intent to use such paraphernalia in violation of state law to knowledge that such paraphernalia could be used to violate state law.

APPROVED by Governor May 3

EFFECTIVE July 1

H.B. 1029 State board of pharmacy - powers and duties - continuation under sunset law. Limits the number of "casual sales" made by a registered prescription drug outlet to 5% of the total amount of drugs sold annually by such outlet. Includes in the definition of "intern" a person who is in good standing with an accredited school

of pharmacy. Defines the term "refill" as the dispensing of any drug by a practitioner pursuant to a previously executed order.

Limits board members to 2 consecutive full terms and requires that at least one member reside in each congressional district. Authorizes the governor to remove board members for misconduct, incompetence, or neglect of duty.

Repeals the internship requirement for applicants for licensure by examination on July 1, 1987. Requires licensed insurance companies to send to the board information relating to malpractice claims against licensed pharmacists. Authorizes licensure by endorsement. Authorizes the board to approve hospital residency programs in the practice of pharmacy and provides that persons accepted into such residency programs and who are licensed to practice pharmacy in another state shall be exempt from licensing requirements in this state. Requires class V licensees to pass a jurisprudence examination. Creates a new class of licensees for graduates of pharmacy schools located outside the United States.

Changes the expiration date for licenses and registrations. Requires that when a pharmacist substitutes a drug product the prescription shall be priced as if it had been prescribed generically. Authorizes the board to issue letters of admonition. Creates 2 new criteria for denial, suspension, or revocation of a license. Establishes judicial review of disciplinary actions of the board in the court of appeals.

Reschedules certain controlled substances and adds certain controlled substances to existing schedules. Establishes that persons licensed to administer or distribute controlled substances may have their license denied, suspended, or revoked upon a finding that the licensee has had a plea of guilty or nolo contendere to a felony relating to a controlled substance accepted by the court. Requires prescription drug outlets to report a theft of controlled substances to the board within 30 days of the occurrence of such theft.

Continues the state board of pharmacy until July 1, 1996.

APPROVED by Governor May 12

EFFECTIVE July 1

H.B. 1032 Physician assistants - child health associates - certification. Eliminates the list of drugs which may be prescribed by a child health associate. Prohibits a child health associate from practicing medicine unless he does so in accordance with the limitations in the "Medical Practice Act". Authorizes a physician to employ 2 child health associates. Repeals the requirement that an applicant for certification complete a specified course of study. Provides disciplinary options to the Colorado state board of medical examiners for any act by a child health associate which would subject a physician to disciplinary action. Extends the provisions in the "Medical Practice Act" relating to physician assistants until July 1, 1995. Provides that, upon repeal of the child health associates statutes on July 1, 1990, persons certified as child health associates shall be granted certification as physician assistants but that the practice of such physician assistants shall be limited to patients under the age of 21.

APPROVED by Governor April 4                      EFFECTIVE      July 1

H.B. 1070 Liquor code - license renewals - limited winery licenses - unlawful acts. Redefines vinous and spiritous liquors to exclude products with trace amounts of alcohol. Requires that the state licensing authority notify a licensee of a pending license expiration and prohibits the renewal of an expired license. States that a timely filing for renewal with a local licensing authority is a timely filing for renewal with the corresponding state authority. Makes license inspections permissive.

Extends the right to a limited winery license to persons who purchase or receive a specified amount of Colorado fruits that are produced on qualifying Colorado vineyard acreage. Allows such licensee to sell his products on the premises at up to 5 other locations of the limited winery and to serve or sell food and nonalcoholic beverages to consumers.

Effective March 26, 1986, eliminates certain requirements for the issuance of a wholesaler's license. Makes changes in certain requirements for the use of a hotel and restaurant, club, and public transportation system license. Makes the following unlawful: The importation of alcoholic beverages to one without a valid wholesaler's license; the sale of alcoholic beverages to a visibly intoxicated person; and the buying or receiving of alcoholic beverages from one not licensed.

Permits retail licensees to lawfully receive financial assistance for inspecting and servicing wine dispensing equipment.

Permits the head of a family to produce malt liquor for family use under certain conditions.

APPROVED by Governor      March 26  
PORTIONS EFFECTIVE:      March 26  
   July 1

H.B. 1079 Horse racing - distance between major tracks - percentage of gross receipts retained by licensee - increase in percentage of moneys placed in horse breeders and owners awards and supplemental purse fund. Limits the issuance of a license for racing horses at major racing operations to sites which are not within 40 miles of any other licensed major racing operation. Defines "major racing operation" to mean a nonprofit corporation or commercial track conducting meets which exceed 15 racing days.

States that licensees having race meets in excess of 15 racing days shall pay to the Colorado racing commission 1/2 of one percent of the gross receipts on win, place, and show wagering and 3 1/2% of the gross receipts from all other pari-mutuel wagering for the horse breeders and owners awards and supplemental purse fund. Authorizes such licensee to retain 18 1/2% of the gross receipts on win, place, and show wagering and 21 1/2% of the gross receipts on all other wagering.

