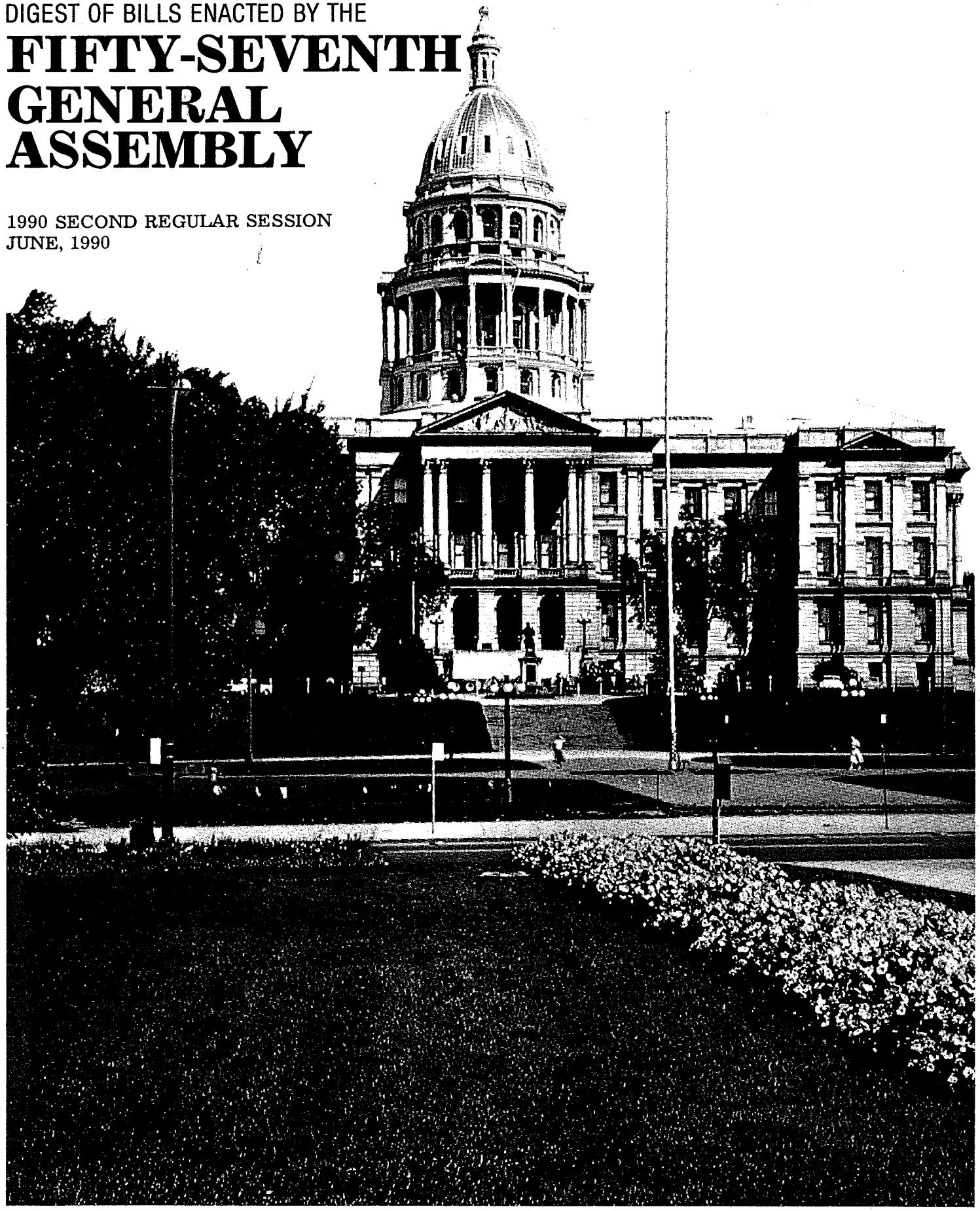
OFFICE OF LEGISLATIVE LEGAL SERVICES
091 STATE CAPITOL BLDG.
DENVER, COLORADO 80203

DIGEST OF BILLS ENACTED BY THE

FIFTY-SEVENTH GENERAL ASSEMBLY

1990 SECOND REGULAR SESSION
JUNE, 1990



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

(1990 - Second Regular Session)

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

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

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Compiled by the
Office of
Legislative Legal Services

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This digest includes all bills enacted by the General Assembly, as of May 9, 1990, including bills vetoed by the Governor.

	Introduced	Passed
HOUSE BILLS	335	216
SENATE BILLS	212	112
TOTALS	547	328

Of the House Bills passed:	197	were signed by the Governor
	13	became law without the Governor's signature
	6	were vetoed by the Governor
Of the Senate Bills passed:	104	were signed by the Governor
	2	became law without the Governor's signature
	1	was referred to the People
	5	were vetoed by the Governor

SUBJECT HEADINGS

PROPOSED STATE CONSTITUTIONAL AMENDMENTS

H.C.R. 90-1006 Obsolete constitutional provisions - deletion from constitution. Deletes the following obsolete provisions of the Colorado constitution: The requirement that the territorial seal shall be the state seal; the authority for the general assembly to prescribe an educational qualification for electors; the prohibition on state financing of the 1976 winter Olympics; the disqualification from holding office by reason of participation in a duel; the reference to service in the Spanish-American war in relation to veterans' preference under the state personnel system; the provisions making county judges and justices of the peace liable to impeachment; and the requirement for publication of session laws in Spanish and German until the year 1900.

ADMINISTRATIVE RULES AND REGULATIONS

S.B. 90-88 Administrative rule review - continuation of 1989 rules of executive agencies - exceptions - repeal of rules. Postpones the expiration of rules and regulations of executive agencies which were adopted or amended during 1989, except that specified rules and regulations are allowed to expire as scheduled on June 1, 1990.

Allows the following 1989 rules to expire as scheduled: A rule of the department of agriculture concerning residue analysis reports in connection with certification of laboratories under the organic certification act; several rules of the air quality control commission in the department of health relating to the diesel inspection program; 2 rules of the state board of health concerning the detection, monitoring, and investigation of environmental and chronic diseases; a rule of the state board of health concerning review by the state advisory council of applications for grants from the emergency medical services account; several rules of the state board of health relating to schools; a rule of the state personnel board relating to residency waivers for positions in the state personnel system; a rule of the state personnel director relating to failure of supervisors to conduct performance evaluations; several rules of the division of banking relating to commercial banks, industrial banks, electronic funds transfers, and trust companies, and relating to automating the division of banking; 2 rules of the division of insurance pertaining to the requirements for establishing financial responsibility for medical malpractice insurance; a rule of the division of insurance relating to the compensation of arbitrators; a rule of the state board of accountancy relating to nonaccredited colleges or universities; a rule of the state electrical board relating to licensure by endorsement; a rule of the state board of medical examiners concerning an exemption from financial responsibility requirements for medical malpractice insurance for federal civilian or military physicians; a rule of the state board of psychologist examiners relating to licensure by endorsement; 2 rules of the office of outfitters registration concerning livestock operators; a rule of the state board of marriage and family therapist examiners concerning licensure by endorsement; a rule of the state board of licensed professional counselor examiners concerning licensure by endorsement; several rules of the department of social services relating to child support enforcement.

Postpones indefinitely the expiration of all rules and regulations of the public employees' retirement association and a rule concerning antidegradation of the water quality control commission in the department of health.

Postpones until June 1, 1991, the expiration of the following 1989 rules: 2 rules of the state board of health relating to the investigation of environmental and chronic diseases and 3 rules of the state board of social services concerning merit system administration.

Postpones until June 1, 1991, the expiration of a rule of the wildlife commission in the department of natural resources concerning claim settlements for damage caused by big game which was scheduled to expire on June 1, 1990, pursuant to the provisions of the 1988 rule review bill.

Postpones until June 1, 1991, 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 1989 rule review bill.

Repeals a rule of the state board of social work examiners concerning licensure by endorsement. Repeals a rule of the board of assessment appeals of the department of local affairs concerning representation before the board of assessment appeals.

APPROVED by Governor May 31 EFFECTIVE May 31

AGRICULTURE

S.B. 90-5 Bee industry - regulation of - removal of certain functions - bees and contagious disease - members of advisory committee. liminates provisions concerning bee products and the licensure of beekeepers from the regulatory provisions concerning the Colorado bee industry.

Modifies provisions concerning bees and contagious disease. Makes the examination of apiaries reported or suspected to contain contagious disease and the destruction or treatment of infected apiaries discretionary rather than mandatory duties of the commissioner of agriculture. Empowers the commissioner to require a beekeeper to destroy or treat infected apiaries. Specifies that a beekeeper or any other person requesting an inspection of beehives for contagious disease for the purpose of interstate movement is liable for all costs of such inspection. Requires anyone applying for an entry permit to move bees on combs or used bee equipment into Colorado to have a timely certificate of inspection from the state of origin stating that the bees or equipment are free from disease. Requires that beehives be equipped with movable combs.

Establishes the bee inspection fund, which replaces the beekeeper licensing fund, and credits to the inspection fund the moneys in the licensing fund.

Expands the enforcement powers of the commissioner and permits the delegation of certain powers and duties to employees of the department of agriculture. For purposes of injunctive relief, states that the commissioner of agriculture shall not be required to plead or prove irreparable injury or the inadequacy of the remedy at law nor to post bond. Grants emergency powers to the commissioner in instances where an imminent hazard to the beekeeping industry exists.

Adds civil penalties to existing criminal penalties for violations of the regulatory provisions concerning the bee industry.

Changes the membership of the beekeeping industry advisory committee. Replaces the member from the department of agriculture with a beekeeper at large. Deletes the provision authorizing reimbursements to committee members for travel and subsistence expenses.

APPROVED by Governor April 3 EFFECTIVE April 3

S.B. 90-135 Animal protection - restrictions on providing pet animals to research facilities. Prohibits an animal shelter or pound from selling, giving, lending, or in any other manner providing a dog or cat to a research facility for purposes of experimentation without having cared for the animal for a minimum of 2 weeks, during which time such dogs and cats shall be available for adoption while the pound or shelter attempts to establish the identity of the owner of such animal. Prohibits the isolation, without opportunity for adoption, of healthy,

amiable dogs and cats for research animal buyers, a practice known as "red tagging". Requires that the owner of a dog or cat given to a pound or shelter sign a written release allowing such pet to be given or sold for experimentation purposes. Makes a violation of these provisions a class 1 misdemeanor.

APPROVED by Governor April 16 EFFECTIVE July 1

H.B. 90-1001 Pesticide applicators - regulation of - appropriations. Repeals and reenacts the "Pesticide Applicators' Act". Grants authority to the commissioner of agriculture to regulate pesticide application and use of devices by commercial applicators and by certain limited commercial and public applicators. Specifies certain individuals who may supervise, evaluate, and use pesticides or devices and who are not subject to the provisions of the act.

Requires commercial applicators to possess a business license issued by the commissioner of agriculture. Lists requisites for such licensure including the obtainment of liability insurance coverage, the employment or securement of services of a qualified supervisor, the provision of verifiable training to technicians, and the identification of pesticide application equipment. Requires any limited commercial applicator or any public applicator which applies restricted use pesticide or which requests that it be subject to the provisions of the act to employ or secure the services of a qualified supervisor, to provide verifiable training to all its technicians, and to register with the commissioner if the commissioner so requests. Requires all applicators to maintain certain records.

Requires the commissioner to establish a registry of pesticide-sensitive persons and requires commercial, limited commercial, and public applicators to take reasonable actions to notify such persons prior to undertaking any pesticide application on property abutting the property where any registered pesticide-sensitive person resides. Requires commercial, limited commercial, and public applicators to post standardized notification signs at the time of a pesticide application in any turf, ornamental, or aquatic category. Prohibits any county, city and county, or municipality from imposing any notification requirements upon commercial applicators which are more stringent than those imposed by this act, except that such entities retain the authority to impose any notification requirements upon private individuals, property owners, and the general public.

Requires qualified supervisors and certified applicators to be licensed by the commissioner and establishes examination and other licensing procedures.

Specifies certain actions which are unlawful under the act. Provides an exception from civil liability for commercial applicators who depart from generally accepted standards for pesticide application when certain conditions are met. Makes certain violations of the act deceptive trade practices. Establishes civil and criminal penalties for violations of the act.

Authorizes the commissioner to administer and enforce the act and to adopt all reasonable rules and regulations necessary to do so. Specifies that such rules and regulations must be promulgated by the commissioner no later than December 31, 1991. Authorizes the commissioner to establish examination and competency requirements; to make any inspections and investigations necessary to insure compliance with the act; to issue cease and desist orders; and to seek injunctive relief for violations of the act. Authorizes the commissioner to take disciplinary actions against any licensee for specified actions or violations of the act.

Specifies that an advisory committee composed of 11 persons be appointed by the state agricultural commission to assist the commissioner in promulgating rules and regulations to carry out the provisions of the act. Terminates the advisory committee on July 1, 1996. Provides for review by the sunrise and sunset review committee prior to such date.

Creates the commercial pesticide applicator fund and specifies that all fees and civil fines collected pursuant to the act shall be credited to the fund.

Repeals the "Pesticide Applicators' Act" and the licensing function of the commissioner on July 1, 1996. Provides for review by the sunrise and sunset review committee prior to such date.

Appropriates $252,962 and 2.0 FTE from the commercial pesticide applicator fund to the department of agriculture for allocation to the division of plant industry. Of said sum, appropriates $18,639 and 0.3 FTE to the department of law for the implementation of the act.

APPROVED by Governor May 31 EFFECTIVE May 31

H.B. 90-1175 Undesirable plants including weeds - management. Creates the "Colorado Weed Management Act" in order to empower local governing bodies to manage specified undesirable plants. Imposes a duty on all persons to use integrated methods to manage undesirable plants where a threat exists to neighboring landowners. Authorizes cooperative agreements between all public entities for the purpose of integrated management of undesirable plants.

Requires the board of county commissioners of each county and the governing body of each municipality in the state to adopt undesirable plant management plans. Requires the governing body of each county and municipality to appoint advisory commissions for each jurisdiction. Designates certain plant species as undesirable plants which must be managed under the provisions of this act. Permits entry on private and public lands, under certain circumstances, for the purposes of inspecting for the existence of weed infestations and provides an inspection warrant procedure for use when a landowner denies access for inspection. Where infestation is found, requires landowners or occupiers or the state entity which controls or supervises the land to either comply with a management plan presented them by the local

governing body, submit their own plan, or bring the issue to arbitration. Establishes arbitration procedures.

Permits local governing bodies to control the undesirable plants if the landowner or occupier or the state entity which controls or supervises the land fails to do so. For private land, permits all associated costs to be assessed against the land as a lien if the local governing body has first applied the same or greater control methods to any adjacent land it controls and has successfully achieved the level of control required on the land it controls. For public lands, sanctions the noncompliance of state entities by permitting the local governing body with jurisdiction to manage the weeds and to charge the state entity for the costs of doing so. Provides that such costs shall be treated by the state controller as an encumbrance on the budget of such state entity.

Charges all public entities with managing weeds on all public roads, highways, rights of way, and easements within their jurisdiction.

Permits local governing bodies to declare plants or infested places or things a nuisance and applies the laws for public nuisance to these places and things.

Mandates review of compliance on federal land by the legislative council and requires the council to report its findings to the general assembly on or before January 15, 1994.

Permits pest control districts created under existing law to be dissolved when the county commissioners request a vote on the issue of dissolution and dissolution is approved by a majority of the landowners voting on the issue. Prohibits the formation of such districts for the purposes of noxious weed control or management after July 1, 1990.

APPROVED by Governor May 7 EFFECTIVE July 1

H.B. 90-1228 Pest control - regulation of pesticides and devices - appropriations. Repeals and reenacts the "Pesticide Act". Declares that the intent of the pesticide act is to regulate pesticides and devices used for pest control and to assure the accurate dissemination of information regarding their proper uses. Exempts certain persons and products from the provisions of the act. Specifies that exclusive jurisdiction over the distribution and sale of pesticides and devices is vested in the department of agriculture. Requires that every pesticide or device subject to the act and distributed in the state be registered with the commissioner of agriculture. Specifies that applicants for registration or renewal of registration must file required information with the commissioner and pay certain fees. Directs the commissioner to review such applications with respect to certain criteria and permits him to restrict or limit the use of any pesticide or device. Authorizes the commissioner to register the pesticide or device and, under certain conditions, to cancel or suspend said registration after notice and hearing. Provides requirements and guidelines for maintaining confidentiality of information required to be disclosed to the department under the act.

Effective on January 1, 1992, requires any person who acts as a pesticide dealer to possess a pesticide dealer license issued by the commissioner. Specifies the procedure to apply for and renew such a license. Requires certain records to be kept by such a dealer.

Specifies certain powers and duties of the commissioner including, but not limited to, the adoption of rules and regulations related to the identification of pests and highly toxic pesticides, the adoption of certain lists of restricted or limited use pesticides, the establishment of standards for the handling, transportation, storage, labeling, display, distribution, and disposal of pesticides and their containers, and the determination of fees.

Specifies certain actions which are unlawful under the act. Grants the commissioner certain powers to enforce the act including the authority to conduct investigations and hearings, to issue cease and desist orders, to seek restraining orders or injunctive relief, to take disciplinary action against licensees, and to deny, refuse to renew, suspend, or revoke any pesticide or device registration. Authorizes the commissioner to embargo certain pesticides or devices. Provides civil and criminal penalties for violations of the act.

Creates the pesticide fund to be composed of all fees and civil fines collected pursuant to the act.

Specifies duties of the advisory committee established in the "Pesticide Applicators' Act" relating to the "Pesticide Act".

Appropriates $37,934 from the pesticide fund to the department of agriculture for implementation of the act. Out of said sum, appropriates $3,900 to the department of law for legal services to the department of agriculture for purposes of the act. Appropriates $60,000 from the pesticide fund to repay a loan made to such fund from the commercial pesticide applicator fund.

APPROVED by Governor June 7 EFFECTIVE June 7

H.B. 90-1234 Animal protection - companion animals and livestock - animals used in law enforcement. Enacts the "Animal Protection Act" for the protection of companion animals and livestock. Grants the commissioner of agriculture the power to administer and enforce the provisions of the act through the promulgation of rules and regulations. Allows the commissioner to appoint agents to assist in enforcement of the act and requires such agents to complete training as specified by the commissioner. Grants such agents the power to issue summons and complaints to enforce these provisions for the prevention of cruelty to animals.

Prohibits the confinement of an animal without adequate food and water and allows peace officers, agents of the state bureau of animal protection, and licensed veterinarians to enter into any area or building, with the exception of a person's residence, where an animal is so confined in order to provide such animal with adequate food and water. Requires that notification of such

entry and care be posted in a conspicuous place on the premises. Provides that abandonment of a companion animal is assumed if the animal is not cared for within 72 hours of such notification. Prohibits the mistreatment or neglect of an animal to such a degree that the animal's life or health is endangered. Allows the commissioner of agriculture to take charge of, provide for, or remove from an area or building a mistreated or neglected animal. Requires the commissioner to petition the court for a prompt hearing to determine the fitness of the animal's owner. Prohibits any owner adjudged unfit from purchasing the animal at any sale. Sets forth procedures for notifying the animal's owner of the hearing. Provides alternative means for disposition of the animal by court order. Under certain circumstances, allows destruction of an animal. Grants the commissioner the authority to make any investigations necessary to ensure compliance with the act, including the issuance of cease and desist orders. Broadens the prohibition against causing or sponsoring a fight between dogs to encompass companion animals and livestock. Creates the animal protection fund.

To assure that animals used in law enforcement or fire prevention activities are protected from harm, makes it unlawful for a person to knowingly obstruct, impair, or hinder such an animal.

APPROVED by Governor April 10 EFFECTIVE July 1

AIRCRAFT AND AIRPORTS

H.B. 90-1192 Crime of operating an aircraft under the influence of alcohol or drugs. Creates the crime of operating an aircraft under the influence of alcohol or drugs. Establishes procedures and penalties which conform to those for driving a motor vehicle under the influence of alcohol or drugs. Specifies that it will be presumed that a person was under the influence of alcohol if, at the time of the offense or within a reasonable time thereafter, there was 0.04 or more grams of alcohol per 100 milliliters of blood or per 210 liters of breath. Requires any person who operates an aircraft anywhere in this state to take and complete and to cooperate in the taking and completing of any test of his or her breath, blood, saliva, or urine when so requested by a law enforcement officer having a probable cause to believe that the person was operating an aircraft under the influence of alcohol or drugs.

APPROVED by Governor May 4 EFFECTIVE July 1

APPROPRIATIONS AND STATE FISCAL MATTERS

S.B. 90-22 Capital construction fund - extension of transfers from general fund. Extends through July 1, 1995, the period during which funds are transferred annually from the general fund to the capital construction fund and specifies the amounts to be transferred during such extended period.

