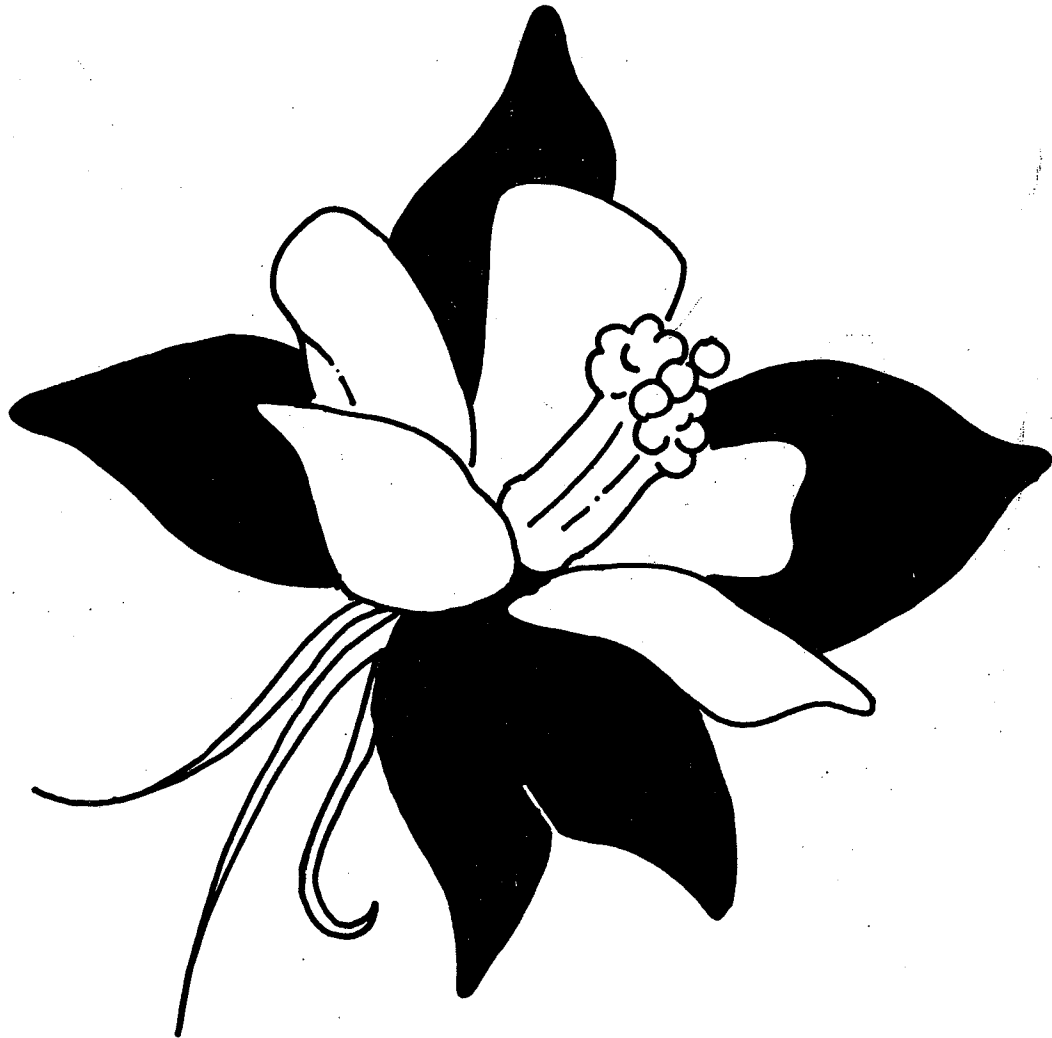


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**OFFICE OF LEGISLATIVE LEGAL SERVICES  
091 STATE CAPITOL BLDG.  
DENVER, COLORADO 80203**

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DIGEST OF BILLS ENACTED BY THE

**FIFTY-SIXTH  
GENERAL ASSEMBLY**

1988 SECOND REGULAR SESSION  
JUNE, 1988



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

(1988 - 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.

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Compiled by the  
Office of  
Legislative Legal Services

\* \* \* \* \*

This digest includes all bills enacted by the General Assembly, as of  
May 24, 1988, including bills vetoed by the Governor.

	<u>Introduced</u>	<u>Passed</u>
HOUSE BILLS	364	214
SENATE BILLS	<u>200</u>	<u>105</u>
TOTALS	564	319

202  
10  
2  
210  
31

- Of the House Bills passed: 202 were signed by the Governor
- 10 became law without the Governor's signature
- 2 were vetoed by the Governor
- Of the Senate Bills passed: 99 were signed by the Governor
- 4 became law without the Governor's signature
- 2 were vetoed by the Governor

NOTE: The General Assembly will reconvene in August, 1988, at which time additional bills may be acted upon.



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PROPOSED STATE CONSTITUTIONAL AMENDMENTS

S.C.R. 1 Regular sessions of the general assembly - limitation. Changes the constitutional provision on the length of general assembly sessions to provide that regular sessions of the general assembly shall not exceed 120 calendar days. Requires the general assembly to meet in regular session no later than the second Wednesday of January of each year.

S.C.R. 8 Eight-hour workday - age qualifications for electors - suffrage for women - seat of government - capitol building appropriations - winter olympics. Authorizes the general assembly to establish exceptions to the eight-hour workday required for persons employed in certain occupations. Amends the constitutional provision relating to the age qualifications for electors to conform with the provisions of the United States constitution. Eliminates outdated provisions related to the seat of government of the state. Repeals provisions relating to state support for the 1976 winter olympics, to suffrage for women, and to appropriations for the capitol building.

H.C.R. 1004 Recall elections - reimbursement of expenses. Changes the constitutional provision on reimbursement of recall expenses of elective officials so that only state elective officials who prevail in recall elections may be reimbursed from the state treasury. Provides that such reimbursement shall be the manner prescribed by the general assembly. Allows the general assembly to establish procedures for local governments to reimburse elective officials of such governments who are victorious in recall elections.

H.C.R. 1009 Property tax exemption for non-producing unpatented mining claims. Creates an exemption from property taxation for unpatented mining claims.

Note: See 1988 Senate Bill No. 134, concerning the county clerk fee for recording unpatented mining claims, which implements this provision if the constitutional amendment is passed by the voters at the 1988 general election.

## ADMINISTRATIVE RULES AND REGULATIONS

S.B. 57 Continuation of 1987 rules of executive agencies - repromulgation of expired rules - study on underutilization of unprotected classes in state workforce. Postpones the expiration of rules and regulations of executive agencies which were adopted or amended during 1987, except that specified rules and regulations are allowed to expire as scheduled on June 1, 1988.

Allows the following 1987 rules to expire as scheduled: Rules of the department of education concerning test fees and program fees; a rule of the department of health concerning scope of regulation governing certification of alcohol and drug counselors; 3 rules of the Colorado outfitter's licensing board concerning the licensing of business entities and sole proprietorships and the transferability of a license; a rule of the division of insurance concerning reporting by health and life insurers to the medical information bureau that an applicant who has tested positive for AIDS or HIV infection has an abnormal blood test; a rule of the public utilities commission concerning relaxed regulation and deregulation of emerging competitive telecommunications services; several rules of the Colorado racing commission concerning the superfecta; and 2 rules of the department of social services concerning determinations of fair market value and equity value of real property.

Postpones until June 1, 1990, the expiration of a rule of the wildlife commission concerning claim settlement for damages caused by big game.

Postpones until June 1, 1989, the expiration of the new affirmative action rules of the department of personnel. Directs the department of personnel, in conjunction with the state personnel board, to conduct a study on the underutilization in the state workforce of groups or classes of persons who are not defined as protected classes, including white males. Requires submission of the results of the study to the committee on legal services by January 15, 1989.

APPROVED by Governor May 29

EFFECTIVE

May 29

H.B. 1063 Unnecessary rules - deletion. Deletes certain state agency rules and regulations or portions thereof that the general assembly has determined are unnecessary to the administrative functions of the agency in question such as forms, specifications of the amount of various fees, addresses and telephone numbers, business hours, and reiterations of statutory language. Affects the following



agencies: The state department of highways; the health data commission; the division of state patrol in the department of public safety; the department of social services; the outfitters' licensing board; and the department of health.

APPROVED by Governor April 29                      EFFECTIVE                      June 2

H.B. 1069 State agency rule-making procedures. Requires rule-making agencies to mail a notice of proposed rule-making to all persons who request such notice and further requires the agencies to maintain a list of such persons. Allows agencies to adopt temporary or emergency rules if the agency finds that such rules are necessary to comply with a state or federal law or federal regulation.

Eliminates the requirement that agencies include fiscal impact statements when rules are submitted to the legislative drafting office. Requires agencies to review all proposed rules and establishes criteria for the adoption of rules.

Requires that agencies issue a regulatory analysis of a proposed rule upon a request by any person and establishes criteria for such regulatory analysis. Requires agencies to maintain official rule-making records until all review procedures have been completed. Establishes criteria for such rule-making records.

APPROVED by Governor May 17                      EFFECTIVE                      May 17

AGRICULTURE

- S.B. 39 Transporters of farm products - definition - repeal of bond or letter of credit requirement. Changes the definition of "transporter", under a provision concerning the licensing of transporters of farm products, to encompass all persons who transport farm products originating in Colorado, including those persons who transport farm products solely intrastate.

Repeals the requirement that a transporter must file a bond or irrevocable letter of credit with the commissioner of agriculture. Deletes references to said requirement.

APPROVED by Governor April 14                      EFFECTIVE Feb. 28, 1989

- H.B. 1126 State board of stock inspection commissioners - brand inspection fund - limitation on expenditures for indirect costs. Specifies that the board of stock inspection commissioners is authorized to expend a maximum of 3.6% or actual costs, whichever is less, of the base appropriation allocated to the board inspection fund to offset the indirect costs of the board.

APPROVED by Governor March 17                      EFFECTIVE                      July 1

- H.B. 1277 Marketing orders - refunds of assessments to wheat producers. Provides that marketing orders affecting wheat producers may contain a provision for refunds of portions of assessments but such a provision shall not be effective until it is approved by a majority of the wheat producers who participated in a referendum on the question of its approval. Provides that only those assessments or assessment raises, or portions thereof, which are levied by the agriculture commissioner shall be subject to the refund provisions.

Allows a producer to request a refund of a portion of an assessment within 30 days after payment of such assessment.

APPROVED by Governor April 13                      EFFECTIVE                      April 13

AIRCRAFT AND AIRPORTS

H.B. 1197 Operation of aircraft near high voltage lines - prohibition - exception. Prohibits a person from operating an aircraft within 10 feet of any high voltage overhead line. Exempts licensed aerial pesticide applicators from said prohibition.

APPROVED by Governor April 6                      EFFECTIVE                      April 6

H.B. 1234 Aircraft registration - violations of federal regulations. Specifies that it is unlawful for any person or organization in this state to knowingly possess an aircraft that is not registered in accordance with the regulations of the federal aviation administration, including requirements for identification numbers. Provides that the failure to have the assigned identification numbers clearly displayed on the aircraft is probable cause for any law enforcement officer to inspect the aircraft for identification numbers.

Makes it unlawful to register an aircraft in the name of a fictitious person or entity, or for any person or entity to knowingly supply fictitious registration information concerning any aircraft.

Makes it unlawful to install or carry fuel loading equipment or tanks which do not conform to federal regulations.

Provides that any aircraft knowingly used in violation of these provisions shall be deemed a class 1 public nuisance.

APPROVED by Governor April 20                      EFFECTIVE                      July 1

H.B. 1250 Creation of division of aviation and aeronautical board - imposition of aircraft fuel tax - elimination of specific ownership tax and aircraft registration fee - violations of federal registration provisions - appropriations. Creates the division of aviation and the aeronautical board in the department of military affairs and specifies that the division shall be under the jurisdiction of the board. Provides that the governor shall appoint board members with the consent of the senate. Specifies the duties of the board and the division, including the identification and acquisition of navigable airspace hazards.

Incorporates aircraft fuel tax provisions into the excise tax provisions for gasoline and special fuels with a 6¢ per gallon tax rate on fuel used to propel

nonturbo-propeller or nonjet engine aircraft and a 4¢ per gallon tax rate on fuel used to propel turbo-propeller or jet engine aircraft. Exempts jet propelled commercial aircraft from such tax. Imposes such taxes in lieu of the aircraft registration fee and the specific ownership tax on aircraft.

Requires the aeronautical board to disburse revenue received from such taxes to airports granting public access for purposes of airport development. Creates the aviation fund for the deposit of all such tax moneys collected.

Makes it unlawful to operate any aircraft in the state which is not registered in accordance with federal law and makes it unlawful to to sell or offer for sale any aircraft which does not have the proper identification numbers on it. Designates any aircraft knowingly used in violation of registration and identification provisions a class 1 public nuisance.

Appropriates \$106,350 out of the aviation fund to the department of military affairs and \$12,233 out of the aviation fund to the department of revenue for implementation of the act.

APPROVED by Governor May 24

EFFECTIVE Jan. 1, 1989

APPROPRIATIONS AND FISCAL MATTERS

- S.B. 80 Satisfaction of judgment against Gail Schoettler and the state of Colorado. Appropriates \$16,500 to the state treasurer for the satisfaction of a judgment plus interest against Gail Schoettler and the state of Colorado in the case of Ronald Passarelli v. Schoettler and State of Colorado. Specifies that the appropriation is \$6,800.14 for the judgment and \$9,699.86 for the interest.

APPROVED by Governor April 20                      EFFECTIVE                      April 20

- S.B. 120 Oil and gas conservation fund - reversion of moneys to general fund. Provides that moneys remaining in the oil and gas conservation fund at the end of the current fiscal year, June 30, 1988, and each fiscal year thereafter shall revert to the general fund, except that moneys in an amount equal to 10% of the next fiscal year's appropriation shall remain in the conservation fund.

APPROVED by Governor April 14                      EFFECTIVE                      April 14

- S.B. 199 Line item appropriations - transfers between appropriations - authority for overexpenditures - local government mineral impact fund. For the 1987-88 and 1988-89 fiscal years, provides for transfers between departments of state government to implement appropriations conditioned on the distribution or transfer of the appropriated funds, such as centralized appropriations for salary survey, anniversary increases, and shift differential and for group health and life insurance, workmen's compensation, employment security, and legal services.

For the 1987-88 and 1988-89 fiscal years, provides for transfers between the departments of social services and institutions for medicaid programs, with a limit of \$1,000,000 for FY 1987-88 and a limit of \$555,000 for FY 1988-89.

For the 1987-88 and 1988-89 fiscal years, provides that the head of a principal department may transfer moneys within the department between appropriations made for like purposes subject to specified exceptions. For example, the exceptions would prohibit transfers which increase spending authority for personal services, cash-funded appropriations, and certain capital construction projects. Allows similar transfers within the judicial department and the office of the governor. Limits the total amount of moneys that may be transferred between items of appropriation to \$750,000 for FY 1987-88 and to \$500,000 for FY 1988-89. Also, for the 1988-89 fiscal year, limits

intradepartmental transfers to those made after May 1, 1989, for the purpose of closing the books for such fiscal year.

Extends through the 1987-88 fiscal year the authority of the state controller to allow state agencies to overexpend items of appropriation under limited circumstances for the purposes of closing the state's books for the fiscal year. Limits nonmedicaid overexpenditures to \$1,000,000 per fiscal year.

Provides that the assignment of similar program functions or responsibilities to more than one state agency shall not be construed to authorize the expenditure of funds appropriated to one state agency by another state agency which shares such program functions or responsibilities, unless specifically authorized by the general appropriation act or other statute.

Expressly prohibits a state agency which receives a distribution of moneys from the local government mineral impact fund from expending such moneys unless authorized by legislative appropriation. Effective July 1, 1990, requires that moneys in the local government mineral impact fund distributed by the executive director of the department of local affairs shall be used solely for the purpose of assisting local governments in areas of the state impacted by the development, processing, or energy conversion of mineral and fuel resources.

VETOED by Governor May 23

H.B. 1302 Fiscal management of state government. Makes substantial changes in the law which requires state agencies to submit a work program for the ensuing fiscal year, including quarterly allotments of their funds. Requires that quarterly allotments of general fund appropriations be set forth separately in the work program and that separate allotments be submitted for each separate agency number in the state's accounting system.

Requires the governing boards of institutions of higher education to submit a work program for such institutions and requires the executive director of the department of higher education to submit a work program for the Colorado commission on higher education. Mandates that higher education work programs include allotments of all general fund appropriations and cash funds in the form of tuition and indirect cost recoveries but that such work programs need not include other cash funds or funds from other sources.

Also requires the judicial and legislative departments of state government to prepare work programs, and subjects such work programs to the approval of the chief justice in the case of the judicial department and to a majority of the following in the case of the legislative department: The speaker of the house, the president of the senate, and the majority and minority leaders of both houses.

Provides that the aggregate of approved general fund allotments for any department shall not exceed the total general fund appropriations made to said department for the fiscal year in question. Imposes reductions in the appropriations if the allotments are not approved by certain dates. Allows the authority having power to approve original allotments to restore reductions in appropriations in certain situations. Authorizes revision of quarterly allotments, if the authority which originally approved the allotment concurs.

Extends provisions relating to setting aside reserves within appropriations to the judicial and legislative departments.

Requires the governor to make quarterly in-year estimates of general fund revenues. If any such estimate indicates that one-half or more of the reserve will be used during the fiscal year, directs the governor to formulate and implement a plan to reduce general fund expenditures so that the reserve will be at least one-half the required level as of the end of the fiscal year.

Changes the date by which the general assembly is required to certify a revenue estimate for the next fiscal year from February 15 to February 20.

BECAME LAW without Governor's signature	March 18
EFFECTIVE	March 18

Note: This bill is further amended by 1988 House Bill No. 1349.

H.B. 1303 Severance tax trust fund - extension of appropriation for acquiring real property for superconducting supercollider accelerator. Extends the period of time from June 30, 1988, to December 31, 1991, when moneys may be appropriated out of the severance tax trust fund for the purpose of acquiring real property, easements, and rights-of-way and appurtenances thereto necessary to construct the superconducting supercollider accelerator and its facilities. Specifies that any unexpended and unencumbered

balance of such appropriation shall revert to the severance tax trust fund on December 31, 1990.

APPROVED by Governor May 17                      EFFECTIVE                      May 17

H.B. 1304 Supplemental appropriation - department of administration. Amends the 1987 general appropriation act to increase the total appropriation to the department. Adds a footnote concerning the payment of employment security payments for agencies of state government, limiting the amount of such payments to be made by the department of administration. Amends the 1986 general appropriation act to increase the total appropriation to the department for the purpose of making employment security payments and payments of workmen's compensation insurance premiums.

APPROVED by Governor April 14                      EFFECTIVE                      April 14

H.B. 1305 Supplemental appropriation - department of agriculture. Amends the 1987 general appropriation act to increase the total cash funds appropriation to the department.

APPROVED by Governor April 19                      EFFECTIVE                      April 19

H.B. 1306 Supplemental appropriation - department of corrections. Amends the 1987 general appropriation act to increase the total general fund appropriation and the total cash funds appropriation to the department.

APPROVED by Governor April 19                      EFFECTIVE                      April 19

H.B. 1307 Supplemental appropriation - department of education. Amends the 1987 general appropriation act to decrease the total appropriation to the department. Decreases the general fund portion of the appropriation and increases the cash funds portion.

APPROVED by Governor April 19                      EFFECTIVE                      April 19

H.B. 1308 Supplemental appropriation - office of the governor. Amends the 1987 general appropriation act to decrease the total general fund appropriation to the governor's office.

APPROVED by Governor April 14                      EFFECTIVE                      April 14



H.B. 1309 Supplemental appropriation - department of health. Amends the 1987 general appropriation act to increase the total appropriation to the department. Decreases the general fund portion of the appropriation and increases the cash funds and federal funds portions.

APPROVED by Governor April 19                      EFFECTIVE                      April 19

H.B. 1310 Supplemental appropriation - department of higher education. Amends the 1987 general appropriation act to decrease the total appropriation to the department and to add several new footnotes. Amends the 1986 general appropriation act to decrease funding to the council on the arts and humanities and makes corresponding changes to associated footnotes.

APPROVED by Governor April 27                      EFFECTIVE                      April 27

H.B. 1311 Supplemental appropriation - department of institutions. Amends the 1987 general appropriation act to increase the total general fund appropriation and the total cash funds appropriation to the department.

APPROVED by Governor April 19                      EFFECTIVE                      April 19

H.B. 1312 Supplemental appropriation - judicial department. Amends the 1987 general appropriation act to increase the total appropriation to the department. Increases the general fund portion of the appropriation and decreases the cash funds portion.

APPROVED by Governor April 19                      EFFECTIVE                      April 19

H.B. 1313 Supplemental appropriation - department of labor and employment. Amends the 1987 general appropriation act to decrease the total cash funds appropriation to the department.

APPROVED by Governor April 1                      EFFECTIVE                      April 1

H.B. 1314 Supplemental appropriation - department of law. Amends the 1987 general appropriation act to increase the total cash funds appropriation to the department.

APPROVED by Governor April 1                      EFFECTIVE                      April 1

- H.B. 1315 Supplemental appropriation - legislative department. Amends the 1987 legislative appropriation act to decrease the total general fund appropriation to the department.
- APPROVED by Governor April 1                      EFFECTIVE                      April 1
- H.B. 1316 Supplemental appropriation - department of local affairs. Amends the 1987 general appropriation act to increase the total general fund appropriation to the department. Amends 1987 House Bill No. 1212, concerning provision of public hearings for property owners whose exemptions may be discontinued, to decrease the total general fund appropriation to the department.
- APPROVED by Governor April 1                      EFFECTIVE                      April 1
- H.B. 1317 Supplemental appropriation - department of military affairs. Amends the 1987 general appropriation act to increase the total general fund appropriation to the department.
- APPROVED by Governor April 1                      EFFECTIVE                      April 1
- H.B. 1318 Supplemental appropriation - department of natural resources. Amends the 1987 general appropriation act to increase the total appropriation to the department. Increases the cash funds portion of the appropriation and decreases the general fund portion.
- APPROVED by Governor April 1                      EFFECTIVE                      April 1
- H.B. 1319 Supplemental appropriation - department of personnel. Amends the 1987 general appropriation act to increase the total general fund appropriation to the department.
- APPROVED by Governor April 14                      EFFECTIVE                      April 14
- H.B. 1320 Supplemental appropriation - department of public safety. Amends the 1987 general appropriation act to increase the total general fund appropriation and the total cash funds appropriation to the department. Adds several new footnotes to the 1987 general appropriation act. Amends 1987 Senate Bill No. 156, concerning the transportation of hazardous materials by motor vehicle, to decrease the hazardous materials safety fund appropriation and to add an appropriation of moneys from the highway users tax fund to the department for allocation to the state patrol for

enforcement of hazardous materials transportation safety standards.

APPROVED by Governor April 27                      EFFECTIVE              April 27

H.B. 1321 Supplemental appropriation - department of regulatory agencies. Amends the 1987 general appropriation act to increase the total general fund appropriation and the total cash funds appropriation to the department.

APPROVED by Governor April 14                      EFFECTIVE              April 14

H.B. 1322 Supplemental appropriation - department of revenue. Amends the 1987 general appropriation act to increase the total appropriation to the department. Decreases the general fund portion of the appropriation and increases the cash funds portion. Amends 1987 Senate Bill No. 156, concerning the transportation of hazardous materials by motor vehicle, to decrease the hazardous materials safety fund appropriation. Amends the 1986 general appropriation act to increase the total general fund appropriation and the cash funds appropriation.

APPROVED by Governor April 19                      EFFECTIVE              April 19

H.B. 1323 Supplemental appropriation - department of the treasury. Amends the 1987 general appropriation act to increase the total general fund appropriation to the department.

APPROVED by Governor April 1                      EFFECTIVE              April 1

H.B. 1324 Supplemental appropriation - capital construction. Amends the 1987 general appropriation act to decrease the total appropriation for capital construction. Decreases those portions of the total appropriation coming from the capital construction fund and from federal funds and increases the portion coming from cash funds.

APPROVED by Governor April 14                      EFFECTIVE              April 14

H.B. 1325 Supplemental appropriation - department of social services. Amends the 1987 general appropriation act to increase the general fund, cash funds, and federal funds appropriations to the department and adds certain new footnotes. Amends the 1986 general appropriation act to increase the general fund, cash funds, and federal funds appropriations to the department.

APPROVED by Governor May 3                      EFFECTIVE              May 3

H.B. 1326 Supplemental appropriation - department of social services. Amends the 1987 general appropriation act to increase the general fund appropriation and the cash funds appropriation. Increases the medical assistance payments portion.

APPROVED by Governor May 3                      EFFECTIVE                      May 3

H.B. 1327 Supplemental appropriation - department of social services. Amends the 1987 general appropriation act to increase the portion appropriated for the medical assistance division of the department of social services.

APPROVED by Governor May 29                      EFFECTIVE                      May 29

H.B. 1349 General fund reserve - reduction in balance required - reductions in state aid for school finance to precede any other required spending reductions. Beginning with the 1988-89 fiscal year, reduces the balance required to be retained as a general fund reserve from 6% to 4% of general fund appropriations for the fiscal year.

If the governor is required to implement spending reductions during the 1988-89 fiscal year under the provisions of 1988 House Bill No. 1302 because a general fund revenue estimate indicates that general fund expenditures as appropriated will result in using one-half or more of the general fund reserve, then requires that the first \$22 million of such reductions be from state appropriations for school finance.

APPROVED by Governor June 21                      EFFECTIVE                      June 21

H.B. 1350 Transfer of moneys to the general fund. Directs the state treasurer to transfer \$500,000 from any unappropriated moneys in the newborn screening and genetic counseling cash funds to the general fund for the fiscal year beginning July 1, 1988.

Directs the state treasurer to transfer the entire balance of moneys remaining in the health facilities review council cash fund to the general fund.

BECAME LAW without Governor's signature                      May 23  
EFFECTIVE                      May 23

H.B. 1351 Allocation of funds from severance tax trust fund to general fund. For the fiscal year 1988-89, credits to the general fund the gross receipts from the severance taxes imposed on minerals and mineral fuels which would otherwise be credited to the severance tax trust fund.

APPROVED by Governor May 11                      EFFECTIVE                      May 11

H.B. 1356 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, 1988. Sets the grand total of the operating budget at \$4,417,135,347, of which \$2,200,865,301 is from the general fund, \$1,227,655,564 is from cash funds, and \$988,614,482 is from federal funds.

Transfers \$20,521,754 to the capital construction fund, of which \$16,500,000 is from the lottery fund, and \$4,021,754 is from the general fund. Appropriates \$90,802,772 for capital construction, of which \$39,521,754 is from the capital construction fund, \$20,773,462 is from cash funds, and \$30,507,556, is from federal funds.

Amends the 1987 general appropriation act to increase the appropriation to the department of the treasury for payments to counties under the program of property tax deferrals for the elderly, to increase the appropriation to the department of local affairs for the board of assessment appeals, and to add an appropriation from the capital construction fund to the division for developmental disabilities in the department of institutions for the renovation of the Pueblo satellite facility.

PORTION APPROVED by Governor June 23 EFFECTIVE June 23  
PORTION VETOED by Governor June 23

H.B. 1361 Appropriation - legislative department. Appropriates \$15,727,917, including \$75,000 in cash funds, to the legislative department for its expenses during the 1988-89 fiscal year.

APPROVED by Governor May 29 EFFECTIVE May 29

CHILDREN AND DOMESTIC MATTERS

- S.B. 14 Juvenile parole board - change in membership of board - repeal of board - study of changes to reorganize juvenile parole system. Changes the composition of the juvenile parole board by requiring that one of the 5 members be an elected local official rather than a member of the department of social services who is involved in rehabilitation services and eliminates the requirement that the other member from the department of social services be involved in public welfare services. Repeals the provisions governing the juvenile parole board, the division of juvenile parole, and the juvenile parole system on July 1, 1989. Declares that the general assembly's intent in repealing these provisions is to allow time for the executive director of the department of institutions, community officials, and community groups to consider changes and make recommendations to the general assembly on the reorganization of the juvenile parole system.

APPROVED by Governor May 29  
PORTIONS EFFECTIVE May 29  
July 1, 1989

- S.B. 180 Children's Code - definitions - procedures - notification of escape - restraining orders and emergency protection orders - right to jury trial on paternity - application of child support guidelines. Amends various provisions of the "Children's Code". Changes the word "child" to "juvenile" throughout the code.

States that the right to a hearing before a judge shall not apply to detention hearings for dependency and neglect. Allows the court to change venue after findings of fact but before adjudication and sentencing. Authorizes the court to issue arrest warrants for juveniles who violate conditions of probation. Eliminates the right to a preliminary hearing for class 1 misdemeanors. Exempts tobacco product offenses from the jurisdiction of the juvenile court. Requires notification to the court and to the district attorney of a juvenile's escape from the department of institutions.

States that the amount of liability insurance to cover injuries caused to or by juveniles who are participating in community service shall be the same as the limits in the "Colorado Governmental Immunity Act" rather than coverage in the amount of \$1,000,000.

Authorizes the juvenile court and the district court to issue restraining orders to prevent an unlawful sexual offense. Allows a judge to issue written or verbal ex parte emergency protection orders when the courts are

closed for judicial business in order to prevent an unlawful sexual offense.

Provides a right to a jury trial for determinations of paternity. Applies the child support guidelines to all proceedings on child support obligations brought under the code. Changes the venue for filing a relinquishment of the parent-child relationship so that venue is based on the residence of the child or the parties rather than on the residence or the physical presence of the child.

Requires the county department of social services, if it reasonably believes an incident of child abuse and neglect has occurred, to notify law enforcement officials responsible for investigating violations of criminal child abuse laws.

Repeals a provision which required the destruction of records maintained by the juvenile diversion program once a juvenile has successfully completed the diversion program.

APPROVED by Governor May 29                      EFFECTIVE                      July 1

H.B. 1004 Children's Code - diversion - definition. Defines "diversion" for purposes of the "Colorado Children's Code" as a decision made by a person with authority which results in specific official action of the legal system not being taken in regard to a juvenile and in lieu thereof providing individualized services for the juvenile. Lists the types of individualized services.

APPROVED by Governor March 18                      EFFECTIVE                      March 18

H.B. 1022 Child care centers in nursing home facilities. Permits the department of health to encourage the development of a private grant program to provide start-up funds for child care centers in nursing home facilities.

Directs the department of health and the department of social services, in conjunction with nursing home industry representatives, child care operators, and experts on child care programs in nursing home facilities, to study the existing statutes and regulations concerning the licensing of child care centers and nursing home facilities to determine what changes would make it easier for a nursing home facility to operate a day care center. Specifies the aspects of regulation and licensing that should be studied. Requires the departments to report on the results of the study to the general assembly.

Authorizes the state board of health to promulgate rules establishing any necessary requirements for operating

a day care center in a nursing home facility, if the committee that studies the issue recommends the establishment of child care centers in such facilities. Specifies what such rules should include with respect to the requirements for operating a safe child care center in a nursing home facility. States that no medical assistance funds shall be used to subsidize the cost of operating a day care center or program in a nursing home facility.

APPROVED by Governor April 28                      EFFECTIVE                      April 28

H.B. 1024 Juvenile offenders - common assessment and staff assessment - elimination of preparole release. Requires the development of a common assessment instrument and common criteria by July 1, 1989, for the purpose of evaluating and assessing juveniles taken into temporary custody in order to determine whether placement or release is appropriate, and, if the juvenile is not released, to determine the appropriate level and type of placement. Mandates that such assessment instrument be free of racial or other bias.

Requires a staff assessment to be conducted, pending adjudication, to determine the appropriate placement and treatment of the juvenile which is subject to the court's approval. Requires that the staff assessment be conducted no later than 12 days from the time the juvenile is taken into temporary custody. Directs that the staff assessment be performed jointly by the department of institutions and the department of social services and include other relevant agencies. Requires the development of common criteria and guidelines for the staff assessment by July 1, 1989.

Eliminates the preparole release program of the department of institutions for juveniles committed to that department.