Allows a nonprofit organization licensed to conduct no more than 15 days of racing to retain 22 1/2% of the gross receipts on win, place, and show wagering and 23% of the gross receipts on all other wagering. Requires such licensee to pay to the commission 5 1/2% of the gross receipts on win, place, and show wagering and 6% of the gross receipts from all other wagering for the horse breeders and owners supplemental purse fund.

APPROVED by Governor February 21      EFFECTIVE February 21

H.B. 1169 Practice of physicians - review committees. Authorizes medical staffs of hospital-related corporations and individual practice associations comprised of at least 50 physicians or medical groups which predominantly serve members of health maintenance organizations to establish review committees to review and evaluate the practice of physicians. Grants the boards of trustees of such organizations immunity from suit for damages in civil

actions brought by physicians who are the subject of actions based on recommendations of review committees.

Permits a review committee established by a professional standards review organization to divide itself into an investigative panel and an evaluation panel to determine the appropriateness of a particular reimbursement.

APPROVED by Governor April 14                      EFFECTIVE April 14

H.B. 1270 Architects - powers of the Colorado state board of examiners of architects - practice of architecture - appropriation. Amends the definition of the "practice of architecture". Specifies board procedure for petitioning the district court where a person refuses to obey a subpoena issued by the board. Requires the board to make available disciplinary rules to all architects and applicants for licensure. Requires the board to publish an annual roster. Empowers the board to employ investigative assistance where necessary for the proper performance of its work. Extends the date for licensing, without further application, persons holding valid licenses to practice architecture to July 1, 1986. Ratifies actions of the board made or taken prior to July 1, 1986. Prohibits the licensing of corporations to practice architecture. Permits partnerships, corporations, and groups of persons to use the term "architect" under specified conditions. Limits the corporate practice of architecture to practice under the supervision of a licensed architect. Requires a corporation practicing architecture to file its corporate report with the board. Requires those practicing architecture under any name other than the natural name of an architect to file with the board the name and address of each person practicing with the firm. Authorizes the board to require professional training or education in conjunction with disciplinary actions. Specifies exemptions from regulation if such exemptions apply to nonstructural alterations to a building which do not affect the life safety of a building's occupants. Sets forth penalties. Prohibits the use of the title "architect" and use of the word "architect" in offers or responses to offers to provide services by persons not holding an architect's license. Establishes standards for the use of architects' stamps and record sets. Requires notification of the board of any action or arbitration regarding the life safety of building occupants.



Prohibits the issuance of any permit by the county building inspector unless plans conform to the requirements and restrictions in the building code. Requires plans to bear the seal of a licensed architect or engineer.

Appropriates \$18,000 to the department of regulatory agencies for allocation to the Colorado state board of examiners of architects for implementation of the act.

APPROVED by Governor April 21

EFFECTIVE July 1

PROPERTY

H.B. 1081 Redemption of property - qualifications - foreclosure sale - default. Makes void as against public policy any waiver of the statutory rights of redemption or rights to cure default under any mortgage, trust deed, or other instrument evidencing a lien. Prohibits a lienor or encumbrancer from redeeming unless his lien appears by instruments duly recorded or filed as permitted by law and unless he files a notice with the proper official stating his lien priority, attaching such recorded or filed instruments evidencing his lien, and advising of his intention to redeem. Provides that, if redemption is made by any person because of a deficiency liability on a foreclosed lien, the certificate of redemption shall operate as an assignment to the redeeming person of the lien so redeemed from and shall not leave the person so redeeming the owner of the affected property. Makes an installment land contract vendor a lienor, but not an owner, with respect to sales on execution, foreclosures, and redemption and makes an installment land contract vendee an owner with respect to same.

Requires any person entitled to cure default prior to a foreclosure based on nonpayment of sums due on a note and deed of trust or mortgage, when giving notice of intent to cure to the person conducting the foreclosure sale, to attach recorded instruments evidencing their right to cure.

Applies to foreclosure actions commencing on or after July 1, 1986.

APPROVED by Governor March 20

EFFECTIVE July 1

## PUBLIC UTILITIES

S.B. 19 Transportation of nuclear materials - appropriation. Defines "nuclear materials" and establishes a permit system applicable to persons engaged in the transportation of nuclear materials. Authorizes the public utilities commission to promulgate rules concerning the transportation of nuclear materials by motor vehicles within this state. Requires all shipments of nuclear materials entering or originating within this state on the public highways to be inspected by port of entry personnel or the Colorado state patrol. Provides civil and criminal penalties for violation of the provisions of this act or rules of the public utilities commission relating thereto. Provides lists of specific violations for which specific civil penalties are imposed. Provides civil penalties of increased severity for repeat violations. Vests authority in the executive director of the state department of highways to adopt rules for route designation for the transportation of nuclear materials. Requires prenotification of nuclear materials shipments and protects the information contained therein from unauthorized disclosure. Provides that persons causing nuclear incidents shall be strictly liable for damages arising therefrom. Establishes a nuclear materials transportation fund and creates a nuclear materials transportation advisory committee.