APPROVED by Governor April 3 EFFECTIVE April 3

S.B. 90-114 Capital construction - reauthorization of projects. Reauthorizes the appropriations for certain capital construction projects which were funded in the 1989-90 general appropriation act but were not under contract within 6 months of the original appropriations as required by the statutory provision regarding negotiation of consultants' contracts for state projects.

APPROVED by Governor February 15 EFFECTIVE February 15

S.B. 90-163 General fund revenues in excess of general fund appropriations and reserve - disposition. In regard to the distribution of general fund revenues which are in excess of general fund appropriations and the required reserve, for fiscal year 1989-90 and thereafter, reduces the percentage of such excess revenues which is transferred to the capital construction fund from 75% to 50% and increases the percentage which is retained in the general fund from 25% to 50%. Makes the revenues that are retained in the general fund available for appropriation during the current fiscal year, rather than during the regular legislative session in the subsequent fiscal year. Makes such appropriations subject to the 7% limitation on annual increases in general fund appropriations.

APPROVED by Governor April 3 EFFECTIVE April 3

S.B. 90-185 Supplemental appropriation - capital construction - department of higher education. Amends the 1990 supplemental appropriation for capital construction to the department of higher education to eliminate the requirement that the vocational/technical training center for Mesa state college be constructed on the south campus of Mesa state college.

APPROVED by Governor May 24 EFFECTIVE May 24

Note: Provisions of this act amend H.B. 90-1297.

H.B. 90-1119 State moneys - interest rate on loans. Changes the rate of interest on certain loans made out of moneys in the state treasury to the earnings rate calculated monthly by the state treasurer.

APPROVED by Governor April 12 EFFECTIVE July 1

H.B. 90-1256 Appropriation - department of labor and employment - repayment of federal disallowance under C.E.T.A. program. For the 1989-90 fiscal year, appropriates $590,838 to the department of labor and employment to repay the U.S. department of labor for amounts disallowed under the federal "Comprehensive Employment and Training Act".

APPROVED by Governor May 31 EFFECTIVE May 31

H.B. 90-1275 Supplemental appropriation - department of administration. Amends the 1989 general appropriation act to decrease the total appropriation to the department of administration. Deletes appropriations for state employees' short-term disability insurance and for the employee benefits unit, since funding for such purposes is moved to the department of personnel by House Bill 90-1291. Adds the definition of "centralized appropriation" to the headnotes of the general appropriation act.

Amends the 1988 general appropriation act to authorize increased general fund expenditures for utilities.

APPROVED by Governor March 9 EFFECTIVE March 9

H.B. 90-1276 Supplemental appropriation - department of agriculture. Amends the 1989 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 9 EFFECTIVE March 9

H.B. 90-1277 Supplemental appropriation - department of corrections. Amends the 1989 general appropriation act to increase the total appropriation to the department of corrections. Increases the general fund and cash funds portions of the appropriation including an increase of $11,521,854 in the general fund appropriation for out-of-state placements.

APPROVED by Governor March 9 EFFECTIVE March 9

H.B. 90-1278 Supplemental appropriation - department of education. Amends the 1989 general appropriation act to increase 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 2 EFFECTIVE March 2

H.B. 90-1279 Supplemental appropriation - office of the governor. Amends the 1989 general appropriation act to decrease the total general fund appropriation to the office of the governor by eliminating a line item appropriation for vehicle lease payments.

APPROVED by Governor March 2 EFFECTIVE March 2

H.B. 90-1280 Supplemental appropriation - department of health. Amends the 1989 general appropriation act to increase the total appropriation to the department of health. Decreases the general fund portion of the appropriation and increases the cash funds and federal funds portions.

BECAME LAW without Governor's signature March 13
EFFECTIVE March 13

H.B. 90-1281 Supplemental appropriation - department of higher education. Amends the 1989 general appropriation act to decrease the total appropriation to the department of higher education. Decreases the general fund portion of the appropriation and increases the cash funds portion.

APPROVED by Governor March 2 EFFECTIVE March 2

H.B. 90-1282 Supplemental appropriation - state department of highways. Amends the 1989 general appropriation act to increase the total federal funds portion of appropriations made to the state department of highways.

APPROVED by Governor March 5 EFFECTIVE March 5

H.B. 90-1283 Supplemental appropriation - department of institutions. Amends the 1989 general appropriation act to increase the total appropriation to the department of institutions. Decreases the general fund portion of the appropriation and increases the cash funds and federal funds portions.

APPROVED by Governor March 5 EFFECTIVE March 5

H.B. 90-1284 Supplemental appropriation - judicial department. Amends the 1989 general appropriation act to increase the total general fund and cash funds appropriations to the judicial department.

APPROVED by Governor March 2 EFFECTIVE March 2

H.B. 90-1285 Supplemental appropriation - department of labor and employment. Amends the 1989 general appropriation act to appropriate to the department of labor and employment cash funds received by such department from county departments of social services for the purpose of county contracts for JOBS. Amends the 1988 and 1989 general appropriations acts to provide general fund support for the purchase of services from the general government computer center.

APPROVED by Governor March 9 EFFECTIVE March 9

H.B. 90-1286 Supplemental appropriation - department of law. Amends the 1989 general appropriation act to increase the total appropriations made to the department of law from the general fund and from cash funds.

APPROVED by Governor March 5 EFFECTIVE March 5

H.B. 90-1287 Supplemental appropriation - legislative department. Amends the 1989 general appropriation act to decrease the general fund appropriation made to the legislative department for the property tax study.

APPROVED by Governor March 5 EFFECTIVE March 5

H.B. 90-1288 Supplemental appropriation - department of local affairs. Amends the 1989 general appropriation act to increase 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 9 EFFECTIVE March 9

H.B. 90-1289 Supplemental appropriation - department of military affairs. Amends the 1989 general appropriation act to increase the appropriations of cash funds and federal funds to the department of military affairs for Colorado aeronautical board administration.

APPROVED by Governor March 12 EFFECTIVE March 12

H.B. 90-1290 Supplemental appropriation - department of natural resources. Amends the 1989 general appropriation act to increase the total appropriation to the department of natural resources. Increases the general fund and cash funds portions of the appropriation and decreases the federal funds portion.

BECAME LAW without Governor's signature March 13
EFFECTIVE March 13

H.B. 90-1291 Supplemental appropriation - department of personnel. Amends the 1989 general appropriation act to increase the total appropriations made to the department of personnel from the general fund and from cash funds. Amends the "(M)" headnote in the 1989 general appropriation act and adds new line items relating to state employees' short-term disability insurance and the employee benefits unit, in order to conform to 1989 legislation which transferred to the department of personnel various duties relating to salaries and fringe benefits of state officials and employees.

APPROVED by Governor March 5 EFFECTIVE March 5

H.B. 90-1292 Supplemental appropriation - department of public safety. Amends the 1989 general appropriation act to increase the total cash funds appropriation to the department of public safety.

APPROVED by Governor March 9 EFFECTIVE March 9

H.B. 90-1293 Supplemental appropriation - department of regulatory agencies. Amends the 1989 general appropriation act to increase the total appropriation to the department of regulatory agencies. Decreases the general fund portion of the appropriation and increases the cash funds and federal funds portions.

APPROVED by Governor March 2 EFFECTIVE March 2

H.B. 90-1294 Supplemental appropriation - department of revenue. Amends the 1989 general appropriation act to increase the total appropriation to the department of revenue. Increases the general fund portion of the appropriation and decreases the cash funds portion.

APPROVED by Governor March 5 EFFECTIVE March 5

H.B. 90-1295 Supplemental appropriation - department of social services. Amends the 1989 general appropriation act to increase the total appropriation to the department of social services. Increases the general fund and federal funds portions of the appropriation and decreases the cash funds portion.

Amends the 1988 general appropriation act to decrease the appropriation for AFDC assistance payments and to authorize increased medicaid expenditures.

Adds a footnote requesting the department of social services to design and implement a prepaid, capitated payment system for case management services with respect to home and community-based services for the elderly, blind, and disabled.

BECAME LAW without Governor's signature March 13
EFFECTIVE March 13

H.B. 90-1296 Supplemental appropriation - department of the treasury. Amends the 1989 general appropriation act to increase the total appropriation to the department of the treasury. Decreases the general fund portion of the appropriation and increases the cash funds portion.

APPROVED by Governor March 5 EFFECTIVE March 5

H.B. 90-1297 Supplemental appropriation - capital construction. Amends the 1989 general appropriation act to increase the total appropriations for capital construction from the capital construction fund, cash funds, and federal funds. Includes in the increased appropriations $44,228,704 that was retained in the general fund at the end of the 1988-89 fiscal year and transferred to the capital construction fund in accordance with the statutory provisions imposing an annual 7% limitation on increases in general fund appropriations.

APPROVED by Governor March 2 EFFECTIVE March 2

Note: Provisions of this act are amended by S.B. 90-185

H.B. 90-1312 Supplemental appropriation - department of institutions. Amends specified special purpose appropriations made to the executive director of the department of institutions in the 1989 general appropriation act by reducing the total amount of moneys appropriated from the general fund and by increasing cash fund appropriations by an equal amount. Makes adjustments in the designation of the sources of cash fund appropriations made to the executive director for special purposes and to the division for developmental disabilities.

APPROVED by Governor May 1 EFFECTIVE May 1

H.B. 90-1317 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, 1990. Sets the grand total of the operating budget at $5,045,715,292, of which $2,596,818,130 is from the general fund, $1,333,844,747 is from cash funds, and $1,115,052,415 is from federal funds.

Appropriates $86,130,278 for capital construction, of which $43,056,254 is from the capital construction fund, $17,832,046 is from cash funds, and $25,241,978 is from federal funds.

Amends the 1989 general appropriation act to increase the general operating appropriations made to the department of administration, the department of institutions, the legislative department, and the department of social services and to decrease capital construction appropriations made to the department of higher education and the department of institutions.

APPROVED by Governor June 8 EFFECTIVE June 8

H.B. 90-1329 Appropriation - legislative department. Appropriates $17,263,952, including $95,000 in cash funds, to the legislative department for its expenses during the 1990-91 fiscal year. Amends the legislative department appropriation for the 1989-90 fiscal year to reduce appropriations in order to provide $600,000 for specified capital construction projects.

APPROVED by Governor June 8 EFFECTIVE June 8

H.B. 90-1330 Satisfaction of judgment against department of institutions. Appropriates $50,391 to the department of institutions, out of cash funds received from the department of social services, for the payment of a judgment in favor of Joseph Fiebig and against the department of institutions.

APPROVED by Governor May 24 EFFECTIVE May 24

H.B. 90-1331 Satisfaction of judgment against department of institutions. Appropriates $58,190 to the department of institutions, out of cash funds received from the department of social services, for the payment of a judgment in favor of Rosetta Lincoln, Willie Mae Wilson, and Hattie Lewis and against the department of institutions and the state personnel board.

APPROVED by Governor May 24 EFFECTIVE May 24

CHILDREN AND DOMESTIC MATTERS

S.B. 90-61 Confidentiality of records under the "Colorado Children's Code". Declares the intent of the general assembly that the media and courts refrain from disseminating or publishing the names of juvenile victims of certain crimes.

Relocates the confidentiality provisions of the "Colorado Children's Code" concerning juveniles, child abuse or neglect, dependency, paternity, relinquishment, and adoption into the same article of said code. Changes the confidentiality provisions concerning juvenile offenders to allow law enforcement agencies greater access to juvenile records. Permits the release of court records concerning juvenile delinquents to local law enforcement agencies. Permits specific information in probation officers' records, including basic identification information, details of the offense and delinquent acts charged, convictions or plea agreements, restitution information, juvenile records, and sentencing information, to be released to certain law enforcement officers. Requires the department of institutions to notify and release identification information to local law enforcement agencies and the Colorado bureau of investigation when a juvenile is released, escapes, or is placed under parole supervision. Allows juvenile community review boards to reveal basic identification information about juveniles being considered for placement to local law enforcement agencies and the Colorado bureau of investigation.

APPROVED by Governor April 3 EFFECTIVE July 1

S.B. 90-98 Incarceration of juveniles - jails - restrictions. Prohibits incarceration of juveniles in a jail unless they are being held for criminal proceedings as adults or the court has determined that the juvenile is an escape risk or is a danger to detention center personnel or other detainees. States that any juvenile who is incarcerated in a jail must be separated by sight and sound from adult offenders. Mandates that a juvenile who is arrested for a traffic or vehicle violation or a municipal ordinance violation and not released on bond shall be detained in a jail only for 6 hours or overnight for processing only. Prohibits incarceration of juveniles in a jail for violations of the school attendance law.

Grants immunity from civil or criminal liability to a law enforcement officer, employee of the department of institutions, or person acting under the court's direction who in good faith transports, releases from custody, or detains a juvenile pursuant to written criteria or written policy.

Removes the authority of a municipal judge to order confinement of a juvenile to a jail for municipal ordinance violations. Directs that the provisions in the children's code specifying a common assessment instrument and guidelines for evaluating juveniles taken into temporary custody are not applicable to juveniles ordered confined by a municipal judge.

APPROVED by Governor April 20 EFFECTIVE April 20

H.B. 90-1093 Dependent and neglected children - temporary custody - inadmissibility of evidence. Provides that a dependent and neglected child who is removed from his or her home shall be placed in a shelter facility or a temporary holding facility not operated by the department of institutions and shall not be placed in a detention facility unless he requires physical restraint, in which case a hearing to determine further custody shall be held within 24 hours including weekends and holidays. Requires that a hearing otherwise be held within 48 hours excluding weekends and holidays; except that, when temporary protective custody of a child is placed with a county department of social services, then the hearing shall be held within 72 hours excluding weekends and holidays. Provides that admissions made for purposes of dependency and neglect adjudications shall not be admissible as evidence in any criminal case without the respondent's consent. Relocates certain provisions within the "Colorado Children's Code" relating to protective temporary custody and termination of the parent-child legal relationship. Repeals a provision in the child abuse statute concerning the furnishing to the juvenile court by the department of social services, upon request of the district attorney, of records and information relating to a child who is a victim of an alleged crime.

BECAME LAW without Governor's signature April 3
EFFECTIVE April 3

H.B. 90-1100 Juvenile delinquent sentencing - parental responsibility training programs. In addition to any sentence imposed upon a juvenile delinquent, authorizes the court to require that the parent, guardian, or legal custodian of the juvenile or juvenile delinquent attend a parental responsibility training program. Directs the state department of social services, after consultation with the state departments of institutions and public safety and the judicial department, to establish standards and guidelines for such parental responsibility training programs. Requires certain areas of instruction in such programs. Authorizes the chief judge in each judicial district to appoint a local board to certify and monitor parental responsibility training programs. Describes the membership of and sets forth the duties of such board, including certification of such training programs, receiving complaints and grievances, confidentiality requirements, and immunity from liability. Requires the chairperson of the board to report to the general assembly prior to January 1, 1991. Requires persons sentenced to the training program to pay a fee, not to exceed $250, for the program's cost.

APPROVED by Governor April 18 EFFECTIVE July 1

H.B. 90-1125 Visitation rights for noncustodial parents - commission of crimes involving domestic violence as a reason for denial - hearings - attorney fees. Includes any crime, the factual basis of which includes an act of domestic violence, among those crimes which constitute grounds for a court acting in a dissolution of marriage case to suspend the visitation rights of a noncustodial parent who has been convicted of such a crime. Permits the court to order the noncustodial parent to pay attorney fees for the custodial parent if a hearing is held regarding suspension of visitation rights due to a conviction of the noncustodial parent of any of the specified crimes.

APPROVED by Governor March 16 EFFECTIVE March 16

H.B. 90-1133 Unlawful behavior involving children - child abuse or neglect reporting - temporary custody hearings - sexual assault by one in a position of trust - inquiries concerning prospective school district personnel. Makes changes in the child abuse and neglect reporting requirements including the following: Makes it a class 3 misdemeanor for a person to knowingly make a false report of abuse or neglect; requires a joint investigation of the child abuse or neglect report by the county department of social services and a law enforcement agency, when possible and appropriate, and also provides for the notification of the superintendent of a school district if the suspected perpetrator was acting in his or her official capacity as an employee of the school district; allows the department of education to request information from the central registry under limited circumstances; specifies that privileged communication shall not apply to any discussion of any future misconduct or of any other past misconduct which could be the basis for a report of abuse or neglect and that privileged communication between husband and wife shall not be grounds for excluding evidence in any judicial proceeding resulting from a report of abuse or neglect. Clarifies that a temporary custody hearing need not be held if a hearing has been previously held.

Requires the court to report to the department of education any person who is convicted, pleads nolo contendere, or receives a deferred sentence for specified crimes involving a child, when the court knows the person is a current or former employee of a school district in this state or holds a teaching certificate or letter of authorization. Makes such convictions, pleas, or sentencing grounds for the denial, annulment, suspension, or revocation of a teacher's certificate or letter of authorization and grounds for immediate dismissal by the employing school district.

Amends the definition of "one in a position of trust" to include a guardian or other person with general supervision of a child. Establishes a separate offense for sexual assault on a child by one in a position of trust. Provides that the victim of such assault may be a child up to the age of 18 thereby including children between the ages of 15 and 18 who were not previously covered by the provision concerning such assault.

Requires the department of education to provide information to school districts which make inquiries concerning prospective employees. Requires the board of education of a school district, prior to employing a person, to make an inquiry of the department of education to determine whether the department has information which shows that such person has committed unlawful behavior involving children. Requires a board of education to make inquiries of previous employers and provides limited liability to both the school district and the previous employer concerning the information provided. Requires the board of education of a school district to notify the department when a person is dismissed or resigns as a result of an allegation of unlawful behavior involving a child which is based upon credible evidence. Establishes confidentiality requirements and penalties for violations thereof.

Provides that an act of a teacher or other employee of a school district which was performed in good faith and in compliance with the district's discipline code or was an appropriate expression of affection shall not be considered child abuse.

APPROVED by Governor May 14 EFFECTIVE July 1

H.B. 90-1254 Support obligations - establishment and enforcement - appropriation. Makes the following changes to the "Revised Uniform Reciprocal Enforcement of Support Act": Defines "delegate child support enforcement unit" to include contractual agents and allows duties of support under URESA to be modified; expands venue in URESA cases; clarifies that the prosecuting attorney in a IV-D case represents the people of the state of Colorado and not the obligee; extends the time period for establishing paternity under URESA from prior to the child's eighteenth birthday to prior to the child's twenty-first birthday.

Clarifies that the filing of an entry of appearance is by the attorney for the county department of social services in any proceeding for dissolution or legal separation in order to establish and enforce child support for children receiving child support enforcement services. Makes the department a third-party intervenor upon such filing.

Restores to the child support guidelines a former provision which states that a parent is not deemed "underemployed" as long as he is gainfully employed on a full-time basis. Allows for admissibility of wage data from the department of labor and employment for purposes of determining income under the child support guidelines. Adds an adjustment under the guidelines to account for duplicated expenses if a child's expenses for higher education include room and board. Requires a commission to be appointed by the governor to periodically review the child support guidelines. Directs that the commission also study these issues: Prohibiting or limiting an increase in the basic child support obligation of a noncustodial parent based solely on an increase in the custodial parent's income; and ordering the

parents of minor mothers or fathers to support the grandchildren and recovering public assistance payments made on behalf of such grandchildren from the parents of minor mothers or fathers.

Provides that a verified entry of judgment may be used to enforce a judgment for debt, but is not required to be signed by an attorney. Allows for admissibility of a computer printout of a record of payment from the state department as proof of evidence of AFDC payments in an action to establish child support debt.

Conforms the date for phasing out wage assignments in non-IV-D cases with the date specified in the immediate wage withholding statute. Clarifies that the immediate wage withholding statute applies to actions brought under the "Revised Uniform Reciprocal Enforcement of Support Act".

Makes the statute authorizing the state department of social services to provide child support enforcement services conform to federal laws requiring the provision of such services to certain persons receiving medicaid-only and foster care without application or fee. Eliminates the residency requirement to apply for such services. Requires administrative review and judicial review of all IV-D orders every two and one-half years.

Amends the "Colorado Administrative Procedure Act for the Establishment and Enforcement of Child Support" as follows: Defines district court and redefines costs of collection; clarifies when a default order may be issued; decreases the time period from 20 to 10 days for service of the notice of financial responsibility; specifies requirements for service of notices; provides that a complaint is not required to be filed to initiate court action if a stipulation is not obtained at the negotiation conference or if the obligor requests a court hearing; and requires in contested paternity cases that a hearing be held within one year after notice in order to meet federal requirements of expedited process.

Allows family court referees to conduct hearings upon motions without first obtaining the consent of both parties to have the issue heard by a referee. Exempts delegate child support enforcement units from paying court filing fees in cases for establishing or enforcing child support under URESA. Requires the furnishing of social security numbers of parents to the state registrar of vital statistics at the time of collection of information for the child's birth certificate. Repeals an unnecessary statute requiring intrastate application between counties that can be accomplished under a rule of the department.

