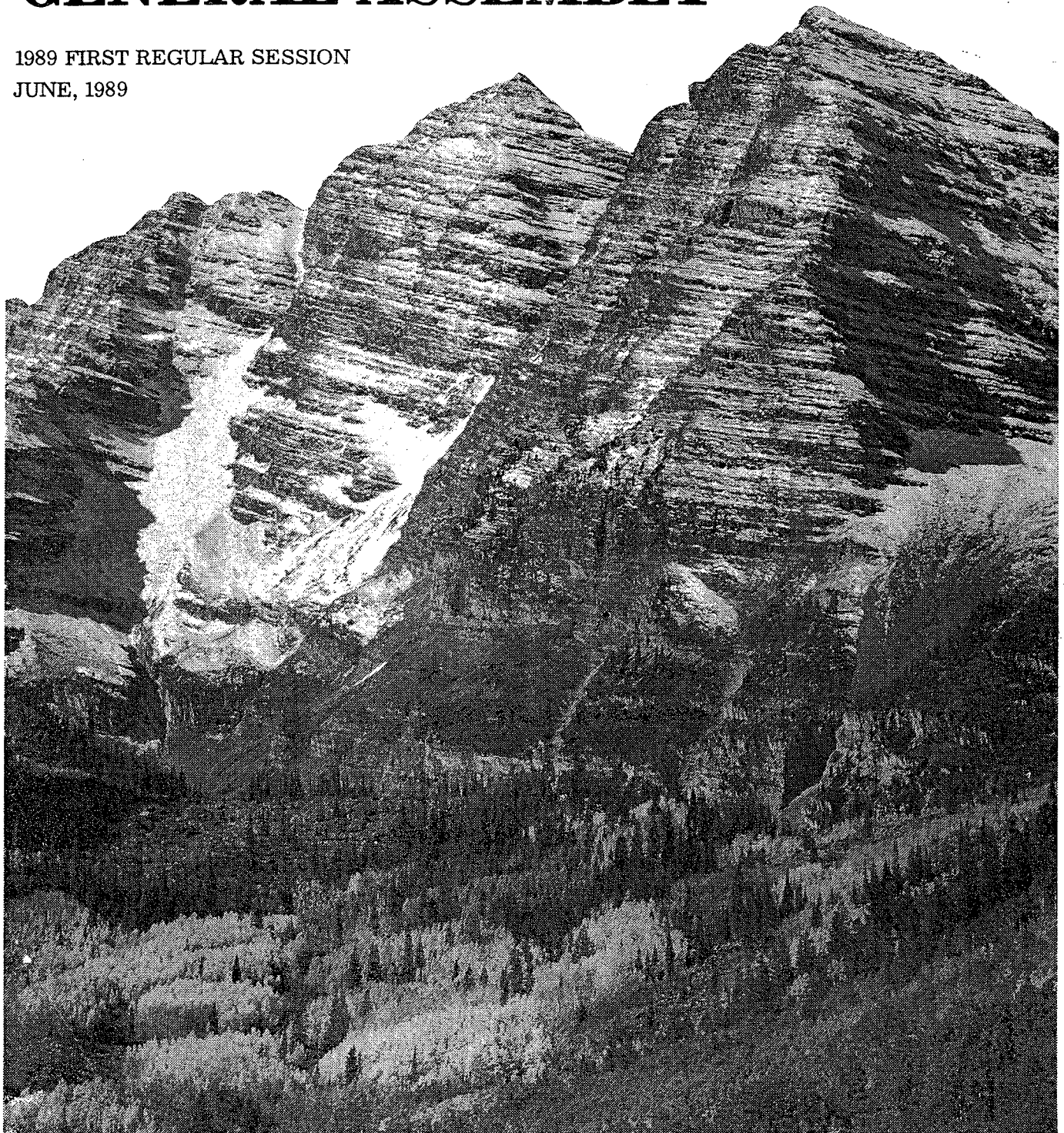


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OFFICE OF LEGISLATIVE LEGAL SERVICES
091 STATE CAPITOL BLDG.
DENVER, COLORADO 80203

DIGEST OF BILLS ENACTED BY THE
**FIFTY-SEVENTH
GENERAL ASSEMBLY**

1989 FIRST REGULAR SESSION
JUNE, 1989



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

(1989 - First 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

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This digest includes all bills enacted by the General Assembly, as of
May 10, 1989, including bills vetoed by the Governor.

	<u>Introduced</u>	<u>Passed</u>
HOUSE BILLS	360	200
SENATE BILLS	<u>266</u>	<u>178</u>
TOTALS	626	378

Of the House Bills passed: 186 were signed by the Governor
10 became law without the Governor's
signature
4 were vetoed by the Governor

Of the Senate Bills passed: 168 were signed by the Governor
7 became law without the Governor's
signature
3 were vetoed by the Governor

NOTE: The General Assembly will reconvene on June 21, 1989, for a
special session, at which time additional bills may be acted
upon.

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ADMINISTRATIVE RULE REVIEW

- S.B. 4 Deletion of portions of administrative rules. Deletes portions of administrative rules promulgated by executive agencies which the joint legislative sunrise and sunset review committee has determined are not necessary.

APPROVED by Governor April 27

EFFECTIVE April 27

- S.B. 15 Administrative rules affecting small business - rules disapproved as unnecessary - effect. Specifies that, for administrative rules promulgated by state executive agencies which affect small business, only the portion of any rule specifically recommended for disapproval by the joint sunrise and sunset review committee and then disapproved by act of the general assembly shall no longer be in effect and that the remainder of such a rule shall retain its character as an administrative rule. Requires the joint sunrise and sunset review committee to notify the secretary of state whenever a rule published in the code of Colorado regulations is rescinded or a portion thereof is deleted by the general assembly, and requires the secretary of state to direct the removal from the code of material so deleted or rescinded. States the intent of the general assembly that any such rules deleted or rescinded by the general assembly as unnecessary shall not be substantive in nature.

APPROVED by Governor March 15

EFFECTIVE March 15

- H.B. 1135 Annual rule review bill - continuation of 1988 rules of executive agencies - exceptions - repeal of 1989 rule. Postpones the expiration of rules and regulations of executive agencies which were adopted or amended during 1988, except that specified rules and regulations are allowed to expire as scheduled on June 1, 1989.

Allows the following 1988 rules to expire as scheduled: Several definitions in the rules of the department of agriculture concerning health requirements governing livestock and poultry; several rules of the department of education concerning experience requirements for certain kinds of certificates; a rule of the department of education concerning the amount of class time required under the preschool program for language development; in the rules of the department of health's division of alcohol and drug abuse, a rule concerning an inspection fee and a rule concerning application for initial certification to operate a drug treatment facility; a rule of the department of institution's division for developmental disabilities

concerning membership on the board of directors or trustees of a community centered board; a regulation of the health data commission concerning the reporting of clinical data; several rules of the state patrol concerning financial responsibility requirements for the transportation of certain hazardous material; several rules of the state electrical board concerning the training and experience required to qualify for licensure; a rule of the state board of medical examiners concerning the licensing of graduates of foreign medical schools; in the rules of the public utilities commission concerning cost allocation methods for telecommunications providers, a rule that prescribes which providers are required to file a cost-segregation manual; a rule of the real estate commission concerning exemptions from the licensing of real estate brokers and salesmen; 2 rules of the liquor enforcement division of the department of revenue concerning cross-territorial sales of alcoholic beverages; a rule of the department of social services concerning indefinite suspensions under the county personnel and merit system; and several medicaid rules of the department of social services concerning responsibilities for private duty nursing services.

Postpones until June 1, 1990, the expiration of the following 1988 rules: A section of the antidegradation rules of the water quality control commission in the department of health; and a rule contained in the rules of the public utilities commission concerning cost allocation methods for telecommunications providers that establishes a particular class of providers.

Postpones until June 1, 1990, the expiration of the rules of the department of personnel concerning affirmative action which were scheduled to expire on June 1, 1989, pursuant to the provisions of the 1988 rule review bill.

Repeals a rule adopted by the state board of pharmacy in 1989 concerning information to be provided at the time of dispensing a prescription.

APPROVED by Governor May 30

EFFECTIVE May 30

AGRICULTURE

- S.B. 169 Fences along highway right-of-ways - erection and removal. Requires the department of highways to replace right-of-way fences which the department has removed during the completion of a road construction project unless the owner of the adjacent land requests that the right-of-way fence not be replaced. Prohibits the department from erecting a right-of-way fence when no road construction project is underway unless the adjacent landowner requests that such fence be erected.

APPROVED by Governor April 12

EFFECTIVE July 1

- S.B. 187 Slaughter, processing, and sale of meat animals. Consolidates statutory provisions regulating the slaughter, processing, and sale of meat animals. Authorizes the commissioner of agriculture and the department of agriculture to promulgate rules and regulations for the slaughter, processing, and sale of such meat animals. Grants the commissioner and the department powers of enforcement, including right of access for inspections, cease and desist orders, and retention orders. Establishes civil and criminal penalties for violations.

Specifies certain practices to be followed in the construction and operation of meat processing facilities. Requires that every processor maintain records of all animals processed. Establishes license requirements for persons who operate food plans, locker plants, or meat processing facilities and, under limited circumstances, financial responsibility requirements for such persons. Sets fees for such licenses.

Requires a written contract containing certain terms for sales of meat in bulk or on credit. Specifies that, upon execution of a sales contract, the seller shall deliver a copy of the contract and any pertinent documents to the buyer. Sets certain standards for advertisements for such sales.

Exempts certain persons, retail grocery stores, and religious practices from the requirements of these provisions.

Terminates the licensing functions of the commissioner and the department on July 1, 1991. Provides for review by the sunrise and sunset review committee prior to said termination date.

APPROVED by Governor April 12

EFFECTIVE April 12

- S.B. 196 State fair authority - financial functions. Authorizes the board of commissioners of the Colorado state fair authority to lease from and sublease to any public or private entity

any of the facilities at the state fair and industrial exposition; retain all moneys from authorized activities and place such moneys in the Colorado state fair fund; administer said fund for the operation, maintenance, and support of the state fair and industrial exposition; issue revenue bonds and structure all aspects of their sale or delegate such power to an officer or agent and pay necessary or desirable expenses incurred thereby; pledge net revenues to secure such bonds and provide preferential security for any bonds; covenant with or for the benefit of the holders of bonds to ensure sufficient revenues to meet the board's obligations; and to include covenants in bond resolutions, including without limitation, the issuance and lien position of other or additional bonds.

APPROVED by Governor April 17

EFFECTIVE July 1

H.B. 1176 State board of stock inspection commissioners - inspection fees and assessments - exclusion from inspection. Increases the brand inspection fee and establishes a sliding scale brand inspection fee for livestock shipped to slaughter directly from a feedlot. Increases the hide inspection fee. Increases the service fee charged by the board of stock inspection commissioners but allows for the collection of only one service fee when cattle owned by more than one person are inspected at one site. Allows the board to impose a mileage charge for certain brand inspections.

Increases the assessment on brands and changes the assessment period to a 5-year period from January 1, 1992, to January 1, 1997. Continues the requirement that notices of assessment be mailed to owners. Makes the assessments due and payable within 90 days after January 1 of the assessment year.

Excludes from inspection livestock transported within the state between ranges, pastures, and properties owned, leased, or under the control of the owner of such livestock so long as the point of final destination is within a 75 mile radius of the point of origin. Creates an application fee in connection with brand inspection fee waiver permits.

Establishes a committee to determine the actual costs incurred by the board for collecting the contribution fee on behalf of the beef board. Sets the annual maximum amounts the board may retain from such fee based on the determinations of the committee.

APPROVED by Governor May 2

EFFECTIVE May 2

H.B. 1179 Diseased livestock - isolation - indemnity fund. Requires that brucellosis reactor livestock not only be quarantined but also be isolated from the herd where found until

shipped for slaughter, which shipment must occur within 30 days from classification as reactors. Authorizes, with specified exceptions, indemnity payments to owners who voluntarily sell for slaughter a herd exposed to brucellosis or another infectious or contagious disease. Creates the diseased livestock indemnity fund for the purpose of making such indemnification payments.

APPROVED by Governor May 16

EFFECTIVE May 16

H.B. 1188 Control of predatory animals - sheep and wool board - license fees. Transfers certain responsibilities for the collection of license fees for the control of predatory animals from the department of agriculture and the county assessors to the commissioner of agriculture, and provides the commissioner enforcement powers to collect the fees. Authorizes the commissioner to collect a license fee from sheep owners who received certain federal payments during the prior year, said fee to be based upon the number of sheep shorn times an assessment per sheep. Permits the sheep growers so affected to petition to increase or decrease the fee, or to discontinue the program, and permits the lamb feeders to claim a refund of 75% of the assessment.

APPROVED by Governor April 5

EFFECTIVE July 1

H.B. 1211 Organic agricultural products - appropriation. Authorizes the commissioner of agriculture to establish rules and regulations for the production, certification, and labeling of agricultural products offered for sale as organic products.

Authorizes the development and use of an organic certification seal, and requires any producer using the seal to obtain an organic producer license. Creates the Colorado organic certification fund and the organic certification advisory board.

Makes unlawful the utilization of the organic certification seal by an unlicensed person or the utilization of any other organic label which fails to comply with standards adopted by the commissioner. Establishes administrative and civil penalties for violations of the act.

Terminates the advisory board on July 1, 1993. Provides for review by the sunrise and sunset review committee prior to said termination date.

Appropriates \$25,042 and 0.5 FTE to the department of agriculture for the implementation of the act.

APPROVED by Governor June 6

EFFECTIVE June 6

APPROPRIATIONS AND STATE FISCAL MATTERS

- S.B. 134 General fund balances - moneys invested in or spent on inventories. Requires that moneys invested in or spent on inventories be included when determining unrestricted general fund year-end balances.

APPROVED by Governor April 5

EFFECTIVE April 5

- S.B. 139 Supplemental appropriation requests - deadline for submission. Requires the office of state planning and budgeting to insure that executive agencies submit supplemental appropriation requests to the joint budget committee by January 1 of each year.

Applies to fiscal years commencing on or after July 1, 1989.

APPROVED by Governor April 5

EFFECTIVE April 5

- S.B. 140 Revenue estimate - certification. Changes the date by which the revenue estimate must be certified to the state controller from February 20 to January 20 of each year.

APPROVED by Governor April 8

EFFECTIVE April 8

- S.B. 143 Transfer to general fund - unexpended moneys previously appropriated for superconducting supercollider project. Repeals the statutory appropriation of \$3 million from the severance tax trust fund to the Colorado advanced technology institute for the purpose of acquiring real property, easements, and rights-of-way necessary to construct the superconducting supercollider accelerator and its facilities in Colorado. Transfers such moneys to the general fund.

APPROVED by Governor April 7

EFFECTIVE July 1

- S.B. 144 Transfer to general fund - Colorado social security contribution fund. Directs the state treasurer to transfer \$500,000 to the general fund from an account in the Colorado social security contribution fund which is derived from interest and other charges accruing to the fund and which is otherwise available for appropriation by the general assembly for the payment of administrative expenses and costs incurred by the department of labor and employment relating to public employees' social security.

APPROVED by Governor April 5

EFFECTIVE April 5

S.B. 149 Supplemental appropriation - department of social services - medical assistance program. Amends the 1986 and 1987 general appropriation acts to increase appropriations to the department of social services for the medical assistance program. The total increase for fiscal year 1986-87 is \$14,250,464, of which \$7,744,516 is from the general fund, and the total increase for fiscal year 1987-88 is \$31,450,384, of which \$15,674,375 is from the general fund.

APPROVED by Governor March 21

EFFECTIVE March 21

S.B. 214 Supplemental appropriation - department of administration. Amends the 1988 general appropriation act to increase the total general fund appropriation and the total cash funds appropriation to the department of administration.

APPROVED by Governor March 21

EFFECTIVE March 21

S.B. 215 Supplemental appropriation - department of agriculture. Amends the 1988 general appropriation act to increase the total appropriation to the department of agriculture. Decreases the general fund portion of the appropriation and increases the cash funds portion.

APPROVED by Governor March 21

EFFECTIVE March 21

S.B. 216 Supplemental appropriation - department of corrections. Amends the 1988 general appropriation act to decrease the total appropriation to the department of corrections. Decreases the general fund portion of the appropriation and increases the cash funds portion.

Increases appropriations made to the department during the 1988 special legislative session for implementation of the department's facility capacity expansion plan, by increasing the appropriation for additional double-bunking and temporary housing by \$4,953,977 and by increasing the appropriation for payments to local governments for housing state prisoners in county jails by \$1,544,920.

APPROVED by Governor March 21

EFFECTIVE March 21

S.B. 217 Supplemental appropriation - department of education. Amends the 1988 general appropriation act to decrease the total appropriation to the department of education. Decreases the general fund portion of the appropriation and increases the cash funds portion.

APPROVED by Governor March 21

EFFECTIVE March 21

S.B. 225 Supplemental appropriation - legislative department. Amends the 1988 general appropriation act to increase the total general fund appropriation to the legislative department.

PORTION APPROVED by Governor March 23 EFFECTIVE March 23
PORTION VETOED by Governor March 23

S.B. 226 Supplemental appropriation - department of local affairs. Amends the 1988 general appropriation act to decrease the total appropriation to the department of local affairs. Increases the general fund portion of the appropriation and decreases the cash funds portion.

APPROVED by Governor March 21 EFFECTIVE March 21

S.B. 227 Supplemental appropriation - department of military affairs. Amends the 1988 general appropriation act to increase the total appropriation to the department of military affairs. Increases the general fund portion of the appropriation and decreases the cash funds portion.

APPROVED by Governor March 21 EFFECTIVE March 21

S.B. 228 Supplemental appropriation - department of natural resources. Amends the 1988 general appropriation act to increase the total appropriation to the department of natural resources. Increases the general fund and federal funds portions of the appropriation and decreases the cash funds portion.

APPROVED by Governor March 21 EFFECTIVE March 21

S.B. 229 Supplemental appropriation - department of personnel. Amends the 1988 general appropriation act to adjust various general fund appropriations to the department of personnel, without any net change to the total appropriation to the department.

APPROVED by Governor March 21 EFFECTIVE March 21

S.B. 230 Supplemental appropriation - department of public safety. Amends the 1988 general appropriation act to increase the total general fund, cash funds, and federal funds appropriations to the department of public safety.

APPROVED by Governor March 21 EFFECTIVE March 21

S.B. 231 Supplemental appropriation - department of regulatory agencies. Amends the 1988 general appropriation act to increase the total general fund, cash funds, and federal funds appropriations to the department of regulatory agencies.

APPROVED by Governor March 21

EFFECTIVE March 21

S.B. 232 Supplemental appropriation - department of revenue. Amends the 1988 general appropriation act to decrease the total appropriation to the department, with most of the decrease occurring in appropriations for the state lottery. Increases the general fund portion of the total appropriation to the department and decreases the cash funds portion. Adds a footnote requesting the lottery division to present marketing plans to the joint budget committee within 60 days after April 20, 1989.

APPROVED by Governor April 20

EFFECTIVE April 20

S.B. 233 Supplemental appropriation - department of social services. Amends the 1988 general appropriation act to increase the total appropriation to the department of social services by \$52,878,444, which includes an increase in appropriations for the medical assistance program in the amount of \$49,231,820.

APPROVED by Governor March 23

EFFECTIVE March 23

S.B. 234 Supplemental appropriation - department of state. Amends the 1988 general appropriation act to add an appropriation of \$43,000 to the department of state for the purpose of paying a judgment against the state for attorney fees and costs in the case of Grant v. Meyer.

APPROVED by Governor March 21

EFFECTIVE March 21

S.B. 235 Supplemental appropriation - department of the treasury. Amends the 1988 general appropriation act to increase the total general fund appropriation to the department of the treasury.

APPROVED by Governor March 21

EFFECTIVE March 21

S.B. 236 Supplemental appropriation - capital construction. Amends the 1988 general appropriation act to decrease the total appropriations for capital constructions from the capital construction fund, cash funds, and federal funds. Decreases the amount of the 1988-89 transfer from the general fund to the capital construction fund by \$40,835.

APPROVED by Governor March 23

EFFECTIVE March 23

S.B. 245 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, 1989. Sets the grand total of the operating budget at \$4,694,903,690, of which \$2,397,003,834 is from the general fund, \$1,258,875,381 is from cash funds, and \$1,039,024,475 is from federal funds.

Appropriates \$132,558,170 for capital construction, of which \$38,714,577 is from the capital construction fund, \$29,353,647 is from cash funds, and \$64,489,946 is from federal funds.

APPROVED by Governor April 26
PORTION VETOED April 26

EFFECTIVE April 26

S.B. 252 Appropriation - legislative department. Appropriates \$16,570,912, including \$75,000 in cash funds, to the legislative department for its expenses during the 1989-90 fiscal year.

BECAME LAW without Governor's signature
EFFECTIVE

June 10
June 10

S.B. 259 Supplemental appropriation - department of administration and legislative department - facilities master plan. Makes a supplemental appropriation of \$150,000 from the general fund to the department of administration for the purpose of reimbursing the state auditor for the costs of preparing a facilities master plan for the capitol complex. Authorizes the state auditor to expend the funds received from the department of administration for such purpose.

APPROVED by Governor June 7

EFFECTIVE June 7

S.B. 260 State funds - general fund reserve for 1989-90. Establishes the general fund reserve for 1989-90 at 3.11% of general fund appropriations for the 1989-90 fiscal year. Provides that the 75%/25% formula for distribution of general fund revenues in excess of appropriations plus the reserve will apply for 1989-90 only after excess revenues of 4% of general fund appropriations are realized. Provides that cuts in expenditures required to be made by the governor because revenues fall to less than half the reserve, up to \$7,900,000, shall come first from appropriations for school finance.

VETOED by Governor June 8

S.B. 265 Supplemental appropriation - department of labor and employment. For the 1988-89 fiscal year, appropriates \$425,000 to the department of labor and employment to repay the United States department of labor for amounts disallowed under the federal comprehensive employment and training (CETA) program.

APPROVED by Governor June 1

EFFECTIVE June 1

CHILDREN AND DOMESTIC MATTERS

S.B. 8 Juvenile parole board - membership - duties - appropriation. Changes the membership of the juvenile parole board by replacing the representative of the department of institutions with a representative of the department of public safety and by replacing the representative of the division of employment and training with a representative of the department of labor and employment. Makes the 2 board members who are from the public at large voting members and requires that at least one of said members reside west of the continental divide. Prohibits the members who are from the public at large from being state employees. Changes the juvenile parole board from a type 2 agency to a type 1 agency within the department of institutions. Prescribes duties and procedures for the board to follow in granting and revoking parole.

Reduces the appropriation in the 1989 general appropriation act to the department of institutions for the division of juvenile services by \$2,979 and appropriates \$26,414 to the department of institutions for allocation to the juvenile parole board for implementation of the act.

APPROVED by Governor June 7

EFFECTIVE July 1

S.B. 18 Children's code. Clarifies that the parent, legal guardian, or legal or physical custodian of a juvenile must be present only during a custodial interrogation of the juvenile and need not be present at the interrogation of a juvenile who is 18 years of age or older at the time of the interrogation.

Gives the district attorney and defense counsel access, with certain exceptions, to records of any proceedings involving an adjudicated juvenile for the purpose of making recommendations concerning sentencing. Permits access, with the consent of the court, by the defense counsel and the district attorney to records of any proceedings which involve a juvenile against whom criminal or delinquency charges have been filed.

Reconciles the statutory provisions regarding the sentencing of juveniles to permit the court to sentence a juvenile who is 12 years of age or older, rather than 14 years of age or older, to detention for up to 45 days as a condition of probation.

Reconciles the sentencing provisions for those juveniles who have been transferred into adult criminal court and those juveniles whose cases have been directly filed in adult criminal court so that the sentencing court

is prohibited from imposing a juvenile sentence under the same conditions in both instances.

Clarifies the provision granting immunity from liability for persons making child abuse or neglect reports by including persons who facilitate the investigation of a report and by removing immunity when behavior of the person participating in the preparation of the report was willful, wanton, and malicious.

APPROVED by Governor April 19

EFFECTIVE July 1

S.B. 29 Child neglect - exception for recognized method of religious healing - intervention - criminal abuse. Amends the exceptions to the definitions of child neglect and criminal child abuse based on the use of spiritual means to heal a child to provide that no child who, in lieu of medical treatment, is treated solely by spiritual means through prayer in accordance with a recognized method of religious healing shall be considered neglected or dependent, or criminally injured or endangered for that reason alone. Specifies, however, that the religious rights of a parent, guardian, or legal custodian shall not limit a child's access to medical care in a life threatening situation or when the condition will result in serious handicap or disability. Allows the court, under such circumstances, to order that medical treatment be provided for the child. Provides that a child whose parent, guardian, or legal custodian inhibits or interferes with the provision of medical treatment so ordered shall be considered neglected or dependent for the purposes of the child dependency and neglect statutes and injured or endangered for the purposes of the criminal child abuse statute.

Establishes a presumption that a method of religious healing used to treat a child is a "recognized method of religious healing" if fees and expenses incurred in connection with such treatment are "medical expenses" under the internal revenue code and are reimbursable under medical insurance policies issued by state licensed insurers, or if the treatment provides a rate of success in maintaining health and treating disease or injury equivalent to that of medical treatment.

APPROVED by Governor June 7

EFFECTIVE June 7

S.B. 118 Day care centers - employer-sponsored on-site centers. Enacts the "Employer-sponsored On-site Day Care Act". Defines "employer-sponsored on-site day care centers" and specifically excludes this type of facility from the generic definition of child care centers and from the application of the state "Child Care Act". Applies child

abuse reporting procedures to workers at these facilities. Subjects employer-sponsored on-site day care centers to regulation by the state department of social services. Grants limited rule-making, investigative, and fee-collecting authority to the department. Sets forth licensing requirements for such centers and exempts them from regulations which apply to all other types of day care centers. Imposes record-keeping duties on the centers.

Authorizes the department of social services to allocate and expend up to \$5,000 from moneys appropriated in the 1989 general appropriation act and delineated for employment-related care for implementation of the act.

VETOED by Governor June 5

S.B. 132 Family support obligations - immediate income deductions - appropriation. Requires that obligations for child support, maintenance, child support when combined with maintenance, child support arrears, or child support debts ordered or modified by the court or by administrative action on or after January 1, 1990, and support enforcement services provided by a delegate child support enforcement agency be subject to immediate deductions from an obligor's income. Requires that obligations in cases not receiving Title IV-D support enforcement services under the federal "Social Security Act" for child support, maintenance, child support when combined with maintenance, or child support arrears ordered or modified by the court on or after July 1, 1992, coinciding with the implementation of the central registry for child support, be subject to immediate deductions from an obligor's income if the general assembly approves the implementation of the requirement before said date.

Gives a notice of immediate deduction for family support obligation priority over any garnishment, attachment, or lien. Specifies priority of payment in cases where there is more than one notice of deduction for the same obligor. Excepts an obligor from the requirement upon a showing of good cause or where the parties agree to an alternative arrangement. Defines "good cause" to mean that the harm of the deduction to the obligor substantially outweighs the benefit to the child or the delegate child support enforcement agency. Specifies the procedures and the notice requirements for immediate deductions.

Permits an employer to deduct a processing fee of up to \$5 per month to cover the costs to the employer of immediate deductions for family support. Prohibits an employer from discharging, refusing to hire, or taking disciplinary action against an employee because of the entry or service of a notice to deduct income for family support obligations. Stipulates that an employer who takes

such action may be subject to contempt of court charges and to a civil action brought by the employee. Exonerates an employer from liability for wrongful withholding if the employer complies with applicable statutory provisions. Specifies the extent of liability of an employer who fails to deduct or withhold wages in accordance with such statutory provisions.

Provides that the provisions for wage assignment of such obligations apply to orders entered prior to specified dates and to orders in which immediate deductions from income were not ordered due to an obligor's lack of employment or self-employment or based on certain exceptions.

Reduces the appropriation in the 1989 general appropriation act to the department of social services for aid to families with dependent children by \$119,786 and appropriates \$19,411 to the judicial department for implementation of the act.

APPROVED by Governor June 5

EFFECTIVE June 5

H.B. 1028 Juvenile records - maintenance by law enforcement officers. Eliminates the requirement that law enforcement records concerning juveniles be maintained separately from adults and instead requires that such records be identified as juvenile records.

APPROVED by Governor February 24

EFFECTIVE February 24

H.B. 1046 Adoption - venue - placement - consent. Allows a petition for relinquishment of a parent-child relationship to be filed in the county where the child placement agency is located, if such an agency is involved. Clarifies that a county department of social services may provide adoption services to birth parents in a designated adoption only in cases in which the county has legal custody of the child prior to filing of the petition to relinquish. Authorizes individuals to place children for adoption and makes such individuals subject to the same consent requirements which apply to the county department of social services and licensed child placement agencies.

APPROVED by Governor March 21

EFFECTIVE March 21

H.B. 1071 Domestic abuse - restraining orders. Repeals and reenacts provisions relating to restraining orders to prevent domestic abuse. Gives the county and district courts the authority to issue temporary and permanent restraining orders to prevent domestic abuse if the judge determines that the life or health of one or more persons is in imminent danger. Specifies that such orders may include

restraining a party from threatening, molesting, contacting, or injuring another party or the minor children of either party, excluding a party from the family home or the home of another, or awarding temporary care and control of minor children for a period not to exceed 120 days. Requires that a motion for a temporary restraining order to prevent domestic abuse takes precedence over all other matters on a court docket. Provides that the temporary restraining order, complaint, and a copy of the citation must be served on the defendant in accordance with rules of county court civil procedure or the Colorado rules of civil procedure. Requires the judge to make a temporary restraining order to prevent domestic abuse permanent if evidence exists that the defendant has committed acts constituting domestic abuse and will continue to do so absent a restraining order. Specifies that all requests for temporary care and control must be pursuant to existing law on such subject. States that any order for temporary restraint terminates whenever a subsequent order regarding the same subject is entered.

Expands the use of emergency protection orders to include the restraint of a party from contacting any other party or minor children of either of the parties.

Empowers peace officers to enjoin any person from contacting any party protected by a restraining order or an emergency protection order and requires the peace officer to remove the alleged violator from the premises or arrest the party. Specifies that it is the duty of the officer to inform the party protected by such orders that the party has the right to initiate contempt proceedings against the alleged violator. Requires the officer to advise the court of the nature of the alleged violation and states that if the court finds probable cause, it shall advise the alleged violator of his rights concerning contempt proceedings. States further that if the matter is not resolved at that first appearance, bail shall be set and a return date fixed. Provides that if a contempt proceeding is not filed by the return date, the defendant will be released from the bail requirement.

Changes the definition of domestic abuse to include violence which is committed against a minor child and to clarify the description of an actor's relationship with a victim.

APPROVED by Governor April 19

EFFECTIVE April 19

H.B. 1090 Juveniles - temporary holding facilities. Defines "temporary holding facility" and permits such a facility to serve as an alternative in the placement of juveniles who are temporarily detained.

APPROVED by Governor April 23

EFFECTIVE April 23

H.B. 1123 Restricted visitation or parental contact with children - motions - supervision - frivolous actions. Requires that motions to restrict visitation or parental contact with a child on the basis that the child will be in imminent physical or emotional danger due to such contact be heard within 7 days after a motion is filed. Mandates that any visitation that occurs during such time period be supervised by an unrelated third party or a licensed mental health professional. Authorizes family law referees to hear such motions.

Provides for the assessment of reasonable and necessary attorney fees and costs against a party for filing a substantially frivolous, groundless, or vexatious motion to restrict visitation or parental contact.

APPROVED by Governor April 27

EFFECTIVE April 27

H.B. 1177 Adoption - contact of adult adoptees, adoptive or biological parents, and biological siblings with consenting biological relatives - procedures - confidential intermediaries. Establishes a confidential process whereby an adult adoptee, adoptive or biological parent, or biological sibling may utilize confidential intermediaries to locate biological relatives who are at least 21 years of age. Defines "confidential intermediary" to mean a person 21 years of age or older who has completed a confidential intermediary training program.

Creates a voluntary commission to develop a manual of standards for training confidential intermediaries. Specifies the membership of the commission. Requires the commission to monitor all confidential intermediary training programs to ensure compliance with the standards set forth in the manual. Authorizes the commission to approve and disapprove training programs based upon compliance with said standards. Directs the commission to maintain and forward to the judicial department an up-to-date list of individuals who have completed training as confidential intermediaries.

Authorizes an individual who is included on the list of confidential intermediaries compiled by the commission to inspect confidential relinquishment and adoption records. Provides that such inspection shall be at the request of an adult adoptee, adoptive or biological parent, or biological sibling through petition to the court. States that any information discovered through such inspection shall be strictly confidential and shall be used only to arrange a contact between the person who initiated the search and the sought-after biological relative. Makes violation of the confidentiality requirements by a confidential intermediary a petty offense. Requires that, prior to arranging any contact among biological relatives,

the confidential intermediary must obtain written informed consent from all involved parties and that such consent be received by the court.

Prohibits the examination of a confidential intermediary as to any communication made to him in confidence when the court determines that disclosure would harm public interests. Amends certain other provisions to allow a confidential intermediary access to relinquishment and adoption records when requested by an adult adoptee, adoptive or biological parent, or biological sibling.

APPROVED by Governor March 27

EFFECTIVE March 27

H.B. 1180 Child support - uniform reciprocal enforcement - adjustment for support of other children - modification for medical support - burden of proof in contempt proceedings - procedural changes under Uniform Parentage Act - intercept of lottery prize winnings - income tax refund offset. Amends the "Revised Uniform Reciprocal Enforcement of Support Act" (RURESA) to comply with federal requirements for a central interstate registry. Requires the court, when Colorado is the initiating state in an action for child support or enforcement of income withholding, to send support documents through the central registry. Requires the central registry, when Colorado is the responding state in such actions, to promptly refer support documents that it receives to the delegate child support enforcement unit, which unit shall promptly transmit such documents to the responding court. Allows support payments ordered under RURESA to be made to the delegate child support enforcement unit in addition to the court. Requires that support orders transmitted to the initiating court by the responding court be certified. States where proper venue is under RURESA.

Authorizes a delegate child support enforcement unit to file an entry of appearance in any proceeding for dissolution of marriage or separation for the limited purpose of establishing and enforcing child support and medical support for children receiving Title IV-D support enforcement services under the federal "Social Security Act", as amended. Adds as a basis for modification of a child support order the fact that the order does not contain a provision regarding medical support.

Amends the child support guidelines to allow for an adjustment for a parent who is legally responsible to support children other than those who are the subject of the proceeding to establish child support or the proceeding to modify an existing support order. Corrects an incorrect statutory reference in the guidelines.

Amends the definition of "wages" in the "Colorado Child Support Enforcement Procedures Act" to clarify that the term includes unemployment compensation benefits subject to the provisions and requirements set forth in the "Colorado Employment Security Act". Eliminates the court's discretion to order the payment of child support debt in an amount less than unreimbursed public assistance in cases in which there has been no court order. States proper venue for a proceeding to collect child support debt.

Makes several changes to the "Uniform Parentage Act". Requires that the clerk of the court issue the summons rather than the judge. Allows modification of an order of support under the act only in accordance with standards for modification for an order issued under the "Uniform Dissolution of Marriage Act". Specifies that contempt of court for nonpayment of support shall be treated in the same manner as in the "Uniform Dissolution of Marriage Act". Amends the statute of limitations on paternity to allow an action to be brought by the delegate child support enforcement unit on a child's behalf up to the child's 21st birthday even if the statute of limitations in effect at the time of the child's birth was less than 18 years. Extends the obligation to support a child under the act until age 21, rather than 18, in order to bring the act into conformity with the duration of other orders of support.

Conforms venue under the "Colorado Children's Code" for paternity establishment and child support with venue under the "Colorado Child Support Enforcement Procedures Act". Increases the age of the child from 18 to 21 for bringing an action for support under the "Colorado Children's Code".

Exempts delegate child support enforcement units from paying court filing fees, the tax on vital statistics records, and charges for birth or death records in connection with activities to establish and enforce child support.

Creates a mechanism to intercept specified lottery prize winnings of a person who is certified by the state department of social services as owing child support debt or child support arrearages. Eliminates the requirement of submitting a court order for judgment or a verified entry of judgment to the department of revenue in order to obtain a state income tax refund offset as a means of collecting unpaid child support debt or arrearages. Clarifies that the state income tax refund offset may be used to collect support for all cases receiving federal Title IV-D support enforcement services.

Reduces the appropriation in the 1989 general appropriation act to the department of social services for

aid to families with dependent children by \$84,522 and appropriates \$15,300 and 0.5 FTE to the department of revenue for implementation of the act.

APPROVED by Governor June 5

EFFECTIVE July 1

H.B. 1216 Child abuse and neglect prevention programs - children's trust fund - appropriation. Creates the Colorado children's trust fund from which grants shall be awarded to establish prevention, research, and education programs relating to child abuse or neglect. Creates the Colorado children's trust fund board in the department of social work of Colorado state university. Outlines the authority and duties of the board regarding child abuse and neglect prevention programs and expenditure of trust fund moneys. Specifies the method for funding the Colorado children's trust fund and the procedure and criteria for disbursing grants. Requires that the board prepare an annual report for the general assembly on its activities and the status of the fund.