Appropriates from the nuclear materials transportation fund \$10,625 to the department of revenue, \$31,412 to the department of public safety, and \$2,500 to the department of highways for the implementation of the act.

APPROVED by Governor May 23

EFFECTIVE May 23

S.B. 123 Railway-highway grade separations - costs. Authorizes the public utilities commission to approve grade separation projects where costs borne by a railroad corporation may exceed \$1,250,000. Limits costs imposed on any class I railroad corporation in any calendar year for one or more grade separation projects to \$1,250,000, although any such corporation may voluntarily contribute greater amounts which may be credited to subsequent years.

Excludes application of this statute to any project for the elimination of hazards at any railway-highway crossing funded partially or wholly by federal funds.

Requires the public utilities commission to allocate expenses for railway-highway crossing grade

separation projects between the railroad corporation or corporations and the state, county, municipality, or public authority in interest. Requires the responsible entity to bear additional costs beyond that necessary to provide a grade separation.

Establishes procedures allowing the state, county, municipality, or public authority in interest to withdraw its request for allocation determination at given times during the commission's determination and to make a request for change after the final order is issued and the project is proceeding.

APPROVED by Governor April 21                      EFFECTIVE      July 1

H.B. 1048 Off-road scenic charter - definition. Amends the definition of "off-road scenic charter" to mean a motor-driven passenger vehicle for the transport of passengers to scenic points within Colorado, a portion of which will be travel off paved roads, and excludes the transport of passengers to commercial locations from such definition. To conform to the changed definition, repeals a term no longer used.

APPROVED by Governor March 26                      EFFECTIVE      March 26

H.B. 1100 "Public Utilities Law" - exemption of electric suppliers - exemption from certificate of public convenience and necessity requirements. Provides that the "Public Utilities Law" does not apply to suppliers of electric energy engaged in generating, transmitting, purchasing, and selling electric energy only at wholesale. Requires any exempted entity to make transmission service available to a public utility or power authority at a reasonable rate and in a fair manner. Directs the public utilities commission to resolve any complaints brought against such exempted entity by a public utility or power authority. Requires an exempted entity to give 30 days notice of any proposed rate change and to charge reasonable rates and to provide reasonably continuous and adequate electric service within its service area.

To avoid any inequalities, exempts other electric suppliers from certificate of public convenience and necessity requirements for the construction and operation of generation and high voltage transmission facilities; except that such supplier may voluntarily seek a certificate for the construction and operation of such facilities.

Repeals the exemptions afforded in this act on July 1, 1989.

VETOED April 21

H.B. 1131 Cooperative electric associations - service territories within municipalities owning and operating electric utilities - payment of just compensation by municipalities. Requires the payment of just compensation to a cooperative electric association for its electric distribution facilities and certificate of public convenience and necessity when such facilities are located within the territory of a municipality which owns and operates an electric utility. Requires a municipality annexing areas which include the certificated service territory of a cooperative electric association to notify the association within 30 days prior to final action on the annexation ordinance. Specifies how the amount of just compensation shall be calculated. Allows either party to bring an action for condemnation or inverse condemnation if agreement cannot be reached on the amount of just compensation to be paid by the municipality.

Allows a cooperative electric association to purchase a municipality's electric distribution facilities and service rights if such municipality changes its boundaries so as to exclude from its corporate limits any territory previously served by such association.

Allows municipalities and cooperative electric associations to buy, sell, or exchange electric distribution facilities, service rights, other rights, property, and assets by mutual agreement in lieu of using the statutory provisions.

VETOED April 11  
OVERRIDDEN May 27

EFFECTIVE May 27

H.B. 1217 Low income telephone assistance - appropriation. Requires certain providers of intrastate telecommunications services to provide low income telephone assistance to eligible individuals. Provides discounts for basic telephone services to certain eligible low-income individuals. Sets forth eligibility requirements. Authorizes the public utilities commission to promulgate rules and regulations for program implementation and to impose a charge on business and residential accounts to fund the program. Requires the commission to provide the federal communications commission with any necessary reports.

Requires the providers of intrastate telecommunications services to reimburse the department of social services for expenses incurred. Requires all programs to be in compliance with federal criteria for

receipt of matching funds. Limits the applicability of the act to providers of intrastate telecommunications services with more than 500,000 subscribers and certified to do business in the state. Authorizes the commission to provide a preferential rate schedule in accordance with the provisions of the act. Repeals the act on February 15, 1989.

Makes an appropriation of \$1,088 to the department of social services and \$1,624 to the department of administration for the implementation of the act.