Appropriates $8,520 to the department of social services for expenses of the child support commission, of which $2,897 shall be from the general fund and $5,623 shall be from federal funds.

APPROVED by Governor June 7

PORTIONS EFFECTIVE:
June 7
July 1

CONSUMER AND COMMERCIAL TRANSACTIONS

S.B. 90-123 Credit services organizations - prohibited conduct - surety bonds - disclosures. Enacts the "Colorado Credit Services Organization Act". Defines prohibited conduct for credit services organizations. Sets forth the conditions under which a credit services organization is required to obtain a surety bond. Requires certain written disclosures to a buyer of the services of such an organization. Requires that contracts between credit services organizations and buyers be in writing and be accompanied by a specific form explaining a buyer's cancellation rights. Sets forth provisions required to be incorporated into such contracts. Voids any waiver of any provision of the act.

Imposes criminal and civil penalties for violations of any provision of the act or for aiding or assisting in such violations. Provides criminal and civil enforcement authority to state and local officials. Permits funds in the uniform consumer credit code cash fund to be used to enforce this act. Creates a private right of action for buyers injured by a violation of the act. Specifies that all remedies contained in the act are cumulative.

Increases the volume fee for sellers, lessors, lenders, or assignees required to file notification under the "Uniform Consumer Credit Code" from $10 to $12 for each $100,000, in excess of $100,000, of unpaid balances held by such persons.

APPROVED by Governor May 16 EFFECTIVE July 1

H.B. 90-1005 Collection agencies - regulation of - licensure and registration - notices - harassment. Amends the "Colorado Fair Debt Collection Practices Act". Expands the definition of collection agency to include a firm, corporation, or partnership. Specifies that the act does not apply to attorneys-at-law unless they are regularly engaged in collection of consumer debts prior to the filing of lawsuits to collect such debts. Specifies that employees of attorneys-at-law must be registered as debt collectors or solicitors if they are employed regularly for that purpose.

Establishes new requirements for communications made in connection with debt collection and the validation of debts, including requirements for certain written notices to consumers.

Clarifies that firms, corporations, and partnerships may be subject to penalties for furnishing deceptive forms.

Imposes civil liability upon any debt collector or collection agency which harasses the employer or family of a debtor.

Makes it unlawful for a person to act as a collections manager unless he or she is registered as a debt collector.

Authorizes the governor to remove a member of the collection agency board for misconduct, neglect of duty, or incompetence.

Authorizes the executive director to develop and administer examinations, to approve or deny any application, and to issue licenses and certificates of registration. Requires that any complaint received by the executive director regarding attorneys shall be forwarded to the supreme court grievance committee.

Changes and recodifies requirements for licensure or renewal of licensure as a collections agency. Modifies the requirements for notifying the executive director or applying for a new license after certain changes are made by the licensee in the ownership or operation of the licensee's business. Changes and recodifies the duties of a collection agency. Modifies requirements for the bond required to be filed for licensure as a collection agency.

Requires any person acting as a debt collector, collections manager, or solicitor to possess an appropriate certificate of registration. Lists application requirements for such certificates. Recodifies the acts specified as unlawful under the act and modifies the criminal penalties for such acts. Authorizes the board to receive written complaints about any person, firm, corporation, or partnership concerning compliance with such act; to conduct investigations and disciplinary proceedings; and to issue letters of admonition, place a licensee or registrant on probation, and impose administrative fines. Provides jurisdiction in the court of appeals to review all final actions and orders of the collection agency board subject to judicial review. Provides good faith immunity to board members, expert witnesses, and consultants when they perform any duties in any proceedings authorized under the act, and to complainants who file complaints under the act.

Terminates the board on July 1, 2000. Provides for review by the sunrise and sunset review committee prior to said repeal date.

APPROVED by Governor May 7 EFFECTIVE July 1

H.B. 1039 Retention of records as required by law or regulation - time period. Permits records of persons, partnerships, corporations, and government entities which are created or kept as required by law or regulation to be destroyed after 3 years from creation, unless such law or regulation establishes a specific retention period or destruction procedure. Allows reproductions to be retained in lieu of originals.

APPROVED by Governor February 28 EFFECTIVE July 1

H.B. 90-1090 Consumer protection - buyers' clubs - health clubs - telephone solicitations - professional accreditation - loan finders. Makes it a deceptive trade practice for any buyers' club to fail: To allow a purchaser of any membership contract for which the price equals or exceeds $100 to rescind any such contract at any time prior to the close of business on the next business day following the day the purchaser signs the

contract; to provide for mandatory disclosures concerning cancellation in such contracts; and to refund all payments made on any such contract within 15 days after the buyers' club receives notice of cancellation from the purchaser.

Clarifies that it is a deceptive trade practice for any person to sell any membership contract in a health club where the actual or financial duration of such contract, including any options to renew, is longer than 24 months.

Defines "telephone solicitation" and makes it a deceptive trade practice for any person, in the course of a business, vocation, or occupation, to agree to any contract during any telephone solicitation which fails to allow the purchaser to rescind said contract within the next business day after the purchaser agrees to the contract. Limits the right of cancellation for goods and services delivered within 3 days of the agreement of said contract.

Makes it an unfair trade practice for any person to claim, either orally or in writing, to possess either an academic degree or an honorary degree or the title or appelations associated with said degree unless the person has been awarded such a degree from an institution meeting certain standards.

Prohibits a loan finder from charging or collecting any fee from a borrower until a borrower actually receives the agreed-upon loan. Clarifies that a borrower may pay for a credit check or an appraisal of security for a loan prior to such loan being granted. Provides that violation of such provisions constitutes a class 1 misdemeanor and a class 1 public nuisance.

APPROVED by Governor April 16 EFFECTIVE July 1

H.B. 90-1179 Commercial code - funds transfers between commercial entities. Enacts the provisions of article 4A of the "Uniform Commercial Code - Funds Transfers" as article 4.5 of title 4 of the Colorado Revised Statutes in order to govern transfers of large sums of money between commercial entities, generally by electronic means through the banking system. Excludes consumer transactions. Specifies that rules of the federal reserve system and circulars of the federal reserve banks supersede this article. Specifies the actions necessary to complete such transfers. Establishes which banks are liable if something goes wrong with an ordered payment.

APPROVED by Governor April 12 EFFECTIVE January 1, 1991

H.B. 90-1206 Commercial code - purchase money security interest - filing of financing statement - time limit. Extends the time period for creditors to file financing statements to perfect purchase money security interests in collateral from 10 to 20 days.

Applies to all purchase money security interests arising on or after July 1, 1990.

APPROVED by Governor March 22 EFFECTIVE July 1

H.B. 90-1243 Rental purchase agreements - disclosures to consumers. Enacts the "Colorado Rental Purchase Agreement Act" in order to provide for disclosures to consumers who enter into rental purchase agreements and to protect consumers against unfair practices by some rental purchase dealers. Requires certain disclosures to be made before a rental purchase agreement is consummated and specifies how such disclosures are to be set forth in the rental purchase agreement.

Requires the lessor to provide an exact copy of the agreement to the lessee before any payment is due. Specifies that the lessor shall furnish the lessee with a written receipt for each payment made in cash or by any other method of payment that does not otherwise provide evidence of payment.

Allows the lessee to acquire ownership of the leased property at any time after the first lease payment is made under the terms specified in the rental purchase agreement.

Prohibits a rental purchase agreement from containing any requirement for an assignment of earnings, an authorization to confess judgment, certain waivers, unlawful entry upon property, or prejudgment garnishment of wages. Prohibits balloon payments and charges for any of the following: A purchase of insurance from lessor; a penalty for early termination of agreement or for return of an item; or a payment by a co-signor for any fees or charges which could not be imposed upon the lessee. Specifies, however, certain additional charges which may be the subject of contract between the parties including liability damage waivers.

Specifies the terms under which a lessee and lessor may reinstate a rental purchase agreement and specifies what may be charged for a reinstatement fee.

Places limitations on the lessor's remedies. Specifies the circumstances under which a lessee may assert a claim or defense against an assignee of the lessor and under which a lessee may continue to make payments to said lessor when an assignment is made.

Establishes certain requirements for advertisements for rental purchase agreements.

Provides for enforcement of these provisions by the administrator of the "Uniform Consumer Credit Code" and specifies the powers of such administrator, including the right to examine certain books and records and to compel testimony. Specifies that the administrator shall not make public the name or identity of a person whose acts or conduct are being investigated under these provisions except in certain cases. Allows the administrator to accept an assurance of discontinuance of conduct. Requires lessors to file notification with the administrator after soliciting or entering into a rental purchase agreement and to pay certain fees to the administrator at the time of such filing.

Provides that all fees collected under the act shall be deposited to the credit of the uniform consumer credit code cash fund.

Provides that any person who willfully and intentionally violates any of these provisions is guilty of a misdemeanor and subject to a fine not to exceed $500 and that an intentional

violation of the act is a deceptive trade practice. Provides remedies for lessees for violations of these provisions by lessors and in cases where a court finds the rental purchase agreement to be unconscionable. Allows clerical errors to be corrected. Provides a statute of limitations which bars actions by a lessee brought more than 3 years after the lessee know or should have known of a violation.

APPROVED by Governor April 20 EFFECTIVE April 20

H.B. 90-1247 Revolving credit accounts - revolving loans - contract for delinquency charges. Permits parties to a revolving loan account agreement or to a revolving charge account agreement to contract for a delinquency charge to be applied to late payments. Limits the amount of such charge to the lesser of either 5% of the unpaid installment or $5 and restricts the collection of such charge to once per payment regardless of the time period the payment is in default. Prohibits the assessment of credit service charges on such delinquency charges for revolving charge accounts.

Permits parties to a revolving loan agreement secured by an interest in land to contract for a delinquency charge in an amount not exceeding 5% of the unpaid installment. Prohibits the assessment of finance charges on any such delinquency charge.

VETOED by Governor April 30

S.B. 90-74 Limited liability companies - domestic - foreign - regulation of. Enacts the "Colorado Limited Liability Company Act". Authorizes a limited liability company to conduct any business that a partnership with limited partners may lawfully conduct. Enumerates powers of a limited liability company. Provides for the liability of persons who assume to act as a limited liability company without the authority to do so.

Requires that the words "limited liability company" be in the name of every limited liability company and that the name comply with certain restrictions. Allows reservation of the exclusive use of a name.

Provides that one or more natural persons over 18 years of age may organize a limited liability company by executing and delivering articles of organization to the secretary of state. Requires that such company have 2 or more members at the time of its formation.

Establishes that a limited liability company is formed either upon the filing of articles of organization with the secretary of state or at a later date as specified in such articles. Specifies that the secretary of state may disapprove and decline to file such articles and that the organizers may appeal that decision to the Denver district court.

Requires limited liability companies: To appoint and maintain a registered agent for service of process; to notify the secretary of state of any change in the name or address of such registered agent; and to file certain company reports with the secretary of state. Provides penalties for failure to file any such reports, including suspension of operation, and establishes a procedure to reinstate any such company which has been suspended but not dissolved. Sets forth the procedure for service of process upon a limited liability company.

Vests the management of a limited liability company in a manager or managers. Provides for the election, classification, and removal of such managers. Specifies the manner in which managers are to perform their duties, the types of information upon which they can rely, and the extent of their authority. Provides that property of the limited liability company shall be held and owned and conveyance made in the limited liability company name. Permits a member or manager of such company to transact business with the company subject to certain other obligations. Allows a limited liability company to indemnify its managers, employees, and agents under certain circumstances and requires the indemnification of a manager of such company if he or she successfully defends in any proceeding.

Specifies forms of contribution. Obligates members to perform any enforceable promise for a contribution and, under certain circumstances, contribute cash equal to the value of an unpaid contribution. States that the obligation of a member to make a contribution or to return certain things of value may be compromised only by written consent of all the members; except that a creditor who acts in reliance upon the original obligation

may continue to enforce it. Specifies that the sharing of profits and losses and the allocation of distributions shall be as set forth either in the operating agreement or on the basis of the value contributed by each member.

Entitles a member to receive distributions from a limited liability company upon the happening of certain events. Allows a member to resign from such company subject to certain conditions and specifies that a resigning member is entitled to receive distributions within a reasonable time after such resignation. Specifies that a member may not demand or, except under certain circumstances, be compelled to accept a distribution in any form other than cash and that a member may not receive a distribution if, after giving effect to such distribution, certain liabilities of the company would exceed the fair market value of its assets.

Permits new members to be admitted to an existing limited liability company upon the written consent of all members. Describes the interest of the member as personal property subject to some transfer restrictions. Subjects certain assignees of such interest to all the restrictions and liabilities of the assignor but clarifies that such assignment does not release the assigning member from his or her liability for contributions. Specifies that certain judgment creditors have only the rights of an assignee of such membership interest. Specifies that a legal representative of a member who is an individual or a legal entity may exercise that member's rights for certain purposes. Provides that members and managers of a limited liability company are not liable under a judgment, decree, or order of a court, or in any other manner, for a debt, obligation, or liability of such company.

Provides for the establishment of the voting rights of members or group of members. Specifies certain meetings which must be held. Requires written notice to members of certain meetings but provides that such notice may be waived. States that members may take action which would normally be taken at a member's meeting by written consent. Provides members the right to obtain information and accounting subject to standards of reasonableness.

Specifies the events which shall require the dissolution of a limited liability company. Establishes filing requirements and the effect of such filing on such company. Sets forth the manner in which assets of the company are to be distributed upon dissolution to creditors, members, and former members. Requires any limited liability company seeking dissolution to meet certain obligations and to file articles of dissolution with the secretary of state. States that, upon such filing, the existence of the company shall cease, except for certain limited purposes. Authorizes the managers at the time of dissolution, or those which remain, to act as trustees for the members and creditors of the dissolved company.

Specifies that a limited liability company may be involuntarily dissolved upon the occurrence of certain events and that the district court may liquidate the assets and business of such a company. Authorizes the secretary of state to certify to the attorney general the name of any such company

subject to dissolution for action by the attorney general but specifies that, in certain cases, the company may bring itself into compliance and avoid such action. Specifies procedures and conditions relating to the legal prosecution of such actions.

Establishes that, subject to the constitution of this state, a foreign limited liability company shall be governed by the laws of the state under which it is organized and that it may not be denied the certificate of authority required to transact business in this state by reason of any difference in the laws of that state and this state. Permits a foreign limited liability company to register its company name under certain circumstances. Specifies the manner in which such company shall apply for a certificate of authority. Imposes certain requirements upon a foreign limited liability company authorized to transact business in this state.

Authorizes the revocation of the certificate of authority of a foreign limited liability company upon the occurrence of certain events. Permits any foreign limited liability company authorized to transact business in this state to withdraw upon procuring a certificate of withdrawal. Prohibits a foreign limited liability company which is transacting business in this state from maintaining any action, suit, or proceeding until it obtains a certificate of authority but a failure to obtain such certificate does not impair the validity of any contract or act of such company nor preclude it from defending any action, suit, or proceeding. Establishes civil penalties for such company and certain of its managers, members, or agents who participate in transacting business in this state without first obtaining such certificate. Authorizes the attorney general to bring actions to restrain such companies. Establishes procedures for service of process upon a foreign limited liability company.

Provides that any domestic limited liability company or any foreign limited liability company treated as a partnership for federal income tax purposes shall be treated the same as a partnership for purposes of state income taxation and that its members shall be liable for such income tax and alternative minimum income tax only in their separate or individual capacities.

APPROVED by Governor April 18 EFFECTIVE April 18

H.B. 90-1122 Redomestication as a domestic insurer - transfer of domicile of domestic insurer to another state - filing of corporate reports - registration of business trade names. Establishes procedures under the "Colorado Corporation Code" for a foreign or alien insurance company to redomesticate with Colorado as its place of domicile. Establishes procedures for a domestic insurance company to change its domicile from Colorado to any other state in which it is authorized to do business. Authorizes the secretary of state to charge fees for filing articles of redomestication for insurance companies which have transferred their domiciles pursuant to the laws of this state.

Eliminates the March 31 deadline for the mailing of corporate report forms by the secretary of state each year. Eliminates the requirement that corporate reports be filed with the secretary of state between January 1 and May 1 of each biennium. Requires that such reports be filed no later than the end of the second month following the mailing of the report form by the secretary of state.

Eliminates the requirement that corporations and limited partnerships operating under trade names be registered with the department of revenue, but retains the requirements that such corporations and limited partnerships register with the secretary of state and that all other types of businesses operating under a trade name register with the department of revenue.

APPROVED by Governor March 16 EFFECTIVE July 1

H.B. 90-1145 Nonprofit corporations - domestic and foreign corporations. Clarifies the distinction between the two types of corporations as set forth in the "Colorado Corporation Code" by inserting the term "nonprofit" before the term "corporation" where appropriate. Adds the words "foreign nonprofit" to the term "corporation" to distinguish domestic nonprofit corporations from foreign nonprofit corporations. Eliminates the requirement of having certain documents acknowledged prior to being filed with the secretary of state.

States that certain nonprofit corporations shall be dissolved if they have been suspended for 3 years. Allows restated articles of incorporation to be filed whenever there is a change in the corporate name and requires that a statement of election by a nonprofit corporation to accept the "Colorado Nonprofit Corporation Act" include the street address of its registered office. Adds certain restrictions which apply to a corporate name. Eliminates a requirement for a certain express statement in the articles of incorporation of a domestic or foreign corporation allowing it to act as a registered agent. Modifies provisions regarding a change of registered office or registered agent and eliminates a reference to certain fees. Permits the secretary of state to designate employees to accept service of process on the secretary's behalf.

Enables a nonprofit corporation to reserve a corporate name, to register a corporate name, and to renew, assign, and terminate such registration under certain circumstances. Permits a nonprofit corporation's bylaws to require cumulative voting for directors. Requires such directors to be natural persons. Eliminates the requirement that nonprofit corporations have vice-presidents and that voluntary dissolution by the incorporators of certain nonprofit corporations be commenced within three years after the date of issuance of a certificate of incorporation. Requires that upon dissolution the nonprofit corporation file a statement that all trade names are to be cancelled. Changes the penalty to be collected when a nonprofit corporation designates a registered agent after a certain action has been instituted from a sum certain to an amount to be determined.

On and after January 1, 1990, permits a nonprofit corporation to be renewed, revived, and restored after dissolution by executing, verifying, and filing with the secretary of state a certificate of renewal. Specifies what the certificate of renewal must contain and the effects of renewal. Sets forth restrictions affecting the name under which said nonprofit corporation may be renewed. Provides for election of directors after renewal.

States that an application for a certificate of authority must be typewritten and that, if a foreign nonprofit corporation does not have officers, such documents may be executed and verified by an authorized agent.

Eliminates a deadline for mailing of certain corporate report forms by the secretary of state to allow continuous processing of such forms. Requires certain domestic or foreign nonprofit corporations to submit such corporate report no later than the end of the second month after such forms are mailed. Establishes 5 categories of items for which the secretary of state is authorized to charge and collect fees and establishes the fees to be charged when the secretary is served with a subpoena. Specifies that the secretary of state is to determine the penalty for failure to file a corporate report in a timely fashion. Requires that appeals of certain decisions by the secretary of state be brought in the district court for the city and county of Denver rather than in the county where the registered office of the nonprofit corporation is located. Permits the secretary of state to establish the forms required for any document to be filed under the "Colorado Nonprofit Corporation Act" and specifies that they be typewritten.

Specifies that the board of directors or trustees of a community centered board which provides services to developmentally disabled persons be composed of interested persons representing the community at large and family members of persons with developmental disabilities who are receiving services. Further states that, in addition to those 2 categories, persons with developmental disabilities who are receiving services should be, but are not required to be, members of such board of directors or trustees.

APPROVED by Governor June 7 EFFECTIVE June 7

CORRECTIONS

S.B. 90-172 Capital development committee - selection of prison sites. Changes the number of prison sites to be recommended by the capital development committee from 2 to 4. Changes the date upon which such recommendations must be made to the general assembly from March 1, 1990, to March 16, 1990. Permits the capital development committee to designate whether the selected sites should be minimum, medium, or maximum security facilities.

APPROVED by Governor April 13 EFFECTIVE April 13

S.B. 90-189 Volunteers - juvenile and adult criminal justice system. Requires each division or department directing or administering any public or private correctional institution or detention facility, probation program, or any juvenile or adult parole program to facilitate the use of volunteers to assist in the development and implementation of programs for the rehabilitation and transition of and growth of support groups and systems for adult and juvenile offenders. Enumerates the institutions and programs in which such volunteers may be utilized. Encourages the implementation of additional programs for adult and juvenile offenders utilizing volunteers. Allows a volunteer who has completed training from an approved volunteer organization to visit offenders, subject to the guidelines of the division of adult services and the consent of a warden or manager of any facility or program.