Places a surcharge of \$10 on marriage license fees to be credited to the children's trust fund until moneys in such fund equal \$5 million or until June 30, 1994.

Repeals the children's trust fund program June 30, 1994.

Appropriates \$15,000 from the Colorado children's trust fund to the department of higher education for allocation to the children's trust fund board for the start-up costs of initiating the trust fund.

APPROVED by Governor June 5

EFFECTIVE July 1

H.B. 1234 Support enforcement - use of notarized financial affidavit in proceedings. Changes the "Revised Uniform Reciprocal Enforcement of Support Act" to allow the notarized financial affidavit submitted by the obligee in a hearing for support enforcement to be received in evidence without testimony, and makes said affidavit prima facie evidence of the gross income of the out-of-state parent.

APPROVED by Governor March 29

EFFECTIVE March 29

H.B. 1268 Permanent placements for children. Requires the courts, if a child placed out of the home cannot be returned home, to conduct a permanency planning hearing for the purpose of determining the future status of the child. Specifies that such hearing may be held prior to but no later than 18 months after the original placement and periodically thereafter until permanent placement is determined.

Sets forth the findings to be made and the procedures to be followed in a permanency planning hearing. Provides that if the court determines that the child cannot be returned to the physical custody of his parent or guardian and that there is not a substantial probability that the child will be so returned within a certain time period, the court shall order the county department of social services to develop a permanent plan for the child. Sets forth the different orders that a court may make regarding placement based upon whether or not the child is found to be adoptable.

APPROVED by Governor April 23

EFFECTIVE April 23

H.B. 1279 Marriage ceremonies. Grants county and district court referees the authority to solemnize marriages.

APPROVED by Governor April 4

EFFECTIVE April 4

CONSUMER AND COMMERCIAL TRANSACTIONS

- S.B. 14 Repossession of collateral - secured party's liability - notification of law enforcement agency. Requires that a secured party or his assignee who hires or contracts with any person as principal for the recovery or taking possession of collateral after default shall only contract with persons bonded up to \$25,000. Provides that any secured party who contracts with such a person who is not bonded is responsible for the acts of such person even if the person would be deemed an independent contractor.

Requires any person who engages in repossession of a motor vehicle to notify the local law enforcement agency at least one hour before or no later than one hour after repossession occurs. Makes it a class 2 misdemeanor for a repossester to violate the notice requirement.

Defines "repossester".

APPROVED by Governor April 8

EFFECTIVE April 8

- S.B. 32 "Colorado Charitable Solicitations Act" - amendments - appropriation. Makes the term "professional fund raiser" synonymous with "paid solicitor". Requires the statement made in solicitation notices regarding the nature of the campaign to specify the means of communication to be used in the solicitation process. Specifies that such statement, as well as the required statement regarding the charitable purpose of the campaign, not contain misrepresentations or be devised with the purpose to defraud. Changes the period for filing a financial report with the secretary of state after a campaign ends from 60 to 90 days. Repeals the provision that specifies that notice and reporting requirements apply only to paid solicitors who solicit among businesses or residences door-to-door or by telephone.

Modifies disclosure requirements. Specifies the content and form of information to be disclosed to contributors. Eliminates the requirement that a solicitor provide an explanation to the contributor as to how contributions have been or will be spent. Requires that such disclosure be made even if no portion of proceeds from a solicitation campaign will be used for the cost of the solicitation process. Repeals the definition of "cost of solicitation process".

Specifies the procedure for cancelling agreements or pledges. Repeals the provision that prohibits paid solicitors who solicit by telephone from collecting contributions in person. Revises the limitation on making a representation that a contribution will purchase tickets

to be used by a beneficiary or will sponsor a beneficiary's admission to an event, and prohibits misrepresentations in regard to the use of such contributions.

Revises record-keeping requirements. Clarifies that persons required to keep IRS records of tax exempt status are those who claim exemption from the definition of "paid solicitor". Requires paid solicitors to keep records as to the number of donated tickets or sponsorships actually used or received by beneficiaries. Requires that records containing specified information concerning contributors be kept by paid solicitors for a period of 2 years.

Eliminates the "publication" violation and makes it a violation to misrepresent the use of contributions for donated tickets or sponsorships. Changes reference to "peace officer" to "district attorney". Allows a solicitor to provide required records for the district attorney within 20 days of the request if such records are kept out of state. Removes the requirement that records and accountings for a solicitation campaign directed toward Colorado residents be kept in Colorado. Repeals the definition of "product".

Appropriates \$31,230 and 1.0 FTE from the department of state cash fund to the department of state for implementation of the act.

APPROVED by Governor June 5

EFFECTIVE July 1

S.B. 73 "Uniform Commercial Code" documents - purging of records - filing with county clerk and recorder. Authorizes the filing officer with whom "Uniform Commercial Code" documents are filed to purge termination statements from his or her files after a period of 5 years.

Makes the recording of statements with the county clerk and recorder equivalent to filing of such statements as required under the code.

APPROVED by Governor April 5

EFFECTIVE April 5

S.B. 81 Commercial transactions - filings and reports - office of secretary of state. Requires that financing statements which are filed with the office of the secretary of state include the social security number of the debtor or, if the debtor does business other than as an individual, the federal internal revenue service taxpayer identification number of such debtor.

Mandates that certain filings and reports which are filed in the office of the secretary of state as required by the "Uniform Commercial Code" and by the "Colorado

Corporation Code" be typewritten on forms prescribed by the secretary of state. Sets forth an exception to said requirement by allowing such filings in handwritten form if the filer does not have access to a typewriter or is not capable of typing the form. Provides that, when such filing is handwritten, the secretary of state shall have the form typed and returned to the filer for signature.

Provides that the secretary of state shall impose and collect fees and other charges for furnishing written information on any corporation rather than only on such information with respect to two or more corporations. Provides that the requirement of filing a financing statement in the office of the secretary of state is substantially complied with even though such statement contains an incorrect debtor social security number or taxpayer identification number or such statement omits such number.

APPROVED by Governor April 6

EFFECTIVE April 6

H.B. 1116 Credit agreements - agreements required to be in writing - creditor liability. Requires that, in order to be enforceable, credit agreements made by financial institutions for amounts in excess of \$25,000, must be in writing and must be signed by the party against whom enforcement is sought.

Applies to credit agreements entered into on or after July 1, 1989.

APPROVED by Governor March 15

EFFECTIVE March 15

H.B. 1195 Auto rental contracts - collision damage waivers - disclosure - deceptive trade practice. Provides that no lessor of motor vehicles in this state may sell any collision damage waiver to a lessee without a written disclosure of the terms and provisions of the waiver. Specifies the required form and content of any collision damage waiver, certain terms and conditions to be disclosed in writing to any lessee, and the disclosure to be provided in any advertisement. Provides that a violation of these provisions, or the use of a collision damage waiver which contains an exclusion from the waiver for damages caused by ordinary negligence shall constitute a deceptive trade practice. Permits other exclusions from the damage waiver based on willful violation of the rental agreement or illegal activities.

APPROVED by Governor April 12

EFFECTIVE January 1, 1990

H.B. 1217 "Uniform Consumer Credit Code" - administration. Specifies that certain fees paid by persons in this state engaged in making consumer credit sales, consumer leases, or consumer loans or undertaking their collection, are nonrefundable. Provides for an increase in certain fees, including the annual notification fee which is increased from \$10 to \$20 and the annual license fee which is increased from \$200 to \$400. States that the date of payment of these fees shall be on or before January 31 of each year. Specifies that all fees shall be credited to the uniform consumer credit code cash fund for the administration and enforcement of said code and removes the requirement that unexpended balances in said fund shall revert to the general fund at the end of each fiscal year. Defines the term "Federal Consumer Credit Protection Act".

APPROVED by Governor April 23

EFFECTIVE April 23

H.B. 1261 Prepaid loan finance charges - limitations. Allows a lender, subject to certain conditions, to charge a debtor a prepaid loan finance charge when the total finance charge does not exceed that permitted for consumer loans. Specifies that, in the case of a refinancing or consolidation of a previous consumer loan, refinancing, or consolidation, for which a prepaid loan finance charge was imposed, the lender and the debtor may contract for a new prepaid loan finance charge only on the "new money" extended as credit, or the lender may rebate the unearned portion of the previous prepaid loan finance charge and the new prepaid loan finance charge may then be imposed against the new aggregate amount. Applies only if the original consumer loan, refinancing, or consolidation was a nonprecomputed transaction; if the original consumer loan, refinancing, or consolidation was a precomputed transaction, the lender must comply with the other provisions of the "Uniform Consumer Credit Code".

APPROVED by Governor April 12

EFFECTIVE July 1

H.B. 1305 Consumer protection - deceptive trade practices - credit statements. Adds to the definition of deceptive trade practices the failure to disclose the actual retail value of any prize which will be awarded in any contest or promotion in connection with any solicitation. Defines "actual retail value". Adds to the definition of deceptive trade practices any refusal or failure to obtain governmental licenses or permits required to perform services or sell items as agreed to or contracted for with a consumer.

Reduces the number of statements of account which must be provided each year without charge by a creditor to a debtor in a consumer credit transaction from 3 to 2 and

increases the permissible charge for additional statements from \$5 to \$10. Repeals provisions regarding the content of periodic statements sent by creditors to debtors.

Requires that a creditor provide written evidence of both the release of any security interest and the termination of any financing statement held by the creditor within 30 days of the payment in full of any obligation owed by a debtor.

Requires that the obligations of the contract provider to the holder of a motor vehicle service contract be guaranteed by a third party insurer under a service contract reimbursement policy.

APPROVED by Governor June 7

EFFECTIVE June 7

CORPORATIONS AND ASSOCIATIONS

H.B. 1235 Corporations - imposition of restrictions on rights and options. Clarifies that a corporation may create and issue debt securities, as well as other securities. Requires that the principal amount, interest rate, and payment terms be set forth on debt securities.

Allows a corporation to impose conditions on distributions of rights, options, or other securities, which either void or invalidate such rights, options, or other securities or restrict the exercise or transfer of such rights, options, or other securities by persons holding a specified percentage of the corporation's outstanding voting shares.

APPROVED by Governor March 31

EFFECTIVE March 31

CORRECTIONS

S.B. 2 Correctional industries advisory committee - continuation - election of chairperson. Continues the correctional industries advisory committee. Provides that the chairperson be elected by the voting members of the advisory committee from among the appointed members of the general assembly.

Extends the automatic termination date of the committee to July 1, 1994, pursuant to the provisions of the sunset law.

APPROVED by Governor April 8

EFFECTIVE April 8

H.B. 1067 Intensive supervision programs for offenders. Sets minimum standards for the operation of intensive supervision programs for offenders. Outlines eligibility requirements for intensive supervision programs. Provides for confinement in jail of any offender who violates a rule or condition of being placed in the intensive supervision program. Provides for procedures if an offender escapes from custody while in an intensive supervision program. Requires the executive director of the department of corrections to make an annual report to the governor and to the general assembly regarding intensive supervision programs. Authorizes the state board of parole to utilize intensive supervision programs. Makes the failure to report back to an intensive supervision program at a specified time the crime of attempt to escape.

APPROVED by Governor March 28

EFFECTIVE July 1

H.B. 1074 Emergency response time - correctional facilities - residency rule. Requires the executive director of the department of corrections to determine which correctional facilities under his control shall be required to implement a residency rule for personnel deemed by the facility director to be "essential personnel" in order to assure emergency response to such facilities within 55 minutes of an emergency call. Defines "essential personnel" and specifies excluded personnel. Requires the executive director to consider the size of the police force in surrounding communities when determining which facilities shall be required to impose such a residency rule.

BECAME LAW without Governor's signature
EFFECTIVE

June 10
June 10

H.B. 1225 Medical visits - charge to inmates - exception. Excepts from the requirement that the department of corrections charge inmates for medical visits any visit initiated by medical or mental health staff members, visits resulting from a referral by a nurse or physician assistant, emergency treatment, or follow-up visits by a medical professional.

APPROVED by Governor April 4

EFFECTIVE July 1

H.B. 1275 County jails - state prisoners - reimbursement for additional expenses. Authorizes the department of corrections to contract with counties which house state prisoners in county jails for the reimbursement of actual expenses incurred as a result of the placement of such prisoners. Specifies that such reimbursement may be in addition to the statutorily prescribed per diem amount allowed for the housing of such prisoners in county jails. Enumerates the kind of expenses for which such reimbursement may be claimed.

APPROVED by Governor June 5

EFFECTIVE June 5

COURTS, PROBATE, TRUSTS, AND FIDUCIARIES

S.B. 25 Libel or slander actions - defamation - self-publication. Bars an action for libel or slander unless the defamatory statement which is the basis for the allegation has been published by the party charged with such defamation, either orally or in writing, to a person other than the person making the allegation. Prohibits any defamation action where the defamatory statement has been self-published to a third party by the person making the allegation.

APPROVED by Governor April 8

EFFECTIVE April 8

S.B. 41 Jury system - procedures - appropriation. Effective January 1, 1990, repeals and reenacts the "Uniform Jury Selection and Service Act" and consolidates other provisions relating to juries. Sets forth the procedures for the selection of trial and grand jurors and for the granting of excuses or discharges for such jurors. Changes the compensation method for trial and grand jurors to require employers to pay regular daily wages not to exceed \$50/day to employees who serve as jurors during the first 3 days of service instead of payment by the state of a daily jury fee. Requires the state to pay a fee to jurors who are unemployed and to jurors who serve more than 3 days. Increases the amount of the jury fee assessed as part of the costs of suit. Gives a trial juror the right to a postponement of the term of jury service. Authorizes telephone notice so that jurors are not required to physically report each day after being summoned for jury service. Shortens the length of trial juror service.

Clarifies the definition of the crime of jury tampering and reclassifies the crime from a class 1 misdemeanor to a class 5 felony. Increases the penalty for jury tampering in a class 1 felony case from a class 5 felony to a class 4 felony. Creates the crime of failure to obey a jury summons and makes it a class 3 misdemeanor. Creates the crime of willful misrepresentation of material fact on a juror questionnaire and makes it a class 3 misdemeanor. Creates the crime of willful harassment of a juror by an employer and makes it a class 2 misdemeanor.

Appropriates \$800,056 to the judicial department for implementation of the act.

APPROVED by Governor June 5

PORTIONS EFFECTIVE:

June 5

July 1

January 1, 1990

S.B. 93 Wrongful death - damages. Allows the award of damages for noneconomic loss or injury in wrongful death actions and actions which survive death. Increases the limitation on the amount that may be recovered in wrongful death actions where the decedent did not have a widow, widower, minor child, or dependent parent by making it subject to the limitations for noneconomic loss or injury. Specifies that damages recoverable under a wrongful death action may include grief, loss of companionship, pain and suffering, emotional stress, and damages for noneconomic loss or injury. Allows persons entitled to sue to elect in writing to sue for and recover a solatium in the amount of \$50,000 in lieu of noneconomic damages and in addition to economic damages and funeral and burial expenses. Awards such amount upon a finding or admission of the defendant's liability.

APPROVED by Governor April 19

EFFECTIVE July 1

S.B. 124 Reforms to the civil justice system - evaluation of impact of reforms. Declares the intent of the general assembly to assess the impact of limiting the amount of liability awards and settlements in Colorado civil actions. Requires the state court administrator to confer with the commissioner of insurance to develop a plan for the collection of specified statistical data which would be used to assess the effect of such limitations. Requires that such plan and the estimated costs associated with the collection of such data to be submitted to the general assembly no later than January 1, 1990.

APPROVED by Governor June 1

EFFECTIVE June 1

H.B. 1002 Judges - payment of expenses. Permits judges who discharge their duties outside of their county of residence and retired judges assigned to judicial duties to be reimbursed for their actual and necessary expenses in the manner prescribed by rule of the supreme court. Removes the limitation on the amount to be reimbursed.

APPROVED by Governor March 21

EFFECTIVE July 1

H.B. 1203 Conservators - allowance or disallowance of claims - time frame. Removes the 60-day time limit for a conservator to change an allowance or disallowance of a claim against a protected person.

Applies to any such change to an allowance or disallowance of a claim notwithstanding the law which existed at the time the allowance or disallowance was made.

APPROVED by Governor April 6

EFFECTIVE April 6

H.B. 1218 Food donations - food service establishment - exemption from liability. Provides an immunity from damages in any civil action or from any criminal prosecution for food service establishments which donate food to nonprofit organizations for use or distribution in providing assistance to needy or poor persons.

APPROVED by Governor April 10

EFFECTIVE April 10

H.B. 1222 Guardianship proceedings - visitors. Removes the requirement that visitors in guardianship proceedings be trained specifically in law, nursing, or social work, and instead requires that such visitors have training the court deems appropriate.

APPROVED by Governor March 28

EFFECTIVE March 28

H.B. 1252 Grand jury system - modifications. 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 4 alternate grand jurors and an alternate foreman and specifying when alternates should be selected to sit on the grand jury; changing the standards for impaneling a judicial districtwide grand jury; specifying the procedural rules and laws governing grand jury proceedings; and providing for disclosure of a bill found not to be a true bill upon consent of the person exonerated and the chief judge.

APPROVED by Governor April 8

EFFECTIVE July 1

H.B. 1265 International wills. Enacts the "Uniform International Wills Act". Establishes the requirements for international wills, including that such wills shall be in writing by hand or any other means, in any language. Defines who is authorized to execute an international will. Outlines other elements of the form an international will shall take. Specifies that a certificate establishing that all requirements for an international will have been met shall be attached by the person authorized to execute the will and states the significance of such certificate. Includes a provision on the manner in which the provisions of the "Uniform International Wills Act" are to be interpreted. Specifies where an international will may be filed.

APPROVED by Governor April 17

EFFECTIVE April 17

H.B. 1274 County court judges - increase in positions. Increases by one the number of county judge positions in Arapahoe, Adams, and Jefferson counties.

APPROVED by Governor June 1

EFFECTIVE April 1, 1990

H.B. 1284 Professional negligence actions - certificate of review requirement. Requires a certificate of review to be filed with the court for each licensed professional named as a party in an action based upon alleged professional negligence. Requires the consultant who performs the review to include in the inquiry all available records, documents, and other materials relevant to the allegations. Requires consultants conducting such reviews to meet certain standards of competency. Specifies that failure to file the certificate of review shall result in, rather than be grounds for, dismissal of the complaint, cross claim, or counterclaim.

APPROVED by Governor April 12

EFFECTIVE April 12

H.B. 1294 "Health Care Availability Act" - financial responsibility requirements - actions against health care providers. Specifies that health care institutions shall maintain professional commercial liability insurance. Exempts outpatient mental health care facilities and extended care facilities with 16 or fewer beds from certain financial responsibility requirements. Requires the department of health to establish by rule less stringent financial responsibility standards for classes of health care institutions with less risk of exposure to medical malpractice claims or other case specific reasons.

Allows the award of exemplary damages, subject to the statutory limitations on the amount, in an arbitration proceeding concerning an agreement for medical services which contains a provision for binding arbitration of disputes as to the professional negligence of a health care provider.

Modifies the limitation on actions in the "Health Care Availability Act" to provide that no claimant may recover for injuries to any infant arising from genetic counseling and screening and prenatal care or from labor, delivery, or postnatal care where such injury was the result of genetic disease or disorder or other natural causes, unless the claimant can establish by a preponderance of the evidence that such injury could have been prevented or avoided by the ordinary standard of care of a physician, health care professional, or health care institution.

States that medical records or other medical information pertaining to any patient whose alleged death or injury is the basis for such action shall be discoverable to any party defendant and shall be admissible into evidence. Provides that medical records and information concerning the genetic siblings, parents, or grandparents of such patient may be discoverable in certain circumstances. Provides that no physician, health care professional, or health care institution shall be liable as a result of the release of such medical records. Allows any physician, surgeon, or registered nurse to testify as a witness in such action pursuant to the "Health Care Availability Act" without consent of the patient.

APPROVED by Governor May 11

EFFECTIVE July 1

CRIMINAL LAW

S.B. 57 Trafficking children - second degree kidnapping. Includes within the existing laws regarding second degree kidnapping those persons who kidnap children with the intent to sell, trade, or barter the children for consideration.

APPROVED by Governor April 4

EFFECTIVE July 1

S.B. 176 Payment of fines - nonviolent offenses. Establishes certain methods that a court may use, whenever it imposes a fine for the commission of a nonviolent class 1, 2, or 3 misdemeanor, a class 1, 2, or 3 misdemeanor, a class 1 or 2 petty offense, or a nonviolent municipal ordinance offense, to guarantee payment of said fine if the person is unable to pay the fine at the time of the court hearing or if the person fails to pay the court-ordered fine. Specifies the following methods: Requiring the person who committed the offense to post sufficient bond or collateral; entering a judgment and an order for garnishment of the person's earnings; or entering a judgment and executing a lien on the person's chattels, lands, tenements, and real estate. Permits the state or a political subdivision to appear before the court to request the release of a person incarcerated for nonpayment of a fine upon the condition that the fine and any costs of collection are collected from the incarcerated person pursuant to one of such methods. Provides that no officer shall collect fees in advance in a collection action filed pursuant to such procedure.

APPROVED by Governor April 6

EFFECTIVE April 6

S.B. 246 Criminal offenses - classification - miscellaneous changes - criminal justice commission. Creates a new sixth classification of felonies to be known as a "class 6 felony". Sets out fines and penalties for class 6 felonies.

Reduces the crime of giving false residence information for the purpose of voting from a class 5 felony to a class 6 felony. Reduces the crime of promoting a pyramid promotional scheme, second and subsequent convictions, from a class 5 felony to a class 6 felony. Reduces the crime of illegal restraint of trade or commerce from a class 4 felony to a class 5 felony. Reduces the crime of making false statements relating to certain employment claims from a class 4 felony to a class 5 felony. Reduces the crime of hiring armed guards or acting as a armed guard without a permit from a class 5 felony to a class 6 felony. Reduces the crime of making false statements in a workmen's compensation case from a class 4

felony to a class 5 felony. Reduces the crime of willful negligence in failing to observe construction requirements which causes a loss of life from a class 5 felony to a class 6 felony. Reduces the crime of unlawfully transporting explosives from a class 5 felony to a class 6 felony. Reduces a criminal violation of the insurance laws from a class 5 felony to a class 6 felony. Reduces a criminal violation of the banking laws from a class 5 felony to a class 6 felony.

Reduces criminal nonperformance of duties concerning banking laws from a class 4 felony to a class 5 felony. Reduces embezzling more than \$5,000 of bank assets from a class 5 felony to a class 6 felony. Reduces defrauding a savings and loan association from a class 4 felony to a class 5 felony. Reduces a criminal violation of the securities act from a class 5 felony to a class 6 felony. Reduces the crime of forging the seal or signature of a public official from a class 5 felony to a class 6 felony. Reduces a criminal violation of auto dealer financing laws from a class 5 felony to a class 6 felony. Reduces the crime of unlawfully butchering another person's animal from a class 5 felony to a class 6 felony. Reduces a criminal violation of farm products laws from a class 5 felony to a class 6 felony. Reduces criminal violations of commodity warehousing laws from class 5 felonies to class 6 felonies.

Reduces a criminal violation of laws concerning druggists from a class 5 felony to a class 6 felony. Reduces false advertising of a cancer cure from a class 5 felony to a class 6 felony. Reduces the crimes of illegally practicing podiatry and presenting false credentials to the Colorado Podiatry Board from a class 5 felony to a class 6 felony. Reduces the crime of illegally practicing medicine for certain persons from a class 5 felony to a class 6 felony. Reduces the crime of illegally practicing nursing for subsequent violations within 3 years of prior conviction from a class 5 felony to a class 6 felony. Reduces the crime of dispensing steroids without a prescription from a class 4 felony to a class 5 felony. Reduces a second or subsequent conviction of the crime of procuring food or accommodations with the intent to defraud from a class 5 felony to a class 6 felony. Reduces unlawful gambling from a class 4 felony to a class 5 felony. Reduces a fifth and subsequent conviction of a criminal violation of mobile home dealers' laws from a class 5 felony to a class 6 felony. Reduces a criminal violation of laws regarding motor clubs from a class 5 felony to a class 6 felony. Reduces the crime of acting as a subdivision developer without registering from a class 5 felony to a class 6 felony.

Reduces the crime of breaching the confidentiality of court decisions from a class 5 felony to a class 6 felony. Reduces the crime of causing another to avoid the service

of a writ from a class 5 felony to a class 6 felony. Reduces falsifying the declaration of another person from a class 4 felony to a class 5 felony. Clarifies that there is no statute of limitations on the crime of forgery, regardless of whether it is charged as a felony or a misdemeanor. Grants the prosecution in a criminal case the right to refuse to consent to a waiver of a trial by jury in any case in which the accused may request a trial by jury. Permits either the prosecution or the defendant in a felony case in which there is the possibility of the death penalty being imposed to request that the jury be instructed that the prosecution is not seeking the death penalty. Defines the terms "cruel", "depraved", and "heinous" for the purpose of aggravating factors to be considered in sentencing. Reduces the crime of transferring inmates in violation of law from a class 5 felony to a class 6 felony. Clarifies that consent is not a defense in any case involving sexual assault on a client by a psychotherapist. Makes possession of a fake weapon or false representation of possession of a weapon in the commission of a robbery fit under the crime of aggravated robbery. Creates a criminal justice commission which shall study and make recommendations to the governor and the general assembly regarding corrections, prison capacity, sentencing, parole, the use of correctional facilities, alternatives to incarceration, and the cost-effective use of state and local correctional resources. Establishes the membership of the the commission and procedures which the commission shall follow, and delineates duties of the commission. Terminates the commission on March 15, 1994.

Reduces the theft of rental property worth more than \$300, but less than \$10,000, from a class 4 felony to a class 5 felony. Reduces a second or subsequent conviction for theft of trade secrets from a class 4 felony to a class 5 felony. Reduces theft of medical records from a class 5 felony to a class 6 felony. Reduces third degree criminal trespass from a class 4 felony to a class 5 felony.

Reduces the crime of unlawful transfer for sale of sound recordings from a class 5 felony to a class 6 felony. Reduces first and second degree forgery from a class 4 felony to a class 5 felony. Reduces criminal possession of a first degree forged instrument from a class 5 felony to a class 6 felony. Reduces criminal possession of forgery devices from a class 5 felony to a class 6 felony. Reduces criminal impersonation from a class 5 felony to a class 6 felony. Reduces fraud by check from a class 4 felony to a class 5 felony. Reduces defrauding a secured creditor or debtor where the collateral or note is valued between \$300 and \$10,000 from a class 4 felony to a class 5 felony. Reduces issuing 2 or more false financial statements from a class 5 felony to a class 6 felony. Reduces receiving deposits in a failing financial institution from a class 5 felony to a class 6 felony.

Reduces the crime of unlawful activity concerning the selling of land from a class 4 felony to a class 5 felony, and making a false representation as to ownership in land from a class 5 felony to a class 6 felony. Reduces commercial bribery and breach of duty to act disinterestedly from a class 5 felony to a class 6 felony. Reduces sports bribery from a class 5 felony to a class 6 felony. Reduces failure to pay over assigned accounts from a class 4 felony to a class 5 felony. Reduces concealment or removal of secured property from a class 4 felony to a class 5 felony. Reduces failure to pay over proceeds from a class 4 felony to a class 5 felony. Reduces making a fraudulent receipt from a class 5 felony to a class 6 felony. Reduces making a duplicate receipt without marking it as such from a class 5 felony to a class 6 felony. Reduces unauthorized use of a financial transaction device where value obtained is between \$300 and \$10,000 from a class 4 felony to a class 5 felony. Reduces criminal possession of 2 or more financial transaction devices from a class 5 felony to a class 6 felony, and possession of 4 or more such devices from a class 4 felony to a class 5 felony. Reduces the criminal sale or possession for sale of a financial transaction device from a class 4 felony to a class 5 felony. Reduces criminal possession or sale of a blank financial transaction device from a class 5 felony to a class 6 felony, possession of 2 or more such devices from a class 4 felony to a class 5 felony, sale of such a device from a class 4 felony to a class 5 felony, and unlawful manufacture of such devices from a class 4 felony to a class 5 felony. Reduces criminal possession of a forgery device from a class 5 felony to a class 6 felony. Reduces equity skimming of real property from a class 4 felony to a class 5 felony. Reduces equity skimming of a vehicle from a class 5 felony to a class 6 felony. Clarifies the statutes regarding equity skimming and removes the requirement that a person engage in 2 instances of equity skimming before he can be prosecuted for the offense and requires a written, verbatim warning, acknowledged by the seller, when a bonafide purchaser acquires fee title to real estate without agreeing to pay underlying encumbrances. Reduces computer crime involving more than \$300 but less than \$10,000 from a class 4 felony to a class 5 felony. Reduces bigamy from a class 5 felony to a class 6 felony. Reduces making a false bomb threat from a class 5 felony to a class 6 felony.

Reduces introducing contraband in the second degree from a class 5 felony to class 6 felony. Reduces possession of contraband in the first degree from a class 5 felony to a class 6 felony. Reduces violation of bail bond conditions from a class 5 felony to a class 6 felony. Reduces taking compensation for performing past official duties from a class 5 felony to a class 6 felony. Reduces unlawful designation of a supplier from a class 5 felony to a class 6 felony. Reduces misuse of official information

from a class 5 felony to a class 6 felony. Reduces issuing a false certificate from a class 5 felony to a class 6 felony. Reduces embezzlement of public property from a class 4 felony to a class 5 felony. Defines "jury tampering" and increases it from a class 1 misdemeanor to a class 5 felony, except for jury tampering in a class 1 felony trial which is increased from a class 5 felony to a class 4 felony. Reduces tampering with physical evidence from a class 5 felony to a class 6 felony. Increases vehicular eluding from a class 1 misdemeanor to a class 5 felony.

Reduces possession of firearms, explosives, or incendiary devices in public transportation facilities from a class 5 felony to a class 6 felony. Reduces wiretapping from a class 5 felony to a class 6 felony. Reduces eavesdropping from a class 5 felony to a class 6 felony. Reduces use of illegal telecommunications equipment, second offense, from a class 5 felony to a class 6 felony. Reduces unlawful use of information obtained by wiretapping or eavesdropping from a class 5 felony to a class 6 felony. Reduces possession of a gambling device by a repeating gambling offender from a class 5 felony to a class 6 felony. Reduces receiving gambling information by a repeating gambling offender from a class 5 felony to a class 6 felony. Reduces maintaining a gambling premises by a repeating gambling offender from a class 5 felony to a class 6 felony.

Reduces insurrection from a class 4 felony to a class 5 felony. Reduces advocating the overthrow of the government from a class 4 felony to a class 5 felony. Reduces inciting a riot from a class 5 felony to a class 6 felony. Reduces membership in anarchistic and seditious associations from a class 4 felony to a class 5 felony. Reduces defacing a firearm from a class 5 felony to a class 6 felony. Reduces criminal libel from a class 5 felony to a class 6 felony. Reduces criminal usury from a class 5 felony to a class 6 felony. Reduces financing extortionate extensions of credit from a class 4 felony to a class 5 felony. Reduces financing criminal usury from a class 5 felony to a class 6 felony. Reduces possession or concealment of records of criminal usury from a class 5 felony to a class 6 felony. Reduces a criminal violation of the "Purchase of Valuable Articles" statute from a class 5 felony to a class 6 felony and reduces offense of giving false information relating to the purchase of valuable articles from a class 5 felony to a class 6 felony.

Reduces the crime of a school official having a financial interest in a supplier contract from a class 5 felony to a class 6 felony. Reduces receiving personal profit on state moneys from a class 5 felony to a class 6 felony. Reduces unlawful use of state moneys by the state treasurer from a class 5 felony to a class 6 felony.

Reduces the crime of making false claims for disaster relief from a class 5 felony to a class 6 felony. Reduces a criminal violation of the state lottery law from a class 5 felony to a class 6 felony. Adds fingerprints to the definition of "basic identification information". Reduces bribery for public printing contracts from a class 5 felony to a class 6 felony. Reduces illegal use of state emblems and symbols from a class 4 felony to a class 5 felony. Clarifies that the current ordinances of the city and county of Denver apply to the state capitol buildings group. Conforms the penalties for the crimes of medicaid fraud, welfare fraud, and food stamp fraud to the penalties for theft. Reduces misuse of property and funds by military personnel from a class 5 felony to a class 6 felony. Reduces swearing a false oath for the purpose of voting in a special district election from a class 4 felony to a class 6 felony. Reduces the crime of failure to account for funds by a wildlife license agent for \$200 or more from a class 5 felony to a class 6 felony. Reduces the crime of failure to account for funds by a pass and registration agent for \$200 or more from a class 5 felony to a class 6 felony. Reduces the use of illegal mining equipment from a class 5 felony to a class 6 felony. Reduces failure to account for mine proceeds from a class 5 felony to a class 6 felony. Reduces performing chemigation without a permit from a class 5 felony to a class 6 felony. Reduces wrongful branding to a class 6 felony. Reduces theft of livestock from a class 5 felony to a class 6 felony. Reduces shipping livestock prior to inspection from a class 5 felony to a class 6 felony. Reduces wrongful use of inedible meat from a class 5 felony to a class 6 felony. Reduces weather modification without a license permit after ordered by the director to cease and desist from a class 5 felony to a class 6 felony. Reduces conducting or causing another to conduct a weather modification operation without a license from a class 5 felony to a class 6 felony. Reduces fraud by an officer of a water and irrigation district from a class 5 felony to a class 6 felony. Reduces the crime of a drainage district officer having a financial interest in district contracts from a class 5 felony to a class 6 felony. Reduces receiving bribes by a drainage district officer from a class 5 felony to a class 6 felony. Reduces wrongdoing by corporate officers from a class 5 felony to a class 6 felony. Reduces altering or forging a certificate of title from a class 5 felony to a class 6 felony. Reduces theft of a certificate of title from a class 5 felony to a class 6 felony.

Reduces fraudulently procuring a certificate of title to land from a class 5 felony to a class 6 felony. Reduces forging a seal or signature of a registrar from a class 5 felony to a class 6 felony. Reduces a criminal violation by an officer or employee of the department of revenue from a class 5 felony to a class 6 felony. Reduces tax evasion

from a class 4 felony to a class 5 felony. Reduces the crime of an officer or employee of the department of revenue illegally taking a fee or reward from a class 5 felony to a class 6 felony. Reduces the crime of engaging in the business of a motor fuel distributor or refiner without a license from a class 5 felony to a class 6 felony. Reduces driving livestock on railroad tracks from a class 5 felony to a class 6 felony. Makes numerous changes in the procedures related to the administrative revocation of driver's licenses including the procedures for revocation hearings, requirements for use of affidavits, and notice of revocation. Reduces buying, selling, or possessing stolen auto parts from a class 4 felony to a class 5 felony. Reduces theft of auto parts worth more than \$300 and less than \$10,000 from a class 4 felony to a class 5 felony, and reduces any second or subsequent offense, when the auto parts are worth more than \$10,000, from a class 3 felony to a class 4 felony. Reduces tampering with a motor vehicle producing damage valued between \$300 and \$10,000 from a class 4 felony to a class 5 felony. Reduces altering a motor vehicle certificate of title from a class 5 felony to a class 6 felony.

Repeals the crime of receiving money to circulate an initiative or referendum petition regarding state or local laws. Changes the aggravating circumstances to be considered by a sentencing court by deleting the requirement that confinement be within this state when the commission of a crime is by a confined or escaped felon. Includes within the definition of sexual assault in the third degree the act of observing another person's intimate parts without consent or inducing a child to expose intimate parts or engage in sexual conduct for the gratification of the inducer.

APPROVED by Governor June 8

EFFECTIVE July 1

H.B. 1075 Sexual abuse on a child - penalty - pattern of sexual abuse. Increases the penalty for the crime of sexual abuse on a child when there is a pattern of sexual abuse. Defines the term "pattern of sexual abuse".

APPROVED by Governor June 1

EFFECTIVE June 1

H.B. 1115 Oil or gas gathering operations - tampering with equipment - criminal penalty. Establishes a criminal penalty for tampering with equipment associated with oil or gas gathering operations. Distinguishes the criminal act of tampering with equipment associated with oil or gas gathering operations from first degree criminal tampering and from second degree criminal tampering.

APPROVED by Governor April 6

EFFECTIVE July 1

H.B. 1124 Domestic violence - repeal of crime - sentencing. Repeals the separate crime of domestic violence. Requires that all persons who receive a sentence as a result of a crime involving domestic violence be ordered to complete a counseling program if an evaluation determines that such a program would be appropriate. Provides an exception to said requirement for persons sentenced to the department of corrections.