APPROVED by Governor May 28

EFFECTIVE September 1

## SOCIAL SERVICES

- S.B. 99 Employment search program - creation. Authorizes the department of social services to develop an employment search program for recipients of and applicants for aid to families with dependent children. Allows individuals to be assigned to any combination of county or state work programs. Authorizes a maximum participation period in the employment search program of 16 weeks in any twelve-month period. Makes an individual who is required to participate in such program but who fails to do so ineligible for assistance.

APPROVED by Governor April 24

EFFECTIVE April 24

- S.B. 109 Child care facilities - regulation of. Specifies that a license to operate a family care home, child care center, or residential child care facility shall not be issued to a person who has entered into a deferred judgment agreement to an act of child abuse or an unlawful sexual offense. Adds applicants for a residential child care facility to the list of persons to whom a license shall not be issued if the person has been convicted of child abuse or unlawful sexual offense. Defines "child abuse" for purposes of licensing.

Permits licensing authorities to require persons applying to operate child care facilities and any person who resides with the applicant in the facility to submit a set of fingerprints for the purpose of determining whether such person has been convicted of child abuse or an unlawful sexual offense. Places the costs of fingerprinting upon the applicant or person being fingerprinted. Permits such licensing authority access to the state central registry of child protection to determine if the person fingerprinted is the subject of a report of known or suspected child abuse.

Provides that, notwithstanding statutory provisions pertaining to the effect of convictions on the right to obtain a license, a license to operate a family care home or child care center may be suspended, revoked, made probationary, or not renewed if a licensee has been convicted of a felony, child abuse, or an unlawful sexual offense. Permits the department of social services to suspend a license if there is an admission or substantial evidence that an act of child abuse was committed by a licensee or an employee of the licensee or a person residing with the licensee in the licensed facility.

Permits members of the advisory committee on licensing of child care facilities who are appointed to fill unexpired terms to be appointed to fill the succeeding full term.

APPROVED by Governor May 28

EFFECTIVE May 28

- S.B. 139 Medical assistance - eligibility of individuals who have accepted jobs. Defines as "categorically needy" those individuals who would have been eligible for federally aided state assistance under the Social Security Act but for the fact that such individuals accepted jobs. Makes such individuals eligible for medical assistance for a period not to exceed 9 months. Requires such individuals to make application and follow other required procedures. States that no person shall be eligible for such assistance after July 3, 1989.

Requires the state department of social services to apply to the federal department of health and human services for a waiver in order to qualify for federal funds under the Social Security Act, upon which eligibility under the program is contingent, and to prepare a study of the program for submission to the general assembly.

APPROVED by Governor May 28

EFFECTIVE May 28

- S.B. 152 Medical assistance - determination of eligibility for benefits. Provides that a person's eligibility for medical benefits under the "Colorado Medical Assistance Act" ends at the time he is declared ineligible instead of continuing for the full calendar month.

APPROVED by Governor April 3

EFFECTIVE April 3

- H.B. 1034 Domestic abuse programs - extension - funding. Extends domestic abuse programs for another 3 years. Continues the funding of such programs by voluntary contributions on state income tax returns.

APPROVED by Governor April 3

EFFECTIVE April 3



H.B. 1039 Nursing home - authorizing construction at Walsenburg, Huerfano County. Authorizes, subject to available appropriations, the construction of a nursing home for veterans at or near Walsenburg in Huerfano county.

APPROVED by Governor May 23

EFFECTIVE July 1

H.B. 1097 Colorado state veterans center - construction of an addition to - appropriation. Authorizes the construction of an addition having a capacity of not more than 60 beds to the nursing home unit at the Colorado state veterans center. Requires the nursing home unit to be operated so as to qualify for federal funds. States that the cost of completing construction of such addition not defrayed out of moneys appropriated from the general fund shall be financed through the issuance of anticipation warrants. Authorizes the executive director of the department of social services to establish a schedule of assessment for the purpose of collecting from any patient of the center the amount of the difference between the average daily operating cost of such center and the amount received from the federal government.

Authorizes the state board of social services to establish the interest rate for the anticipation warrants. Deletes a provision limiting such interest rate to 7% per annum. States that the executive director of the department of social services may sell any surplus real property and apply the proceeds thereof to the retirement of any outstanding anticipation warrants.

Appropriates to the department of social services for the implementation of the act \$1,485,000 from cash funds received from the issuance of the anticipation warrants.

APPROVED by Governor May 23

EFFECTIVE May 23

H.B. 1105 Vendor participation in prepaid capitated programs under the "Colorado Medical Assistance Act". Authorizes the state department of social services to enter into negotiated contracts with vendors to provide medical benefits other than outpatient prescription drugs under the "Colorado Medical Assistance Act" based on a fixed rate of reimbursement per recipient. Allows the state department to contract with one or more vendors concerning the same medical services in a single geographic area. Requires the executive director of the department to determine that a contract will reduce the costs of providing medical benefits before awarding such

contracts. Requires the state department to obtain a waiver from the requirements of Title XIX of the federal social security act which would prohibit the implementation of the contracting authority. Requires that the process of soliciting and awarding any prepaid capitated contract be exempted from certain provisions of the "Procurement Code". Provides that the act shall not apply to capitated contracts entered into by the state department prior to July 1, 1986.