APPROVED by Governor May 14 EFFECTIVE May 14

H.B. 90-1017 Interdepartmental cooperation concerning offenders. Requires the department of corrections, the department of public safety, and the judicial department to prepare a joint implementation report concerning the consolidation of the administration of community-based corrections, including probation and parole, into one department. Specifies the subjects to be addressed in such report. Requires such report be submitted to the criminal justice commission no later than November 1, 1990. Directs the commission to review the report and forward its comments and the report to the governor and the general assembly no later than January 1, 1991.

APPROVED by Governor May 8 EFFECTIVE May 8

H.B. 90-1023 Regimented inmate discipline and treatment program - appropriation. Authorizes the department of corrections to develop a regimented inmate training program ("boot camp") and to establish and enforce standards for its operation. Requires an offender to remain in the program for 90

days unless removed and reassigned by the executive director for unsatisfactory performance. Allows the executive director to extend the program for not more than 30 days for any offender when such extension will allow the offender to be considered for probation. Specifies eligibility requirements for an offender to participate in the program. Limits the number of offenders assigned to the program to a maximum of 100 at any one time and 400 in any one year.

Allows an offender who successfully completes the program to make a motion for reduction of his or her sentence. Specifies that the court may not deny the offender's motion without a complete consideration of all pertinent information provided by the offender, the defense attorney, and the district attorney.

Requires the department to provide an evaluation of the program, with certain findings, to the governor and the general assembly on or before July 1, 1993.

Appropriates $622,527 and 8.0 FTE to the department of corrections for implementation of the program.

APPROVED by Governor June 7 EFFECTIVE June 7

H.B. 90-1166 Correctional education program - comprehensive competency-based program. Enacts the "Correctional Education Program Act of 1990". Establishes the division of correctional education in the department of corrections. Authorizes appointment of a correctional education program director with the primary responsibility of developing and implementing a comprehensive competency-based education program for persons in the custody of the department.

Creates the correctional education program advisory board to convene no later than October 1, 1990, and to advise the division on the content and implementation of the program. Provides for sunset review of the committee prior to its repeal on July 1, 1994.

Effective July 1, 1990, makes the division responsible for the provision of educational services to persons in correctional facilities and the development and implementation of a comprehensive competency-based education program. Requires implementation of the program no later than July 1, 1992. Enumerates certain goals and objectives the program is required to encompass including the types of instruction to be provided and the level of educational achievement to be attained by participants in the program, based upon such factors as length of sentence remaining, level of literacy skills, and intellectual capacity. Requires training in fundamentals of personal health. Requires a person lacking basic and functional literacy skills to undergo course work and instruction to enable attainment of a composite test score of functional literacy and enumerates certain conditions which exempts such a person from instruction.

Empowers the division, in connection with the development and implementation of the program, to promulgate rules and regulations, enter into agreements with certain educational institutions for the purpose of providing instructional services, submit a budget request, accept federal moneys as well as

contributions and gifts, enter into agreements with state agencies to receive available funding, expend moneys, report annually on the program, and prepare a plan for integrating juveniles into the program. Creates the correctional education program fund.

Allows inmates making positive progress in the program to receive earned time and defines "positive progress".

APPROVED by Governor June 8 EFFECTIVE July 1

H.B. 90-1219 Parole - membership of state board - appropriation. Increases the number of members on the state board of parole from 5 to 7 members. Authorizes the governor to appoint the 2 additional members on July 1, 1990, and describes the terms of each. Permits members to serve 2 consecutive terms after their initial term. Allows the governor to appoint up to 2 temporary board members to replace members who are temporarily incapacitated, who shall serve at the pleasure of the governor or until the incapacitated member can resume his or her duties.

Appropriates $189,200 and 4.0 FTE from the general fund to the department of corrections for allocation to the state board of parole for implementation of the act.

APPROVED by Governor June 7 EFFECTIVE June 7

H.B. 90-1227 Home detention programs - appropriations. Establishes the use of home detention as a part of a pilot project in Boulder, Larimer, and Pueblo counties which lasts from July 1, 1990, until July 1, 1992. Permits a sentencing judge to sentence certain offenders to home detention programs for part or all of their sentences.

Authorizes the creation of a home detention program in the judicial department or permits the department to contract for such services through the department of public safety. Permits offenders to be sentenced to such programs as a condition of probation.

Authorizes the creation of a home detention program in the department of corrections or permits the department to contract for such services through the department of public safety. Permits offenders to be placed in such programs as a condition of parole.

Allows the department of public safety to contract with private parties to develop and operate home detention programs. Specifies the necessary components of such programs including personal monitoring by home detention officers or probation officers and monitoring by electronic devices.

Specifies that, if an offender fails to remain within the limits of a home detention program as ordered by a sentencing judge, he shall be deemed to have escaped from custody and that an offender on parole who fails to remain within the limits of a home detention program shall be deemed to be in violation of parole.

Appropriates $288,849 and 0.3 FTE out of the general fund to the department of public safety for allocation to division of criminal justice, $65,102 and 2.0 FTE out of the general fund to the judicial department, and $87,816 and 2.0 FTE out of the general fund to the department of corrections to implement the programs.

APPROVED by Governor June 7 EFFECTIVE July 1

H.B. 90-1323 Funding to reduce prison overcrowding - temporary fiscal management measures. For the 1990-91 fiscal year only, lowers the required general fund reserve from 4% to 3%, and provides that the additional general fund moneys made available by such reduction may be appropriated only for the purpose of alleviating prison overcrowding and that such appropriations shall not be subject to the statutory 7% limitation on annual increases in general fund appropriations. Amends provisions that require the governor to implement spending reductions whenever quarterly revenue estimates indicate that one-half or more of the general fund reserve will be used during the fiscal year by providing that, for the 1990-91 fiscal year only, such spending reductions will be implemented whenever quarterly revenue estimates indicate that one-third or more of the general fund reserve will be used during the fiscal year, in order to ensure that the minimum reserve of 2% will be maintained for fiscal year 1990-91.

For the 1989-90 fiscal year, provides that the capital construction fund "spillover" (that is, 50% of the general fund revenues that are in excess of the general fund appropriations and the required reserve that is transferred to the capital construction fund as of the last day of the fiscal year) shall be available for appropriation by the general assembly during the 1990 regular legislative session, rather than at the next regular legislative session, but that any such appropriations made prior to the next regular session may only be for purposes of alleviating prison overcrowding.

In addition to the measures provided in the act, states the intent of the general assembly to provide authority in separate legislation for the issuance of bonds for additional correctional facilities.

APPROVED by Governor June 8 EFFECTIVE June 8

H.B. 90-1327 Siting and construction of correctional facilities - procedures for multi-jurisdictional jails - waiver of restrictions on probation eligibility - penalty reduced for habitual offender driving during revocation - preparole facilities and programs authorized - expansion of diversion programs and community corrections authorized - community supervision supplemental fund created - pilot drug testing program authorized in judicial department - membership of criminal justice commission changed - duties added to the

criminal justice commission - new system of parole eligibility and earned time created - felony sentencing aggravators repealed and readopted as sentence enhancing circumstances - parole officers permitted to receive CLETA training - appropriations. Authorizes and directs the department of corrections to construct additional correctional facilities as follows: A 500-bed close facility in Canon City; a 250-bed special needs unit on the campus of the Colorado state hospital in Pueblo; a 160-bed women's facility at the Denver diagnostic center; a boot camp in Chaffee county; and a warehouse facility to serve the Buena Vista correctional facility and the boot camp. Authorizes the implementation of the financing provisions of the lotto bill (H.B. 1274 enacted during the 1988 legislative session) for the purpose of building the special needs unit and the boot camp. Provides for the replacement of computer systems in the department of corrections and the Colorado bureau of investigation.

Designates the location of correctional facilities consistent with the recommendations of the capital development committee, as follows: A medium security correctional facility at Sterling; a medium or maximum security correctional facility at Canon City; a minimum security correctional facility at Trinidad; and a minimum security correctional facility in Chaffee County.

Establishes a procedure whereby any county, city and county, city, or the state department of corrections may enter into an agreement or agreements to construct and operate multi-jurisdictional jails.

Allows a district attorney to recommend to a sentencing court that such court waive statutory restrictions upon probation eligibility for a particular defendant. Decreases the penalty applicable to habitual offenders who drive after their license is revoked from a class 5 to a class 6 felony and eliminates the mandatory imprisonment for such offense.

Authorizes the department of corrections to operate or contract for the provision of preparole facilities and programs. Sets forth the criteria for a facility or program. Authorizes the department of corrections to contract for up to 300 beds in preparole facilities or program. Allows the executive director of the department to set standards for the operation of such facilities. Requires the department of corrections to report to the general assembly on the effectiveness of such facilities and programs on or before January 1, 1992. Repeals the authorization for such facilities and programs on July 1, 1992.

Authorizes the department of public safety to expand diversion programs. Authorizes the department of public safety to provide certain incentives to promote the expansion of community corrections programs, including interest-free start-up loans and an increase in the "per diem" amount for offenders in such programs. Creates a supplemental fund to be utilized by the department of corrections, the judicial department, and the department of public safety to continue community supervision programs. Establishes procedures for the dispersal of such fund.

Creates a pilot program for the drug testing of offenders by the judicial department during presentence investigation and while an offender is on probation. Requires the judicial department to report to the general assembly on the success of the pilot program on or before January 1, 1992.

Changes the membership of the criminal justice commission to include 5 members of the house of representatives, 3 appointed by the speaker of the house and 2 appointed by the minority leader, 5 members of the senate, 3 appointed by the president of the senate and 2 appointed by the minority leader, and 9 members appointed by the governor from among certain groups, not more than 5 of whom shall be members of the same political party. Adds certain duties to the criminal justice commission.

Eliminates the concept of good time and makes inmates eligible for parole after serving 50% of a sentence for nonviolent crimes and 75% of a sentence for a violent crime, less any amount of earned time earned by the inmate. Increases from 5 to 10 days the amount of earned time an inmate can earn per month and establishes procedures for accruing earned time. Recodifies parole guidelines to be followed by the parole board in determining which inmates should be paroled. Allows earned time to be applied to the final discharge date of an inmate but allows the parole board to deny or place restrictions upon any such early discharge. Provides that the new system of parole eligibility and earned time applies to offenders sentenced for crimes committed on or after July 1, 1979 but states that no offender shall be credited for more earned time than he actually received prior to July 1, 1990. Places certain additional restrictions on retroactive application of the new system. Requires the parole board to make a detailed report to the general assembly regarding inmates released pursuant to the new system.

Repeals certain sentence aggravators which apply to felony sentences and readopts them as "sentence enhancing circumstances" thereby reducing the minimum sentence for offenders to which such circumstances apply. Includes as such circumstances the fact that the defendant was on bond for a previous offense, was under a deferred judgment for a previous felony, or was on juvenile parole for an offense which would have been a felony if the defendant had been an adult.

Permits parole officers to receive training at the Colorado law enforcement training academy.

Appropriates $500,000 to the community supervision supplemental fund, $227,256 and 4.0 FTE to the judicial department for additional probation supervision, $931,480 to the department of corrections to contract for preparole beds, $328,500 to the department of public safety to expand diversion programs and $1,646,205 to provide incentives for community corrections programs.

Appropriates $750,000 and 18.5 FTE to the judicial department to implement the drug testing pilot program drug testing and $1,161,600 and 17.0 FTE to the department of corrections to implement the new system of parole eligibility and earned time.

Appropriates the following amounts to the department of corrections: $57,640,000 to construct the close facility at Canon City; $10,956,000 to construct the women's facility at Denver; $612,878 and 25.0 FTE to coordinate the construction of facilities; $1,300,000 to construct the warehouse facility at Buena Vista; $100,000 for preliminary site engineering work at Trinidad and Sterling; and $976,512 for computer systems replacement.

Appropriates $2,900,000 to the department of public safety for computer systems replacement at the Colorado bureau of investigation.

APPROVED by Governor June 7 EFFECTIVE June 7

S.B. 90-49 Newspersons - privilege of nondisclosure of news information. Declares the free flow of information between citizens of the state and the mass media to be a matter of statewide concern. Establishes a privilege available to any newsperson against the compelled disclosure of news information, including sources, possessed by such newspersons. Applies the privilege of nondisclosure to judicial proceedings and to proceedings of state and local governmental entities, including entities with home rule charters, which occur on or after April 16, 1990. Specifies how a governmental entity may overcome said privilege. Allows for the waiver of said privilege and clarifies how such waiver is accomplished.

APPROVED by Governor April 16 EFFECTIVE April 16

S.B. 90-84 Equine activities - limitation of civil liability to participants. Exempts an equine activity sponsor, equine professional, or other person from civil liability for injury to or the death of a participant resulting from the inherent risks of equine activities. Requires equine professionals to post and maintain signs warning participants of such limited liability. Directs that every written contract entered into by an equine professional for providing professional services, instruction, or rental of equipment, tack, or equines contain a warning about such limited liability. States that these provisions do not apply to the horse racing industry regulated by the Colorado racing commission.

APPROVED by Governor April 18 EFFECTIVE July 1

S.B. 90-150 Changes to the legal system - jurisdiction limits and docket fees in county and small claims courts - discovery rules in county court - speedy trial option in civil actions - award of actual costs when settlement offer is made. Increases the jurisdictional limit on the amount in controversy for civil claims that may be filed in the county court from $5,000 to $10,000 and the limit for such claims filed in small claims court from $2,000 to $3,500 on January 1, 1991. States that the intent of the general assembly in enacting the increase in jurisdictional amounts for county courts is for the supreme court, pursuant to its constitutional authority, to promulgate reasonable rules of limited and simplified discovery that would allow litigants to represent themselves in county court. Makes the calculation of comparative negligence claims in the small claims division consistent with the method applied in county court by specifying that, on and after January 1, 1991, the division has jurisdiction in tort actions to assess damages not to exceed $3,500. Provides that actions in small claims court shall be brought in the county where the defendant resides,

is regularly employed, is a college student, or has a business office. Makes the same execution remedies available to litigants who obtain a judgment in small claims court as are available in county courts. Directs the court administrator to report to the general assembly on or before January 15, 1992, and January 15, 1994, on the consequences of the increases in the jurisdictional amounts in the county courts.

Increases the docket fees for county court from $24 to $25 for plaintiffs and cross or counterclaims and from $20 to $21 for defendants. Repeals and reenacts the docket fees for small claims court by setting forth different ranges of fees based on the amount of the money judgment sought. Authorizes the small claims clerk to collect a separate fee from the docket fee for the postage costs of service of process.

Creates a speedy trial option in civil cases not scheduled for trial within 90 days for parties who agree to have the matter heard by a master appointed by the court.

Awards actual costs accruing after an offer of settlement, when such offer is rejected, to the plaintiff if his or her recovery exceeds the plaintiff's offer or to the defendant if the plaintiff's recovery does not exceed the defendant's offer. States that actual costs do not include attorney fees. Sets forth procedures related to an offer of settlement and the awarding of costs based on acceptance or rejection thereof.

APPROVED by Governor May 31 EFFECTIVE May 31

Note: Provisions of this act are identical to provisions in H.B. 90-1055.

S.B. 90-178 State commission on judicial performance - method of appropriations. Eliminates a prohibition on general fund appropriations in the annual general appropriations bill to the state commission on judicial performance in the judicial department.

APPROVED by Governor May 23 EFFECTIVE May 23

H.B. 90-1050 Preferential trial dates - civil actions - elderly or terminally ill parties. Requires the court to grant a motion for a preferential trial date in a civil action when such motion is accompanied by clear and convincing medical evidence that a party suffers from a terminal illness or medical condition and the court is satisfied that the interests of justice will be served by granting the motion. Authorizes the court to grant a motion for a preferential trial date in a civil action upon motion of a party who is at least 70 years of age and upon a finding by the court that the claim is meritorious, unless the court finds that the party does not have a substantial interest in the case as a whole. Requires that any such case shall be set for trial within 120 days from the date such motion is filed, if granted. Specifies limits on granting continuances beyond the 120-day period.

Applies to all civil actions pending on July 1, 1990, and to all civil actions commenced on and after said date.

APPROVED by Governor April 30 EFFECTIVE July 1

H.B. 90-1055 County courts - jurisdictional limits of civil claims. Increases the jurisdictional limit on the amount in controversy for civil claims that may be filed in the county court from $5,000 to $10,000 and the limit for such claims filed in the small claims court from $2,000 to $3,500 on January 1, 1991. States that the intent of the general assembly in enacting the increase in jurisdictional amounts for county courts is for the supreme court, pursuant to its constitutional authority, to promulgate reasonable rules of limited and simplified discovery that would allow litigants to represent themselves in county court.

Increases the docket fees for county court from $24 to $25 for plaintiffs and cross or counterclaims and from $20 to $21 for defendants. Repeals and reenacts the docket fees for small claims court by setting forth different ranges of fees based on the amount of the money judgment sought.

Makes the calculation of comparative negligence claims in the small claims division consistent with the method applied in county court by specifying that, on and after January 1, 1991, the division has jurisdiction in tort actions to assess damages not to exceed $3,500. On and after January 1, 1991, increases the monthly rental value required to be alleged in a verified answer from $5,000 to $10,000 in order to transfer a forcible entry, forcible detainer, or unlawful detainer action from the county court to the district court.

APPROVED by Governor May 16 EFFECTIVE July 1

Note: Provisions of this act are identical to provisions in S.B. 90-150.

H.B. 90-1065 Actions against health care professionals - certificate of review - attorney fees - good samaritan law. Directs that the filing of a certificate of review in connection with an action for professional negligence against a health care professional creates a rebuttable presumption that a claim or action is not frivolous or groundless for purposes of awarding attorney fees, but the plaintiff or attorney is not released from ongoing obligations under a provision of the Colorado rules of civil procedure concerning the signing of pleadings. Amends a statute on joint and several liability to apply the certificate of review requirements to circumstances in which a defendant designates a health care professional as a designated nonparty and alleges professional negligence of such professional. Amends the good samaritan act so that it applies to health care institutions and provides an immunity for acts or omissions made in good faith in rendering emergency care to

persons who are not patients, unless the acts or omissions are grossly negligent or willful and wanton.

APPROVED by Governor March 27 EFFECTIVE July 1

H.B. 90-1067 Mandatory arbitration - extension of pilot project. Extends until July 1, 1991, the pilot project on mandatory arbitration which was scheduled to be repealed on July 1, 1990.

Amends the "Mandatory Arbitration Act" for such pilot project as follows: Redefines the types of claims or allegations which are excluded from mandatory arbitration requirements; permits parties to pay arbitrators in excess of the fee guidelines if such compensation is uniform as to all arbitrators; requires parties, as a condition of participating at the hearing, to make deposits with the arbitrators of an amount equal to each party's share of the anticipated arbitrator's compensation for a one-day arbitration hearing; allows for an extension of time for an arbitration hearing to be held and provides for dismissal of the action if the arbitration hearing has not been held within 120 days after the case is at issue when lack of completion was avoidable; and allows for attorney fees to be assessed if the demanding party requests a trial de novo and fails to improve his or her position by more than 10% and increases the amount of fees that may be assessed in such a circumstance from $1,000 to $1,500.

APPROVED by Governor May 14 EFFECTIVE July 1

H.B. 90-1069 Actions against health care professionals - exemplary damages in medical malpractice actions and proceedings. Establishes certain standards for the determination, imposition, and distribution of exemplary monetary damages arising from medical malpractice actions and proceedings. Directs that exemplary damages may not be included in an initial claim for relief in any civil action or arbitration proceeding alleging negligence against a health care professional. Allows a claim for exemplary damages to be asserted by amendment to the pleadings after the substantial completion of discovery and after the plaintiff establishes prima facie proof of a triable issue. Allows additional discovery on the question of exemplary damages. Allows the judge or arbitrator to impose exemplary damages against a health care professional only if it is shown that the action was attended by circumstances of fraud, malice, or willful and wanton conduct. Applies the same limits on the amount of exemplary damages as are applied to exemplary damages in other types of civil actions. Prohibits exemplary damages which were the result of any drug or product approved for use by a state or federal agency where use of the drug or product was within such approved standards. Prohibits exemplary damages against a health care professional as a result of acts of others unless the health care professional specifically directed the act to be done.

APPROVED by Governor April 12 EFFECTIVE July 1

H.B. 90-1085 Statute of limitations - sexual assault or sexual offense against a child. Allows a civil action based on a sexual assault or a sexual offense against a child to be brought within 6 years after any applicable disability is removed or after the cause of action accrues, whichever occurs later. Specifies legislative intent that the extended period apply to civil actions for which the applicable statute of limitation in effect prior to July 1, 1990, has not yet run on said date. Clarifies the effect of the extension of the statute of limitations by this act upon the statute of limitations for actions based on medical malpractice.