APPROVED by Governor April 4

EFFECTIVE April 4

H.B. 1162 Criminal offenses - miscellaneous changes. Clarifies that there is no statute of limitations on the crime of forgery, regardless of whether it is charged as a felony or a misdemeanor. Grants the prosecution in a criminal case the right to consent to a trial by jury in any case in which the accused may request a trial by jury. Permits either the prosecution or the defendant in a felony case in which there is the possibility of the death penalty being imposed to request that the jury be instructed that the prosecution is not seeking the death penalty. Defines the terms "cruel", "depraved", and "heinous" for the purpose of aggravating factors to be considered in sentencing. Changes the aggravating circumstances to be considered by a sentencing court by deleting the requirement that confinement be within this state when the commission of a crime is by a confined or escaped felon.

Includes within the definition of sexual assault in the third degree the act of observing another person's intimate parts without consent or inducing a child to expose intimate parts or engage in sexual conduct for the gratification of the inducer. Clarifies that consent is not a defense in any case involving sexual assault on a client by a psychotherapist. Makes possession of a fake weapon or false representation of possession of a weapon in the commission of a robbery fit under the crime of aggravated robbery. Creates the crime of theft by resale of lift tickets and makes it a class 3 misdemeanor. Clarifies the statutes regarding equity skimming and removes the requirement that a person engage in two instances of equity skimming before he can be prosecuted for the offense. Requires a written, verbatim warning, acknowledged by the seller, when a bona fide purchaser acquires fee title to real estate without agreeing to pay underlying encumbrances. Increases the penalty for vehicular eluding from a class 1 misdemeanor to a class 5 felony. Clarifies that the current ordinances of the city and county of Denver apply to the state capitol buildings group. Adds fingerprints to the definition of "basic identification information". Conforms the penalties for the crimes of medicare and welfare fraud to the penalties for theft.

Makes numerous changes in the procedures related to the administrative revocation of driver's licenses including the procedures for revocation hearings, requirements for use of affidavits, and notice of revocation.

VETOED by Governor June 8

Note: The substantive provisions of this act are identical to provisions in S.B. 246 which was approved by the governor.

H.B. 1197 Competency of defendant to stand trial - limitation of mandatory dismissal of criminal actions. Makes the dismissal of a criminal action due to the incompetency of the accused discretionary with the court. Allows such dismissal only upon a motion of the district attorney rather than being mandatory in all cases when certain conditions are met. Provides that the court shall enter a written decision in each case outlining why the criminal proceeding was or was not terminated.

APPROVED by Governor April 27

EFFECTIVE April 27

H.B. 1209 Sale of secondhand property - definitions related to criminal offenses. Expands the definition of "secondhand dealer", for purposes of criminal offenses related to the sale or trade of secondhand property, to include any person who purchases for resale any secondhand property which carries a manufacturer or serial number. Excludes all-terrain recreational vehicles and snowmobiles from the definition of "secondhand property" related to such offenses.

APPROVED by Governor April 6

EFFECTIVE July 1

H.B. 1236 Peace officers - assault - murder - penalties. Allows greater than maximum sentences to be imposed for assaulting a peace officer, level II. Modifies the felony crime of first degree murder of a peace officer or fireman to include the first degree murder of a peace officer, level II.

APPROVED by Governor April 6

EFFECTIVE April 6

H.B. 1245 Carrying a deadly weapon upon the property of an educational institution - prohibition. Makes it a crime to bring a deadly weapon on the grounds or in the buildings which comprise an educational institution. Makes certain exceptions for the following: Authorized demonstrations

and exhibitions; carrying out the duties of an employee of the institution; participation on an athletic team, if the weapon remains unloaded and inside a vehicle; and lawfully hunting away from the vicinity of any buildings.

APPROVED by Governor April 15 EFFECTIVE April 15

H.B. 1259 Equity skimming - failure to pay certain fees. Includes in the crime of equity skimming the failure to pay fees due to an association of real property owners. Establishes an affirmative defense to such crime.

APPROVED by Governor April 24 EFFECTIVE April 24

H.B. 1289 Vehicular offenses - alcohol- or drug-related. Includes certain controlled substances in the list of drugs used in the vehicular homicide and vehicular assault statutes. Establishes a different method for determining alcohol levels. Requires persons to submit to testing and provides for license revocation for refusal to submit to such testing.

APPROVED by Governor April 21 EFFECTIVE July 1

H.B. 1335 Control of gang activity - gang-related crimes. Defines "gang". Imposes a duty on superintendents of correctional facilities, jails, lockups, or other facilities used to confine adults, but which detain juvenile offenders at times, as well as directors of facilities for youth committed to the department of institutions, to take measures to restrict the confinement of persons with a known past or current association with any gang so as to prevent contact with other inmates and to prevent recruitment of new gang members.

Requires the Colorado bureau of investigation to develop and maintain a computerized data base for tracking gangs and gang members both intrastate and interstate. Specifies the information to be maintained in the data base. Requires any law enforcement agency requesting a criminal filing to submit to the district attorney any relevant information about an offender's affiliation with a gang.

Defines "drive-by crime" and deems a car used in the commission of a "drive-by crime" a class 1 public nuisance. Provides enhanced sentencing of up to an additional 5 years for felonies committed by use of a dangerous or a semiautomatic weapon, which sentence shall be served consecutively and which cannot be suspended. Defines "semiautomatic weapon". Makes defacing public or private property by painting, writing, or drawing a class 2

misdemeanor and provides a one-year jail term for subsequent convictions.

Provides for specified sanctions to be imposed on supervised probationers and parolees who initially test positive for the illegal or unauthorized use of a controlled substance. Requires probation and parole officers to impose one or more specified sanctions against supervised probationers and parolees whose results are positive on a second or subsequent test.

APPROVED by Governor June 5

EFFECTIVE June 5

CRIMINAL PROCEDURE

- S.B. 66 Ute Indian police forces - designation as peace officers - training. Adds full-time officers of the Southern Ute Indian police force or Ute Mountain Ute Indian police force to the definition of "peace officer". Provides for training of such officers on a space-available basis. States that reimbursement for training expenses shall not be available for such officers.

APPROVED by Governor April 8

EFFECTIVE April 8

- S.B. 249 Assault weapons - aggravating factor in death penalty determination. Includes the use of an assault weapon as an aggravating factor in the determination of whether the death penalty shall be imposed in any particular case. Defines "assault weapon".

APPROVED by Governor June 1

EFFECTIVE June 1

- H.B. 1091 Testimony of children - discharge in bankruptcy - presentence report - interlocutory appeals - arrest of parolee - resentence of offenders rejected by community corrections board - bail bonds. Adds child abuse cases to the exceptions to the proscription against children under the age of 10 giving testimony in court. Makes any ordered restitution in a criminal case a debt for "willful and malicious" injury for the purpose of exceptions to discharge in bankruptcy. Clarifies that a presentence report must be furnished to the parties in a criminal action no less than 72 hours prior to the sentencing hearing. Clarifies that the prosecution may file an interlocutory appeal from a ruling of a trial court granting a motion in limine in a case to suppress evidence or an extrajudicial confession. Provides that if a parole officer is informed that a parolee has been arrested for a criminal offense, the parole officer shall file a complaint alleging a violation of parole, inform the parole board of the pending criminal proceeding, and request that any parole revocation proceeding be deferred until the disposition of the criminal charge. Permits a court to resentence without a hearing an offender rejected by a community corrections board after initial acceptance. Allows a person to secure a bail bond with the unencumbered equity in real property owned by the accused or any other person acting as surety which equity shall amount to at least one and one-half of the amount of bail set in the bond. Establishes proof requirements for such bonds. Allows the county attorney in counties having a population exceeding 50,000, rather than 100,000, to conduct proceedings to impose a legal disability.

APPROVED by Governor April 12

EFFECTIVE April 12

H.B. 1302 Crime victims compensation - residential insurance deductible - administrative costs - victim living in same household as assailant. Removes the limitation on the payment of a residential insurance deductible out of the crime victim compensation fund in each judicial district. Increases from 5% to 8.5% the amount of the crime victim compensation fund that may be used for administrative costs and allocates such amount between the district attorney and the court administrator. Repeals the prohibition against a victim receiving compensation if he lives in the same household as his assailant.

APPROVED by Governor April 23

EFFECTIVE April 23

DISTRICT ATTORNEYS

S.B. 30 Annual financial audits. Requires each office of the district attorney in each judicial district to submit annual financial statements to the state auditor. Authorizes the state auditor to conduct a postaudit of any noncomplying office of a district attorney. Provides that the expenses of such audits shall be borne by the office of the district attorney.

APPROVED by Governor April 4

EFFECTIVE April 4

EDUCATION - PUBLIC SCHOOLS

- S.B. 43 School districts - annual elections for question of levying additional tax. Authorizes school districts to seek voter approval annually on the first Tuesday after the first Monday in November on the question of levying an additional tax for their general funds. Requires school districts which submit such question to the electorate at a general election to comply with the "Colorado Election Code of 1980". Requires that such question be delivered to the county clerk and recorder at least 60 days prior to the election. Allows the school district to withdraw such question from the ballot within 55 days of the election. Waives the requirement of notification by postcard if an elector is voting at the same precinct as the general election.

APPROVED by Governor April 8

EFFECTIVE April 8

- S.B. 86 Pupil enrollment - inclusion of handicapped children enrolled in certain programs. Expands the definition of "pupil enrollment" under the "Public School Finance Act of 1988" to clarify how handicapped children who are enrolled in educational programs under the "Exceptional Children's Educational Act" are to be counted for funding purposes.

Applies to the 1990 school budget year and school budget years thereafter.

APPROVED by Governor June 5

EFFECTIVE July 1

- S.B. 256 Funding under the "Public School Finance Act of 1988". Establishes funding for school districts for the 1990 school budget year. Modifies and makes permanent the "hold harmless" provision which allows a district whose equalization program funding for the prior budget year exceeds the amount of funding established by the formula for the current budget year to increase its current year funding in a limited amount. Allows a hold harmless district whose enrollment is declining to get the limited increase but provides for a reduction of such amount in accordance with an established formula.

Increases the funding components by an amount which represents a 1% inflation rate. Increases the state share of education funding from 45.55% to 47.40%. Allows the department of education to adjust the total district share of education funding up or down by no more than .2% if the state appropriation is more or less than the amount necessary to fund the state share of education funding. Requires the department to submit a supplemental appropriation request if the state appropriation and the additional property tax revenues are not sufficient to fund the state share. Decreases the minimum per pupil amount

guaranteed to each district from \$68.75 to \$65.24 to reflect the decrease in the amount of school lands and mineral lease moneys received by the state. Changes the formula which allows an increasing enrollment district to increase its equalization program funding beyond that allowed during the phase-in period so that a district receives a specified amount for each increased pupil plus an additional amount for every 8 instructional units of increase.

For the 1990 budget year only, allows any district whose equalization program funding per pupil for the 1990 budget year is less than \$150 more than its equalization program funding per pupil for the 1989 budget year to transfer to its general fund from the moneys budgeted for capital reserve and insurance reserve an amount which will provide the district with the \$150 increase per pupil. Limits the amount that may be transferred to 1/2 of the minimum required to be transferred by statute. Defines "equalization program funding per pupil" for the 1989 and 1990 budget years. Requires any district which transfers moneys to its general fund in accordance with this provision to increase the amount budgeted for the capital reserve and insurance reserve funds each year so that the minimum statutory amount is budgeted in the 1993 budget year.

Modifies the limitation on the maximum amount a district's mill levy will increase or decrease in any budget year to 4 mills, 33% of the difference between the the prior year's mill levy and the uniform mill levy, or an amount which represents a 5-1/2% increase or decrease in property tax revenues over the prior budget year. For the 1990 budget year, allows a district whose mill levy is due to increase by more than 3-1/2 mills to levy less than the maximum mill levy but not less than its mill levy for the 1989 budget year plus 3-1/2 mills. Requires information relating to the amount of the mill levy increase for the 1990 budget year to be provided to taxpayers.

Requires the department of education to conduct a study of school district administration and staffing patterns. Limits the board of education of a school district from entering into an agreement with any group, organization, or association representing school district employees which commits revenues for a period in excess of one year unless it includes a provision allowing the reopening of the salaries and benefits portion of the agreement.

Provides for the conformance of the school district fiscal year and the property tax year to the state fiscal year beginning July 1, 1992. Requires the legislative council staff to study the fiscal year issue and report back to the legislative council.

Requires the board of education of each school district to create a contingency reserve in its general fund to consist of a minimum amount of not less than 2% of the general fund. Deletes the requirement of formal action by the board prior to the transfer of moneys between the instructional supplies and materials account and the instructional capital outlay account.

Requires the commission on school finance to meet as necessary, instead of monthly, but requires no less than 6 meetings per calendar year.

APPROVED by Governor June 7

EFFECTIVE June 7

H.B. 1073 Teacher certification - exemption - instructors of public school students enrolled in institutions of higher education. Specifies that no person shall be required to hold a teacher's certificate or a letter of authorization in order to instruct any public school pupil who is enrolled in an institution of higher education pursuant to the provisions of the "Postsecondary Enrollment Options Act". Defines the term "institution of higher education" for purposes of the "Teacher Employment, Dismissal, and Tenure Act of 1967". Exempts persons who instruct public school pupils in institutions of higher education from teacher certification requirements.

APPROVED by Governor March 15

EFFECTIVE March 15

H.B. 1125 Adult literacy - grant program - cash fund. Authorizes the state board of education, by rule and regulation, to establish and administer a grant program to promote adult literacy programs statewide. Specifies that among other criteria determined by the board, programs which are eligible to apply for grants must be for adults who read at less than a specified grade level and must be designed to provide basic skills in reading and writing English. Provides that the Colorado literacy action program in the state library shall implement the board's rules and regulations and shall make recommendations to the board regarding grant applications. Creates the Colorado adult literacy cash fund from which grants shall be awarded. Authorizes the board to accept gifts and grants for the promotion of adult literacy and credits such moneys to the fund. Requires the board to report annually to the general assembly on the activities of the grant program.

Repeals the adult literacy act on June 30, 1994.

Appropriates \$200,000 from the adult literacy cash fund to the department of education for implementation of the act.

APPROVED by Governor April 15

EFFECTIVE July 1

H.B. 1199 Educational accountability - advisory committee - membership. Increases the number of members of the advisory committee to the state board of education concerning educational accountability from 17 to 18. Increases the number of members of said advisory committee which are appointed by the president of the senate from 2 to 3 and specifies that no more than 2 of the members appointed by the president shall be from one of the major political parties. Changes the number of members of said advisory committee which are appointed by the state board of education and which are public school administrators from 3 to 2 and specifies that one of the members appointed by the state board shall be a parent representative who is not employed by a public school or school district.

APPROVED by Governor April 12

EFFECTIVE April 12

H.B. 1243 State board of education - authority to waive certain requirements. Upon application of the board of education of any school district which application has been concurred in by certain committees and persons, authorizes the state board of education to waive requirements imposed by statute, subject to standards for educational achievement and enhancement of educational opportunities, or by rule and regulation in order to accomplish educational achievement. Places the burden on the school district making the application to demonstrate that such waiver would accomplish such purposes. Specifies a maximum period of time for such waiver to be effective. Provides procedures to renew such waiver. Requires the state board of education to file annual reports concerning the waivers granted.

Authorizes the state board of education to promulgate rules and regulations to implement the "Postsecondary Enrollment Options Act". Allows the state board of education to waive certain requirements for applicants to obtain a type A teaching certificate.

APPROVED by Governor April 17

EFFECTIVE April 17

EDUCATION - UNIVERSITIES AND COLLEGES

- S.B. 26 Postsecondary educational facilities authority - eligibility requirements - financing of cultural facilities. Adds cultural institutions to the list of entities and organizations eligible to receive funding through the postsecondary educational facilities authority. Defines "cultural institution" and "facility". Enables the authority to exercise all existing financial powers in financing cultural facilities. Prohibits financing of cultural facilities after July 1, 1992.

Eliminates the requirement that rentals under leases be adequate to meet debt payments on bonds issued on the facilities leased.

Requires that all forms of approval required by law, including approval by the commission on higher education, be obtained prior to the financing of any institution of postsecondary education supported by state funds.

APPROVED by Governor April 8

EFFECTIVE April 8

- S.B. 42 Tuition - Canadian military personnel. Allows members of the Canadian military forces stationed in Colorado and their dependents to receive in-state tuition status at all institutions of higher education in this state. Requires the commission on higher education to report annually on the enrollment of Canadian military personnel. Specifies that a Canadian granted in-state tuition status shall be treated as an in-state resident for tuition classification purposes only.

APPROVED by Governor June 6

EFFECTIVE June 6

- S.B. 44 Colorado state university - veterinary medicine program - support fee for out-of-state students. Specifies that the annual support fee for the 5-year period beginning July 1, 1990, for out-of-state students attending the Colorado state university veterinary medicine program shall be \$18,400. Clarifies that the annual equipment and renovation fee of \$1,000 is included within the support fee and that said equipment and renovation fee shall be credited to a separate reserve account for the acquisition or replacement of equipment and for renovation.

APPROVED by Governor May 26

EFFECTIVE July 1, 1990

S.B. 49 Tuition - Olympic athletes. Classifies Olympic athletes attending a state-supported institution of higher education located in Pueblo county as in-state students for purposes of tuition.

APPROVED by Governor April 5

EFFECTIVE April 5

S.B. 89 Student financial assistance - rural economic development. Requires that annual appropriations for student financial assistance increase at the same rate as the aggregate of all appropriations to higher education.

Instructs the commission on higher education to establish a network of programs related to rural economic development with a view to the development of advanced technology industries in depressed rural areas.

APPROVED by Governor June 7

EFFECTIVE July 1, 1990

S.B. 244 Colorado state university - veterinary medicine program - discontinuance of financing by separate appropriation. Repeals on July 1, 1991, the provision which requires the veterinary medicine program of Colorado state university to be financed by separate appropriation.

APPROVED by Governor May 26

EFFECTIVE May 26

H.B. 1017 Colorado educational exchange program - short title - foreign schools - enrollment requirements. Adds a short title to certain statutory provisions concerning the educational exchange program to reflect the content of said provisions.

Allows foreign institutions of higher education to participate in the program. Requires that the number of resident students participating in the program be matched by an equal number of nonresident students enrolling at Colorado institutions of higher education. Eliminates student eligibility and enrollment restrictions.

APPROVED by Governor April 12

EFFECTIVE April 12

H.B. 1049 Colorado education savings program - issuers of bonds - incentive payments - copayments and periodic payments - financial planning. Alters the Colorado education savings program to permit bonds or certificates of participation of issuers other than the Colorado postsecondary educational facilities authority to be designated as Colorado education savings bonds or certificates if such bonds or certificates satisfy certain criteria. Specifies that the postsecondary educational facilities authority shall evaluate the

feasibility of attaching incentive payments to mature Colorado education savings bonds or certificates if the proceeds of the bonds or certificates are used to pay for educational expenses incurred at a Colorado institution of higher education and that the authority shall also continue to evaluate copayment and staggered or periodic payment plans for Colorado education savings bonds or certificates. Continues the mandate to the authority to collaborate with the Colorado commission on higher education on efforts to educate parents about financial planning with regard to their children's college education.

APPROVED by Governor April 12

EFFECTIVE April 12

H.B. 1100 Colorado existing industry training program - appropriation. Establishes the Colorado existing industry training program within the state board for community colleges and occupational education. Provides that the program be jointly administered by the state board of community colleges and occupational education and the office of economic development in cooperation with the department of local affairs, department of labor and employment, the governor's job training office, state and local education agencies and private industry councils, and approved joint apprenticeship programs. Specifies the job training and retraining to be conducted under the program, the conditions under which the training or retraining is to be conducted, and certain training costs which shall be paid for by the program. Requires that 40% of some training costs be financed by a sponsoring company. Creates the Colorado existing industry training cash fund and specifies that the general assembly shall make annual appropriations from the fund for the administration of the act. Authorizes an expenditure in the amount of \$300,000 from the unemployment revenue fund for the fiscal year beginning July 1, 1989, in order to provide start-up financing for the program.

Appropriates \$300,000 from the Colorado existing industry training cash fund for the implementation of the act.

APPROVED by Governor June 7

EFFECTIVE June 7

H.B. 1143 University hospital - reorganization. Authorizes the regents of the university of Colorado to create a non-profit corporation to operate university hospital and to lease or transfer the assets and liabilities of university hospital to such corporation. Authorizes the regents to transfer the assets of the Colorado psychiatric hospital to the corporation, to enter into contracts with the corporation, and to issue bonds or otherwise borrow money on behalf of the corporation. Allows the regents to

provide insurance to the corporation through self-insurance trusts or pools maintained by the university. Requires that, as a condition to the transfer of any assets, the corporation shall assume all outstanding liabilities of the regents arising out of the operation of the hospital. Requires the articles of incorporation of the corporation to include the following: The corporation shall have no members or stock; the governance of the corporation by a board of directors consisting of 9 members including one from each congressional district and no more than 3 directors employed by the hospital or the University of Colorado; the mission of the operating university hospital as a teaching and research facility; the provision of at least \$3.2 million in uncompensated care to the medically indigent during its first 2 fiscal years of operation; the award of hospital privileges only to faculty of the university of Colorado health sciences schools; the prohibition of an aggregate indebtedness in excess of a certain amount without the approval of the general assembly; the prohibition of business activities not primarily in furtherance of the mission of the corporation; and the return of all assets to the regents upon dissolution.

Provides that the activities of the corporation related to the provision of medical care for the indigent shall be subject to review and inspection by a board of visitors who shall report their findings to the general assembly, the governor and the state auditor. Specifies that the board of visitors shall be composed of the legislative audit committee together with four members appointed by the governor. Requires that records and activities of the corporation be open to inspection by the board of visitors and that meetings of the board of visitors be open to the public.

Establishes alternatives for the employment of Colorado state employees by the hospital corporation during a two-year period of transition. Provides that state employees who become employees of the corporation will retain accrued sick and annual leave and will receive retirement benefits equal to those provided by the public employees' retirement association. Allows the regents to arrange at their discretion for the billing, collection, and disbursement for professional services through a profit or nonprofit corporation.

BECAME LAW without Governor's signature

April 21

PORTIONS EFFECTIVE: April 21 and upon commencement of operations and completion of any transfer of assets to any corporation as specified in the act.

H.B. 1156 Auraria higher education center board of directors - membership - powers - expiration - continuation of advisory committee. Abolishes the existing board of directors of the Auraria higher education center and creates a new board of directors effective July 1, 1989. Specifies the composition of the new board to be 9 voting members and 2 ex officio nonvoting members. Directs that the voting membership of the board include: 3 lay members, who are residents of the Denver metropolitan area; the 3 chief executive officers of the regents of the University of Colorado, of the trustees of the state colleges, and of the state board for community colleges and occupational education; and 3 members, one appointed by, and from among the members of, each of said governing bodies. Provides for the election of a chairman for the Auraria board from the lay members. Repeals specifications for the composition of the board on July 1, 1993.

Requires that, for actions by the Auraria board of directors in which representatives of any single institution have voted in the minority, the majority opinion will prevail only if it is supported by a majority of the lay members of the Auraria board.

Authorizes successorship to, or other satisfaction of, the obligation of contracts entered into by the abolished board of directors by the new board of directors.

Directs the governing boards of the constituent institutions to participate with the executive director of the commission on higher education in drafting an advisory memorandum of agreement covering interinstitutional issues for the Auraria campus.

Allows the Auraria board of directors to employ an executive vice-president for administration to be in charge of operations at the Auraria campus.

Raises admission standards for the university of Colorado at Denver.

Extends the termination date of the advisory committee to the Auraria board of director to July 1, 1993. Provides for review of the advisory committee by the sunrise and sunset review committee prior to said termination date.

APPROVED by Governor May 16

EFFECTIVE July 1

ELECTIONS

- S.B. 96 Absentee voting process - citizens out of the country on election day. Changes the absentee voting process for citizens who will be outside the United States on election day. Requires that the clerk and recorder note in the election records that absence abroad serves as the basis for an absentee ballot request. Specifies that before sending the absentee ballot to such an elector the clerk and recorder stamp the return envelope with the words, "Notarization is not required" and that such ballot need not be completed before a notary. States how ballots stamped "Notarization is not required" are to be counted.

APPROVED by Governor April 5

EFFECTIVE April 5

- S.B. 97 Political parties - adoption of bylaws or rules - length of party affiliation required for primary election nomination. Requires each state central committee of the major political parties to file or amend the party's state bylaws or rules by the first Monday in April in each even-numbered year. Provides that a state central committee which fails to timely file bylaws or rules shall be governed by the state election code through the general election of the same year.

Specifies that candidates for United States senator, representative in congress, all elective state, district, and county offices, and the general assembly must be affiliated with a political party for at least 12 months in order to be placed on the party's primary ballot, unless a period is otherwise provided by law.

APPROVED by Governor April 12

EFFECTIVE April 12

- S.B. 129 Election code - registered electors - central committees - candidates for primary elections - designation by assemblies and petition - nomination of independent candidates - vacancies - election judges - poll watchers - election contest - costs assessed - anonymous statements - issues and candidates - nomination papers - tampering - political contributions - reporting requirements. Clarifies the definition of "registered elector" to correspond with language in other provisions of the election code so that if any provision of the code requires a signature on any election document by a registered elector, the person making the signature shall be deemed to be a registered elector if the person's name and address on such document matches the name and address for such person in the county election records and the master voting list on file with the secretary of state.

Allows qualified registered electors who serve in the armed services and who are unable to vote in accordance with the election code to vote in accordance with the "Federal Uniformed and Overseas Citizens Absentee Voting Act".

Allows an "active" elector whose general election absentee ballot is received late, but which is postmarked on or before the general election day, to remain on the voting records as an "active" elector. Requires that an elector placed on "inactive" voting status because he failed to return a voter information card to the county clerk and recorder, to be returned to "active" status where the elector's general election absentee ballot was received late, but which was postmarked on or before the general election date.

Requires county central committee officers who serve on congressional, judicial district, state senatorial, and state representative central committees to reside within such respective districts. Specifies that no person shall be eligible to be a candidate for more than one office at a time.

Requires political parties to hold assemblies for nominating candidates who will be placed on the primary election ballot no later than 65 days, rather than 55 days, before the primary election. Amends rules concerning the certification of candidates and taking second ballots so that if a candidate receives 30% or more votes of all delegates present and voting at the assembly he shall be certified and so that if no candidate receives such votes a second ballot shall be cast; rather than requiring that a candidate receive such number of votes of the delegates to the assembly, regardless of whether they are present and voting. Requires that the certification of designation certify that the candidate has been a member of the political party for a period of time required by the political party's rule, or, if none, by law, rather than only as required by law. Requires certificates to be filed prior to 65 days before the primary election.

Allows any registered elector, except a circulator, to assist an elector who is physically unable to sign a petition that designates a candidate for a political party's primary election or a petition that designates an independent candidate as a nominee for a political office in completing the information on the petition as required by law. Requires the assisting elector to sign his name and to state that assistance was rendered. Provides that no person shall be placed in nomination by petition on behalf of any political party if he attempted and failed to receive at least 10% of the delegates votes at the party assembly. Prohibits petitions for the designation of candidates for a political party's primary election ballot

from being circulated before the first Monday in April of an election year. Requires the petition to be filed with the appropriate election official prior to 65 days before the primary election and that such official, upon receipt of such petition, shall send a notice to the candidate stating whether the petition appear to be sufficient.

Changes the number of signatures required on a petition to nominate independent candidates in order to make such number equal to the number of signatures required for party members seeking their party's nomination by petition.

Applies existing rules concerning the filling of vacancies for political office candidates when a vacancy occurs 55 days, rather than 45 days, before the applicable election and when such vacancy occurs as a result of disqualification, in addition to other existing reasons.

Requires election judges to attend the class for instruction. Provides for disqualification and the appointment of an alternative judge for failure to attend such course. Requires that the acceptance form for election judges include a statement concerning the mandatory attendance of such course.

Requires the secretary of state to transmit a notice to local election officials specifying the offices for which nomination are to be made at the primary election and to prepare a ballot for each party holding a primary election to inspect 45 days, rather than 30 days, before any primary election. Requires that the name of each person nominated be printed or written in only one place on the ballot.

Allows an issue committee whose candidate or whose issue is on the ballot and write-in candidates to have a poll watchers at the precinct polling places on an election day.

Allows the court at a hearing concerning an illegal or fraudulent registration to remove an elector's name from the registration records if it is proven that the challenged person does not reside at the address provided by such person at the time of registration, rather than if it is proven that such person is not a registered elector in the precinct wherein he is registered.

Allows the court to assess costs and attorneys fees incurred by the contestee against the contestee when a judgment is entered against the contestee in an election contest or an appeal of such contest and requires the judgment to so state.

Specifies that persons elected or appointed to fill vacancies for specified political offices shall hold such offices until their successors take office on the second Tuesday of January, except as otherwise provided by law.

Specifies that the current provision prohibiting anonymous statements relating to any candidate for election for any office or relating to any issue which is to be submitted to the electors does not apply to any person who distributes, publishes, or prints specified materials but is not responsible for authoring, authorizing, paying for, or ordering such material. States that the prohibition against anonymous statements as applied to a tailored group of individuals is to accomplish a compelling state interest.

Makes it a criminal offense to add to, amend, alter, or in any way change the information on an election petition as written by a signing elector. Imposes political contribution reporting requirement on associations, political parties, political organizations, or other groups of persons that receive contributions or contributions in kind through specified functions or such contribution that are in excess of \$25 if such contributions are intended to be given to another organization or group of persons which in turn forwards such contributions to one or more candidates or political parties. Makes the reporting requirements applicable to the organization or group of persons receiving such contributions.

BECAME LAW without Governor's signature
EFFECTIVE

May 9
May 9

H.B. 1181 Initiative and referendum process - appropriation. Defines terms. Requires that drafts of initiative petitions be submitted to the secretary of state no later than 3 p.m. on the Friday before the first and third Wednesday of the month in order to be considered by the title setting board. Makes the third Wednesday in May of a general election year the last day on which the board will meet to set titles. Requires the title setting board to consider the potential of public confusion being caused by misleading titles and to avoid titles for which the general understanding of the effect of a "yes" or "no" vote will be unclear.

Requires proponents of a proposed measure to designate two persons to whom all notices or information concerning the petition shall be mailed.

Shortens the time for protesting a title fixed by the title setting board from 30 to 15 days. Tolls the period for filing signed petitions with the secretary of state when a protest of a title has been made; specifies,

however, that the tolling of the period shall not result in an extension beyond 3 months prior to the election at which the petition is to be voted upon by the electorate.

Allows the secretary of state to prescribe the form for initiative or referendum petitions. Requires that the ballot title for the measure be printed on each page of the petition. Requires each person signing a petition to sign his or her own signature and provide additional information which will assist in signature verification. Allows any person, but not a circulator, to assist a disabled or illiterate elector in completing the required information on the petition. Requires the circulator to encourage electors to sign the petition in black ink.

Requires that the affidavit which is prepared by the circulator and filed with each section of a petition be signed, notarized, and dated. Cites the required content of the affidavit. Provides that any signature added to a section of a petition after the affidavit has been executed shall be invalid. Modifies the sanction rendering a petition invalid for disassembly by specifying that disassembly of a section of a petition shall render only that section of the petition invalid. Amends the required form in which petitions shall be filed with the secretary of state. Allows for the binding of volumes of less than 100 petition sections if less than 100 sections are available for making a volume and requires that such volumes be so marked when filed. Provides that the submission of a volume of more or less than 100 sections, due only to oversight, shall not result in a finding by the secretary of state of insufficient signatures.

Imposes specific duties on the secretary of state in regard to examining submitted petitions and in making findings regarding the sufficiency of signatures on such petitions. Specifies the required content of the secretary's findings. Makes petitions and the secretary's findings available for public inspection after an examination period of not more than 21 days. Provides that if the secretary does not make a finding concerning the sufficiency of signatures within such examination period, the petition shall be deemed sufficient.

Clarifies the procedure for filing a protest regarding the secretary of state's determination of the sufficiency of signatures and requires that protest hearings be governed by the "Administrative Procedures Act". Imposes the burden of proof on the party protesting the finding of the secretary. Eliminates the opportunity to cure defective petitions by gathering additional signatures and to file an amended protest after the first protest is denied. Allows for a cure process when a complaint has been filed in federal court alleging insufficiency of the petition due to failure to comply with

federal law.

Deletes the prohibition against paid circulators. Requires that payments to paid circulators be filed as an expenditure with the secretary of state under the "Campaign Reform Act of 1974".

Incorporates constitutional requirements concerning the certification of elections on statewide initiatives and the effective date of such initiatives.

Makes it an offense to alter the information on a petition as provided by a signing elector.

Authorizes the secretary of state to promulgate rules and regulations as may be necessary to administer and enforce these provisions.

Appropriates \$102,800 to the department of state for allocation to the secretary of state to be used to hire no more than 4.0 FTE for implementation of the act. Makes such moneys available from June 10, 1989, until July 1, 1990.

BECAME LAW without Governor's signature
EFFECTIVE

June 10
June 10

FINANCIAL INSTITUTIONS

S.B. 206 Division of financial services - change of name from division of savings and loan. Changes the name of the division of savings and loan to the division of financial services. Changes the name of the state commissioner of savings and loan associations to the state commissioner of financial entities and services. Requires said commissioner to have at least 5 years experience in the operation or regulation of financial institutions or financial service operations.

Transfers the duties, powers, and functions of the executive director of the department of regulatory agencies related to the "Small Business Development Credit Corporation Act of 1988" to the state commissioner of financial entities and services.

APPROVED by Governor April 12

EFFECTIVE July 1

H.B. 1052 State commissioner of savings and loan association - regulatory powers. Authorizes the commissioner to set the fee for a credit union to submit an application, articles of incorporation, and bylaws to the commissioner. Changes the period of time for the frequency of examinations of credit unions by the commissioner and permits him to set a penalty for failure to file yearly reports as required by law. Enhances the commissioner's investigatory and disciplinary powers with respect to credit unions and provides procedures for the enforcement of such powers. Permits the commissioner to assess civil money penalties for violations of regulatory statutes governing credit unions.

Clarifies provisions related to entities gaining control over savings and loan associations. Prohibits the commissioner or any of his deputies from divulging information concerning examinations of credit unions acquired in the discharge of his duties, except in certain situations and as required by law, order of court, or in criminal actions. Clarifies the grounds on which the commissioner may suspend or remove directors, officers, or employees of savings and loan associations and permits the commissioner to assess civil money penalties.

Specifies that the commissioner may promulgate regulations to require savings and loan associations that are eligible public depositories to pledge a minimum amount of eligible collateral. Authorizes the commissioner to require affected governmental units to provide verified statements of amounts of deposits in such a depository within 30 days of notification after the default of an eligible public depository. Clarifies procedures related

to the liquidation of eligible public depositories in default. Authorizes savings and loan associations which are eligible public depositories to act as agents for making investments for public entities as permitted by law and permits the commissioner to supervise and to regulate such activities. Repeals the sunset of certain powers of the commissioner over eligible public depositories.

APPROVED by Governor April 19

EFFECTIVE April 19

H.B. 1065 Dishonored negotiable instruments - remedies. Repeals, reenacts, and makes numerous changes to the provisions which address the remedies of a holder of a dishonored negotiable instrument. Specifies that the maker of an instrument is liable to the holder thereof, except for consumer credit transactions, if the instrument is not paid upon presentment. Provides the holder with alternatives for evaluation of damages.

Requires that notice of dishonor be given and sets forth the information required in such notice. Specifies that notice is conclusively presumed given as of the date of mailing if not returned as undeliverable by the United States postal service.

Eliminates the requirement that a holder establish willfulness or intent to defraud in order to recover treble damages. States that no assertions for liability for three times the face amount of a check may be made unless a final judgment has been entered to establish such liability. Allows recovery of court costs and attorney fees to the prevailing party in any civil action brought to recover on a dishonored instrument. Invokes time limitations for presenting the types of actions allowed a holder.

Makes the failure to comply with the procedures set forth in these statutory provisions an unfair and unconscionable means of collection by a collection agency or debt collector.

APPROVED by Governor April 12

EFFECTIVE July 1

H.B. 1130 Commodity sales - regulation of. Replaces the Antibucketing Law with the "Colorado Commodity Code". Defines terms including "board of trade", "commodity", "commodity contract", and "commodity option". Provides that no person shall sell or purchase, or offer to sell or purchase any commodity under any commodity contract or commodity option, unless that person is registered as required under the code, is a financial institution, or the sale or purchase is an exempt transaction as defined under the code. Specifies what constitutes an exempt

transaction. Provides financial and administrative requirements necessary for qualification as a qualified seller.

Defines fraudulent conduct under the statute. Prohibits the filing of false or misleading documents with the commissioner. Provides for liability of the principal for acts of any agent. Provides for joint and several liability of any person who materially aids in the violation of any provision of the article, unless he can prove that he did not know of the existence of facts giving rise to the violation.