BECAME LAW without Governor's signature                      May 21  
EFFECTIVE                      July 1

H.B. 1105 Custody and visitation evaluations and proceedings - use of mental health professionals. Requires mental health professionals performing evaluations concerning custodial or visitation arrangements, or both, to have certain qualifications and to follow certain requirements in testifying and conducting evaluations. Requires the same qualifications and requirements to be met, no later than January 1, 1990, by court or social services department personnel appointed by the court to do evaluations.

Requires the court to appoint another mental health professional to conduct a supplemental evaluation, at the



initial expense of the moving party, unless the court finds that the motion was for the purpose of delay or harassment, that one of the parties objects and a physical or mental condition of the objecting party or the child would make it harmful for the party or the child to participate in the supplemental evaluation, that the moving party failed or refused to cooperate with the first evaluation, or that the second evaluation would not be beneficial to the court in determining custody. Specifies the assessment of costs for the evaluation and the supplemental evaluation.

Decreases from 16 years to 15 years the age of children whose consent is required before a mental health professional consults with experts who have served the child. Details the circumstances under which a mental health professional who has not personally evaluated all of the parties and the child may make recommendations. Specifies the contents of the evaluation report.

APPROVED by Governor May 11                      EFFECTIVE                      May 11

H.B. 1116 Visitation rights of noncustodial parents who have been convicted of certain crimes. Allows a custodial parent or a person who has custody of a child pursuant to court order to file an objection to visitation by a noncustodial parent who has been convicted of certain crimes. Requires the person having custody to give notice to the noncustodial parent of such objection and requires the noncustodial parent to respond within 20 days or have visitation rights suspended. Requires a hearing to be held within 30 days if the noncustodial parent responds to the objection of the person having custody. Places the burden of proof on the noncustodial parent to show that visitation by the noncustodial parent is in the best interest of the child.

APPROVED by Governor March 15                      EFFECTIVE                      March 15

H.B. 1130 Parental benefits for adoptive parents. Requires employers who provide maternity or paternity benefits to biological parents to make the same benefits available on an equal basis to employees who adopt a child. Excludes the application of this provision to an adoption of a child by the spouse of a custodial parent.

APPROVED by Governor April 13                      EFFECTIVE                      April 13

H.B. 1258 Child support enforcement - procedures - statute of limitations on paternity actions - extension of transfer of support functions - study. Makes several changes to the "Revised Uniform Reciprocal Enforcement of Support Act" (URESAs) to make it easier to collect child support

obligations. States that the duty to pay arrearages shall be enforceable under a URESA petition. Clarifies that a prosecuting attorney represents the obligee when Colorado is the initiating state or the registering state under the act. Requires the clerk of the court to send a notice of registration of a support order to the state which originally issued the order. Clarifies that under the act the court may adjudicate paternity at any time prior to the child's 18th birthday.

Requires the clerk of the court, upon notice of a support obligation assigned to the state, to pay support to the child support enforcement unit rather than to the family as long as such assignment exists.

Specifies that a court order entering judgment or a verified entry of judgment is not required in order for the department of social services to certify the past amounts due for the purpose of obtaining a federal income tax refund intercept for child support. Clarifies that the state tax refund intercept provisions apply to cases which are brought by or on behalf of a person who is not a recipient of aid to families with dependent children. Removes the requirement of a court order for the purpose of receiving interest greater than the statutory rate when collecting on arrearages or child support debt.

Shortens from 20 days to 10 days the time period that an obligor has to object to the activation of a wage assignment. Prohibits the sending of the notice to the employer until the 10-day period for the obligor to object has expired. Changes the type of mailing required for the notice to the employer from registered to certified mail.

Includes within the provisions on dissolution of marriage a statement of legislative intent that both parties in a dissolution should honor and fulfill all of the obligations and commitments made between the parties and ordered by the court.

Amends the statute of limitations on paternity to allow an action to be brought at any time prior to the child's 18th birthday by the mother or father, by the child, or by the delegate child support enforcement agency. Provides that an action brought by a child whose paternity has not been determined may be brought at any time prior to the child's 21st birthday rather than 3 years after he reaches the age of majority.

Permits the district attorney to appear in any judicial district in the state when enforcing support laws.

Extends until January 1, 1992, the provisions which allow for the transfer of information and functions

relating to the collection of child support and maintenance from the judicial department to the department of social services. Requires the department of social services to conduct a study of a centralized system for processing child and spousal support payments and to report its recommendations to the state court administrator and to the general assembly by September 1, 1989.

APPROVED by Governor May 29                      EFFECTIVE                      July 1

H.B. 1355 Removal of children from foster homes - foster care review boards - adoption. Declares that it is in the best interests of children removed from their homes to not be indiscriminately moved from foster home to foster home and to be guaranteed assurance of long-term permanency planning.

Creates regional foster care review boards to promote permanent placement of foster children and to function as an administrative review body of any decision of a county department of social services regarding the removal of children from foster homes. Specifies the duties and functions of regional foster care review boards.

Specifies that, when the plan for a child placed in a foster home is the relinquishment or termination of parental rights, the foster parents shall be required to sign a formal declaration of intent to adopt or not adopt the child placed with them. Allows any foster parent who has made such a declaration to request the regional foster care review board to review a decision to remove the child and gives legal standing to such parents for review of such decision. States that the decision of the regional foster care review board shall be advisory to the county department of social services and to the court. Provides that review by the board does not preclude judicial review of a board's decision by such foster parents or by the county department of social services.

Amends the provisions on relinquishment and adoption in the "Colorado Children's Code" to allow a foster parent to be considered by the court in making a determination on the adoption of a foster child and states that no person shall be precluded from adopting a child solely because he was a foster parent.

APPROVED by Governor May 31                      EFFECTIVE                      May 31

## CONSUMER AND COMMERCIAL TRANSACTIONS

H.B. 1107 Unearned consumer credit insurance premiums - refund or credit. Repeals and reenacts provisions for the refund or credit of unearned premiums on consumer credit insurance. Specifies that a refund or credit of unearned premiums on said insurance is required when insurance is not provided or is provided for a shorter term than that for which the charge to the debtor for insurance was computed or when the insurance terminates prior to the end of the term for which it is written. Requires that consumer credit insurance terminate upon prepayment in full of the indebtedness.

Requires an original creditor to make the refund or credit or notify the debtor and insurer that a refund or credit is due. Requires an assignee of the original indebtedness to make the required refund or credit or notify the debtor, the original creditor, and the insurer that a refund or credit is due. Requires the original creditor, upon receiving notice from the assignee, to make the refund or credit or notify the insurer that a refund or credit is due. Requires the insurer, upon receiving notice from the original creditor or assignee, to make the refund or credit.

Specifies the circumstances under which a refund or credit of unearned premiums is not required, including when proceeds are to be paid under the policy.

Requires a refund or credit of unearned premiums for all other types of consumer credit insurance issued on an indebtedness, despite the fact that a refund or credit is not required for one type of insurance issued on the same indebtedness due to payment of proceeds under the policy.

Mandates that an insurer under the insurance code make a refund or credit of unearned premiums on credit life or accident and health insurance within 30 days of receipt of notice by the original creditor and assignee.

Makes it an unfair or deceptive practice for an insurer to fail to promptly make a full refund or credit of all unearned premiums to an entitled person upon termination of coverage.

APPROVED by Governor March 18                      EFFECTIVE                      July 1

H.B. 1176 Charitable Solicitations Act - creation - regulations - charitable fraud - appropriation. Creates the "Colorado Charitable Solicitations Act" to regulate charitable solicitations. Defines related terms, including "charitable organizations", "contribution", "paid

solicitor", and "solicitation". Requires paid solicitors to file notice with the secretary of state prior to the commencement of a solicitation campaign, to submit financial reports within 90 days after the completion of such campaign, and to keep records of contributions for 3 years following completion of such campaign. Provides for oral and written disclosure, including mandatory verbatim language, which must accompany solicitation and collection of such contributions.

Specifies that no paid solicitor shall represent donated tickets or sponsored attendance, in the course of a solicitation, unless prior to solicitation a written confirmation has been obtained from the represented beneficiary. Also specifies that no paid solicitor, in connection with a solicitation, shall represent that any publication will be published without disclosing certain information in a written confirmation of contribution to the potential contributor or advertising customer.

Provides criminal penalties for persons committing charitable fraud. Specifies certain violations to be class 2 misdemeanors and others to be class 5 felonies, and repeals a criminal provision which previously addressed charitable fraud. Makes items used in acts of felony charitable fraud subject to public nuisance provisions.

Appropriates \$31,230 to the department of state for implementation of the act.

APPROVED by Governor April 28                      EFFECTIVE                      July 1

H.B. 1181 Purchase money security interests - consumer goods. Eliminates the specified purchase price amount which triggers the requirement that a financing statement shall be filed in order to perfect a purchase money security interest in consumer goods.

Applies to purchases of consumer goods on or after July 1, 1988.

APPROVED by Governor April 6                      EFFECTIVE                      July 1

H.B. 1219 Farm products - central filing system for effective financing statements. Implements a system for the central filing of effective financing statements covering farm products. Establishes the state central filing system board in the department of agriculture to implement such system. Provides for the appointment of members of the board and prescribes the powers and duties thereof. Authorizes the board to contract with another party for the operation of such system. Requires the board to report to

the general assembly, by January 1, 1992, on the implementation and operation of the system. Authorizes the imposition of fees for use of the system as well as the imposition of assessments on banks in Colorado for the cost of operation of the system. Authorizes the board to accept a grant of \$7,500 for board expenses from the Colorado bankers association. Creates the central filing system fund for the deposit of all moneys collected pursuant to these provisions. Provides that the central filing system shall not become effective until certified by the United States department of agriculture pursuant to the federal "Food Security Act of 1985".

APPROVED by Governor May 29

EFFECTIVE

May 29

H.B. 1236 Consumer protection - dance studios - hearing aid dealers - court documents - financial institutions - telephone solicitation - employment agencies - bait and switch advertising. Classifies certain acts as deceptive when performed in connection with contracts for dance studio services which obligate the purchaser to pay in excess of \$500. Specifies the amount of prepayments that must be refunded when such contracts are cancelled.

Clarifies the amount that hearing aid dealers may refuse to refund as a result of cancelled contracts.

Gives the attorney general or district attorney who is enforcing a case under the "Colorado Consumer Protection Act" the discretion to make certain documents filed with a court as a part of the case a matter of public record.

Requires banks, industrial banks, trust companies, credit unions, and savings and loan associations to have in their possession a copy of the document allowing a preauthorized fund transfer from an account signed by the account holder.

Designates equipment used for soliciting purchases with a prerecorded message in violation of the provision prohibiting the use of automatic dialing systems as class 1 public nuisances. Specifies that public or private places or premises used for such solicitations shall be deemed class 2 public nuisances. Clarifies the prohibition on use of an automated dialing system with a prerecorded message to solicit sales.

Clarifies the definition of "private employment agency" as used in provisions concerning fraud in the "Colorado Criminal Code". Requires a private employment agency which has been convicted of a misdemeanor under the fraud provisions in the "Colorado Criminal Code" to file a surety bond with the department of labor and employment.

Makes several acts misdemeanors if done by a private employment agency. Designates as a class 1 public nuisance any private employment agency that violates the section of the criminal code concerning fees paid to employment agencies with regard to three different job applicants within a one-year period.

Clarifies the definition of "bait and switch" advertising.

APPROVED by Governor May 17

EFFECTIVE

July 1

## CORPORATIONS AND ASSOCIATIONS

S.B. 166 Colorado Corporation Code - definitions - signature protection on shares - voting of shares - short-form merger with subsidiary as surviving corporation - filing of reports. Adds definitions of the terms "parent corporation" and "subsidiary corporation" to the "Colorado Corporation Code". Reestablishes signature protection on share certificates with an exception for certain corporations. Clarifies the effects of voting of shares by two or more persons. Permits a short-form merger between a parent corporation and a subsidiary corporation which leaves the subsidiary corporation as the surviving entity. Provides protection for the shareholders of both corporations and for dissenters' rights under the short-form merger. Modifies the provision concerning the filing of corporate reports to eliminate the possibility that initial, erroneous late filings could be filed without penalty if the corrected filing were filed within 30 days.

APPROVED by Governor April 20                      EFFECTIVE                      April 20

H.B. 1028 Small business development credit corporations. Declares that there is a need to promote economic development by encouraging and assisting the creation and growth of small businesses. Further declares that a public purpose is served by the creation of small business development credit corporations which provide working capital for small and moderate size business firms.

Defines "small business development credit corporation" and establishes guidelines for the licensing of such corporations. Establishes limitations on the extent to which a licensee may hold control of a business firm.

Authorizes the executive director of the department of regulatory agencies to issue orders and promulgate rules to effectuate the purposes of the act. Further authorizes the executive director to charge fees for the filing of license applications, for license examinations, and for annual licenses. Creates the small business development credit corporation cash fund and requires all fees collected by the executive director pursuant to this act to be credited to such fund.

Requires licensees to keep such records as the executive director may require and to file an audit report within 90 days after the close of each calendar year. Provides that the executive director shall examine each licensee at least once each calendar year. Establishes criteria for the approval of a license application and



requires the applicant to be capitalized to a certain amount. Requires the executive director to provide a written statement to the license applicant if his application is denied, which statement shall explain the basis for denial.

Establishes civil penalties for violations of the act. Authorizes the executive director to bring an action to enjoin any person from violating the act or to enforce compliance with the act. Authorizes the executive director to deny, suspend, or revoke a license.

Appropriates \$19,743 to the department of regulatory agencies for implementation of the act.

APPROVED by Governor April 27  
PORTIONS EFFECTIVE April 27  
July 1

## CORRECTIONS

- S.B. 40 Correctional industries - advisory committee - purchase of goods and services. Changes the membership of the correctional industries advisory committee so that two members are from affected industries in the business community.

Requires the director of the division of correctional industries to market the goods and services of the division to private sector retailers and to the general public.

Provides that state agencies may purchase goods and services, except office furniture and office systems, from sources other than the division. Requires the state purchasing director to make a certification whenever he determines that the goods or services of the division are not available in a timely manner or at a price or level of quality which is comparable to that provided by the private sector so that state agencies purchasing such goods or services shall not be required to purchase them from the division.

APPROVED by Governor April 14                      EFFECTIVE                      July 1

- S.B. 62 Correctional industries - license plates - estimate prerequisite and moneys set aside for appropriations. Requires the executive director of the department of revenue to certify to the joint budget committee each year an estimate of the number and cost of license plates and validating tabs or decals which the division of correctional industries will be required to manufacture. Requires the joint budget committee to consider the estimate in making its budget recommendation for the division.

Eliminates the requirement that the state treasurer set aside moneys received from license plate and validating tab or decal sales and eliminates the continuous appropriation of such moneys.

APPROVED by Governor April 14                      EFFECTIVE July 1, 1989

- S.B. 195 Department of corrections - authority of executive director to contract with counties and city and counties for placement of state prisoners in county jails. Grants to the executive director of the department of corrections the authority to contract with any county or city and county for the placement in a county jail of any prisoner who is under the custody of the department of corrections. Grants counties the authority to enter into such contracts with

the department of corrections. Requires counties which desire to enter into such contracts to notify the department of corrections, on or before September 1 of each year, of the jail space available for contract and the daily charge for such space to take effect on July 1 of the next year. Requires the executive director of the department of corrections to include the costs of contracting for jail space in the department's annual budget request, beginning with the budget request required to be submitted by November 1, 1988.

APPROVED by Governor May 29                      EFFECTIVE                      July 1

H.B. 1150 Literacy corrections pilot program. Authorizes the executive director of the department of corrections to establish a literacy corrections pilot program which may be utilized during an inmate's incarceration as well as during an inmate's parole. Allows the director to implement the program through contracts with private entities. Authorizes 4 days of earned time, but no more than 48 days of earned time per year, if an inmate makes positive progress in the program. Requires the director to evaluate the effectiveness of the program and to report his findings to the general assembly no later than March 1, 1990, and no later than March 1 of each year thereafter.

Repeals the program on July 1, 1991.

APPROVED by Governor April 7                      EFFECTIVE                      July 1

H.B. 1194 Privately funded correctional facilities - acquisition by department of corrections. Authorizes the executive director of the department of corrections, with the approval of the capital development committee and subject to annual appropriation, to enter into agreements whereby the state may acquire title to correctional facilities developed and constructed with private funds. Permits stipulated aggregate annual payments pursuant to such agreements provided the payments are limited to a period not to exceed 30 years. Requires the executive director to establish design standards and specifications for such facilities. Further requires that proposals meeting such standards and specifications be authorized, prior to execution, by a separate bill enacted by the general assembly. Makes any agreements entered into enforceable in any court of competent jurisdiction in the state. Specifically states that such obligations shall not create an indebtedness of the state within the meaning of the state constitution or other pertinent statutes.

Provides that annual payments by the state may be made from moneys appropriated by the general assembly

without the necessity of a separate bill. Includes such payments in the capital construction fund, subject to annual appropriation, and requires that they be audited, certified, and paid in the same manner as all other accounts and expenditures. Exempts from taxation any property acquired so long as it is used for a public purpose connected with any authorized work or programs of the department of corrections.

APPROVED by Governor May 17

EFFECTIVE

May 17

H.B. 1338 Parole - governor's authority to overrule decisions of the state board of parole. Permits the governor to overrule any decision of the state board of parole to grant parole to a person previously convicted of a class 1, 2, or 3 felony which is defined as a crime of violence, to a person originally charged with a class 1, 2, or 3 felony who has been convicted of a lesser offense which falls within the definition of a crime of violence, or to a person who has been convicted of a sex offense, if the governor believes that the person's release threatens the safety and welfare of society. Allows the governor to overrule decisions of the state board of parole within 90 days of the decision to grant parole. If the governor exercises the power to overrule the board's decision to grant parole, allows the state board of parole to reconsider the granting of parole one year thereafter, and each year thereafter, until the parole is granted and not overruled by the governor, or until the person is discharged according to law.

VETOED by Governor May 24

## COURTS

S.B. 143 Medical malpractice - periodic payments - financial responsibility requirements - limitations on damages - evidence - arbitration agreements - limitations for injuries resulting from genetic disease or disorder or natural causes - standards for medical malpractice insurance rates - immunity for vaccine-related injuries - study - appropriations. Requires the trial judge to enter a judgment ordering that future damages in civil actions brought against any health care professional or health care institution be paid by periodic payments rather than a lump-sum payment for awards exceeding \$150,000, present value. Permits the court to order periodic payments for future damages where the award is \$150,000 or less. Requires the trier of fact to make specific findings relating to the periodic payments and the amount of damages. Allows a plaintiff, prior to entry of a judgment for periodic payments, to elect to receive immediate payment of the future damage award in a lump sum in lieu of periodic payments if he meets certain criteria. Prohibits disclosure to the jury that a judgment will be paid by periodic payments. Outlines procedures and specifies the payor's responsibilities for periodic payments.

Requires every physician or dentist, as a condition of licensure, to establish, no later than January 1, 1990, financial responsibility by maintaining insurance, maintaining a surety bond, or making deposits. Requires every health care institution, as a condition of licensure or certification, to also establish financial responsibility by the same methods. Except as noted, makes the provisions on financial responsibility take effect on January 1, 1989.

Limits the total amount recoverable for all damages in tort brought against a health care professional or health care institution in a civil action or as a result of arbitration to \$1,000,000, present value, of which not more than \$250,000 shall be attributable to noneconomic loss or injury. If the court finds that the amount of past and future earnings or past and future medical expenses, or both, plus other damages would exceed such limitations and that the application of such limits would be unfair, allows the court to award the present value of the additional future damages for such excess future earnings or excess future medical expenses or both. Requires any final judgment, settlement, or arbitration award against any health care professional or health care institution for medical malpractice to be reported to the professional's or institution's insurance carrier or to the respective licensing agency. Creates a civil penalty of not more than \$2,500 for knowingly failing to report. Makes the

limitations on damages take effect on January 1, 1989.

States that a person shall not be qualified to testify as an expert witness on negligence issues in a medical malpractice action against a physician unless he is a licensed physician who can demonstrate substantial familiarity with the applicable standard of care and practice relating to the claimed act or omission.

Requires the plaintiff in any action or arbitration proceeding for professional negligence to give written notice to the third party payor of any amounts paid or payable as a medical benefit. Allows such third party payor to file a notice of a claim of subrogation and allows the court to determine the amount due the third party payor in entering a judgment.

Allows an agreement for the provision of medical services to contain a provision for binding arbitration of disputes as to professional negligence if the agreement conforms to certain specified requirements, including the right of the patient to seek legal counsel about the arbitration agreement, the right to rescind the agreement within 90 days of signing or, if signed prior to hospitalization, within 90 days after discharge from the hospital. Prohibits a health care provider from refusing to provide medical care services because a patient refused to sign the agreement or exercised the right of rescission. Prohibits a health care provider from withholding emergency medical services because a patient refused to sign the agreement. Requires notice of these rights and prohibitions to be given to the patient. Makes the refusal or withholding of medical care for such reasons unprofessional conduct. Declares that making the use of arbitration agreements a condition of obtaining medical malpractice insurance constitutes an unfair insurance practice.

Limits actions against a physician or health care professional or health care institution for injuries occurring during the course of labor, delivery, or postdelivery where such injury was the result of a genetic disease or disorder or other natural causes and could not have been prevented or avoided by ordinary care.

Requires that, in setting rates for medical malpractice insurance, insurers shall specify in their rate filing and consider the impact of tort reform and other factors on medical malpractice rates. Requires the commissioner of insurance, either as a result of the filing, or on his own motion, to consider the impact of tort reform and other factors on medical malpractice rates. Authorizes the commissioner to disapprove or modify rates which do not reflect the impacts of such factors.

Creates an immunity from liability for a person who administers to a child a vaccine required by regulations of the state board of health when such person followed proper procedures and there were no countervailing symptoms or medical history. Directs that an action for a vaccine-related injury or death shall not be maintained until the action is exhausted under the federal "National Childhood Vaccine Injury Act of 1986". Creates a rebuttable presumption that the injury or death was not vaccine-related if the injury or death does not fall within the parameters of the vaccine injury table of such federal act.

Directs the state auditor to study the soundness of patient compensation funds to provide coverage for damages in medical malpractice actions.

Appropriates \$13,700 from the division of registrations cash fund to the division of registrations in the department of regulatory agencies and \$7,300 from the general fund and 0.3 FTE to the division of insurance in the department of regulatory agencies for implementation of the act.

Except as otherwise noted, applies to acts or omissions occurring on or after July 1, 1988.

APPROVED by Governor May 13                      EFFECTIVE                      July 1

H.B. 1035 Continuing garnishments - procedures - objection by disabled debtor to amount of garnishment. Expands the use of writs of continuing garnishment by eliminating the requirement that the garnishee has to be an employer of the judgment debtor. Makes a continuing garnishment lien effective for 90 days either following service of the writ or following the expiration of any other writs that have priority.

Allows a debtor who is totally and permanently disabled and who establishes that at least 75% of his income is derived from disability income or benefits to object to the maximum amount of aggregate disposable income which is subject to garnishment for the enforcement of support obligations. Permits the court, upon consideration of the circumstances of the parties, to provide for garnishment in an amount less than such maximum amounts.

APPROVED by Governor March 31                      EFFECTIVE                      July 1

H.B. 1078 Statute of limitations for actions involving health care. Reinstates the statute of repose which provides for an action to be maintained against a health care institution or a health care provider within 2 years after the date the action accrues, but no more than 3 years after the act or omission which gave rise to the action. Reinstates two former exceptions to the statute of repose, knowing concealment and leaving an unauthorized foreign object in the body, thereby requiring these excepted actions to be brought within 2 years after the person discovered or should have discovered the act or omission. Creates an exception to the statute of repose for actions in which both the physical injury and its cause are not known or could not have been known in the exercise of reasonable diligence. Enacts special provisions as exceptions to the statute of repose for actions brought on behalf of minors and persons under disability.

Applies to acts or omissions occurring on or after July 1, 1988.

APPROVED by Governor May 11                      EFFECTIVE                      July 1

H.B. 1079 Judges - commissions to evaluate judicial performance - appropriation. Declares that the evaluation of judicial performance should be conducted statewide and within each judicial district using uniform criteria and procedures. Establishes a state commission on judicial performance to evaluate sitting appellate justices and judges in order to provide relevant information and recommendations to persons voting on retention of justices and judges. Establishes a similar commission in each judicial district for the evaluation of district and county court judges. Specifies the composition of the state and district commissions and provides for the appointment of certain members by the general assembly, governor, and chief justice of supreme court. Authorizes the state commission to accept private and federal grants and creates the state commission on judicial performance cash fund for the deposit of grant funds.

Appropriates \$96,067 from the state commission on judicial performance cash fund to the judicial department for implementation of the act.

APPROVED by Governor May 12                      EFFECTIVE                      May 12

H.B. 1084 Denver mass transportation system - civil actions - priority. Provides that lawsuits arising out of the development of the Denver mass transportation system shall be given priority in the county and district courts of this state to avoid delays in the construction and operation of



such a system. Establishes a priority for appellate review of such lawsuits in the district and appellate courts of this state.

APPROVED by Governor February 26      EFFECTIVE      July 1

H.B. 1212 Confidential communications made to clergy - testimonial privilege. Expands testimonial privilege provisions relating to confidential communications made to clergy to include the terms "ministers" and "rabbis" in addition to "clergymen" or "priests". Requires the consent of both the clergyman and the person making the confidential communication before allowing examination of the clergyman regarding the communication.

APPROVED by Governor April 14      EFFECTIVE      July 1

H.B. 1217 Dispute resolution programs - expansion - discretionary referral to mediation - appropriation. Expands the dispute resolution process to include organizations as well as individuals involved in any type of litigation. Provides that persons or organizations involved in a dispute are eligible for mediation services before, as well as after, filing an action with the court. Enables any court of record to make discretionary referrals of cases to mediation except when one of the parties claims that he has been the victim of physical abuse by the other party and states that he is unwilling to enter into mediation.

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

APPROVED by Governor April 6      EFFECTIVE      July 1

H.B. 1231 County court jurisdiction - small claims - party representatives. Expands the county court's jurisdiction to include the issuance of injunctions for the enforcement of restrictive covenants on residential property. Allows a small claims division of the county court to issue injunctions or orders of specific performance to enforce restrictive covenants on residential property when the amount of money required to bring the defendant in compliance with the restrictive covenant does not exceed \$2,000, exclusive of interest and costs. Changes the party who may represent a nonprofit corporation in the small claims division of county court from a full-time officer or full-time employee to a duly elected nonattorney officer or employee.

APPROVED by Governor May 19      EFFECTIVE      July 1

H.B. 1237 Bankruptcy protection of employee pension and retirement funds. For the purpose of claiming an exemption under bankruptcy, allows a debtor to claim an exemption to protect 75% of the profits or proceeds in a pension or retirement plan or deferred compensation plan, including pensions or plans which qualify under the federal "Employee Retirement Income Security Act of 1974", individual retirement accounts, and KEOGH plans.

APPROVED by Governor April 14                      EFFECTIVE                      April 14

H.B. 1255 Grand juries - modifications to statutes. Makes numerous changes to the statutory provisions relating to grand juries including: Specifying the number of grand jurors constituting a quorum of such grand jury; removing the requirement that the court select jurors from the first 75 names which appear on a jury list, thereby requiring only that the court select from not less than 75 names; requiring the selection of a certain number of alternate grand jurors and an alternate foreman; changing the standards for impaneling a judicial districtwide grand jury or a statewide grand jury; specifying the procedural rules and laws governing grand jury proceedings; providing for disclosure of a bill found not to be a true bill; and providing for an alternate method of petitioning for the empaneling of a statewide grand jury if the attorney general refuses to so petition when requested to do so by general assembly resolution.

VETOED by Governor May 19

H.B. 1289 Wrongful death actions - who may bring action. Clarifies that the spouse of a deceased person may bring an action for wrongful death at any time within 2 years after the death. Clarifies that, in the first year after the death, the heir or heirs of the deceased, upon the written election of the spouse, may bring an action with or without the spouse. Clarifies that in the second year after the death, the heir or heirs may bring an action with or without the spouse, but the spouse is allowed to join the action brought by an heir or heirs as a party plaintiff. Provides that if the deceased is an unmarried minor without descendants or an unmarried adult without descendants, the father or mother of the deceased may join in the action.

Provides that, in any action for wrongful death, rather than just those brought by a spouse, the judgment obtained in the action is owned by all heirs at law of the deceased and distributed among them as provided by law.

Applies to all civil actions based on deaths occurring on or after July 1, 1988.

APPROVED by Governor April 9                      EFFECTIVE                      July 1

CRIMINAL LAW

- S.B. 17 Sexual assault - psychotherapists. Makes sexual contact between a psychotherapist and a client a criminal offense if accomplished by means of therapeutic deception. Defines "therapeutic deception" to mean representation by the psychotherapist that sexual contact is consistent with or a part of the client's treatment. Specifies that consent by the client to sexual contact does not constitute a defense to such offense.
- APPROVED by Governor April 14                      EFFECTIVE                      July 1
- S.B. 85 Ethnic intimidation. Creates the crime of ethnic intimidation to address certain actions by a person which are committed with the intent to intimidate or harass another because of his race, color, religion, ancestry, or national origin. Specifies that such an offense is either a class 5 felony or a class 1 misdemeanor, depending upon the type of injury which is inflicted.
- APPROVED by Governor April 13                      EFFECTIVE                      July 1
- S.B. 104 Colorado state patrol - enforcement of criminal laws. Allows a state patrol officer, during the exercise of his duties, to make arrests for the violation of any criminal law if the officer has probable cause to believe such a violation has occurred.
- APPROVED by Governor April 14                      EFFECTIVE                      July 1
- S.B. 165 Dispensation of violent films to minors - prohibition - criminal penalty. Prohibits the dispensation to minors of any form of motion picture which depicts actual violence. Makes violation of such prohibition a misdemeanor.
- APPROVED by Governor April 14                      EFFECTIVE                      July 1
- H.B. 1038 Profits from crime - inclusion of convicted persons in prohibition. Adds convicts to the provision which prohibits one from profiting from one's crime by way of selling rights to a movie or book or any other representation of the crime.
- APPROVED by Governor February 18                      EFFECTIVE                      July 1

H.B. 1082 Sexually exploitative material - possession - criminal offense. Declares that the possession of sexually exploitative material results in the victimization of children and that it is necessary for the state to ban the possession of such materials. Establishes that the possession of sexually exploitative materials is a class 1 misdemeanor for a first offense, and a class 4 felony for a second or subsequent offense. Specifies that the criminal offense of possession of sexually exploitative material does not apply to peace officers or court personnel in the performance of their official duties, nor does it apply to mental health professionals in the course of providing treatment or evaluation.

APPROVED by Governor April 4                      EFFECTIVE                      July 1

H.B. 1089 Marital defense to sexual offenses. Limits the availability of the marital relationship defense to only those sexual offenses where the elements of the offense specifically exclude a spouse. Changes the elements of second degree sexual assault where the victim is under 15 years of age and the actor is at least 4 years older than the victim to specifically exclude a spouse from such an offense.

APPROVED by Governor March 16                      EFFECTIVE                      July 1

H.B. 1094 Domestic violence - criminal offense - treatment programs for offenders. Creates the crime of domestic violence and makes conviction of such crime a class 1 misdemeanor, effective January 1, 1989. Provides that the sentencing court may order a person convicted of this crime to complete a treatment program certified by a local board which has been appointed by the chief judge in each judicial district. Specifies the constitution of such boards.

Requires the chief justice of the supreme court to appoint a voluntary commission to draft a manual of standards for treatment of domestic violence perpetrators which shall be used to certify treatment programs.

Establishes an automatic repeal date for these provisions on July 1, 1991.

APPROVED by Governor April 14                      EFFECTIVE                      July 1

H.B. 1100 Gambling devices - possession - definition of antique gambling device. Permits the sale, manufacture, remanufacture, and transportation of gambling devices if the person handling the device is in compliance with

applicable federal laws and the device is to be transported to a state or country where possession of a gambling device is not illegal. Also permits the storage of gambling devices when storage is for purposes of manufacture, remanufacture, and transportation of the device in interstate or foreign commerce. Prohibits persons from openly displaying a gambling device except to buyers who reside in another state or country which does not restrict the possession of the specific gambling device being displayed. Makes violation of the provisions regarding the sale, storage, manufacture, remanufacture, and transportation of gambling devices a class 2 misdemeanor.