APPROVED by Governor April 16 EFFECTIVE April 16

H.B. 90-1107 Actions against landowners - premises liability. Reformulates the duty which a landowner owes to invitees, thereby responding to a recent decision of the Colorado supreme court holding the premises liability statute unconstitutional. Provides that an invitee may recover for damages caused by the landowner's unreasonable failure to exercise reasonable care to protect against dangers of which he actually knew or should have known; except that, if the land is classified as agricultural or vacant for property tax purposes, an invitee may recover only when the landowner had actual knowledge of the danger.

Restates the landowner's duty to a licensee by eliminating the reference to the "landowner's active operations upon the property", by deleting the word "deliberate" and using the phrase "landowner's unreasonable failure", and by differentiating between dangers created by the landowner (for which there is a duty to exercise reasonable care) and dangers not created by the landowner (for which there is a duty to warn).

Adds a legislative declaration setting forth the general assembly's purposes in enacting the original premises liability statute and the policies it intends to further in adopting amendments thereto. Includes definitions of "trespasser", "licensee", and "invitee". Specifies that "licensee" includes a social guest.

APPROVED by Governor April 20 EFFECTIVE April 20

H.B. 90-1138 Uncompensated medical care - exemption from liability. Declares the intent of general assembly to encourage the provision of uncompensated medical care in exchange for a limitation on liability for the physicians, surgeons, hospitals and health care providers who render such care. Provides that a licensed physician or surgeon or a licensed hospital, or other health care provider who renders uncompensated medical care to patients on behalf of a community health clinic shall not be civilly liable for acts or omissions except for acts or omissions that are grossly negligent or willful and wanton. Stipulates that such protection from liability shall only apply if the

patient is informed prior to receiving any services that the physician, surgeon, hospital, or other health care provider is rendering the care without receiving any compensation and if the patient waives, in writing, his or her right to bring suit for any professional negligence that may occur except for acts or omissions that are grossly negligent or willful and wanton. States that participation by a physician, surgeon, hospital, or other health care provider is voluntary.

VETOED by Governor April 16

H.B. 90-1141 Actions based upon environmental liability - third parties - ownership. Clarifies who is an owner or operator of real or personal property for purposes of environmental third-party liability. Provides that no lender-owner or representative shall, by virtue of becoming the owner of real or personal property, be liable for any third-party liability arising from contamination or pollution emanating from said property prior to the date of ownership. Further exempts lender-owners and representatives from third-party liability during ownership so long as they do not, nor allow others to, knowingly or recklessly cause new contamination or pollution, provided they have caused an environmental inspection and title search to determine the presence and condition of hazardous waste, contamination, or pollution and, if found in noncompliance, to assure compliance with applicable laws. Provides that liability expressly created under federal or state health or environmental law shall not be affected by these provisions.

Clarifies who is an owner of an underground storage tank for purposes of corrective action for petroleum releases.

APPROVED by Governor April 5 EFFECTIVE July 1

H.B. 90-1177 Uniform foreign-money claims act - facilitation of determinations. Adopts the "Uniform Foreign-money Claims Act" to facilitate uniform judicial determination of claims expressed in the money of foreign countries. Recognizes the right of parties to agree upon the money that governs their relationship. In the absence of an agreement, requires judgments and arbitration awards for such claims to be entered in the foreign money rather than in United States dollars. Allows debtors to pay judgments in dollars on the basis of the rate of exchange prevailing at the time of payment.

APPROVED by Governor March 22 EFFECTIVE January 1, 1991

H.B. 90-1196 Moffat county - elimination of office of assistant county judge. Eliminates the office of assistant county judge in Moffat county.

APPROVED by Governor March 22 EFFECTIVE March 22

CRIMINAL LAW

S.B. 90-51 Purchases of metals - recordkeeping - holding periods - criminal penalties. Adds aluminum and magnesium to the list of metals for which the purchasers must keep certain records regarding the sellers. Requires such purchasers to record the seller's date of birth rather than the seller's age. Reduces the length of the holding period for purchasers of copper or copper alloy, aluminum, and magnesium from 7 to 5 days. Exempts industrially generated scrap, recyclable food and beverage containers, scrap in a transaction between dealers or governmental entities, and salvageable construction by-product from the holding requirement. Exempts purchases of 25 pounds or less from a single seller in a single day from the holding requirement. Increases the penalty for violations involving purchases of metals from a class 3 to a class 1 misdemeanor.

APPROVED by Governor April 3 EFFECTIVE April 3

S.B. 90-58 Assault - youth services employees. Includes in the crime of assault in the first degree the threatening of a person employed by the division of youth services in the department of institutions, who is a counselor or is in the youth services worker classification series, with a deadly weapon with intent to cause serious bodily injury. Makes the violent application of physical force against such an employee second degree assault. Allows discretionary sentencing of persons committing such second degree assault.

APPROVED by Governor April 5 EFFECTIVE April 5

S.B. 90-121 Sale of controlled substances - persons under 18 - school grounds. Provides that any person convicted of knowingly dispensing, selling, or distributing, or possessing with intent to dispense, sell, or distribute, with or without remuneration, a controlled substance or marihuana, to a person under the age of 18 upon the grounds of, or within 1,000 feet of, any public or private elementary, vocational, junior high school, or high school, during school hours, shall be subject to a minimum term of incarceration of 5 years for the first offense and a minimum term of 20 years for the second such offense. Makes committing unlawful distribution, dispensation, or sale of a controlled substance to a person under the age of 18 years on school grounds, whose death is caused by the use of such controlled substance, first degree murder.

APPROVED by Governor June 7 EFFECTIVE July 1

S.B. 90-132 Controlled substances - distribution to minors - using minors to distribute - school grounds - increased penalties - consideration when setting bail. Establishes that any person who is convicted of soliciting a minor to act as his or her agent in the distribution of controlled substances is subject to enhanced penalties for such activity.

Establishes as a special offender any person who is convicted of using or distributing controlled substances on the grounds of any elementary, middle, or secondary school or in public areas within 1,000 feet of such school, or in a school bus, and provides for enhanced penalties for such person. Permits the department of education to implement the uniform use of signs and other methods of notification to indicate the areas where such enhanced penalties will be enforced.

Adds the fact that a defendant is accused of distributing controlled substances on a school ground or in a school bus or of soliciting a child to aid in the distribution of controlled substances to the criteria to be used by a judge in setting the amount of bail.

APPROVED by Governor April 16 EFFECTIVE April 16

H.B. 90-1201 Telecommunications crime - telephone or credit card numbers - equipment - fraud. Expands criminal provisions concerning illegal telecommunications equipment in order to create other offenses involving telecommunications. Makes certain acts involving telecommunications devices and telephone or credit card numbers class 3 misdemeanors for first offenses and class 6 felonies for second offenses. Changes the classification of a second offense involving illegal telecommunications equipment from a class 5 felony to a class 6 felony. Specifies that certain acts involving charging telecommunications service, installing, rearranging, or tampering with equipment, or obtaining telecommunications service with fraudulent intent shall constitute theft. Sets forth civil injunctive relief and empowers the court to issue orders directing the seizure and disconnection of telecommunications devices and the discontinuance of telecommunications service. Authorizes forfeiture and disposition of seized property subject to the consideration of mitigating circumstances by the court.

APPROVED by Governor April 3 EFFECTIVE April 3

H.B. 90-1221 Illegal possession or consumption of ethyl alcohol by an underaged person - penalty - procedures. Creates the crime of illegal possession or consumption of ethyl alcohol by an underaged person and makes such a crime a class 2 petty offense. Provides for affirmative defenses and establishes that the penalty for the crime is a fine of not more than $100. Permits the court to order, in addition to any fine, a period of up to 24 hours of useful public service and an alcohol evaluation or assessment, an alcohol education program, or an alcohol treatment program when appropriate. Establishes evidence procedures whereby the commission of the crime may be proven. Allows any statutory or home rule municipality to enact ordinances which are as restrictive or more restrictive than the act's provisions. Permits persons who are convicted of the crime to permanently seal the records of such conviction after one year under certain conditions.

Repeals these provisions concerning the crime of illegal possession or consumption of ethyl alcohol by an underaged person on July 1, 1993. Prior to such repeal, requires the judicial department to evaluate the enforcement, cost, and effectiveness of said provisions and to report its findings to the general assembly.

APPROVED by Governor May 22 EFFECTIVE May 22

H.B. 90-1255 Strengthening of substantive criminal law - violations by outfitters and guides - judicial discretion in challenges to juror pool - statute of limitations for civil forfeiture - oath or affirmation by child - disclosure of witnesses' names to accused - statute of limitations for attempt of certain acts - threatening judge or officer of the court - theft by resale of a lift ticket or coupon - harassment of a witness or victim - first and second degree burglary as racketeering activity - prostitution and patronizing a prostitute with knowledge of being infected with AIDS virus. Makes the penalties provided for violations of the regulatory provisions concerning outfitters and guides applicable to violations of any part of the statutory article concerning outfitters and guides rather than to a specified section.

Removes a judge's discretion to dismiss a criminal case when a jury pool is successfully challenged for failure to comply with jury selection requirements.

Changes the statute of limitations for bringing a civil forfeiture action related to a criminal act from 3 to 5 years and makes such causes of action accrue upon discovery. Describes when said period is tolled and enumerates when a continuing offense occurs.

Changes the oath or affirmation to be taken by a child under age 10 who testifies in court at a proceeding for sexual abuse, sexual assault, or incest.

Provides a procedure for preventing the disclosure of witnesses' names to a person accused of a crime.

Specifies that there is no time limit for commencing criminal proceedings for attempt to commit either murder, kidnapping, treason, or forgery.

Adds threatening a judge or officer of the court with a deadly weapon to the definition of assault in the first degree. Adds using physical force against a judge or officer of the court to the definition of assault in the second degree.

Creates the crime of theft by resale of a lift ticket or coupon and makes it a class 2 petty offense.

Adds harassment to the acts which constitute the crime of intimidating a witness or victim and includes as persons protected any person who has reported a crime.

Adds first and second degree burglary as crimes which constitute racketeering activity under the "Colorado Organized Crime Control Act".

Requires persons convicted of prostitution or patronizing a prostitute to be tested for the AIDS virus and informed of the

results. Makes prostitution with knowledge of being infected with the AIDS virus a class 5 felony. Makes patronizing a prostitute with knowledge of being infected with the AIDS virus a class 6 felony.

APPROVED by Governor April 24 EFFECTIVE April 24

CRIMINAL PROCEDURE

S.B. 90-117 Parole not available for life sentences - aggravating factors under the death penalty - control of drug precursors and controlled substance analogs - appropriation. Establishes that no one imprisoned under a life sentence for a crime committed after July 1, 1990, shall be eligible for parole. Adds as aggravating factors in determining whether the death penalty shall be imposed upon any particular person the fact that the victim of the murder was under 18 years of age and the fact that the murder took place as a part of a drug transaction.

Requires the department of health to promulgate by rule and regulation a list of substances that are drug precursors and requirements for controlling their use by October 1, 1990. Requires persons who manufacture, possess, transfer, or transport drug precursors to be licensed by the department. Provides that persons who do so without a license or who are in violation of any of the rules controlling drug precursors commit class 4 felonies. Exempts doctors, chemistry students, researchers, and others from the licensing requirement. Authorizes the department to collect licensing fees. Creates the drug precursor cash fund for the transmittal of such fees. Requires licensees to maintain records of each drug precursor manufactured, possessed, transferred, or transported by the licensee. Repeals the provisions of the act concerning drug precursors on July 1, 1992.

Specifies that the common law defense known as the "procuring agent defense" is not a defense to any crime involving controlled substances.

Adds controlled substance analogs to the list of schedule II controlled substances.

Appropriates $62,678 and 1.5 FTE out of the drug precursor cash fund to the department of health for the implementation of the provisions in the act relating to the control of drug precursors.

APPROVED by Governor June 8

PORTIONS EFFECTIVE:
July 1
October 1

H.B. 90-1118 Alternate jurors - jury instructions - service of summons - continuance of bonds - release from commitment after verdict of not guilty by reason of insanity - eligibility for parole - aggravated robbery - proceeds from forfeited property - harassment. Requires that alternate jurors in criminal trials not be discharged until the jury renders its verdict. Requires juries to be instructed not to allow prejudice based upon gender to influence the decision of the jury. Conforms service of process in criminal actions in county court to service in district court by permitting service by any disinterested party over the age of 18. Permits a bond in a criminal case to be continued when a dismissal in county court will be appealed to district court by the prosecution. Requires

prior notice to any victim of a crime when a person who has been found not guilty of commission of the crime by reason of insanity or impaired mental condition is about to be released from commitment. Clarifies that statutory provisions regarding parole and parole guidelines apply to class 6 felonies. Clarifies that the crime of aggravated robbery may be committed by the use of a fake weapon. Clarifies references to statutory provisions concerning forfeiture of criminal proceeds. Repeals language that indicates that the crime of harassment may be committed by annoying other persons.

APPROVED by Governor March 27 EFFECTIVE March 27

H.B. 90-1267 Crime victim compensation - Colorado residents victimized in other states - terms of crime victim compensation and VALE board members - administration of crime victims funds - increases in local contributions - reporting data - minimum surcharges - appropriation. Makes Colorado residents who are victims of crimes in states where there is no crime victim compensation program eligible for the Colorado crime victim compensation program.

Allows members of the crime victim compensation board and of the victims and witnesses assistance and law enforcement board to serve 2 consecutive terms and to be reappointed to such boards thereafter if one year passes after such person's service on the board.

Requires the approval of standards for the administration of the crime victim compensation fund and the victims and witnesses assistance and law enforcement fund in each judicial district by the board appointed by the governor pursuant to the federal "Victims of Crime Act". Creates a coordinating committee to develop and impose sanctions for the violation of the standards approved. States that such sanctions may not be imposed until January 1, 1991. Creates a subcommittee to advise the coordinating committee. Repeals the provisions concerning the approval of standards and imposition of sanctions on July 1, 1993.

Requires reporting of certain data by each victims and witnesses assistance and law enforcement board and each crime victim compensation board to the department of public safety.

Establishes minimum surcharges for levy against convicted persons or persons receiving deferred judgments to be paid to the victims and witnesses assistance and law enforcement fund. Prohibits the court from suspending or waiving payment of such surcharge unless the defendant is indigent.

Increases the local contribution from the victims and witnesses assistance and law enforcement fund to the state victims assistance and law enforcement fund from 10% to 13% of the aggregate amount of the moneys in the fund.

Appropriates $76,450 and 2.0 FTE out of the victims and witnesses assistance and law enforcement fund to the department of public safety for the implementation of the act.

APPROVED by Governor June 7 EFFECTIVE July 1

H.B. 90-1315 State public defender - representation of indigent persons - application fee. Requires that persons applying for representation by the state public defender must pay a nonrefundable $10 fee at the time of submitting the application. Allows the court to waive the fee if the person is in custody or if the court determines that the person does not have the financial resources to pay the fee. Requires that fees collected be deposited in the general fund.

APPROVED by Governor May 16 EFFECTIVE July 1

EDUCATION - PUBLIC SCHOOLS

S.B. 90-44 Homeless children - public school attendance - place of residence. Directs that a homeless child shall be deemed to reside in the school district in which the child presently seeks shelter or is located; except that a homeless child shall be deemed to reside in another school district if the child attended school in such school district at the time the child became homeless and he or she chooses to continue attendance in such school district for the remainder of the school year. Directs that such residency provisions shall also apply to a handicapped child who is homeless. States that a child shall not be prohibited from attending a public school without the payment of tuition solely because the child is homeless.

APPROVED by Governor April 3 EFFECTIVE April 3

S.B. 90-94 Mathematics, science, and technology curriculum. Declares that the state has a responsibility to provide its K-12 students with curriculum in the areas of mathematics, science, and the use of technology which is consistent with contemporary standards. Requires the state department of education and the commission on higher education to develop a plan, in cooperation and consultation with the telecommunications advisory commission, for the improvement of such curriculum through the use of telecommunications networks and facilities. Specifies that such plan include certain topics.

Authorizes the division of telecommunications in the department of administration to contract with private schools, school districts, boards of cooperative educational services, and libraries for the provision of teleconferencing facilities. Declares that it is the intent of the general assembly that telecommunications services be used to expand educational opportunities but that such services are not intended to diminish the role of teachers in the classroom.

Increases the number of members of the telecommunications advisory commission from 9 to 10 and provides for the appointment of said additional member from the cable television industry. Requires the telecommunications advisory commission to report to the general assembly no later than December 15, 1990, regarding the progress of the refinement, completion, and implementation of the telecommunications plan. Specifies certain information to be included in such report. Requires the telecommunications advisory commission to explore the possibility of establishing a statewide magnet school for math, science, and foreign language instruction.

APPROVED by Governor May 23 EFFECTIVE May 23

S.B. 90-99 Freedom of expression for public school students. Declares that students in the public schools shall have the right to exercise freedom of speech and of the press. Declares that no expression contained in a student publication shall be subject to prior restraint, except for specified types of expression. States that a publication written substantially by students and made generally available throughout a public school is a public forum for the students of such school. Directs that student editors of school-sponsored student publications are responsible for the news, opinion, and advertising content of such publications. Prohibits any interpretation of the act which would interfere with the authority of a publications advisor to establish or limit writing assignments and to otherwise direct and control the learning experience related to participation in a school-sponsored publication if grades or school credits are given for such participation.

Requires the board of education of each school district to adopt a publications code which includes reasonable provisions for the time, place, and manner of conducting free expression within the district's jurisdiction.

Prohibits the finding of civil or criminal liability on the part of any school district, school district employee or official, parent, or legal guardian for any expression made or published by students. Prohibits any construction of the act which would limit the promulgation or enforcement of lawful school regulations designed to control gangs.

APPROVED by Governor June 7 EFFECTIVE June 7

S.B. 90-103 School district funding - additional local revenues. Increases the maximum amount of additional local revenues which the voters of a school district may authorize the district to raise and expend from 5% of the district's equalization program funding to 7.5% of such funding. Includes in the calculation of such 7.5% limitation any additional local revenues which were authorized at elections held in 1988 or 1989. Prohibits the consideration of the additional local revenues which a school district is authorized to raise and expend when establishing the equalization program funding for such school district.

Directs that the power of school districts to submit to the voters of the district the question of authorization to raise and expend additional local revenues shall end with the general election preceding the budget year 1994.

APPROVED by Governor April 16 EFFECTIVE April 16

S.B. 90-146 School districts - date of elections - directors. Changes the date for regular biennial school elections held in 1993 and following years to the first Tuesday after the first Monday in November rather than in May. Directs

that beginning with the school district election held in November of 1993 school district directors elected shall take office during the first week of January and serve until their successors are elected and qualified. Directs the secretary of state, in consultation with county clerk and recorders and school district officials, to submit recommendations to the general assembly no later than January 1, 1991, concerning statutory changes necessary to implement the change in date for regular biennial school elections.

APPROVED by Governor April 12 EFFECTIVE April 12

H.B. 90-1077 Fingerprinting requirements - applicants for certificates and letters of authorization - certificated and noncertificated personnel of school districts - appropriations. On and after January 1, 1991, requires applicants for certificates and letters of authorization issued by the department of education to submit fingerprints as a prerequisite for the issuance of such certificate or letter of authorization. Further requires such applicants to certify in a form provided by the department of education either that they have been or have never been convicted of committing any felony or misdemeanor, except for misdemeanor traffic offenses or traffic infractions. Specifies that such requirements are not applicable to persons applying for the renewal of a certificate or letter of authorization.

Prohibits the department of education from issuing a certificate or a letter of authorization to any person making initial application who does not submit such fingerprints and form. Authorizes the department of education to release fingerprints to the Colorado bureau of investigation for processing. Allows the department of education to issue certificates and letters of authorization prior to receiving results of such fingerprint processing but provides for the annulment of certificates and letters of authorization so issued if the results differ from the information provided by the applicant in the form. Requires the department of education to establish and adjust initial application fees for certificates and letters of authorization to raise an adequate amount of revenues for the costs incurred by the department of education for the administration of said fingerprinting requirements.

On and after January 1, 1991, requires applicants for noncertificated personnel positions in school districts to submit fingerprints as a prerequisite for employment. Further requires such applicants to certify in a form provided by the school district either that they have or have never been convicted of committing any felony or misdemeanor, except for misdemeanor traffic offenses or traffic infractions. Specifies that such requirements are not applicable to persons employed by school districts prior to January 1, 1991.

Prohibits school districts from employing any person for a noncertificated position who does not submit such fingerprints and form. Authorizes school districts to release fingerprints to

the Colorado bureau of investigation. Allows school districts to employ a person in a noncertificated position prior to receiving results of such fingerprint processing but provides that such employee may be discharged if the results differ from the information provided by the employee in the form.

Authorizes school districts which find good cause to believe any noncertificated personnel has been convicted of specified offenses subsequent to employment by such school district to resubmit the fingerprints of such person for processing by the Colorado bureau of investigation. Authorizes school districts which find good cause to believe any certificated personnel has been convicted of specified offenses subsequent to employment by such school district to require such certificated personnel to submit fingerprints. Authorizes the release of such fingerprints to the Colorado bureau of investigation for processing.