Gives enforcement authority to the commissioner of securities, including investigation and subpoena powers, and the authority to seek legal or equitable relief. Specifies criminal penalties and a statute of limitations. Imposes an obligation on the commissioner and his employees to refrain from using nonpublic information for personal gain. Allows for cooperation with regulatory and law enforcement agencies of other jurisdictions. Provides rule-making authority to the commissioner.

Defines the scope of transactions covered by the act. Specifies pleading procedures and affirmative defenses to legal action brought under the code.

APPROVED by Governor April 15

EFFECTIVE July 1

H.B. 1220 Electronic transfer of funds - written authorization requirement - repeal. Repeals provisions which require financial institutions to have in their possession a written authorization for an electronic fund transfer prior to effecting such a transfer, because such statutory provisions conflict with provisions of federal law governing electronic fund transfers.

APPROVED by Governor April 7

EFFECTIVE April 7

H.B. 1291 Public deposit protection. Repeals and reenacts the public deposit protection act. Defines numerous terms. Establishes standards for eligible public depositories. Sets forth the procedures for application and designation as an eligible public depository. Establishes minimum criteria for qualification as eligible collateral. Stipulates where and under what circumstances eligible collateral shall be held. Mandates the deposit of public funds exclusively in eligible public depositories.

Requires each eligible public depository to submit reports at least monthly which demonstrate that such public depository is in compliance with statutory and regulatory requirements. Requires independent annual audits of each

eligible public depository to be completed and audit reports to be submitted to the banking board. States the minimum information which shall be included in such audit report. Establishes procedures in the event of default by an eligible public depository.

Requires the development of an account numbering system. Imposes certain requirements on official custodians of public funds. Makes violation of the provisions of the act by certain persons a criminal offense.

Establishes the public deposit administration fund. Provides for annual fees and assessments. Ranks the priority of claims for payment when a state bank is liquidated.

APPROVED by Governor April 15

PORTIONS EFFECTIVE:

August 1

September 1

January 1, 1990

H.B. 1295 Division of banking - changes in regulatory powers and duties. States the policy of the state with respect to the regulation of state banks. Clarifies the powers, duties, and functions of the state banking board and the state bank commissioner. Reorganizes statutory provisions which govern the powers, duties, and functions of the banking board and the commissioner to centralize related matters.

Establishes the commissioner as the administrative head of the division of banking. Requires the commissioner, at the time of his appointment, to be experienced in business theory and practice and in the regulation of financial institutions under the jurisdiction of the banking board. Requires that the banking board include one member who is an executive officer of an industrial bank, one member who is an executive officer of a trust company, and 2 public members with financial expertise. Designates the banking board as the policy-making and rule-making authority for the division of banking. Authorizes the banking board to designate persons to act as hearing officers.

Provides that persons relying in good faith on orders or rules of the banking board shall not be subject to civil or criminal liability for acts or omissions even if the order or rule is subsequently invalidated by a court. Requires that all information acquired by the banking board, the commissioner, and all deputies and employees of the division be confidential and divulged only under certain circumstances.

Makes it a class 2 misdemeanor for a person to make any derogatory statements regarding a state bank which results in an extraordinary withdrawal of funds therefrom or in an impairment of public confidence in the bank.

APPROVED by Governor May 2

EFFECTIVE July 1

H.B. 1296 Examinations of financial institutions by the state bank commissioner. Allows the banking board to require the state bank commissioner to conduct examinations of the books and records and any electronic data processing centers of a state bank or a trust company as often as the banking board deems advisable. Establishes procedures for the commissioner to examine the books and records of the controlling shareholder of a state bank or a trust company and any affiliated entities of the controlling shareholder for the purpose of determining the safety and soundness of a state bank or a trust company.

APPROVED by Governor April 23

EFFECTIVE April 23

H.B. 1297 Requirements for change of ownership of banks and trust companies. Defines "controlling person" and specifies that a person has acquired control of a state bank if the entity has acquired direct or indirect control of 25% of the outstanding voting stock. Requires that an application to acquire control of a state bank be made to the banking board and include the name of any purchaser or controlling person with biographical and financial information concerning such person. Provides certain exemptions from the requirements related to acquiring control of a state bank.

Gives the banking board authority to extend the period in which a completed application will be deemed approved unless acted on by the board and requires the board to submit its recommendations and comments to the appropriate federal regulatory authority in a timely manner.

Establishes requirements for acquiring control of a trust company that are the substantially the same as the requirements for acquiring control of a state bank.

APPROVED by Governor April 12

EFFECTIVE January 1, 1990

H.B. 1298 Division of banking - improvement of the regulation of financial institutions - enhancement of enforcement powers. Makes changes in the statutory provisions administered by the division of banking to shift regulatory authority from the state bank commissioner to the banking board. Provides the banking board with the enforcement

tools needed to promote the safety and soundness of state banks. Provides for informal enforcement actions consisting of letters of reprimand, informal commitment letters, and memorandums of understanding to such banks. Provides formal enforcement actions consisting of civil money penalties, cease and desist orders, removal of management personnel, injunctions, and criminal referrals. Empowers the banking board, with consent of the respondent, to close hearings on such enforcement actions to the public.

Enacts various regulatory measures applicable to state commercial banks, industrial banks, and trust companies. Shifts authority over examination policy to the banking board. Provides for risk-based examination scheduling based on the risk rating of the most recent examinations of a given institution to replace the current annual examinations. Provides that capital requirements and loan and investment requirements be set by the banking board by rule. Provides that financial statements be prepared in accordance with generally accepted accounting principles, except as the board may otherwise provide. Makes consistent independent annual audit requirements for state commercial banks, industrial banks, and trust companies.

Prohibits anyone other than the banking board from bringing a private action in court for the violation of or enforcement of the banking laws.

Provides for the emergency grant of a new charter or the emergency grant of a branch facility to a trust company.

APPROVED by Governor May 2

EFFECTIVE July 1

H.B. 1332 Industrial bank savings guaranty corporation - disposition of assets. Provides for payment or delivery of the guaranty fund and assets of the industrial bank savings guaranty corporation (guaranty corporation) to the bank receiver appointed pursuant to law for certain troubled industrial banks. Authorizes the bank receiver, subject to the approval of the banking board, to pay from the guaranty fund and assets of the guaranty corporation those liabilities of the guaranty corporation which the bank receiver deems appropriate and requires the bank receiver to make a reserve for other noncontingent liabilities of such guaranty corporation. Provides for the distribution of the guaranty fund and assets pro rata to depositors and provides the procedure therefor, including subrogation rights and reserves for depositors of industrial banks in reorganization or under the jurisdiction of the bankruptcy court. Provides for winding up the affairs of the guaranty corporation in a manner consistent with statutory

provisions. States that the distribution of all of the guaranty fund and all of the assets of the guaranty corporation shall constitute a final distribution of the guaranty fund and requires the guaranty corporation to file documents to effect the dissolution of the guaranty corporation with the secretary of state as soon as practicable after delivery of all of the guaranty fund and assets of the guaranty corporation to the bank receiver pursuant to statutory provisions.

APPROVED by Governor May 30

EFFECTIVE May 30

H.B. 1350 Securities - registration of principals, financial principals, representatives - fees. Authorizes the commissioner of the division of securities in the department of regulatory agencies to impose an annual fee, not to exceed \$20, on principals, financial principals, and representatives who qualify for exemption from the normal registration procedure. Requires the imposition of a fee even when an amended notice is not required because no changes in the information contained in the notice have occurred.

APPROVED by Governor May 30

EFFECTIVE May 30

GENERAL ASSEMBLY

- S.B. 3 Capital development committee - continuation. Continues the capital development committee until July 1, 1994.

APPROVED by Governor March 15 EFFECTIVE March 15

- S.B. 11 Sunset review of advisory committees. Repeals the automatic termination dates of certain executive agency advisory committees scheduled to be repealed July 1, 1989. Allows the Colorado volunteerism board of advisors to terminate. Discontinues the advisory committee on river outfitters and river activities.

Changes the name of the advisory commission on family medicine to the commission on family medicine. Changes the ex officio membership on the state advisory council on emergency medical services by replacing the chief of the Colorado state patrol and the state telecommunications director with the director of the division of disaster emergency services in the department of public safety and the director of the division of highway safety in the state department of highways, respectively.

APPROVED by Governor April 6 EFFECTIVE April 6

- S.B. 31 State auditor - disclosure of reports. Clarifies the point at which reports made by the state auditor to the legislative audit committee shall be open to public inspection. Prohibits certain individuals from disclosing the contents of such reports.

APPROVED by Governor April 7 EFFECTIVE April 7

- H.B. 1013 Capital development committee - reports from state agencies. Authorizes the capital development committee to require any state department, institution, or agency making a request for capital construction, controlled maintenance, or for a capital asset acquisition to submit a report to the committee on the capital development plan for such department, institution, or agency and to explain how the request before the committee fits into said plan.

Provides for the repeal of this provision January 1, 1992.

APPROVED by Governor April 27 EFFECTIVE April 27

H.B. 1201 Statutorily created programs - funding limitations. States that the general assembly does not commit itself to a particular level of funding when it creates statutory programs nor does it create rights to particular levels of service. Clarifies the rights, if any, created through the enactment of statutory programs, and explains that they are subject to substantial modification through the annual appropriation process.

BECAME LAW without Governor's signature
EFFECTIVE

March 25
March 25

H.B. 1214 Compensation for members. Increases the per diem paid to members of the general assembly for their attendance at meetings of the legislative council, the committee on legal services, or interim committees from \$75 to \$99. Provides the same increase for members of the joint budget and legislative audit committees for attendance at meetings and for legislative leadership for necessary attendance to legislative matters during the interim. Removes ceilings on the amounts which can be paid annually for these purposes. Authorizes the reimbursement of members for travel expenses incurred for travel within their district which is related to legislative business. Specifies that such changes take effect July 1, 1989.

Increases the per diem paid to members per legislative day for members who reside in the Denver metropolitan area from \$35 to \$45 and increases such per diem for members who reside outside the Denver metropolitan area from \$70 to \$99. Applies to sessions of the general assembly subsequent to July 1, 1989.

BECAME LAW without Governor's signature
EFFECTIVE

June 10
June 10

H.B. 1246 Southwest regional energy council - continuance of Colorado's membership. Extends from March 14, 1989, to March 14, 1991, the state of Colorado's membership in the southwest regional energy council.

APPROVED by Governor April 8

EFFECTIVE April 8

Note: The governor signed this act after March 14, 1989, the repeal date for membership in said council. Therefore, the 1989 revisor's bill, H.B. 1250, recreated the repealed provision in order to implement the legislative intent of this act.

H.B. 1359 Retention of counsel during the interim. During the legislative interim, allows the chairman of the committee on legal services, after consultation with and approval of at least 3 members of the executive committee of the legislative council, to authorize the retention of counsel for a member of the general assembly or a staff member who

is sued or who has been issued a subpoena in an action or proceeding involving legislative powers, duties, and functions if he determines that a meeting of the committee is impractical because of time constraints. Also permits the committee to authorize intervention or the filing of an amicus curiae brief by the general assembly in an ongoing action or proceeding, upon request by the president of the senate and the speaker of the house of representatives, and to retain counsel to represent the general assembly in such matter. Allows the committee to authorize the retention of counsel for an individual member of the general assembly who wishes to seek intervention or permission to file an amicus curiae brief.

VETOED by Governor June 9

GOVERNMENT - COUNTY

S.B. 78 Fire protection district or municipality - authority of county sheriff - entitlement to reimbursement for services. Authorizes a sheriff, under certain circumstances, to request assistance from a fire protection district or municipality in extinguishing a fire. Requires an owner of private property who has a contract with a district for fire protection services to advise the sheriff of such contract. Requires the sheriff to make a reasonable attempt to secure such district's services in the event of a fire. Grants the sheriff discretion in seeking assistance from another district or municipality in the event the district contracted with fails to provide such services.

Grants the assisting municipality or district entitlement to reimbursement for its costs from the property owner or the party responsible for the occurrence of such fire. Specifies the methods by which the district or municipality may recover its costs. Limits the liability of a sheriff for failure to secure fire protection services.

Grants a governmental entity entitlement to reimbursement for all incurred costs related to a hazardous substance incident, including the costs of extinguishing a fire, if such hazardous substance incident occurred on property within an unincorporated area of a county and not otherwise within a fire protection district.

APPROVED by Governor April 26

EFFECTIVE April 26

S.B. 162 County clerk and recorders - fees. Increases the fees charged by county clerk and recorders for filing or recording papers for which a fee is not otherwise set from \$3 to \$5 per page. States that the revenue generated by such fee increase shall revert to the county general fund for the sole purpose of offsetting the county property tax mill levy.

APPROVED by Governor April 20

EFFECTIVE July 1

S.B. 170 Noncommercial burning of trash in incorporated areas. Permits noncommercial burning of trash in incorporated areas of a county when the county population is under 10,000, subject to the approval of the board of county commissioners. Prohibits the issuance of a permit for such burning of trash if the burning would result in the county or municipality, or a neighboring municipality or county exceeding federal air quality standards.

APPROVED by Governor April 12

EFFECTIVE April 12

H.B. 1016 Solid waste disposal - paper recycling - service charges at transfer stations. Exempts any site operated for the purpose of processing, reclaiming, or recycling paper from obtaining a certificate of designation as a solid wastes disposal site.

Allows the moneys in the county solid wastes disposal site and facility fund to be used for any solid wastes management purpose in, or on behalf of, the county. Enables a county to fix, modify, and collect service charges from users of solid wastes disposal transfer stations.

APPROVED by Governor March 15

EFFECTIVE July 1

H.B. 1021 County officers - increase in salaries. Increases the annual salaries of county sheriffs, county treasurers, county assessors, and county clerk and recorders. Increases the maximum amount of such salaries. Sets forth the procedures which boards of county commissioners shall use in setting future salaries of said county officers, beginning the second Tuesday in January, 1991. States that any increases in the annual salaries of county commissioners which were authorized by other statutory provisions shall remain in effect.

APPROVED by Governor May 17

EFFECTIVE May 17

H.B. 1044 Salary warrants - publication. Eliminates the requirement that information on county salary warrants be published monthly and substitutes the requirement of a biannual publication that shall include an estimate of the county-wide average value of fringe benefits which are in addition to salary payments. Provides civil penalties for failure to report salary information as required.

APPROVED by Governor April 12

EFFECTIVE April 12

H.B. 1070 County offices - vacancy due to incapacity of incumbent. Provides that any county office shall become vacant upon a judicial finding of incapacity of the incumbent. Defines "incapacity" and specifies procedures to be followed in determining incapacity. Allows a majority of the board of county commissioners to initiate proceedings to determine incapacity of a county official. Specifies that counties shall be represented in judicial proceedings by the district attorney or county attorney according to the size of the population of the county.

APPROVED by Governor March 9

EFFECTIVE March 9

H.B. 1134 Coroners - qualifications - compensation - resources for medical information. Expresses the intent of the general assembly to encourage candidates for the office of coroner to possess knowledge and experience in the medical-legal investigation of death. Eliminates the set fee paid to coroners for inquests and investigations and allows coroners to be compensated at a rate approved by the board of county commissioners. Includes dentists and health care providers and institutions among the parties from which a coroner may request medical information.

BECAME LAW without Governor's signature
EFFECTIVE

April 18
April 18

GOVERNMENT - LOCAL

S.B. 194 Construction projects funded through highway users tax fund - bidding requirement. Requires agencies of local government to award construction contracts for state-funded public projects which are to be funded by a certain amount of highway users tax fund moneys by competitive sealed bids except in certain circumstances. Defines "agency of local government" and "state-funded public projects". Forbids an agency of local government to undertake construction of a state-funded public project unless such agency submits the lowest proposal for the project.

VETOED by Governor June 7

H.B. 1003 Local government finances. Defines "local government" consistently throughout the provisions establishing budget and audit requirements for local governments. Adds definitions to the "Colorado Local Government Audit Law". Shortens the period during which a local government can request an exemption from audit from 6 months to 3 months. Requires a local government which is unable to file its audit report within 7 months of the close of the local government's fiscal year to file a request for extension of time within that 7 months. Requires the state auditor to notify a local government of its delinquent status if it has not filed its audit report within 8 months after the close of its fiscal year. Gives the state auditor the option of authorizing a county treasurer to prohibit the disbursement of funds of a local government or of ordering an audit of the local government if the audit report of that local government has not been submitted to the state auditor within 9 months of the close of the local government's fiscal year. Changes the original cost value of items for which inventory accounts must be kept from \$100 to \$500.

APPROVED by Governor May 2

EFFECTIVE May 2

H.B. 1008 Highways and roads - local accountability for expenditures. Requires localities to discuss the proposed use of highway users tax fund moneys and county road and bridge fund moneys at the public hearing required for the local budget. Requires municipalities to set forth the manner in which such moneys were spent in its annual report regarding expenditures and that such reports be audited. Requires that moneys which are available to localities for expenditure on roads and bridges by virtue of a condition placed on land use approval be accounted for separately and be used only on roads and bridges connected with such land use projects.

APPROVED by Governor May 26

EFFECTIVE July 1

H.B. 1064 Housing authorities - powers. Enables housing authorities to rent or lease dwellings to persons who have special housing needs by virtue of age or disability. Eliminates the requirement that housing authority bonds be sold at public sale. Provides that such bonds may be sold at public or private sale, upon such terms and conditions as the authority shall determine. Expands the power of the authority to mortgage its property.

APPROVED by Governor March 21

EFFECTIVE March 21

H.B. 1317 Labor disputes - temporary assignment of police or sheriffs' officers. Changes a provision that prohibits the assignment of police or sheriffs' officers to any area where there is a labor dispute so that the prohibition is effective only when the temporary assignment is a direct result of the labor dispute. Permits, however, the governor or his designee to authorize such temporary assignment when it is a direct result of a labor dispute.

APPROVED by Governor April 23

EFFECTIVE April 23

H.B. 1342 Intergovernmental agreements - mutually enforceable comprehensive development plans. Clarifies the authority of local governments after notice and hearing to enter into mutually enforceable and binding intergovernmental agreements for joint land use planning. Allows for the adoption of comprehensive development plans which may incorporate various land use standards and may be applied to specific areas in lieu of existing zoning, subdivision, or other land use regulations. Allows the law enforcement authority and the sheriff of a county to contract with other law enforcement agencies or municipalities for the provision of law enforcement services within the unincorporated areas of the county.

APPROVED by Governor April 23

EFFECTIVE April 23

GOVERNMENT - MUNICIPAL

S.B. 55 Municipal officers - election - bonds. Allows statutory cities and towns to provide by ordinance that the mayor shall not be counted for the purposes of a quorum nor for the purposes of determining a requisite majority on any question. Specifies that for purposes of determining a quorum or the required number of votes for any matter, "governing body" may exclude the seat held by a non-voting city manager. Requires an election on the form of government of a municipality to be held upon the signing of a petition by 5% of the registered electors of the municipality. Requires the petition to state whether a mayor shall be selected from among the electors of the municipality or from among the members of the city council.

Establishes that a mayor shall be a registered elector who has resided in the municipality for 12 months preceding his election, shall assume office at the next regularly scheduled meeting of the city council after his election, and shall hold office for a term of 2 years. Provides that, if it is decided at an election to change the existing form of government, a subsequent election shall be held to elect such officers as are required by the newly adopted form of government. Specifies the procedures for the election of the mayor and the duties of the mayor, however selected.

Permits the city council of a municipality to waive the requirement of fidelity or liability bonds for city officials. Prohibits any person from being a candidate or holding two elective municipal offices simultaneously except the offices of clerk and treasurer.

Repeals a requirement that towns and counties employ a street supervisor and provisions granting permission to contract for street supervision services.

APPROVED by Governor April 6

EFFECTIVE April 6

S.B. 178 Black Hawk city charter - number of aldermen. Establishes a procedure for changing the number of aldermen for the territorial charter city of Black Hawk.

APPROVED by Governor April 12

EFFECTIVE April 12

H.B. 1033 Unaffiliated fire and police pension plans - money purchase plan option. Provides for converting fire and police pension plans not affiliated with the fire and police pension association to money purchase plans. Defines the procedure for conversion and provides an option to individual members for remaining under a current defined plan.

Creates a money purchase plan benefit fund and provides for the management, investment, and payment of moneys in such funds. Authorizes the fire and police pension board of directors to contract with employers establishing money purchase plans for the administration, management, and investment of the funds. Requires the board to designate one or more financial institutions as custodians for the fund and requires that such custodians keep a current inventory of all investments. Requires that disbursements from a money purchase plan benefit fund be approved by the board of the fire and police pension fund and be made only for the payment of expenses in connection with the administration of the fund, refunds to members, benefits, and investment purposes. Requires that an annual audit be prepared and made available to the general assembly and to each employer for review by its members. Limits legal proceedings through which funds may be attached.

APPROVED by Governor March 9

EFFECTIVE March 9

H.B. 1168 Volunteer firefighters - pensions - state matching funds. Declares the intent of the general assembly to continue to provide state matching funds for the pensions of volunteer firefighters.

APPROVED by Governor May 2

EFFECTIVE May 2

H.B. 1196 Fire and police pension association - authority to administer deferred compensation plans. Authorizes the board of directors of the fire and police pension association, upon the request of employers, to administer and amend or to provide for the administration and amendment of deferred compensation plans provided by such employers to members. Authorizes the board to establish a master deferred compensation plan and to assist employers in adopting said master plan for its members.

Creates the fire and police members' deferred compensation fund in which the assets of deferred compensation plans administered by the board are held. Specifies certain standards of conduct under which the board and any provider of investment products which contracts with the board must conduct themselves in administering such plans. Specifies that expenses incurred in the administration of deferred compensation plans be paid from the assets of such plans.

APPROVED by Governor April 7

EFFECTIVE April 7

H.B. 1200 Fire and police members' benefit fund - investment of assets. Ties the existing limit on corporate stock investments of the fire and police members' benefit fund to original costs rather than the aggregate amount of money invested. Authorizes the board of directors of the fund to

invest in and own all of the stock in certain nonprofit corporations. Allows said board to delegate to investment counselors the authority to manage a portion of the assets of the fund and to make investment decisions with respect to such assets.

APPROVED by Governor April 8

EFFECTIVE April 8

H.B. 1208 Fire and police members' benefit fund - disability and death benefits - eligibility criteria. Modifies the number of physicians on the physician panel which must agree that an occupational disability ceases to exist from 3 to 2 before granting a member the first right of refusal in connection with returning to work. Requires, however, that all 3 physicians agree when the occupational disability is based on mental disease or impairment. Requires that, for members of the fund whose employment commences on or after September 1, 1989, the employer file the health history form completed by such members with the fire and police pension association within 60 days, rather than 30 days, from the time employment begins for such new member.

Makes an employer liable for the total payment of disability retirement benefits if the board determines that an employee's occupational or total disability is the proximate consequence or result of a medical condition that existed at the time employment commenced, that such employment commenced on or after September 1, 1989, and that the employer failed to obtain and file the required health history form. Specifies that a member shall be ineligible for disability retirement benefits with regard to an occupational or total disability which is the proximate consequence or result of a medical condition which was disclosed by such member on the required health history form.

Makes an employer liable for survivor benefits if the board determines that the member had a medical condition at the time of the commencement of employment, that such employment commenced on or after September 1, 1989, that such condition was the proximate cause of death, and that the employer failed to obtain and file the required health history form. Specifies that survivors of any deceased member shall be ineligible for survivor benefits if such member's death was the proximate consequence of a medical condition which was disclosed by such member on the required health history form.

APPROVED by Governor April 7

EFFECTIVE April 7

H.B. 1212 Fire and police pensions - limitation on seizure of funds - reduction of retirement disability award - surviving spouse benefits for un pensioned or nonretired volunteer firemen. Prohibits the seizure of fire and police pension funds based on claims against governmental entities that

create and maintain such funds. Modifies the reasons and methods for reducing any total or occupational disability retirement benefit award made on and after April 12, 1989, by eliminating the requirement that such award be reduced by 1/2 if a member, within one year prior to the said award, had received a worker's compensation award.

Removes the requirement that, if the disability retirement award was made in a lump sum, such award shall be reduced according to board rules. Modifies the type of income which any member receiving a disability retirement benefit award is required to annually report on or after April 12, 1989.

Authorizes the board of trustees of any volunteer firemen's pension fund to pay retirement benefits to the surviving spouse of any deceased un pensioned or nonretired volunteer fireman who had served the requisite number of years for retirement, regardless of age, so long as such fund is actuarially sound. Prorates the benefit to the surviving spouse based upon the number of years of service if such member had less than 20 years of active service at the time of death.

APPROVED by Governor April 12

EFFECTIVE April 12

H.B. 1241 Fire and police pension association - group life insurance for members. Grants authority to the board of the fire and police pension association to offer group life insurance to association members. Specifies the method of payment for such life insurance coverage. Stipulates that the association shall not subsidize the premiums charged to members for such coverage.

APPROVED by Governor April 8

EFFECTIVE July 1

GOVERNMENT - SPECIAL DISTRICTS

S.B. 76 Park and recreation districts - limitations on activities. Declares the intent of the general assembly to limit competition between public park and recreation districts and private persons providing recreational services. Prohibits a park and recreation district from constructing or owning and operating certain types of facilities unless the district receives approval for such project from the board of county commissioners of each county which has territory included in the district. Establishes criteria for such approval. Requires the district to provide notice of the board of county commissioners' hearing concerning such project to all providers of the same or similar type of facility or service no later than 10 days prior to such hearing. Stipulates that these provisions do not apply to facilities owned or operated by a district prior to July 1, 1989, or to services which commenced prior to July 1, 1989.

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

S.B. 79 Delinquent fees and charges - collection - penalty. Allows special districts to elect by resolution at a public meeting to certify delinquent fees of at least \$150 that are at least 6 months delinquent to the treasurer of the county for collection and payment over to the special district so certifying. Requires the special district, prior to such a public meeting, to provide notice of the meeting to affected persons, including the property owner. Requires the special district to pay to the county in which the affected property is located a reasonable amount for the extra labor involved and the advertising that may be required for sales of land for said delinquent fees or charges. Permits the county to charge and retain a penalty of 30% on the delinquent sum, or \$30, whichever is greater, to defray the costs of collection.

APPROVED by Governor April 23 EFFECTIVE April 23

S.B. 104 Urban drainage and flood control district - boundaries - appointees to board of directors. Modifies the boundaries of the urban drainage and flood control district. Includes as an ex officio director on the district's board of directors a mayor or mayor pro tem of any city located within the district and having a population in excess of 100,000. Requires that any appointed director from Arapahoe, Jefferson, Adams, or Boulder counties be an executive officer of a municipality with a population of 100,000 or less.

APPROVED by Governor April 12 EFFECTIVE April 12

S.B. 154 Regional transportation district (RTD) - farebox recovery ratio. Requires RTD to annually recover certain percentages of its operating costs through revenues collected until a farebox recovery ratio of 30% is achieved. Further requires RTD to prepare annual budgets based on the required farebox recovery ratios and to submit copies of the budget to the highway legislation review committee. Requires the highway legislation review committee to make recommendations concerning the appropriate allocation of resources for mass transportation to the general assembly no later than February 1, 1990. Defines "operating costs" and "revenues collected".

APPROVED by Governor June 5

EFFECTIVE June 5

H.B. 1068 Alternative dispute resolution - property damage disputes. Provides for the option of submission to alternative dispute resolution of disputes involving special districts which furnish sanitation and/or water services or facilities and customers of such districts in which damage to the property of the customer in the amount of \$10,000 or less is alleged to have been caused by the district.

APPROVED by Governor March 15

EFFECTIVE March 15

H.B. 1341 "Denver Metropolitan Major League Baseball Stadium Act" - creation of district - board of directors - voter approval of sales tax levy - use of revenues - creation of Colorado baseball commission. Enacts the "Denver Metropolitan Major League Baseball Stadium Act". Creates the Denver metropolitan major league baseball stadium district. Requires the approval of the registered electors in the district and the granting of a major league baseball franchise to be located within the district before a sales tax not to exceed .001% may be imposed for a period not to exceed 15 years.

Creates a board of directors to govern the district. Provides for appointment of the directors for 4-year terms by the governor with senate confirmation. Specifies the powers and duties of the board of directors. Prohibits conflicts of interest. Specifies certain records of the board as public records. Authorizes the state auditor to audit the records of the board under certain circumstances.

Requires the board to study and pursue opportunities to minimize the amount of public moneys needed for the purposes of the act. Requires the board to establish stadium site criteria. Mandates the board to consult with the urban land institute and the Colorado baseball commission concerning the performance of the board's duties. Establishes a target goal of 50% of the revenues necessary for a stadium to be obtained by the district from

sources other than the sales tax. Sets forth procedures for the levy and collection of such sales tax and the discontinuance of said levy and collection.

Specifies the uses of sales tax revenues and net operating revenues by the board. Authorizes the district to issue special obligation bonds and to pledge such sales tax revenues and net operating revenues to pay such bonds. Requires the board to enter into a management agreement for operation of the stadium. Specifies certain terms to be included in any lease of the stadium. Requires the board to make good faith efforts to sell the stadium after construction is completed.

Creates a 15-member baseball commission and specifies the membership thereof. Sets forth the powers and duties of the commission.

Provides for the repeal of the act upon the occurrence of specified events.

APPROVED by Governor June 2

EFFECTIVE June 2

H.B. 1356 Transit construction authority - termination. Terminates the transit construction authority. Defines "mass transportation project" and requires the revenues collected by the authority to be deposited into a separate interest-bearing account in the state treasury and be used for the construction of mass transportation projects in the corridors from which such funds were collected. Requires the reports and plans developed by the authority to be transferred to the director of research of the legislative council and to be made available to the public upon request.

APPROVED by Governor June 8

EFFECTIVE August 1

GOVERNMENT - STATE

- S.B. 5 Capital development - completion of projects. Authorizes the department of administration to designate construction managers for supervising capital development projects. Allows the department to designate any qualified person already employed by the state to be a construction manager or to hire a private construction manager. State that the salary of such construction manager shall be paid out of the moneys appropriated for specific projects.

Requires that the 30-day notice given by state agencies for professional services contracts be given no later than 8 weeks after the appropriation for the project becomes law. Provides that, when contracts for professional services are required, such contracts shall be executed no later than 6 months after the appropriation is made. If no professional services contract is required for a particular project, requires that a contract with the contractor for the project be executed in the same time period. Allows an agency to seek an exemption from this deadline when such agency makes its budget request to the capital development committee for the project.

APPROVED by Governor April 27

EFFECTIVE April 27

- S.B. 6 Controlled maintenance projects - capital development committee. Requires the department of administration to coordinate controlled maintenance requests and to make recommendations concerning such requests to the capital development committee. Authorizes the director of the state buildings division to require that any controlled maintenance request exceeding approximately \$250,000 be accompanied by a feasibility study or program plan.

APPROVED by Governor June 1

EFFECTIVE June 1

- S.B. 13 Civil rights - mentally handicapped - continuation of civil rights division and commission - membership and powers of commission - unfair employment practices - unfair housing practices. Continues the Colorado civil rights division and the Colorado civil rights commission until July 1, 1999. Adds mental impairment to the definition of "handicap", thereby extending coverage of the existing prohibitions against discrimination to include those persons who are mentally handicapped.

Changes the grounds for removal of commission members. Authorizes commission members to receive per diem allowances and to be reimbursed for certain expenses. Provides commission members and others with immunity from civil liability for certain actions.

Changes the provision concerning witnesses who assert their privilege not to testify on the grounds of self-incrimination to provide that testimony compelled by the commission and information derived from such testimony cannot be used in a subsequent prosecution but not totally barring any such prosecution, thereby granting use immunity rather than transactional immunity. Eliminates the requirement that charges and answers to charges be verified. Gives the director subpoena power with respect to information or witnesses relevant to the investigation of an allegation of an unfair housing practice.

Provides that, upon a determination of probable cause for crediting the allegations of the charge, the director will order the charging party and the respondent to pursue compulsory mediation with the commission.

Provides that no civil action shall be maintained in a state district court unless the charging party has first completed all processes available to him through the commission and that such action must be filed within 90 days of the completion of commission action on such charge.

Provides that discrimination against a person who files a charge or otherwise participates in commission proceedings constitutes an additional unfair employment practice, unfair housing practice, or discriminatory practice with respect to places of public accommodation. Clarifies that charges of an unfair employment practice not filed within 6 months of the alleged occurrence are barred.

Makes the awarding of back pay a separate remedy available to the commission in cases of unfair employment practices and clarifies that the commission may order back pay and the alternate existing methods of relief singly or in any combination. Makes reimbursement for fees charged in violation of the law and for actual expenses for obtaining comparable alternate housing and associated storage and moving charges a remedy available to the commission in cases of unfair housing practices.

APPROVED by Governor April 21

EFFECTIVE July 1

S.B. 21

Unused state buildings - demolition. Recreates a special account in the state treasury for the deposit of moneys received from state-owned off-street parking facilities. Authorizes the department of administration to expend moneys in such special account for the purpose of demolishing certain state-owned buildings and converting such land into off-street parking. Authorizes the department of administration, subject to the approval of the department of social services, to arrange for the demolition of another unused state-owned building without any other appropriation of state moneys.

Appropriates \$230,000 to the department of administration from the special account for moneys received from state-owned off-street parking facilities for implementation of the act.

APPROVED by Governor May 30

EFFECTIVE July 1

- S.B. 53 Public employees' retirement association - reduction in disability benefits - calculation of amount. Modifies the calculation of the amount of the reduction in public employees' retirement association benefits for disability retirees who have earned income and who have not reached service retirement age. Specifies that said reduction shall be 1/3 of the amount by which income earned by such disability retiree in the preceding calendar year plus the amount of the initial benefit received by such disability retiree multiplied by 12 exceeds the amount of the highest average salary of such disability retiree multiplied by 12.

Applies to disability retirees whose disability retirement date is on or after July 1, 1988.

APPROVED by Governor April 8

EFFECTIVE April 8

- S.B. 54 State officials and employees - salaries and fringe benefits - consolidation of authority under state personnel director. Consolidates executive decision-making authority concerning state employees' and officials' benefits (except public employees' retirement, deferred compensation benefits, and employee perquisites) under the state personnel director. Abolishes the Colorado state employees' and officials' group insurance board of administration (SEOGI board) and the compensation advisory committee and gives the state personnel director authority to administer the "State Employees and Officials Group Insurance Act". Establishes the total compensation advisory council to replace the SEOGI board and the compensation advisory committee and to advise the state personnel director with respect to his duties in administering said act as well as certain aspects of the "State Personnel System Act". Provides that such advisory council shall be comprised of official, legislative, private, and employee representatives. Discontinues the authority of the state controller and the state personnel board in matters related to executive decision-making in state employees' and officials' benefits and compensation policy and places such authority under the state personnel director. Transfers the deferred compensation committee to the department of personnel and expands the membership of the committee to include legislative members.

APPROVED by Governor April 4

EFFECTIVE July 1

S.B. 94 State employees - incentive award suggestion system. Reconstitutes the employee incentive awards board and removes the board as a section under the division of accounts and control of the department of administration. Provides for submission of suggestions by an employee to the head of his department and to the board. Raises the limit on awards. Provides that the supervisors of an employee receiving an award also receive an award. Prohibits disciplinary action against an employee for submitting a suggestion. Specifies that awards and administrative costs for the suggestion program after the 1989-90 fiscal year shall be paid from moneys saved as a result of employees' suggestions. Allows state agencies to retain a portion of savings resulting from suggestions. Limits allowed administrative costs. Adds specified employees to the list of employees ineligible to participate in the program.

Appropriates \$12,804 from departmental cash funds to the department of administration for implementation of the act.

APPROVED by Governor June 8

EFFECTIVE July 1

S.B. 138 State employees - salary-related recommendations - dates for submission. Changes the date by which the results of any state employee salary classification study must be submitted by the state personnel director to the general assembly from February 15 to January 15 of each year. Changes the date by which the final recommendations regarding salary and fringe benefits for the ensuing fiscal year must be submitted by the state personnel director to the governor from February 7 to January 7 of each year. Changes the date by which the governor must submit said recommendations and their estimated costs to the joint budget committee of the general assembly from February 15 to January 15 of each year.

APPROVED by Governor April 5

EFFECTIVE July 1

S.B. 156 Department of highways and department of local affairs - consolidation of relocation authority for federally assisted projects. Combines the relocation authority of the state department of highways for the state highway system with the relocation authority of the department of local affairs for all federally assisted programs and projects to assure uniform application of federal and state relocation policy. Grants the state department of highways certain authority concerning relocation assistance on federally assisted local government highway projects. Increases relocation payment amounts as required by amendments to the federal "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970" made by

the federal "Surface Transportation and Uniform Relocation Assistance Act of 1987", as amended. Broadens certain rule-making authority of the department of local affairs.

APPROVED by Governor March 31

EFFECTIVE March 31

- S.B. 165 Telecommunications policies of state governmental entities. Declares that there is a lack of coordination among state agencies regarding telecommunications facilities. Creates the telecommunications advisory commission and requires such commission to study the use of telecommunications facilities in the state. Requires institutions of higher education to cooperate in the establishment of a statewide telecommunications network and requires the commission on higher education to adopt rules requiring such a network if it is not established by July 1, 1992. Requires the advisory commission to report to the general assembly no later than December 15, 1989, in regard to its plan for improving the utilization of telecommunications facilities.