VETOED May 3

H.B. 1113 Aid to families with dependent children - work supplementation program - work assignments under the WIN program. Changes the work assignment provisions of the WIN program. Repeals the requirement that the state department implement certain eligibility requirements for recipients of aid to families with dependent children unless it receives a written directive from the federal government that the eligibility requirements contravene federal law. Authorizes the creation of a voluntary work supplementation program for certain recipients of aid to families with dependent children. Provides that wages paid to participants shall be earned income for the purposes of grant calculation.

APPROVED by Governor April 17

EFFECTIVE April 17

H.B. 1171 County social service departments - changes in the merit system. Requires that a list of all applicants scoring 90 or higher be submitted to the county department and that the appointing authority make a selection from the list. Requires that a list not to exceed 10 persons be compiled in instances where fewer than 10 candidates score 90 or higher, but the list shall not include persons scoring less than 70. Provides that a decision of the merit system council constitutes a final agency action and may be judicially reviewed at the instance of an applicant, employee, or the county department. Requires that the appropriate county department be served with a copy of a complaint where judicial review is taken by either an applicant or an employee and allows the county department to intervene in such a case.

APPROVED by Governor April 17

EFFECTIVE July 1

H.B. 1262 Funeral and burial expenses for recipient of public assistance - increase in amount contributed by estate. Increases the amount of payment which the estate of a deceased or another may contribute for funeral expenses from \$250 to \$450 and still receive funeral allowances paid by the county department of social services. Increases the amount of payment from the estate of a deceased or another for burial expenses from \$100 to \$350 and still receive burial allowances. Permits a recipient of public assistance to own a prepaid revocable contract for funeral expenses which, if in an amount of not greater than \$1,500, allows the deceased to receive the funeral and burial allowances.

APPROVED by Governor April 21

EFFECTIVE April 21

H.B. 1278 "Medical assistance act" - prospective payment system for vendors. Provides that after receiving approval from the federal department of health and human services with a commitment for funding, but no sooner than July 1, 1987, the department of social services shall pay hospitals under the "Colorado Medical Assistance Act", except those hospitals operated by the department of institutions, pursuant to a system of prospective payment, generally based on the elements of the medicare system of system of diagnosis-related groups.

Requires the department of social services to constitute an advisory committee including hospital providers appointed by the executive director. Directs that the system of prospective payment consider utilizing the children's diagnosis-related groups system developed by the national association of children's hospitals for pediatric hospitalization, unless such groups are statistically invalid. Authorizes the department of social services to include additional categories of vendors and hospitals operated by the department of institutions within the prospective payment system if the medicare system of diagnosis-related groups has been expanded or revised to reasonably apply to additional categories of vendors, or the department has developed a diagnosis-related groups system for additional categories of vendors. Requires the department of social services to develop and administer a system for assuring appropriate utilization and quality of care provided by those vendors who are reimbursed pursuant to the prospective payment system. Requires the department to promulgate rules and regulations to provide for the implementation of such system of prospective payment.

Requires the department of social services to make good faith attempts to obtain written approval from the federal department of health and human services for the implementation of the prospective payment system. Provides that the system of prospective payment shall not be implemented if federal approval is not received.

APPROVED by Governor May 22                      EFFECTIVE      May 22

H.B. 1341 Report concerning the nursing home reimbursement system - appropriation. Requires the department of social services and nursing home industry representatives to make joint recommendations to the general assembly on proposed statutory changes to the nursing home reimbursement system to address concerns of increased costs.

Appropriates \$4,027,227 to the department of social services for the current fiscal year to pay the costs of skilled and intermediate nursing care for medicaid patients.

APPROVED by Governor May 23                      EFFECTIVE      May 23

H.B. 1347 Nursing homes vendors - payments - fair rental allowance. In a provision which requires nursing home vendor payments made under the fair rental allowance to be at least as much as if made prior to July 1, 1985, before the fair rental allowance became effective, allows only 50% of such difference to be paid for the 1986-87 fiscal year.

APPROVED by Governor May 19                      EFFECTIVE      May 19



TAXATION

- S.B. 53 Property tax - deadline dates relating to functions of the state board of equalization. Changes from September 1 to August 15 the deadline by when the annual report of findings and conclusions on the valuation for assessment study must be submitted to the state board of equalization and the general assembly. Advances the date by when the state board must render decisions on petitions for reappraisal from the last working day in September to the last working day in October. Requires the property tax administrator to submit abstracts of assessment to the state board by October 1 rather than the second Monday in September, and gives the state board until October 15 to review such abstracts. Removes a requirement that the state board meet annually in Denver on a statutorily set date, thereby leaving the occasion and place for the board's meeting discretionary with its chairman.