Authorizes school districts to charge noncertificated applicants a fee not exceeding $35 for the costs incurred by school districts for the administration of fingerprinting requirements. Requires such fees to be credited to the fingerprint processing account. Prohibits school districts from charging certificated and noncertificated personnel fees for fingerprint processing subsequent to employment.

Appropriates $151,883 from the teacher certification cash fund to the department of education for implementation of the act. Specifies that, at the end of any fiscal year, any moneys remaining in the teacher certification cash fund shall not be transferred to any other fund. Appropriates $200,375 from cash funds to the department of public safety for allocation to the Colorado bureau of investigation for the implementation of the act.

APPROVED by Governor June 7 EFFECTIVE June 7

H.B. 90-1137 Special education - 3- and 4-year-old handicapped children - appropriation. On and after January 1, 1992, mandates the provision by school districts of special educational services to 3- and 4-year-old handicapped children through the "Exceptional Children's Educational Act" and makes conforming amendments required by such mandate. Requires reimbursements for expenses incurred in providing such services to be calculated separately from the reimbursement for services provided to handicapped children of other ages and further requires that the maximum reimbursement be determined after the deduction of all other funds available for the education of such children.

In addition to state and federal funds available through the "Exceptional Children's Educational Act", provides funding for 3- and 4-year-old handicapped children through the "Public School Finance Act of 1988". Makes such funding available beginning with the 1991 budget year.

Eliminates children with behavior disorders from the definition of "handicapped children" to conform with the definition of "handicapped children" in federal law. Provides

that such children shall receive appropriate individualized services as part of their regular educational programs unless they have some other handicapping condition. States the intent of the general assembly to limit out-of-home placement of such children.

Requires the department of education to conduct a study comparing school district total dropout rates to those obtained for children receiving special educational services and for emotional or behavior disordered students. Establishes January 15, 1992, as the date by which a report is to be submitted to the health, environment, welfare, and institutions committees of the house of representatives and senate and the joint budget committee.

Appropriates $2,085,000 to the department of education for the implementation of the act but reduces the appropriation to the department of education in the 1990-91 general appropriation act for the distribution of exceptional children's moneys to school districts by $1,133,500. Makes the appropriation contingent on the conformance of the state definition of "handicapped children" to the federal definition of such term.

APPROVED by Governor June 7 EFFECTIVE July 1

Note: The change in the definition of "handicapped children", along with the statutory language added in connection with such change, is identical to changes made in H.B. 90-1314.

H.B. 90-1150 Alternative teacher certification program - appropriation. Authorizes school districts, boards of cooperative services, and accredited independent schools to provide alternative teacher programs, defined as one-year programs of study and training for teacher preparation for persons who hold alternative teacher certificates. Specifies certain program standards and requirements. Sets forth certain duties and powers of the state board of education and the department of education in regard to alternative teacher programs. Authorizes school districts, boards of cooperative services, and accredited independent schools providing such programs to charge alternative teachers fees for the direct and indirect costs of developing and administering such programs.

Provides for the formation of designated agencies which are responsible for organizing, managing, and operating alternative teacher programs. Requires a designated agency to establish an advisory council and to establish an alternative teacher support team for an alternative teacher. Specifies the minimum membership requirements and the duties of a support team. Allows the team to modify the number of hours of planned instruction and activities of a program based upon the qualifications, knowledge, and experience of the alternative teacher.

Allows the department of education to issue general teaching certificates to alternative teachers who have successfully completed an alternative teacher program and who are recommended for certification. Authorizes the department of education to

issue alternative teacher certificates to qualified applicants. Specifies that such alternative teacher certificates are valid in any school district, board of cooperative services, or accredited independent school for a one-year period. Prohibits the renewal of a letter of authorization for an emergency teacher, unless the state board of education determines that establishment of an alternative teacher program is not a practicable solution to a shortage of teachers in the school district.

Requires the state board of education to establish and adjust fees for alternative teacher certificates to generate sufficient revenues for the direct and indirect costs incurred in performing its duties regarding alternative teacher programs.

Requires the department of education to award minority alternative teacher fellowships of $1,500 to minority alternative teachers who are Colorado residents and who are participating in alternative teacher programs. Creates the minority alternative teacher fund which shall consist of any gifts, bequests, and grants received by the department of education to be used for recruitment of minority alternative teachers and for fellowships.

Requires the department of education to make annual reports to the general assembly, beginning January, 1992, on the implementation and effectiveness of alternative teacher certificates and alternative teacher programs. Specifies certain information to be included in such reports.

Appropriates $14,700 from the teacher certification fund and $200,000 from the minority alternative teacher fund to the department of education for implementation of the act.

APPROVED by Governor May 31 EFFECTIVE May 31

H.B. 90-1159 Employment of teachers in public schools - compensation - dismissal procedures. Repeals and reenacts statutory provisions relating to the employment, compensation, and dismissal of teachers. Eliminates the principle of tenure for teachers hired after July 1, 1990, and makes the following other substantive changes:

Teacher employment and compensation committee. Establishes the teacher employment and compensation committee for the purpose of making recommendations to the general assembly concerning teacher compensation and its relationship to performance and certain associated issues. Repeals the committee on January 1, 1991.

Probationary teachers. Defines "probationary teacher" and limits an employment contract therewith to one year. Requires employment contracts of probationary teachers to be cancelled first when there is a justifiable decrease in the number of teaching positions. Establishes procedures for nonrenewal of employment contracts during their first 3 school years of employment. Allows the chief administrative officer of the employing school district to recommend nonrenewal of such teacher's employment contract. Specifies that a teacher who receives written notice of contract nonrenewal is to be provided with the reasons therefor but specifies that such provision does

not create any property or contract right, subject to the contrary decision of state appellate or federal court establishing such a right. Requires the statutory repeal of the provision on receipt of the reasons for contract nonrenewal in the event of such a decision.

Provides that such nonrenewal provisions no longer apply once a teacher is reemployed for a fourth year.

Dismissal. Adds unsatisfactory performance as a ground for teacher dismissal. Establishes procedures for teacher dismissal so that the resolution of the matter is completed in a timely manner. Expedites judicial review by the court of appeals.

Certificated personnel evaluations. Eliminates the requirement that each school district report to the state board on such district's employment performance evaluation system. Adds parents to those persons local boards should consult in developing such system. Requires evaluations to be done on a regular basis. Allows an evaluation to serve as the measure of satisfactory performance for individual certificated personnel and as the documentation for a dismissal for unsatisfactory performance. Requires the school district certificated personnel performance evaluation council to participate with the local board in developing standards and criteria for personnel performance. Sets forth procedures regarding unsatisfactory performance, including a notice of deficiencies and development of a remediation plan. Requires persons responsible for such evaluations to have adequate education and training and makes such education and training a prerequisite to the issuance or renewal of an administrative certificate. Allows those persons whose performance evaluation includes a remediation plan to improve their performance through implementation of the plan and sets forth procedures to be taken upon the next performance evaluation.

APPROVED by Governor April 24 EFFECTIVE July 1

H.B. 90-1314 Public school funding through the 1992-93 budget year - implementation of change in school district budget year - change in property tax collection procedures - elimination of children with behavior disorders from definition of handicapped children - public schools of choice - public school medical assistance pilot program - Colorado comprehensive health education act - continuation of state certificated performance evaluation council - appropriations. Implements the change in the school district fiscal year from the calendar year to the state fiscal year effective on July 1, 1992. Establishes a transitional fiscal year to cover the period between January 1, 1992, and July 1, 1992. Amends provisions in the school district budget law and the "Public School Finance Act of 1988", as well as other statutory provisions, necessitated by the fiscal year change.

Establishes equalization program funding under the school finance act for the 1991 budget year, the 1992 transitional budget year, and the 1992-93 budget year by providing for a 3.7%

inflation increase for all funding components, except the per pupil funding components, for the 1991 budget year and a 3.0% inflation increase in those funding components for the following 2 budget years. Increases the funding component for instructional salaries and benefits for setting category III - urban-suburban by $534. Beginning with the 1992-93 budget year, provides for a pupil enrollment count in October and in February with the greater count used for determining equalization program funding for the following budget year. Moves the Durango school district from setting category IV - outlying city to setting category VII - recreational and reaverages the funding components for those 2 setting categories to reflect the movement of Durango.

Changes the method for calculating the equalization program funding of both formula and hold harmless districts which have decreasing enrollments.

Changes the method for calculating the equalization program funding of hold harmless districts with increasing enrollments so that such districts get an increase in funding for each new pupil equal to the formula amount per pupil for the ensuing budget year instead of the prior year's funding amount per pupil. Also eliminates the ceiling on funding in such districts. Provides that no district which is not presently a hold harmless district shall be covered by the hold harmless provisions. Allows hold harmless districts to levy the same number of mills for the 1992 transitional budget year as they did for the 1991 budget year to help offset cash flow problems in those districts.

Increases the minimum state aid to $74.73 per pupil. Establishes the mill levy at 38.300 mills for the 1990 calendar year, at 37.700 mills for the 1991 calendar year, at 37.000 mills for the 1992 calendar year, and at not more than 37.000 mills for calendar years thereafter. Establishes the mill levy phase-in provisions for the 1991 budget year. Modifies the equalization program funding phase-in provision for the 1991 budget year to allow districts with increasing enrollments to receive additional funding for every 4 units of increase instead of 8 units of increase.

For the 1992-93 budget year and budget years thereafter, changes the provision on additional aid to districts with increasing enrollments so that the threshold for qualification under such provision is an increase in pupil enrollment of at least 3% of the October count or at least the district's instructional unit funding ratio multiplied by 12, whichever is less.

Establishes an initiative procedure for registered electors to use to put the issue of an increase in local property tax revenues to provide additional funds for schools before the electorate but limits the increase to the same 7 1/2% limitation which exists if the issue is put before the electorate by the school board. Effective July 1, 1993, also allows registered electors in hold harmless districts to use the initiative procedure to put the issue of a decrease in local property tax revenues before the electorate so long as the decrease is not below the uniform mill levy set in statute.

Creates the property tax reduction fund which shall consist of moneys appropriated by the general assembly for the 1991-92 fiscal year which are in excess of the moneys needed to fund the last six months of the 1991 school budget year and the 1992 transitional budget year. Provides that such moneys, and the interest earned thereon, shall be used to fund the school finance act and reduce property taxes in future budget years. Allows moneys in the fund to be used to make interest free loans to school districts in the 1992 transitional budget year and the first month of the 1992-93 budget year if the school district demonstrates a cash shortfall. Provides for the repayment of the loans and a penalty for failure to repay. Requires that moneys received from repayments be deposited in the property tax reduction fund.

Provides that state payments to school districts be made by the department of education during the 1992 transitional budget year in accordance with rules and regulations adopted by the state board. Requires the payment of state aid during the 1992-93 and 1993-94 budget years to be made in the first 8 months of the budget year but returns payment of state aid to 12 equal monthly installments in the 1994-95 budget year.

Increases the number of children who may participate in the preschool program for language development from 2,000 to 2,750.

Changes the composition of the Colorado commission on school finance so that there is one appointed member from each congressional district. Extends the life of the commission to June 30, 1994. Requires the commission to undertake an analysis of the timeframe for the payment of state aid to districts and to report its findings to the general assembly no later than December 1, 1993. Changes the dates for the reporting of local goals and objectives to the state board.

Allows the state treasurer and school districts to enter into agreements under which the state treasurer would issue tax anticipation notes for such school districts. Effective January 1, 1992, provides that the limitation in existing law on the term of tax anticipation notes shall not be applicable to school districts thus making school districts subject to the 13-month limitation under federal law.

Requires the department of education to conduct a study to determine the optimum school district size and to determine the feasibility of school district reorganization and to report its findings to the legislative council by October 1, 1991.

In order to get property tax revenues to school districts prior to the end of the budget year, changes the date for paying the second installment of property taxes from July 31 to June 15. Makes such change effective January 1, 1992, and requires county treasurers to inform taxpayers of such change. On and after January 1, 1992, in addition to the normal payment of property tax revenues to school districts on the tenth of each month, requires county treasurers to make 3 additional payments during the months of March, May, and June.

Eliminates children with behavior disorders from the definition of "handicapped children" to conform with the definition of "handicapped children" in federal law. Provides

that such children shall receive appropriate individualized services as part of their regular educational programs unless they have some other handicapping condition. Requires the department of education to conduct a study comparing school district total dropout rates to those obtained for children receiving special educational services and for emotional or behavior disordered students. Establishes January 15, 1992, as the date by which a report of the department's findings is to be submitted to the health, environment, welfare, and institutions committees and the joint budget committee.

Requires intraschool district enrollment by allowing resident pupils enrolled in a school district to choose which program or school within such school district said pupils attend. Requires school districts to adopt such policies and procedures to implement intraschool district enrollment. Specifies reasons why school districts may deny permission for intraschool district enrollment. Creates the interdistrict schools of choice pilot program but limits the number of school districts which may be selected for participation in said pilot program to 3. Sets forth procedures for school districts to apply for selection by the department of education to participate in said pilot program. Authorizes the department of education to award grants to school districts selected for participation in the interdistrict schools of choice pilot program out of moneys available in the schools of choice fund, which fund is to consist of 50% of any unexpended balance of moneys appropriated by the general assembly in the state public school fund which, under current law, would revert to the general fund at the end of each fiscal year. Repeals the interdistrict schools of choice pilot program, effective July 1, 1997. Denies sports eligibility to students participating in either of the choice programs during the first semester following enrollment in such program. Requires the department of education to make information concerning public school enrollment options available to the general public. Requires said department to evaluate and study public school enrollment options and to annually report its findings to the general assembly.

Establishes the public school medical assistance pilot program to allow 6 school districts or boards of cooperative services to be designated medical assistance vendors and thus eligible for medicaid reimbursement. Requires the department of education to implement and coordinate such program and to report on the operations of the program by February 1, 1991.

Establishes the Colorado comprehensive health education program for preschool, kindergarten, and grades one through 12 and encourages the establishment of local comprehensive health education programs by school boards and boards of cooperative services. Provides that the department of education develop guidelines for the implementation of local comprehensive health education programs. Requires the state board of education to establish a review and prioritization process for the allocation of available funds from the Colorado comprehensive health education fund, which fund is to consist of 50% of any unexpended balance of moneys appropriated by the general assembly in the state public school fund which, under current law, would revert

to the general fund at the end of each fiscal year. States that the establishment of a local comprehensive health education program is not mandatory and that school districts or boards of cooperative services may have other types of health education programs.

Requires boards of education to formally adopt a policy concerning the delivery of educational programs and courses of instruction or study which expose pupils to any psychiatric or psychological methods or procedures involving the diagnosis, assessment, or treatment of any emotional, behavioral, or mental disorder or disability.

Continues the state certificated personnel performance evaluation council which was due to expire on July 1, 1990.

Appropriates $300,000 from the schools of choice fund to the department of education for the implementation of the portion of the act concerning public schools of choice. Appropriates $300,000 from the Colorado comprehensive health education fund to the department of education for the implementation of the "Colorado Comprehensive Health Education Act". Allows the department of education to spend $45,000 of the moneys appropriated in the 1990-91 general appropriation act for equalization program funding for a census mapping project and the study on optimum school size.

APPROVED by Governor May 31

PORTIONS EFFECTIVE:
May 31
July 1

Note: The sections of this act amending provisions concerning the collection of property taxes are similar to changes made to such provisions in S.B. 90-211 and are contingent on such bill becoming law. The sections of this act amending provisions of the "Exceptional Children's Educational Act" are similar to changes made to such provisions in H.B. 90-1137 and are contingent on such bill becoming law.

EDUCATION - UNIVERSITIES, COLLEGES, AND VOCATIONAL TRAINING

H.B. 90-1012 Higher education - fiscal policies - administrative costs - programs of excellence - student fees - tuition. Directs the Colorado commission on higher education to review how funding mechanisms at state-supported institutions of higher education either encourage or discourage higher administrative costs and to incorporate changes providing incentives to reduce administrative costs. Directs the commission to require every governing board and institution to use uniform accounting methods and financial reporting policies and to submit annual or biennial reports on increases and decreases of administrative expenses, including a description of changes in commission policy or the state's statutes that would affect such costs. Requires a governing board to submit a corrective plan if there is a failure to implement the administrative cost policy.

Requires the commission to establish a fiscal accountability process for purposes of measuring and evaluating the fiscal, management, and administrative activities of an institution. Describes the purposes for which such process is to be utilized by governing boards. Modifies the definition of "programs of excellence" and authorizes an appropriation and allocation to the governing boards of not more than 1% of the total annual department of higher education appropriation for support of such programs. Authorizes the commission to determine the proportion of such appropriation to be allocated to programs concerned with advanced technology.

Requires that student fees imposed by a student association or student government at a state-supported institution of higher education be deposited in a separate fund and that interest earned thereon be credited to the fund. Adds the Colorado school of mines to those designated institutions of higher education providing reduced tuition to members of the Colorado national guard.

Allows the commission to classify a student for tuition purposes as in-state when out-of-state classification would be due to unusual or exceptional family circumstances and would contravene the statute's purpose or place undue hardship on such person. Requires that such student graduate from a Colorado high school and not establish a domicile in another state.

APPROVED by Governor May 31 EFFECTIVE July 1

H.B. 90-1035 Junior college district - board of trustees - recall of board member. Creates a procedure for recalling a member of a board of trustees of a junior college district. Provides that recall proceedings may be initiated against a board member by a petition signed by the registered electors equal in number to 25% of those voting for the board member in the election at which the member to be recalled was elected. Establishes content and signature requirements for a recall

petition. Prohibits circulation of a recall petition by a person who is not a registered elector. Specifies the procedures for a protest of a recall petition. Specifies procedures for a recall election and for an election to fill a vacancy resulting from the successful recall of a member or from the resignation of a member subsequent to the filing of a recall petition.

APPROVED by Governor March 20 EFFECTIVE March 20

H.B. 90-1044 Endowment of academic chairs - legislative distinguished professor fund. Creates the Colorado legislative distinguished professor fund to be comprised of unused moneys in the special reserve fund for payment of valid claims for overpayment of income taxes on military retirement income. Directs that moneys in the fund be appropriated in equal amounts to the university of Colorado, Colorado state university, the university of northern Colorado, and the Colorado school of mines for the endowment of academic chairs. Conditions such appropriations upon the receipt by eligible institutions of matching funds from private contributors. Requires the eligible universities to establish procedures for the selection of candidates for the endowed chairs. Directs the Colorado commission of higher education and the governing boards of the eligible institutions to jointly prepare a report to the general assembly on or before January 15, 1993, concerning the operation of the fund.

Requires the department of revenue to provide a notice to all military retirees concerning the filing of claims for refunds of overpayments of income tax on military retirement income. Requires that such notice be contained in the instruction booklets to the Colorado 1990 personal income tax return forms.

Repeals the Colorado legislative distinguished professor program on December 31, 1996.

APPROVED by Governor May 8 EFFECTIVE May 8

H.B. 90-1047 State council on the arts and humanities - terms of members. Makes changes in the terms of office for members of the state council on the arts and humanities. Extends terms of office which were due to expire on June 30, 1991, until June 30, 1992, for council members appointed in July of 1987. Reduces the length of the terms of council members appointed after July 1, 1990, from 4 to 3 years. Prohibits council members from serving more than 2 consecutive terms and prohibits reappointment of council members during the 3-year period following expiration of the consecutive terms. Reduces the maximum length of the term of office of the chairman of the council from 2 consecutive 4-year terms to 6 consecutive years. Prohibits reappointment of a chairman during the 3-year period following the expiration of such 6-year term.

APPROVED by Governor March 13 EFFECTIVE March 13

H.B. 90-1058 Private occupational schools - transfer of governance - creation of private occupational school division - appropriation. Creates the Colorado private occupational school division in the department of higher education and the office of director of the division. Requires appointment of the director by the executive director of the department of higher education. Empowers the division with the administration of private occupational schools in the state. Requires the executive director of higher education to review and approve any action taken by the division, except for notice of noncompliance proceedings when the division denies any application for or revokes a certificate of approval or agent's permit.

Creates the private occupational school policy advisory committee and specifies the membership thereof. Requires the advisory committee to advise and make recommendations to the director of the division with regard to the granting of certificates of approval, the approval of new courses and programs, the denial or revocation of a school's certificate of approval, and the development of minimum criteria, rules and regulations, and procedures. Terminates the advisory committee on July 1, 1995. Provides for review by the sunrise and sunset review committee prior to said termination date.

Transfers governance, jurisdiction, and control of private occupational schools from the state board for community colleges and occupational education to the division, effective July 1, 1990. Provides that any certificate of approval or agent's permit issued by the state board for community colleges prior to July 1, 1990, shall extend to and expire on its normal date without approval of the division, subject to revocation or suspension of such approval by the division or cessation of a school's operations.