Defines "antique gambling device" as any gambling device manufactured 25 years ago or earlier.

APPROVED by Governor April 29                      EFFECTIVE                      April 29

H.B. 1165 Peace officers and firemen - assault - murder - increased penalties. Declares that peace officers and firemen suffer disproportionately from crime because their duties often place them in dangerous circumstances, and that the penalties for assault or first degree murder should be greater when the victim is a peace officer or fireman. Increases the penalties for second and third degree assault when the victim is a peace officer or fireman engaged in the performance of his duties. Requires that defendants convicted of first, second, or third degree assault be sentenced to a term of imprisonment rather than only a fine when the victim is a peace officer or fireman engaged in the performance of his duties. Requires that a defendant convicted of first degree murder of a peace officer or fireman be sentenced either to life imprisonment without possibility of parole or to death.

APPROVED by Governor April 29                      EFFECTIVE                      July 1

CRIMINAL PROCEDURE

- S.B. 8 Sexual offenses - AIDS virus blood test. Requires that any person charged with a sexual criminal offense shall be ordered by the court to take an AIDS virus blood test. Requires the results of the test to be disclosed to any victim of the sexual offense who requests such disclosure. Provides that the results of such tests and any records relating thereto shall be closed and confidential.

APPROVED by Governor April 13                      EFFECTIVE                      July 1

- S.B. 69 Right to a jury trial - municipal ordinance violations. Permits a municipality to grant the right to a jury trial for certain ordinance violations. If the municipal violation is neither criminal nor punishable by imprisonment under any counterpart provision, establishes that there is no statutory right to a jury trial for persons charged with such a violation.

APPROVED by Governor April 14                      EFFECTIVE                      July 1

- S.B. 78 Death penalty - procedures for imposition. Allows relevant evidence to be admitted at the sentencing hearing in a death penalty case regardless of whether such evidence is admissible under the rules of evidence. Clarifies that the jury shall consider statutory aggravating factors and statutory mitigating factors when deliberating. Requires the jury to return a sentence of death if the jury finds that at least one statutory aggravating factor has been proven beyond a reasonable doubt and there are insufficient statutory mitigating factors or circumstances which outweigh any statutory aggravating factors or circumstances. Includes as statutory aggravating factors whether the class 1 felony was committed by a person during the period of parole or probation, whether such person was previously convicted of a felony involving the use of violence, and whether such person knowingly killed someone engaged in the course of performance of his official duties or in the enforcement of laws. Clarifies that review of the propriety of a death sentence is a matter exclusively for the supreme court.

APPROVED by Governor April 11                      EFFECTIVE                      July 1

- S.B. 148 Felony sentencing - presumptive ranges - suspension of sentence - fines collection cash fund - appropriation. Provides that persons who are convicted of the following crimes shall be sentenced to a term of incarceration of at least the midpoint in the presumptive

range rather than to a term greater than the maximum in the presumptive range:

- 1) A crime of violence;
- 2) A crime against an elderly or handicapped person in which a deadly weapon was involved;
- 3) A felony in which one or more extraordinary aggravating circumstances are present;
- 4) A class 2 or class 3 felony child abuse act in which the child abuse results in a death to the child;
- 5) A class 2 felony sexual assault attended by certain specified circumstances.

Decreases the presumptive range of sentencing from 1 to 4 years to 1 to 2 years for nonviolent class 5 felonies with the exception of certain listed nonviolent offenses.

Requires the presentence report prepared by the probation officer to be available within 72 hours prior to the sentencing hearing.

Makes failure to pay a fine imposed for a felony grounds for revocation of probation or of a sentence to community corrections, assuming the defendant's ability to pay. Requires each judicial district to have a clerk to collect and administer such fines. Creates the fines collection cash fund for the deposit of such fines.

Gives the court the power to suspend the imposition or execution of sentence when the court is satisfied that the ends of justice and the best interests of the public and the defendant will be served thereby.

Appropriates \$241,403 and 10.0 FTE to the judicial department for implementation of the act.

APPROVED by Governor May 29

EFFECTIVE

July 1

S.B. 156

Reserve law enforcement personnel - designation as peace officers. Makes reserve police officers, reserve deputy sheriffs, and reserve marshals "peace officers, level IIIa" and authorizes them to enforce all the laws of the state while on duty and acting within the scope of their authority and in the performance of their duties. Requires that peace officers, level IIIa, act at the express direction of or under the direct supervision of a peace officer, level I, or a sheriff. Defines the terms "reserve police officer, reserve deputy sheriff, or reserve marshal", "direct supervision", and "express direction".

Requires the jurisdiction to pay for workmen's compensation benefits for a peace officer, level IIIa, if he is injured while on duty and while acting within the scope of his assigned duties. Makes a peace officer, level IIIa, an authorized volunteer for purposes of the "Colorado Governmental Immunity Act". Requires a peace officer, level IIIa, to have task-specific training that meets the standards established by the peace officers standards and training (P.O.S.T.) board. Requires that a peace officer, level IIIa, who carries or uses a firearm while on duty be certified for firearms proficiency in the same manner as the jurisdiction's regular peace officers. Requires a peace officer, level IIIa, to be in uniform except when engaged in extradition or surveillance duties.

Allows a peace officer, level IIIa, to attend the Colorado law enforcement training academy at the discretion of the jurisdiction and on a space-available basis. Provides that the state will not pay the expenses for such training of a peace officer, level IIIa.

Requires political subdivisions to indemnify a peace officer, level IIIa, who is on duty against liability for his actions under certain circumstances and provides that the peace officer, level IIIa, be ordered to reimburse the political subdivision for reasonable costs and reasonable attorney fees expended for his defense if he was acting outside the scope of his assigned duties or acting in a willful and wanton manner.

Applies indemnity provisions to causes of action accruing on or after July 1, 1988.

APPROVED by Governor May 23                      EFFECTIVE                      July 1

S.B. 188      Interception of communications. Conforms statutory provisions concerning the interception of communications to federal law. Modifies the definition of certain terms and defines additional terms related to electronic communication and storage. Includes certain electronic communications within the scope of interception of communications provisions. Modifies requirements for the granting of orders for wiretapping and eavesdropping and provides for an exception from the requirement of specification of certain facilities in an application for such an order. Changes the provisions concerning the privileged use of intercepted communications. Modifies existing exceptions to unlawful wiretapping and eavesdropping and provides additional exceptions.

APPROVED by Governor May 29                      EFFECTIVE                      May 29



H.B. 1042 Death penalty - lethal injection. Changes the method of infliction of the death penalty from lethal gas to lethal injection.

Applies to offenses subject to the death penalty committed on or after July 1, 1988.

APPROVED by Governor May 29                      EFFECTIVE                      July 1

H.B. 1049 Assistance to Victims of and Witness to Crimes and Aid to Law Enforcement Act - continuation of advisory board. Eliminates the repeal date for provisions of the "Assistance to Victims of and Witnesses to Crimes and Aid to Law Enforcement Act". Extends the automatic termination date of the victim assistance and law enforcement advisory board from July 1, 1988, to July 1, 1994, pursuant to sunset law provisions.

APPROVED by Governor February 18                      EFFECTIVE                      July 1

H.B. 1066 Victims and witnesses assistance services - contracts for purchase and coordination. Adds assistance programs for victims and their families to the list of services authorized to be contracted for by the victims and witnesses assistance and law enforcement board.

APPROVED by Governor March 18                      EFFECTIVE                      July 1

H.B. 1068 Restitution - enforcement of orders of restitution. States that an order of restitution is a final judgment and has the same force and effect as a final judgment. Permits enforcement of an order of restitution by the state, the victim, or the victim's immediate family in the same manner as a judgment in a civil action. Allows the party who executes an order of restitution to collect reasonable attorney fees and costs. Stipulates that any compensation received by a victim or a member of the victim's immediate family under an order of restitution shall be set off against any amount such person later recovers as compensatory damages in any federal or state civil proceeding. Defines the phrase "victim's immediate family".

APPROVED by Governor March 15                      EFFECTIVE                      July 1

H.B. 1081 Parole - sexual offenders - identification tests - appropriation. Requires that offenders convicted of sexual assault undergo testing of blood to determine its genetic markers and testing of saliva to determine its secretor status prior to release from incarceration on parole.

Provides that the test results be kept by the Colorado bureau of investigation. Makes test results available to law enforcement agencies upon request. Specifies that implementation costs be derived from moneys in the victims assistance and law enforcement fund.

Applies to any person who is paroled or any person whose parole conditions are modified by the board on or after the effective date of the test provisions.

Appropriates \$18,000 from the victims assistance and law enforcement fund to the department of public safety for allocation to the Colorado bureau of investigation for implementation of the act.

APPROVED by Governor May 29                      EFFECTIVE                      May 29

H.B. 1091 Interpreters' fees - assessment of costs. With respect to interpreters for hearing-impaired persons who are required during depositions and trials, includes interpreters' fees as costs which may be assessed against offenders upon conviction of criminal offenses. Requires that judgments collected for fees for interpreters in criminal cases be remitted to the division of rehabilitation in the department of social services for reimbursement to interpreters.

APPROVED by Governor February 26                      EFFECTIVE                      February 26

H.B. 1156 Representation of indigent defendants - changes in sentencing, restitution, and speedy trial provisions. Clarifies a provision that states that a public defender shall be allowed to communicate with a person in custody who has indicated a desire to be represented by a public defender in order to make a determination as to whether the person is indigent and to give that person the opportunity to apply for representation by the public defender. Specifies that, when a public defender is appointed, the public defender is limited to defending the indigent person and shall not be appointed in an advisory capacity. Specifies that the court shall not appoint a public defender for a person who does not fall within the fiscal standards established by the supreme court. Requires that a person, or a parent or legal guardian of a person, who is applying for representation by a public defender, submit an application for representation under oath and be informed that he shall be subject to prosecution for perjury for a false statement on said application. Requires that a copy of the application be sent to the prosecuting attorney for review, and, if the prosecution so requests, requires the court to hold a hearing on the issue of eligibility for appointment

of a public defender.

Establishes that a person confined prior to imposition of a sentence, who is serving a sentence for a previous offense, shall not be granted credit for the time served against the sentence for the new offense.

Makes other miscellaneous changes to provisions regarding restitution contracts for offenders sentenced or transferred to community correctional facilities, appearance requirements for criminal defendants to comply with speedy trial provisions, and the definition of "peace officer, level Ia".

APPROVED by Governor April 6

EFFECTIVE

July 1

H.B. 1200 Criminal law and procedure - definitions - marital privilege regarding testimony - home detention - authority of department of corrections to contract for jail space - presumptive sentencing ranges - defense of choice of evils vs. defense of duress - crime of escape - evidence of value - intimidating a witness or victim - crime of trafficking in food stamps - continuation of community corrections contracts - appropriation. Changes the definition of "cocaine" to conform with federal law. Eliminates references to gender in certain definitions relating to sexual offenses.

Changes the marital privilege regarding the testimony of one spouse against another by allowing one spouse to testify against another in cases involving class 1, 2, and 3 felonies, if the testifying spouse consents to give such testimony. Establishes that communications between a husband and wife are not privileged if they are made for the purpose of aiding the commission of a future crime or a present continuing crime. Places the burden of proving the existence of a marriage upon the party asserting the marital privilege. Requires that notice of assertion of the marital privilege be given not less than 10 days prior to assertion at any hearing.

Authorizes the use of home detention as a condition of probation or parole. Changes the definition of "home detention" as used in the context of criminal sentencing by expanding the definition of electronic devices used for home detention programs and allowing personal monitoring by an agent of the referring unit of government.

Grants to the executive director of the department of corrections the authority to contract with any county or city and county for the placement in a county jail of any prisoner who is under the custody of the department of corrections. Grants counties the authority to enter into

such contracts with the department of corrections. Requires counties which desire to enter into such contracts to notify the department of corrections on or before September 1 of each year, of the jail space available for contract and the daily charge for such space to take effect on July 1 of the next year. Requires the executive director of the department of corrections to include the costs of contracting for jail space in the department's annual budget request, beginning with the budget request required to be submitted by November 1, 1988. Allows the department of corrections to reimburse any county or city and county in an amount up to \$40 per day to maintain a prisoner, commencing 72 hours after sentencing.

Establishes that no inmate from another state may be housed in a private contract prison facility without the express approval of the executive director of the department of corrections.

Decreases the presumptive range of sentencing for nonviolent class 4 and class 5 felony offenders with the exception of certain listed nonviolent offenses. Allows the sentencing court to consider requests for reduction of sentence in felony cases if the felony was committed after July 1, 1985, and the person was sentenced before July 1, 1988, and the conviction is not yet final.

Provides that the defense of choice of evils is not available to a defendant in addition to the defense of duress unless separate facts so warrant.

Adds the crime of escape as an offense of felony murder.

Specifies what kind of evidence can be used to establish value in property offense cases.

Includes witnesses or victims who would have been called to testify in the statute relating to intimidating a witness or victim.

Creates and defines the crime of "trafficking in food stamps" and provides penalties therefor.

Repeals a provision which states that an incarcerated person shall be unconditionally released and discharged upon expiration of his sentence and which conflicts with the statutes concerning parole.

Eliminates the automatic repeal date of March 1, 1989, for the provisions authorizing the division of criminal justice to make community corrections contracts.

Appropriates \$241,403 to the judicial department out of cash funds for implementation of the act.

APPROVED by Governor May 29

EFFECTIVE

July 1

H.B. 1211 Criminal justice records - sealing of records - denial of inspection of records. Changes provisions concerning the sealing of criminal records to permit sealing only in cases of persons who were not charged with a criminal offense, who had all charges dismissed, or who were acquitted. Eliminates the provision allowing a court order to limit the release of records of convicted persons after a period of years. Eliminates all provisions regarding limited access to criminal records. Specifies circumstances under which access to records may be denied.

Removes "fingerprints" from the definition of basic identification information for purposes of criminal justice records.

APPROVED by Governor April 20

EFFECTIVE

April 20

EDUCATION - PUBLIC SCHOOLS

S.B. 56 Home-based education - definitions - guidelines. Declares that the choice of a method of education for children is the primary right of the parent and that home-based education is a legitimate alternative to classroom instruction. Defines the term "non-public home-based educational program". Exempts parents or adult relatives of such parents who provide instruction in a non-public home-based educational program from the requirements of the Teacher Certification Act of 1974. Exempts a child who is participating in such a program from compulsory school attendance. Specifies certain courses of instruction which are required to be included in the program. Requires any parent establishing a non-public home-based educational program to notify the local school district of residence upon the initial establishment of such program and annually thereafter. Requires a child participating in such a program to be evaluated at specified times through the use of a nationally standardized achievement test, and if the composite test score of a child is at or below the 13th percentile, requires placement of the child in a public or independent or parochial school until the next testing period.

BECAME LAW without Governor's signature May 10  
EFFECTIVE July 1

H.B. 1075 Teacher certification - renewal. Continues existing procedures and requirements for renewal of teaching certificates and repeals new procedures and requirements for such renewal which were to have taken effect September 1, 1988.

APPROVED by Governor April 7 EFFECTIVE April 7

H.B. 1193 Educational accountability committees. Clarifies the role and mission of both the state accountability committee and local district accountability committees. Stipulates that the areas to be studied by the accountability committees shall be cooperatively determined at least annually by each committee and its associated board of education.

APPROVED by Governor April 21 EFFECTIVE April 21

H.B. 1244 Postsecondary Enrollment Option Act - creation. Creates the "Postsecondary Enrollment Options Act" which allows public school pupils who are enrolled in 11th or 12th grades to enroll in state institutions of higher education on a space-available basis for courses that count toward

high school graduation requirements and toward a postsecondary degree or certificate. Requires a pupil to notify his school district of his intent to enroll in an institution of higher education. Provides that such school district and institution of higher education shall enter into a cooperative agreement regarding the enrollment and funding of the pupil in the institution of higher education. Requires that such agreement shall contain certain provisions. Sets forth guidelines which may be used in formulating the financial provisions of the cooperative agreement. Allows alternative financial provisions if mutually agreed upon by the school district and institution of higher education.

States that the school district of the pupil shall not be required to provide or to pay for transportation for such pupil to or from such institution of higher education. Requires institutions of higher education to include pupils enrolled pursuant to this act in the number of full-time equivalent students for purposes of enrollment limits. States that the provisions of the act do not apply to summer enrollments. Requires school districts to make information available about postsecondary enrollment options to eligible pupils. Requires the department of education to report to the general assembly concerning the implementation of the act prior to January 15, 1991.

APPROVED by Governor April 20                      EFFECTIVE                      April 20

H.B. 1332 Special education - moneys received under the school finance act. Provides that moneys received by a school district under the school finance act (including both the state and local shares) which are attributable to the counting of a special education child who is never present in a regular classroom shall be considered as available to provide special education services for such child. Provides that the maximum reimbursement under the "Exceptional Children's Educational Act" is 100% of the direct cost of services after deducting other state, local, private, and federal funds received, including school finance moneys. States that this provision does not affect the calculation of tuition or excess costs.

APPROVED by Governor May 29                      EFFECTIVE                      May 29

H.B. 1333 Transportation of students - reimbursement of costs by the state. Provides that transportation costs for special education and vocational education shall be included in the total cost of pupil transportation instead of being reimbursed separately. Includes additions to and alterations of pupil transportation vehicles built prior to 1977 within the definition of "current operating expenditures for pupil transportation".

Decreases the amount of reimbursement per mile for transportation from 40¢ to 37.87¢ but increases the amount of reimbursement for excess transportation costs from 25% to 33.78%. Provides that no district's reimbursement entitlement shall be less than the preceding year's reimbursement entitlement. Provides for an advance reimbursement for the current entitlement period based upon the district's reimbursement entitlement for the preceding entitlement period.

Requires the department of education to conduct a study of alternative transportation systems and report to the general assembly no later than January 1, 1989.

APPROVED by Governor May 29

EFFECTIVE

May 29

H.B. 1334 Teacher certification - instructor certificate - reciprocal agreements - fees. Defines the term "approved alternative program of preparation". Authorizes the state board of education to issue instructor certificates to persons who satisfy specified criteria. Establishes limitations on the issuance of such instructor certificates. Allows a general teacher certificate to be issued to a person who has completed an approved alternative program of preparation. Repeals statutory provisions regarding approved alternative programs of preparation and instructor certificates on July 1, 1992.

Authorizes the state board of education to establish fees to be charged for the examination and review of applications for certification or for letters of authorization in such amounts to approximate the costs incurred by the board and the department in administering the teacher certification program. Requires the fees established for instructor certificates to be in such amounts sufficient to approximate the costs of the board and the department in administering the instructor certificate program. Creates the teacher certification cash fund for the deposit and use of such fees.

Authorizes the state board of education to enter into interstate reciprocal agreements in which the state board of education agrees to issue a provisional certificate to a person who has been certified to teach in another state. Provides for evaluations of teacher preparation programs to be conducted every 2 years. Establishes evaluations of administrator preparation programs by a sample of certain administrators to be conducted annually through 1992 and biennially thereafter.

APPROVED by Governor May 29

PORTIONS EFFECTIVE May 29

July 1



H.B. 1341 School finance - educational achievement - preschool program for language development - appropriation. Makes the following changes with respect to public education in Colorado:

School finance. Enacts the "Public School Finance Act of 1988" establishing a new system of school finance which becomes effective for the 1989 budget year. Repeals the current act January 1, 1989. Declares that the new formula for school finance in no way represents a commitment concerning the level of funding for 1990 and thereafter, including the state's percentage share of such funding.

Establishes 8 categories of school districts based on population, geography, number of pupils, economic characteristics, and cost-of-living factors, and assigns the 176 districts to such categories. Specifies the following categories: Core city; Denver metro; urban-suburban; outlying city; outlying town; rural; recreational; and small attendance. Other than transfers between the rural and small attendance categories, which are based solely on the number of pupils, allows changes in category assignments only if recommended by the commission on school finance and enacted by the general assembly.

Abolishes the current method of counting pupils for school finance purposes. Provides for a one-day enrollment count of pupils on the October 1 preceding the budget year. Counts each kindergartner as one-half pupil.

Specifies instructional unit funding ratios for the 8 categories, based upon averages computed within the categories, as follows:

Core city - 16.6 pupils per unit  
Denver metro - 18.0 pupils per unit  
Urban-suburban - 17.8 pupils per unit  
Outlying city - 16.6 pupils per unit  
Outlying town - 15.1 pupils per unit  
Rural - 12.8 pupils per unit  
Recreational - 14.0 pupils per unit  
Small attendance - 7.0 pupils per unit

Computes the number of instructional units in a district by dividing the district's pupil enrollment by the applicable instructional unit funding ratio.

Establishes 4 levels of funding: Pupil funding, instructional unit funding, school site funding, and district funding. Establishes components for each level of funding based upon averages of the most recent available data concerning actual expenditures within categories. Within pupil funding, specifies the components as: \$110

per pupil for instructional supplies and materials and instructional capital outlay; a minimum of \$200 per pupil for capital reserve and insurance reserve; and an amount per pupil for each of the 8 categories for instructional purchased services. Within instructional unit funding, for each of the 8 categories, specifies the components as an amount per instructional unit for instructional salaries and benefits and an amount per instructional unit for pupil support services. Within school site funding, for each of the 8 categories, specifies the components as an amount per instructional unit for school administration and an amount per instructional unit for operations and maintenance costs. Within district funding, establishes one component which is an amount per instructional unit for each of the 8 categories for district administration and other support services.

Requires that amounts received for instructional supplies and materials, instructional capital outlay, capital reserve, and insurance reserve be spent for such purposes, but does not require that funding received on account of any of the other funding components be spent for the purpose specified in connection with that component.

Provides that a district's equalization program funding is calculated by adding the following: The pupil funding components multiplied by the district's pupil enrollment, and the instructional unit, school site, and district funding components multiplied by the district's number of instructional units.

Establishes the state's percentage share of school finance statewide at 45.55% for the 1989 budget year, which represents a 2.38% increase over 1988. Using this percentage share, directs the department of education to calculate the uniform mill levy to be applied by every district which will generate the property tax revenues that provide each district's share of its equalization program funding. Provides that the state supply the difference between the district's equalization program funding and its property tax revenues.

Directs the general assembly to fix the state's percentage share for years after 1989, and states that the general assembly's intent is to move toward a 50% state share as quickly as is practicable in light of state fiscal constraints.

Specifies the following adjustments to the basic funding formula outlined above:

(1) If the uniform levy generates more property tax revenues than the equalization program funding of a district, the excess revenues will be used to replace state

categorical funds for exceptional children, transportation, English language proficiency, vocational education, and increasing enrollment. If there would still be excess revenues, the district's levy is reduced so as to generate no more than the district's equalization program funding plus such categorical funds.

(2) The new act is phased in over 4 years. Thus 1989 funding for districts which gain moneys under the new formula is limited to 104.5% over 1988 funding (including the 1988 authorized revenue base program, capital reserve and insurance reserve revenues, low-income funding, and small attendance center funding) not to exceed the formula-driven amount, or one-fourth the difference between the formula-driven amount and the district's 1988 funding, whichever is greater. Similar provisions apply to the remaining phase-in years.

(3) For districts whose enrollment grows by more than 3%, the cap on funding growth during the phase-in years is increased by 1% for each percentage point by which such enrollment growth exceeds 3%.

(4) A "hold harmless" provision for 1989 indicates that no district need have equalization program funding per pupil of less than 101% of its 1988 funding per pupil (defined as its funding for the programs set forth in (2) above), with a minimum of 101% of its 1988 total program cost and a maximum of 103% of its 1988 total program cost.

(5) No district's property taxes levied under the formula are allowed to increase or decrease by more than 5.5% for the 1989, 1990, and 1991 budget years.

(6) Regardless of the formula, every district will receive at least \$68.78 per pupil in state funds for the 1989 budget year, and an amount to be fixed by the general assembly for future budget years. This provision is based on a finding that all districts should share in funds derived from school lands and from certain mineral leasing moneys.

Allows a district to increase its equalization program funding by means of an additional property tax levy if the proposal is approved by the voters at a general election. Provides that the total of such increases may never exceed 5% of a district's equalization program funding and that such increases will never be equalized with state funds.

Authorizes additional state aid to districts whose enrollment grows in any budget year by 3% or 350 pupils over the prior budget year, whichever is less. Provides that such additional aid per pupil over this threshold

shall be 40% of the funding component for instructional supplies and materials and instructional capital outlay and 40% of the instructional unit and school site funding components divided by the district's number of instructional units.

Abolishes the following features of the current school finance system:

(1) The authority of the state board of education to grant authorized revenue base increases and the use of state funds to equalize increases below the statewide average revenue base;

(2) A district's ability to ask voter approval of an authorized revenue base increase at a special election; and

(3) Separate levies for the capital reserve and insurance reserve funds. Capital reserve and insurance reserve funding are now included in the general school finance formula and are thus equalized with state funds.

Creates a 9-member commission on school finance in the legislative branch to analyze the act and make recommendations to the general assembly. Requires the commission to evaluate funding components, assignments to setting categories, instructional unit funding ratios, relationships between categories, local control of instruction, how the act affects educational achievement, and reliance on local property taxes.

Educational achievement. Requires the state board of education to adopt state goals and objectives concerning improvement of the educational system, to identify areas of major educational policy concern for the operation of pilot programs, to analyze how the educational system might maximize the use of technology, to analyze whether the system addresses diverse learning needs, and to recommend methods of implementing a program of financial and other incentives for educational excellence to the general assembly.

Directs the state board to provide by rule for the administration of a standardized achievement test or tests to a statistically valid random sample of pupils in selected grades.

Requires each school building accountability committee to adopt high but achievable goals and objectives for educational improvement by June 15, 1989, and June 15 of each year thereafter. Also requires building accountability committees to adopt plans to improve educational achievement in the building and to maximize graduation rates. Provides for review of building goals,

objectives, and plans by the district accountability committee. Charges the local board of education with compiling building goals, objectives, and plans and with submitting district goals, objectives, and a plan to the state board by October 1, 1989, and October 1 of each year thereafter.

Directs the state department of education to review district goals, objectives, and plans and to verify that they are high but achievable, consistent with state goals and objectives, and appropriately related to the needs of the schools and the district. Requires annual reports on the achievement of goals and objectives and on educational achievement and graduation rates, beginning in June, 1990.

Specifies that each district plan must provide for measurement of educational achievement and requires the state board to adopt rules to assure that measurements from various districts can be compared and that reporting formats are consistent from year to year. Mandates reporting of results to parents and the public.

Establishes an excellent schools program, under which schools and districts may set goals and be recognized with financial awards for their achievement. Provides for the recognition of outstanding board members, superintendents, administrators, principals, and teachers.

Reinstates a law which expired in 1987 which authorizes districts to adopt pilot alternative salary policies which take into account quality of performance in determining teacher compensation. Requires districts to use an advisory group in developing such alternative policies. Directs the state department of education to provide assistance to districts and evaluation of alternative salary policies.

Miscellaneous. Authorizes the commissioner of education to waive reporting requirements for any district which receives only the minimum amount of state aid under the new act if he finds that the burden on the school district outweighs the benefits gained by the report. Also authorizes the commissioner to waive the requirements for hours of instruction and teacher-pupil contact in extraordinary circumstances where rescheduling is of minimal benefit to pupils. Permits the use of capital reserve moneys for the acquisition of buses and other equipment whose unit cost exceeds \$250, instead of \$500. Requires each district to maintain a separate insurance reserve fund. Repeals the provision which would have required school districts to have a July 1-June 30 fiscal year as of July 1, 1989.

Preschool program for language development. Provides for the establishment of a preschool program in selected public schools for children who are 4 or 5 years old and who are in need of language development that will benefit them upon entrance into kindergarten and the primary grades. Provides that the program will begin in January, 1989. Allows districts to count pupils enrolled in district programs for purposes of receiving school finance moneys. Specifies that no more than 2,000 pupils may participate in the program in any one year.

Requires the department of education to establish specific criteria to determine what children and what districts are eligible to participate in the programs. Establishes a district preschool program advisory council to assist a local board of education in developing and implementing the district program. Authorizes districts to contract out the district preschool program to a head start agency or one or more child care agencies and to integrate the program with extended day services. Requires parents to assume defined responsibilities in connection with their child's participation in the preschool program.

Repeals the preschool program on July 1, 1993.

Appropriates \$850,000 to the department of education to fund the preschool program from January 1, 1989, to June 30, 1989.

APPROVED by Governor May 24  
PORTIONS EFFECTIVE May 24  
Jan. 1, 1989

H.B. 1342 Special education - reimbursement of costs. Amends reimbursement of costs provisions in the "Exceptional Children's Educational Act". Modifies the definition of "equipment" for reimbursement purposes and imposes limits on the reimbursement of expenses incurred for such equipment. Eliminates the reimbursement of costs of materials used for educating handicapped children.

APPROVED by Governor May 31                      EFFECTIVE                      May 31

EDUCATION - UNIVERSITIES AND COLLEGES

S.B. 53 Consortium of state colleges and Mesa college - name changes. Changes the name of the consortium of state colleges to "state colleges" and the name of Mesa college to "Mesa state college". Provides that contracts entered into and property rights acquired by the trustees of the state colleges under any other name shall not be impaired as a result of this change.

APPROVED by Governor April 7                      EFFECTIVE                      July 1

S.B. 73 Affiliated junior college districts. Provides for the creation of special taxation districts affiliated with and for the benefit of established junior college districts. Establishes the procedure for creation of such districts through petition and local election. Provides for a board of directors of an affiliated district and specifies powers and duties of the board. Authorizes dissolution of an affiliated junior college district.

APPROVED by Governor April 20                      EFFECTIVE                      April 20

S.B. 92 State board of agriculture - powers relating to real property. Authorizes the state board of agriculture to sell, lease, or exchange certain types of real property, or interests in such real property, which are owned by the state board or any organization governed by the state board. Requires the state board of agriculture to report all proposed sales, leases, or exchanges of real property adjacent to or owned by Colorado state university, Fort Lewis college, or the university of southern Colorado to the Colorado commission on higher education for review and to obtain the approval of the commission prior to the sale, lease, or exchange of such real property. Allows the state board of agriculture to retain income derived from the sale or lease of such real property.

APPROVED by Governor April 20                      EFFECTIVE                      April 20

S.B. 192 Tuition classification of olympic athletes. Extends applicability of in-state classification for tuition purposes of students who both reside in and train in the olympic training center at Colorado Springs to athletes who are training at the center or at approved facilities in Colorado Springs but who do not reside in the olympic training center.

APPROVED by Governor May 29                      EFFECTIVE                      May 29

H.B. 1128 Program discontinuance - commission on higher education. Declares it is the intent of the general assembly that state institutions of higher education should be encouraged and rewarded for program discontinuance, in order to effect the concentration of limited resources where they will best foster program excellence. Requires the Colorado commission on higher education to create and implement a structure of financial incentives for program discontinuance including uniform standards for the comparative evaluation of duplicate programs. Requires that the commission report to the general assembly by July 1, 1989, on graduate programs to be considered for discontinuance, and again on July 1, 1990, on graduate programs which have been or will be discontinued.

APPROVED by Governor April 21                      EFFECTIVE                      April 21

H.B. 1158 Colorado customized training program. Requires that the Colorado customized training program be operated as a joint effort of the state board for community colleges and occupational education and the department of local affairs and further requires the department and the board to work with business representatives to develop training programs. Allows the board to use moneys available for the Colorado customized training program to offset the cost of nonresident tuition for employees of companies which have relocated or expanded in Colorado. Requires the Colorado commission on higher education to establish policies for annual general funding recommendations for customized training programs. Provides that school district vocational program sites may be used as delivery sites for programs funded by the Colorado customized training program.

APPROVED by Governor April 20                      EFFECTIVE                      April 20

H.B. 1226 Auraria higher education center - powers regarding land or facilities - master plans. Adds to the powers of the Auraria board the authority to acquire as well as dispose of real property or facilities not otherwise part of the existing Auraria center, subject to the approval of the Colorado commission on higher education. Confers full powers to the board to manage such land or facilities.

Allows constituent institutions to acquire real property or facilities elsewhere than at the Auraria center, but requires approval of the Auraria board in cases of facilities acquired in support of academic programs.