Terminates the advisory commission on July 1, 1993. Provides for review by the sunrise and sunset review committee prior to said termination date.

APPROVED by Governor April 15

EFFECTIVE April 15

- S.B. 188 State employees and officials - health benefits. Effective January 1, 1991, requires the director of the department of personnel to approve for selection by state employees and officials who reside in the city and county of Denver, the counties of Adams, Arapahoe, Boulder, Douglas, El Paso, Jefferson, Larimer, Pueblo, and Weld, and any county which has at least 500 residents who are state employees or officials, at least one indemnity-type health plan and at least 2 health maintenance organization plans, if available from a qualified corporation. Requires the director to make every effort to offer health maintenance organization services in all other counties in which a multiple option health plan does not offer such services and in which a qualified health maintenance organization does provide services.

BECAME LAW without Governor's signature
EFFECTIVE

June 10
June 10

- S.B. 191 Lottery proceeds - quarterly distributions. Provides that distributions of net lottery proceeds will be made quarterly, rather than annually, to the conservation trust fund, the division of parks and outdoor recreation, and the capital construction fund. Requires a minimum of 15 days' notification by the lottery commission to the state

treasurer before quarterly distribution of net lottery proceeds. Allows the general assembly to establish priorities in the general appropriations act for capital construction expenditures from net lottery proceeds.

APPROVED by Governor April 7

EFFECTIVE April 7

- S.B. 251 State employees and officials - compensation - phasing in new salary survey methodology - increase in state contribution to group health and life insurance plan - appropriation. Implements the salary survey recommendations of the department of personnel for state employees in 2 stages to allow gradual implementation of new salary survey methodology. Increases from \$66 to \$81 the state's contribution to the group health and life insurance plan of state employees and officials.

Appropriates \$2,289,899 to the department of personnel, \$328,680 to the judicial department, \$39,780 to the legislative department, and \$15,840 to the department of higher education for the implementation of the increase in the state's contribution to the group health and life insurance plan.

APPROVED by Governor June 1

EFFECTIVE June 1

- S.B. 263 Colorado strategic seed fund - state funding. Makes it discretionary, rather than mandatory, for the general assembly to make appropriations to the department of local affairs for deposit in the Colorado strategic seed fund. Provides that the Colorado housing and finance authority, in consultation with the Colorado strategic seed fund council, shall determine when adequate private financial support is available for purposes of completing a transfer of \$300,000 to the strategic seed fund as authorized in the 1988 legislative act that created the fund.

APPROVED by Governor May 26

EFFECTIVE May 26

- H.B. 1022 Regulatory agencies department - modification of excise tax on certain fees. Changes the amount of the excise tax imposed by the department of regulatory agencies upon the payment of certain fees from an amount equal to 25% of such fees to \$9. Repeals the requirement that the amount of the excise tax, as calculated using the 25% base, be rounded to an even dollar amount. Specifies that the terms "license fees" and "registration fees", as used for purposes of levying the excise tax, do not include certain fees which are currently exempt from the levy of said excise tax.

APPROVED by Governor April 5

EFFECTIVE July 1

H.B. 1023 General government computer center and telecommunication services - operation within department of administration. Continues until July 1, 1994, the operation of the general government computer center within the department of administration. Continues the general government computer center revolving fund, the telecommunications revolving fund, and the appeal process related to decisions made by the director of the division of telecommunications until July 1, 1994.

APPROVED by Governor March 9

EFFECTIVE March 9

H.B. 1034 State motor vehicles - administration - appropriation. Requires the executive director of the department of administration to establish uniform standards for the acquisition, ownership, allocation, maintenance, and disposal of motor vehicles by every department of state government, excluding institutions of higher education and the division of brand inspection of the department of agriculture. Specifies certain criteria that such standards must contain including the age, mileage, and condition of the motor vehicle. Requires the Colorado commission on higher education to use the standards proclaimed by executive order of the governor in managing vehicles used by institutions of higher education.

Directs the executive director of the department of administration to conduct an inventory of all state motor vehicles and to establish a centralized file of information on all such vehicles. Requires every department, when acquiring any motor vehicle, to provide information regarding the vehicle to the department of administration for purposes of updating said file.

Makes the acquisition or allocation of any state motor vehicle subject to the authority of the department of administration and requires the executive director to use the uniform standards to determine if any proposed acquisition or replacement of any motor vehicle is justified and whether reallocation of a motor vehicle can meet a justified need.

Requires any department of state government which needs to dispose of a state vehicle to notify the department of corrections and the department of corrections shall arrange for the sale of the motor vehicle. Provides for the disposition of proceeds from such sales of motor vehicles. Requires the department of administration to target for sale motor vehicles which do not meet the criteria as specified in the uniform standards, and requires the executive director and the Colorado commission on higher education to sell a combined total of at least 200 motor vehicles between July 1, 1989, and July 1, 1990.

Directs the executive director to establish a fleet management program for the purchase and operation of a fleet of motor vehicles to be available for lease to departments of state government. Authorizes the executive director to impose a surcharge on lease payments for fleet vehicles.

Establishes the fleet management fund in the state treasury for the purchase of vehicles for operation by the program. Transfers to the fleet management fund from the internal services fund of the department of administration any working capital loan balance owed to the state treasury by the fleet management program as of July 1, 1989.

Appropriates \$29,645 and 1.5 FTE to the department of administration for implementation of the act.

VETOED by Governor June 7

H.B. 1048 State personnel board - elections - procedures - grounds for contesting. Replaces the current procedure for electing members to the state personnel board with a procedure that allows the state personnel board to conduct its own elections in accordance with rules promulgated under the "State Administrative Procedure Act" and in consultation with the secretary of state. Requires that ballots for such election be distributed to employees eligible to vote with any payroll or other type of distribution otherwise made to such employees no later than 15 days before such ballots are due. Specifies when the election of any member to the board may be contested.

APPROVED by Governor June 7

EFFECTIVE July 1

H.B. 1056 Public entities - investment in securities. Consolidates statutory provisions governing investment in securities by public entities into one statutory part. Updates certain language and definitions. Expands the types of securities available for investment by some entities. Imposes rating requirements and time limitations on certain securities to make them eligible for purchase by public entities. Excludes certain public funds from the application of certain provisions. Requires public entities to divest themselves of unlawful investments. Imposes a duty of repayment on any person who sells an investment to a public entity who knew or should have known such an investment was unlawful. Updates the specific investment statutory provisions for certain public entities.

APPROVED by Governor March 15

EFFECTIVE July 1

H.B. 1057 Public employees' retirement association - service retirement benefits - state troopers. Provides for state troopers to receive service retirement benefits from the public employees' retirement association at age 50 if they have earned at least 25 years of service credit. Modifies the benefit formula for state troopers from 1.25% to 1.5% of the trooper's highest average salary per year for each year of service over 20 years. Increases the member contribution rates for state troopers to fund such changes.

APPROVED by Governor April 6

EFFECTIVE July 1

H.B. 1062 Public employees' retirement association - purchase of service credit - noncovered employment - use of tax-deferred retirement moneys. Reduces from 5 years to one year the number of years of public employees' retirement association service credit a member must have before becoming eligible to purchase service credit relating to noncovered public employment. Requires said year of service credit to be earned service credit. Allows members to purchase service credit relating to noncovered employment regardless of whether such noncovered employment is public employment. Allows members to purchase service credit using tax-deferred retirement moneys to the extent allowed by federal law.

APPROVED by Governor April 19

EFFECTIVE April 19

H.B. 1078 Lobbyist disclosure statements - elimination of notarization requirements. Eliminates the requirement that disclosure statements given by lobbyists be given under oath. Requires that disclosure statements be signed by the disclosing person in a manner which indicates that the information provided in such statement is correct and specifies that notarization of such statement is not required. Provides that any materially false statement made in such disclosure which the lobbyist does not believe to be true constitutes perjury in the second degree.

APPROVED by Governor March 15

EFFECTIVE March 15

H.B. 1122 State treasurer - notes - procedures. Permits book entry rather than physical issuance of state treasury notes. Allows execution of notes to be accomplished through the use of facsimile signatures and facsimile seals if certain safeguards are used.

APPROVED by Governor March 21

EFFECTIVE March 21

H.B. 1207 Guide dogs - access to public accommodations. Authorizes handicapped individuals to be accompanied by service dogs in certain public places while such dogs are being trained for the use of such handicapped individuals. Allows other persons training such dogs for use by handicapped

individuals the same access. Provides that the handicapped individual or the trainer shall be liable for damage caused by the service dog. Requires that such dogs be clearly identified as service dogs.

APPROVED by Governor April 19

EFFECTIVE April 19

H.B. 1223 Hazardous materials responders - voluntary certification - appropriation. Defines "hazardous materials responder" and establishes a program for the voluntary certification of such responders. Creates an advisory board to administer the certification program and authorizes the advisory board to establish fees for said program and to set standards for training and instructors. Creates the hazardous materials responder voluntary certification fund and provides that such fund shall consist of the fees received for the certification program.

Appropriates \$15,000 out of the hazardous materials responder voluntary certification fund to the department of public safety for allocation to the division of fire safety for implementation of the act.

APPROVED by Governor June 8

EFFECTIVE July 1

H.B. 1233 Public works contracts - prohibition against no-damage-for-delay clauses. Prohibits the inclusion of no-damage-for-delay clauses in public works contracts. States that said prohibition does not render certain contract provisions void. Requires the director of the department of administration to promulgate rules for construction contracts under the procurement code which are consistent with said prohibition.

APPROVED by Governor April 12

EFFECTIVE July 1

H.B. 1337 Transfers - overexpenditures. Authorizes limited transfers between appropriations and limited overexpenditures of appropriations, as follows:

Intradepartmental transfers. Authorizes the head of a principal department to make transfers between line-item appropriations made to that department if such appropriations are for like purposes. Limits transfer authority to the period between May 1 and 45 days following the close of the fiscal year and to appropriations made for the expiring fiscal year. Specifically states that transfers between certain items are not between like purposes, and that transfers between certain other items are between like purposes. Allows the governor to make similar transfers within his office and the chief justice to make similar transfers within the judicial branch. Limits the total of intradepartmental transfers within the executive branch to \$1 million.

Interdepartmental transfers. Allows the governor to transfer up to \$1 million to and from the department of social services and the department of institutions for medicaid programs. Permits transfers between departments as authorized in the long bill if they are required to implement appropriations conditioned on the distribution or transfer of such moneys.

Overexpenditures. For the purpose of closing the state's books for a fiscal year, authorizes the controller, upon the governor's approval, to allow a department to overexpend its appropriations under any of the following circumstances: The overexpenditure is for medicaid; it is by the department of social services for purposes other than medicaid and the total does not exceed \$1 million; it is not by the department of social services and the total for all non-social services agencies does not exceed \$1 million; or it is by the judicial branch and the judicial branch's total of overexpenditures and intradepartmental transfers does not exceed \$1 million. Requires the controller to restrict the department's appropriations for the next fiscal year by the amount of the overexpenditure allowed. Authorizes the department to seek a supplemental appropriation for the fiscal year in which the overexpenditure was allowed, and, if the supplemental appropriation is enacted, directs that the restriction be removed.

Applicability and repeal. Applies for the 1988-89 and the 1989-90 fiscal years. Repeals provisions concerning transfers on September 1, 1990, and provisions concerning overexpenditures on July 1, 1991.

APPROVED by Governor May 16

EFFECTIVE May 16

H.B. 1351 Economic development activities of state agencies - legislative oversight - continuation of economic development commission. Authorizes the business affairs and labor committees of the senate and house of representatives to have general jurisdiction to conduct oversight of the economic development activities of the different agencies of state government, and requires the committees to conduct such oversight on an annual basis.

Requires the governor's office to submit a quarterly report to the joint budget committee and to the business affairs and labor committees of the senate and house of representatives detailing the expenditures by appropriated line item and funding source in the general appropriation bill of the state for all economic development programs in all departments of state government.

Requires the governor's office of economic development programs to develop and submit to the general

assembly by January 1, 1990, a draft 5-year economic development strategic plan followed by a final plan to be submitted by July 1, 1990. Specifies the contents of such strategic plan. Requires the Colorado first program to submit a quarterly report on its activities to the joint budget committee and to the business affairs and labor committees of the senate and house of representatives.

Declares that the governor's office and the department of local affairs should comply with the state budgetary process when expending moneys to implement the state's economic development efforts. Requires the governor's office and the department of local affairs to record economic development program expenses in the state agency that benefits from the expenditure.

Continues the Colorado economic development commission until July 1, 1991. Clarifies that moneys in the Colorado economic development fund may be used to make grants or loans to both public and private persons and entities.

APPROVED by Governor June 7

EFFECTIVE June 7

H.B. 1352 Employee performance evaluations - mandatory annual requirement - supervisors sanctioned for non-compliance. Imposes a fine on supervisors, including exempt supervisors of classified employees, of an amount not less than the equivalent of 3 days' salary for noncompliance with the mandatory employee performance evaluations requirement on an annual basis. Requires the head of each principal department and each governing board of a state-supported institution of higher education to determine annually on May 1 whether each supervisor has completed the mandatory employment evaluations required for the preceding 12 months. Subjects supervisors to termination or demotion for noncompliance with these mandatory performance evaluation procedures by July 1. Mandates demotion to a nonsupervisory position for supervisors who do not timely complete their evaluations for 2 consecutive years. Grants the director of the state personnel department rule-making authority for the implementation of these provisions and permits the director to add additional sanctions for noncompliance. Requires the director to monitor the evaluation process and requires an annual report on January 1 regarding said process to be made to the joint budget committee of the general assembly.

APPROVED by Governor June 5

EFFECTIVE January 1, 1990

H.B. 1358 Library for blind and physically handicapped - building purchase and renovation. Authorizes the department of education to implement the appropriation in the 1989 long

bill that allows for the acquisition and building modification of a building to be used as a library for the blind and physically handicapped. Specifies that the department of education must work in conjunction with the department of administration as provided by law.

APPROVED by Governor June 8

EFFECTIVE June 8

HEALTH

S.B. 34

Emergency medical services - appropriation. Creates the emergency medical services account within the highway users tax fund to assist local emergency medical service providers in their efforts to improve the quality and effectiveness of local emergency medical services. Imposes a \$1 surcharge on the registration of any vehicle in order to finance said account, and specifies that the moneys in the account shall be utilized by local emergency medical service providers, including local governing boards and the emergency medical services (EMS) division in the department of health, to facilitate and improve the statewide emergency medical network.

Provides that, except for the fiscal year beginning July 1, 1989, 60% of the account shall be distributed through a grant program by the EMS division. Authorizes the state advisory council on emergency medical services to promulgate any rules and regulations concerning the operation of such grant program. States that grants shall be awarded based on a substantiated need for local emergency medical services except as follows: For the first 3 years of the grant program, priority shall be given to those applicants which have underdeveloped or aged emergency medical services and are located in either rural areas of the state or areas of the state which serve a high number of tourists; and each year at least \$100,000 of the grant money shall be awarded to pay the costs of training emergency medical technicians and \$100,000 shall be held in reserve for unexpected emergencies.

Stipulates that a certain percentage of the emergency medical services account which is not distributed as grants shall be directed to the boards of county commissioners, as long as certain conditions are met, in order that the commissioners may plan and facilitate the provision of emergency medical services within their counties' boundaries. Allocates a specified percentage of the emergency medical services account to the EMS division for operating the statewide emergency medical services system, including the costs incurred by the EMS division in issuing emergency medical technician certifications.

Requires the state advisory council on emergency medical services to report annually to the health, environment, welfare, and institutions committees of the senate and the house of representatives and the joint budget committee on the status of the emergency medical services account and of the statewide emergency medical services network.

Repeals statutory provisions concerning local emergency medical services on July 1, 1992, unless continued by the general assembly.

Repeals provisions establishing the prior emergency technicians' cash fund and license fees charged to defray administrative costs of licensing emergency medical technicians.

Appropriates from the emergency medical services account within the highway users tax fund \$43,263 to the department of revenue and \$27,900 to the department of health for implementation of the act.

APPROVED by Governor June 6

EFFECTIVE July 1

S.B. 35 Food Store Sanitation Act - vended or dispensed water containers - potentially hazardous food. Amends the "Retail Food Store Sanitation Act" to allow customers to fill or refill their own containers with vended or dispensed water or other nonpotentially hazardous beverages. Specifies that the manufacturer, seller, or dispenser of an unsafe water container shall not be liable, unless there is a warranty.

Clarifies that "potentially hazardous foods" under the act do not include refrigerated clean, whole, uncracked, odor-free, shell eggs.

APPROVED by Governor April 21

EFFECTIVE April 21

S.B. 77 Air quality in the AIR program area - visibility standard - wood-burning stoves - chlorofluorocarbon regulations - studies - appropriation. Directs the air quality control commission to establish a visibility standard for the AIR program area, which includes portions of Adams, Arapahoe, Boulder, Denver, Douglas, El Paso, Jefferson, Larimer, and Weld counties, by January 1, 1990. Requires the commission to study the technological feasibility of achieving an 80% reduction in the number of days the standard is exceeded and to submit a final report thereon by July 1, 1991. Specifies that the commission, in the course of the study, shall inventory air quality programs voluntarily initiated by local governments and evaluate whether such programs are cost-effective. Directs the commission to convene a panel of independent recognized experts to assist in making the study.

Requires the commission to promulgate regulations to take effect July 1, 1990, which establish limitations on the use of wood-burning stoves on high pollution days. Provides that these regulations will apply only in Adams, Arapahoe, Boulder, Denver, Douglas, and Jefferson counties

and will be specific to separate airsheds within such counties. Exempts areas above 7,000 feet unless the commission determines that particulates from woodburning are contributing to the brown cloud. Also exempts any municipality which has its own woodburning restrictions in effect on January 1, 1990.

Requires the commission to promulgate regulations concerning refrigerants containing specified chlorofluorocarbon chemicals (CFC's). Provides that such regulations must require the recycling or reuse of such refrigerants removed from the refrigeration system of a retail store, cold storage warehouse, or commercial or industrial building by someone who installs, services, repairs, or disposes of such system. Requires that such regulations must also prohibit the intentional venting or disposal of such refrigerants. Provides for administrative procedures and judicial review for enforcement of the CFC regulations.

Instructs the commission to make 3 additional studies: A study to identify alternative fuels and technologies that could reduce carbon monoxide and nitrogen oxide or achieve significant improvement in vehicle emissions; a study of the costs and benefits of street-cleaning or street-sweeping regulations; and a study of the costs and benefits of regulations relating to time-shifting of employees. Requires the department of health to appoint a panel of independent recognized experts to assist in these studies.

Declares that numerous air quality programs have been established in recent years and that a study should be conducted to determine that all such programs are in fact implemented, are promoting cleaner air, and are necessary and cost-effective. Directs the state auditor to study the cost and effectiveness of the automobile inspection and readjustment program and the oxygenated fuels program and to submit a final report to the legislative audit committee by October 1, 1993. States the general assembly's intent to terminate programs which are shown not to be effective and to repeal statutory provisions authorizing such programs. Authorizes the state auditor to contract as necessary for the proper performance of the study and directs the appointment of a panel of independent recognized experts to assist the auditor in developing an objective standard against which program effectiveness will be measured. Provides that the study will be an independent and original effort and will not consist primarily of a review of other studies.

Makes the following appropriations out of the AIR account in the highway users tax fund: \$320,213 to the department of health to implement the act; \$25,000 to the state auditor for necessary expenses in conducting the

study assigned to him; and \$250,000 to the department of health for operating expenses in relation to fuels and high altitude engine research at the Colorado school of mines, which sum is contingent upon the construction of the research facility being completed.

APPROVED by Governor May 26

PORTIONS EFFECTIVE:
May 26
January 1, 1990

- S.B. 238 Asbestos control - institutions operated by the department of institutions. Excludes institutions which are operated by the department of institutions from the category of schools as defined in the statutory provisions pertaining to asbestos control. Requires the department of institutions to file its plan for asbestos abatement with the capital development committee of the general assembly. Terminates the exclusion of institutions operated by the department from the definition of schools unless such asbestos abatement plan is approved by the committee. States that members of the public who use such institutions are entitled to protection from asbestos, and that asbestos abatement at such institutions should continue.

APPROVED by Governor May 9

EFFECTIVE May 9

- H.B. 1036 Living wills - qualified right to reject artificial nourishment. Amends the "Colorado Medical Treatment Decision Act" to allow an individual to direct in his or her "living will" that artificial nourishment provided through medical procedure or intervention be withdrawn when such nourishment is the only life-sustaining procedure being used. Permits an attending physician to order artificial nourishment solely for the purpose of providing comfort and relieving pain, notwithstanding an individual's direction to the contrary.

Changes the sample living will provided in the act to include specific direction regarding artificial nourishment and to lengthen from 48 hours to 7 days the period a person must be unconscious, comatose, or otherwise incompetent so as to be unable to make decisions, before the person's living will may be implemented.

APPROVED by Governor March 29

EFFECTIVE March 29

- H.B. 1055 Donations of anatomical gifts - genetic typing information - protocol - paid leave for personnel system employees. Requires that the authorization for donations of organs and tissue printed on the back of drivers' licenses and identification cards include a place to indicate the results of HLA typing (genetic typing), if known, for the

purpose of matching organs and tissue for transplants.

Allows coroners to inform family members, guardians, or persons authorized to dispose of bodies of the option to make an anatomical gift.

Requires procurement agencies to inform coroners of the need for anatomical gifts and to allow coroners access to the central clearinghouse for donations of anatomical gifts.

Authorizes the state personnel board to promulgate rules concerning fringe benefits to allow for no more than 2 days of paid leave per year for the purpose of a transplant donation. Directs that such leave not accumulate for a subsequent year and that such leave be verified by the attending physician.

APPROVED by Governor February 24

EFFECTIVE July 1

H.B. 1300 Recycling of plastic products. Requires that plastics manufacturers label their products in a way which will identify the type of plastic used in such products beginning July 1, 1992. Prohibits local governments from regulating the use of plastic materials or products. Authorizes the executive director of the department of local affairs to initiate a pilot program for the purpose of developing new technologies for plastic recycling. Repeals statutory provisions on recycling on July 1, 1994.

Establishes a bid preference for recycled plastic products used in public projects. Creates an income tax credit for income tax years 1989 through 1993 for investments made in the development of new technologies for plastic recycling.

APPROVED by Governor May 17

EFFECTIVE July 1

H.B. 1328 Infectious waste - designation and disposal. Declares that the handling, treatment, and disposal of infectious waste is a matter of statewide concern. Defines "infectious waste". Specifies characteristic factors and sets forth recommended categories of such waste. Sets out appropriate treatment or containment methods.

Provides that infectious waste which has been appropriately treated or contained on the site by the generator shall be deemed noninfectious.

Mandates that each generator of infectious waste develop and implement an on-site infectious waste management plan which is appropriate for that facility and requires that the plan contain certain elements.

Provides that a generator which has appropriately treated or contained infectious waste and has, in good faith, used licensed haulers and disposal facilities is not liable for damages or injuries resulting therefrom. Creates a conclusive presumption that infectious waste which has been appropriately treated and documented is not infectious after it has been so treated.

Provides a penalty for knowingly disposing or hauling untreated and unidentified infectious waste.

Deletes the term "infectious" from the definition of hazardous waste.

APPROVED by Governor April 23

EFFECTIVE April 23

H.B. 1343 Air pollutant emissions - notices and permits - inspections - appropriation. Establishes review and reporting requirements for the staff time required to process certain air pollutant emissions permits. Requires the air pollution control commission to establish fees for air pollutant emission permits based on the complexity and type of pollutants, the size of the source, and the time required to process the permit application. Provides that lower fees shall be established for less complex sources and that no per-hour charge shall exceed \$105. Increases the fee required for filing an air pollutant emission notice from \$40 to \$60.

Requires persons operating a stationary source requiring an air pollutant emission notice to pay a fee to cover the costs of administration and inspection. Directs the air pollution control commission to establish and revise such fees and provides factors upon which such fees are to be based. Provides ceilings for such fees. Directs the state inspector of oils to conduct the emission inspection of underground storage tanks in an ozone nonattainment area for the purposes of verifying installation and proper use of pollution control equipment. Requires the state inspector of oils to establish a fee, not to exceed \$12, for the emissions portion of such inspection to cover the costs of inspection and administration.

Appropriates from the stationary sources control fund \$24,453 and 0.5 FTE to the department of health and \$61,429 and 2.0 FTE to the department of labor for implementation of the act.

APPROVED by Governor May 26

EFFECTIVE May 26

HIGHWAYS AND ROADS

S.B. 91 Tourist information signs - authorization. Authorizes the state department of highways to issue permits and adopt rules and regulations to allow tourist-oriented directional signs along noninterstate highways pursuant to the federal authority for such signs. Requires that such signs comply with county, city and county, or municipal regulations. Requires that the governing body of the county, city and county, or municipality in which such signs are to be located must authorize erection of such signs for implementation of the sign program in such political jurisdiction. Allows the state department of highways to contract with private businesses under certain circumstances to implement the tourist-oriented directional sign program.

APPROVED by Governor May 26

EFFECTIVE May 26

S.B. 137 Highway budget allocation plan - deadlines relating to adoption. Changes the date by which the state highway commission must adopt a proposed highway budget allocation plan from January 15 of each year to the preceding December 15. Changes from April 15 to March 15 of each year the date by which the official response and recommendations to the proposed plan must be made and transmitted to the commission by the transportation and energy committee of the house of representatives, the senate transportation committee, and the joint budget committee of the general assembly. Changes from May 15 to April 15 of each year the date for adoption of the final budget allocation plan by the commission.

APPROVED by Governor April 5

EFFECTIVE July 1

S.B. 150 Urban mass transportation grants - authority of state department of highways. Authorizes and designates the state department of highways and the executive director thereof to take all steps necessary for the state application and administration of any funds made available under the federal "Urban Mass Transportation Act of 1964". Limits such authority regarding federal grant funds for which a designated recipient already exists, funds available under section 3 of said federal act for the Denver regional transportation district, and funds for certain projects in urban areas.

APPROVED by Governor April 12

EFFECTIVE April 12

S.B. 240 Transportation of hazardous materials - penalties. Categorizes certain violations of provisions related to the transportation of hazardous materials as misdemeanor traffic offenses and authorizes enforcement officials to issue penalty assessments for such violations. Provides that, if the penalty is not paid within 20 days of the citation, the penalty assessment notice becomes a summons and complaint to appear in court. Provides that a person convicted of illegally transporting hazardous materials a second time within one year shall be fined not less than \$250 nor more than \$500.

APPROVED by Governor May 8

EFFECTIVE July 1

S.B. 241 Transportation of hazardous materials by motor vehicle - rules and regulations. Repeals statutory provisions concerning the authority of the public utilities commission to regulate the transportation of hazardous materials and, in connection therewith, broadens the authority of the chief of the Colorado state patrol concerning the safe transportation of hazardous materials. Makes violation of such regulations a misdemeanor punishable by a \$25 to \$1,000 fine or by imprisonment, or both. Includes within the "Hazardous Materials Transportation Act of 1987" statutory provisions being repealed relating to the abandonment of any vehicle containing any hazardous material and the intentional spilling of hazardous materials on public or private property without express consent of the owner of the property and relating to the authority of local governments to seek reimbursement from the state for costs incurred as a result of actions taken to mitigate the effects of a hazardous materials abandonment or spill. Authorizes changes in existing route designations.

APPROVED by Governor May 8

EFFECTIVE July 1

H.B. 1272 Highway users tax fund - allocation of county portion. Reallocates the county portion of moneys in the highway users tax fund as follows: Requires that the first \$69.7 million be allocated so that each county receives the same allocation it received for the fiscal year 1987-88; requires that certain percentages of the next \$17 million be allocated to 17 specified counties; and requires that any additional moneys be allocated in certain percentages in proportion to rural motor vehicle registration, county wide motor vehicle registration, the adjusted lane miles of county roads, and the square feet of bridge deck for certain bridges.

APPROVED by Governor June 5

EFFECTIVE July 1

INSTITUTIONS

S.B. 37 Mental illness - gravely disabled persons. Redefines the term "gravely disabled" as it relates to mentally ill persons. Specifies that an individual's inability or failure to provide himself the essential human needs or the lack of judgment in management of his resources and in the conduct of social relations are conditions of the "gravely disabled". Provides that individuals who, because of family care or similar support, are not seriously endangered may be deemed "gravely disabled" if there is notice given that such support is to be terminated and certain other factors related to a diagnosed disorder are present.

APPROVED by Governor April 6

EFFECTIVE April 6

S.B. 161 Colorado state hospital - demolition of building. Defines the term "demolish" and authorizes the executive director of the department of institutions to demolish specified unused and abandoned buildings on the grounds of the Colorado state hospital. Clarifies that no general fund moneys shall be used for such demolition. Allows the department to sell any salvage from the demolition and requires that any moneys realized from the sale of salvage in excess of the amount required to pay for the cost of the demolition shall revert to the general fund.

APPROVED by Governor June 8

EFFECTIVE June 8

S.B. 242 Liability of physicians performing services for the department of institutions. Clarifies that physicians who are appointed to act as medical consultants to the department of institutions with respect to persons receiving services from institutions operated by the department, as well as physicians employed by the health sciences center who provide services to Colorado state hospital and Fort Logan mental health center pursuant to contract with the department of institutions, are covered as "public employees" by the "Colorado Governmental Immunity Act" in the performance of their duties and are insured for liability by the state risk management fund.

APPROVED by Governor June 7

EFFECTIVE June 7

H.B. 1178 Transfer of lands - department of institutions - Pueblo. Authorizes the department of institutions to convey a leasehold interest to the city of Pueblo in certain described property to be used as a park.

APPROVED by Governor April 19

EFFECTIVE April 19

INSURANCE

S.B. 61 Examinations of insurance companies - use of outside examiners. Authorizes the division of insurance in the department of regulatory agencies to use outside examiners to examine insurance companies subject to the jurisdiction of the division. Specifies the qualifications of such outside examiners and requires the commissioner to establish guidelines to assure the neutrality of persons authorized to conduct such examinations.

APPROVED by Governor June 7

EFFECTIVE June 7

S.B. 90 Motor vehicle insurance - damage - uninsured motorists. Provides that motor vehicle insurance policies covering bodily injury caused by uninsured motorists, but not collision damage, provide at the request of the insured coverage for the cost of repair or replacement of the covered vehicle, whichever is less, subject to any deductible of the insurer. Specifies that the coverage required shall not provide protection for loss of use of a motor vehicle. Clarifies that the law requiring filing and availability of summary disclosure forms applies to policies providing insurance for bodily injury caused by uninsured motorists.

APPROVED by Governor April 7

EFFECTIVE July 1

S.B. 107 Captive insurance companies - regulation of. Expands certain terms used in the statutory provisions regulating captive insurance companies. Expands the type of documents which may be filed with the appropriate state officials when a captive insurance company is formed. Expands the term used to describe the incorporators of a captive insurance company to include organizers of the proposed entity. Provides that the reasonable expenses of an examination of a captive insurance company by a specially appointed disinterested person prior to granting authority to any such proposed captive insurer to commence business shall be paid directly by the applicant. Provides that amendments to articles of incorporation or other documents of organization shall be filed with the secretary of state after being approved by the commissioner of insurance. Authorizes the commissioner of insurance to extend the filing date for reports and statements by captive insurance companies. Clarifies the financial institutions which may issue an irrevocable letter of credit which the commissioner of insurance shall accept representing the minimum capital required by law in lieu of accepting a deposit of cash or securities representing such minimum capital requirement. Authorizes the commissioner to utilize outside examiners for captive insurance companies.

Specifies that no restrictions shall be placed on investments of captive insurance companies or industrial insured captive insurance companies except if an investment threatens the solvency of any such company. Authorizes the insurance commissioner to require a certificate of solvency in statutory financial returns filed by pure or industrial captive insurance companies. Specifies the information which may be required in such certificates. Authorizes pure captive insurance companies to make loans to parent companies under certain conditions. Eliminates the requirements for pure captive insurers to file policy provisions or rates with the commissioner.

APPROVED by Governor April 15

EFFECTIVE April 15

S.B. 108 Health maintenance organizations - filing of charges and rates - public records law - minimum surplus and deposit requirements. Declares that the law should not be construed to ensure the success of any health maintenance organization. Requires that health maintenance organizations file schedules of charges and rates for enrollee coverage, and amendments thereto, with the commissioner of insurance 30 days prior to their effective date. Allows individual group rates to be filed concurrent with or prior to their effective date. Discontinues the requirement that schedules of charges be approved by the commissioner. Provides that supporting and additional information requested by the commissioner relative to such rates and charges are not public records subject to the public records law. Restructures the amounts of the surplus and deposit requirements.

APPROVED by Governor April 12

EFFECTIVE April 12

S.B. 117 Group health care services - reduction in working hours - economic conditions. Requires that group sickness and accident insurance policies delivered or issued for delivery in this state, group service contracts issued by a nonprofit hospital, medical-surgical, or health service corporation, and group service contracts issued by a health maintenance organization providing health care services for full-time employees working 40 or more hours per week shall contain a provision that the employer may elect to contract with the insurer to continue such policy or contract under the same conditions and for the same premium even if the policyholder or employer reduces the working hours of such employees to less than 30 hours per week, if the employee whose working hours are reduced has been continuously employed and covered by the group policy or contract for the 6 months preceding the reduction in hours, if the reduction was due to economic conditions, and if the employer intends to restore the full 40-hour work schedule as soon as economic conditions improve.

APPROVED by Governor April 20

EFFECTIVE July 1

S.B. 128 No-fault insurance - extended disability benefits - arbitration requirement - coverage limitations - cancellation or nonrenewal of policy. Effective January 1, 1990, requires that insurers subject to the "Colorado Auto Accident Reparations Act" offer extended disability benefits for injured persons who are undergoing continued rehabilitation, who remain unable to return to work, and whose other disability benefits have ceased due to the reaching of the time limitation for such benefits. Increases from \$100,000 to \$200,000 the aggregate benefit coverage for injury or death to any one person in any one accident.

Requires that any action for nonpayment of benefits based on breach of contract proceed to arbitration and sets forth the procedures therefor. Requires a physician or health care practitioner attending an accident victim entitled to insurance benefits to notify the insurer within 30 calendar days from the the victim's first visitation. Requires that no insurance policy be changed, cancelled, or nonrenewed solely because the insured or a member of his household has had an accident or accidents for which he was not responsible. Allows suspected violations of such requirement to be protested to the commissioner of insurance.

APPROVED by Governor June 1

PORTIONS EFFECTIVE:

June 1

July 1

January 1, 1990

S.B. 167 Health insurance - human immunodeficiency virus. Sets forth procedures which are to be followed when testing an insurance applicant for the human immunodeficiency virus (HIV) and specifies that noncompliance with such procedures constitutes an unfair or deceptive act or practice in the business of insurance. States that all HIV testing requires prior written consent and outlines what information must be provided to the applicant. Describes the manner in which the test is to be administered. Describes how HIV test results may be used and to whom results may be disclosed. Prescribes a criminal penalty for violations of provisions related to such procedures. Prohibits as unfair discrimination certain activities such as investigating sexual orientation and making adverse underwriting decisions based on reports that an applicant has demonstrated concerns about HIV infection or that an unspecified blood test of the applicant was abnormal.

APPROVED by Governor April 12

EFFECTIVE April 12

S.B. 211 Health insurance - mandatory coverage for pregnancy and childbirth - report to general assembly. Requires all group sickness and accident policies to include coverage for normal pregnancy and childbirth. Allows employers who

have fewer than 15 employee positions to provide such insurance coverage through self-insurance, an insurance policy which meets the requirements of the division of insurance, or by a combination of self-insurance and such a policy.

Requires every person or organization proposing legislative action which would mandate a health coverage or the offering of a health coverage by an insurance carrier, nonprofit hospital and health care service corporation, or health maintenance organization as a component of individual or group policies to submit a report to the legislative committee of reference addressing both the social and financial impacts of such mandated coverage.

APPROVED by Governor April 15

EFFECTIVE April 15

Note: See S.B. 264 for a clarifying amendment to this act.

S.B. 264 Health insurance - mandatory coverage - limitation of pregnancy coverage to group policies issued to employers. Amends a provision added to the law in 1989 Senate Bill No. 211 to clarify that the requirement that pregnancy coverage be included in group sickness and accident insurance policies applies only to policies issued to employers.

APPROVED by Governor June 1

EFFECTIVE June 1

H.B. 1001 Mammography screening - mandatory coverage. Requires all individual and all group sickness and accident insurance policies, all individual and all group subscription contracts or indemnity-type contracts issued by a nonprofit hospital or health service corporation, and all individual and all group health care service contracts or indemnity-type contracts issued by health maintenance organizations which provide coverage within the state to provide coverage for screening by low-dose mammography for the presence of breast cancer in adult women covered by such policies or contracts. Establishes guidelines regarding the frequency for such screenings and mandates that the cost of each screening not exceed sixty dollars. Requires that such coverage be present in all contracts and policies issued on or after January 1, 1990.