Makes conforming amendments to the "Private Occupational Education Act of 1981" required by such transfer. Forbids any private occupational school from awarding associate degrees unless such school has met the total and general course hour standards established by the state board for community colleges and occupational education. Requires the division to make recommendations to the executive director concerning the grant or denial of an agent's permit. Changes the expiration date of an agent's permit from June 30 to July 1.

Makes further conforming amendments to the "Colorado Youth Employment Opportunity Act", the "Colorado Student Incentive Grant Program", and provisions pertaining to commercial driving schools, licensure of real estate brokers and salesmen, and honorary degrees.

Appropriates $170,800 from the private occupational schools fund to the department of higher education for allocation to the private occupational school division for the implementation of this act.

APPROVED by Governor May 7 EFFECTIVE July 1

H.B. 90-1147 Higher education fund - separation of general fund moneys. Establishes a special fund, separate from the general fund, designated as the higher education fund. Allocates to such fund the total annual general fund appropriations to the department of higher education for each fiscal year.

APPROVED by Governor May 9 EFFECTIVE May 9

H.B. 90-1167 Metropolitan state college - name change. Changes the name of Metropolitan state college to Metropolitan state college of Denver. Verifies that property rights acquired and obligations incurred by the college before the name change are not impaired.

APPROVED by Governor March 14 EFFECTIVE July 1

H.B. 90-1182 Student financial assistance - nonpublic institutions of higher education. Requires the Colorado commission on higher education to determine the amount of student financial assistance allocated to each nonpublic institution of higher education based upon the cost of attendance at such an institution. Directs that the change in the manner of calculating financial assistance shall not result in a dollar decrease in allocation to any institution from fiscal year 1989-90 levels. Directs that the allocation for need-based financial aid to nonpublic institutions shall be phased in at 90% of need for fiscal year 1990-91, 95% of need for fiscal year 1991-92, and 100% of need for fiscal year 1992-93 and the fiscal years thereafter, as determined by cost of attendance at a nonpublic institution for each such year.

Requires each nonpublic institution which receives additional financial assistance pursuant to the change in the determination of need under this act to allocate such assistance on the basis of need. Directs that the change in the determination of need shall not reduce the commission's allocation to nonpublic institutions of moneys for merit based programs.

Requires the commission, on or before January 1, 1990, to study and report to the general assembly on the rationale and policies used in the allocation of state-funded student financial assistance to state institutions and nonpublic institutions.

APPROVED by Governor May 17 EFFECTIVE May 17

H.B. 90-1266 Department of higher education - budget requests - authority of commission on higher education. Requires funding recommendations made by the Colorado commission on higher education for state-supported institutions of higher education and by the executive director of the commission for divisions of the department of higher education and other specified programs to be submitted to the governor and the general assembly as part

of the budget request for the department of higher education and in accordance with existing budget procedures. Provides for the executive director of the commission to consider budget requests and make funding recommendations for the state council on the arts and humanities, the state historical society, the Colorado advanced technology institute, and such other special programs as the general assembly shall establish by statute. Authorizes the general assembly to make annual appropriations, in whatever form it determines appropriate, for the operation of the divisions and the special programs.

APPROVED by Governor June 7 EFFECTIVE June 7

ELECTIONS

S.B. 90-42 Elections - voter registration procedures. Allows each county clerk and recorder to register electors residing in any precinct within the state of Colorado. Requires that such registration be forwarded to the county clerk and recorder of the county in which the elector resides. Specifies that branch registration sites and mobile registration sites remain open no later than 7 p.m. on the 25th day before a general or primary election. Requires that each application for registration made available at local driver's license examination facilities bear a statement that it is a class 1 misdemeanor to swear or affirm falsely as to the qualifications to register to vote.

APPROVED by Governor April 9 EFFECTIVE July 1

S.B. 90-97 Mail ballots - requirements for conduct. Authorizes political subdivisions to hold certain elections by mail ballot. Requires local election officials to submit a plan for such a mail ballot election to the secretary of state prior to such election. Requires the secretary of state to supervise the conduct of mail ballot elections and outlines the procedures for conducting such elections. Specifies the duties and powers of the local election officials in connection with such elections. Requires the secretary of state to promulgate rules for the casting of absentee ballots. Further requires the secretary of state to submit a report to the general assembly regarding the implementation of the mail ballot provisions.

APPROVED by Governor April 16 EFFECTIVE January 1, 1991

S.B. 90-156 School district director elections - inclusion in campaign reform act - registration of candidates. Includes elections for school district directors in the "Campaign Reform Act of 1974". Requires candidates for school district director in school districts that include more than one county to register with the clerk and recorder in only the county of their residence.

APPROVED by Governor May 23 EFFECTIVE July 1

S.B. 90-162 Presidential primary elections - conduct - referendum. Provides for a presidential primary election in Colorado upon approval by the people at the next general election. States that the general assembly intends to choose the exact date of such election during the next regular session. Establishes criteria for placement of candidates on presidential primary election ballots. Allows an elector to vote only for a candidate of the same political party as the elector. Allows an

unaffiliated elector to affiliate with a party and vote in the party's primary election on the day of such election. Directs the secretary of state to certify the results of such election to the political parties which had candidates on the primary ballot. Requires political parties to allocate delegates to presidential conventions based on the primary results, to the extent allowed by party rules. Provides that such delegates shall be bound by such allocation only to the extent allowed by the rules of their political party. States that it is the intent of the general assembly that the primary election conform to federal law and political party rules. Directs the secretary of state to report on the conformance to such requirements by January 1, 1991.

H.B. 90-1262 Handicapped electors - access to voting - polling location - completion of affidavit forms. Provides for improved access to voting for physically handicapped citizens. Declares that, where reasonable polling place access for handicapped voters cannot be provided, reasonable accommodations should be made to enable such voters to cast votes. Allows a registered elector who is physically handicapped or a family member living at the same address as such an elector to temporarily change polling locations to a polling location that is accessible to physically handicapped persons. Allows a person acting for a physically handicapped elector to request such a change of polling location. Provides for a certificate to be sent to an elector who has temporarily changed polling locations to be presented to the election judges on election day. Authorizes all political subdivisions to follow the same procedures for such changes of polling locations. Allows a registered elector assisting a disabled elector to complete the affidavit forms required for disabled electors.

APPROVED by Governor April 3 EFFECTIVE April 3

H.B. 90-1319 Election judges - initiatives and referendums - qualifications of sheriff. Makes various changes related to elections. Prohibits any person convicted of election offenses and any person who has been denied a notary public license or whose notary license has been revoked from being an election judge.

On and after January 1, 1991, requires that all referendums be listed by letter, in the order submitted, and that all initiatives be listed thereafter by number, in the order submitted, and printed in that order on all ballots with an explanation at the beginning of such measures that initiatives are submitted by the people and referenda are referred by the general assembly.

Changes the day for precinct caucuses to be held from the first Monday in April to the first Tuesday in April in even-numbered years.

Revises fingerprinting requirements for candidates for county sheriff. Requires such candidates to submit a receipt

evidencing fingerprinting done by a qualified law enforcement agency. Requires the Colorado bureau of investigation to notify the county clerk and recorder of the county where the candidate resides of the results of the fingerprint analysis which the bureau is required to conduct. Requires the bureau to keep confidential any conviction or plea of guilty or nolo contendere to a felony and to report to the county clerk and recorder only that the candidate is not qualified.

APPROVED by Governor June 8 EFFECTIVE June 8

Note: Provisions of this act amend S.B. 90-62.

H.B. 90-1334 Campaign reform - contributions by candidates to other candidates. Prohibits a candidate for governor, lieutenant governor, secretary of state, attorney general, state treasurer, the board of regents of the university of Colorado, or the state board of education from making campaign contributions or contributions in kind to candidates for the general assembly, either directly or through county or state central committees. Prohibits candidates for federal office from contributing more than $100, or from making a contribution in kind having a value of more than $100, to the campaign of a candidate for the general assembly, and prohibits candidates for the general assembly from expending such prohibited contributions.

VETOED by Governor May 31

FINANCIAL INSTITUTIONS

H.B. 90-1132 Division of banking - regulation of providers of financial services - amendments to clarify authority of commissioner and banking board - directors' examinations of financial institutions - hearings by banking board - confidentiality of information - reports by financial institutions - credit card national banks. Amends the statutes governing the activities of the division of banking to remove conflicts in the authority of the banking board and the state bank commissioner. States that the powers of the banking board and of the commissioner as set forth in the "Colorado Banking Code of 1957", as well as the regulatory policy embodied in such code, apply also to statutes pertaining to industrial banks, trust companies, debt adjusters, and the "Money Order Act".

Clarifies that annual directors' examinations of financial institutions regulated by the division of banking may be conducted by public accountants or other qualified persons as determined in the rules and regulations of the banking board. Specifies that such rules and regulations shall establish the qualifications of such persons who shall assume the responsibility for due care in such directors' examinations and safeguards to insure that such examinations adequately describe the financial condition of the financial institution. Requires that reports of condition and income be completed at least 3 times per year by financial institutions regulated by the division of banking. Provides that late fees for such reports shall be set by the banking board. Removes references to amounts of specific fees in the statutes related to the banking division and provides that all such fees shall be set by the banking board.

Authorizes the banking board to grant a charter for commercial banks, industrial banks, and trust companies without a public hearing if there are no protests and the applicants are known to the board. Simplifies procedures for the closing of banks by the banking board. Eliminates the requirement that fidelity bonds for commercial banks be approved by the banking board. Upon the affirmative vote of a majority of those present at any meeting of the banking board at which a quorum is present, provides that one or more members of the board may be authorized to conduct any hearing required by law. Provides that, at any meeting of the board where less than a quorum is present during the conduct of a hearing, the board shall not vote on the matter until at least a quorum of the board has read the entire record of the hearing. Adds provisions to the law to permit the banking board to vote to hold executive sessions when required by law to keep any matter confidential.

Provides that the division of banking may exchange information with other regulators subject to any confidentiality agreement entered into between the banking board or the commissioner and the United States comptroller of the currency, the federal deposit insurance corporation, or the board of governors of the federal reserve system.

Excludes credit card national banks from the definition of "banking institution" under the law regulating the acquisition of control of limited service banking institutions in order to permit the operation of credit card national banks in this state.

Provides that notice of change in control of industrial banks must be filed with the banking board under the same circumstances as for commercial banks. Authorizes the banking board to set lending limits for industrial banks by rule in the same manner as the board does for commercial banks. Provides that loans to insiders by industrial banks shall be governed by banking board rule in the same manner as such transactions are regulated for commercial banks.

Provides that licensees under the "Money Order Act" must make books and records available in this state for purposes of examination by the commissioner or pay the costs of conducting such examinations in another state.

APPROVED by Governor June 7 EFFECTIVE June 7

H.B. 90-1178 Colorado investment deposits - tax-exempt interest - qualified financial institutions - small business loans. Authorizes qualified financial institutions to issue Colorado investment deposits. For income tax years commencing on and after January 1, 1990, provides for the interest income earned on Colorado investment deposits up to $20,000 to be exempt from Colorado personal income tax.

Requires such qualified financial institutions to make reasonable efforts to utilize no less than 50% of the moneys deposited in Colorado investment deposits for loans to Colorado small business enterprises, with priority consideration given to small businesses which are minority-owned and women-owned. Specifies the maximum amount of any loan to be $250,000. Sets forth the purposes for which such loans may be made.

Requires qualified financial institutions to submit annual reports to the state bank commissioner or to the state commissioner of financial services, whichever is applicable, to ensure reasonable efforts were made to comply with the requirements to maintain eligibility to issue Colorado investment deposits. Prohibits financial institutions which do not comply with such requirements from issuing Colorado investment deposits and specifies the liability of such financial institutions to persons who were issued Colorado investment deposits.

APPROVED by Governor May 31 EFFECTIVE May 31

H.B. 90-1209 Banks and trust companies - substitution as fiduciaries. Authorizes the substitution as a fiduciary of one Colorado bank or Colorado trust company by another Colorado bank or Colorado trust company and sets forth the circumstances under which a substitution is allowed. Requires resolutions from the boards of directors of both the transferor fiduciary and successor fiduciary to effectuate a substitution. Specifies that

the powers, rights, and duties shall be vested in the successor fiduciary upon effectuation of the substitution. Sets forth procedures for notification to interested parties of the substitution. Provides powers for the investing and reinvesting of trust assets in certain securities. Discontinues the provision that an agreement of sale providing for the transfer to the purchasing bank of all fiduciary positions held by the selling bank is subject to the right of a court to appoint a different fiduciary to the positions so transferred.

APPROVED by Governor April 20 EFFECTIVE April 20

H.B. 90-1222 Securities - regulation of - appropriations. Enacts the "Colorado Securities Act", which reorganizes and expands the "Securities Act of 1981" and other provisions of Colorado law concerning registration of securities, securities broker-dealers and sales representatives, and fraud in connection with the sale of securities.

Makes it unlawful for any person to offer to sell or sell any security in this state unless it is registered or exempted from registration as provided in the act. Permits the securities commissioner to require, as a condition of registration, that the proceeds of the sale of certain registered securities be held in escrow until the issuer receives a specified amount. Requires that 80% of the proceeds from so-called "blank check" offerings be placed in escrow until the completion of a transaction or series of transactions which ensure that a certain percentage of such proceeds become committed for use in specific lines of business. Authorizes the commissioner to adopt regulations with respect to the amendment of registration statements and requirements for certain escrows. Allows public offerings registered under the federal "Securities Act of 1933" to be registered under a simplified filing process in Colorado. Specifies the information to be included in registration statements for those securities registered by qualification pursuant to the act. Requires the securities commissioner to prescribe by rule a limited offering registration procedure for any offering of securities which meets certain requirements. Authorizes the securities commissioner to require the filing of sales literature for distribution to prospective investors. Empowers the commissioner to issue stop orders which deny, postpone, suspend, or revoke the effectiveness of a securities registration statement.

Exempts certain securities and transactions from registration and sales literature filing requirements and authorizes the securities commissioner by rule or order to add other securities or transactions to those specifically exempted. Authorizes the securities commissioner to deny or revoke certain exemptions if such an order is necessary to protect the public and to coordinate exemptions provided by state and federal law.

Requires broker-dealers and sales representatives to obtain licenses to conduct business in Colorado unless exempted under the act. Requires applicants for such licenses to submit any

information required by rule of the commissioner and to pay a license fee. Authorizes the commissioner to require successful completion of a standardized written examination for certain broker-dealer applicants. Specifies when such licenses become effective. Authorizes the commissioner to prescribe financial responsibility and record-keeping requirements for certain broker-dealers and to examine such records. Authorizes broker-dealers to file and receive a license for a successor. Authorizes administrative sanctions against broker-dealers, licensed sales representatives, and applicants who engage in proscribed conduct. Specifies procedures to withdraw an application for a license or to withdraw from current licensing.

Makes it unlawful to engage in fraud in connection with the sale of securities, to submit misleading filings with the securities commissioner, or to represent that the securities commissioner has passed on the merits or qualifications of any person, security, or transaction based on the filing or granting of an application for a license or the registration of a security.

Authorizes the commissioner to make public and private investigations and to seek injunctive relief to prevent or restrain a violation of the act. Establishes criminal penalties for willful violations of the act. Creates a civil cause of action against any person for violating the registration requirements for securities or the licensing requirements for broker-dealers and sales representatives or for engaging in fraudulent activity as defined under the act. Amends provisions which impose secondary liability on certain control persons. Shortens the statute of limitations period for filing certain suits.

Makes the "Colorado Securities Act" effective on July 1, 1990, subject to certain provisions which govern the effect of prior securities law, with the exception of the rule-making authority of the commissioner which is effective June 8, 1990. Repeals the "Colorado Securities Act" on April 1, 1993.

Appropriates $148,039 and 3.0 FTE from the division of securities cash fund to the department of regulatory agencies for allocation to the division of securities for the implementation of the act. Out of such amount, appropriates $16,709 to the department of law for the provision of legal services for the implementation of the act.

APPROVED by Governor June 8

PORTIONS EFFECTIVE:
June 8
July 1

S.B. 90-131 General assembly vacancy committees - meetings - voting. Prohibits a general assembly vacancy committee from selecting a person to fill a vacancy in the general assembly unless a written notice of the meeting of the committee is mailed to each of the members of the committee 6 days prior to the meeting. Reduces the number of votes required for vacancy committees to fill such vacancies to a majority of those members actually present at any such vote. Requires a quorum of 2/3 of the voting membership of such committee for a meeting to be held. Prohibits members of such vacancy committees from voting by proxy.

APPROVED by Governor April 5 EFFECTIVE April 5

H.B. 90-1103 Sunset review of advisory committees. Clarifies the language in the legislative declaration concerning the sunset review process for advisory committees to reflect that advisory committees created prior to 1986 are to be reviewed by the sunrise and sunset committee and that advisory committees created on and after July 1, 1990, shall have a life not to exceed 6 years and that the statutory authorizations for any such committees shall contain corresponding repeal provisions.

Changes the termination dates of certain state agencies to provide a more even distribution of sunset reviews in certain years to allow the sunrise and sunset review committee to comply with bill limitations imposed for the state senate and house of representatives. Eliminates the scheduled review for certain advisory boards which have previously been reviewed.

APPROVED by Governor April 3 EFFECTIVE April 3

H.B. 90-1328 Reapportionment - state legislative districts - congressional districts - regional transportation director districts - appropriation. Updates the statutes which govern the operations of the Colorado reapportionment commission for the reapportionment based on the 1990 census. Allows the executive committee of the legislative council to make arrangements for information resources, staff, and office space pending the appointment and organization of the commission. Sets the per diem compensation for members of the commission. Requires the director of research of the legislative council to provide for the development of a computer system to assist in legislative and congressional redistricting. Directs the executive committee to adopt a policy governing access to the computer data bases developed.

Urges the reapportionment commission and the supreme court to complete state legislative redistricting by March 1, 1992, and makes adjustments in the 1992 election calendar if the plan is not filed with the secretary of state by such date.

Adjusts deadlines for reapportionment of regional transportation director districts to accord with the 120-day limitation on legislative sessions.

Appropriates $849,996 out of the general fund to the legislative council to implement the act.

BECAME LAW without Governor's signature	June 9
EFFECTIVE	June 9

S.B. 90-62 Sheriff - qualifications and training. Provides that no person shall be eligible for nomination, election, or appointment to the office of sheriff unless such person is a citizen of the United States, possesses a high school diploma or its equivalent or a college degree, and has submitted a complete set of fingerprints. Requires every person elected or appointed to the office of sheriff for the first time to attend a minimum of 80 clock hours at a new sheriff training course, attain basic peace officer certification, and undergo 20 clock hours of in-service training every year during such sheriff's term. Gives the Colorado peace officers standards and training board discretion to allow substitute training for the new sheriff training course or waive the in-service training requirement under certain circumstances. Authorizes suspension of the sheriff's pay until such requirements have been met.

APPROVED by Governor April 5 EFFECTIVE April 5

Note: This act is further amended by H.B. 90-1319.

H.B. 90-1081 Sales tax for mass transportation systems - counties outside regional transportation district. Authorizes counties outside the regional transportation district to impose a sales or use tax of up to .5% for the purpose of building mass transportation systems if such tax is approved by the registered electors in the county. Exempts such sales tax from the 7% limitation on the total sales tax or total use tax imposed by any county. Authorizes such counties to enter into intergovernmental agreements with cities or other counties or with any private carrier for the purpose of providing mass transportation services. Requires counties to contract with private carriers for mass transportation services if the costs are less.

APPROVED by Governor May 4 EFFECTIVE May 4

H.B. 90-1104 Ordinance authority - regulatory and police power. Revises and expands county ordinance authority. Authorizes counties to prescribe by general ordinance a method of assessing the cost of developing and operating mass transportation systems and the cost of construction and maintenance of street lighting, drainage structures and facilities, and curbs and gutters. Permits counties to establish policies and procedures regarding contracts with the county, to provide for the preservation of historic land, facilities and structures, and to commemorate or memorialize outstanding service, events, or actions.

Expands county regulatory and police power by adding the following powers: To restrain and punish persons for illegal dumping of trash, garbage, and dead animals on public and private

property and for causing a false alarm of fire; to control pollution caused by wood smoke; to establish mosquito control districts; to remove snow on sidewalks within the county; to establish fire lanes and emergency vehicles access; to establish fees for certificates, permits, and licenses to provide cash revenues and funds for recreational purposes including facility development and to offset the costs of emergency search and rescue operations; and to compel the removal of any building or structure presenting a substantial danger to public health or safety, except for those on land subject to the "Colorado Mined Land Reclamation Act" or the "Surface Coal Mining Reclamation Act".

Prohibits application of certain ordinances and related county powers to municipalities unless the municipality consents. Forbids application of certain ordinances and related powers to special districts if it would duplicate or interfere with the district's services or facilities unless the county is specifically empowered to do so and the special district agrees.