APPROVED by Governor March 26

EFFECTIVE March 26

- S.B. 95 "Urban and Rural Enterprise Zone Act" - enactment - establishment of pilot program. Establishes a pilot program for the designation of enterprise zones in Colorado to be repealed on July 1, 1990. Specifies that an enterprise zone must consist of an area of a municipality, county, or a group of contiguous municipalities or counties having a population of no more than 50,000 persons and with an unemployment rate at least 25% above the state average, a population growth rate less than 25% of the state average rate, or a per capita income less than 75% of the state average. Empowers the executive director of the department of local affairs to approve the designation of not more than 8 such areas as enterprise zones. Stipulates that not more than 2 of these zones shall be in municipalities with a population of 100,000 or less and not more than 6 of these zones shall be in areas predominantly rural in character with a population of 50,000 or less. Requires each local government proposing an area for designation to submit a development plan for that area and, upon designation, to submit annual documentation of the improvement of conditions in that area.

Entitles persons investing in property in an enterprise zone to 3 times the normal investment tax credit for that property. Entitles persons establishing new business facilities in an enterprise zone to a tax credit of \$500 for each new business facility employee working within the zone. Entitles persons to exempt from

sales tax purchases of machinery or machine tools for use in an enterprise zone up to a total of \$10 million in a calendar year.

APPROVED by Governor April 14                      EFFECTIVE      July 1

- S.B. 121 Severance tax - molybdenum ore - quarterly payments - rate of tax. Changes the period of time in which the severance tax on molybdenum ore is levied, collected, and paid from each taxable year to each calendar quarter. Temporarily decreases the tax from 15¢ per ton to 5¢ per ton for each calendar quarter ending March 31, 1986, through December 31, 1987, and to 10¢ per ton for each calendar quarter ending March 31, 1988, through December 31, 1989. Reestablishes the fifteen-cent tax per ton for each calendar quarter ending March 31, 1990, and each calendar quarter thereafter.

BECAME LAW without Governor's signature April 1  
EFFECTIVE April 1

- H.B. 1123 Estimated income tax - declaration and payment. Requires an individual taxpayer to make a declaration of estimated income tax if the estimated tax can reasonably be expected to exceed \$1,000. States that no underpayment of estimated tax is deemed to have occurred if the taxpayer's payments and credits on the declaration of estimated tax equals or exceeds the lesser of the taxpayer's actual Colorado tax liability for the preceding taxable year reduced by \$1,000 and an amount equal to 70% of the taxpayer's actual Colorado tax liability before credits or if the individual did not have any liability for tax for the preceding taxable year. Computes the penalty for underpayment of estimated tax based on the amount of underpayment in excess of \$1,000.

Makes such provisions applicable to tax years commencing on or after January 1, 1987.

APPROVED by Governor April 17      EFFECTIVE January 1, 1987

- H.B. 1163 Income tax - business credit provisions. Updates cross references to the general business credit provisions of the "Internal Revenue Code of 1954", as amended, contained in that part of the Colorado tax statutes providing for credits against the income tax.

APPROVED by Governor April 3                      EFFECTIVE      April 3

H.B. 1178 Property tax - oil and gas drilling rigs - apportionment of value. Provides that the movement of oil or gas drilling rigs shall be reported retrospectively rather than prospectively by the submission of a rig's drilling log for the preceding property tax year. Authorizes the assessor of the first county of the rig's location in Colorado to value the rig and to apportion the value among the counties and districts of the rig's location during the preceding year. Requires the apportioned rig values to be included in the abstracts of assessment. Directs the property tax administrator to define "oil and gas drilling rigs" for uniform and consistent application to such personal property throughout the state.

APPROVED by Governor April 4      EFFECTIVE January 1, 1987

H.B. 1247 Severance tax - extension of the exemption for coal. Extends until June 30, 1990, the severance tax exemption which is granted for the first 25,000 tons of coal produced in each quarter of the taxable year.

BECAME LAW without Governor's signature April 11  
EFFECTIVE April 11

H.B. 1273 Property tax - exemption on the basis of ownership and use for religious, charitable, or school purposes. Makes more explicit how the elements of ownership and use are applied to qualify property for exemption when such property is used by a person other than the owner by specifying: That the owner must qualify for the exemption and his use, if any, must also qualify; that the use by the nonowner must be for religious, charitable, or school purposes or such person must be otherwise exempt from property taxes; and that the amount paid for use of the property must not exceed one dollar plus an equitable portion of the actual and necessary expenses for operation and maintenance of the property unless the user bears a specified relationship to the owner. Excludes depreciation and amounts paid to reduce debt from actual and necessary expenses but includes interest.