Excludes from the definition of "sickness and accident insurance policy" certain types of policies, including short-term, fixed indemnity, specified benefit, limited benefit, and insurance arising out of the "Workmen's Compensation Act of Colorado".

APPROVED by Governor April 17

EFFECTIVE January 1, 1990

H.B. 1058 Insurance companies - change of domicile. Authorizes the commissioner of insurance to redomesticate any foreign insurance company which is an insurer incorporated or organized under the laws of any state other than Colorado. Prescribes the procedures for such redomestication. Authorizes the commissioner of insurance to domesticate any alien insurer, which is an insurer incorporated or organized under the laws of any country other than the United States.

APPROVED by Governor April 19

EFFECTIVE April 19

H.B. 1155 Automobile crash parts - nonoriginal manufacturers - identification. Requires that motor vehicle replacement crash parts which are not made by the manufacturer of the original motor vehicle must have the manufacturer's name or trademark affixed to or inscribed on them. Requires that if such parts are specified for use by an insurer in the repair of an insured's motor vehicle, the use of such parts must be disclosed to the insured. Defines "nonoriginal equipment manufacturer". Provides that a violation relating to replacement crash parts is an unfair and deceptive trade practice.

APPROVED by Governor April 7

EFFECTIVE July 1

H.B. 1163 Medicare supplement insurance - conformance to federal law. Conforms the statutory provisions concerning medicare supplement insurance for individual policies or certificates issued under a group medicare supplement policy to current federal law governing such insurance. Establishes standards for medicare supplement insurance including the following: Standards for policy provisions; minimum standards for benefits and payment of claims; loss ratio standards and filing requirements; and disclosure standards to provide for full and fair disclosure in the sale of medicare supplement policies.

Requires that medicare supplement policies and certificates contain a printed notice stating that applicants may return such policies or certificates for full refunds within 30 days of delivery if the applicants are not satisfied.

Requires that providers of medicare supplement insurance file written copies of any advertisements of such medicare supplement insurance with the commissioner of insurance. Provides that if a complaint is filed about a radio or television advertisement, the commissioner may request an audio or video cassette from the advertiser.

Authorizes the commissioner to order those insurers violating any provision of the act or regulations

promulgated pursuant thereto to cease marketing medicare supplement policies or certificates related to a violation, to order such insurers to take such actions as are necessary to comply with the provisions of the act, or to make both such orders.

APPROVED by Governor June 5

EFFECTIVE July 1

H.B. 1183 Health care professionals - unprofessional activities related to billings. Identifies certain activities of various health care professionals which detrimentally impact upon a patient's care, record of care, or insurance coverage and makes such activities grounds for disciplinary action. Specifies that "written statement", as used in provisions concerning fraudulent acts, includes patient records and any bill for medical services. Prohibits the regulatory boards of health care professionals from arbitrating or adjudicating fee disputes between licensees or other parties. Prohibits, without clinical justification, laboratory tests or studies, unnecessary treatment, x-rays, or failure to obtain consultation or referral when failure to do is not consistent with the standard of care of the profession.

APPROVED by Governor May 2

EFFECTIVE July 1

H.B. 1258 "Colorado Guaranty Association Act" - exclusions from coverage. Excludes financial guaranty insurance, persons whose net worth exceeds \$50 million, and any recovery duplicated by another source from the scope and applicability of the "Colorado Guaranty Association Act".

APPROVED by Governor April 17

EFFECTIVE April 17

H.B. 1264 Powers of the insurance commissioner - fees - regulatory functions - appropriation. Increases the fee for initial licensing of insurance agents in the areas of life, accident, and health insurance from \$10 to \$20 and for initial licensing of life, accident, and health insurance brokers from \$25 to \$35. Provides for reduced initial licensing fees for such agents and brokers who receive prelicensing or continuing education through domestic insurance companies or insurance companies which operate a home office in the state. Establishes the initial licensing fee for all insurance agents at \$10 and all insurance brokers at \$25, beginning January 1, 1992. Repeals sunset provisions on certain licensing and other fees in order to maintain such fees at existing levels.

Establishes prelicensing education requirements for life, casualty, and health insurance agents and brokers. Creates the division of insurance education cash fund to

which a portion of the licensing fees collected from certain life, accident, and health agents and brokers shall be credited to be used by said division for certain activities related to such prelicensing education requirements. Establishes an advisory committee to the commissioner of insurance to make recommendations concerning prelicense education requirements for insurance agents and brokers. Specifies the membership of said committee.

Increases the fee paid by insurance companies for a certificate of authority to transact business in the state from \$200 to \$400. Creates the division of insurance consumer protection cash fund and designates a portion of said fee to be credited to said fund. Specifies certain regulatory activities to be supported by the moneys in said fund.

Authorizes the commissioner to promulgate rules and regulations requiring rate filings for any sickness, accident, or health insurance policy, contract, or certificate and requiring the submission of adequate documentation supporting such rate filings.

Subjects the state insurance authority to the regulatory powers of the insurance commissioner pertaining to unfair and deceptive trade practices and to rate regulation. Provides that the costs of such regulation shall be billed to and paid by the state compensation insurance authority.

Requires the commissioner of insurance to study the availability of sickness, health, and accident insurance in Colorado and to report his findings to the general assembly.

Appropriates from the division of insurance consumer protection cash fund \$340,000 and 8.0 FTE to the department of regulatory agencies for allocation to the division of insurance to enhance the ability of said division to enforce the laws and regulations prohibiting excessive, inadequate, or unfairly discriminatory rates and unfair trade practices and to provide consumer education.

APPROVED by Governor June 7

EFFECTIVE July 1

LABOR AND INDUSTRY

- S.B. 65 Motor fuel blends - disclosure requirements. Requires that the presence of alcohol or methyl tert butyl ether (MTBE) in a motor fuel blend be disclosed by stamp or label on containers and drawing devises if the content of the alcohol or MTBE exceeds 2%. Requires disclosure of exact percentages of content if the volume of ethanol exceeds 10%, the volume of methanol exceeds 2%, or the volume of MTBE exceeds 11%.

BECAME LAW without Governor's signature
EFFECTIVE

June 10
June 10

- S.B. 72 Eight-hour work day - exception for employees in underground mines, workings and smelters. Allows the work day of employees of underground mines, underground workings, and smelters to exceed 8 hours in a 24-hour period if the operator of any such operation establishes a work plan setting forth the terms and conditions for such employment, and if such operator provides at least one week's notice to employees who will be affected by such proposed increases in the regular work schedule. Specifies that this provision shall not be construed to alter the provisions of any collective bargaining agreement.

APPROVED by Governor April 5

EFFECTIVE April 5

- S.B. 146 Worker's compensation - self insurance pools - public entities. Authorizes various self-insurance pools formed by public entities to include coverage for workmen's compensation along with the other types of insurance coverage they provide.

APPROVED by Governor April 4

EFFECTIVE April 4

- S.B. 172 Worker's compensation benefits - authorization of a deductible. Authorizes a deductible in contracts for insurance for worker's compensation benefits. Allows an employer to pay an amount not to exceed \$1500 per claim toward the total amount payable under the "Workmen's Compensation Act of Colorado". Specifies that employers with contracts for insurance with a deductible continue to have the duty to report an injury or death to the division of labor of the department of labor and employment.

APPROVED by Governor April 15

EFFECTIVE July 1

- S.B. 195 Worker's compensation - procedures for the resolution of disputes. Declares that it is the intent of the general assembly that: The "Workmen's Compensation Act of Colorado" be interpreted so as to assure the quick and efficient delivery of disability and medical benefits to

injured workers at a reasonable cost to employers; that worker's compensation cases be decided on their merits; and that facts in worker's compensation cases not be liberally construed in favor either of the employee or of the employer.

With certain exceptions, decreases from 3 years to 2 years the amount of time which a claimant has under the worker's compensation statutes to file notice of a claim for compensation. Specifies that the 2-year limit shall not apply to any claimant to whom compensation has been paid or when it is established to the satisfaction of the director, within 3 years of the injury or death, that reasonable excuse for failure to file such notice exists, and that other statutory requirements have been met.

Provides that disputes arising under the "Workmen's Compensation Act of Colorado" may be resolved through mediation under a program established by the division of labor in the department of labor and employment. Authorizes the director of the division of labor to adopt rules and regulations to implement the program. Makes such mediation proceedings confidential and prohibits mediators from testifying about information obtained in the course of such proceedings.

Provides that any employer, insurer, or employer, if self-insured, may, on a voluntary basis, request settlement conference services from the division of administration in the department of labor and employment. Establishes procedures for the appointment of an administrative law judge acceptable to the parties to the claim who will act as settlement conference officer. Specifies that such settlement conference proceedings are confidential and prohibits the settlement conference officer from testifying about information obtained in the course of such conferences. Authorizes the director of the division of labor to adopt rules and regulations to implement these provisions.

Requires the director of the division of labor to promulgate rules and regulations establishing time schedules for the hearing of worker's compensation cases by administrative law judges.

Requires the general assembly to provide for the conduct of performance reviews of the division of administrative hearings in the department of administration, with respect to matters arising under the "Workmen's Compensation Act of Colorado" beginning in 1989 and not less than every 4 years thereafter.

APPROVED by Governor May 26

EFFECTIVE July 1

H.B. 1080 Employment discrimination - marriages between coworkers. Makes it a discriminatory or unfair employment practice for an employer to discharge an employee or to refuse to hire a person on the basis that such employee or person is married to or plans to marry another employee of the employer, except as follows: The employer has 25 or fewer employees; one spouse directly or indirectly exercises supervisory, appointment, or dismissal authority or disciplinary action over the other spouse; one spouse audits, verifies, receives or is entrusted with moneys received or handled by the other spouse; or one spouse has access to the employer's confidential records.

APPROVED by Governor April 17

EFFECTIVE April 17

H.B. 1133 Employment references - financial institutions. Declares that the prohibitions against blacklisting have, in some instances, been abused and used as a shield to protect persons responsible for thefts and other misappropriations of funds from certain financial institutions and have enabled such persons to secure employment with other financial institutions in spite of having committed such acts of theft and misappropriation. Provides that any bank, savings and loan association, credit card or travel and entertainment card company, industrial bank, or credit union, upon request of another such financial institution, may provide a written employment reference which advises of any involvement in a theft, embezzlement, misappropriation, or other defalcation by the subject of the request for such reference. Specifies that no civil liability shall attach to providing any such reference unless the information provided is false and was provided with knowledge of such falsity. Requires a copy of the reference to be sent to the last-known address of the applicant for whom the reference is given for the immunity from civil liability to apply. Specifies that providing such information is not a violation of the anti-blacklisting provisions of Colorado law nor an unfair labor practice.

APPROVED by Governor April 23

EFFECTIVE April 23

H.B. 1190 State contracts - bid preference for resident bidders. Continues provisions which provide that a resident bidder for a contract for state commodities and services shall be allowed a preference against a nonresident bidder equal to the preference given by the state in which the nonresident bidder is a resident.

APPROVED by Governor June 7

EFFECTIVE July 1

H.B. 1299 Underground storage tanks - regulations - appropriation. Requires the state inspector of oils to promulgate regulations for design, performance, operation, release detection and reporting, closure, and financial responsibility of underground tanks which contain regulated substances. Requires that all releases from such tank systems be promptly reported and stopped and that immediate fire and safety hazards posed by such release be mitigated. Requires that the Colorado department of health be informed if the release is above a reportable quantity. Authorizes the state inspector of oils to negotiate and enter into memoranda of agreement with the United States environmental protection agency. Defines terms.

Sets forth the duties of owners and operators of such tanks. Requires that plans for installation or upgrading of any such tank be submitted to the state inspector of oils for prior approval and requires on-site inspection of each such tank prior to the operational start-up. Authorizes the state inspector of oils to establish a fee for such inspection. Requires annual registration of such tanks and authorizes a penalty assessment for late registration and renewal.

Authorizes the state inspector of oils and the department of health to initiate immediate action to mitigate or stop a release and any fire or safety hazards posed as a result of such release. Authorizes monitoring or testing of such a tank when an imminent and substantial threat to human health or the environment is posed.

Prohibits the imposition of more stringent provisions by any municipality, city, home rule city, city and county, county, or other political subdivision, except those established pursuant to the uniform fire code, the national fire protection association codes, or local zoning regulations.

Requires each owner or operator of a petroleum underground storage tank to establish and maintain evidence of financial responsibility for taking corrective action and for compensating third parties for bodily injury and property damage. Sets financial responsibility requirements.

Requires the state to pay the costs of leak cleanup and third party liability when such costs exceed certain limitations, payable from the underground storage tank fund. Establishes limitations on the fund's liability.

Makes all records, reports, or other information resulting from an underground storage tank leak or plans dealing with corrective actions available to the public except where granted confidentiality by the state inspector of oils or his designee, or by existing statute or

regulation. Allows officers, employees, or authorized representatives of the state or of the United States government who have been charged with administering this act or the federal "Resource Conservation and Recovery Act of 1976" access to confidential records. Provides penalties for violation of such confidentiality.

Establishes enforcement procedures.

Establishes licensing procedures for underground storage tank installers. Requires the state inspector of oils to promulgate regulations for such licensing. Sets forth the criteria to qualify for licensure as an underground storage tank installer. Specifies the grounds warranting suspension or revocation of a license. Creates an underground storage tank licensing fund to be used by the state inspector of oils for the administration of the underground storage tank installer licensing program.

Requires the governor to appoint an underground storage tank advisory committee and sets forth the composition thereof. Outlines the activities of the committee in its routine course of business.

Creates the underground storage tank fund in the state treasury. Provides that such fund shall consist of registration fees, civil penalties, appropriations from the general assembly, and federal grants.

Exempts regulated substances from the requirement that all installations utilizing liquid fuel products receive approval from the state inspector of oils prior to construction.

Levies a surcharge on shipments of fuel products. Defines "fuel products".

Terminates the underground storage tank advisory committee and the underground storage tank installers advisory committee on July 1, 1995. Provides for review of the advisory committees by the sunrise and sunset review committee of the general assembly prior to said termination date.

Appropriates \$12,000,000 as follows: \$350,000 and 6.2 FTE to the department of health; \$280,000 and 0.6 FTE to the department of labor and employment for allocation to the division of labor, oil inspection section; \$57,700 and 0.75 FTE to the department of labor and employment for allocation to state inspector of oils; \$20,000 and 0.5 FTE to the department of revenue; and \$11,350,000 to the departments of health and labor and employment for expenses for the initial abatement response and cleanup of releases.

APPROVED by Governor June 8

EFFECTIVE July 1

H.B. 1304 Unemployment insurance - "Colorado Employment Security Act". Corrects a reference to a federal act in the definition of "employer" for purposes of the "Colorado Employment Security Act". Requires the division of employment and training in the department of labor and employment to promptly notify the governor and the general assembly of events which may have a material effect on the adequacy of the unemployment compensation fund. Makes discretionary, rather than mandatory, the fine on employers who fail to file required reports. Clarifies that an individual must have been employed in insured work before he is eligible for unemployment insurance benefits during a subsequent benefit year. Repeals the statutory provision that provided that an individual may not be denied benefits for quitting employment to participate in a student-learner program. Specifies that, if the last separation for an employee is one from which a determination has been made, then the employee must work 10 consecutive days before a full award may be granted on the most recent separation.

APPROVED by Governor April 15

EFFECTIVE July 1

H.B. 1311 Worker's compensation - repayments for job misclassifications - cancellations and changes in rate classifications - composition of state compensation insurance authority. Authorizes an insurance company to require repayments for any amount of money which should have been included in premiums but was not included due to job misclassification. If such misclassification was caused by an error of the insured, allows the insured to seek collection of the repayment during the term of the contract plus an additional reasonable amount of time not to exceed 12 months.

Requires insurance companies to notify the division of labor in the department of labor and employment, the employer, and the employer's agent or representative if the employer's worker's compensation insurance is being cancelled. Requires advance written notice of such cancellation except under certain specified circumstances. Requires insurance companies to notify an employer when the rate by classification for the employer's worker's compensation insurance is changed.

Changes the composition of the state compensation insurance authority on July 1, 1989. Increases the membership to 7, all to be appointed by the governor with the consent of the senate, with both employers and employees being represented on the authority.

APPROVED by Governor April 17

PORTIONS EFFECTIVE:

April 17

July 1

H.B. 1313 Worker's compensation - industrial claim appeals panel - expansion - appropriation. Increases from 3 to 5 the number of appeals examiners on the industrial claim appeals panel.

Authorizes decisions of the industrial claim appeals panel to be made by 2 appeals examiners. Provides that, in the event of a disagreement between the 2 examiners, a third appeals examiner shall review the case, and the decision and final order of the appeals panel shall reflect the collective decision of all 3 appeals examiners.

Appropriates \$74,364 and 1.5 FTE to the department of labor and employment for allocation to the division of labor for implementation of the act.

APPROVED by Governor May 16

EFFECTIVE July 1

H.B. 1321 Unemployment insurance benefits - quitting for a better job. Abolishes the "quit for a better job" provisions of the "Colorado Employment Security Act" except for limited circumstances in the building and construction industry. Provides that if certain conditions are met where a construction worker quits a construction job for another job and is subsequently separated from the new job, the former employer shall not be charged for unemployment insurance benefits paid. Specifies that no benefits shall be awarded to a construction worker quitting for another job as permitted in the act unless such worker separates from the new job under circumstances making him eligible for a full award of unemployment insurance benefits.

BECAME LAW without Governor's signature
EFFECTIVE

May 5
July 1

H.B. 1322 Worker's compensation - provision of benefits. Excludes an inmate of a correctional facility who, as a part of his confinement, is working in a training, rehabilitation or work release program from the definition of "employee" for purposes of the "Workmen's Compensation Act of Colorado", except if such inmate is working for certain joint ventures or for a private employer who carries worker's compensation insurance for his employees. Also excludes from the definition of "employee" any person who engages in recreational activity by using a pass, ticket, or other recreational benefit provided by his employer if he is performing no duties of employment at the time of such recreational activity, and any person who volunteers time or services as a ski patrol person, ski instructor, or race crew member while the employee of an enterprise which operates ski lift devices.

Requires that the state average weekly wage be determined by the division of labor in the department of labor and employment from the average weekly earnings in certain covered industries in Colorado.

Changes the definition of "wages" to include reportable tips and the amount of the employee's cost of continuing the employer's group health insurance plan or the employee's cost of conversion to a similar or lesser plan, but not the cost of similar benefits or advantages which are not specifically enumerated in the act. Provides, however, that if, after an injury, the employer continues to pay for any benefit specifically enumerated in the act, including the cost of health insurance coverage, that amount shall not be included in the definition of "wages" for the purposes of the statute.

Prohibits a medical provider from seeking to recover costs or fees from an employee once there has been an admission of liability or the entry of a final order finding that an employer or insurance carrier is liable for such payment.

For injuries occurring after a claimant has reached the age of 45 years, includes federal social security retirement benefits and employer-paid retirement benefits in the category of benefits that trigger a reduction, but not below zero, in certain worker's compensation disability benefits by one-half the amount of such federal benefits and by a certain percentage of employer-paid retirement benefits. Provides that, if federal law should require a reduction in such federal social security retirement benefits when the recipient reaches age 65, when such benefits are paid concurrently with worker's compensation disability benefits, the currently mandated reduction of worker's compensation disability benefits shall be nullified to the extent of such reduction of federal benefits. Upon request of the insurer or employer, requires the employee to apply for such federal benefits and respond to requests for information on the status of such application. Makes failure to comply a cause for suspension of benefits.

For certain statutory police and firemen's disability benefits awarded concurrently with worker's compensation disability benefits, requires that worker's compensation disability benefits be reduced to an amount which produces a combined weekly disability benefit from the police or fireman's pension and from the worker's compensation award which is no less than 100% of the state average weekly wage. Provides that, if the worker's compensation disability benefits are paid as a lump sum, for the purpose of calculating this combined weekly disability benefit, the weekly benefit attributed to the worker's compensation award shall be that which the claimant would have received

had the award not been reduced and paid as a lump sum.

Changes the period for which no disability indemnity, except for medical and related expenses, is available from 3 calendar days to 3 regular working days. Increases the weekly amount of temporary total or temporary partial disability which an employee may receive from 80% to 91% of the state average weekly wage.

Suspends any benefits awarded under the "Colorado Workmen's Compensation Act" for any week following the conviction of an individual that such individual is confined in jail. Provides that benefits shall be restored following the individual's release, but he shall not be eligible to recoup any loss of award suffered by virtue of his confinement, unless his conviction is overturned on appeal.

For purposes of determining whether an employer is eligible for reimbursement for payment of wages in excess of the temporary total disability benefit in any week to an injured employee during a period of temporary disability, specifies that if the employee is injured while working under a fixed duration contract of employment, all salary and wages paid pursuant to that contract shall be prorated over the duration of the contract.

Provides that the filing of a claim for compensation is a limited waiver of the doctor-patient privilege to persons who are necessary to resolve the claim, and permits access to worker's compensation claim files by the claimant, the employer and the insurer or their attorneys or designated representatives. Authorizes the director to permit or disallow access to the files by other persons under certain conditions. Provides that claimants may waive the protection of the statute with respect to confidentiality by executing a waiver valid for 90 days.

Repeals the extraterritorial provisions in the "Workmen's Compensation Act of Colorado" which exempted employees hired outside of Colorado and working temporarily in this state and their employers from the provisions of said act under certain conditions.

APPROVED by Governor June 7

EFFECTIVE July 1

H.B. 1323 Worker's compensation cost containment program - sunset - advisory board - cost containment fund - appropriation. For the purpose of reducing work related injuries and their associated costs, creates the workmen's compensation cost containment board in the division of labor in the department of labor and employment and authorizes the board to establish model cost containment and risk management programs for certain classifications of occupations in the

upper 10% of the worker's compensation insurance rate schedule. Also authorizes the board to evaluate and certify such programs for individual employers in those classifications. Provides that the division of labor, through the director, shall provide technical advice to the board and to employers in those selected classifications to develop and implement such programs. Requires the director to maintain various records. Authorizes the division to receive grants in aid and to cooperate and enter into agreements with other governmental agencies.

Establishes an additional surcharge not to exceed .003% of all premiums received by all insurance carriers for worker's compensation insurance coverage in the state, excluding companies carrying self-insurance. Provides that such funds, as well as any other funds authorized to be received, shall be deposited into the cost containment fund for implementation of the program.

Terminates the workmen's compensation cost containment board on July 1, 1992. Provides for review by the sunrise and sunset review committee prior to said termination date.

Appropriates \$166,900 and 3.0 FTE to the department of labor and employment for allocation to the division of labor for implementation of the act.

APPROVED by Governor June 1

EFFECTIVE July 1

MILITARY AND VETERANS

S.B. 175 Division of veterans - county veterans service officers - members of board of veteran affairs - definition of veteran. Creates the division of veterans affairs in the department of social services and transfers the duties and responsibilities of the department of social services with regard to veterans to said division.

Authorizes the division to recommend education and experience qualifications for the county veterans service officers and to establish a training and certification program for newly appointed county veterans service officers. Specifies that such officers shall work to maximize the federal veteran benefits for eligible veterans and to reduce state public assistance expenditures as directed by the division. Removes adjusted compensation from the list of claims to be pursued by county veterans service officers. Provides that division payments to county commissioners for assistance to county veterans services officers are to be made semiannually, rather than monthly.

Requires that all 7 members of the Colorado board of veteran affairs be veterans.

Changes the definition of the term "veteran" to include any person who has served in the active armed services of the United States, and not solely those persons who have served during wartime.

APPROVED by Governor April 6

EFFECTIVE April 6

S.B. 185 Colorado national guard - drug interdiction. Requires the governor and the adjutant general of the Colorado national guard to prepare and submit a plan to the secretary of defense to participate in federal funding of drug interdiction and enforcement operations. Requires that such a plan be developed in cooperation with the Colorado bureau of investigation. Specifies certain provisions to be included in such a plan.

APPROVED by Governor April 12

EFFECTIVE April 12

MOTOR VEHICLES AND TRAFFIC REGULATION

- S.B. 39 Identification cards and drivers' licenses for minors - profile photograph. Requires that identification cards, including drivers' licenses, issued by the department of revenue to individuals under 21 years of age show a photograph of the cardholder's profile.

APPROVED by Governor March 15 EFFECTIVE March 15

- S.B. 151 School buses - discharge of passengers. Creates an exception to the prohibition of the driver of any school bus from discharging any passenger if such discharge results in the passenger crossing a major thoroughfare. Permits school boards, in consultation with local traffic regulatory authorities, to determine that there are certain locations on two-lane highways where passengers who are discharged from school buses may safely cross.

APPROVED by Governor April 12 EFFECTIVE April 12

- S.B. 152 Safety belts - continuation of mandatory use. Specifies that the statutory provision requiring use of motor vehicle safety belts shall not be repealed if the number of Colorado highway deaths is less in 1988 than in 1987.

APPROVED by Governor March 29 EFFECTIVE March 29

- S.B. 155 Oversize loads - special permit rules - review by legislative committee. Repeals the requirement that the rules and regulations pertaining to special permits for the movement of overweight and oversize loads be reviewed by the appropriate standing committee of the general assembly prior to adoption by the state highway commission.

APPROVED by Governor April 12 EFFECTIVE April 12

- S.B. 159 Registration and fees - heavy vehicles - elimination of gross ton-mile tax - appropriation. Eliminates the gross ton-mile tax. Imposes registration fees on vehicles weighing less than 16,000 pounds based on the empty weight of the vehicle. Imposes registration fees on vehicles weighing over 16,000 pounds based on miles operated and declared gross vehicle weight for vehicles operated in Colorado and based only on declared gross vehicle weight for such vehicles operated in interstate commerce.

Expands special registration provisions for vehicles exempt from said registration fees to include mobile mixing concrete trucks, trash compacting trucks, and special use trucks.

Eliminates the special registration categorization of "metro vehicles", for those vehicles operated exclusively

within 15 miles of a municipality.

Increases the fee for special laden weight registration of vehicles which is valid only for 72 hours and bases such fee on the actual weight of the vehicle and its cargo.

Provides for a special annual registration fee based on the weight of the vehicle for mobile machinery and self-propelled machinery which travel less than 2,500 miles during the registration period and for public utility trucks.

Eliminates fees for receipts proving payment of specific ownership tax on class A property.

Increases and makes mandatory the penalty for operating a motor vehicle which is not registered or which does not have the proper number plates attached.

Transfers \$253,122 from the highway users tax fund to the distributed data processing account in the state treasury and appropriates \$253,122 from said account to the department of revenue for implementation of the act.

APPROVED by Governor June 1

PORTIONS EFFECTIVE:

January 1, 1990

July 1, 1993

H.B. 1081 Alternative fuels - conversion reimbursement - appropriation. Authorizes the department of health to reimburse owners of motor vehicles for the costs of converting their vehicles to the use of alternative fuels such as natural gas, propane, methanol or ethanol mixtures, or electricity. Specifies that owners of motor vehicles are eligible to apply for reimbursement for the costs of conversion in an amount not to exceed \$200 per vehicle nor \$1000 per owner. Provides that reimbursements shall be made to eligible vehicle owners in the order in which applications were received until available moneys are exhausted. Requires that such conversion be in compliance with federal environmental agency and department of health requirements. Excludes producers, manufacturers, sellers, and distributors of alternate fuels from provisions for reimbursements.

Repeals statutory provisions for reimbursement of expenses for fuel conversion on July 1, 1994.

Appropriates \$90,000 to the department of health for allocation to the division of air quality control for implementation of the act.

APPROVED by Governor May 26

EFFECTIVE May 26

H.B. 1107 Vehicle combinations - limits on lengths - exceptions. Changes the exception to the 70 feet limitation on the length of combinations of vehicles for truck tractor-semitrailer combinations to allow semitrailers 57 feet 4 inches or less in length rather than 48 feet or less in length.

Creates an exception to the limitation on the length of vehicle combinations for specialized equipment used in combination for transporting automobiles or boats when such equipment is stinger-steered. Defines "stinger-steered". Specifies that such a combination is not to exceed 75 feet in length exclusive of safety devices.

Allows connections between a vehicle and a towed vehicle to exceed the normally allowable length of 15 feet when the combined length of the connected vehicles and the connection does not exceed 55 feet and the connection is of rigid construction included as part of the structural design of the towed vehicle.

APPROVED by Governor March 28

EFFECTIVE March 28

H.B. 1111 Minors - driving privileges - revocation or denial due to alcohol abuse. Requires the department of revenue to deny issuance of a driver's license to any person who, while under the age of 16, was convicted of an alcohol offense. Provides that such denial will last until 6 months prior to the person's 17th birthday, if there is only one conviction, and until the person's 17th birthday, if there is more than one conviction. Requires a mandatory driver's license revocation for any person under 21 years of age who is convicted of an alcohol offense. Establishes the length of time such revocation shall last for each individual. Prohibits such revocation from running concurrently with any other suspension, revocation, cancellation, or denial provided for by law. Provides that an adjudication of delinquency for an alcohol offense shall be treated in the same manner as a conviction for the purposes of the act.

APPROVED by Governor June 1

EFFECTIVE July 1

H.B. 1132 Handicapped persons - parking privileges. Requires that standards established by the director of the division of rehabilitation be met before a person is verified as physically handicapped and that verification requirements be met once every 3 years. Requires that plates issued to handicapped persons be renewed annually. Requires the renewal of handicapped placards once every 3 years.

Allows handicapped persons from states other than Colorado who have valid handicapped plates or placards to use handicapped parking spaces in Colorado.

influence" and "driving while impaired".

Provides that the issue of whether the defendant consumed alcohol between the time the defendant stopped driving and the time the test was administered shall be raised as an affirmative defense and that the prosecution must prove beyond a reasonable doubt that the alcoholic content of the defendant's blood or breath was reached as a result of alcohol consumed before the defendant stopped driving.

Allows a person to be convicted of both the "per se" offense and driving under the influence or while impaired but requires the sentences for the two offenses to run concurrently.

Provides that the preliminary breath test may be used to determine whether probable cause exists that a person was driving while under the influence or while his ability was impaired. Requires any driver to take and complete, and to cooperate in the taking and completing, of a blood or breath test when requested to do so by a law enforcement officer who has probable cause to believe that the driver was driving while impaired or under the influence. Deems the failure to take and complete, or cooperate in the taking and completing, of a test to be a refusal to submit to testing. Prohibits a driver who elects either a blood test or breath test to change the election. Describes the circumstances under which a blood test shall be administered in lieu of a breath test and makes evidence obtained under such involuntary blood test admissible. Provides that strict compliance with the rules and regulations of the state board of health related to blood and breath testing is not a prerequisite to the admissibility of such evidence.

Allows a driver's license suspension or revocation resulting from the conviction of an alcohol- or drug-related offense to run consecutively to an administrative revocation resulting from the refusal to submit to testing.

Clarifies that the 5-year time period used in determining second and subsequent convictions runs from date of violation to date of violation. Adds vehicular homicide and vehicular assault involving alcohol as offenses which will trigger the second and subsequent conviction provisions. Allows a prior conviction of a similar offense to include a conviction of a similar offense in another state. Provides for the establishment of prima facie proof of second or subsequent convictions.

Requires the performance of useful public service and the completion of any alcohol evaluation or education program as conditions of deferred prosecutions or deferred

sentences for alcohol- or drug-related offenses. Allows the court to immediately sentence a person without considering the required alcohol and drug evaluation under certain circumstances. Requires restitution as a condition of probation.

APPROVED by Governor May 5

EFFECTIVE July 1

- H.B. 1184 Issuance of certificates of title to motor vehicle dealers - expedited process - fee. Establishes a procedure that allows motor vehicle dealers to apply for and receive, within one working day of application, new certificates of title for motor vehicles sold by such dealers. Requires a \$25 processing fee for such titles.

APPROVED by Governor May 11

PORTIONS EFFECTIVE:

July 1

January 1, 1990

- H.B. 1198 Ownership documents - personalized license plates. Eliminates the requirement that certain documents dealing with title to or transfer of motor vehicles and mobile homes be notarized and provides for perjury penalties for false statements on such documents.

Increases from 6 to 7 the number of character positions which may be displayed on personalized license plates.

APPROVED by Governor May 16

EFFECTIVE January 1, 1990

- H.B. 1228 Commercial drivers' licenses - issuance - disciplinary actions - fees. Authorizes the department of revenue to develop, adopt, and administer a procedure for licensing persons who must be 21 years of age to drive a commercial motor vehicle, which is in accordance with federal law. Defines "commercial motor vehicle". Establishes a \$15 fee for the issuance of a license. Provides for commercial driver's license disciplinary actions, which include prohibiting a driver from driving for 24 hours if he was driving a commercial motor vehicle while having any alcohol in his system; mandatory revocation based on driving a commercial motor vehicle with a blood alcohol content of .04 or greater; and cancellation or denial for life for the commission of a combination of 2 or more specified driving violations.

Applies to commercial motor vehicle driving violations committed on or after April 1, 1992.

APPROVED by Governor May 17

EFFECTIVE April 1, 1992

H.B. 1244 Safety belts - continuation of mandatory use. Repeals the conditional termination date for the provision requiring use of safety belts in motor vehicles to assure that said provision will be continued after July 1, 1989.

APPROVED by Governor April 23

EFFECTIVE April 23

H.B. 1312 Motor vehicles - registration - automobile inspection and readjustment program - appropriation. Provides that certificates of emissions control issued for vehicles that are in the second through the fifth years of service are valid for 24 months, and that such certificates issued for vehicles in all other years of service are valid for 12 months. Defines "verification of emissions test" as a certificate which is to be attached to the windshield of a vehicle verifying that the vehicle has been issued a valid certification of emissions control. Specifies that the verification is to be issued at the same time the certification of emission control is issued. Provides that such verification, once obtained, may be used as the basis for the subsequent issuance of a certification of emissions control, which may be necessary especially when title to a motor vehicle changes hands.

Extends the AIR program requirements to vehicles of persons employed and attending school in the program area, and specifies that any person owning or operating a business in the program area shall so inform his or her employees.

Increases the maximum fee authorized for the AIR program inspection of vehicles to \$9 but provides that the inspection fee may not exceed \$4.50 if a vehicle has a valid verification of emissions test attached to its windshield and there is no evidence of emissions system tampering. Eliminates the provision allowing a free retest when a vehicle fails the initial AIR program inspection.

Makes unlawful the fraudulent issuance of a verification of emissions test and provides penalties therefor. Requires that any motor vehicle required to be registered in Colorado display a valid verification of emissions test. Establishes a range of penalties for displaying expired license plates on motor vehicles which are based on the number of days that the vehicle's registration has expired.

Appropriates from the AIR account in the highway users tax fund \$11,553 and .25 FTE to the department of health and \$102,629 and .2 FTE to the department of revenue for implementation of the act.

BECAME LAW without Governor's signature
EFFECTIVE

June 10
October 1

H.B. 1333 Emergency and service vehicles - visual signals. Authorizes use of flashing green lights by authorized emergency vehicles at designated command posts at emergency locations. Allows authorized service vehicle snowplows to use one or two flashing, oscillating, or rotating blue lights as warning lamps.

APPROVED by Governor April 12

EFFECTIVE April 12

NATURAL RESOURCES

- S.B. 95 Joint review process - applicability - funding. Includes water development projects among the projects which may be subject to the joint review process. Authorizes general fund appropriations for the joint review process in certain instances.

APPROVED by Governor May 26

EFFECTIVE May 26

- S.B. 102 Migratory waterfowl stamp - requirement for hunting - appropriation. Requires any person 16 years of age or older to purchase a migratory waterfowl stamp prior to hunting migratory waterfowl. Defines the term "migratory waterfowl". Establishes the amount of the fee to be charged and the expiration date for the stamps. Outlines the procedure for the selection of the form and design of the stamp. Grants exclusive use of the moneys generated from the sale of the stamps to migratory waterfowl habitats.

Repeals statutory provisions concerning migratory waterfowl stamps on July 1, 1994.

Appropriates \$300,000 from the wildlife cash fund to the department of natural resources for allocation to the division of wildlife for implementation of the act.

APPROVED by Governor June 7

EFFECTIVE February 1, 1990

- S.B. 177 "Wildlife Violator Compact" - interstate enforcement of wildlife laws - participation of Colorado. Authorizes Colorado to participate in the "Wildlife Violator Compact". Creates procedures in connection with the enforcement of wildlife statutes and regulations for both issuing and home states. Provides for the uniform and impartial treatment of wildlife violators. Establishes the board of compact administrators as the governing body of the compact and sets forth the procedures in connection with such governing authority. Requires the reciprocal recognition of the suspension of a license. Outlines the procedures for admittance to and withdrawal from the compact. Requires an issuing state to report all suspensions and convictions to a home state.