Requires governing boards of constituent institutions and the Auraria board to devise academic and facilities master plans for the use and development of the Auraria center, which will be reviewed by the commission on higher



education and submitted to the general assembly. Requires that future funding requests for new facilities conform to the commission-approved master plans.

APPROVED by Governor April 7                      EFFECTIVE                      April 7

H.B. 1233 Commission on higher education - members' terms. Provides for the staggering of terms of the members of the commission on higher education. To accomplish such staggering, provides that, of those members appointed on July 1, 1989, two shall serve 3-year terms and two shall serve 4-year terms, and, of the members appointed on July 1, 1991, two shall serve 3-year terms and three shall serve 4-year terms. Thereafter, provides that members shall serve 4-year terms.

APPROVED by Governor April 20                      EFFECTIVE                      April 20

H.B. 1243 Programs of excellence - Colorado advanced technology institute. Directs the Colorado commission on higher education to develop and employ criteria for the identification of programs of excellence in higher education from among programs nominated by governing boards. Defines "programs of excellence". Directs the commission to report to the general assembly on proposed plans for funding and enhancement of designated programs of excellence.

Eliminates from the charter of the Colorado advanced technology institute all studies and reports to the general assembly. Reduces the number and alters the character of the institute commission. Requires that research centers be established and promoted in conjunction with institutions of higher education. Permits the use of non-designated equipment grants and gifts to be used elsewhere than at institutions of higher education. Provides that general fund appropriations to the institute shall be distinct from and in addition to appropriations to institutions of higher education. Further provides that, of any moneys appropriated and unspent at the end of each fiscal year, an amount not to exceed 25% of that year's appropriation or \$500,000.00, whichever is less, shall not revert to the general fund at the end of the fiscal year.

APPROVED by Governor May 31                      EFFECTIVE                      July 1

H.B. 1268 State board of agriculture fund - creation - use of moneys. Creates the state board of agriculture fund. Credits all moneys received or acquired by the state board of agriculture or any of the institutions it governs to said fund. Authorizes the board to use moneys in the fund

for the salaries and operating expenses of said board and said institutions. Allows for the investment of moneys in the fund by the state treasurer.

APPROVED by Governor April 9

EFFECTIVE

July 1

H.B. 1282 Colorado postsecondary education savings bond program. Grants the Colorado postsecondary educational facilities authority the power to issue zero-coupon savings bonds designated as "Colorado Postsecondary Education Savings Bonds". Directs the authority to issue and distribute the bonds in such a way as to make them accessible to the general public. Mandates collaboration between the authority and the Colorado commission on higher education on an educational program and marketing strategy to inform parents of the option of investing in such bonds. Permits the authority to evaluate alternative forms of payment for Colorado postsecondary education savings bonds, including payroll deduction and employer contribution plans. Provides for additional financial incentives to accrue if, at maturity, the redemption value of such bonds is applied to tuition and costs of a nonreligious postsecondary educational institution within the state of Colorado.

Requires the general assembly to approve a Colorado postsecondary education savings bond proposal before such bonds are issued by the authority.

Repeals provisions on the bond program if the authority does not exercise its power to issue bonds prior to July 1, 1990.

APPROVED by Governor April 20

EFFECTIVE

April 20

## ELECTIONS

H.B. 1174 Residency requirement for county commissioner candidates - required signatures for certain petition candidates - political committees eligible for unexpended campaign contributions - date for completion of change in county commissioner district boundaries. Requires any person who seeks election as a county commissioner to be a resident of his district for at least one year prior to the election. Specifies that petitions for county office must contain signatures equaling 20% of the votes cast at the primary election and that petitions for members of the general assembly, district attorneys, or any district office greater than a county office must contain signatures equaling 30% of such votes. Makes such percentage applicable to the votes cast in the last preceding election, if there was no primary election. Permits unexpended campaign contributions to be contributed to any political committee on file with the appropriate officer for the state or the local governmental entity. Requires completion of alterations to county commissioner district boundaries by July 1 unless the alteration results from changes in county boundaries.

APPROVED by Governor May 29

EFFECTIVE Jan. 1, 1989

H.B. 1179 State and political subdivisions - limitations on campaign contributions. Removes the exception whereby governmental entities could make contributions to campaigns involving only issues in which the governmental entity had an official concern. Prohibits such entities from expending public moneys or making contributions in kind to urge electors to vote in favor of or against any issue before the electorate, unless, the amount expended is \$50 or less and is expended by a member or employee with policy-making responsibilities in the form of letters, telephone calls, or other activities incidental to making himself available to the press or public to respond to questions or express an opinion about any such issue.

Qualifies that the statute should not be construed as prohibiting the governmental entity from expending public moneys or making contributions in kind to dispense fair and balanced information on any issue of official concern before the electorate, passing a resolution or taking a position of advocacy on any issue before the electorate, or prohibiting a member or employee of the governmental entity from expending personal funds, making contributions in kind, or using personal time to urge electors to vote in favor of or against any issue.

APPROVED by Governor May 6

EFFECTIVE Jan. 1, 1989

H.B. 1358 Party rule governs length of party affiliation required for congressional office - willful interference with election processes. Permits political parties to determine the length of party affiliation which shall be required of candidates for the offices of United States senator and United States representative. Makes willful interference with nomination, recall, and initiative petitions an election offense.

APPROVED by Governor May 29                      EFFECTIVE                      May 29

H.B. 1364 Political committee - definition - duty of secretary of state to compile report on campaign contributions - appropriation. Provides that a single individual, partnership, committee, association, corporation, labor organization, or other organization or group solely making contributions or contributions in kind to support or oppose a candidate for public office or an issue at any election is not a political committee as defined in the "Campaign Reform Act of 1974", and, therefore, is not subject to the filing and reporting requirements applicable to political committees under that act.

Imposes a duty on the secretary of state, within 3 working days after the date of the filing deadline for reports filed by candidates and political committees, to prepare a report which indicates as to each contributing entity the total sum of all contributions and contributions in kind made to candidates and issues and the amounts contributed to each candidate and issue. Requires such report to be available on the morning of the fourth working day.

Appropriates out of the department of state cash fund \$39,007 and 1.6 FTE to the department of state for implementation of the act.

APPROVED by Governor June 11                      EFFECTIVE                      June 11

## FINANCIAL INSTITUTIONS

S.B. 68 Interstate banking - acquisition of control of banks and bank holding companies. Provides that on or after July 1, 1988, Colorado bank holding companies and reciprocal state bank holding companies (bank holding companies that principally conduct business in the states of Arizona, Kansas, New Mexico, Nebraska, Oklahoma, Utah, or Wyoming) may acquire control of each other. Provides that on or after January 1, 1991, Colorado bank holding companies and out-of-state bank holding companies (bank holding companies that principally conduct operations outside of Colorado) may acquire control of each other.

Places certain limitations and requirements on the acquisition of banks and bank holding companies, including minimum capital to asset ratio requirements, a limitation on the maximum permissible percentage of aggregate deposits in all banks, savings and loan associations, and federal savings banks in Colorado which an out-of-state bank holding company may have as a result of an acquisition, and a limitation to prevent an out-of-state banking holding company from using a name in Colorado which is identical or deceptively similar to another bank or bank holding company.

Gives the banking board the authority to enforce regulatory provisions relating to acquisitions, to investigate applications for acquisitions, and to certify that such acquisitions comply with such regulatory provisions. Prohibits acquisitions which do not comply with such regulatory provisions. Allows the banking board to order divestiture, after notice and hearing, by any bank holding company controlling any other bank holding company or bank in this state in violation of such regulatory provisions. Requires bank holding companies to annually report loan information to the banking board and the banking board to report to the general assembly on loans in various geographic areas.

Authorizes the banking board to assess filing fees on banks and bank holding companies to cover the cost of the administration of regulatory provisions.

Specifically continues the Colorado prohibition on branch banking.

APPROVED by Governor April 1                      EFFECTIVE                      July 1

Note: This bill is further amended by 1988 House Bill No. 1353.

S.B. 76 Public deposits - definition of eligible collateral. Adds to the definition of "eligible collateral" under the "Public Deposit Protection Act of 1975" certain obligations secured by any of the following: Fully-modified pass-through mortgage-backed certificates guaranteed as to payment by the government national mortgage association; mortgage participation certificates representing an undivided interest in specific fixed rate conventional residential loans, federal housing administration insured loans, or veterans administration insured loans purchased by the federal home loan mortgage corporation; and guaranteed mortgage pass-through certificates consisting of an undivided interest in a pool of mortgage loans secured by liens on residential property formed by the federal national mortgage association. Requires such obligations to be rated at least "AAA", be readily convertible into cash, and be limited to a weighted average life of 15 years or less at 0%. Specifies that the described obligations may be used as eligible collateral for the period between July 1, 1990, and July 1, 1995.

APPROVED by Governor June 11                      EFFECTIVE                      June 11

S.B. 121 Savings and loan associations - acquisitions of control - mergers. Authorizes a domestic savings and loan association to be acquired by or merged with a savings and loan association which has any deposits insured by the federal savings and loan insurance corporation, which meets the regulatory capital requirements of such federal corporation, and, until January 1, 1991, which has its principal offices in a state which is contiguous to Colorado and which has laws that allow domestic savings and loan associations to establish business operations in that state under conditions which are not more restrictive than the Colorado "Savings and Loan Association Law". On or after January 1, 1991, removes the requirement that such an association have its principal offices in a state contiguous to Colorado. Provides that no such acquisition or merger shall be approved if it would result in an association controlling a certain percentage of deposits in financial institutions in the state.

Requires the approval of the state commissioner of savings and loan associations for such acquisitions of and mergers with savings and loan associations. Requires savings and loan associations to annually file a report with the savings and loan commissioner which provides loan information for specified geographical areas.

APPROVED by Governor April 14                      EFFECTIVE                      July 1

S.B. 174 Self-insurance pools - protection of public funds. Specifies that the provisions of the "Public Deposit Protection Act of 1975" and the "Savings and Loan Association Public Deposit Protection Act", regarding the protection of public funds, apply to moneys in self-insurance pools formed by units of local government and public entities. States legislative intent that such self-insurance pools have been and shall continue to be entitled to protection as provided by said acts. Modifies the definition of the term "governmental unit" to include entities which are created by intergovernmental agreements.

APPROVED by Governor April 20                      EFFECTIVE                      April 20

H.B. 1083 Savings and loan associations - fees and assessments - foreign savings and loan associations. Removes the upper limit of assessments per \$1,000 dollars of gross assets that can be assessed to savings and loan associations to meet the administrative costs of supervision each year by the division of savings and loan. Requires that the total of such assessments not exceed the administrative costs of supervision by the division for that fiscal year.

Includes foreign savings and loan associations operating in this state among the savings and loan associations required to pay annual fees for examination, supervision, and administration to the division of savings and loan.

Clarifies that the prohibition on foreign savings and loan associations selling shares or accounts or making new loans in this state applies only to an office operating in this state for the purpose of conducting such activities. Makes the violation of such restrictions on foreign savings and loan associations a class 2 misdemeanor.

APPROVED by Governor March 18                      EFFECTIVE                      March 18

H.B. 1142 Industrial banks - confidentiality of information. Requires the state bank commissioner to divulge all information to the governor's industrial bank oversight committee relating to industrial banks which are in his possession or have filed petitions in bankruptcy. Requires the oversight committee and its staff to keep such information confidential; except that the committee is authorized to release such information on a two-thirds vote if release will further the development of solutions serving the interests of depositors and will not give an unfair business advantage to competitors or participants in any subsequent liquidation. Authorizes the oversight

committee to hold executive sessions on a two-thirds vote for the purpose of reviewing confidential information and developing recommendations concerning a liquidator.

APPROVED by Governor January 20      EFFECTIVE      January 20

H.B. 1178 Public deposits - definition of eligible collateral - appropriation. Expands the definition of "eligible collateral" under the "Public Deposit Protection Act of 1975" to include obligations of any state or political subdivision thereof rated at least "AA" quality, revenue bonds issued by any state or political subdivision thereof which are rated at least "AAA" quality, commercial paper rated at least "A1" or "P1" quality, and acceptances of banks and negotiable certificates of deposit of banks having a long-term deposit or debt rating of at least "A" quality and having a net worth in excess of \$250 million. Authorizes the pledging of the expanded collateral on or after January 1, 1989. Requires that an eligible public depository secure public deposits with eligible collateral having a market value of at least 102%, rather than 100%, of the aggregate of said deposits not insured by the F.D.I.C.

Appropriates \$66,311 and 1.0 FTE to the division of banking in the department of regulatory agencies for implementation of the act.

APPROVED by Governor May 17      EFFECTIVE      June 30

H.B. 1199 African development bank - lawful investments by international banks. Expands the securities that state-regulated institutional investors may purchase to include those of the African development bank.

APPROVED by Governor March 24      EFFECTIVE      July 1

H.B. 1220 Industrial banks - receivership procedures. Authorizes the state bank commissioner, with the approval of the executive director of the department of regulatory agencies, to appoint an individual, corporation, or other entity as a bank receiver upon determination that receivership is in the best interests of depositors in industrial banks in the commissioner's possession. Authorizes the receivership procedure for banks which were formerly under the jurisdiction of the federal bankruptcy court. Places the receiver under the authority of the court in which notice of possession was filed and subjects the receiver to dismissal by the court for cause.



Grants such a receiver the powers of the commissioner, and enumerates the powers, duties, and functions which the receiver may exercise and perform in addition to those of a liquidator. Allows a receiver to employ assistants and legal counsel. Requires a receiver to provide a bond and provides for compensation for reasonable and necessary expenses from the assets of the bank. Authorizes the commissioner, with the approval of the executive director, to impose any additional powers, duties, and functions upon a bank receiver as are reasonable and necessary.

Requires the receiver to give due and fair consideration to all reasonable alternatives to liquidation, acting in the best interests of the depositors in all efforts to maximize the return of funds to them. Directs a bank receiver, in reviewing the financial condition of the bank, to make reasonable efforts to consult with bank directors and stockholders as well as with the federal deposit insurance corporation or the federal savings and loan insurance corporation. Requires the receiver to submit a written preliminary report to the commissioner within 60 days after appointment. Directs the commissioner to consider such report and determine, with the approval of the executive director, whether the bank in question should be reorganized or liquidated. If reorganization is to be undertaken, provides that a reorganization plan shall not be subject to the approval of the court in which the notice of possession was filed. Specifies that, upon determination that the bank should be liquidated, the commissioner shall file notice of said determination with the court, such notice constituting the commencement of liquidation.

Allows the receiver or the liquidator, upon approval by the commissioner and the executive director of the department of regulatory agencies, to provide for payment from funds in the guarantee fund to the depositors of any member bank when more than one member bank is in receivership or in the process of liquidation.

APPROVED by Governor February 4      EFFECTIVE February 4

H.B. 1227 Division of banking of department of regulatory agencies - state banking board - changes in membership on board - powers of the state banking commissioner transferred to the board. Reconstitutes the 7-member banking board in the division of banking of the department of regulatory agencies by removing the state bank commissioner and replacing him with another nonbanker member. Requires the banking board to elect a chairman annually from among its members. Transfers the powers, duties, and functions of the state bank commissioner to the banking board.

Establishes the banking board as the policy-making and rule-making authority for the division of banking and makes the state bank commissioner the agent of the board in carrying out its policies.

Permits the banking board to delegate certain powers, duties, and functions to the state bank commissioner, subject to review by the board. Requires the banking board to review its statutory powers, duties, and functions and to formulate written policies by December 1, 1988, specifying which powers, duties, and functions will be delegated to the commissioner.

Transfers the powers, duties, and functions of the state bank commissioner concerning credit unions to the state commissioner of savings and loan associations.

APPROVED by Governor April 11                      EFFECTIVE                      April 11

H.B. 1343 Industrial banks - creation of a special fund in the state treasury for the deposit of moneys of troubled banks. Establishes a fund in the state treasury in which the bank receiver appointed for troubled industrial banks may deposit moneys coming into its possession. Provides that interest on moneys in such fund shall be credited to the fund and not revert to the general fund of the state. Provides for the termination of such fund.

APPROVED by Governor May 11                      EFFECTIVE                      May 11

H.B. 1353 Industrial banks - measures to relieve depositors in troubled banks. Enacts measures to provide relief to depositors of failed industrial banks in the possession of the bank receiver appointed for such banks. Authorizes certain financial institutions to bid for the acquisition of all or a portion of the assets, to assume all or a portion of the deposit and other liabilities of such industrial banks, to pay a cash premium, or to provide other appropriate relief in exchange for permission to acquire control of certain financial institutions in Colorado prior to January 1, 1991. Establishes procedures to facilitate such acquisition and the conditions under which an out-of-state bank holding company or foreign savings and loan association, if it is a successful bidder under the act, can conduct business in Colorado. Coordinates provisions with 1988 Senate Bill No. 68, to preserve Colorado bank regulatory policy embodied in such act.

APPROVED by Governor April 29                      EFFECTIVE                      April 29

GENERAL ASSEMBLY

H.B. 1073 Officers and employees - certification of days of service. Changes the provision which requires the presiding officer of each house of the general assembly to certify semimonthly to the state controller the number of days of service rendered by each officer and employee of his respective house to permit such certification to be made as necessary.

APPROVED by Governor March 18                      EFFECTIVE                      March 18

H.B. 1329 Creation of legislative commission - powers and duties - creation of the office of legislative legal services. Creates the legislative commission which is comprised of the speaker of the house of representatives, the president of the senate, and the majority and minority leaders of the house and the senate. Provides that the commission shall have authority to: Appoint the legislative service agency directors other than the state auditor; consult with the legislative audit committee concerning candidates for state auditor; review and evaluate the performance of legislative service agency directors and determine their salaries; set salary ranges for service agency staffs except for the audit staff which is within the personnel system; and review the operations and coordinate the functions of legislative service agencies. Authorizes any legislator or legislative committee to furnish information or make recommendations to the commission or legislative service agency directors concerning the performance of legislative service agency directors or their staffs.

Requires the general assembly to provide by rule for legislative service agency review of the fiscal impact of legislative measures instead of the present review by the office of state planning and budgeting. Allows the disclosure of information regarding bills prior to introduction to the staff of any legislative service agency in order to facilitate the preparation of such fiscal notes.

Makes required conforming amendments to statutory provisions to reflect the consolidation of the legislative drafting office and the office of revisor of statutes into the office of legislative legal services.

APPROVED by Governor May 23                      EFFECTIVE                      May 23

GOVERNMENT - COUNTY

S.B. 54 County authority to regulate noise - exemptions - prohibition of operation of certain vehicles - authority under state noise statute. Permits counties to regulate noise on public and private property unless the property is used for certain purposes including manufacturing, industrial, commercial business, or oil and gas production, or the property is used for public utilities which are already subject to regulation. Specifies that property used for any purpose which is exempt from regulation under the state noise statute shall also be exempt from county regulation. Allows counties to prohibit the operation of vehicles with inadequate or modified mufflers.

Authorizes counties to adopt noise standards which are more restrictive than those set forth in the state noise statute.

APPROVED by Governor May 19                      EFFECTIVE                      May 19

S.B. 113 Powers relating to unincorporated areas - expenses of officers. Recognizes the problems which county governments face in meeting the demands of residents of unincorporated areas due to the restrictions on the authority of county governments. Requires the executive director of the department of local affairs to appoint a committee to study whether county governments should have the ability to adopt ordinances and establish fees applicable to such unincorporated areas. Establishes the composition of the committee and requires the committee to make recommendations regarding possible statutory changes to the general assembly no later than November 15, 1988.

Provides that the expenses of elected county officers incurred during county business may be allowed by the board of county commissioners and paid out of the county treasury.

APPROVED by Governor April 14                      EFFECTIVE                      April 14

H.B. 1048 Treasurers' fees - increases - additions. Increases fees charged by county treasurers for certain clerical and documentary services including the following fees:

(1) \$2 rather than 50¢ for copies of current year tax receipts;

(2) \$5 rather than \$1 for copies of prior year tax receipts;

(3) \$10 rather than \$5 for certification of taxes due on outstanding sales for unpaid taxes;

(4) \$10 or the estimated costs to be incurred, whichever is greater, rather than \$2.50 or the actual cost of advertising, whichever is greater, for advertising of each parcel to be sold for delinquent taxes;

(5) \$4 rather than \$2 for each certificate of purchase;

(6) \$5 rather than 50¢ for certification of subsequent taxes paid;

(7) \$35 for processing an unadvertised application for treasurer's deed;

(8) \$75 for processing an advertised application for treasurer's deed;

(9) \$4 rather than \$1 for assignment of a certificate of purchase;

(10) \$7 rather than \$2 for each certificate of redemption.

Eliminates the 25¢ fee charged in addition to the cost of publication for a notice of purchase required to be served before a treasurer's deed may be issued.

Adds to the treasurer's fees a \$15 fee for preparation of a distraint warrant and a \$15 per hour fee for research.

Changes the penalty for all checks returned for insufficient funds from \$5 to \$15.

APPROVED by Governor March 17                      EFFECTIVE Jan. 1, 1989

H.B. 1229 Subdivision exemption plats - creation process - prohibition of vacation of roadways. Authorizes counties to develop with the consent of affected property owners, a "subdivision exemption plat" when the legal descriptions of the subdivision properties contain inaccuracies which jeopardize the owners' utilization and conveyance of such properties. Defines "subdivision exemption plat" and sets forth the process for creating such a plat including the following: The requirement that the board of county commissioners designate the land to be included in the exemption plat as a land division study area; that the board of county commissioners hold a public hearing on the plan for the exemption plat and that such plan include an estimate of the costs of such plat and notice that such

costs be assessed property owners who consent to the plan; and that property owners participating in the exemption plat convey title to their property to the district court which shall hold such titles until the exemption plat has been recorded by the county clerk and recorders. Specifies how the process for the exemption plat may be cancelled. Limits the liability of the board of county commissioners and the district court with regard to defective titles.

Prohibits the vacation of roadways which are platted or deeded or which exist by right of usage if vacating such roadway leaves any land which adjoins it without a public road or private-access easement to another public road.

APPROVED by Governor April 20                      EFFECTIVE                      April 20

H.B. 1230 County sheriffs' fees for service and execution of writs. Changes the sheriff's fee for levying writs of execution or attachment to the amount of actual expenses or \$7.50, whichever is greater. Changes the sheriff's fee for writs of replevin to the amount of actual expenses or \$10, whichever is greater. Establishes that fees for the service of any writ of restitution or order of possession of premises shall be for actual expenses but not more than \$15; except that if execution of any such writ is required, an additional fee of actual expenses not to exceed \$35 plus transportation costs may be charged, but only after the sheriff has provided a detailed accounting of actual expenses to the person requesting such service. Specifies that actual transportation costs assessed for the service or execution of any writ of restitution or order of possession of premises shall only be charged once per location for each service or execution. Requires that, if the serving of any writ of restitution or order of possession of premises may be provided at a lower cost to a county by a private provider, such county shall contract with a private provider for the service of such writs, but such authority does not extend to the execution of any such writs.

APPROVED by Governor May 17                      EFFECTIVE                      July 1

H.B. 1273 County commissioners - elections. For any county having a population of 70,000 or more which has increased the membership of the board of county commissioners to 5, allows the registered electors, either by initiative or referendum, to change the method of electing said members or to reduce the membership of the board to 3. Sets out procedures for the initiative or referendum process.

Specifies 3 options that such a county may select from to change the method of electing members of the board.

Provides procedures for each method of election, the redrawing of boundary lines in accord with a change in method of election, and the continuation of terms of office for presently elected commissioners.

APPROVED by Governor April 9

EFFECTIVE

April 9

GOVERNMENT - LOCAL

- S.B. 126 Limitation on increases of tax levies - exclusion of tax levies imposed as result of undervaluation of taxable property. Excludes property tax levies for the payment of expenses incurred in reappraisals of taxable property as ordered by or conducted by the state board of equalization and for the payment to the state of excess state equalization payments due to the undervaluation of taxable property from the limitation on increases of tax levies.

APPROVED by Governor May 29                      EFFECTIVE                      May 29

- H.B. 1152 Public employees - prohibition on residency requirements. Prohibits local government entities from requiring public employees of the entity to live within the territorial boundaries of the local government entity, with the exception of elected officials, key appointed officials, and members of boards or committees. Permits local government entities to enact reasonable requirements as to the maximum distance which key employees, with duties which require them to be close to their place of work, may reside from their place of work.

APPROVED by Governor April 11                      EFFECTIVE                      April 11

- H.B. 1172 Intergovernmental entities - loans. Authorizes intergovernmental entities to make loans to governmental subdivisions. Provides that such loans shall be subject to such terms and conditions as may be determined by the board of directors of the intergovernmental entity.

APPROVED by Governor April 13                      EFFECTIVE                      April 13

- H.B. 1257 Adoption of budget - failure to adopt - time of delivery of tax warrant. Requires the governing body of a local governmental entity to adopt a budget before certification on the mill levy. States that, if the governing body fails to adopt such budget, then 90% of the amounts appropriated in the last appropriation ordinance or resolution shall be deemed to be reappropriated for the several objects and purposes specified in said last appropriation ordinance or resolution.

Requires the county assessor to deliver the tax warrant no later than the first business day, rather than the first day, in January of each year.

APPROVED by Governor April 6                      EFFECTIVE                      April 6



GOVERNMENT - MUNICIPAL

S.B. 81 Municipalities - fees for jurors and witnesses in municipal court - filling of vacancies on city council or board of trustees - enactment of ordinances. Authorizes municipalities, by resolution or ordinance, to set higher or lower fees for jurors and witnesses in municipal court than the fees currently provided by law. Changes from 30 days to 60 days the period of time for filling a vacancy on a city council or board of trustees of a statutory town, or a vacancy in any elective municipal office. Permits a municipality to adopt by reference any statute, rule, regulation, or standard of the federal government or any of its agencies or the Colorado state government or any of its agencies. States that one certified copy, rather than 3 certified copies, of any code adopted by reference be kept on file at the office of the municipal clerk. Authorizes a municipality to make changes or additions in connection with any codification or compilation of existing ordinances by posting said changes or additions at the municipal offices in lieu of publication in a legal newspaper.

APPROVED by Governor April 4                      EFFECTIVE                      April 4

S.B. 171 Fire and police pension association - disability retirement benefits. Requires disability benefits of a member of the fire and police pension association to be discontinued if, pursuant to either an agreement or court order, an employer employs or reemploys such member in a position which qualifies the person for membership in the association prior to a decision by the board of directors of the association that the occupational disability of the member has ceased to exist. Requires the finding of occupational disability to be made only upon the employer certifying that either no position exists for the member or that a position exists but there is no vacancy in such position.

Defines the term "assigned duties".

APPROVED by Governor April 20                      EFFECTIVE                      April 20

H.B. 1057 Elected municipal officers - conflict of interest - disclosure. Eliminates a provision which prohibited a member of the governing body of a city or town (and any former member for a period of one year) from being interested, directly or indirectly, in the profits of any contract or job for work or services to be performed for the city or town. Requires that members of the governing body of a city or town disclose personal or private interests in any matter proposed or pending before the governing body, not vote thereon, and refrain from

attempting to influence the decisions of the other members of the governing body in voting on the matter.

APPROVED by Governor March 18                      EFFECTIVE                      March 18

Note: See 1988 House Bill No. 1209, concerning standards of conduct and a code of ethics for persons involved with government, which further amends these provisions.

H.B. 1182 Business improvement districts - creation, operation, and financing. Grants the governing body of every municipality the authority to establish business improvement districts in the municipality. Specifies the initial procedures for the organization of such districts through petition. Provides for public hearings prior to the establishment of such districts, public notices in connection therewith, and specifies the determinations to be made at such hearings. Sets limitations on the boundaries of such districts. Provides for a board of directors for such a district and the duties, procedures, and functions of such a board. Establishes the general powers and duties of such districts and the specific powers of levying taxes, making special assessments, and to contract debt. Requires that questions regarding the authority of such districts to contract debt be approved at an election pursuant to election procedures for special districts. Specifies the procedure for dissolution of business improvement districts. Clarifies that nothing in the new provisions shall affect the control and jurisdiction which the state department of highways has over streets and highways on the state highway system or which a municipality has over all property within its boundaries.

APPROVED by Governor May 6                      EFFECTIVE                      May 6

H.B. 1198 Fire and police pension association - deferred retirement benefits. Allows retirees whose benefits are vested and deferred with the fire and police pension association to choose among the joint and survivor options available to members eligible for normal retirement. Specifies that such a retiree may not elect an option prior to 60 days before payment of the benefits is to begin, and states that if a retiree dies prior to the commencement of the payment of benefits, the retiree's contributions to the fire and police pension association shall be paid to the retiree's estate.

APPROVED by Governor April 20                      EFFECTIVE                      April 20

GOVERNMENT - SPECIAL DISTRICTS

S.B. 164 Regional transportation district - competition to provide bus service. Directs the regional transportation district to implement a system whereby at least 20% of the bus service of the district is provided by private businesses pursuant to competitively bid contracts. Specifies the requirements to be contained in a standard form of agreement to be entered into by the district and the private providers selected to provide bus service. Provides a time period in which the competitive bidding system is to be implemented. Specifies the information to be contained in requests for proposals for competitive bids as well as information to be contained in responses to such requests. Provides standards for the awarding of bids. Permits private providers who enter into the district's standard form of agreement and who are otherwise qualified, but who do not require a monetary subsidy from the district, to provide bus services in the district and to retain all fares collected. Provides that such bus services are not subject to regulation by the public utilities commission of the state of Colorado. Specifies that the highway legislation review committee shall provide legislative oversight of the implementation of the competitive bidding provisions. Requires the district to contract for a performance audit to analyze and compare the cost of the district's bus operations with operations provided by private providers. Requires such audit be reported to the general assembly for review and appropriate action.

APPROVED by Governor May 3

EFFECTIVE

May 3

S.B. 197 Transit construction authority - exercise of powers subject to legislative approval. Requires the board of directors of the transit construction authority to seek approval from the general assembly before exercising any of the authority's statutory powers other than those concerning levying of an assessment on employment and completion of the planning phase of the development of the southeast corridor. States that any assessment of commercial property which receives general assembly approval shall then be subject to previously enacted procedures concerning the holding of a public hearing and the right of the assessed property owners to protest the assessment.

Requires general assembly approval for the levying of an assessment on employment after March 31, 1989. Exempts the employees of non-profit organizations from the assessment on employment.

APPROVED by Governor May 29

EFFECTIVE

May 29

H.B. 1354 Exclusion of property - appeal of decision of special district board. Sets forth factors a special district board must address when considering whether to grant or deny a petition for exclusion from a special district. Provides that, if a petition for exclusion is denied by the special district board, such denial may be appealed first to the board of county commissioners of the county in which the special district's petition for organization was filed and then to the district court of the county which has jurisdiction of the special district. Specifies that the board and the court shall base their review on the record developed at the hearing before the special district board.

APPROVED by Governor June 11

EFFECTIVE

June 11

GOVERNMENT - STATE

- S.B. 21 Sunset review of advisory committees. Extends the termination date of certain executive agency advisory committees scheduled to be repealed July 1, 1988, to July 1, 1994. Allows the state jail advisory committee to terminate. Adds several new executive agency advisory committees to the sunset review process. Conforms a statutory provision relating to the energy impact assistance advisory committee to a duplicative statutory provision which is being repealed.

APPROVED by Governor April 14                      EFFECTIVE                      April 14

- S.B. 23 Games of chance - pull tab games - regulation - penalties. Defines "pull tab games" and "pull tab suppliers". Specifies conditions for the conduct of pull tab games by persons licensed by the secretary of state. Requires accountability for the proceeds of such games. Requires registration of pull tab suppliers with the secretary of state. Authorizes the secretary of state to examine the books and records of pull tab suppliers.

Specifies that only persons age 18 and over may participate in games of chance and pull tab games.

Increases the penalty for violation of the "Bingo and Raffles Law" by making such violation a class 2 misdemeanor.