Establishes a \$25 fee for the initial application for a property tax exemption. Requires a \$5 fee to accompany the annual report which is filed on exempt property. Increases the fee to \$25 if such report is not filed on or before April 15, and provides that the exemption is forfeited if such report is not filed on or before July 1. Requires the property tax administrator to give notice in writing by June 15 of the possible forfeiture to exemption holders who, by June 1, have not



yet filed reports. Allows the property tax administrator to require information from users as well as owners of property for which an exemption is claimed. Directs the property tax administrator to revoke any exemption with respect to which false information is provided.

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

APPROVED by Governor May 16                      EFFECTIVE      May 16

H.B. 1340 Fiscal policy of the state. Establishes the annual inflation factor, which is used in indexing the personal income tax, at 100% for income tax years beginning on or after January 1, 1986, but before January 1, 1987; at 101% for income tax years beginning on or after January 1, 1987, but before January 1, 1988; and at 103% for income tax years thereafter. Extends suspension of the 0.5% credit against individual income taxes for another 3 years until January 1, 1991. Implements a graduated corporate income tax for corporate income tax years beginning on or after July 1, 1986, but before July 1, 1987, which will tax income up to \$50,000 at 5.25%, income above \$50,000 but not over \$200,000 at 5.5%, and income over \$200,000 at 6%. For income tax years beginning on or after July 1, 1987, establishes the rates at 5%, 5.25%, and 5.5%, respectively.

Increases the excise tax on cigarettes by 5¢ per pack, and provides for the extra amount to go entirely to the state during fiscal year 1986-87; thereafter, local sharing resumes with respect to the total tax amount but at the decreased rate of 27% rather than 31%. Establishes a state excise tax on tobacco products other than cigarettes at the rate of 20% of manufacturer's list price and allows local taxation with respect to such products. Lowers the sales tax exemption for articles sold in vending machines from 30¢ to 15¢.

Allows transfers up to \$20 million from the Colorado water conservation board construction fund to the general fund to meet appropriations made for fiscal year 1985-86, and provides for restoration from the general fund, with interest, during fiscal year 1986-87. Provides for transfers of \$15 million, \$15 million, and \$25 million from the general fund to the capital construction fund in fiscal years 1988-89, 1989-90, and 1990-91, respectively. Also provides for the same amounts during the same years to be transferred from the general fund and split equally between the water conservation board construction fund and the Colorado water resources and power development authority.

Caps that portion of sales and use taxes which is transferred to the highway users tax fund at \$40 million for the fiscal year 1986-87, restoring the cap to \$50 million thereafter, and for the fiscal year 1986-87 distributes the first \$10 million of revenues to be derived from increased penalty assessments and fines pursuant to House Bill No. 1211, enacted in the 1986 session, according to a ratio more favorable to local governments.

Repeals a superseded provision concerning resumption of the graduated corporate income tax.

APPROVED by Governor May 23  
PORTIONS EFFECTIVE: May 23  
July 1

WATER AND IRRIGATION

S.B. 27 Colorado water conservation board - projects - grant authorization. Approves 4 water resource projects for financial assistance loans or grants out of the Colorado water conservation board construction fund in the amount of \$7,775,000, and sets forth certain conditions relating to such projects. Deletes projects which are no longer authorized.

Excludes the funding of domestic water treatment and distribution systems from projects which may receive loans or grants from the fund. Requires grants to be specifically authorized by the general assembly acting by bill.

Authorizes the board to make a feasibility study of a potential channel and bank stabilization project and repair and rehabilitation, or replacement of affected diversion dams and headgates on the Alamosa River in the vicinity of the town of Capulin.

APPROVED by Governor April 24

EFFECTIVE April 24

S.B. 91 Acquisition of water by the Colorado water conservation board for the purpose of preserving the environment. Authorizes the Colorado water conservation board to acquire such water as it deems necessary to preserve the natural environment to a reasonable degree. Requires the board, prior to such acquisition, to request recommendations from the United States department of agriculture and department of the interior. Requires that all recommendations made to the board concerning water retained in streams and lakes to preserve the environment be made with specificity and in writing.

APPROVED by Governor May 3

EFFECTIVE May 3

S.B. 156 Water rights - tolling of abandonment period. Establishes that water rights historically applied to lands which are enrolled under title XII of the federal "Food Security Act of 1985" shall not be determined to be abandoned for the duration such lands are enrolled.

APPROVED by Governor April 24

EFFECTIVE April 24

H.B. 1010 Storage of water in reservoirs - right of appropriation - material injury to others. States that the right to store water for later application to beneficial use is a right of appropriation in order of priority under the Colorado constitution. Establishes that no water storage facility may be operated in such a manner as to cause material injury to the senior appropriative rights of others.