APPROVED by Governor April 12

EFFECTIVE April 12

- S.B. 239 Acquisition of land - Logan county - division of wildlife. Authorizes the division of wildlife in the department of natural resources to acquire certain land in Logan county to be used for public purposes. Authorizes the wildlife

commission to expend \$51,000 of donated moneys for the purpose of acquiring such land.

APPROVED by Governor May 26

EFFECTIVE May 26

S.B. 254 Acquisition of lands - Douglas county - division of wildlife - appropriation. Authorizes the division of wildlife in the department of natural resources to acquire fee title to approximately 840 acres of land in Douglas county, including certain water rights, for public purposes.

Appropriates \$10,000 from the wildlife cash fund to the division of wildlife for the purpose of acquiring such land.

APPROVED by Governor May 26

EFFECTIVE May 26

H.B. 1092 Private land leased to public entity - recreational purpose - limitations on liability. Redefines "invited guests", for the purposes of limitations on liability of private landowners for injuries occurring on property leased or used by public entities for recreational purposes, to include persons present for recreational purposes at the consent or invitation of a public entity which is leasing land from a private landowner, or for business purposes with the consent or invitation of either the public entity or the landowner, or persons present for other purposes relating to the use of the land for recreational purposes if the public entity receives all revenues collected for entry. Excludes from said definition certain persons present on the land for recreational purposes if the landowner keeps any part of revenues collected for entry. Specifies that revenue collected for entry does not include lease, purchase, or rental payments.

Redefines "land", for said limitations on liability of landowners, so that it includes real property or a body of water and the real property appurtenant thereto rather than including only real property consisting of a body of water. Excludes from this definition of land real property, buildings, or portions thereof which are not subject of the lease. Defines "lease" and "leased" to include a lease-purchase agreement.

APPROVED by Governor April 27

EFFECTIVE April 27

H.B. 1093 State land board - funds. Extends the termination date of the state land board trust administration fund from June 30, 1989, to June 30, 1995, and the termination date of the state board of land commissioners land and water management fund from January 1, 1990, to June 30, 1995.

Establishes an emergency reserve fund, not to exceed \$300,000, in the state land board trust administration fund.

APPROVED by Governor April 6

EFFECTIVE April 6

H.B. 1094 Boats - operating while under the influence of alcohol or drugs. Changes statutory provisions relating to operating a motorboat or a sailboat while under the influence of alcohol, a controlled substance or any other drug, or any combination thereof, to conform the procedures in such provisions to provisions related to operating a motor vehicle while under the influence of alcohol, a controlled substance or any other drug, or any combination thereof. Specifies penalties for violations relating to the operation of a motorboat or a sailboat while under the influence of any such substances.

APPROVED by Governor April 19

EFFECTIVE July 1

H.B. 1113 Oil and gas - well production - payment of proceeds. Establishes time frames within which payments of proceeds generated from the sale of oil, gas, and associated products resulting from well production must be accomplished unless otherwise stipulated by agreement of the parties. Sets forth the instances constituting justifiable cause for a delay in the remittance of payments as follows: Failure or delay by the payee to provide written confirmation of payee's fractional interest; reasonable doubt as to the payee's identity, whereabouts, or clear title to an interest in proceeds; and litigation which could affect the distribution of payments to a payee. Allows a payee to collect interest on any payment delayed without acceptable cause. Requires a payee to provide a payor with written notice and an opportunity to cure in the event of nonpayment.

Grants the oil and gas conservation commission jurisdiction in determining matters concerning the amount of a payment, the date for a payment, and any delay in the remittance of a payment. Authorizes said commission to assign to the parties the costs of an administrative proceeding.

APPROVED by Governor April 12

EFFECTIVE July 1, 1990

H.B. 1175 Parks and outdoor recreation - fees for state park system. Declares that the state's system of parks and recreation areas is vital to the economic health and well-being of Colorado and that it can and should be largely self-supporting with user fees. Increases the annual parks pass fee from \$25 to \$30 as of January 1,

1990. Establishes fees for certain registrations and passes issued by the division of parks and outdoor recreation in the department of natural resources, including vessel registration fees, snowmobile registration fees, and an annual pass for senior citizens, effective January 1, 1990. Provides for increases in the fee for senior citizens' annual passes in 1991 and 1992. Creates a parks and outdoor recreation emergency reserve cash fund. Specifies that such parks cash fund shall not be unreasonably used to offset any general fund restriction or reduction.

APPROVED by Governor May 26

EFFECTIVE May 26

H.B. 1187 Wildlife management - license fees - wildlife for future generations trust fund. Authorizes the division of wildlife in the department of natural resources to promulgate rules and regulations to permit fishing without a license on a statewide basis for up to 2 calendar days per year. Increases certain fees for licenses on January 1 of each of the following 3 years. Authorizes the division of wildlife, by rule and regulation, to modify the fee structure within certain specified limitations. Requires moneys from increased fishing license fees to be used in fisheries and hatcheries presently operated by the division.

Authorizes the division to issue a duplicate license to replace a license which has been lost, stolen, or destroyed and to impose a fee of not more than \$5 for such license.

Includes muskrats and beavers in the list of animals that may be taken by the owner or lessee of land without a hunting license if the animal is causing damage to the property.

Creates the wildlife for future generations trust fund in the state treasury to consist of moneys received from grants and donations and provides for the use of the interest earned on moneys in such fund for future special wildlife projects and programs.

APPROVED by Governor May 11

EFFECTIVE July 1

H.B. 1273 Acquisition of lands - Chaffee County - division of wildlife - appropriation. Authorizes the division of wildlife to immediately lease and within a 15-year period to acquire fee title to 238 acres of land plus ancillary water rights located in Chaffee county for public purposes.

Appropriates \$109,900 to the division of wildlife for the initial payment on the lease and \$1,570,000 to acquire

fee title to the property and water rights. Makes these appropriated amounts available January 1, 1990.

APPROVED by Governor May 16

EFFECTIVE May 16

H.B. 1329 Off-highway vehicles - registration requirement and off-highway use permit program - fees - penalties - appropriation. Effective April 1, 1990, requires the registering and numbering of off-highway vehicles with the division of wildlife in the department of natural resources and establishes the procedures and fees therefor. Requires the registration of an off-highway vehicle to be renewed on an annual basis. Defines "off-highway vehicle" and "off-highway vehicle route" and specifies which off-highway vehicles are exempt from registration. Requires the validation decal evidencing current registration to be affixed to the off-highway vehicle in the manner prescribed by the division. Prohibits the operation of an off-highway vehicle on public streets, roads, or highways except under certain circumstances. Specifies the equipment required for off-highway vehicles. Makes failure to comply with the registration procedures a misdemeanor.

Effective January 1, 1991, requires the owner of a vehicle subject to the Colorado vehicle registration requirements and the out-of-state owner of a motor vehicle or off-highway vehicle to purchase an off-highway use permit and to display the permit on such vehicle when such vehicle is being used for recreational travel on a designated off-highway vehicle route. Specifies those vehicles exempt from such requirement. Establishes the fees for off-highway resident and nonresident use permits. Makes failure to comply with the use permit procedures a misdemeanor.

Creates the off-highway vehicle recreation fund and provides for registration and use permit fees to be deposited thereto. Authorizes the controller to transfer an amount not to exceed \$28,000 from the snowmobile recreation fund to the off-highway vehicle recreation fund for start-up costs and provides for the repayment of the amount so transferred on or before October 1, 1990.

Appropriates \$28,000 from the off-highway vehicle recreation fund to the department of natural resources for allocation to the division of parks and outdoor recreation for implementation of the act.

APPROVED by Governor June 7

PORTIONS EFFECTIVE:

June 7

April 1, 1990

PROFESSIONS AND OCCUPATIONS

S.B. 9 Acupuncture services - unlawful acts - registration with division of registrations - appropriation. Declares that it is the intention of the general assembly to permit citizens access to acupuncture services under conditions that are safe and healthy for recipients, with information that accurately portrays the qualifications of acupuncture practitioners. Provides that an acupuncturist who wishes to practice acupuncture for compensation, or who holds himself out as providing such services, need not be licensed to practice medicine but must be registered with the division of registrations in the department of regulatory agencies. Lists qualifications for such registration. Requires the mandatory disclosure of certain information by the acupuncturist during an initial patient contact. Specifies that certain acts in connection with the provision of acupuncture services are illegal and provides for disciplinary actions and civil and criminal penalties.

Provides that no action may be maintained against a recipient of acupuncture services for breach of the acupuncture contract, if the party bringing the action is an acupuncturist who has violated the law with respect to such recipient. Establishes the right of a patient or his designated representative to bring an action to recover fees paid for acupuncture services when the acupuncturist has committed any illegal act with respect to that patient.

Establishes certain powers and duties in the office of the director of the division of registrations to carry out the regulatory provisions, including the authority to inspect any premises where acupuncture services are provided and to seek injunctive relief to enjoin any person from committing prohibited acts. Requires the executive director of the department of health to promulgate rules and regulations relating to the proper cleaning and sterilization of acupuncture needles and the sanitation of acupuncture offices.

States that the regulatory provisions shall not be construed to affect any present or future provision of law or contract concerning insurance coverage with respect to the provision of acupuncture services. Exempts acupuncturists from the excise tax imposed by the division of registrations on certain license, registration, and related fees.

Repeals regulatory provisions on July 1, 1992, following review by the director of the division of registrations.

Appropriates from the division of registrations cash fund \$22,557 and 0.5 FTE to the department of regulatory agencies for allocation to the division of registrations for implementation of the act.

APPROVED by Governor June 6

EFFECTIVE June 6

S.B. 22

Real estate industry - regulation - continuation of real estate commission. Empowers the real estate commission to set a minimum passing score for the real estate examination and requires that said score shall reflect the minimum level of competence required to be a broker or salesman. Allows the commission to place a licensee on probation and to set the terms of probation.

Continues the real estate commission until July 1, 1999. Allows the governor to remove any commission member for misconduct, neglect of duty, or incompetence. Provides the members of the commission, consultants, expert witnesses, and complainants with immunity in civil suits based upon any disciplinary proceeding or other official act performed in good faith. Removes requirements that a nonresident broker be licensed in his resident state and that the resident state offer the same privileges to licensed Colorado brokers, if the broker maintains a definite place of business in his resident state.

In disciplinary actions, replaces the old misrepresentation standard of substantial and willful, with "knowingly". Allows the commission to take disciplinary action if the licensee violates any provision of the "Colorado Consumer Protection Act", violates or aids and abets in the violation of any provision of Colorado or federal fair housing laws, any lawful board orders, enters a plea of guilty or nolo contendere to any offense against a person, makes use of false or misleading advertising, or has had a disciplinary action taken against him in another jurisdiction and his actions would have been grounds for disciplinary action in Colorado.

Requires that the real estate broker have actual knowledge of a real estate salesman's, employee's, officer's, or member's unlawful act instead of guilty knowledge before the broker's license may be suspended or revoked.

Requires that the real estate commission adopt rules and regulations to require the provision of written disclosures to purchasers and the use of standardized forms for all transactions associated with the sale or lease of subdivisions or parts thereof, except if the forms used were prepared by an attorney representing one of the parties to the transaction. Makes use of unapproved forms grounds for fines or refusal, revocation, or suspension of registration.

Repeals the provision that made the use of a trade name or insignia of membership in a real estate organization of which the licensee is not a member grounds for disciplinary action.

Changes the definition of "subdivision" and excludes from such definition certain property, the selling of memberships in campgrounds, and bulk sales and transfers between developers. Requires all subdivision developers to be registered before commencing any sales-related activities, except for offering certain reservations during the period of time between their application to the commission and the time the commission grants or denies the application.

Authorizes the commission to deny registration to a subdivision developer if an applicant fails to submit the required information. Requires applicants to notify the commission of any change in the information submitted at the time of application within 10 days of such change and makes the failure to do so a cause for disciplinary action. Requires an applicant to inform the commission if the applicant or any person with a financial interest in the applicant's business has engaged in any activity violative of the law regulating subdivisions. Extends to time shares the requirement of notification of encumbrances with agreement to subordinate.

Requires a subdivision developer to disclose the existence of any homeowners association and whether he controls funds in such association. Allows the commission to disapprove the form of any sales or lease documents and to deny registration until satisfactory forms are submitted. Eliminates the requirement that applications be notarized. Provides that the commission will register all applicants who meet the legal requirements.

Requires registration by the beneficial owner as well as sellers or lessors of subdivisions prior to sales-related activities, including offerings for sale. Makes the developer responsible for the actions of his agents and employees. Changes the annual expiration date for registration from January 1 to December 31 and allows reinstatement of expired registrations for 2 years after such expiration. Allows the commission to place registrants on probation. Changes some aspects of the existing grounds for disciplinary action against subdivision developers and adds additional grounds for disciplinary action or denial of registration, including any failure to comply with the provisions of the law requiring registration.

Includes buyers of subdivision lots in the provision allowing buyers to cancel a sales contract within 5 calendar days after execution and prohibits the developer

from using a contract that includes waiver of such right of cancellation.

Provides that disciplinary actions against subdivision developers occurring in other jurisdictions shall be prima facie evidence of grounds for disciplinary action under the law. Allows the commission to issue letters of admonition. Authorizes the commission to apply to a court for appointment of a receiver under certain circumstances. Allows the commission to promulgate rules requiring the retention of business records for 7 years. Extends to all developers the commission's authority to require written disclosures to purchasers.

Authorizes the commission to audit the accounts of homeowners associations whose funds are controlled by a subdivision developer. Makes a contract for the sale or lease of lots in a subdivision voidable by the purchaser and unenforceable by the developer unless such developer was registered at the time the contract was made.

Repeals the law requiring that preowned home warranty service companies register with the real estate commission. Eliminates the requirement that such companies deposit a bond with the real estate commission, that they submit an annual statement to the commission, and that they report any receipt of service of process. Requires that preowned home warranty service contracts contain certain disclosures. Eliminates certain grounds for the imposing of a criminal penalty.

APPROVED by Governor April 6

EFFECTIVE July 1

S.B. 23 Colorado manufactured housing licensing board. Continues the Colorado mobile home licensing board and changes its name to the Colorado manufactured housing licensing board. Gives the board and certain other individuals immunity from liability in civil actions if certain conditions are met. Continues provisions regulating the practice of dealers and salesmen in the mobile home industry with certain modifications, including changing the term "mobile home" to "manufactured housing" or "manufactured home" and defining said terms.

Allows dealer licensees to be classified as inactive upon request and surrender of such license, but requires continued payments to the recovery fund for 2 years after becoming inactive. Allows reinstatement of such inactive license without examination under certain circumstances.

Authorizes the board to inspect and audit business records of manufactured housing dealers for certain purposes. Authorizes the board to promulgate rules and regulations to prescribe and require the use of

standardized forms by manufactured housing dealers in connection with the retail sale or purchase of manufactured housing.

Authorizes the board to issue letters of admonition without prior hearing absent the licensee's request for the initiation of formal disciplinary proceedings. Allows the board to place licensees on probationary status or to summarily suspend licenses. Modifies the grounds for disciplinary action by the board. Allows issuance of cease and desist orders by the board. Authorizes the board to request the attorney general or appropriate district attorney to bring suit to enforce such orders. Provides for judicial review or final board actions and orders in the court of appeals.

Continues provisions relating to the mobile home recovery fund with some modifications and changes its name to the manufactured housing recovery fund. Modifies the grounds for eligibility for payment from said fund and eliminates payment eligibility for corporate sureties. Makes license revocation automatic upon final court order awarding a judgment from the fund.

Eliminates the requirement to obtain a certificate of title for any manufactured home that will be permanently affixed and become real property. Permits alternative terminology with respect to the manufacturer's statement of origin and suggested retail price in order to conform to industry usage.

APPROVED by Governor April 19

EFFECTIVE July 1

S.B. 28 Architects - prohibition of agreements to indemnify or hold harmless. Removes language excluding architects from a prohibition on the use of indemnification or hold harmless clauses in public construction contracts.

APPROVED by Governor March 15

EFFECTIVE March 15

S.B. 40 Food service establishments - regulation. Modifies the definition of "food service establishment" to include any place where food is prepared and intended for individual portion service regardless of whether consumed on the premises where prepared or whether there is a charge for the food. Excludes boarding houses from the definition of "food service establishment". Requires local boards to provide certain services to assure uniform interpretation and application of regulations for food service establishments. Enables the department of health to delegate certain functions to local boards of health at the request of those boards. Provides that after January 1, 1990, fees for licenses, plan reviews, and preopening

inspections shall be \$80 for establishments serving only precooked or uncooked food for consumption off the premises and \$100 for all other establishments. Provides that local boards of health shall transmit \$20 of each fee collected to the state treasurer and retain the remainder. Requires that the department of health evaluate its regulatory program in a report to the general assembly not later than January 1, 1990. Exempts from the licensing and inspection regulations the serving of certain beverages, nonperishable pastries, and prepackaged foods and the occasional sale and service of food by individuals, organizations, or charitable institutions.

APPROVED by Governor April 6

EFFECTIVE July 1

- S.B. 47 Physicians - controlled substances - unprofessional conduct. Narrows the controlled substances which a physician is prohibited from prescribing, distributing, or giving to himself or his family.

APPROVED by Governor April 27

EFFECTIVE July 1

- S.B. 80 Motor vehicle manufacturers - licensure - exemptions. Exempts from licensure as motor vehicle manufacturers any person who manufactures only utility trailers which weigh less than 2,000 pounds and any person who is a licensed dealer and who sells motor vehicles which he has manufactured. Requires such persons exempt from licensure to comply with all other applicable requirements for manufacturers.

APPROVED by Governor April 6

EFFECTIVE April 6

- S.B. 105 Agricultural products - dealers, agents, and warehouse owners/operators - theft of farm products. Changes provisions regarding the regulation of dealers, agents, and owners/operators of warehouses of agricultural products. Allows the commissioner of agriculture access to the records of any licensed dealer, agent, or warehouse owner/operator but requires the commissioner to obtain consent or a search warrant before inspecting the records or property of any licensee. Allows recorded complaints regarding such licensees, and the investigations associated therewith, to be closed to public inspection. Prohibits an applicant for a license from preparing, auditing, reviewing, or compiling his own financial statement.

Allows the commissioner, rather than the district attorney, to file suit against a licensee for noncompliance with a cease and desist order. Grants the commissioner authority to obtain injunctive relief for violations of any

provision, rule, or regulation and to impose a civil penalty therefor. Outlines the procedure in connection with civil penalties.

Defines a "functional unit" and requires that each unit be separately licensed unless within 25 miles of the principal office of the warehouse owner/operator. Restricts the use of forwarded commodities to meeting the storage obligation to the forwarding warehouse. Outlines the procedure for the disposition of seized property by either the commissioner of agriculture or by court order.

Creates the criminal offense of theft of farm products and establishes penalties therefor. Subjects an out-of-state purchaser of farm products to the jurisdiction of the Colorado courts.

APPROVED by Governor April 21

EFFECTIVE July 1

S.B. 113 Liquor code - issuance of temporary licenses upon expiration of regular annual licenses. Authorizes any licensee whose regular annual license has expired and has not been renewed to make application to the state licensing authority or the local licensing authority, whichever is appropriate, for a temporary license upon application for a regular annual license. Specifies that such application shall be made no later than 90 days after the expiration of the regular annual license. Requires such licensing authority to issue a temporary license when the regular annual license expired solely as a result of the licensee's inadvertent failure to make application for renewal or solely as a result of any administrative error or mistake.

Provides for a hearing for the licensing authority to determine the reason why the regular annual license expired and allows such licensee to continue operation of the licensed premises pending such determination. Makes such temporary license valid until the licensee's application for a regular annual license has been processed and acted upon, but not for more than 120 days. States that such temporary license shall be subject to the same provisions for revocation or suspension as other licenses granted pursuant to the "Colorado Liquor Code".

APPROVED by Governor April 27

EFFECTIVE April 27

S.B. 125 Veterinary medicine - application for license - qualifications. Clarifies that any senior student of an approved school of veterinary medicine may apply for a license to practice veterinary medicine.

APPROVED by Governor April 5

EFFECTIVE July 1

S.B. 173 Liquefied petroleum gas piping - installation inspections. Requires that the name of the installer of liquefied petroleum gas piping be included on applications for inspections, on certificates of approval, and on notices of disapproval of such installations. Requires that a copy of a notice of disapproval be mailed to the installer of liquefied petroleum gas piping.

APPROVED by Governor June 7

EFFECTIVE June 7

S.B. 253 Electricians and plumbers - qualifications for licensure. Specifies the conditions under which applicants for plumber's or electrician's licenses may substitute academic training for required work experience. Authorizes the plumbing and electrical boards to make rules crediting certain academic experience not sufficient for graduation. Permits maintenance experience to be credited for up to one-half the required practical experience for plumbers and electricians when the applicant can show the experience to be adequate. Allows the plumbing and electrical boards to impose a waiting period of 6 months upon persons licensed in another state when such persons are seeking licensure in Colorado by endorsement.

APPROVED by Governor June 7

EFFECTIVE June 7

S.B. 261 Physicians - professional review proceedings - appropriation. Authorizes the Colorado state board of medical examiners to utilize professional review committees and governing boards to assist it in exercising its regulatory authority to protect the people of Colorado from the unauthorized practice of medicine and from unprofessional conduct by persons licensed to practice medicine under the "Colorado Medical Practice Act". Authorizes professional review committees to review and evaluate the quality and appropriateness of patient care provided by physicians.

Provides for the establishment of professional review committees and specifies those professional review committees established by health care organizations, entities, or professional societies which shall be approved as professional review committees for the purposes of review proceedings. Requires each professional review committee to operate according to written bylaws, policies, or procedures which are in compliance with statutory provisions and which have been approved by the committee's governing board. Sets forth the matters which are subject to investigation by a review committee. Outlines the minimum due process provisions which are required to be included in the bylaws or policies governing review committees. Prohibits, with certain exceptions, the subpoena, discovery, or admission into evidence of the

records of a professional review committee, a governing board, or the committee on anticompetitive conduct. Exempts the proceedings of professional review committees or governing boards from statutory provisions which require public meetings and open records. Provides immunity from civil and criminal liability, including antitrust actions, for various persons and entities acting in good faith pursuant to the review process. Bars professional review committees from being held or construed to be illegal combinations or conspiracies in restraint of trade.

Creates the anticompetitive conduct committee of the Colorado state board of medical examiners and provides for the composition of such committee. Authorizes the committee to rule on a complaint that a final action of a governing board which denied, terminated, or restricted a physician from participation in an organization resulted from unreasonable anticompetitive conduct. Stipulates that the committee's ruling on such complaint is the physician's sole administrative remedy in cases alleging unreasonable anticompetitive conduct. Stipulates that the committee's ruling on such complaint is the physician's sole administrative remedy in cases alleging unreasonable anticompetitive conduct. Outlines the procedures to be followed by the committee and the complainant. Establishes the conditions and procedural guidelines for judicial review following final action by a committee or governing board. Permits review committees to assess parties for costs incurred by the committee.

Establishes provisions to ensure that Colorado law concerning professional review proceedings conforms to the federal "Health Care Quality Improvement Act of 1986".

Appropriates \$145,051 and 1.5 FTE out of the division of registrations cash fund to the department of regulatory agencies for implementation of the act.

APPROVED by Governor June 7

EFFECTIVE July 1

H.B. 1024 Mental health professions - prohibited activities. Makes it a prohibited activity to violate, attempt to violate, assist or abet in the violation of, or conspire to violate any order of a board established under the mental health law.

APPROVED by Governor March 21

EFFECTIVE March 21

H.B. 1025 Marriage and family therapists - appointees to state boards - requirements. Extends the time period during which initial appointees to the state board of marriage and family therapist examiners must become licensed from one year to 18 months. Clarifies that appointees to the

state grievance board shall have practiced 5 years prior to appointment and makes conforming amendments with respect to their appointments.

APPROVED by Governor March 15

EFFECTIVE March 15

H.B. 1029 Unlicensed psychotherapists - definition. Amends the definition of "unlicensed psychotherapist" to make it clear that the term excludes any person who is licensed to practice psychotherapy under mental health law.

APPROVED by Governor April 15

EFFECTIVE April 15

H.B. 1039 Pharmacists - licensure - internship requirement. Removes the statutory provisions which would have discontinued the requirement that an applicant complete an internship prior to becoming a licensed pharmacist.

APPROVED by Governor April 12

EFFECTIVE April 12

H.B. 1145 Licensed race meets - continuation of levies. Authorizes counties, municipalities, or other taxing bodies to impose a new fee or to continue to impose or amend an existing fee on moneys wagered or against licensee's receipts or for the privilege of conducting race meets, if such entity was imposing any such fee prior to July 1, 1982.

APPROVED by Governor March 15

EFFECTIVE March 15

H.B. 1150 Sale of fireworks. Clarifies that statutory provisions regarding fireworks shall not be construed to prohibit resident manufacturers, wholesalers, dealers, and jobbers from selling fireworks, if such fireworks are shipped directly out of the state via common carrier, the seller's vehicle, or if the purchaser is an out-of-state fireworks wholesaler or retailer, the vehicle is licensed in a state other than Colorado, and the seller keeps a receipt from the person taking delivery.

Allows fireworks distributed by the division of wildlife of the department of natural resources for agricultural purposes to be sold, purchased, and possessed under conditions approved by said division. Eliminates the provision which states that these statutory provisions shall not be construed to prohibit the importation, purchase, sale, or possession of fireworks for prevention of damage to crops by animals or birds.

Prohibits the issuance of a fireworks license until approval of the vendor by the secretary of state.

APPROVED by Governor April 12

EFFECTIVE August 1

H.B. 1153 Dentists - peer health assistance programs - appropriation.
Creates the dentist peer health assistance fund in the state treasury to be funded by an additional fee paid biennially by dentists in addition to their license renewal fee. Authorizes the state board of dental examiners to make annual grants from the fund to one or more recognized peer assistance programs which provide assistance to dentists in dealing with physical, emotional, or psychological problems. Establishes the conditions that a peer assistance program must meet in order to be eligible to receive a grant. Outlines the activities for which grants from the fund may be used.

Requires that a dentist participating in the peer health assistance program pay for his own costs of treatment, and that he enter into a written program agreement with the board of examiners. Specifies that the agreement shall contain particular requirements and goals for the program, including a provision that failure to comply with the program requirements be reported to the board of examiners and that such failure may result in disciplinary action by the board.

Creates a dentist peer health assistance committee to assist the board in awarding grants, to serve as a liaison with grantees or applicants for grants, and to review and monitor reports from peer health assistance organizations and from individual participants in the program.

Provides immunity from civil liability to the board and the state of Colorado for certain actions associated with the peer assistance fund, except that the state remains liable under the provisions of the "Colorado Governmental Immunity Act" if a dentist performing an act which is the occasion of an injury was performing the act as an employee of the state.

Appropriates \$64,500 to the department of regulatory agencies for implementation of the act.

APPROVED by Governor June 5

EFFECTIVE July 1

H.B. 1170 Liquor licenses - fees - liquor enforcement division cash fund. Authorizes the state licensing authority to establish fees for processing certain applications. Increases the fees for licenses to manufacture and sell fermented malt beverages and vinous and spirituous liquors. Creates a liquor enforcement division cash fund for the purpose of funding the liquor enforcement division in the department of revenue.

APPROVED by Governor May 5

EFFECTIVE July 1

H.B. 1186 Nurses - nursing peer health assistance - appropriation. Creates the nursing peer health assistance diversion program to help nursing licensees experiencing impaired practice due to psychiatric, psychological, or emotional problems or excessive alcohol or drug use or addiction. States the legislature's intent that the diversion program be utilized by the state board of nursing as an alternative to the use of disciplinary proceedings.

Creates the nursing peer health assistance diversion fund to be funded by an additional fee paid biennially by nursing licensees in addition to registration or license renewal fees. Provides that the state board of nursing shall make awards from the fund to one or more recognized peer assistance organizations. Establishes the eligibility criteria that peer health assistance organizations must meet in order to receive an award.

Requires the board to establish one or more rehabilitation evaluation committees to review applications for the diversion program and the confidential progress reports for individual participants. Requires such committees to recommend to the state board of nursing the approval or denial of each application and whether the applicant should continue to practice while participating in the program. Grants the board the final decision-making authority on such recommendations.

Specifies that any nursing licensee who is the subject of a complaint or an inquiry concerning impaired practice may apply for participation in the diversion program. Establishes conditions and requirements for participation by nursing licensees in the diversion program. Specifies that the peer health assistance organization obtain a written agreement from the nursing licensee establishing specific goals and requirements and stating that failure to comply with such requirements shall be reported to the state board of nursing and the rehabilitation evaluation committee.

Provides immunity from civil liability to the state board of nursing, the rehabilitation evaluation committees, and individual members of the board and the committees for certain actions associated with the diversion program. States that the state shall remain liable under the provisions of the "Colorado Governmental Immunity Act" for the action of a nursing licensee which is the occasion of an injury if the nursing licensee was performing such act as an employee of the state.

Appropriates \$52,203 and 1.0 FTE to the department of regulatory agencies for allocation to the division of registrations for implementation of the act.

APPROVED by Governor June 7

EFFECTIVE July 1

H.B. 1240 Confectionery - permissible alcoholic content. Increases the permissible level of alcohol in confectionery from one-half of one percent by volume to 5% by weight or 6.25% by volume and removes the requirement that such alcohol be derived solely from the use of flavoring extracts. States that a confectionery containing alcohol shall not be considered "alcoholic beverages", "alcoholic liquors", or a "fermented malt beverage". Prohibits any person from furnishing a minor with confectionery containing alcohol in excess of one-half of one percent by volume and provides a penalty for same. Requires labeling of such products.

APPROVED by Governor April 21

EFFECTIVE July 1

H.B. 1286 Practice of psychotherapy - exceptions from general rules. Allows persons licensed to practice in the mental health field or certified school psychologists to form professional service corporations with persons not licensed if such corporation permits the practice of psychology only by or under the supervision of a licensee or certified school psychologist. Specifies that licensed members or certified school psychologist members of such corporations remain individually responsible for their professional acts and conduct as otherwise provided for by law.

Expands the exceptions to mandatory disclosure of information to psychotherapy clients during initial client contact to include circumstances where the sole purpose of the professional relationship is for forensic evaluation and when the client is in the physical custody of the department of corrections or the department of institutions and such department has promulgated rules or regulations to implement a program providing information to such client. Provides that, if the client can neither read nor write the disclosure shall be made orally.

Clarifies that a licensee or certified school psychologist or his associate or a person participating in therapy is not prohibited from disclosing confidential communications in delinquency proceedings or certain criminal proceedings. Clarifies that persons licensed to practice in the mental health field and certified school psychologists are not prohibited from testifying in judicial proceedings concerning dependency and neglect or child abuse.

Excludes from regulation under the act the activities of employees and personnel of the state department of social services and county departments of social services, for work undertaken as part of their employment.

APPROVED by Governor June 7

EFFECTIVE June 7

PROPERTY

- S.B. 87 Survey plats - requirements - records file and index system - fee. Requires a professional land surveyor who, while performing a monumented land survey, sets a monument or accepts a monument not of record to prepare a survey plat unless the monument falls within a platted subdivision filed after July 1, 1975. Sets forth certain requirements for such plats including the information to be contained in the title block, depending on the location of the land, and the deposit of the plat with the public office designated by the county commissioners within 6 months from the date the monument was set or accepted. Requires the county surveyor, as designated by the county commissioners, to establish and maintain a survey plat records file and index system and provides the indexing and filing procedures therefor. Sets the surveyor's fee and the fee for depositing the plat at the amount of the fee collected for the recording of subdivision plats.

Repeals the requirement that right-of-way surveys be filed.

APPROVED by Governor April 4

EFFECTIVE July 1

- S.B. 115 Real estate closing and settlement services - disbursement of funds. Includes wire transfer or certified check, cashier's check, teller's check, or any other instrument as defined by federal regulation as the kinds of funds that meet the definition of "available for immediate withdrawal as a matter of right" with respect to the disbursement of funds in real estate closing and settlement services.

APPROVED by Governor April 6

EFFECTIVE April 6

- S.B. 136 "Unclaimed Property Act" - administrative costs subject to appropriation. Provides that moneys in the abandoned property fund, as created by the "Unclaimed Property Act", shall be continually appropriated to the state treasurer only for the payment of claims, and that the direct and indirect costs of administering said act shall be annually appropriated by the general assembly out of the general fund.

APPROVED by Governor April 6

EFFECTIVE April 6

- S.B. 189 Harvester's lien. Creates a lien on grain and other harvested crops. Sets out procedures for obtaining such liens, filing, and setting of priority. Establishes penalties for violations of these provisions.

APPROVED by Governor April 12

EFFECTIVE July 1

H.B. 1038 Governmental entities exempt from documentary fee - disclosure of consideration. Requires that a governmental entity exempt from the payment of documentary fees disclose to the county clerk and recorder the consideration paid or to be paid for a parcel of real property. Allows such disclosure to be made either by separate affidavit or marginal notation on the deed.

APPROVED by Governor March 15

EFFECTIVE March 15

PUBLIC UTILITIES

S.B. 60 Public utilities commission - rate design - cooperative electric associations - rate design. Declares that the determination of rate design is a matter properly within the management discretion of a cooperative electric association. Provides that the design or structure of any rate for electrical service by a cooperative electric association to its members or customers, whether at wholesale or retail, shall be determined by the board of directors of each cooperative electric association, and that the public utilities commission shall not require any other rate design or structure.

APPROVED by Governor April 28

EFFECTIVE April 28

Note: This act is further amended by 1989 S.B. 250.

S.B. 121 Disabled telephone users fund - commission for disabled telephone users - appropriation. Creates the Colorado disabled telephone users fund for the purpose of establishing a statewide dual party relay system for full and simultaneous communication between those using specialized telecommunications equipment and those using conventional telephone equipment so that it is operational 24 hours a day, 7 days a week, including holidays. Also stipulates that moneys in the fund shall be used to study how to best provide specialized telecommunications equipment for residents of Colorado who are unable to use the conventional telephone network without such assistance. Creates the Colorado commission for disabled telephone users under the department of social services. Makes the commission responsible for overseeing the administration of the fund and for studying how to best provide specialized telecommunications equipment. Makes the division of telecommunications in the department of administration responsible for implementing the statewide dual party relay system.

Finances the disabled telephone users program through an initial charge of 10¢ per month to customers using telephone access lines, which charge shall be annually adjusted by the commission but may not exceed a specified amount for each local telephone access line. Requires the local exchange company to collect such charges, submit said collections to the state treasurer, and to maintain a record of collections.

Repeals statutory provisions establishing the disabled telephone users program on July 1, 1992, unless continued by the general assembly.

Appropriates from the Colorado disabled telephone users fund \$76,796 to the department of social services and \$216,475 to the department of administration for implementation of the act.

APPROVED by Governor May 25

EFFECTIVE July 1

S.B. 250 Public utilities commission - repeal of authority over rate design for cooperative electric associations. Repeals provisions related to the authority of the public utilities commission over rate design for cooperative electric associations on July 1, 1992.

APPROVED by Governor April 28

EFFECTIVE April 28

H.B. 1084 Public utilities commission - administrative operations. Provides that the executive director of the department of regulatory agencies shall appoint the executive secretary of the public utilities commission and that the executive secretary of the commission shall serve as director of the division. Authorizes the executive secretary to appoint subordinate employees of the commission. Specifies that the commission shall use the rule-making procedures of the "State Administrative Procedure Act". Deletes conflicting provisions concerning rule-making. Makes technical changes to reflect appropriate statutory references. Changes the title of the commission's hearing examiners to administrative law judges.

Specifies that the fact that a motor vehicle carrier conducts operations with independent contractors shall not in and of itself constitute a lease or transfer of a certificate of public convenience and necessity or registration of interstate operating rights requiring authorization of the public utilities commission.

APPROVED by Governor April 12

EFFECTIVE April 12

H.B. 1104 Gas, electric, or steam utilities - negotiation of prices and terms of certain services. Allows the public utilities commission to authorize a public utility to negotiate prices and terms of service for electric, natural gas, or steam service with a specific customer within its service area if the commission makes certain findings. Specifies that the commission may take such action upon its own motion or upon application by any person. Requires notice and a hearing prior to the grant of authority to negotiate.

Requires that applications filed with the commission requesting authority to negotiate for prices and terms for a service be placed at the head of the commission's docket

and be disposed of within 30 days after filing unless it is necessary for reasonable cause to continue the matter for a longer period.

Specifies that within 10 days after the conclusion of negotiations between a public utility and a specific customer, the public utility shall file the final contract or other description of the prices and terms of service with the commission. Requires that, if the contract complies with the conditions of the order authorizing such negotiations, the commission shall have no authority to approve or disapprove the contract. Specifies that the commission may review the contract for general regulatory purposes and to ensure compliance with the act.

Requires that the price of a negotiated service be justified and not less than the marginal cost of the service to the public utility. Makes charging less than the marginal cost an illegal restraint of trade.