APPROVED by Governor April 9                      EFFECTIVE                      April 9

- S.B. 29 Colorado strategic seed fund - creation - transfer of moneys. Declares that the Colorado strategic seed fund is needed to assist entrepreneurs and to encourage the growth and diversification of the Colorado economy. Outlines the investment strategy of the managers of operating seed funds. Creates the Colorado strategic seed fund within the economic development fund and provides that such fund shall be administered by the Colorado housing and finance authority. Defines "seed capital" and establishes criteria for making loans to operating seed funds. Requires operating seed funds to obtain private sector financial support equal to the amount of any loan from the fund. Requires the establishment of a rural economic development seed fund and sets out requirements for the use of such fund.

Creates the strategic seed fund council and authorizes the governor to appoint the members of the council with confirmation of the senate. Requires the

council to provide advice to the authority as to the criteria to be used in making loans.

Makes a transfer of \$300,000 out of any general fund moneys appropriated to the department of local affairs for economic development purposes to the Colorado strategic seed fund.

APPROVED by Governor May 29                      EFFECTIVE                      May 29

- S.B. 59      Colorado Governmental Immunity Act - coverage of health care practitioners. Amends the definition of "public employee" relating to health care practitioners to extend coverage under the "Colorado Governmental Immunity Act" to health care practitioners involved in the following situations: Any health care practitioner who does not work on a full-time basis at a public entity or entity of the United States government and who has an independent health care practice; a licensed nurse employed by a public entity; and any health care practitioner who volunteers at or on behalf of a public entity or who volunteers in the community maternity services program.

APPROVED by Governor March 10                      EFFECTIVE                      March 10

- S.B. 64      Risk management fund - continuation - coverage for claims against lessors who leased property to the state. Allows moneys in the risk management fund to be used to pay claims against lessors who leased property to the state for public purposes subject to a hold harmless contract which was made and approved by the state risk manager. Sets forth the requirements for such a hold harmless contract.

Permanently establishes the self-insured property fund by repealing the automatic repeal date of July 1, 1988.

APPROVED by Governor April 20                      EFFECTIVE                      April 20

- S.B. 74      Division of housing of department of local affairs - short-term loan revolving fund. Provides for the continuation of the revolving fund for short-term loans administered by the division of housing.

APPROVED by Governor April 14                      EFFECTIVE                      April 14

- S.B. 97      Colorado lottery - commission - prizes. Provides that, if the rental payments for a business are based on a percentage of retail sales and the rental agreement does not include lottery ticket sales, the compensation received by the sales agent shall be the amount of the retail sale for the purpose of computing the rental payment and not the gross revenues from lottery ticket sales.

Requires the chairman of the lottery commission be reimbursed for his expenses incurred in participating on the contract and disciplinary review board. Shortens the period of time during which a lottery prize winner may claim his prize. Clarifies that the offering of a lottery ticket at no additional charge in conjunction with the sale of a product or service is not an unlawful act unless the offer is made to a person under 18 years of age.

APPROVED by Governor May 23

EFFECTIVE

July 1

S.B. 190

Motor vehicles used by the state - management and control - transfer of moneys. Directs the executive director of the department of administration to establish uniform standards for the purchase and disposal of motor vehicles used by the state, to conduct an inventory of state-owned motor vehicles, and to establish and maintain a data base of information on said vehicles. Requires vehicle logs to be maintained on all motor vehicles. Prohibits acquisition of new motor vehicles where no justified need can be shown according to said uniform standards.

Requires that all motor vehicles be purchased through the department of administration pursuant to established state purchasing award procedures and that titles and documentation on newly acquired vehicles be forwarded to the department of administration.

Provides that any department wanting to dispose of any motor vehicle shall transfer the vehicle to the department of corrections for sale through the surplus property program. Mandates that no less than 500 vehicles from the state fleet be sold by July 1, 1989.

Directs the executive director of the department of administration to establish a fleet management program for the leasing of motor vehicles to all state departments. Establishes the fleet management fund to be used for the operation of the program and for financing the costs of disposing of motor vehicles by sale or auction. Authorizes the executive director to impose a surcharge on the lease cost of leased vehicles which shall be credited to the fleet management fund. Imposes powers and duties on the executive director in connection with the operation of the fleet management program.

Transfers any working capital advance owed to the state treasury by the fleet management program on July 1, 1988, from the internal services fund of the department of administration to the newly-created fleet management fund.

VETOED by Governor June 11

S.B. 196 Colorado economic development commission - authority to make grants or loans. Authorizes the Colorado economic development commission to make grants or loans from moneys in the Colorado economic development fund. Provides that the amount of the loans which is paid back and the interest earned on the loans shall be credited to the economic development fund. Prohibits the commission from making grants or loans for projects for which a budget request was made but which were not funded in the general appropriations bill, unless the joint budget committee approves such a grant or loan.

APPROVED by Governor June 1                      EFFECTIVE                      June 1

H.B. 1005 Economic development data base. Designates the library at the Auraria higher education center as the site of the state economic development data base. Requires the library to compile certain data and authorizes the library to receive and expend moneys tendered to it for such purposes. Requires the department of local affairs to assist the library in the performance of such duties. Provides that the data base shall be accessible to any individual or organization in the state of Colorado.

APPROVED by Governor April 20                      EFFECTIVE                      April 20

H.B. 1009 State government competition with private enterprise. Declares that state government competes with the private sector when state government provides certain goods and services to the public and further declares that it is the intent of the general assembly to regulate such competition. Prohibits state agencies from manufacturing or selling goods or services to the public which are also offered by private enterprise. Exempts certain activities and entities from such prohibition.

Prohibits institutions of higher education from providing to certain persons goods, services, or facilities that are available from private enterprise, unless the provision of the good, service, or facility offers a valuable educational or research experience for students. Provides, however, that such institutions may sponsor or provide facilities for recreational, cultural, and athletic events or food services and sales. Establishes criteria for determining whether the provision of a good or service offers a valuable teaching, educational, or research experience.

Requires the commission on higher education to develop guidelines for the provision of goods and services to students, faculty, and staff and the invited guests of such students, faculty, and staff. Requires the governing



boards of institutions of higher education to adopt hearing procedures for the hearing of complaints by privately owned businesses and to submit reports to the commission regarding the complaint procedure. Requires the commission to report to the governor and to the general assembly regarding the implementation of such complaint procedures.

Allows any person who believes that a state agency has violated these provisions to file a written complaint with the advisory board to the office of regulatory reform and establishes a hearing procedure for such complaints.

Prohibits any employer under contract with a state agency from initiating any disciplinary action against any employee as a result of the employee's disclosure of information concerning the private enterprise. Authorizes any employee against whom such a disciplinary action has been initiated to bring a civil action to collect damages and court costs.

APPROVED by Governor April 22                      EFFECTIVE                      July 1

H.B. 1036 Sunset law - extension - appropriation. Amends the "Sunset Law" to expand its applicability beyond agencies in the department of regulatory agencies so that the law covers the functions of certain specified agencies and boards. Cycles the termination and review of these functions into the existing sunset schedules and procedures. Amends the provisions for each specified agency to terminate certain functions and to reference the procedures for review in the "Sunset Law".

Appropriates \$17,416 and 0.5 FTE to the department of regulatory agencies for implementation of the act.

APPROVED by Governor April 28                      EFFECTIVE                      April 28

H.B. 1060 Public employees' retirement association - investments. Increases the maximum percentage of investment in outstanding stock or bonds of any single corporation which may be made by the public employees' retirement association from 7% to 12%.

BECAME LAW without Governor's signature                      March 29  
EFFECTIVE                      March 29

H.B. 1077 Public employees' retirement association - benefits - cost of living increases. Modifies the amount of cost of living increases paid to benefit recipients of the public employees' retirement association who began receiving benefits in 1951 or earlier which are paid from the cost of living stabilization fund.

APPROVED by Governor March 31                      EFFECTIVE                      July 1

H.B. 1115 State treasurer - investment of public funds. Authorizes the state treasurer to invest funds from the state compensation insurance fund and the public school fund in asset-backed securities rated at least "AA" and in mortgage-backed securities rated at least "AAA".

Authorizes the state treasurer to invest funds from the state treasury not immediately required to be disbursed in the following areas: Commercial paper of U.S. corporations having a net worth in excess of \$250 million rather than \$200 million so long as the commercial paper is of prime quality and matures within 270 days rather than 180 days from the date of purchase; medium-term corporate notes rated at least "AA" so long as they are notes from U.S. corporations having a net worth of \$250 million which mature within 3 years of the date of purchase; and asset-backed securities rated at least "AA" which mature within 3 years of the date of purchase.

APPROVED by Governor March 24                      EFFECTIVE                      March 24

H.B. 1121 Public employees' retirement association - health care premium subsidy. Specifies for benefit recipients enrolled in the health care program of the public employees' retirement association the amount of the premium subsidy shall be \$95, with certain exceptions, on and after July 1, 1988. Requires that the same number of years used in calculating a person's disability retirement benefit be used in determining the premium subsidy for such person. Requires that the premium subsidy for a benefit recipient who is not entitled to medicare hospital insurance benefits be of a sufficient amount to ensure that the amount of such benefit recipient's premium is the same amount as a benefit recipient with the same number of years of service credit who is entitled to medicare hospital insurance benefits and who is enrolled in the same plan and type of coverage. Specifies that the board shall pay the amount of the health care premium when the amount of such premium is less than the amount of the premium subsidy.

APPROVED by Governor April 20                      EFFECTIVE                      July 1

H.B. 1124 Public employees' retirement association - benefits. Allows members of the public employees' retirement association to become eligible for disability retirement after earning 6 months of service credit during the most recent period of membership as long as such member has accumulated a total of at least 5 years of earned service credit. Eliminates the distinction between full and partial disability. Reduces the amount of disability benefits by one-third of the amount of earned income in excess of \$3,000 per calendar year while the disability

retiree is under the eligibility age for service retirement.

Modifies certain benefit options to specify that, if a cobeneficiary predeceases a retiree, the amount of the benefit will increase to 100% of the amount of an option 1 benefit. Eliminates a benefit option. With respect to a retiree whose cobeneficiary spouse dies, allows such retiree to select, upon remarriage, the new spouse as the cobeneficiary and allows for adjusting the amount of such benefit.

Specifies the order of payment of survivor benefits or single payments upon the death of an inactive member who had earned at least 5 years of service credit but who was not eligible for service retirement. Provides that option 3 survivor benefits for a surviving spouse of such deceased inactive member shall become payable when such deceased member would have become eligible for reduced service retirement. Extends survivor benefit coverage for vested inactive members until the service retirement of such members. Modifies the benefits payable to a surviving spouse of a deceased member who has 10 or more years of service credit.

Repeals statutory provisions which allowed certain members to retire early during the period beginning July 1, 1987, and ending August 31, 1987.

APPROVED by Governor April 20  
PORTIONS EFFECTIVE July 1  
Jan. 1, 1990

H.B. 1129 Public employees' retirement association - termination of affiliation of employers assigned to municipal division. Allows employers affiliated with the municipal division of the public employees' retirement association (PERA) to apply for termination of affiliation from said association. Provides that application for termination of affiliation shall be made to the PERA board of directors by submitting an ordinance or resolution adopted by the governing body of the employer applying for termination of affiliation and approved by at least 65% of the employees of the employer who are PERA members. Requires that, prior to a vote of approval, such employees shall be given written notice that the state of Colorado shall not be liable for any deficit which occurs in any benefit or contribution plan or system established by an employer who has terminated its affiliation with PERA.

States that the rights of benefit recipients and the vested rights of inactive members shall not be affected by the termination of affiliation of an employer. Requires the board to establish certain reserve requirements that

must be satisfied prior to termination of affiliation. Requires the employer requesting termination of affiliation to make additional payments to PERA to satisfy such reserve requirements if necessary. Requires the board to approve applications for termination of affiliation with PERA upon satisfaction of all requirements, unless approval of such termination of affiliation would have an adverse financial impact on the actuarial soundness of the municipal division trust fund.

Specifies the procedures for the purchase of service credit forfeited by the refund of member contributions due to the termination of affiliation. Requires an employer whose affiliation with the association is terminated to create and maintain an alternative pension plan or system for its employees. Requires that any excess reserves and transferred member contributions paid to an employer upon termination of affiliation shall be deposited in such alternative pension plan or system. Provides procedures for an employer whose affiliation with the association has been terminated to reaffiliate with the association after a period of at least one year.

APPROVED by Governor April 28                      EFFECTIVE                      April 28

H.B. 1133 State Department Financial Responsibility and Accountability Act - creation. Requires that all departments of state government establish and maintain systems of internal accounting and administrative control. Establishes minimum requirements for these systems and requires that the departments report annually to the controller, the state auditor, and the general assembly on whether internal systems of accounting and administrative control fully comply with said requirements. If systems employed by the department are not in compliance, requires the report to detail weaknesses known to exist and plans for correcting such weaknesses.

APPROVED by Governor April 9                      EFFECTIVE                      April 9

H.B. 1141 Public employees' retirement association - judicial division - benefits. Allows members of the judicial division to elect prior to retirement to receive larger benefits for service during the 17th through the 20th years in lieu of the present mandatory refund of contributions made during those years. Consolidates provisions relating to the calculation of option 1 benefits. Increases the percentage of the highest average salary credited for each year served over 20 from 1 1/4% to 1 1/2%, for purposes of calculating option 1 benefits. Changes the method for calculating the annual cost-of-living increases on judicial retirement and survivor benefits.

APPROVED by Governor April 14                      EFFECTIVE                      July 1

H.B. 1202 Cooperative purchasing agreements - procurement consortiums. Allows public procurement units to purchase supplies or services through cooperative purchasing agreements with procurement consortiums which include as members tax-exempt organizations.

APPROVED by Governor April 6                      EFFECTIVE                      April 6

H.B. 1209 Standards of conduct - code of ethics for persons involved with government - proscribed acts related to contracts and claims. Declares that the prescription of some standards of conduct common to those citizens involved with government is beneficial to all residents of the state. Recognizes that some actions are conflicts per se between public duty and private interest while other actions may or may not pose such conflicts depending upon the surrounding circumstances.

Specifies that holding public office is a public trust and that a public officer, member of the general assembly, local government official, or employee shall carry out his duties for the benefit of the people of the state. States that any such person whose conduct departs from his fiduciary duty is liable to the people of the state as a trustee of property and shall suffer such other liabilities as a private fiduciary would suffer for abuse of his trust. Empowers the district attorney of the district where the trust is violated to bring appropriate proceedings on behalf of the people.

Specifies acts which would be a breach of conduct when committed by a public officer, member of the general assembly, local government official, or employee. States ethical principals to guide public officers, members of the general assembly, local government officials, or employees. Specifies the manner in which a member of the general assembly, public officer, local government official, or employee may disclose the nature of a private interest. Provides that disclosure of such an interest shall constitute an affirmative defense to any civil or criminal action or any other sanction.

Empowers the secretary of state to issue advisory opinions to any person subject to these provisions with regard to issues relating to such person's conduct. Creates a board of ethics for the executive branch of government and a separate board of ethics for the general assembly. Specifies the duties of both boards.

Provides that members of the general assembly, public officers, local government officials, or employees shall not be interested in any contract made by them in their official capacity. Bars a former employee from contracting

with or being employed by an employer who contracts with the state for a period of 6 months from the date of termination of such former employee. States the instances in which the phrase "be interested in" does not apply. Provides that contracts made in violation of this provision are voidable at the instance of any party to the contract except the officer interested therein. Specifies the instances in which a member of a governing body of a city or town may disclose a personal or private interest and vote on the issue.

APPROVED by Governor June 1                      EFFECTIVE                      June 1

H.B. 1274 Lottery - lotto authorization - construction of correctional facilities - appropriation. Changes the definition of the term "lottery" to include the game known as "lotto", thereby authorizing the conduct of lotto games. Provides that any lottery sales agent shall be eligible to enter a drawing to determine the location of at least 100 lotto outlets, with the balance of the lotto outlets to be determined by the lottery division.

Establishes a formula for the distribution of net lottery proceeds, including revenues generated by the lotto game. Requires that appropriations of moneys from the state lottery fund for capital construction be used for the acquisition of certain correctional facilities. Authorizes the director of the department of corrections to contract with county commissioners for the placement of corrections department inmates in county facilities.

Requires that, if the lottery commission determines that additional facilities are necessary to operate the games of lottery or lotto, such facilities shall be located at the Colorado state hospital campus in Pueblo.

Appropriates \$2,820,282 to the department of revenue for implementation of the act.

VETOED by Governor April 13                      EFFECTIVE                      April 29  
VETO OVERRIDDEN April 29

H.B. 1347 State employees - compensation - appropriation. Establishes a 10 days per fiscal year rate of sick-leave accrual for state employees. Places a cap of 45 days on the amount of sick leave which can be accumulated by each employee after July 1, 1988. Allows employees approaching the maximum accumulation of sick leave to convert sick leave to annual leave at the rate of 5 sick leave days per day of annual leave. Denies sick leave to an employee absent for 4 or more consecutive days unless said employee submits to his supervisor a physician's statement



## HEALTH

S.B. 60 Hazardous waste - cleanup of "Superfund" sites. Reconciles state statutory provisions regarding hazardous waste cleanup with the federal "Superfund" act. Clarifies that hazardous substance response fund money may be used by the department of health as state matching funds for response actions at any hazardous waste site on the national priority list established pursuant to the federal act. Permits the department of health, with the consent of the governor, to decline to participate with the federal government in cleanups which the department determines are not in the interest of the state.

Eliminates the automatic repeal date for provisions relating to hazardous waste cleanup.

Repeals the solid waste user fee on January 1, 1995.

APPROVED by Governor April 4                      EFFECTIVE                      April 4

S.B. 117 Diesel emissions inspection program - definitions - powers and duties of air quality control commission, department of health, and department of revenue - diesel inspectors and diesel inspection stations - exemptions from program - voluntary inclusion in program. Establishes a diesel emissions inspection program for certain counties in the state. Defines various terms which are used to describe the inspection program. Requires that on or after January 1, 1990, a certification of emissions control, evidencing that a diesel vehicle has been inspected and tested for smoke opacity compliance, shall be required prior to diesel vehicle registration.

Allocates implementation of the inspection program between the air quality control commission and the executive directors of the departments of health and revenue. Authorizes the air quality control commission to promulgate any rules and regulations which are necessary for implementation of the inspection program but specifies certain criteria regarding standards and tests which are to be included in the rules and regulations. Directs the executive director of the department of health to: Develop a program for diesel emissions inspectors; instruct the department of revenue to license certain diesel inspection stations; continuously evaluate the inspection program; and inform the public concerning the operation of the program. Gives the executive director of the department of revenue the authority over the licensure and the enforcement associated with licensure of diesel emission inspectors and diesel emission inspection stations.



Sets the requirements for licensure as a diesel emission inspection station, including the number of licensed diesel inspectors who must be employed at the station, the facilities and equipment required, and the procedures to be followed. Allows the executive director of the department of revenue to suspend or revoke licensure if a station improperly represents that it is a licensed diesel inspection station. Specifies when a licensed inspection station is to issue a certification of emissions control to the owner of a diesel vehicle and the maximum fee such station shall impose for a diesel inspection.

Permits extension of the diesel inspection program to any local government which requests to participate in the program.

Exempts heavy duty diesel fleets of nine or more from the diesel inspection program unless there are two excessive violations of the self-certification program by such fleet in a one-year period.

Requires the air quality control commission to promulgate regulations on the use of a fuel or a fuel additive only if such regulation shall result in a measurable reduction in ambient concentrations of criteria or other pollutants.

APPROVED by Governor April 28  
PORTIONS EFFECTIVE April 28  
Jan. 1, 1990

S.B. 191 Air quality control commission and division of administration of department of health - powers and duties - maximum allowable asbestos level - area of public access - procedures for aggressive air monitoring. Amends the powers and duties of the air quality control commission and the division of administration of the department of health, including their authority with regard to enforcing standards for asbestos abatement when such abatement is subject to federal regulation. Specifies the maximum allowable asbestos level for the protection of the general public which shall remain in effect until the commission acts to adopt such a standard. Redefines "area of public access". Requires the commission to promulgate rules regarding procedures for the utilization of aggressive air monitoring.

APPROVED by Governor June 11 EFFECTIVE June 11

H.B. 1037 Quality management functions of health care facilities - confidentiality and immunity. Provides that records and other information of a health care facility which are part of a quality management program designed to improve the

quality of patient care are confidential. Provides an exception from the confidentiality provisions for a regulatory agency which is authorized by law to make inspections or investigations. Gives qualified immunity to persons providing reports or participating in quality management functions.

APPROVED by Governor April 29

EFFECTIVE April 29

H.B. 1040 X-ray producing machines - inspection - appropriation. Declares that the setting of minimum specifications for x-ray producing machines and standards for approval of inspectors is a matter of statewide concern.

Requires the state board of health to promulgate rules and regulations establishing standards for x-ray producing machines, the qualifications of persons authorized to inspect and certify such machines, and the procedures for annual and three-year inspections for different types of x-ray producing machines used for therapeutic or diagnostic use on humans. Sets forth certain procedures for the inspections.

Requires inspections of x-ray producing machines to be made by qualified inspectors approved by the department; except that the department may make or contract for audit inspections to assure compliance with the specifications.

Creates a misdemeanor offense for knowingly using any machine which is a source of ionizing radiation which is not certified as provided in this act. Provides for disciplinary action against any qualified inspector who incorrectly certifies an x-ray producing machine as meeting the standards.

Changes the name of the radioactive materials control fund to the radiation control fund. Authorizes the collection of a \$50 fee for the approval of persons to be inspectors and a \$30 fee for a certification or noncertification sticker affixed to the x-ray producing machine after inspection.

Appropriates \$90,891 and 2.0 FTE to the department of health for implementation of the act.

APPROVED by Governor April 13

EFFECTIVE July 1

H.B. 1046 Task force long-term health care - creation - issues to be studied - repeal. Establishes a task force to address policy and program issues in long-term health care, including the development of a unified long-term care plan and budget and implementation of administrative and

management procedures designed to operate a cost-effective long-term care system. Specifies the issues to be addressed by the task force. Requires the task force to create a subcommittee to study Alzheimer's disease. Requires the task force to create a second subcommittee to study case management services for developmentally disabled persons, disabled chronically mentally ill, physically disabled, including the frail elderly, and emotionally or behaviorally disturbed persons.

Specifies the membership of the task force. Authorizes the acceptance of grants or donations to pay for research and staff support.

APPROVED by Governor May 13                      EFFECTIVE                      May 13

H.B. 1065 Administration of medications in residential care facilities - competency testing - exception to licensing requirements - sunset review - appropriation. Allows persons who pass a competency evaluation to administer medications to residents of certain residential care facilities, as an exception to licensure requirements under the "Colorado Medical Practice Act", "Nurse Practice Act", or state pharmacy laws. Defines the term "residential care facility". Authorizes the department of health to develop and conduct a program for the administration of medications in residential care facilities, including training and testing procedures, in cooperation with the department of social services and the department of institutions. Allows the department to set and collect fees for any training given and for any competency evaluation administered. Credits all such fees collected to the newly created medication administration cash fund.

Beginning January 1, 1990, requires that, as a condition of continued or initial operation, residential care facilities that administer medications to residents maintain records of such activities and have a staff member who has passed a competency evaluation on duty to administer the medication.

Provides for review by the sunrise and sunset review committee prior to the repeal of statutory provisions on July 1, 1991.

Appropriates \$35,000 from the medication administration cash fund and 0.3 FTE to the department of health for implementation of the act.

APPROVED by Governor May 2                      EFFECTIVE                      July 1

H.B. 1127 Breast cancer screening program - establishment - cash fund - appropriation. Establishes a program to provide breast cancer screening to be operated under the auspices of the department of health. Requires that the program be conducted so as to make screening services available to rural areas and to women whose economic circumstances might otherwise limit their access to such services. Provides that screening services may be provided directly or by contract with private sector providers. Empowers the executive director of the department of health to appoint an advisory board to recommend guidelines and to make rules and regulations for implementation of the program.

Authorizes the department of health to establish a schedule of fees to be charged for screening and to accept reimbursement from insurance companies or other third-party payors for services rendered. Creates the breast cancer screening fund in the state treasury to receive fees, donations, and appropriations for the support of the program.

Appropriates \$100,000 from the breast cancer screening fund to the department of health for administration of the program.

APPROVED by Governor April 7                      EFFECTIVE                      April 7

H.B. 1169 Management of hazardous waste - penalties for criminal offenses. Conforms state law to federal law for criminal penalties incurred by violating laws concerning the management of hazardous waste. Changes the classification of some violations from misdemeanors to felonies and increases penalties accordingly.

APPROVED by Governor April 20                      EFFECTIVE                      July 1

H.B. 1242 Newborn screening tests - expansion - biotinidase and other conditions - appropriation. Gives the department of health authority to expand newborn screening testing to conditions for which testing is not currently required if the condition meets specific criteria. Beginning April 1, 1989, requires the department of health to test for biotinidase deficiency.

Appropriates \$103,747 out of the newborn screening and genetic counseling cash funds to the department of health for implementation of the act.

APPROVED by Governor May 11                      EFFECTIVE                      July 1

HIGHWAYS AND ROADS

- S.B. 32 Chief engineer of the division of highways - designation of presiding officer for rule-making hearings. Authorizes the chief engineer of the division of highways to appoint a designee to preside over rule-making hearings of the state department of highways or of the division of highways.

APPROVED by Governor March 31                      EFFECTIVE                      March 31

- S.B. 75 Highway cost-allocation study - extension of date for submitting results. Extends the date by which the results of the highway cost-allocation study conducted by the legislative council must be submitted to the general assembly from February 1, 1988 to February 15, 1988.

Continues until February 15, 1988, the availability of the appropriation from the highway users tax fund to the legislative council for necessary expenses incurred in completing such study.

APPROVED by Governor March 31                      EFFECTIVE                      March 31

- S.B. 158 Closure of highways for athletic or special events. Authorizes boards of county commissioners to close a highway or portion of a highway for the purpose of conducting athletic or special events when the highway is not a state highway and the highway or portion closed does not extend within the boundaries of a municipality. Provides that the chief of the Colorado state patrol has authority to close state highways. Requires coordination among state and local agencies if an event may cause a significant disruption to the normal flow of traffic on a state or municipal highway. Requires a municipality, when closing a state highway within the municipality's boundaries, to coordinate with the chief of the Colorado state patrol and to provide for traffic control and for an alternate route, when applicable. Makes as a condition of closure of a state highway that the event be conducted in a manner consistent with the preservation of safety.

Declares that the state is not liable for injuries or damages arising from an event when the event has not been approved by the chief of the Colorado state patrol. Removes a prohibition against the use of risk management funds to pay liability claims arising from a closure and directs that liability claims be paid from liability insurance prior to payment from such fund. Makes the conducting of an athletic or special event without a permit or in violation of the terms of a permit a class 1 misdemeanor.

APPROVED by Governor April 13                      EFFECTIVE                      April 13

H.B. 1023 Hazardous materials - transportation by motor vehicle - permits - routes. Requires that proof of liability insurance for an annual permit to transport hazardous materials by motor vehicle be filed with the public utilities commission and that the insurance carrier give 30 days' written notice to the public utilities commission for nonpayment of premium and 90 days' written notice for nonrenewal of policy prior to cancellation of such a policy.

Authorizes the issuance of single trip permits by the Colorado state patrol. Requires that, for a single trip permit to transport hazardous materials to be approved, an applicant must supply proof of having liability insurance as required by federal rules and regulations or sign a verification under the penalty of perjury that he has liability insurance as required by such federal rules and regulations, and that the applicant must agree to comply with any Colorado rules and regulations for the transportation of hazardous materials.

Removes authority from the state department of highways to promulgate rules for the issuance of permits for the transportation of hazardous materials by longer vehicle combinations over selected segments of the interstate highway system.

Clarifies that the state highway commission has the authority to regulate the hours of operation of the Eisenhower-Johnson tunnels on interstate 70.

APPROVED by Governor April 20                      EFFECTIVE                      April 20

H.B. 1147 Santa Fe trail - marking - contributions. Recognizes the designation of the Santa Fe trail as a national historic trail by the United States congress and directs the executive director of the state department of highways to mark with signs the route of the trail where it travels on or crosses the highways of the state of Colorado.

Authorizes the department to accept contributions to fund such marking.

APPROVED by Governor March 18                      EFFECTIVE                      March 18

## INSTITUTIONS

S.B. 79 Transfer of real property from the department of institutions to El Paso county. Declares that it is the intent of the general assembly that construction of a new juvenile detention center in El Paso county be accomplished with minimal reduction in county ownership of property and that the general assembly intends to return a portion of the land on which the old detention center was built to the county.

Authorizes the executive director of the department of institutions to transfer a parcel of real property to the El Paso county board of commissioners. In exchange for such transfer, requires El Paso county to grant a permanent easement to the department for access to the juvenile detention center built adjacent to the parcel.

States that these provisions shall become effective once said site has been cleared of all structures, except for roadway and fire lane access.

APPROVED by Governor April 4                      EFFECTIVE                      April 4

H.B. 1102 Developmentally disabled persons - continuation of services program - purchase of services. Repeals a provision which places limitations and conditions, including advertising requirements, on community centered boards when such boards replace purchased services and act as the service agency for such services.

Extends the automatic termination date of the services program to July 1, 1992.

APPROVED by Governor April 9                      EFFECTIVE                      April 9

## INSURANCE

- S.B. 70 Colorado insurance guaranty association - maximum limit of obligation. Increases the maximum limit of obligation of the Colorado insurance guaranty association for each covered claim from \$50,000 to \$100,000 for orders of liquidation with a finding of insolvency by a court of competent jurisdiction on or after July 1, 1988.

APPROVED by Governor April 9                      EFFECTIVE                      July 1

- S.B. 96 Group health care service plans - mental illness benefits. Requires group health care service plans providing hospitalization or medical benefits to provide benefits for conditions arising from mental illness. Requires that the benefits provided be at levels at least equal to the mental illness benefits required under group sickness and accident insurance coverage. Allows the group health care service plan to require that mental health services be rendered by a provider designated by and affiliated with a health maintenance organization.

Applies to group service contracts issued or renewed on or after January 1, 1989.

APPROVED by Governor April 20                      EFFECTIVE                      April 20

- S.B. 115 Banks and bank holding companies - authority to own captive insurance companies. Authorizes any bank or bank holding company to own, directly or indirectly, a captive insurance company operating pursuant to the "Colorado Captive Insurance Company Act". Specifies that such captive insurance companies may provide only liability insurance, blanket bond insurance, and surety insurance.

APPROVED by Governor April 20                      EFFECTIVE                      April 20

- H.B. 1012 Home health care - requirements for long-term care insurance. Prohibits policies of long-term care insurance which cover Alzheimer's disease, senile dementia, other organic brain syndromes, or other types of senility diseases from requiring the prior hospitalization or nursing home institutionalization of the insured in order for the insured to receive coverage for home health care.

APPROVED by Governor April 20                      EFFECTIVE                      July 1



H.B. 1074 Property and casualty insurance - rules for rating plans - risk management procedures - requirements on hazard insurance coverage for loans secured by real property. Allows the commissioner of insurance to promulgate rules establishing standards for rating plans filed by property and casualty insurers and which are designed to modify rates. Mandates the inclusion of risk management programs in property and casualty insurance policies. Prohibits a lender from requiring a borrower under a loan secured by real property to provide hazard insurance coverage on the property in an amount exceeding the replacement value of the improvements on the property. Allows a person harmed by a violation of such prohibition to obtain injunctive relief and recover damages and reasonable attorney fees and costs.

APPROVED by Governor April 29                      EFFECTIVE                      April 29

H.B. 1076 Domestic insurance companies - time deposit investments. Allows domestic insurance companies to invest in time deposits in any state or nationally chartered bank or trust company.

APPROVED by Governor March 24                      EFFECTIVE                      March 24

H.B. 1125 Notice of rate change in rate filing for commercial liability insurance - prohibition against certain hold harmless contracts - indemnification and limitations on directors and officers' liability for nonprofit corporations and agricultural products cooperatives. Mandates that a rate filing for type II insurance for commercial liability which includes a rate increase or decrease identify the portion of the filing which represents the increase or decrease and state the percentage of the change.