APPROVED by Governor April 11                      EFFECTIVE      July 1

H.B. 1011 Inventory of all potential dam and reservoir sites by the Colorado water conservation board - appropriation. Requires the Colorado water conservation board to compile an inventory of potential dam and reservoir sites having a capacity of 20,000 acre feet or more. States that such inventory shall also include information such as the location of a dam site, the name of the dam and reservoir site, basic data about a potential dam, conditional water rights decreed to a site, an estimate of a reservoir's total active capacity, the potential uses of the water supply, and citations to reference materials and sources for such information. Provides that such material shall be compiled and maintained on a computer which is either a part of or otherwise compatible with the water data bank maintained by the state engineer. Requires that such an inventory be based on a review of all available information and specifies that original engineering work shall not be performed in the compilation of the inventory. Requires the board to make its initial inventory available to the general assembly on or before October 1, 1987, and further requires that such inventory be periodically updated by the board.

                    Appropriates \$100,000 to the board for the implementation of the act.

APPROVED by Governor May 22                      EFFECTIVE      July 1

H.B. 1140 Water conservation board - forgiveness of towns' indebtedness for projects constructed with oil shale lease fund moneys. Authorizes and directs the Colorado water conservation board to release the towns of Rifle, Carbondale, Meeker, and Rangely from further obligations to make payments under water project construction contracts funded by moneys transferred from the oil shale lease fund into the water projects construction fund. Provides that such release shall have the same effect as payment in full with respect to conveyance of the state's interest in said projects to the towns.

APPROVED by Governor March 16                      EFFECTIVE      March 16

H.B. 1185 Damages resulting from flows of water from reservoir - negligence standard of liability - limitations. Repeals the strict liability standard for damages resulting from flows from a reservoir and replaces such standard with a negligence standard. Provides that no stockholder, officer, or member of a board of directors shall be personally liable for personal injury or property damage resulting from the flow of water from such reservoir if the owner purchases a valid liability insurance policy or an adequate substitute therefor. States that a good and sufficient bond, an escrow of acceptable securities, or an annual irrevocable letter or annual letters of credit may be an acceptable substitute for such liability insurance. Provides that a combination of any such substitute and insurance may be permissible. States that stockholders, directors, and officers of corporations formed as a ditch, reservoir, or pipeline corporation shall enjoy the same measure of immunity from liability for corporate acts or omissions as stockholders, directors, and officers of corporations formed under the "Colorado Corporation Code", or the "Colorado Nonprofit Corporation Act".

APPROVED by Governor May 16

EFFECTIVE May 16

H.B. 1186 Reservoirs - design and construction - determination of probable future water flows. Establishes a method to be used for determining future water flows for purposes of designing and constructing a reservoir. When a determination of probable future surface water flows at any place in the state is required, states that the calculations shall be based upon past surface water runoff at the place in question as determined by the records of reliable stream gauging stations. Provides that determinations of probable runoff at locations other than reliable stream gauging stations be made by relating the probable future runoff at that location to the recorded runoff at a comparable gauging station. Establishes criteria for determining comparable locations. Requires the state engineer to promulgate rules and regulations which include other factors for consideration when determining probable future runoff. States that no dam safety requirement shall be imposed to meet a potential hazard of a flood the magnitude of which is such that the hazard would probably exist whether the dam failed or not. Allows the interpolation and correlation of known records of flows to determine flows for a longer period. Provides that no person, public official or employee acting in the performance of his public duty, nor the state shall be liable if damages occur and such damages could not have been predicted.

APPROVED by Governor April 4

EFFECTIVE April 4

H.B. 1187 State engineer - immunity from liability for acts and omissions regarding reservoirs. Provides that statutory provisions regarding reservoirs are discretionary and undertaken by the state of Colorado in the exercise of its governmental authority. Exempts the state of Colorado, the state engineer, and his staff and appointees from liability in damages in reference to any acts or omissions regarding reservoirs. States that the state engineer and any member of his staff and any person appointed by him shall have the same immunity from liability as other public employees pursuant to the provisions of the government immunity statutes.

APPROVED by Governor May 3

EFFECTIVE May 3

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

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HB indicates a House Bill  
HCR indicates a House Concurrent Resolution  
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1. The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that proper record-keeping is essential for the integrity of the financial system and for the ability to detect and prevent fraud. The text outlines the various types of records that should be maintained, including receipts, invoices, and bank statements, and provides guidance on how to organize and store these records effectively.

2. The second part of the document focuses on the role of internal controls in ensuring the accuracy and reliability of financial information. It describes the various types of internal controls, such as segregation of duties, authorization requirements, and independent verification, and explains how these controls can be used to identify and prevent errors and fraud. The text also discusses the importance of regularly reviewing and updating internal controls to reflect changes in the organization's operations and the external environment.

3. The third part of the document discusses the importance of transparency and accountability in financial reporting. It emphasizes that financial statements should be prepared in accordance with established accounting standards and should provide a clear and accurate picture of the organization's financial performance. The text also discusses the role of external auditors in providing an independent opinion on the fairness and accuracy of the financial statements, and the importance of disclosing any potential conflicts of interest or other factors that may affect the reliability of the financial information.

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