Allows the commission to require that a public utility providing negotiated services segregate investments, expenses, and revenues associated with such service to ensure that such service is not subsidized by revenues from other utility operations.

Clarifies that the act does not enlarge or diminish the rights and obligations of a public utility operating under a certificate issued by the commission to serve customers within an assigned territory nor does the act permit a public utility to provide services to a customer of another public utility located in or for use in the service territory of such other public utility providing the same type of service.

Gives the commission the right to inspect the books and records of any affiliate of a public utility to the extent that such affiliate has a joint and common involvement in services and products subject to the jurisdiction of the commission.

APPROVED by Governor May 26

EFFECTIVE July 1

H.B. 1254 Carriers - civil penalties. Provides that any person who operates a motor vehicle carrier, contract carrier, towing carrier, carrier of household goods, or a motor vehicle exempt from regulation as a public utility are subject to civil penalties for specified violations. Provides that the amount of such penalties shall be set by the public utilities commission not to exceed \$100. Provides that the civil penalties may be increased for subsequent violations within a one-year period. Provides the same penalties for those persons who employ an operator who commits a violation if such employer knows or has reason to know of

such violation as those persons who direct that such violation be committed. Specifies the procedure for enforcement of such civil penalties.

APPROVED by Governor April 12

EFFECTIVE April 12

SOCIAL SERVICES

S.B. 1 Secure residential treatment centers for children - licensure. Specifies that the department of institutions shall develop proposed rules prescribing the minimum standards for licensing of secure residential treatment centers for children and shall submit such rules to the department of social services for approval and promulgation. Authorizes the state department of social services to license secure residential treatment centers which are operated under private or nonprofit sponsorship and which provide care for children who have been committed by a court to placement in a secure facility. Defines "secure residential treatment center". Requires the state department of social services to promulgate rules and regulations setting forth standards for security in such treatment centers. Permits the state department of social services to establish the fees for original licenses and renewal of licenses for secure residential treatment centers.

APPROVED by Governor May 26

EFFECTIVE May 26

S.B. 46 Weld county job diversion demonstration project - extension - eligibility of participants for medical services. Continues the Weld county diversion demonstration project for persons applying for or receiving aid to families with dependent children until July 1, 1994. Allows program participants and their families to be eligible for medical services during participation in the project, regardless of the amount of medical expenses incurred by participants or their families.

APPROVED by Governor March 15

EFFECTIVE March 15

S.B. 58 Medical assistance - pharmaceutical vendors and services. Prohibits the exclusion of pharmaceutical vendors who meet certain conditions from contracting to provide pharmaceutical services to recipients authorized to receive such services under the "Colorado Medical Assistance Act". Specifies certain health maintenance organizations and prepaid health plans which are not subject to this provision.

APPROVED by Governor June 8

EFFECTIVE October 1

S.B. 88 Long-term care - improvement in delivery of services to the aged. Directs the department of social services to compile a list of programs serving the elderly at the federal, state and local level, and to supervise the preparation of a packet which contains information and application forms

for these programs. Further directs the department of social services to make a copy of the packet available to designated local agencies serving the aged. Requires designated local agencies to provide assistance to individuals utilizing the information packet, and to coordinate referrals to community agencies serving the aged and to other appropriate programs and services.

APPROVED by Governor May 26

EFFECTIVE May 26

- S.B. 114 Public assistance - social services' county contingency fund - advancements. Changes the formula for computing advancements from the department of social services' county contingency fund to supplement county expenditures for public assistance.

APPROVED by Governor April 5

EFFECTIVE April 5

- S.B. 153 Public assistance - recovery of overpayments - appropriation. Authorizes the department of social services to collect overpayments made to clients receiving public assistance (aid to families with dependent children, food stamps, medical assistance, old age pension, and aid to the needy disabled) by the use of a state income tax refund offset. Specifies the procedures for initiating a state tax refund offset and incorporates due process measures. Provides financial incentives to county departments of social services that collect overpayments made to clients receiving public assistance as a result of unintentional client error. Specifies the disbursement of moneys collected due to such overpayments. Adds persons who fraudulently obtain medical assistance to the class of public assistance recipients who can be prosecuted for fraud.

Reduces the appropriation in the 1988-89 general appropriation act to the department of social services for public assistance by \$125,938 and appropriates \$36,000 to the department of social services and \$27,641 and 1.2 FTE to the department of revenue for implementation of the act.

APPROVED by Governor June 7

EFFECTIVE June 7

- S.B. 157 Homeless prevention activities programs - voluntary contribution program - appropriation. Provides for a voluntary contribution on state income tax returns to fund homeless prevention activities programs operated by nongovernmental agencies to assist persons in danger of becoming homeless. Establishes the homeless prevention activities program fund in the state treasury, and requires that the voluntary contributions be credited thereto. Sets forth certain criteria for homeless prevention activities

programs but does not limit the programs to the activities listed. Declares that at least half all contributions received shall be used for direct or financial benefit of individuals in danger of becoming homeless, but forbids direct cash benefits to these individuals. Requires the state board of social services to evaluate the programs and report and make recommendations concerning such programs to the general assembly on or before January 1, 1991.

Authorizes the department of social services to contract with nongovernmental agencies, or with local governments which have subcontracted with a nongovernmental agency, to provide homeless prevention activities. Directs that such programs have priorities of providing services to families with children and other persons who, without assistance, are in danger of becoming homeless. Permits reimbursement to nongovernmental agencies operating these programs, subject to available appropriations. Requires the department of social services to promulgate rules and regulations to establish and enforce program standards and to design an allocation formula based on the number of homeless per capita, number of unemployed persons, and the unemployment rate in a particular community.

Repeals statutory provisions concerning homeless prevention activities programs on January 1, 1992.

Appropriates from the homeless prevention activities program fund \$178,700 to the department of social services and \$21,300 and 0.5 FTE to the department of revenue for implementation of the act.

APPROVED by Governor June 6

EFFECTIVE July 1

S.B. 174 Department of social services - final agency action - judicial review. Makes the decisions for the department of social services by administrative law judges initial decisions and subject to review by the executive director of the department or his designee and provides that such review shall constitute final agency action for purposes of judicial review. Provides that certain decisions concerning licensed or certified providers or vendors of services shall not be reviewed by the executive director, rather, the decision of the administrative law judge shall constitute final agency action. Requires that the state department report to the general assembly on or before January 1, 1991, on the number of appeals reviewed by and the action taken by the executive director.

APPROVED by Governor April 12

EFFECTIVE July 1

S.B. 200 Medical assistance - valuation of nursing homes - definition of "appraised value". Clarifies the definition of "appraised value" for the purpose of evaluating nursing homes to indicate that the valuation should reflect the depreciated cost of replacement to the current owner of the nursing home. Provides that depreciated replacement appraisals shall be made every 4 years based upon rules promulgated by the state board of social services.

APPROVED by Governor June 7

EFFECTIVE June 7

S.B. 205 Child care facilities - licensing process - review. Requires the state department of social services to conduct a comprehensive review of the licensing rules and regulations and the procedures governing child care centers and family care homes in the fiscal year 1992-93 and every three fiscal years thereafter. Requires the state department to consult with parents, child care providers, child care experts, the department of health, and other interested parties in performing the review. Specifies the topics to be examined in such review. Directs the state department to report its findings, conclusions, and recommendations to the state board of social services, the advisory committee on licensing of child care facilities, the executive director of the department of health, and the general assembly.

APPROVED by Governor May 8

EFFECTIVE May 8

H.B. 1004 Institutionalized spouse - protection of financial resources of noninstitutionalized spouse - appropriation. Provides that when a spouse is eligible for care in certain institutions under the "Medicare Catastrophic Coverage Act of 1988" the noninstitutionalized, or "community" spouse, shall retain a monthly income, termed a "minimum monthly maintenance needs allowance", to the extent that the community spouse derives his or her income from income attributable to the institutionalized spouse. Defines "minimum monthly maintenance needs allowance" as a percentage of the official poverty index for income, and provides for exceptions to said percentage.

Establishes a procedure to allocate the resources owned by the married couple between the two spouses on a 50%/50% basis with the community spouse retaining the first \$12,000 in resources, up to a maximum of \$60,000, as a "community spouse resource allowance". Specifies that if either spouse establishes that the community spouse resource allowance, as determined by said procedure, is inadequate to provide income at the level of the minimum monthly maintenance needs allowance, the community spouse resource allowance may be increased.

Provides that a married couple, at the beginning of a period of institutionalization of one of the spouses, may request the county department of social services to assess and document the total value of the resources of the couple and requires that there be a procedure for appealing any valuation so made.

Increases from \$29 to \$34 the monthly minimum amount payable for personal needs to any medicare recipient admitted to a nursing care facility or intermediate care facility.

Reduces the appropriation in the 1989 general appropriation act to the department of social services, medical assistance division, for medical programs by \$296,710 and appropriates \$3,457,540 to the department of social services for additional costs of nursing home care.

APPROVED by Governor May 26

EFFECTIVE September 30

- H.B. 1005 Medicaid - categorically needy - medicare-eligible elderly and disabled persons - appropriation. Expands the definition of "categorically needy" as related to medicaid benefits to include medicare-eligible elderly and disabled individuals with an income and resource level which makes them eligible for certain medicare services under the federal "Medicare Catastrophic Coverage Act of 1988". Designates such individuals as "indigent medicare beneficiaries". Specifies that the state department of social services is not required to extend to such individuals the full range of services available to others who are deemed categorically needy.

Reduces the appropriation in the 1989 general appropriation act to the department of social services, medical assistance division, for medical programs, by \$1,024,720 and appropriates \$2,289,325 to the department of social services for implementation of this act.

APPROVED by Governor June 5

EFFECTIVE June 5

- H.B. 1009 Home health care - personal care services provided by spouse. Specifies that personal care services provided by a person's spouse are not subject to reimbursement under "Home and Community-based Services and Home Health Act".

APPROVED by Governor April 4

EFFECTIVE April 4

- H.B. 1010 Nursing homes - residents rights. Requires medicaid-certified skilled and intermediate care nursing facilities to protect and promote the rights of residents as provided in the federal "Omnibus Budget Reconciliation Act of 1987", as amended.

APPROVED by Governor April 4

EFFECTIVE April 4

H.B. 1020 Veteran's center - domiciliary care unit. Authorizes construction of a domiciliary care unit at the Colorado state veterans center. Defines "domiciliary care". Appropriates to the department of social services \$540,000 from federal funds when available and from funds remaining unexpended from the 1986 appropriation to said department for the construction of a nursing home unit.

APPROVED by Governor May 2

EFFECTIVE May 2

H.B. 1066 Medical assistance - disabled children in home care program - appropriation. Creates the disabled children home care program to provide eligible disabled children certain services in a noninstitutional setting when such services can be delivered at a cost to the medicaid program equal to or less than the medicaid cost for institutional care and can be maintained at an acceptable level of quality.

Outlines eligibility criteria for participation in the program, including an age limit of 18 years, certain types of medical needs, a gross income limit, determination of ineligibility for other alternatives to long-term care waiver programs, and participation in certain other designated programs.

Sets forth documentation required for applicants to the program and establishes periodic reviews of such documentation for those children entering the program.

Authorizes the state department of social services to seek a waiver from the federal department of health and human services to qualify for federal financial participation in the program. Provides that the program shall be repealed if federal financial participation is not secured by July 1, 1990.

Requires the state department of social services to study and submit a report on the program to the general assembly on or before January 1, 1990.

Reduces the appropriation in the 1989 general appropriation act to the department of social services for medical programs, inpatient hospital care, by \$583,905 and appropriates \$259,426 to the department of social services for implementation of the act.

APPROVED by Governor June 1

EFFECTIVE June 1

H.B. 1077 Subsidized adoption assistance - licensed nonprofit child placement agencies - appropriation. Provides subsidies for adoptive parents of children with special needs who are in the custody of licensed nonprofit child placement agencies.

Adjusts the appropriations in the 1989 general appropriation act by reducing the appropriation to the department of social services, child welfare, placement alternatives care by \$28,914 and increasing the appropriation to the department of social services, child welfare, subsidized adoptions by \$81,390. Appropriates \$81,390 to the department of social services for implementation of the act.

APPROVED by Governor June 1

EFFECTIVE June 1

H.B. 1089 Medical assistance - prenatal care and well child care - baby care program - appropriations. Creates the baby care program to utilize medicaid funds to promote and provide prenatal care to pregnant women and well child care to children under the age of one year. Establishes stepped percentage levels of the federal poverty line which a recipient's family income may not exceed for purposes of eligibility for the program. Repeals said eligibility provision on July 1, 1991. Establishes standards for a presumption of medical assistance eligibility for all pregnant women who are eligible to receive benefits under the "Colorado Medical Assistance Act".

Creates an advisory committee to advise and assist the department of social services in the implementation of the baby care program and to study the effectiveness of said program. Specifies the membership of the advisory committee. Requires the advisory committee to report its recommendations to the general assembly. Provides for the utilization of certain health departments and boards of health, when possible and appropriate, to provide outreach and clinic services under the baby care program.

Reduces the appropriation in the 1989 general appropriations act to the department of higher education, university of Colorado health sciences center, indigent care program by \$6,991,782 and appropriates \$7,501,698 to the department of social services for the implementation of the baby care program and \$6,991,782 to the department of social services, medical assistance division, medical programs, inpatient hospital care for the payment of certain services at enhanced medicaid reimbursement rates.

APPROVED by Governor June 6

EFFECTIVE June 6

H.B. 1131 Child support establishment and enforcement - administrative procedure - administrative order establishing paternity. Creates an administrative procedure for the establishment, enforcement, and modification of child support obligations for children on whose behalf support enforcement services are being provided by a delegate child support enforcement unit.

Makes such procedure applicable to intrastate and interstate cases.

Authorizes the delegate child support enforcement agency to issue an administrative order for child support if the appropriate parties reach a stipulated agreement at a negotiation conference. Allows the agency to issue an order of default if the obligor fails to appear for a scheduled conference or fails to respond to a notice of financial responsibility issued by the agency requesting that the conference be rescheduled or that the matter be set before the court. Requires that a case be transferred to the district court when the obligor makes specified objections to the notice of financial responsibility or when a stipulated agreement cannot be reached at the negotiation conference. Requires the court to set the matter for hearing within a specified period and at such hearing to consider only child support issues.

Grants the delegate child support enforcement agency the authority to issue an order establishing paternity of and financial responsibility for a child in uncontested cases.

Gives the delegate child support agency administrative subpoena powers. Specifies the procedure for service of notice of financial responsibility and describes the required content of such notices. Specifies that the administrative procedure for establishing and enforcing child support is not subject to the "State Administrative Procedure Act". Specifies that a court order shall supersede an administrative order as to support payments due subsequent to the entry of the court order. Provides for the filing of administrative orders, including orders of default, with the court and attaches to such orders the same force and effect as court orders.

APPROVED by Governor June 5

EFFECTIVE April 1, 1990

H.B. 1263 Reparation payments to Japanese Americans - financial determinations. Specifies that reparation payments received by Japanese Americans under federal law shall not be included as income or resources for purposes of determining eligibility or benefit amounts in state funded programs under the "Colorado Social Services Code".

APPROVED by Governor April 26

EFFECTIVE April 26

STATUTES

H.B. 1108 Colorado Revised Statutes - supplements and replacement volumes - enactment and effective date. Establishes the effective date for the 1988 cumulative supplements and for the 1988 replacement volumes 9, 10A, and 10B to the Colorado Revised Statutes. Enacts the supplements and the replacement volumes as the positive statutory law of the state of Colorado.

APPROVED by Governor February 17 EFFECTIVE February 17

H.B. 1250 Revisor's bill - revisions to conform, correct, and clarify. Amends or repeals various statutory provisions which are obsolete, inconsistent, or in conflict with other law, clarifies 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 5

PORTIONS EFFECTIVE:

June 5

July 1

January 1, 1990

January 1, 1991

TAXATION

- S.B. 141 Severance tax - allocation to general fund. Provides that severance tax revenues for the 1989-90 fiscal year which would otherwise be credited to the state severance tax trust fund shall be instead credited to the general fund.

APPROVED by Governor April 7

EFFECTIVE April 7

- S.B. 237 Property tax exemptions - religious purposes - incidental use - applications and annual reports - appropriation. Exempts from property tax, for the 1990 property tax year and thereafter, real and personal property which is owned and used solely and exclusively for religious purposes and not for private gain or corporate profit. Sets forth a legislative declaration concerning what constitutes "religious worship" for purposes of article X, section 5 of the Colorado constitution. Provides for the continuance of the tax-exempt status of property which is used for religious purposes but which is also used for any purpose which is not for religious purposes, for schools, or for strictly charitable purposes. Establishes limitations for such incidental uses in order to maintain such tax exemption.

Modifies the information which is required to be included in applications for property tax exemptions for property owned and used for religious purposes and in annual reports to maintain such property tax exemptions which are filed during the 1990 property tax year and thereafter. Requires a declaration to be included in such applications and annual reports which sets forth the religious mission and religious purposes of the owner of the property being claimed as exempt and the uses of the property which is in furtherance of such mission and purposes. Increases from \$75 to \$250 the amount of the fee to accompany applications for property owned and used for religious purposes filed on or after January 1, 1990, but prior to January 1, 1993.

Prohibits the property tax administrator from requiring additional information from the owners of property used for religious purposes or to challenge declarations unless granted written permission from the state board of equalization. Specifies that such declarations may only be challenged on certain grounds. Authorizes the state board of equalization to grant permission only upon proof of specified facts. Requires such written permission to specify the additional information that may be required or the grounds upon which a declaration may be challenged, whichever is applicable. Requires the property tax administrator to adopt rules and regulations concerning application and annual report procedures.

Establishes a 12-month grace period for any annual report which was not timely filed to maintain the property tax exemption for property used for religious purposes to be filed without losing such exemption. Allows annual declarations to be filed in lieu of annual reports by owners of property used by fraternal or veterans' organizations which have been previously granted property tax exemption and which is used for limited incidental uses.

Specifies the amounts which must be satisfied in order to meet the existing requirement for qualifying for a charitable purposes property tax exemption by providing child care services at reduced rates. Excludes child care centers which are operated for religious purposes and which are granted a religious purposes property tax exemption from the requirements imposed for charitable child care centers.

Appropriates \$305,762 and 9.7 FTE to the department of local affairs for allocation to the division of property taxation for implementation of the act.

APPROVED by Governor June 7

EFFECTIVE June 7

H.B. 1019 Domestic abuse programs - funding. Extends the voluntary income tax check-off for taxpayer contribution to the Colorado domestic abuse program fund until January 1, 1995. Extends the domestic abuse program until January 1, 1995.

APPROVED by Governor March 9

EFFECTIVE March 9

H.B. 1037 Tax credits - corporations - purchase of Colorado coal. For income tax years commencing between January 1, 1988, and January 1, 1995, permits a corporation to claim an income tax credit of \$1 for every ton of Colorado coal purchased by the corporation in excess of the number of tons of Colorado coal purchased by the corporation in the 1988 base year. Allows the corporation to carryover any excess credit for a period not to exceed 3 years.

Permits a corporation which is not liable for or subject to state income tax but which is otherwise eligible for such credit to transfer such credit by written agreement to the producer of the Colorado coal. Requires the corporate purchaser to file a copy of the written agreement with the department of revenue. Stipulates certain terms which the agreement shall contain.

APPROVED by Governor April 12

EFFECTIVE April 12

H.B. 1059 Income tax - declaration and payment. Revises the schedule for the declaration and payment of estimated state income taxes by individuals to conform to federal practice. Establishes a schedule for making estimated payments and a

schedule for the making of amendments to any declaration of estimated tax.

APPROVED by Governor April 17 EFFECTIVE January 1, 1990

H.B. 1098 Property tax exemptions - repeal and reenactment. Repeals and reenacts statutory provisions which govern property tax exemptions. Increases the cap on the property tax exemption for parsonages from \$16,000 to \$30,000 valuation for assessment. Removes outdated references from certain provisions. Eliminates or modifies obsolete provisions.

APPROVED by Governor April 23 EFFECTIVE April 23

H.B. 1117 Retail sales licenses - special sales events. Requires persons engaged in retail sales at more than one special sales event in a two-year period to obtain a sales license. Establishes a fee for such license. Requires separate tax returns and payments to be filed by holders of such licenses for each separate sales event at which sales are made. Defines "special sales event".

APPROVED by Governor March 21 EFFECTIVE March 21

H.B. 1121 Real property tax assistance for elderly and handicapped - method of calculation. Changes the method of calculating the amount of real property tax assistance for which an elderly or handicapped person who rents residential premises is eligible, from a method of calculation based on the actual rent paid for the premises to a method of calculation based on the actual property taxes paid on the rental unit. Requires the owner of the property or the owner's local representative to furnish information about the prorated amount of said taxes or moneys applicable to each unit of the property upon request of the occupant of such unit.

VETOED by Governor April 9

H.B. 1164 Administration of tax laws - department of revenue. Makes mandatory, rather than discretionary, the promulgation of certain rules and regulations by the executive director of the department of revenue, including rules and regulations concerning the apportionment of corporate income. Requires that such apportionment rules be available for public review and comment by a specified date. Exempts the department of revenue from the requirement of preparing regulatory analyses for such rules.

Specifies that the executive director may allocate income among certain corporations to avoid abuse and that such allocation be made on a fair and impartial basis.

Sets forth rules of statutory interpretation and construction for the corporate income tax laws.

APPROVED by Governor April 15 EFFECTIVE July 1, 1990

H.B. 1215 Tax liens - exemption of coin-operated vending machines and game machines. Enables owners of coin-operated vending machines and video or other game machines which are placed on the premises of a retail establishment under the terms of a lease or other agreement to protect their machines from tax liens attaching to the retailer's property. Requires that such machines be marked in a manner sufficient to identify the owner, and that the owner file a schedule with the department of revenue which lists the machine by serial number and includes certain identifying information. Allows the executive director of the department of revenue to provide by rule and regulation for the use of numbers or other anonymous identification markers on the property to be identified.

APPROVED by Governor April 6 EFFECTIVE April 6

H.B. 1224 Severance taxes - withholding of income by oil and gas producers. Requires oil and gas producers who withhold income from oil and gas interest for severance taxes to annually notify each person holding any interest of the amount of withheld during the preceding year.

APPROVED by Governor April 7 EFFECTIVE April 7

H.B. 1227 Penalties and interest - waiver - refund claims. Grants the executive director of the department of revenue the power to waive penalties or interest for good cause shown. Eliminates the one-year limitation on the filing of a claim for refund of overpaid estate tax.

APPROVED by Governor June 7 EFFECTIVE June 7

H.B. 1288 Property taxes - valuation - residential ratio - assessment calendar - notices of adjusted valuation - real property transfer data bank. Clarifies that, when using market absorption rates in determining the actual value of vacant land, assessors shall use certain discount factors until eighty percent of the lots within an approved plat have been sold. Modifies the definition of "vacant land" so that such discount factors are not applied to any portion of a development tract or lots within a subdivision which have improvements other than site improvements. Modifies the percentage requiring adjustment of valuation for certain unusual conditions during intervening years from 5% to 10%. Establishes June 30 of the preceding year as the cut-off date to qualify for an intervening year adjustment.

Sets the ratio of valuation for assessment for residential real property for the 1989 and 1990 property tax years at 15% of actual value. Reduces the interest rate applied to state school finance payments made pursuant to a reappraisal order. Modifies certain dates in the assessment calendar to allow county boards of equalization to hold tax protest hearings from July 1 to August 10 of each year. Reestablishes the requirement that one member of the board of assessment appeals be actively engaged in agriculture or have been actively engaged in agriculture within five years of initial appointment to the board.

Requires notices of adjusted valuation to be sent to taxpayers when any adjustment in valuation of property occurs. Allows an assessor, upon approval of the board of county commissioners, to include in such notice of adjusted valuation an estimate of taxes to be owed for the current property tax year. Allows petitioners appealing decisions of county boards of equalization to appeal the valuation set by the assessor or the valuation adjusted by the board. Requires decisions of county boards of equalization regarding valuation appeals to be mailed within 5 working days of the date such decisions are rendered. Requires petitioners to appeal decisions of county boards of equalization or to submit to arbitration within 30 days of the date such decisions were mailed. Allows respondents to petition the court of appeals for judicial review of alleged procedural errors or errors of law by the board of assessment appeals.

Specifies that, for purposes of abatements and refunds, "clerical error" includes any clerical errors made by taxpayers in completing personal property schedules. Requires that, at the time a transfer document is offered for recordation, a declaration be provided to the county clerk and recorder which discloses specified information related to the transfer of an interest in real property. Provides procedures for assessors to obtain a declaration when such declaration did not accompany a transfer document. Provides for the imposition and collection of penalties for failure to provide such declaration. Directs the county clerk and recorder to transmit declarations to the county assessor. Requires assessors to make any declaration available to the taxpayer who was the grantee in the conveyance or who made the declaration. Directs each county assessor to develop a data bank consisting of information derived from such declarations and to make use of such information to properly adjust sales for sales ratio analysis and valuations for assessment.

Changes the date by which public utilities have to file property schedules from April 15 to April 1. Allows the property tax administrator to grant additional time to file if good cause is shown. Requires the property tax administrator to send statements of valuation to public

utilities and to counties by August 1 instead of June 1. Requires appeals of valuation by public utilities, county assessors, or boards of county commissioners to be filed by August 20 instead of July 1. Changes the starting date for hearing on public utility appeals from the 2nd Monday in July to September 1. Changes the deadline for completion of such hearings from July 31 to September 15. Changes the date by which the property tax administrator must render decisions on such appeals from August 1 to September 20.

Allows for penalty interest to be paid when appellant's appeal is successful at the board of assessment appeals level or in district court. Specifies the rate of refund interest to be paid and when refund interest accrues. Requires the assessor, upon the request of a taxpayer or his agent and subject to confidentiality requirements, to make available all data used by the assessor in determining the actual value of any property owned by such taxpayer. Provides for interest on delinquent taxes to accrue up to the time of issuance of a tax deed.

Includes the amount of revenue abated or refunded by the taxing entity by September 1 of the current year and subtracts the amount of revenue received by the taxing entity by September 1 of the current year in the calculation of the revenue limitation of such taxing entity. Allows the administrator to determine the relationship between the actual value of the nonexempt portion of property to the actual value of the total property by using the ratio of the portion as measured in hours of any calendar year in which such property is made available to and used by any business conducted for profit to the entire calendar year. Stipulates that said calculation is to be used when it is shown to be a more appropriate manner of determining the proportional valuation of exempt property.

APPROVED by Governor June 7

PORTIONS EFFECTIVE:

June 7

July 1

January 1, 1990

H.B. 1290 Property tax - exemption for works of art. Specifies that works of art not subject to annual depreciation which would otherwise be exempt from property tax as household furnishings shall not cease to be exempt merely because they are stored or displayed on premises other than a residence.

Applies to property tax years beginning on or after January 1, 1990.

APPROVED by Governor June 8

EFFECTIVE June 8

H.B. 1324 Nonproducing unpatented mining claims. Declares that the constitutional exemption of nonproducing unpatented mining claims from property taxation applies to claims which are leases and claims which are locations granted by the United States government.

APPROVED by Governor May 1

EFFECTIVE May 1

H.B. 1349 Enterprise zones - tax credits. Expands the credits against income tax available to taxpayers within enterprise zones to include a credit for monetary or in-kind contributions to enterprise zone administrators for the purpose of implementing economic development plans and a credit for the rehabilitation of buildings within the zone which are over 20 years old and which have been vacant for 2 or more years. Allows a taxpayer who is liable for insurance premium taxes in lieu of income tax to claim enterprise zone credits against insurance premium tax to the same extent as the taxpayer would have been able to claim such credits against income tax.

Provides for the appointment of enterprise zone administrators. Clarifies the method of computing the income tax credit for new business facility employees. Allows an expanded business facility to qualify for such credit allowed for new business facility employees under certain conditions. Simplifies the language creating an income tax credit for research and experimentation expenditures, and specifies that such credit is allowed for an increase in such expenditures over the level which previously existed in the zone, rather than over the level which previously existed worldwide. Expands the sales and use tax exemption of machinery and equipment used in enterprise zones to include materials for the construction or repair of machinery or machine tools. Changes the repeal date for statutory provisions relating to enterprise zones from July 1, 1995, to January 1, 1994.

APPROVED by Governor June 7

EFFECTIVE June 7

H.B. 1354 Income tax - retirement income of persons less than 55 years of age - creation of reserve fund. Eliminates deductions from taxable income of pension or annuity income received by persons less than 55 years of age unless the income is received because of the death of the person originally entitled to receive the benefits. Creates the special refund payment reserve fund for the purpose of paying any claims that may arise from the potential invalidity of the prior income tax treatment of military retirement income. Stipulates the duration of the fund's existence.

BECAME LAW without Governor's signature
EFFECTIVE

June 10
June 10

WATER AND IRRIGATION

- S.B. 64 Southwestern water conservation district - loans or grants to other public entities. Authorizes the southwestern water conservation district to make loans or grants to other public entities within the district's boundaries to carry out the purposes of the district.

APPROVED by Governor April 5

EFFECTIVE April 5

- S.B. 67 Small water resources projects - financing of. Permits the Colorado water resources and power development authority to develop and provide financing for small water resources projects. Defines a "small water resources project" as a water management facility or hydroelectric facility financed in whole or in part by the authority with an estimated construction cost of no more than \$10 million. Specifies the costs that the term "construction cost" does and does not include. Limits the amount of cash or investments on hand which may be utilized to finance small water resources projects. Exempts such projects from a formal feasibility study conducted by the Colorado water conservation board, including the cost accounting required thereunder, and instead requires review by the Colorado water conservation board of a project summary. Exempts small water resources projects from certain requirements for specific water project authorizations.

BECAME LAW without Governor's signature
EFFECTIVE

April 18
April 18

- S.B. 85 Colorado water conservation board - approval of projects for financial assistance loans. Enumerates the water resources projects which shall receive financial assistance loans from the Colorado water conservation board. Limits each loan amount to 50% of the total construction costs of the project, unless specifically granted a greater percentage. Prohibits the board from funding any approved loan until it is satisfied that the recipient thereof is capable of repayment.

Authorizes the board to contribute either 1/3 of the construction costs of the federal closed basin project in excess of \$75 million or \$6 million, whichever is less.

Authorizes the board to inventory all available geohydrologic data of bedrock aquifers in those portions of Colorado west of the continental divide at a maximum cost of \$37,500, provided such amount is matched by other agencies, entities, or persons.

Authorizes the board to conduct a feasibility study

of fish culture techniques and fish hatcheries for the propagation in Colorado of threatened and endangered fish of the upper Colorado river basin at a maximum cost of \$300,000. Provides alternative methods for the funding of such study.

APPROVED by Governor April 20

EFFECTIVE April 20

S.B. 116 Low-flow plumbing fixtures - use in construction and renovations for purposes of water conservation. Requires that on and after January 1, 1990, low-flow plumbing fixtures and fittings be used in the construction of residential structures and facilities for human use within office, commercial, and industrial buildings and in renovations of residential structures and facilities for human use within office, commercial, and industrial buildings when plumbing fixtures and fittings are installed as part of the renovation. Excludes from such requirements structures and facilities which are served by septic systems. Requires the plumbing contractor or party responsible for the installation of such fixtures in facilities for human use in office, commercial, and industrial buildings to certify to the inspecting governmental entity that the fixtures conform with the statutory standards. Allows the inspecting governmental entity to accept results from tests performed by an approved testing laboratory or the manufacturer in lieu of such certification.

Waives compliance with such requirements upon a showing that compliance would be detrimental to the public health or safety or that such fixtures and fittings would cause a sewer hydraulic gradient insufficient to handle reduced water flows.

Requires every state agency and local governmental entity to use the best available approved water conservation devices in any federally financed or state-financed construction and renovations when such renovations include the installation of plumbing fixtures and fittings.

APPROVED by Governor April 19

EFFECTIVE April 19

S.B. 120 Well permits - water augmentation - extraction of sand and gravel by open mining - appropriation. Specifies the persons who are required to obtain a well permit for exposing or having exposed groundwater or designated groundwater to the atmosphere in connection with the extraction of sand and gravel by open mining. Provides that a well permit shall be issued upon approval by the water court of a plan for augmentation or by the state engineer of a plan of substitute supply.

Establishes the amount of the fee for filing a plan of augmentation or a plan of substitute supply based on the date the groundwater or designated groundwater was exposed to the atmosphere and the number of acres of surface area exposed.

Credits certain fees collected with a plan for augmentation or a plan of substitute supply to the gravel pit lakes augmentation fund.

Allows a person possessing a reclamation permit to apply for a single well permit and to submit a single plan for augmentation or plan of substitute supply, notwithstanding the number of gravel pit lakes situated within the acreage covered by the reclamation plan. Provides that the historic natural depletion to water caused by preexisting natural vegetative cover need not be replaced.

Appropriates \$182,000 from the gravel pit lakes augmentation fund to the department of natural resources for allocation to the state engineer for implementation of the water augmentation program.

BECAME LAW without Governor's signature June 10
EFFECTIVE July 15

S.B. 135 State engineer - cash funds - continuation. Repeals the termination date for certain cash funds under the authority of the state engineer, including the water data bank cash fund, the division of water resources publication cash fund, the satellite monitoring system cash fund, and the ground water management cash fund.

APPROVED by Governor April 20 EFFECTIVE April 20

S.B. 142 Colorado water conservation board construction fund - transfers of general fund moneys - Ridge Basin dam. Delays for one year the \$15 million transfer of general fund moneys to the Colorado water conservation board construction fund, to the fish and wildlife resources account in said fund, and to the Colorado water resources and power development authority, except for a transfer of \$400,000 to the fish and wildlife resources account which will take place July 1, 1989, as scheduled. Such transfers were scheduled for July 1, 1989, July 1, 1990, and July 1, 1991.

Authorizes the Colorado water conservation board to enter into a binding agreement with the U.S. department of interior for construction of the Ridges Basin dam of the Animas-La Plata project.

APPROVED by Governor April 11 EFFECTIVE April 11

S.B. 166 Water rights - applications for changes - proposed rulings or decrees. Requires an applicant for a change in water rights to provide to the referee or water judge a proposed ruling or decree which would prevent any injurious effect in advance of any hearing on the merits of an application to which a statement of opposition has been filed. Requires that notice of such proposed ruling or decree shall be provided to all parties who have entered the proceedings.

APPROVED by Governor April 20

EFFECTIVE April 20

S.B. 181 Water quality control - regulatory authority. Clarifies statutory provisions related to the interpretation and construction of water quality provisions to enumerate specific criteria applicable to any policy, rule-making, adjudicatory, administrative, or executive decision of the water quality control commission or to any judicial decision related thereto. Specifically clarifies the responsibilities of the water quality control commission and the division of administration of the department of health with respect to water quality control to enhance the coordination between state agencies which have responsibilities to implement water quality protection of state waters. To implement provisions of the federal "Clean Water Act", authorizes the commission to adopt numerical water quality standards for certain toxic pollutants listed in such federal law and permits monitoring requirements for discharges of such pollutants if the monitoring is reasonably related to the potential for the presence of such pollutants in a discharge at levels inconsistent with water quality standards and is imposed to the maximum extent practical on those responsible for the presence of the pollutants. Provides that after a full application by a publicly-owned treatment work authority pursuant to the federal "Clean Water Act", if stream standards or effluent limitations are exceeded as a result of a discharge from any publicly-owned treatment work, the commission, upon request of a publicly-owned treatment work, shall conduct a public hearing to investigate the source of the pollution and report to the governor and the general assembly on its findings and recommendations concerning the control of such pollution.

APPROVED by Governor June 8

EFFECTIVE June 8

H.B. 1112 Cooperative agreements for water resources. Authorizes water conservancy districts and water conservation districts to enter into cooperative agreements for the lease or exchange of water or the construction or use of waterworks within or outside their boundaries by another political subdivision, including agreements to provide funding or to carry out the planning and design for

facilities to export water from the natural basin of the Colorado river. The term of the lease and the right to use the water shall be specifically subject to the agreement. Provides that any disputes arising from these provisions may be submitted to nonbinding arbitration.

APPROVED by Governor April 12

EFFECTIVE April 12

H.B. 1169 Landscaping - water conservation techniques - public projects. Provides that when any public entity responsible for landscaping any public project or facility develops a landscaping plan, the plan shall seek to conserve water in the landscaping on such lands. Specifies elements to be considered in any such plan. Permits any entity to which the act applies to develop a water use analysis, a water use projection, and a landscaping water plan to guide and regulate water used for such landscaping. Defines "public entity" and "public project or facility".

APPROVED by Governor April 19

EFFECTIVE April 19

H.B. 1238 Water well construction and pump installation - contractors' licenses. Establishes a special license for contractors engaged in certain specialized methods of well construction or pump installation. States that the license for any well construction contractor or licensed pump installation contractor will lapse if the licensee fails to maintain the required financial responsibility. Provides for the reinstatement of a lapsed license.

APPROVED by Governor April 7

EFFECTIVE April 7

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