Amends the "Uniform Contribution Among Tortfeasors Act" to provide that, in a public contract or agreement relating to construction, any covenant, promise, or agreement to indemnify or hold harmless a public entity from that public entity's own negligence is void as against public policy and wholly unenforceable. States that such prohibition shall not apply to construction bonds, contracts of insurance, or contract clauses regarding insurance or defense litigation costs. Makes the provisions on hold harmless contracts inapplicable to licensed architects. States that the provisions on hold harmless contracts are intended only to affect the contractual relationship between the parties relating to indemnification and shall not affect other rights or remedies of the public entity or contracting parties.

Enacts the same kind of indemnification powers and limitations on directors and officers' liability for nonprofit corporations and for cooperatives engaged in the production of agricultural products as exist in the statutes for corporations for profit.

APPROVED by Governor May 17

EFFECTIVE

May 17

LABOR AND INDUSTRY

- S.B. 27 Unemployment compensation - employment taxes - refunds. Amends provisions governing refunds of employment taxes erroneously paid to permit the division of employment to apply refunds of less than \$100 to future taxes in lieu of actual cash refunds where no written request for a refund is received from an employing unit.

APPROVED by Governor April 14                      EFFECTIVE                      July 1

- S.B. 55 Workmen's compensation - self-insurance program for department of institutions. Permanently establishes a program of self-insurance for workmen's compensation for the department of institutions by repealing and deleting provisions which would have allowed for the automatic repeal of such program. Continues the program without applying security requirements so long as the department of institutions holds, in an approved trust fund, sufficient amounts to cover claims.

APPROVED by Governor April 14                      EFFECTIVE                      April 14

- S.B. 84 Workmen's compensation - interest on moneys in funds - premium taxes. Provides that interest earned on moneys in the workmen's compensation cash fund and the subsequent injury fund shall be retained in such funds. Establishes a tax on workmen's compensation insurance premiums to finance the subsequent injury fund. Provides for the collection and enforcement of such tax. Provides for a flat rate of tax on workmen's compensation insurance premiums to finance the major medical insurance fund until a certain balance is achieved in such fund, after which time the tax will no longer be collected.

APPROVED by Governor April 6                      EFFECTIVE                      July 1

- S.B. 106 Workmen's compensation system - independent contractors - penalty for failure to report injury - utilization review process - set-off of benefits - termination of vocational rehabilitation - employee's right to select physician or chiropractor - presumption of intoxication - interest on awards - notice concerning liability - penalty for false statements - petitions to review - cancellation of policies - conveyance of property of state compensation insurance authority - appropriation. Substitutes the term "independent contractor" for "individual employer, corporate officer, or working partner" in workmen's compensation provisions and provides that an "independent contractor" includes someone who is subject to realize any profit or loss from his business.

Changes the penalty for an employee to fail to notify an employer of a workman's compensation injury so that such a failure to report may result in a loss of up to one day's compensation for each day's failure to report an injury.

Establishes a utilization review process to provide a mechanism to review and remedy medical and other services rendered under the workmen's compensation laws. Provides that prosecution of a claim for workmen's compensation benefits shall be a waiver of any privilege concerning communications relating to medical issues raised by a claim for purposes of a utilization review.

Authorizes an employer or insurer to require an employee to apply for certain federal benefits as a condition of receiving permanent partial or permanent total disability benefits.

Requires employer-financed disability plan benefits payable to an injured employee to be set-off against benefits payable under the workmen's compensation laws.

Provides that unemployment insurance benefits payable to an employee shall be set-off against permanent total disability payments for workmen's compensation, but that temporary disability shall not be reduced because of receipt of or eligibility for unemployment benefits.

Allows vocational rehabilitation to be terminated by any party upon 14 days' written notice to the other parties and to the director of the division of labor. Defines the consequences of the termination of vocational rehabilitation.

Changes the time limit for an employer or insurer to object to a written request of an employee for permission to have his own physician or chiropractor attend him from 15 days to 20 days. Requires such an objection to be in writing and mailed or hand delivered to the employee within said 20-day time limit. Provides that the employer or insurer shall not be liable for physical therapy treatment unless prescribed by an authorized treating physician.

Sets a presumption for intoxication of an employee based on alcohol content of the blood of 0.10 or more grams per 100 milliliters of blood or 210 liters of breath for purposes of identifying acts of employees reducing compensation.

Provides that interest becomes due on awards not paid by an employer or insurer by either the date fixed by the award or the date the employer or insurer became aware of a claim for compensation, whichever date is later.

Provides that, if any employer or insurer fails to notify an employee of whether liability is admitted or denied, that such employer or insurer may become liable to the claimant, if he is successful in his claim, for up to one day's compensation for each day's failure to so notify. Specifies that 50% of any penalty so paid shall be paid to the subsequent injury fund and 50% to the claimant.

Clarifies provisions for the review of orders of the division of labor and repeals inconsistent statutory language.

Specifies that a class 4 felony penalty for false statements applies to any person who makes a false statement or representation material to a claim for workmen's compensation benefits.

Revises provisions for the cancellation of workmen's compensation insurance policies written by the state compensation insurance authority.

Authorizes the manager of the state compensation insurance authority to convey title to the 950 Broadway Building and other adjoining lots. Authorizes the executive director of the department of labor and employment to transfer interest of the state of Colorado in the 950 Broadway Building and adjoining lots to the state compensation insurance authority.

Appropriates \$13,800 and 0.5 FTE to the department of labor and employment for allocation to the division of labor to implement the utilization review process.

APPROVED by Governor June 11                      EFFECTIVE                      June 11

S.B. 108      State compensation insurance authority - employees.  
Requires employees of the division of the state compensation insurance fund of the department of labor and employment to become employees of the state compensation insurance authority if they accept a promotion, voluntary demotion, or transfer within the authority. Exempts such an employee from the state personnel system and allows the employee to continue membership in the public employees' retirement association at his option. Requires the authority to provide for the deduction of both employer and employee contributions from salaries and for payment to the association in the same manner as for any state employer.

APPROVED by Governor April 14                      EFFECTIVE                      April 14



Exempts temporary total disability from being reduced by unemployment insurance benefits.

APPROVED by Governor June 11                      EFFECTIVE                      June 11

H.B. 1056 Reciprocal bid preference for Colorado residents on public project construction contracts - continuation. Continues statutory provisions which allow preferences for Colorado residents bidding on public project construction contracts that are equal to those preferences allowed or required by a nonresident bidder's state or country by removing the automatic repeal date of July 1, 1988.

APPROVED by Governor February 26                      EFFECTIVE                      February 26

H.B. 1175 Workplace literacy programs. Requires the state board for community colleges and occupational education, in consultation with the college advisory councils of the community and junior colleges, to develop and employ a program of certification for workplace literacy programs to identify those programs, which upon completion, shall be accepted as satisfaction of basic skill prerequisites and placement testing for occupational training in the state system of community and junior colleges. Authorizes the state board to develop criteria, procedures, and accountability standards for the certification of workplace literacy programs.

APPROVED by Governor April 6                      EFFECTIVE                      July 1

H.B. 1284 Unemployment compensation - separation due to use of alcohol or a controlled substance - quitting for a better job. Limits the circumstances under which a claimant may receive a full award for unemployment benefits due to a separation because of off-the-job or on-the-job use of alcohol or a controlled substance. Specifies that a person who is separated because of such substance abuse cannot receive a full benefit unless: There is an admission of addiction; a licensed physician substantiates the addiction or the claimant substantiates the successful completion of or participation in a treatment program; and the claimant has not previously received benefits for health reasons caused by use of alcohol or a controlled substance. If not affiliated with an approved treatment program, requires the claimant to have a plan of corrective action in an approved treatment facility or alcoholics anonymous program. Disqualifies a claimant who fails to participate in or complete a treatment program. Sets forth the procedures to be followed when an employer alleges that a claimant has failed to participate in or complete a treatment program.

Amends the provisions that allow awards of full benefits when the claimant quits for a better job to remove the consideration of what a reasonably prudent person would have done and to add consideration of a comparison of the employer-paid benefits between the job quit and the job accepted.

APPROVED by Governor May 23

EFFECTIVE

July 1



MOTOR VEHICLES AND TRAFFIC REGULATION

S.B. 43 School buses - stops - passing violations - citation based on information from school bus driver - penalty - points. Requires any driver of a school bus who observes a vehicle illegally pass a stopped school bus to provide information concerning the violation to his school district transportation dispatcher, including the license plate number of the vehicle and descriptions of the vehicle and driver. Requires school district transportation dispatchers to provide such information to the appropriate law enforcement agencies. Allows law enforcement agencies to issue citations to drivers of vehicles on the basis of information provided by school bus drivers. Requires the driver of a school bus which has stopped and from which children have embarked or disembarked to allow time for vehicles which have stopped behind the bus to pass. Makes a second or subsequent violation within 5 years of a previous violation of these provisions a class 1 misdemeanor traffic offense. Increases from 5 points to 6 points the number of points to be assessed for purposes of driver's license suspension for failure to stop for a school bus.

APPROVED by Governor April 6                      EFFECTIVE                      July 1

S.B. 44 Special license plates - recipients of purple hearts - active members of Colorado national guard. Directs the department of revenue to issue special license plates for certain motor vehicles owned by recipients of the purple heart and by active members of the Colorado national guard. Specifies that the taxes and fees for such special license plates shall be the same as those paid for regular motor vehicle registration, plus an additional one-time fee of \$10. Requires proof of eligibility to be submitted at the time of application for said special license plates.

APPROVED by Governor April 13                      EFFECTIVE                      July 1

S.B. 86 School buses - discharge of passengers onto major thoroughfares - prohibitions. Requires the state board of education to promulgate regulations on the discharge of passengers from school buses. Requires such regulations to prohibit the discharge of passengers from school buses which will result in the passenger's immediately crossing a major thoroughfare and to prohibit the discharging and loading of a school bus passenger onto the side of a major thoroughfare whenever there is adjacent access to the passenger's destination. Defines "major thoroughfare".

APPROVED by Governor April 14                      EFFECTIVE                      April 14

S.B. 109

Alcohol and drug-related traffic offenses - per se offense - driver's license revocation proceedings - appropriation. Lowers the blood alcohol level required for the offense of driving with an excessive alcoholic content (the per se offense) to 0.10. Allows a person to be charged with such offense if his blood alcohol level is above the per se level at the time of driving or within 2 hours after driving if evidence establishes beyond a reasonable doubt that the person did not consume any alcohol between the time of driving and the time of testing.

Lowers the blood alcohol level required for administrative revocation of a person's driver's license for driving with an excessive alcoholic content to 0.10. Allows the department of revenue to revoke the driver's license of a person if his blood alcohol level is at or above such level at the time of driving or within 2 hours after driving if the preponderance of the evidence establishes that the person did not consume any alcohol between the time of driving and the time of testing. Reduces the period of license revocation for a person whose license is revoked after July 1 for the first time for driving with an excessive alcoholic content to 3 months but retains the one-year revocation period for a person whose license is revoked for a second or subsequent time for driving with an excessive alcoholic content or for refusing to take a blood or breath test. Allows a person whose license was revoked prior to July 1 for the first time for driving with an excessive alcoholic content to petition the department of revenue for a new license once he has completed 4 months of his revocation period.

Adds a legislative declaration concerning the administrative revocation provision. Allows a law enforcement officer who serves notice of revocation on a nonresident to take possession of such person's driver's license. Reduces the time within which the department of revenue must provide written notice of the time and place of the revocation hearing from 20 days to 10 days. Clarifies that the only issue that the hearing officer may consider is whether the person drove with an excessive alcoholic content or refused to take a blood or breath test. Provides that restoration fees collected from persons whose licenses were revoked pursuant to the administrative revocation provision shall be credited to a special account in the highway users tax fund and used by the department to administer said provision.

Changes the term "intoxicating liquor" to "alcohol" in motor vehicle and criminal provisions. Deletes the word "chemical" in relation to blood, breath, saliva, or urine tests. Clarifies that a preliminary screening test shall not constitute the blood or breath test that may be

requested by a law enforcement officer.

Appropriates \$54,160 and 1.9 FTE to the department of revenue from the special account in the highway users tax fund for administration of the administrative revocation provisions.

APPROVED by Governor April 21                      EFFECTIVE                      July 1

S.B. 112    Motor vehicle insurance - property damage caused by uninsured motorists. Requires that every policy of motor vehicle insurance provide optional coverage for property damage to the insured vehicle caused by uninsured motorists. Requires that protection offered cover actual cash value of the insured vehicle or the amount of any applicable collision insurance deductible. Provides that coverage under this provision shall not be applicable where there is no physical contact with an uninsured motor vehicle or where damages are payable under any other property insurance.

Applies to policies issued for delivery or renewed on or after January 1, 1989.

APPROVED by Governor April 4                      EFFECTIVE Jan. 1, 1989

S.B. 130    Traction devices - operation of motor vehicles on highways under restricted driving conditions. Expands the types of traction devices which will permit a motor vehicle to traverse state highways under restricted driving conditions.

APPROVED by Governor April 14                      EFFECTIVE                      April 14

S.B. 145    Optional license plates - authorization. Authorizes the department of revenue to issue optional license plates for either a passenger car or a truck not over ten thousand pounds empty weight. States that such optional plates shall have a background consisting of a graphic design representing the state flag and shall consist of numbers or letters or any combination thereof, as approved by rules and regulations of the department. Specifies that the amount of taxes and fees for such optional plates shall be \$25 more than the taxes and fees paid for regular plates. Credits the extra \$25 to the highway users tax fund. Permits the executive director of the department to prepare any special forms and issue any rules and regulations necessary to implement this provision. Allows the executive director to adopt rules and regulations to issue other special license plates.

BECAME LAW without Governor's signature                      April 22  
EFFECTIVE                      Jan. 1, 1989

S.B. 167 Traffic infraction cases - authority of district attorney to enter for limited purposes. Allows the district attorney or his deputy to enter traffic infraction cases for the limited purpose of attempting a negotiated plea or a stipulation to deferred prosecution or deferred judgment and sentence.

APPROVED by Governor April 14 EFFECTIVE July 1

H.B. 1019 Commercial vehicles - penalty for violation of safety standards. Changes the penalty for the violation of a safety standard of the department of public safety for commercial vehicles to a class 2 misdemeanor traffic offense with a minimum penalty of 10 days imprisonment or a \$10 fine, or both, and a maximum penalty of 90 days imprisonment or a \$300 fine, or both.

APPROVED by Governor February 26 EFFECTIVE July 1

H.B. 1064 Driving records maintained by the department of revenue - admissibility in court proceedings - records not to be maintained. Amends a provision governing driving records maintained by the department of revenue to clarify that authenticated copies of such records, including driver histories, shall be admissible in courts of record without further foundation and shall constitute prima facie proof of the information contained in such records.

Prohibits the department of revenue from maintaining records of convictions of traffic offenses for which no points are assessed, except in the case of convictions for operating a vehicle when the operator's driver's license or privilege to operate a vehicle has been denied, suspended, or revoked.

APPROVED by Governor March 4 EFFECTIVE March 4

H.B. 1098 Driving without insurance or proof of insurance - penalties. Makes the existing fine of \$100 mandatory for a first offense. Increases the fine to \$200 and makes it mandatory for second and subsequent offenses within 2 years of the first offense. Assesses 4 points under the point assessment schedule for driver's license suspensions for such an offense and mandates that the person convicted shall be sentenced to perform not less than 40 hours of community service. Corrects printed notice on motor vehicle registration and renewal of registration forms to reflect changes in penalties for driving without insurance.

Applies to offenses committed on or after January 1, 1989.

APPROVED by Governor March 24 EFFECTIVE Jan. 1, 1989

H.B. 1099 Windshields - transmittance of light. Establishes a 27% light transmittance standard for the front side windows and a 70% light transmittance standard for the windshield for all motor vehicles registered in Colorado. Requires the front side windows as well as the windshield to allow 70% light transmittance if the windows to the rear of the driver, including the rear window, on any motor vehicle allow less than 27% light transmittance.

Provides that, on or after January 1, 1989, any person who operates a motor vehicle which violates the light transmittance standards shall be punished by a fine of \$50. Further provides that any person who installs, covers, or treats a windshield or window so that it does not meet the light transmittance standards shall be punished by a fine of not less than \$500 nor more than \$5,000.

APPROVED by Governor April 6                      EFFECTIVE                      April 6

H.B. 1101 Impounded vehicles - hearing procedures. Adds to the information provided by the Colorado state patrol to the owner of an impounded motor vehicle in the initial notice of impoundment. Requires the owner to furnish more complete information to the county court when requesting a hearing concerning the validity of the motor vehicle's impoundment by the Colorado state patrol. Creates a form to be provided to the owner with the notice of impoundment to facilitate the owner's written request for said hearing. Requires that the Colorado state patrol be named as a party to the action, and that both parties receive notice of the date, time, and location of the hearing. Extends the time within which a hearing must be held from 72 hours to 5 days. Limits the liability of the Colorado state patrol for invalid impoundment. Expedites disposition of the motor vehicle once statutory requirements have been fulfilled. Protects the notice rights of lienholders.

APPROVED by Governor March 18                      EFFECTIVE                      March 18

H.B. 1144 Weight limitations - vehicles operated on highways. Eliminates certain limitations on the gross weight allowed upon any wheel or axle of a vehicle which may be operated on any interstate highway by deleting references to the pressure of pneumatic tires with which the vehicle is equipped. Modifies the formula for determining the maximum gross weight of vehicles or combinations of such vehicles to express the algebraic format approved by federal law.

APPROVED by Governor March 24                      EFFECTIVE                      March 24

H.B. 1146 Reports of accidents - threshold amount of property damage. Raises the threshold amount of property damage requiring a report of a motor vehicle accident from \$500 to \$1,000. Provides that, in such accidents, law enforcement officers are not required to complete an investigation or make a report unless one of the participants specifically requests that such an investigation or report be made or cannot show proof of insurance.

States that nothing in these provisions is to affect the underwriting of motor vehicle insurance policies issued under the "Colorado Auto Accident Reparations Act".

APPROVED by Governor April 6                      EFFECTIVE Jan. 1, 1989

H.B. 1153 Motor vehicle identification - inspections - appropriation. Conforms the penalties for theft of motor vehicle parts to the general theft penalties in the "Colorado Criminal Code". Changes the terminology in the motor vehicle theft statutes to conform to other motor vehicle and traffic statutes by deleting the term "automobile" and substituting "motor vehicle".

Specifies the requirements for the inspection of vehicle identification numbers prior to the issuance of a Colorado certificate of title for bonded title vehicles, homemade vehicles, rebuilt vehicles, reconstructed vehicles, and vehicles assembled by kit. Authorizes law enforcement agencies designated by the motor vehicle division in the department of revenue to make such inspections. Requires the person performing inspections to be certified by the P.O.S.T. board.

Establishes a \$20 inspection fee and provides that the fees collected shall be kept in a special fund to be used to pay the administrative costs of the law enforcement agency in performing inspections unless the governing body of the local government through resolution or ordinance orders the fees to be paid into the general fund of said government.

Authorizes the motor vehicle division to assign vehicle identification numbers under specified circumstances.

Appropriates \$4,510 from the vehicle identification number inspection fund to the department of public safety for allocation to the Colorado state patrol. Appropriates \$5,400 of the certification fees collected from peace officers to the department of public safety for allocation to the Colorado law enforcement training academy.

APPROVED by Governor April 29                      EFFECTIVE                      July 1

H.B. 1160 Rental vehicles - payment of specific ownership tax. Provides for an alternative method of paying the specific ownership tax on rental vehicles when the primary business of the owner of such vehicles is the rental of such vehicles for periods of less than 45 days. Specifies that such alternative method of payment involves the collection from the user of a rental vehicle of the specific ownership tax in an amount equivalent to 2% of the amount of the rental payment. Requires the owner of such rental vehicles to file monthly reports and to remit said specific ownership tax collected.

Allows the alternative method of payment of the specific ownership tax to be discretionary for owners of vehicles which are based in Colorado for rental purposes. Requires authorization prior to using the alternative method of payment. Imposes an additional fee of \$1 to be paid by the owner of such rental vehicles at the time of registration of such vehicles if the alternative method of payment of specific ownership tax has been authorized. Requires the alternative method of payment of specific ownership tax to be mandatory for owners of vehicles which are based in a state other than Colorado for rental purposes.

Imposes a fine upon the conviction of any owner of rental vehicles based in Colorado for failure to register or to pay all applicable taxes and fees on such vehicles or of any owner of rental vehicles based in a state other than Colorado for failure to pay all applicable taxes on such vehicles. Designates such fine as an amount equal to 2% of the annual gross dollar volume of the business of the owner of such rental vehicles which is attributable to the rental of such vehicles.

APPROVED by Governor March 24

EFFECTIVE

July 1

H.B. 1192 Uninsured motorists - proof of financial responsibility - appropriation. Requires that any owner of a motor vehicle who is convicted of operating the vehicle without insurance or convicted of permitting another to operate the vehicle without insurance provide the department of revenue with proof of financial responsibility for the future and requires such proof of insurance to be maintained for a three-year period. Provides that any person failing to maintain proof of insurance as required shall have his driver's license suspended and, if convicted of a traffic violation, without maintaining proof of insurance at the time of the violation, shall have his driver's license revoked.

Appropriates \$84,607 out of the highway users tax fund and 1.0 FTE to the department of revenue for implementation of the act.

APPROVED by Governor May 17

EFFECTIVE

May 17

H.B. 1246 Bicycles and cyclists - traffic laws. Revises traffic laws applicable to bicycles and to operators of bicycles. Provides specific rules for the operation of bicycles on roadways and on sidewalks and for the parking of bicycles. Specifies that a violation of any provision of such rules is a class 2 misdemeanor. Includes bicycles within the definition of "vehicles" for traffic laws in general, thereby making any person riding a bicycle who violates a traffic law provision subject to the same penalty as any other vehicle; except that the provision for the suspension of a driver's license shall not apply. Specifies equipment required for bicycles and establishes that a violation of such equipment requirements is a class B traffic infraction. Provides that, in the case of a traffic accident involving a nonmotorized vehicle, if such accident does not involve serious bodily injury to or death of any person, a law enforcement officer shall not be required to submit a report of such traffic accident.

APPROVED by Governor April 20

EFFECTIVE

July 1



NATURAL RESOURCES

S.B. 52 Auction or raffle of big game licenses - rocky mountain big horn sheep and rocky mountain goats. Authorizes the division of wildlife to issue up to two male rocky mountain big horn sheep licenses each year through a competitive auction or raffle and two male or female rocky mountain goat licenses each year through a competitive auction or raffle. Requires the wildlife commission to promulgate rules and regulations for the use of the licenses and the conducting of the auctions or raffles. Permits the commission to authorize a nonprofit organization involved in the conservation of rocky mountain big horn sheep and a nonprofit organization involved in the conservation of rocky mountain goats to conduct auctions or raffles. Requires the proceeds of the sheep license auction or raffle to be used for the benefit of rocky mountain big horn sheep research, habitat development, or both such research and development and the proceeds of the goat license auction or raffle to be used for the benefit of rocky mountain goat research, habitat development, or both such research and development.

Requires the commission to report to the general assembly by February 1 of each year concerning the use of such proceeds.

APPROVED by Governor April 9                      EFFECTIVE                      April 9

S.B. 65 Oil and gas production - pooling of unleased nonconsenting mineral owner - lease terms - jurisdiction of commission. Provides that the oil and gas commission shall not enter an order pooling an unleased nonconsenting mineral owner over protest of such owner until the commission has received evidence that such owner has been tendered a reasonable lease offer under terms no less favorable than those prevailing in the area at the time of the application for the order. Requires that such mineral owner shall be provided with his estimated share of the costs for drilling, completion cost of the well, and the spud date. Retains jurisdiction with the commission during the cost recovery period so that the commission may determine the reasonableness of costs of operation of the well attributable to the interest of the nonconsenting owner.

APPROVED by Governor April 4                      EFFECTIVE                      April 4

S.B. 128 Mining - health and safety laws. Recognizes that the mining industry is vital to Colorado's economy and that safe and healthful mining practices can only be accomplished with state and federal cooperation. Creates a

division of mines to, among other things, assist miners in complying with federal law, to help establish mine safety programs, and to investigate mine accidents.

Creates the offices of commissioner of mines and director of the division of mines. Provides that the commissioner is responsible for directing the activities of the division with the assistance of the director. Authorizes the director to promulgate rules to implement the provisions of this act. Prohibits the commissioner or director or the division staff from releasing information relating to mine processes. Requires the director to report to the executive director of the department of natural resources.

Authorizes the division to inspect tourist mines and to close such mines if they are found to be dangerous.

Repeals and recreates provisions for a coal mine board of examiners which is required to establish criteria and issue certificates of competency for positions in coal mines for which certification is required and to revoke such certificates where revocation is deemed proper. Requires the board to meet at least once each year and to give examinations for certifications. Requires a person to have a certificate of competency if he is working in or about any coal mine in a position designated by federal law. Establishes a procedure for the revocation of a certificate of competency and requires that such proceedings be conducted in accordance with the administrative procedure act. Provides that a certificate of competency shall become null and void if the certificate holder is not employed in the coal mining industry for a period of 5 years. Establishes a \$25 certification fee and sets out qualifications for candidates for certificates of competency.

Sunsets the board of coal mine examiners.

Authorizes the division to establish miner training programs and requires the division to assist mine operators in mine safety, including the equipping and training of mine rescue teams.

Requires mine operators to make an annual report and to submit a map of the surface property and the underground workings to the division. Requires mine operators to obtain permits to use explosives or diesel-powered machinery.

Requires mine operators to notify the director prior to the opening or abandoning of any mine and to post a warning on abandoned workings and workings where work is temporarily suspended. Requires that abandoned or inactive mines be covered or fenced and provides that any person who

removes such covering or fencing is guilty of a misdemeanor. Provides that any person who desires to enter an abandoned mine without the owner must first secure written permission from the commissioner or the director.

Establishes original jurisdiction in the county courts for prosecutions of violations relating to the provisions requiring permits for explosives.

BECAME LAW without Governor's signature  
PORTIONS EFFECTIVE

May 3  
May 3  
July 1

S.B. 134 Unpatented mining claims - recording fee for affidavit of annual labor. Establishes a fee of \$5 for recording with the county clerk each unpatented mining claim named in an affidavit of annual labor.

Provides that this provision will take effect only upon passage by the voters at the 1988 general election of H.C.R. 1009 which would amend the constitution to exempt unpatented mining claims from property taxation.

APPROVED by Governor April 6

EFFECTIVE Jan. 1, 1989

S.B. 162 Mined land reclamation act - revisions. Declares that it is the intent of the general assembly to encourage the development of the mining industry while at the same time requiring that persons involved in mining operations reclaim land affected by such operations.

Modifies the definition of "affected land" to exclude certain roads; clarifies the definition of "reclamation"; and defines other mining related terms.

Creates the division of mined land reclamation in the department of natural resources and authorizes the board of mined land reclamation to delegate authority to said division.

Revises requirements for reclamation permits and for limited impact mining operations. Requires that applications for special permits include a statement that the operator has applied for necessary local government approval in lieu of the previous requirement that the permit application comply with local and federal laws. Requires operators to whom reclamation permits are issued to adopt a reclamation plan and to submit such plan and a specified fee to the division. Repeals and reenacts requirements for reclamation plans.

Changes the penalties imposed against operators who operate without a permit or who operate outside the scope of their permit to a single penalty of not less than \$1,000 per day and not more than \$5,000 per day for a period not to exceed 60 days. Specifies that limited impact operators remain subject to the lower penalties of previous penalty provisions.

APPROVED by Governor May 6 EFFECTIVE July 1

H.B. 1088 Division of parks and outdoor recreation - registration of watercraft. For purposes of registration by the division of parks and outdoor recreation includes sailboards under the definition of "sailboat". Specifies those watercraft which are exempt from registration requirements.

APPROVED by Governor March 16 EFFECTIVE March 16

H.B. 1166 Hunting, trapping, and fishing activities - intentional interference - petty offense. Prohibits conduct which is willfully designed to prevent or interfere with lawful hunting, trapping, and fishing activities. Makes such conduct a class 2 petty offense punishable by a fine of not less than \$100 nor more than \$500 and an assessment of 20 license suspension points. Defines "intentional interference", excluding specifically the actions of law enforcement officers and personnel of the division of wildlife in the performance of official duties as well as landowners, tenants, and leaseholders exercising their legal rights to the enjoyment of land. Makes any person convicted of such conduct liable for all court costs of prosecution and civilly liable to the person whose lawful activity was obstructed.

BECAME LAW without Governor's signature April 23  
EFFECTIVE July 1

H.B. 1184 Colorado Natural Areas Act - transfer of administration. Transfers the responsibility for administration of the "Colorado Natural Areas Act" from the department of natural resources to the board of parks and outdoor recreation. Allocates the duties, powers, and restrictions formerly imposed on the executive director of the department of natural resources to the director of the division of parks and outdoor recreation.

Designates the Colorado natural areas council as an advisory council to the board of parks and outdoor recreation instead of being a part of the office of the executive director of the department of natural resources. Removes the statutorily imposed election date of the

chairman of the natural areas council and removes the requirement that the department of natural resources furnish the technical, clerical, legal, and other services to the natural areas council. Requires that the natural areas council be reviewed prior to its termination on July 1, 1999, by the sunrise and sunset review committee.

Requires the board of parks and outdoor recreation to notify the board of county commissioners in a county where a designation of a natural area is being considered 90 days prior to the final designation action.

Provides that any member serving on the natural areas council on January 1, 1988, shall continue serving until the expiration of his term.

APPROVED by Governor March 23                      EFFECTIVE                      March 23

H.B. 1208 Snowmobiles - registration requirements - exemptions. Requires that snowmobiles in the possession of a person at any staging area must meet registration requirements. Defines the terms "possession" and "staging area". Exempts from registration requirements those snowmobiles used only in sanctioned races.

APPROVED by Governor March 24                      EFFECTIVE                      March 24

H.B. 1253 Arkansas River Recreational Act - regulation of recreational use on Arkansas river. Declares that it is the intent of the general assembly to safeguard the recreational quality of the Arkansas river and the adjacent lands. Grants the board of parks and outdoor recreation the authority to regulate the manner, type, time, location, and amount of recreational use on that portion of the Arkansas river that runs from the confluence of the Lake Fork and the East Fork of the Arkansas river to the Pueblo reservoir. Stipulates that the board shall keep the regulation of recreational uses to a minimum, but consistent with the underlying intent of these provisions.

Authorizes the board to enter into agreements with municipalities, water conservancy districts, and private individuals to effect reservoir operation that will supply water flows that are beneficial to recreation. States that these provisions are not to be construed as in any way diminishing property rights, modifying water rights, granting water rights to the board, regulating reservoirs, diversion structures, or other facilities necessary for storing, diverting, or carrying water, or requiring minimum stream flows or water levels.

APPROVED by Governor April 21                      EFFECTIVE Jan. 1, 1989

H.B. 1344 Limitations on liability of private landowners - use of property leased or used by public entities for recreational purposes. Limits the liability of private landowners who lease land or a portion thereof to a public entity or who grant an easement or other rights to use land to a public entity for recreational purposes to the same limits as in the "Colorado Governmental Immunity Act". Provides that such limitations on liability apply only when access to the property is limited to invited guests, when the person injured is an invited guest of the public entity, and when the use of the land is for recreational purposes, and only during the term of the lease, easement, or grant. Provides that the business or commercial enterprise exclusion does not apply to land which is leased for recreational purposes or in which an easement or right has been granted for recreational purposes. Defines the terms "invited guests", "land", and "recreational purposes".

States that this provision shall not limit, enlarge, or affect the liability of a public entity and shall not limit the statutory protections applicable to landowners.

APPROVED by Governor May 29

EFFECTIVE

May 29

PROBATE, TRUSTS, AND FIDUCIARIES

- S.B. 193 Fiduciaries - rights of a surviving spouse in a life estate in property. Entitles the surviving spouse to specified rights upon receipt of a life estate in property from the decedent spouse. States that these provisions shall be interpreted consistently with those of section 2056 (b) (7) of the "Internal Revenue Code of 1954", as amended, if the personal representative of the decedent spouse elects to treat such life estate as qualified terminable interest property under said Internal Revenue Code section.

Applies to the estate of any person whose death occurred after December 31, 1981.

APPROVED by Governor May 17                      EFFECTIVE                      May 17

- H.B. 1052 Investment in United States government obligations - fiduciaries and state banks. Provides that any fiduciary or state bank permitted or required to invest in United States government obligations may invest in said obligations directly or indirectly through investment in the securities of, or other interests in, entities holding exclusively United States government obligations, including fully collateralized repurchase agreements if the entity takes actual delivery, either directly or through a custodian.

APPROVED by Governor April 6                      EFFECTIVE                      April 6

- H.B. 1131 Guardianships and estate administration - minors, missing persons, incapacitated persons, and others - incorporation of uniform law - limited guardianships and conservatorships. Amends existing provisions of the "Colorado Probate Code" concerning guardianships for minors and incapacitated persons and the administration of the estates and affairs of minors, missing persons, and protected and incapacitated persons to incorporate provisions of the "Uniform Guardianship and Protective Proceedings Act". Extends the provisions of current Colorado law to include limited guardianships for minors and limited conservatorships for the estates of protected persons.

APPROVED by Governor March 24                      EFFECTIVE                      July 1

PROFESSIONS AND OCCUPATIONS

- S.B. 11 Physical therapists - direct access. Allows the public to have direct access to a physical therapist for treatment by repealing a provision which prohibits a physical therapist from treating a patient without first obtaining a prescription or referral of a physician, dentist, or podiatrist. Repeals the definition of "prescription".

APPROVED by Governor April 14                      EFFECTIVE                      July 1

- S.B. 12 Engineers and professional land surveyors - licensure, registration, and enrollment - continuation of board of registration - board membership - disciplinary actions - surveys and boundaries. Clarifies requirements for licensure, registration, and enrollment of professional engineers and professional land surveyors. Exempts from such requirements those persons who are actively employed by the federal government.

Changes criteria for the membership of the state board of registration for professional engineers and professional land surveyors, limits appointments to 2 full terms, and eliminates the need to file an oath. Clarifies the function of the surveyor quorum of the board. Requires that the board ensure written examinations measure levels of minimum competency. Repeals one rule of the board.

Adds to and clarifies grounds for disciplinary action by the board of registration. Allows the board to issue letters of admonition and reconsider any action. Requires that charges against engineers or land surveyors be referred to hearing within 5 years of filing, rather than within one year.

Establishes guidelines for the use of the professional engineer seal.

Changes certain technical provisions concerning surveys and boundaries.

Extends the automatic termination date of the board to July 1, 1994, pursuant to the provisions of the "Sunset Law".

APPROVED by Governor April 9                      EFFECTIVE                      July 1

- S.B. 90 Issuance of hotel and restaurant license - restaurant business of a brewery. Authorizes the issuance of a hotel and restaurant license to persons operating a licensed brewery to serve the malt liquors manufactured at the



brewery in addition to serving other malt liquors, vinous liquors, and spirituous liquors at retail for consumption in a restaurant operated on or immediately adjacent to the premises of the brewery. Provides an exception to the requirement that a hotel and restaurant licensee purchase all malt, vinous, and spirituous liquors from a licensed wholesaler for the malt liquors manufactured by a licensed brewery which is issued a hotel and restaurant license. Provides that, when a licensed brewery has been issued a hotel and restaurant license, transactions between a licensed brewery and its licensed hotel and restaurant business are exceptions to the prohibition against unlawful financial assistance.

APPROVED by Governor March 30      EFFECTIVE      March 30

H.B. 1003 Licensure requirements - letters of credit issued by bank or banks for cooperatives. Provides that the letter of credit requirement for certain types of licenses shall be satisfied by an irrevocable letter of credit issued by the bank or banks for cooperatives which serve the region in which Colorado is located.

APPROVED by Governor March 31      EFFECTIVE      March 31

H.B. 1026 Occupations relating to mental health - licensing and discipline - regulatory boards - appropriation. Repeals and reenacts statutory provisions relating to the Colorado state board of psychologist examiners and the state board of social work examiners and continues these boards. Creates the state board of marriage and family therapist examiners for the regulation of the practice of marriage and family therapists and the state board of licensed professional counselor examiners for the regulation of the practice of licensed professional counselors. Establishes these 4 boards as the licensing agencies for their respective professions. Authorizes such boards to deny an applicant a license or deny reinstatement of a license. Requires the mandatory disclosure of certain information to clients. Establishes provisions relating to confidential communications between licensees and clients.

Enacts regulatory provisions for marriage and family therapists and for licensed professional counselors.

Authorizes establishment of professional review committees to investigate the quality of care given by licensees who are members of professional societies or associations if authorized by a professional society or association in the same field of practice. Specifies requirements necessary for certain psychotherapists who form professional service corporations. Authorizes

certified school psychologists to conduct certain activities outside the school setting while using their title.

Creates the state grievance board. Lists prohibited activities and authorizes the grievance board to deny, revoke, or suspend licenses, place licensees on probation, or issue letters of admonition. Requires the licensing boards to refer a decision to grant or deny an application or request for reinstatement to the grievance board if the licensing board has reason to believe or receives any information that an applicant or renewal applicant has committed any of the acts set forth as grounds for discipline. Requires the grievance board to conduct a hearing prior to denying, revoking, suspending, or not renewing a license or placing a licensee on probation. Authorizes the grievance board to request injunctive relief against licensed and unlicensed persons, including certified school psychologists, for committing any prohibited activity or for violating any other regulatory provision.

Makes conforming amendments.

Appropriates \$363,103 from the division of registrations cash fund and 3.5 FTE to the department of regulatory agencies for implementation of the act.

APPROVED by Governor April 13                      EFFECTIVE                      July 1

H.B. 1031 Electricians - continuation of electrical board - additional authority of board - requirements for licensure as electrician or wireman - fees for local registration of electrical contractors - exemptions from regulation by board - repeal of rules and regulations. Gives the state electrical board additional authority to investigate electrical practices and to pursue disciplinary action against violators. Specifies that disciplinary proceedings comply with the "State Administrative Procedure Act" and gives the court of appeals initial jurisdiction over final actions by the board. Gives the board and other specified individuals immunity against legal actions for actions taken in good faith.

Amends the requirements for licensure as a master electrician, journeyman electrician, and residential wireman. Makes electrical contractors subject to registration rather than licensure. Outlines the registration and supervisory requirements of apprentices.

Prevents local governments from collecting a fee for the local registration of electrical contractors.

Exempts various electrical work activities, and the persons performing such work, including cable television companies, security systems, electric signs, lawn sprinkler systems, sound recording and reproduction systems, and fire alarm systems from regulation by the board.

Repeals various rules and regulations promulgated by the board.

Extends the automatic termination date of the state electrical board to July 1, 1998, pursuant to the provisions of the "Sunset Law".

APPROVED by Governor March 17                      EFFECTIVE                      July 1

H.B. 1032 Plumbers - definitions - plumbing code - continuation of examining board of plumbers - board membership - powers of board - immunity of board members - licensure - inspections. Amends the definition of "plumbing" to exclude certain activities related to sewer systems. Defines the term "gas piping".

Clarifies that the Colorado plumbing code is the standard upon which all local plumbing codes must be based in accordance with the definition of said code. Allows for local government amendments to the code if such amendments are at least equal to the code's minimum requirements. Grants exceptions to the code in certain unique situations.

Changes the composition of the examining board of plumbers and provides for the removal of any member of the board by the governor for misconduct, incompetence, or neglect of duty. Adds additional grounds for disciplinary action by the board and authorizes the board to issue letters of admonition, to place violators on probation, to reconsider its decisions, and to assess fines for violations. Gives the board and various other individuals immunity against legal actions by a licensee for actions taken in good faith. Provides for the appointment of a program administrator to work with the board in carrying out its duties.

Repeals certain rules and regulations of the board which conflict with or exceed its authority.

Requires insurance companies to report malpractice settlements or judgments involving plumbers.

Modifies various licensure requirements. Allows applicants for licensure to use various work and educational experiences to satisfy the experience requirements for licensure. For license examinations, requires the board to ensure that a passing grade reflects

a minimum level of competency. Revises provisions for the renewal and reinstatement of a license.

Exempts persons engaged in the business of backflow prevention devices and federal employees performing plumbing work from regulation.

Establishes a program for the inspection of plumbing and gas piping installations which includes the issuing of permits, the collection of inspection fees, and the use of state and local inspectors.

Extends the automatic termination date of the board to July 1, 1998, pursuant to the provisions of the "Sunset Law".

APPROVED by Governor April 29                      EFFECTIVE                      July 1

H.B. 1039 Architects - continuation of board of examiners of architects - licensure requirements - disciplinary action - corporate practices - repeal of rules and regulations. Changes some of the membership qualifications for the state board of examiners of architects. Sets limits on the amount of education and experience the board may require of applicants for licensure. Requires the board to examine and modify licensure examination requirements and practices. Modifies existing grounds and adds grounds for disciplinary action against licensees. Authorizes the board to issue letters of admonition, to assess fines for violations, and to reconsider its decisions regarding discipline. Prohibits application for relicensure for a period of 2 years after revocation of a license. Makes final actions or orders of the board appealable to the court of appeals. Gives the board and other specified individuals immunity in civil actions under certain circumstances.

Extends coverage of various provisions of the law to include corporations, partnerships, and groups of persons practicing architecture.

Repeals certain rules and regulations of the board.

Extends the automatic termination date of the board to July 1, 1998, pursuant to the provisions of the "Sunset Law".

APPROVED by Governor March 24                      EFFECTIVE                      July 1

H.B. 1112 Manufactured housing - inspection of water and sewer hookups. Allows the examining board of plumbers to promulgate rules and regulations regarding the inspection of manufactured housing water and sewer hookups. Exempts from regulation the installation of such hookups to individual residential or temporary construction units. Permits the board to employ inspectors and charge fees for such inspections.

APPROVED by Governor March 18                      EFFECTIVE                      March 18

H.B. 1138 River-outfitting - definitions - licensing of river outfitters - guides, trip leaders, and guide instructors. Clarifies and distinguishes, by definition, the roles of river outfitters, guides, trip leaders, and guide instructors in river-running activities. Continues the licensing and regulation of river outfitters until October 1, 1994.

Exempts from regulation as river outfitters those individuals and entities which provide motor vehicles, vessels, or other equipment for rent or provide canoeing or kayaking instruction.

Repeals and reenacts provisions specifying the minimum qualifications for a river outfitter's license, thereby eliminating minimum age, experience, and first aid training qualifications. Retains the requirements regarding safety standards and evidence of liability insurance. Makes the requirement for a minimum amount of insurance a combined single limit for property damage and bodily injury.

Includes river outfitters which are corporations in licensing provisions. Imposes the same criminal liability on the officers of a corporation which operates a river-outfitting business without a license and without insurance, as is imposed on an individual for the same offense.

Establishes minimum qualifications for guides, trip leaders, and guide instructors, including a minimum age of 18 years, first aid training, and certain amounts of experience on rivers.

Changes the penalty for a guilty plea, a plea of nolo contendere, or a conviction of criminal trespass in a first offense, nonemergency situation from license revocation to the penalties as prescribed under criminal trespass provisions. Upon a second offense, requires the river outfitter's license be revoked.

APPROVED by Governor April 29                      EFFECTIVE                      October 1

H.B. 1139 Outfitters and guides - regulation. Repeals and reenacts the statutory provisions for the regulation of outfitting activities. Defines "outfitter" to mean any individual providing, for compensation, facilities, services, or transportation for the purpose of hunting or fishing on land other than one's own. Defines "guide" to mean any individual employed by an outfitter for the purpose of guiding, leading, or assisting. Provides for the registration and regulation of outfitters and guides by the division of registrations in the department of regulatory agencies.

Provides that an applicant for registration as an outfitter shall pay a nonrefundable registration fee and meet certain requirements, including previous requirements for liability insurance coverage, a surety bond, and first aid training. Raises the minimum age requirement for outfitters from 18 years to 21 years. Removes the residency and examination requirements.

Increases the penalties for violations of such registration requirements. Specifies violations to be misdemeanors, punishable by a fine of \$1,000 to \$5,000, or by jail imprisonment for not more than one year, or both. For a second or subsequent violation, states that the violator commits a class 5 felony. Requires that 75% of the fines collected be distributed to the division of registration for the costs of administration, and 25% to any federal, state, or local law enforcement agency assisting with the investigation.

Requires that guides be at least 18 years of age and have first aid training. Allows the director to suspend, revoke, or place on probation an outfitter's registration if a guide is employed who fails to meet such requirements.

Enumerates the circumstances for which the director may deny, suspend, revoke, or place on probation an outfitter's registration including disciplinary action related to the practice of outfitting in another jurisdiction. Requires any person found to have committed a violation to pay for the costs incurred in the administrative proceeding.

Authorizes the director to issue cease and desist orders to any person acting in violation of regulatory provisions. Requires the attorney general or district attorney to bring suit for a temporary restraining order and for injunctive relief at the request of a director when such cease and desist order is not obeyed.

Requires that an outfitter provide a written contract to the client and specifies the information which must be included in such contracts. Makes void any written

contract for outfitting services if the outfitter is not in compliance with registration requirements.

Subjects all personal property used in outfitting in violation of regulatory provisions to seizure, confiscation, forfeiture, destruction, or sale as a public nuisance. Provides for disbursement of the proceeds of any such sale to cover the fees and costs of the sale and to the office of the district attorney who has brought the action.

Allows the director to appoint an advisory committee to make recommendations concerning outfitting and provides immunity to any person acting as a consultant to the director, as well as to witnesses, and complainants.

Grants initial jurisdiction for review of final actions and orders to the court of appeals.

Provides for annual appropriations from the division of registrations cash fund for expenditures of the division incurred in the performance of its duties under these provisions.

Repeals these provisions, and the regulatory powers, duties, and functions of the division of registrations, on July 1, 1993. Provides for review by the sunrise and sunset review committee prior to said repeal.

APPROVED by Governor April 29

EFFECTIVE

July 1

H.B. 1155 Practice of optometry - definition - therapeutic and pharmaceutical measures - required training and examination - unprofessional conduct - financial responsibility standards - continuation of state board of optometric examiners - appropriation. Modifies the definition of the practice of professional optometry to clarify the therapeutic and pharmaceutical measures an optometrist may and may not use. Lists classes of pharmaceutical agents which optometrists may use for examination, diagnosis, and treatment of eye diseases or disorders. Establishes additional training and examination requirements for certified therapeutic optometrists and specifies the pharmaceutical agents and procedures that they may employ for therapeutic purposes.

Requires the state board of optometric examiners to provide distinctive licenses for display by certified therapeutic optometrists. Requires all persons seeking licensure after July 1, 1988, to meet the expanded training and examination requirements and prevents current licensees from practicing as certified therapeutic optometrists unless they meet such requirements.

Expands the definition of unprofessional conduct to include misconduct with respect to administration, dispensing, or prescribing of certain drugs. Requires insurance companies to report malpractice settlements or judgments involving optometrists. Establishes financial responsibility standards and additional reporting requirements concerning malpractice judgments, settlements, or arbitration awards, including civil penalties for nonreporting, to be effective January 1, 1989, and applicable to acts or omissions occurring and licenses granted on or after said date.

Extends the automatic termination date of the state board of optometric examiners to July 1, 1992, pursuant to the provisions of the "Sunset Law".

Appropriates \$6,287 from the division of registrations cash fund to the department of regulatory agencies for implementation of the act.

APPROVED by Governor April 20  
PORTIONS EFFECTIVE July 1  
Jan. 1, 1989

H.B. 1204 Alcoholic beverages - sale by hotels from locked minibars. Authorizes licensed hotels to sell alcoholic beverages in sealed containers of any size, at any time, to adult registered guests where such beverages are stored in locked minibars in individual hotel rooms, the prices of the beverages are clearly posted, and such beverages will be consumed in such rooms. Defines the term "minibar".

APPROVED by Governor April 11                      EFFECTIVE                      July 1

H.B. 1259 Bail bond business - regulation. Makes numerous changes in provisions related to the bail bond business. Eliminates all references to soliciting agents. Clarifies required qualifications of professional bondsmen and specifies additional reasons for which the division of insurance shall deny, suspend, revoke, or refuse to renew a license. Requires a professional bondsman to provide the surety with a list of all collateral taken on behalf of the bondsman within 10 days of taking the collateral. Increases the maximum amount a professional bondsman may charge a principal from 10% to 15%. Expands the provision which lists prohibited activities in order to prohibit the following: Retention by a professional bondsman of collateral or security over 20 days from the release of the bond by the court; acceptance by a professional bondsman of anything of value from a principal except a premium but allowing acceptance of collateral security; signing by a professional bondsman of blank bail bonds; and



countersigning by any person of a professional bondsman's name. Also prohibits any one licensee from having more than one bond at any one time and in any single case, on behalf of any one person.

APPROVED by Governor May 17

EFFECTIVE

July 1

H.B. 1340 Physicians - unprofessional conduct - board of medical examiners - terms of office - disciplinary actions - immunity - lapse of license - professional review actions.

Makes the following acts unprofessional conduct: Resorting to fraud, misrepresentation, or deception in renewing or seeking reinstatement of a license; prescribing, distributing, or giving a controlled substance to a family member or to one's self except in an emergency; failing to report to the board any adverse action taken against the licensee by another licensing agency in another state or country or by other organizations or entities; failing to report to the board the surrender of a license or authority to practice in another state or jurisdiction; failing to report to the board the surrender of staff membership or membership in an association or society while under investigation; and failing to accurately answer a questionnaire accompanying the license renewal form.

Provides for the staggering of terms of members of the board of medical examiners and requires that all future appointments be for a term of 4 years. Provides immunity from liability for members of the board of medical examiners when they are acting in their official capacity in regard to a complaint or report concerning a physician.

Increases from 2 to 3 the number of years of postgraduate training that may be required by the board for foreign medical school graduates and repeals provisions dealing with Colorado residents who are trained at foreign medical schools.

Authorizes the board to issue a confidential letter of concern based on conduct which does not warrant formal disciplinary action but which could lead to serious consequences if not corrected. Requires the board to report annually to the general assembly, describing in particular the board's activities with respect to disciplinary matters. Requires the board to report the revocation or suspension of a physician's license or the placing on probation of a licensee to hospitals where the physician practices.

Requires licensed physicians who are responsible for supervising interns or residents in graduate training programs to report to the board unsatisfactory progress in the program, dismissals from the program, and anything

concerning an individual in the program which would constitute a violation of the "Colorado Medical Practice Act".

Provides that failure of a licensee to pay a renewal fee constitutes a lapse of the license rather than a suspension. Requires a questionnaire to be sent with the license renewal form which inquires about actions or disciplinary actions with respect to matters which might be construed as violations of the "Colorado Medical Practice Act" or that might make the licensee unfit to practice medicine.

Authorizes the state to comply with the reporting requirements relating to physician review and medical malpractice claims of the federal "Health Care Quality Improvement Act of 1986", upon implementation of that act. Provides immunity for professional review bodies and persons who participate in professional review actions, including professional review actions taken in accordance with the federal "Health Care Quality Improvement Act of 1986", upon implementation of that act. Requires the governing board of a hospital that limits the privileges of a licensed physician or podiatrist to report such action to the Colorado state board of medical examiners or to the Colorado podiatry board respectively.

APPROVED by Governor May 19

EFFECTIVE

July 1

H.B. 1363 Motor vehicle sales - definitions - motor vehicle auctioneer - regulations - licensing changes - violations and penalties - Sunday sales. Adds definitions of "advertisement", "motor vehicle agent", and "motor vehicle auctioneer" to regulatory provisions for motor vehicle sales. Includes "lessors" in the definition of "used motor vehicle dealer".

Creates a new class of license for motor vehicle auctioneers. Authorizes the motor vehicle dealer licensing board to prescribe the forms to be used as a part of a contract for the lease of a motor vehicle. For the period beginning July 1, 1988, and ending July 1, 1989, increases from \$1,000 to \$2,000 the amount of the bond a motor vehicle salesman must post prior to licensure. On and after July 1, 1989, sets said bond at \$5,000. Requires that the notice of change of address by a dealer be made in writing. Authorizes the board to charge fees for issuing a license to a dealer whose principal place of business has changed or has lapsed and been renewed.

Makes conviction of any felony grounds for denial, suspension, or revocation of a motor vehicle dealer's, wholesaler's, salesman's, auctioneer's, or used motor

vehicle dealer's license. Changes the criminal penalty for a violation of these regulatory provisions from an unclassified misdemeanor to a class 1 misdemeanor. Provides that fines collected for conviction of selling motor vehicles without a license be given to the law enforcement agency which investigated and wrote the citation for the violation.

Requires the name of the motor vehicle dealer or used motor vehicle dealer to be included in advertisements.

Exempts the sale, barter, or exchange of boats, boat trailers, snowmobile, and snowmobile trailers from Sunday closing requirements.

APPROVED by Governor June 11

EFFECTIVE June 11

PROPERTY

S.B. 48 Loans of property to museums. Allocates rights and responsibilities between museums and owners of property loaned to museums and creates a mechanism for clarifying title to property when the status of the title is uncertain. Provides two statutes of limitations barring actions for damages or the recovery of loaned property when the owner is unknown or has failed to reclaim his property after the museum has served notice of intent to terminate a loan. Imposes upon property owners the duty to keep museums informed of their identity and address. Gives the museum a lien for expenses of maintenance and preservation of property whose owner is unknown. Provides that museums need not surrender property to which title is disputed except in reliance upon a court order or judgment. Guarantees the title of a person who purchases property from a museum which acquired title pursuant to these provisions. Provides that property in the custody of a museum which would otherwise escheat to the state shall not so escheat but shall become property of the museum.

APPROVED by Governor April 9                      EFFECTIVE                      July 1

S.B. 51 Legal notices - contents - foreclosure sales and public trustee sales. Requires all legal notices published to advertise sales of real property by a public trustee or an execution sale resulting from the foreclosure of a mortgage to contain a statement printed in bold-faced type that the lien foreclosed may not be a first lien.

Applies to all such legal notices published on or after January 1, 1989.

APPROVED by Governor May 6                      EFFECTIVE                      May 6

S.B. 172 General mechanics' liens - contents of written notice. For general mechanics' liens, changes the contents of the required written notice sent to owners holding a building permit for residential property. Specifies that such notice must apprise a property owner of the potential of his property being subject to a general mechanics' lien and of the right of such a property owner to assert an affirmative defense against the foreclosure of any such lien if the property meets certain requirements. Provides that the notice suggest that owners of such property take steps to avert the filing of a lien.

APPROVED by Governor April 14                      EFFECTIVE                      April 14

H.B. 1180 Uniform Federal Lien Registration Act. Amends the existing "Uniform Federal Tax Lien Registration Act" to make changes necessary to convert the act to the new "Uniform Federal Lien Registration Act" which expands coverage to all federal liens rather than just federal tax liens.

APPROVED by Governor April 28                      EFFECTIVE                      July 1

H.B. 1252 Public trustees - terms of office - qualifications - salaries - fees - establishment of special reserve fund - lien foreclosure procedures. Changes the term of office for public trustees in counties of the first and second classes from 2 to 4 years and makes the terms of those public trustees run on uniform dates. After a phase-in period beginning immediately, the 4-year terms begin on February 1, 1991, and last for 4 years thereafter. Establishes that, if a public trustee office becomes vacant during a term, the governor shall appoint a successor to complete the term. Allows the governor to appoint public trustees in counties of the first and second classes without the consent of the senate, but requires the governor to appoint only those persons who have at least a 4-year college degree and 5 years administrative or business experience or, in the alternative, 10 years administrative or business experience. Increases the salary for public trustees in counties of the first and second classes from \$24,000 per annum to \$26,000 per annum and in counties of the third class from \$6,000 per annum to \$6,500 per annum.

Increases the fee charged for releasing a deed of trust from \$7 to \$8.

Permits public trustees to establish a special reserve fund in an amount equal to their total operating budget and salary for the previous fiscal year, which fund the public trustee may draw upon to cover current operating expenses and salary.

Makes technical changes in real property lien foreclosure procedures.

APPROVED by Governor May 17                      EFFECTIVE                      July 1

H.B. 1263 Real estate closing and settlement services - disbursement of funds. Prohibits the disbursement of funds as part of real estate transactions by persons or entities which provide closing and settlement services until such funds are available for immediate withdrawal from a financial institution either as a result of an agreement or an actual deposit. Makes the failure to comply with this requirement for the disbursement of funds a deceptive trade practice.

Allows the seller to waive said requirement in written closing instructions executed in advance of the closing so long as any lien holder approves and agrees, in writing, to release the lien upon receipt of a check in the amount of the outstanding debt secured by the lien. Allows sellers to request receipt of closing funds either in cashier's funds or by electronic transfer.

APPROVED by Governor April 13

EFFECTIVE

July 1

PUBLIC UTILITIES

S.B. 38 Office of consumer counsel - continuation. Extends the termination date of the office of consumer counsel to July 1, 1993.

APPROVED by Governor April 14                      EFFECTIVE                      April 14

H.B. 1017 Public utilities commission - regulation of fixed utilities and transportation utilities - funding administrative expenses. Deletes provisions requiring the general assembly to appropriate moneys from the highway users tax fund to the public utilities commission motor carrier fund to eliminate any deficiency in the motor carrier fund for the regulation of motor carriers.

Deletes provisions requiring excess moneys in the motor carrier fund to be credited to the highway users tax fund.

Repeals provisions which would have required the general assembly, effective July 1, 1988, to appropriate moneys from the highway users tax fund to the public utilities commission motor carrier fund for the supervision and regulation of motor carriers.

Deletes provisions requiring that an amount equal to the moneys raised by fees paid by supervised and regulated motor carriers be paid by the state treasurer from the highway users tax fund to the state highway fund, counties, and municipalities.

Provides that motor vehicle carrier fees distributed to the state highway fund, counties, and municipalities during the fiscal year 1987-88 not be counted for purposes of applying the 7% limitation on appropriations and statutory distributions from the highway users tax fund for fiscal year 1988-89.

APPROVED by Governor March 17                      EFFECTIVE                      July 1

## SOCIAL SERVICES

S.B. 135 Medical assistance - recovery of overpayments of personal needs funds. Enables the state to use the same procedures to recover overpayments of personal needs funds to nursing care facilities or intermediate care facilities as for other overpayments to vendors under the "Colorado Medical Assistance Act".

APPROVED by Governor March 31                      EFFECTIVE              March 31

S.B. 153 Medical assistance - liens for recovery of payments. Provides that, when the department of social services has furnished medical assistance to an applicant or recipient to whom a third party is liable for damages, the state department of social services has a lien against the amount of any judgment, award, or settlement in a suit or claim against such third party. Limits the amount of recovery under such lien to no more than one-half of the applicant's or recipient's recovery after deducting attorney fees, litigation costs, and medical expenses paid for by the applicant or recipient. Specifies the procedures for the lien.

APPROVED by Governor April 20                      EFFECTIVE              April 20

S.B. 155 Intermediate nursing facilities for the mentally retarded - rate-setting and reimbursement - adjustment of appropriation in long bill. Distinguishes intermediate nursing facilities for the mentally retarded which are tax-supported and state-administered from other intermediate nursing facilities for purposes of rate-setting and reimbursement. Provides that such intermediate nursing facilities for the mentally retarded shall be reimbursed for services based on actual costs and that such costs shall be projected annually by the state department of social services. Requires the state department to adopt rules and regulations, to be effective by June 30, 1988, to implement the rate-setting and reimbursement provisions. Provides that reimbursement to private, nonprofit or proprietary intermediate nursing facilities providing care to mentally retarded or developmentally disabled persons shall not be adversely impacted by the change in reimbursement methodology for intermediate nursing facilities for the mentally retarded which are tax-supported and state-administered.

Adjusts appropriations made in the annual general appropriation act for implementation of the act. Increases the appropriation for the medical assistance division of the department of social services and decreases the



appropriation for the division for developmental disabilities in the department of institutions.

APPROVED by Governor May 29                      EFFECTIVE                      May 29

H.B. 1001 Public assistance benefits - citizenship of applicant - eligibility for old age pension. Requires all applications for public assistance to contain questions relating to the citizenship of the applicant, the number of years the applicant has resided in the United States, and, if the applicant is an alien, the name of the person who sponsored the applicant's entry into the United States. Provides that, before old age pension benefits may be awarded to an alien, the department of social services must determine that the nonrelative who sponsored the alien's entry into the United States has insufficient income to meet the needs of such alien.

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

H.B. 1106 Medical assistance - psychologists' services - cost containment program. Extends, until July 1, 1992, the authority of the executive director of the department of social services to authorize the provision of services by licensed psychologists to the categorically needy under the "Colorado Medical Assistance Act". Requires that such services be subject to the provisions of the existing cost containment program. Extends provisions for said cost containment program until July 1, 1992.

APPROVED by Governor April 28                      EFFECTIVE                      April 28

H.B. 1346 Medical assistance - clinic services. Includes in the definition of "clinic services" which may be reimbursed under the "Colorado Medical Assistance Act" preventive, therapeutic, and palliative items or services that are furnished to patients by certain health departments or local boards of health. Restricts the purposes for which payments for such services may be used.

APPROVED by Governor May 19                      EFFECTIVE                      May 19

H.B. 1348 Medicaid - categorically needy - provision of heavy care services - appropriations. Authorizes provision of private duty nursing and ventilator services for categorically needy persons who meet certain criteria with respect to medical necessity, as well as other guidelines. Requires the department of social services to report to the general assembly by January 1, 1990, concerning the resultant

cost-effectiveness and cost savings from the provision of such services. Repeals these authorizations on July 1, 1990.

Appropriates \$809,871 and 1.3 FTE to the department of social services for the implementation of the act, with \$389,163 to be from the general fund and \$420,708 to be from federal funds. Decreases the appropriations to the department of social services and the total amount appropriated from federal funds in the annual general appropriation act for the 1988-89 fiscal year.

APPROVED by Governor May 19

EFFECTIVE

May 19

STATUTES

S.B. 58 Colorado Revised Statutes - supplements and replacement volumes - enactment and effective date. Establishes the effective date for the 1987 replacement volumes 4A, 4B, 6A, and 6B and for the 1987 cumulative supplements to the Colorado Revised Statutes. Enacts the replacement volumes and supplements as the positive statutory law of the state of Colorado.

APPROVED by Governor April 4                      EFFECTIVE                      April 4

S.B. 102 Revisor's bill - revisions to conform, correct, and clarify. Amends or repeals various statutory provisions which are obsolete, inconsistent, or in conflict with other laws, clarifies the language and more accurately reflects the legislative intent of the laws, and conforms the laws to the constitution and to Colorado supreme court decisions.

APPROVED by Governor June 11                      EFFECTIVE                      June 11

TAXATION

- S.B. 10 Excise tax on gasoline and special fuel - exemption for fuel purchased by governmental entities. Clarifies that a governmental entity is exempt from paying excise taxes on gasoline and special fuel only when such gasoline or special fuel is used by such entity in performing its governmental functions and activities.

APPROVED by Governor April 13                      EFFECTIVE                      April 13

- S.B. 28 Motor fuel tax - multistate cooperative agreement for collection of taxes - appropriation. Authorizes the department of revenue to enter into a cooperative agreement with other states to collect motor fuel taxes. Provides the elements which such an agreement may contain. Specifies the procedural standards related to tax collection and compliance. Provides that the department may exchange information with other states which relates to licensed motor fuel activities.

Appropriates \$193,412 from the highway users tax fund and 5.75 FTE to the department of revenue for implementation of the act.

APPROVED by Governor April 14                      EFFECTIVE                      April 14

- S.B. 31 Income tax credit - enterprise zones - research and development activities. Establishes an income tax credit for any taxpayer who makes expenditures in research and development activities in an enterprise zone.

Applies to tax years commencing on or after January 1, 1989, until December 31, 1993.

APPROVED by Governor April 9                      EFFECTIVE                      July 1

- S.B. 67 Income tax - voluntary contributions - construction of veteran's memorial on grounds of state capitol. Establishes a voluntary contribution on state income tax returns for the tax year commencing January 1, 1988, to pay for the construction of a memorial to Colorado veterans to be located on the grounds of the state capitol. Requires that amounts so designated and interest earned thereon be credited to the Colorado veterans' memorial fund and be appropriated for the construction and maintenance of the memorial. Repeals authority for the contribution on January 1, 1989.

APPROVED by Governor April 29                      EFFECTIVE                      April 29

S.B. 71 Transportation of passengers - imposition of tax. Changes the seating capacity used to determine the amount of registration fees owed for passenger buses and imposes an additional fee of \$1.70 per seat for those vehicles with 14 seats or less. Increases the fee charged for a trip permit to \$25.

Limits exception to passenger-mile tax to those companies providing mass transportation by bus or trolley coaches. Eliminates the requirement for Colorado registered vehicles transporting passengers to stop and obtain clearance from a port entry weight station.

APPROVED by Governor April 14                      EFFECTIVE                      July 1

S.B. 83 Ad valorem tax - collection on fractional interests in oil and gas wells. Allows the unit operator to place ad valorem taxes collected from owners of fractional interests in wells or fields operated as units for the production of oil, gas, or other hydrocarbons in a regular bank account rather than in an escrow account. Eliminates the requirement that the county treasurer be a co-owner of such account.

Modifies the reasons for which the treasurer can waive the requirement that the unit operator place such collected ad valorem taxes in an account to include: The timely payment of the tax by the unit operator during the past three property tax years; the timely payment of the tax by a unit operator for the period of time which the unit operator has been in operation in such county when such period is less than three property tax years; and the unit operator has operated in such county for a period of less than one property tax year. States that the failure of any unit operator to remit ad valorem taxes collected from the fractional interest owners of the unit constitutes the crime of embezzlement.

APPROVED by Governor April 14                      EFFECTIVE                      April 14

S.B. 88 Income tax - voluntary contributions - United States olympic committee. Reestablishes the voluntary contribution on state income tax returns for support of the United States olympic committee. Requires that amounts so designated be credited to the olympic committee fund. Provides that the general assembly shall appropriate annually from the fund to the department of revenue its costs of administering the income tax refund contributions. Requires that all designated moneys in the fund and interest earned thereon be transferred at the end of each fiscal year to the United States olympic committee after subtracting the costs of administration of the fund and the

appropriation to the department of revenue. Repeals authority for the contribution on January 1, 1992.

APPROVED by Governor April 14                      EFFECTIVE                      April 14

S.B. 114    Severance tax - rate on coal - reduction. Reduces the severance tax rate on coal from 60¢ per ton to 36¢ per ton from July 1, 1988, until July 1, 1994, when the rate of 60¢ per ton will be reinstated. Establishes that, for every 1 1/2% change in the index of producers' prices for all commodities prepared by the U.S. department of labor, the severance tax rate on coal will increase or decrease 1%, effective January 1, 1988.

APPROVED by Governor April 14  
PORTIONS EFFECTIVE    Jan. 1, 1988  
   April 14  
   July 1

S.B. 184    Property tax - adjustment of residential ratio of valuation for assessment - tax levy limitations - valuation of vacant land, public utilities property, and rail transportation property - property tax deferral on mobile homes - estimates mailed with notices of valuation - property tax credit - abatements and refunds. Establishes a procedure to adjust the ratio of valuation for assessment for residential real property in each year in which there is a change in the level of value used in determining actual value to ensure that the percentage of the aggregate statewide valuation for assessment which is attributable to residential real property remains the same as it was in the year immediately preceding the year in which such a change occurs. Requires the property tax administrator to use the 1987 aggregate statewide valuation for assessment plus the 1988 net increase in valuation for assessment attributable to new construction and the net increase in the volume of mineral and oil and gas production to determine the target percentage for 1989 in order to ensure that any deviation which occurred in the 1987 property tax year is not perpetuated into future years. Sets the ratio of valuation for assessment for residential real property for the 1988 property tax year at 16%. Modifies certain dates in the assessment calendar for taxing entities to take into account such adjusted residential ratio.

Reduces the annual allowable increase in tax levies for certain taxing entities from 6% to 5 1/2%. Beginning January 1, 1990, requires the division of local government to submit an annual report to the general assembly concerning the taxing entities which did not impose the maximum levy in the previous year and which levied an amount of property tax equal to the amount of revenue which could have been levied in the previous year plus the maximum levy allowed for the current year and the impact of

such levy on taxpayers. Repeals the authority for such cumulative property tax levy on June 30, 1991. For the 1988 property tax year and thereafter, prohibits any taxing entity from levying property tax for a purpose which is exempt from such tax levy limitation in an amount which is greater than the amount of revenue required for such purpose in any year. Requires any taxing entity which violates this prohibition to refund the amount of such excess property tax to the taxpayers on a proportional basis.

Defines the terms "vacant land" and "site improvements". Requires that assessors give appropriate consideration to the 3 approaches to appraisal in determining the actual value of vacant land. When using the market approach to appraisal, specifies certain factors which assessors shall take into account. In determining present worth for use in applying the anticipated market absorption rate, requires assessors to use appropriate discount factors until at least 80% of the lots with an approved plat have been sold and to use a time period of generally not longer than 10 years.

Directs that a valuation for assessment study be conducted in the division of property taxation to determine whether or not the property tax administrator has complied with all provisions of law and the state constitution in determining the actual value of the operating property and plant of each public utility and the actual value and valuation for assessment of all rail transportation property.

Requires any finding of the state board of equalization made in 1988, upon which a reappraisal order is based, to be based primarily on data and information collected from within the county, except where data is lacking or deficient. Specifies that, when data and information from outside such county is used, such data shall be from a comparable area. Requires the state board of equalization to revise any finding made in regard to property tax year 1987 which utilized data and information from outside the county in question. Expands judicial review of the decisions of the state board of equalization to include the issue of the validity of any valuation for assessment study conducted.

For the property tax year 1989 and thereafter, allows a person who is 65 years of age or older to have the ad valorem taxes on his mobile home deferred in the same manner that a person may have the taxes on his owner-occupied residence deferred. Requires that the taxpayer claiming the deferral own the mobile home or be purchasing the mobile home under a recorded instrument of sale. Mandates that the certificate of tax deferral be

filed and recorded with the authorized agent of the department of revenue in the county or city and county within which the mobile home is located. Eliminates the assessment of fees for issuance of a certificate of title for a tax-deferred mobile home.

Eliminates the ability of assessors to include estimates of property taxes in notices of valuation and expressly prohibits the inclusion of such estimates in the notices, but with the approval of all taxing entities in the county, authorizes the assessor to send estimates of property taxes to property owners and allows such estimates to be mailed together with notices of valuation. Requires such estimates to be based on the previous year's budgets and anticipated revenue growth. States that any change or adjustment of the assessment percentage for residential real property does not constitute grounds for protesting or abating property taxes. Requires assessors to submit additional data when filing abstracts of assessment with the property tax administrator.

Provides a property tax credit for incorrect valuations used for property taxes levied in 1987 for collection in 1988. Establishes procedures and eligibility requirements for said tax credit. Specifies the amount of tax credit to be given. If the amount of the tax credit exceeds the amount of property tax levied, provides for a refund of the excess. Authorizes any taxing entity to adjust the amount of its tax levy by an additional amount not exceeding its proportional share of the total amount of tax credits granted. Requires assessors to give public notice of the availability of the tax credit and directs treasurers to report to the property tax administrator all property tax credits and refunds granted.

Establishes errors in valuation as a ground for abatement or refund of property taxes levied on or after January 1, 1988. Allows the abatement or refund of property taxes levied prior to January 1, 1988, based upon errors in valuation only if the valuation is the subject of an appeal which, on the effective date of this provision, is pending or upon which a decision or order has been issued. After January 1, 1990, disallows an abatement or refund unless a petition is filed within one year after the taxes were due or within one year after the issuance of an order or decision regarding an appeal, whichever is later. Allows for the abatement of property taxes levied on certain types of exempt property because of the failure to comply with the application or annual report requirement due to a good faith mistake of fact by the owner of such exempt property or because of the failure of the property tax administrator to examine and review such applications or annual reports.



Increases the dollar amount of property tax abatements or refunds requiring review by the property tax administrator from \$300 to \$500. Requires the county treasurer to file an annual report with the property tax administrator which includes all taxes abated, refunded, or cancelled. Allows certain property tax exemptions to apply to the year prior to the year in which application for exemption is made. States that property taxes shall not be due and payable on property while such application is pending. Decreases the interest rate paid by the county, if a tax lien is sold in error, from 9 percentage points above the discount rate to 2 percentage points.

Appropriates \$31,821 to the department of local affairs and \$14,000 to the department of the treasury for implementation of the act.

APPROVED by Governor May 23  
PORTIONS EFFECTIVE May 23  
Jan. 1, 1989

S.B. 187 Property tax - emergency property tax deferral for depositors of troubled industrial banks. Permits depositors of troubled industrial banks to defer property taxes levied in 1987 for collection in 1988 for a specific period of time. Provides that no interest shall accrue on such taxes deferred until February 1, 1990, with the accrual rate of 8% per annum thereafter; except that, once a depositor settles his account with his failed industrial bank, interest shall accrue on taxes deferred at 18% per annum and such taxes shall become due and payable to the state treasurer within 90 days after such settlement.

APPROVED by Governor May 29 EFFECTIVE May 29

H.B. 1015 Property tax - valuation for assessment of federal property used for recreational purposes. Provides that property taxes shall be levied and collected on only the possessory interest of the lessee or permittee of lands owned by the United States and leased or permitted for use for recreational purposes in connection with a business conducted for profit. In order to give appropriate consideration to the cost approach, the market approach, and the income approach to appraisals, requires the actual value of such possessory interest to be determined by capitalizing at a certain rate the annual fee paid by the lessee or permittee of such land for the use thereof in the immediately preceding calendar year, and then adjusting such rate by the use of certain factors in the same manner as for personal property. Specifies certain elements which must be included in the rate of capitalization.

BECAME LAW without Governor's signature April 8  
EFFECTIVE April 8

H.B. 1016 Property tax - definitions - library districts - limitation on tax levy increases - level of valuation - delaying implementation of annual reassessments - appeals. Clarifies the definitions of "fixtures" and "personal property". Defines additional terms.

Conforms the limitation on tax levies for library districts to the limitation imposed on other taxing entities.

Reduces the annual allowable increase in tax levies for certain taxing entities from 6% to 5 1/2%.

Authorizes counties to levy a specified amount of property tax in 1988 and 1989 to be used for the operation and improvement of county assessors' offices.

Extends the 2-year reassessment cycle through 1992 and delays the implementation date of annual reassessments until January 1, 1993. Requires that the level of value be adjusted to the final day of the period of time used to determine the level of value. Allows the assessor to utilize a 5-year period to determine the level of value if comparable valuation data is not available from the specified 1 1/2-year period. On and after January 1, 1989, requires the assessor to adjust the actual value of property during the intervening year of a 2-year reassessment cycle to reflect the increase or decrease in the actual value attributable to any occurrence, condition, factor, act, or change which results in the actual value of any property being 5% less than or 5% more than the correct level of value. Requires the assessor to consider physical, functional, and economic obsolescence in determining the actual value of personal property.

For appeals of valuation of taxable property, states that the filing with the county treasurer of a written stipulation between a property owner and the county board of equalization regarding the valuation of property has the same force and effect as the filing of an order of the board of assessment appeals and that any appeal of such valuation pending before the board of assessment appeals or an arbitrator is withdrawn. Clarifies that only decisions of county boards of equalization regarding 1987 property valuations which have been appealed to district court or to the board of assessment appeals and which have not been heard or adjudicated may be submitted to arbitration.

Requires that any communication to a taxpayer regarding the rate of property taxation be converted from mills to the dollars per thousand dollars of valuation for assessment of taxable real or personal property.

Requires the assessor to notify any person who fails to make a full and complete disclosure of his personal property for assessment purposes and to allow 10 days from such notice for the person to comply with such disclosure requirements prior to the imposition of any penalty.

Repeals references to the pollution control income tax credit and to pollution control property.

Repeals a statutory reference to agricultural supplies because such supplies are constitutionally exempt from the levying of property tax.

APPROVED by Governor May 29  
PORTIONS EFFECTIVE May 29  
July 1  
August 1  
Jan. 1, 1993

H.B. 1043 Cigarette tax - payment. Modifies the date by which the payment of cigarette tax must be made by wholesalers in order to be eligible to receive a discount on the amount to be paid for cigarette tax stamps from the 20th day following the purchase of said tax stamps to the 10th day of the month following the month in which the purchase is made. Changes the date by which payment of cigarette tax must be made by wholesalers in order to be eligible to receive a discount on the amount of cigarette tax due to cover expenses incurred in collecting and remitting said tax from the 20th day following the setting of a metering machine to the 10th day of the month following the month in which a meter is set. Requires wholesalers to file monthly returns concerning the collection and remittance of cigarette tax by the 10th day of the month following the month being reported rather than by the 20th day of the month.

APPROVED by Governor March 18                      EFFECTIVE                      July 1

H.B. 1044 Property tax - timing of taxpayers' appeals of property valuations - contents of annual notice of valuation - appeal process - county board of equalization notices of denial of an appeal - composition of board of assessment appeals. Changes the dates by which an assessor sends the taxpayer notice of an increased valuation of his property and hears protests of such increases, and by which the taxpayer may petition the county board of equalization for review of the assessor's decision for property tax years beginning on or after January 1, 1989. For property tax years commencing on or after January 1, 1988, places oil and gas leaseholds and lands on the same calendar as personal property regarding the mailing of notices of valuation and the appeal of such valuations.

For property tax years commencing on or after January 1, 1989, requires that the notice of valuation mailed to taxpayers include information regarding the property's actual value and the ratio of valuation for assessment. Allows the assessor to include an estimate of property taxes in the notice if the county board of equalization approves such inclusion. Requires the notice to set forth the taxpayer appeals process and the administrative and legal remedies available to the taxpayer. Directs the assessor to mail, with the notice, a form which, if completed by the taxpayer, shall initiate an appeal of the assessor's determination.

Allows the taxpayer, whose appeal to the county board of equalization has been denied, the option of submitting his case to arbitration rather than appealing to either the board of assessment appeals or district court. Specifies that the decision reached under arbitration is final and not subject to review. Directs the board of county commissioners to develop a list of persons who are qualified to act as arbitrators and requires the board to participate in arbitration if the taxpayer notifies them that he will pursue this remedy. Outlines the arbitration process, including how an arbitrator is to be selected. Allows any taxpayer who has appealed a 1987 property valuation to either the board of assessment appeals or district court to submit his case to arbitration. States that appeals to district court shall be for a trial de novo and that appeals to the board of assessment appeals are subject to further review by the court of appeals.

For property tax years commencing on or after January 1, 1988, requires the county board of equalization, when denying an appeal, to notify the taxpayer of his options for review of its decision and of various consequences associated with each option.

Authorizes the general assembly to provide, by appropriation, for the appointment by the governor of 2 additional members to the board of assessment appeals if an extraordinary workload prevents the board from completing all appeals before the last day of the calendar year for property tax years commencing on January 1, 1988, and thereafter. Allows any person who is a party in a proceeding before the board to appear on his own behalf or be represented by an attorney or by any individual of his choice.

APPROVED by Governor April 29

EFFECTIVE

April 29

H.B. 1053 Ton-mile and passenger-mile taxes - penalty for record-keeping errors. For the ton-mile and passenger-mile taxes, imposes a penalty for record-keeping errors due to negligence or disregard of the law which result in the assessment of a deficiency by the department of revenue. Specifies that any deficiency assessed pursuant to such error shall have added thereto a penalty of 25% of the deficiency, plus penalty interest of 0.5% per month on the deficiency. Requires annual reporting to the general assembly on the use of such penalty until January 1, 1991.

APPROVED by Governor March 17                      EFFECTIVE                      July 1

H.B. 1055 Severance tax - rate on molybdenum ore. Replaces the existing severance tax rates for molybdenum ore with a 5¢ per ton rate until July 1, 1994, at which time the rate will be increased to 10¢ per ton.

APPROVED by Governor March 4                      EFFECTIVE                      March 4

H.B. 1132 Colorado tax laws - technical corrections. Makes technical corrections to state tax provisions to comply with new federal law. Replaces statutory references to the "Internal Revenue Code of 1954" with the new title, "Internal Revenue Code of 1986", in estate tax, sales tax, and severance tax provisions. States that changes in such references shall not affect any rights or liabilities accrued prior to such changes. Repeals definitions in estate tax provisions which are made obsolete under the new federal code.

APPROVED by Governor April 6                      EFFECTIVE                      April 6

H.B. 1161 Motor vehicles powered by liquefied petroleum gas or natural gas - license tax. Deletes the weight restriction on motor vehicles which are powered by liquefied petroleum gas or natural gas for purposes of imposition of the annual license tax fee in lieu of the special fuel tax. Imposes a range of taxes for such motor vehicles based upon gross vehicle weight.

APPROVED by Governor April 28                      EFFECTIVE Jan. 1, 1989

H.B. 1167 Controlled substances tax - stamps - exemptions. Levies a \$10 tax per ounce on the possession of marihuana. Levies a \$1,000 tax per ounce on the possession of a controlled substance. Specifies that payment of such tax shall be evidenced by affixing stamps to packages containing marihuana or controlled substances. Imposes a monetary penalty upon any person who is in possession of an

unstamped package containing marihuana or controlled substances in the amount of ten times the amount of tax owed. Exempts from the tax persons otherwise lawfully in possession of marihuana or controlled substances.

BECAME LAW without Governor's signature  
EFFECTIVE

April 29  
Jan. 1, 1989

H.B. 1201 Colorado Tax Policy Act of 1988 - changes in income tax provisions - change in machinery or machine tool sales or use tax exemption - heat or fuel expenses assistance grants. With respect to income tax provisions: (1) Makes changes in Colorado income tax laws to simplify the filing of returns for nonresidents.

(2) Changes the provisions for the Colorado alternative minimum tax so that non-Colorado municipal bond interest is not added as a modification and thereby taxed twice. Exempts from the alternative minimum tax Colorado municipal bonds. Allows the same modifications in computing the Colorado alternative minimum tax as are allowed in computing the regular Colorado income tax.

(3) Clarifies that federal taxable income shall be deemed to be from sources in another state in the same ratio as the modified federal adjusted gross income is from sources in such state.

(4) Clarifies the amount of social security benefits which may be excluded from federal taxable income as pension income for Colorado income tax purposes by taxpayers filing a joint return.

(5) Reinstates the requirement that a corporate net operating loss may be carried forward only to years in which a corporation used the same allocation formula as that used in the year of any such loss.

(6) Provides that, if the amount designated on Colorado income tax returns as contributed under the provisions of any voluntary checkoff program for the period between January 1 and September 30 of any year does not equal or exceed 10% of the total amount contributed to all income tax checkoffs during such period, such voluntary checkoff program shall no longer be effective or reflected on Colorado income tax returns.

With respect to sales or use tax provisions, lowers the amount of required purchases to qualify for the machinery or machine tool exemption from \$1,000 to \$500 and clarifies that such exemption applies to purchases of a single item or a group of items at the same time in excess of the minimum dollar amount. Also clarifies that parts of

machinery or machine tools purchased for assembly qualify for the exemption.

With respect to the heat and fuel expenses program, restores eligibility to persons receiving public assistance in the form of an old age pension.

APPROVED by Governor May 29                      EFFECTIVE                      May 29

H.B. 1207 Income tax - underpayment of estimated 1987 personal income tax - refund of penalty payment. Due to inequity caused by changes in federal and state income tax laws, provides that no underpayment of estimated personal income tax is deemed to occur for the 1987 taxable year if the taxpayer was not required to pay estimated personal income tax for the 1986 taxable year or was required to pay estimated personal income tax for the 1986 taxable year and no underpayment of such estimated tax occurred. Authorizes a taxpayer who, prior to April 20, 1988, has paid the penalty for the underpayment of estimated personal income tax for the 1987 taxable year to request a refund of said amount upon proving that such taxpayer was not required to pay estimated personal income tax for the 1986 taxable year.

APPROVED by Governor April 20                      EFFECTIVE                      April 20

H.B. 1276 Sales tax - personal property sold by vending machines. Provides that food or drink vended by or through non-coin-operated coin-collecting food and snack devices on behalf of a vendor are not defined as food for purposes of the sales and use tax provisions. Allows any vendor selling individual items of personal property through coin-operated vending machines to include in his sales price the sales tax levied on such items. Requires every vendor selling items of personal property through a coin-operated vending machine to pay a sales tax on the personal property sold in excess of 15¢ through such machine.

APPROVED by Governor April 4                      EFFECTIVE                      April 4

WATER AND IRRIGATION

- S.B. 30 Colorado water conservation board - project authorizations. Approves 6 water resource projects for financial assistance loans out of the Colorado water conservation board construction fund. Approves 4 water resource projects for financial assistance loans out of the fund subject to a determination by the Colorado water conservation board that such projects are technically and financially feasible. Sets the total amount of all such loans at \$9,887,550 and sets forth certain terms and conditions relating to such projects.

Authorizes the board to loan up to \$7.5 million to specified entities to allow such entities to repurchase from the United States bureau of reclamation the outstanding loans each such entity has with the bureau. Authorizes the board to obtain by eminent domain any real property or interests therein needed to construct the Towaoc pipeline. Allows the board to pay for expenses for updating and maintaining the inventory of potential dam and reservoir sites.

APPROVED by Governor May 23                      EFFECTIVE                      May 23

- S.B. 46 Water quality control systems - funding of expenses - continuation of permit fees - adjustment for inflation. Extends from fiscal year 1988 to fiscal year 1993 the expiration date of the annual fee for discharge permits for water quality control systems. States that, for the 4 fiscal years following fiscal year 1988, the portion of the expenses to be funded from the general fund may be adjusted for inflation.

APPROVED by Governor May 6                      EFFECTIVE                      May 6

- S.B. 50 State water pollution control revolving fund - creation and administration - appropriation. Declares that the construction, rehabilitation, operation, and maintenance of modern and efficient wastewater treatment facilities and other water pollution control projects are essential to protecting and improving the water resources of the state. States that the federal "Water Quality Act of 1987" requires increased state and local participation in the financing of such projects. Specifies that the division of local government in the department of local affairs, the division of administration in the department of health, and the Colorado water resources and power development authority have the combined expertise necessary to allow the state to effectively and efficiently serve the wastewater treatment needs of the state.



Creates the water pollution control revolving fund in the Colorado water resources and power development authority for purposes of participating in water pollution control projects. Authorizes the authority to issue bonds for the purpose of providing state matching funds for the federal program.

Requires the water quality control commission to develop a project eligibility list for wastewater treatment systems and other projects authorized under the federal act. States that additions or modifications to the initial project eligibility list shall be approved by the general assembly by a joint resolution signed by the governor. Provides that no project may be financed unless it has been approved in such a joint resolution. Specifies that the authority has sole discretion in proceeding with the financing of any project on the eligibility list.

States that before any loan to a governmental agency may be made, the project must be approved by the division of administration in the department of health pursuant to applicable provisions of the "Colorado Water Quality Control Act" and the financial loan package must be approved by the division of local government in the department of local affairs.

Appropriates \$58,520 and 1.5 FTE to the division of local government of the department of local affairs for implementation of the act.

APPROVED by Governor April 4                      EFFECTIVE                      April 4

S.B. 119      Nonpoint source water pollution control - agricultural practices. States that the water quality control commission shall pursue incentive, grant, and cooperative programs in preference to the promulgation of control regulations with regard to nonpoint source water pollution control related to agricultural practices. Requires the commission and division to give substantial weight to recommendations made by interested water conservation districts, water conservancy districts, and soil conservation districts when considering cooperative programs. Allows the commission to promulgate control regulations related to agricultural practices only if the commission determines that incentive, grant, and cooperative programs are inadequate and such regulations are necessary to meet state or federal law. Empowers water conservation districts, water conservancy districts, and soil conservation districts to enter into contracts and agreements for programs related to nonpoint source pollution control programs related to agricultural practices.

APPROVED by Governor April 6                      EFFECTIVE                      April 6

S.B. 144 Water and wastewater treatment facilities - certification of operators. Allows an operator to use his experience as a wastewater plant operator to satisfy the experience requirements for certification as a water treatment plant operator and vice versa. Sets out continuing education requirements for the different classes of plant operators. After July 1, 1993, and until July 1, 1994, conditions certification renewal on compliance with these requirements. Deletes certain limitations on the certifications which are issued for the operation of industrial wastewater treatment plants.

APPROVED by Governor April 13                      EFFECTIVE                      July 1

H.B. 1006 Protection of drinking water - minimum sanitary standards - laboratory certification program - enforcement provisions. Authorizes the department of health to require treatment of drinking water supplied to the public. Specifies that, when the laboratory analysis of a raw water supply meets all applicable standards and has met such standards for a period of one year, the department may not require additional treatment or additional disinfection of the supply.

Provides that, if no federal drinking water standards exist, the department may recommend to the board of health for promulgation minimum general sanitary standards for a contaminant or substance. Specifies when such minimum sanitary standards may be promulgated. Authorizes the department to establish and maintain a laboratory certification program for the purpose of ensuring competent testing of drinking water as required by the federal "Safe Drinking Water Act".

Authorizes the department to request that the attorney general bring a suit for a temporary restraining order or a preliminary or permanent injunction to prevent or abate any violation of a minimum general drinking water standard or to prevent or abate any release or imminent release that causes or is likely to cause contamination which would render a public water system unfit for human consumption. Defines water "unfit for human consumption" where no minimum general sanitary standards exist. Allows the department to collect damages on behalf of a political subdivision or public water system. Provides that an enforcement settlement with the state shall bar a separate action of a political subdivision or public water system whenever notice and adequate opportunity to comment on the proposed settlement have been given to the political subdivision or public water system, damages have been collected on behalf of and paid to such political subdivision or public water system, and the release or imminent release has been prevented or abated by the

settlement. Authorizes a political subdivision or public water system to otherwise bring suit to collect damages and for injunctive relief to prevent or abate any release or imminent release of contaminants or substances which would render unfit the system's drinking water.

APPROVED by Governor May 11

EFFECTIVE

May 11

H.B. 1007 Chemigation - permit fees - fines - inspections. Changes the definition of "chemigation" to state that it is the process of applying chemicals to land or crops through a closed irrigation system. Excludes from the definition of "chemigation" water pumped from tailwater collection ponds. Includes within the definition of "irrigation system" devices which connect directly to surface water. Excludes from the definition of "irrigation system" stock water wells, any domestic well with a diameter of 2 inches or less, or a system which includes a tailwater collection pond. Decreases the fee for a provisional permit from \$65 to \$50. States that the inspection fee for a provisional permit and the chemigation permit shall not exceed \$40. Specifies the method for calculating direct and indirect costs for purposes of establishing the fees. Establishes a cap of \$20 for fees for chemigation permits in ground water management districts which contract with the department of agriculture for enforcement of these provisions and states that there shall be no state inspection fee for inspections made within such district. Limits the fine that may be assessed upon a person who has been convicted of chemigating without a permit to an amount not to exceed \$1,000. Makes inspections permissible, rather than mandatory, once every 2 years. Specifies that rules and regulations promulgated pursuant to these provisions shall become effective July 1, 1989.

APPROVED by Governor May 17

EFFECTIVE

July 1

H.B. 1010 Water Quality Control Act - appellate review of division of administration determinations - provision of water samples - public comment period - approval of wastewater treatment construction. Requires the water quality control commission to act as an appellate body to review all determinations by the division of administration of the department of health except those determinations dealing with surface water discharge permits or portions thereof. Specifies that the person believed to be responsible for any suspected violation or who is or will be subject to any remedial action shall be notified immediately of the collection of the samples and that a portion of the sample shall be furnished to such person immediately upon request. Requires the request for a sample split to be made within 6 months of the notification of the collection of samples.

Shortens the public comment period for a permit application from 45 days to 30 days. Clarifies that the division may grant a variance from otherwise applicable requirements only to the extent authorized by federal provisions or implementing regulations. Authorizes criminal penalties for pretreatment violations. Requires division approval for the construction or enlargement of any domestic wastewater treatment works.

APPROVED by Governor April 9

EFFECTIVE

July 1

H.B. 1029 Cherry Creek basin water quality authority - creation - powers. Creates the Cherry Creek basin water quality authority for the purpose of maintaining the water quality in Cherry Creek reservoir. Specifies the boundaries of the authority. Allows any municipality, county, or special district to request by resolution of its governing body to be included in the authority. Specifies procedures for determinations as to whether the municipality, county, or special district may be included within the authority. Provides that any owner of property within the boundaries of the authority may petition to be excluded from the authority. Enumerates the powers and duties of the authority, including the power to issue bonds, levy and collect ad valorem taxes, and assess fees.

APPROVED by Governor April 28

EFFECTIVE

April 28

H.B. 1092 Salinity control in the Colorado River Basin - irrigation districts. Authorizes an irrigation district to enter into a contract with the United States for the purpose of controlling the salinity in the Colorado river basin. Permits a district to enter into such a contract upon a majority vote. Entitles each landowner within the district to cast one vote for each acre owned by such landowner within the district. Provides for the levying of a special assessment to defray the operating and maintenance costs associated with the salinity control program to the extent such costs are not reimbursed by the United States. Authorizes such an irrigation district to obtain loans to defray expenses incurred in the maintenance and operation of the program. Gives such a district the power of eminent domain and the authority to convey property to the United States.

Specifies that when an irrigation district has continued to function even though the qualified voters have authorized its dissolution, the district may submit the question of ratification of the district to the qualified voters. Nullifies the dissolution authorization if such ratification is approved.

APPROVED by Governor April 6

EFFECTIVE

April 6

H.B. 1111 Well water - residential use. Expands the category of wells to which the presumption of no material injury to vested water rights applies to include wells used for the watering of the user's noncommercial domestic animals. Allows permits issued prior to the effective date of the act to be amended to provide for such watering upon application and payment of a \$25 fee. Requires the state engineer to conduct a study of the effect of the act and to report to the general assembly no later than December 1, 1990. Declares that it is the intent of the general assembly that the exemptions established in the act not be used to cause material injury to prior vested water rights.

Repeals the provision providing for amended permits on July 1, 1990.

APPROVED by Governor May 17                      EFFECTIVE                      May 17

H.B. 1163 Drainage districts - powers of boards of directors - expenditures. States that the board of directors of a drainage district is vested with all powers necessary for the accomplishment of the purposes for which the district was organized. Vests the board with the power to optimize drainage and recharge of water within the district. Increases the dollar amount of expenditures which a district may contract for or authorize without seeking voter approval from \$5,000 to \$50,000. Increases the dollar amount of a contract or expenditure to be binding without seeking voter approval from \$10,000 to \$100,000.

APPROVED by Governor March 17                      EFFECTIVE                      March 17

H.B. 1173 Colorado ground water commission - allocation of water in specified aquifers - aquifer life of 100 years. Authorizes the Colorado ground water commission to allocate, upon the basis of ownership of the overlying land, any designated ground water contained in the Dawson, Denver, Arapahoe, or Laramie-Fox Hills aquifers. Specifies that permits issued for water in such aquifers shall allow withdrawals on the basis of an aquifer life of 100 years.

APPROVED by Governor June 15                      EFFECTIVE                      June 15

H.B. 1269 Water rights - proceedings in water court. Requires the owner of a conditional water right to file an application for a quadrennial finding of reasonable diligence in every fourth calendar year. Includes within the term "determination of a water right or conditional water right" any plan or change in the plan, under the provisions regarding the powers of boards of water conservancy districts, which is or has been incorporated into a decree.

Requires the division engineer to file a written report in water proceedings and to mail a copy of the report to the applicant or his attorney who then is required to mail copies of the report to all parties of record. Extends the period of time from one month to 60 days within which the referee may rerefer a matter to the water judge for a decision. Makes the setting of hearing dates discretionary with the water judges. Provides that no person who is already a party in the matter may be required to file any additional pleading or to pay any additional filing fee to maintain a party status in the case and clarifies that those who are already in the case remain as parties. Specifies that an objector in a water adjudication proceeding in certain circumstances may be awarded reasonable attorney fees and costs if the objector has demonstrated that material injury would result if the water right was granted. States that, where the objector has failed to demonstrate material injury and his opposition has been maintained frivolously or for purposes of harassment, the applicant may be awarded reasonable attorney fees and costs. Requires decrees granted to an applicant who is not the owner of the land upon which a well is to be constructed to specify that landowner consent must be obtained or entry on such land is gained by the exercise of eminent domain by a person having the power of eminent domain.

APPROVED by Governor May 17  
PORTIONS EFFECTIVE May 17  
July 1

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