Authorizes counties to adopt ordinances and a building code consistent with the "Uniform Building Code". Allows county, district, and regional boards of health to provide environmental health services and assess fees to offset the cost thereof.

Changes the amount chargeable by counties, cities, and special districts for emergency telephone service to 70¢ and allows the governing body to charge in excess of that amount if approval is obtained from the public utilities commission. Specifies whom such charge is imposed on. Changes the time such charges must be remitted from quarterly to monthly and the amount the service provider is entitled to retain from such remittance.

Increases the processing fee for special improvement district service plans to $500, subject to waiver of that fee by the county commissioners, and to $250 for the modification procedure for such plan.

APPROVED by Governor May 31 EFFECTIVE July 1

H.B. 90-1113 County improvement districts - fire protection service - operation within municipal boundaries - firemen's pension fund. Allows county improvement districts providing fire protection services to create and maintain a firemen's pension fund, adopt and enforce fire codes, and to operate within the boundaries of any municipality within the county if the municipality consents by ordinance.

Adds such districts to those entities subject to the statutory provisions regarding firemen's pension funds, and specifically to those provisions pertaining to the establishment, membership, and duties of the board of trustees for a pension fund, employee assessments, pension benefits and beneficiaries for disability and death, retirement age, investment of pension amounts, volunteer firemen's pensions, and alternative firemen's pension benefit programs.

Makes such districts subject also to provisions concerning policemen's and firemen's pension reform and certain provisions

pertaining to state-assisted policemen's or firemen's pension plans and the amount of annual contributions thereto. Includes such districts in the statewide firemen's and policemen's pension plan to assure the actuarial soundness of local pension plans and in those provisions pertaining to the state's contribution to such pensions.

APPROVED by Governor March 22 EFFECTIVE March 22

H.B. 90-1139 County officers - increase in salaries - categorization of counties. Modifies the categorization of certain counties for purposes of establishing the salaries of county officers. Increases the annual salaries of county commissioners. Eliminates provisions which allow boards of county commissioners to set the annual salaries for county sheriffs, county treasurers, and county clerk and recorders at levels lower than those levels specified by statute.

BECAME LAW without Governor's signature April 17
EFFECTIVE April 17

H.B. 90-1324 Counties of less than 70,000 - election of county commissioners. Authorizes a county having a population of less than 70,000 to change its procedure for electing county commissioners from a method whereby all voters in the county elect all 3 commissioners to a method whereby each of the 3 commissioners is elected only by the voters in the district from which the commissioner runs for election. Provides that a proposal for such change may be made by resolution of the board of county commissioners or by petition signed by at least 5% of the registered electors in the county. Requires the change to be approved by the voters of the county at a general election, and provides that the first general election at which the question of changing election procedures may be submitted is the 1992 general election, with the first election at which county commissioners may be elected only by the voters of each commissioner district occurring in 1994. Makes no changes in commissioner district boundaries or in the sequencing of elections.

VETOED by Governor June 8

S.B. 90-28 Budget law - financial plans by fund and by spending agency - deadlines - public notice - appropriations. Repeals and reenacts the local government budget provisions. Requires local governments to adopt annual budgets which present a complete financial plan by fund and by spending agency. Requires such budgets to include a written budget message which describes the services to be delivered. Prohibits local governments from adopting budgets which provide for expenditures in excess of revenues. Changes from September 1 of each year to a date determined by the governing body of each local government the time by which all spending agencies shall submit estimates of revenues and expenditure requirements. Requires the person appointed to prepare the budget to submit the budget to the governing body of the local government no later than October 15 of each year. Requires local governments whose budgets exceed $50,000 to publish notice of the hearing to consider adoption of the budget in a newspaper of general circulation and requires local governments with budgets of $50,000 or less to post copies of such notice in 3 public places. Specifies that if the appropriations for the budget year are not made by December 31 then 90% of the amount appropriated in the current fiscal year shall be deemed reappropriated for the budget year. Combines provisions related to budget transfers and supplemental appropriations.

APPROVED by Governor April 3 EFFECTIVE January 1, 1991

Note: Provisions of this act are amended by H.B. 90-1164.

S.B. 90-118 New or expanded business facilities - counties, municipalities, and school districts - incentive payments. Authorizes counties, municipalities, and school districts to negotiate agreements regarding incentive payments with taxpayers who establish new business facilities or who expand existing business facilities in such counties, municipalities, or school districts. Establishes limitations on the term of such agreements and the amount of such incentive payments. Prohibits counties, municipalities, and school districts to enter into any new agreements on or after January 1, 1995.

Requires counties, municipalities, and school districts to give notice of agreements negotiated by such governmental entity to other appropriate governmental entities. Prohibits school districts from negotiating agreements with any taxpayer until so notified of agreements negotiated with such taxpayer by the county and municipality in which such new business facility would be located or such expanded business facility is located. Makes adjustments in the formula for state aid to school districts to take into account an incentive payment made to a taxpayer, and

requires any agreement for an incentive payment between a school district and a taxpayer to be approved by the state board of education.

BECAME LAW without Governor's signature April 24
EFFECTIVE April 24

H.B. 90-1098 Group homes for the aged - county and municipal zoning ordinances. Distinguishes group homes for the aged from skilled nursing facilities, intermediate nursing facilities, and institutions providing life care. Defines "nonprofit group home" and "owner-occupied group home" for the purposes of mandated county and municipal zoning ordinances.

Applies to group homes for the aged which are established on or after July 1, 1990, and, on or after January 1, 1991, applies to group homes for the aged which were established prior to July 1, 1990.

APPROVED by Governor April 3 EFFECTIVE July 1

H.B. 90-1152 Land development charges - accountability. Declares that accountability for land development charges is a matter of state-wide concern. Requires that land development charges collected by a local government, including moneys collected but not expended prior to January 1, 1991, be deposited in an interest-bearing account clearly identifying the category, account, or fund of capital expenditure for which the charge was imposed. Requires that land development charges collected by a local government for another local government be transmitted for deposit in such an interest-bearing account.

Requires a county, city and county, or municipality to comply with the deposit or transmittal requirements for land development charges collected but not expended prior to January 1, 1991, only if such land development charges were collected on or after January 1, 1986. Exempts from the provisions of the act any rates, fees, or other requirements which a local government is expressly required to collect by state statute and which are not imposed to fund programs, services, or facilities of the local government.

APPROVED by Governor April 16 EFFECTIVE January 1, 1991

H.B. 90-1300 Special improvement districts - administration and collection of special assessments. Requires certain resolutions adopted by boards of county commissioners relating to local improvement districts and certain ordinances adopted by governing bodies of municipalities relating to special improvement districts to be filed with specified county officers and the division of local government in the department of local affairs. Requires a good faith effort for such filings, but

provides that failure to comply will not affect or impair the execution of the improvement. Establishes an additional reason for which a board of county commissioners or a governing body of a municipality may make a new assessment for such improvement district subsequent to making a final assessment. Authorizes county assessors to create separate schedules for assessing land pursuant to a final resolution of the county or pursuant to a final ordinance of the municipality.

Specifies that installment payments of special assessments which are collected by county treasurers shall be made at the same time that installment payments of property taxes are made. Authorizes county treasurers to adopt policies and procedures for the administration and collection of special assessments. Establishes requirements which must be met prior to adoption of such policies and procedures.

Effective July 1, 1990, allows municipalities other than the municipality creating a special improvement district to be included in such special improvement district as long as such municipalities are located in the same county as the municipality creating such special improvement district. Requires municipal consent by ordinance before another municipality may be included in such special improvement district. Eliminates the discount for the timely payment of special assessments.

Defines the terms "costs" and "property" for purposes of foreclosure proceedings conducted as a result of delinquent assessments for special assessment districts which exist on or are created on or after July 1, 1990.

APPROVED by Governor April 5

PORTIONS EFFECTIVE:
July 1
October 1

S.B. 90-16 Fire and police pensions - statewide pension plan - compliance with federal internal revenue code. Provides that the statewide fire and police members' benefit plan shall be subject to certain provisions to ensure that such plan complies with nondiscrimination requirements of the federal "Internal Revenue Code of 1986" and other federal requirements for such governmental pension plans. Specifies that any excess moneys allocated to the stabilization reserve account of the fire and police members' benefit fund in any year shall be allocated from that portion of deposits to the new hire benefits account of such fund constituting employer contributions to the statewide fire and police members' benefit plan.

APPROVED by Governor April 3 EFFECTIVE April 3

S.B. 90-152 Fire and police pensions - alternative money purchase plans - death and disability. Allows members of alternative fire or police money purchase pension plans, which are exempt from certain statutory provisions concerning firemen's and policemen's pensions, to elect, with the approval of the members' employer, coverage under said statutory provisions for death and disability benefits. Upon election of such coverage, requires members to complete a statewide standard health history form. Makes any such election irrevocable.

Provides that the state contribution to an employer having an exempt alternative pension plan whose members elect to be subject to said provisions governing death or disability benefits shall be reduced on an annual percentage basis until such contributions are discontinued as of January 1, 1993.

APPROVED by Governor April 5 EFFECTIVE April 5

H.B. 90-1007 Urban renewal authorities - acquisition of property by condemnation - approval by municipality. Requires that any acquisition of property through condemnation by a urban renewal authority must be approved as part of an urban renewal plan or modification thereof by the governing body of the municipality in which the property is located.

APPROVED by Governor April 5 EFFECTIVE April 5

H.B. 90-1011 Fire and police pensions - death and disability benefits. Authorizes the board of the fire and police pension association to change the occupational disability status of a member to total disability; to appoint all 3 members of a disability physician panel based upon the recommendation of a medical advisor; and to investigate claims for disability retirement benefits to determine eligibility therefore. Prohibits

such an investigation if more than 3 years have elapsed since the date of award. Provides local pension benefits to survivors of members of a local plan who are eligible for retirement when such members die while in active service. Requires the board of the fire and police pension association to submit an annual actuarial valuation to the state auditor. Requires the state auditor to certify the amount of the state contribution to be made to the death and disability benefits account of the fire and police members' benefit fund from amounts earmarked from certain retiree income taxes based on such actuarial valuation. Provides for the eventual termination of such contribution.

Repeals provisions permitting a single member who subsequently marries to be eligible to change an original election of benefits in order to take a reduced pension under certain circumstances.

APPROVED by Governor June 8 EFFECTIVE June 8

H.B. 90-1026 Fire and police pensions - change of beneficiary designation. Permits a retired member of the fire and police pension association to change his beneficiary designation only if his or her marital status changes. In the case of divorce, provides that the provisions of the act apply only to final divorce decrees entered on and after July 1, 1990. Provides that in the event of such change in beneficiary designation, the joint pension benefits payable shall be recalculated to be the actuarial equivalent of the remainder of the original pension benefits based upon the member's initial beneficiary designation, if any.

APPROVED by Governor March 20 EFFECTIVE March 20

H.B. 90-1031 Fire and police pensions - alternative plans - authority to change nature of plan. Clarifies that an alternative police or fire pension plan may be amended to change the nature of such a plan from a defined benefit plan to a money purchase plan or from a money purchase plan to a defined benefit plan if approved by the employer and 65% of the active members of the plan.

APPROVED by Governor March 22 EFFECTIVE March 22

H.B. 90-1051 Annexation - standing to challenge. Grants to any municipality within one mile of an area proposed to be annexed standing to challenge the acts of the governing body of the annexing municipality.

APPROVED by Governor March 9 EFFECTIVE March 9

GOVERNMENT - SPECIAL DISTRICTS

S.B. 90-8 Regional transportation district - competition to provide bus services. Requires that contracts with the regional transportation district for the provision of bus services by private providers be competitively negotiated rather than competitively bid. Extends the initial term of such contracts from one year to a length of up to 3 years. Changes the length of the optional extension of such contracts from 4 years to a total of up to 5 years. Allows the regional transportation district to specify the time within which proposals for private provision of bus services must be submitted to the district, but the time specified shall not be less than 45 days nor exceed 90 days.

APPROVED by Governor April 9 EFFECTIVE April 9

S.B. 90-120 Regional transportation district - borrowing of money - prohibition. Prohibits the regional transportation district from borrowing money for mass transit facility purposes or from issuing securities evidencing borrowing for such purposes from January 1, 1990, through May 9, 1990.

APPROVED by Governor April 3 EFFECTIVE April 3

S.B. 90-186 Insolvent taxing districts - filing of bankruptcy petitions. Grants authority to any insolvent taxing district to file a bankruptcy petition authorized by federal law and to take any and all action necessary or proper to carry out the plan required by federal law for the adjustment of the debtor's debts. Defines "insolvent taxing district" as any special district organized or operating under the provisions of the state "Special District Act" which is able to show that it has been unsuccessful at alternatives to bankruptcy and that it would be unable to discharge its obligations as they become due without imposing a mill levy of 100 mills or more. Validates any filing of a petition or plan or any approval of a plan which occurred prior to the effective date of the act, May 24, 1990. Repeals the provisions concerning special district bankruptcies on July 1, 1993.

Prohibits an insolvent taxing district which has increased its mill levy for certain specified purposes from receiving any larger proportion of the specific ownership taxes of the county as a result of such mill levy increase and directs that any dollar amounts resulting from the levying of ad valorem taxes by an insolvent district for such purposes be excluded from the calculation of the percentages used to apportion specific ownership tax revenues.

APPROVED by Governor May 24 EFFECTIVE May 24

S.B. 90-208 Regional transportation district - fixed guideway mass transit systems - authorization - report to general assembly. Requires that any action of the regional transportation district board of directors relating to the construction of a fixed guideway mass transit system be approved by a two-thirds majority vote of the board membership and by the designated metropolitan planning organization. Requires the board to report no later than February 1 of each year to the house and senate transportation committees regarding the operations of the district, including a description of the activities of the district relating to the planning, financing, or construction of a mass transit system.

APPROVED by Governor May 23 EFFECTIVE May 23

H.B. 90-1062 Scientific and cultural facilities initiated by petition or resolution - distribution of sales tax collections. Allows petitions or resolutions for the formation of scientific and cultural facilities districts to include formulas or criteria concerning the distribution of sales tax collections. Provides that such criteria may include criteria which scientific and cultural facilities must meet to receive moneys from the district and which are in addition to eligibility criteria established by statute. Specifies that such formulas or criteria included in a petition or initiative shall be binding upon the board of directors of the district if the registered electors voting on the issue approve the formation of such district and the levy of a sales tax. Requires the board of directors to follow such formulas or criteria, if any, when distributing sales tax collections to scientific and cultural facilities which meet the eligibility criteria, if any, specified in the petition or resolution as well as the eligibility criteria established by statute.

APPROVED by Governor April 3 EFFECTIVE April 3

H.B. 90-1172 Denver metropolitan major league baseball stadium district - voter approval at primary election for sales tax levy - powers and duties of board of directors - special obligation bonds - use of revenues - revenue sharing - Colorado baseball commission - governmental immunity. Allows the question concerning the levy and collection of a sales tax by said district to be submitted to the registered electors at a primary election but imposes a condition on submitting the question at such election. Lengthens the period of time during which such sales tax may be levied and collected from 15 years to 20 years. Changes the circumstances upon which said sales tax question may be submitted to the registered electors at a special election.

Clarifies that the board of directors of the district shall study opportunities for privatization to minimize the use of sales tax revenues for site acquisition, stadium construction, and operating costs. Modifies certain components of the methods

to be considered by the board for achieving such privatization. Changes the sources of moneys, other than sales tax revenues, that should be used in the site acquisition and stadium construction. Modifies certain purposes for which sales tax revenues and operating revenues of the district may be used by the board.

Authorizes the board of directors of the district to conduct business at special meetings. Enables the board to enter into intergovernmental agreements. Modifies the event upon which the board is authorized to select a stadium site. Allows the board to acquire personal property on behalf of the district. Authorizes the board to contract to borrow money for the purpose of issuing special obligation bonds. Allows the board to acquire liability insurance for personal injury or property damage and to deposit moneys of the district in banks or savings and loan associations in the state.

Changes the event upon which the district may borrow moneys and issue special obligation bonds. Clarifies when the proceeds of such bonds may be used. Specifies additional moneys and assets of the district which may be pledged to the payment of such bonds. Provides that special obligation bonds shall meet such terms, conditions, and requirements as are specified in any trust indenture entered into by the board or in any resolution adopted by the board under which such bonds are issued.

Requires the board to award certain contracts exceeding $3,000 on a fair and competitive basis. Allows the board to enter into more than one management agreement with professional management organizations. Amends the definition of "professional management organization". Requires the district to share certain revenues with the local entities located within the district upon the occurrence of certain events. Specifies the method of distributing such revenues.

Modifies the number of commissioners of the Colorado baseball commission from 15 to no fewer than 15 but no more than 18. Removes the owner of the minor league or major league baseball franchise located within the district as a member and chairman of said commission. Of the fifteen commissioners, modifies the number of commissioners to be appointed by the Governor from four to five. Provides for the Governor to appoint any additional commissioners in excess of fifteen, if any. Specifies that the commissioners shall elect such officers as necessary and appropriate from the membership of the commission.

Specifies that directors, officers, and employees of the Denver metropolitan major league baseball stadium district are public employees for purposes of the "Colorado Governmental Immunity Act".

APPROVED by Governor April 16 EFFECTIVE April 16

H.B. 90-1250 Location of meetings held by governing boards. Places restrictions on the location of meetings held by governing boards of certain special districts. Requires the governing board of each specified special district to hold its

meetings at locations which are within the boundaries of the district, or within the boundaries of any county in which the district, in whole or in part, is located, or within any county if the meeting location is not more than 20 miles from the boundaries of the district. Waives such requirement if a proposed change of location of a meeting appears on the governing board's meeting agenda and a resolution is adopted by the board stating the reason that the meeting is to be held in a different location and stating the date, time, and place of the meeting.

APPROVED by Governor April 10 EFFECTIVE July 1

S.B. 90-4 Department of public safety - division of fire safety - fire suppression program - appropriation. Establishes the director of the division of fire safety in the department of public safety as the state fire suppression administrator. Empowers the administrator to establish the fire suppression program and provides a fee schedule for administration thereof. Sets up the fire suppression cash fund in the state treasury for the deposit of such fees. Requires the registration of fire suppression contractors and describes the duties and responsibilities of such contractors. Authorizes the administrator to set standards governing the conduct of fire suppression contractors and to impose disciplinary actions on contractors violating such standards. Requires the registration of fire suppression jobs and the review of plans therefor to facilitate inspections by certified fire suppression systems inspectors. Sets standards for certifying such inspectors. Establishes standards for the required approval of fire suppression systems by such inspectors. Establishes criminal and civil penalties for violations of the act and the circumstances under which a registration or certification may be withheld, denied, suspended, or revoked by the administrator. Provides that the administrator shall have no authority over local governmental entities by virtue of the act.

Appropriates $9,000 from the fire suppression cash fund to the department of public safety for allocation to the division of fire safety for the implementation of the act.

APPROVED by Governor May 18 EFFECTIVE May 18

S.B. 90-15 Real property - state transactions - oversight by capital development committee. Requires the executive director of the department of administration, the wildlife commission, and the board of parks and outdoor recreation to submit a report to the capital development committee before such entities acquire or sell certain interests in real property on behalf of the state. Provides that the report shall describe the anticipated use of the property, the value and maintenance costs of the property, and, in the event real property is acquired, the potential liability to the state which will result from such acquisition. Requires the capital development committee to review the report and to make recommendations to such entities concerning the disposition of the property and requires such entities to consider such recommendations before disposing of the real property.

Requires the department of administration to submit an annual report of the transactions in real property to the capital development committee, which report shall include a description of the property and its present value.

Defines the term "exchange" for purposes of determining the extent of the power of the board of parks and outdoor recreation to transfer interests in real property.

APPROVED by Governor April 3 EFFECTIVE April 3

S.B. 90-17 State buildings - duties of department of administration. Changes the duties and responsibilities of the department of administration regarding state buildings. Authorizes the delegation of certain responsibilities to state agencies, including: Development of standards of inspection and standards for preparing current facilities master plans and facility program plans for each state institution and agency; development of methods of control to assure compliance with appropriations provisions and executive orders and to ensure conformity of planning with various other approved plans; development of lists of qualified architects, engineers, and other qualified professionals and of lists of qualified contractors to bid on construction projects; development of life-cycle cost analysis methods for state facilities; and review of cost estimates for compliance with appropriations.

Requires the department, upon request of any state department, institution, or agency which lacks employees with technical expertise, to provide technical assistance to any such entity in the initial planning phases and stages of a proposed project.

Requires the department to promulgate rules and regulations for the following: Third-party review of facility program plans, schematic design, design development, and construction documents to assure compliance with building codes, approved construction standards, and appropriations; and administration of the bid procedure and acceptable methods for determining the lowest responsible bidder. Also requires the department to promulgate, with the assistance of the attorney general and state controller, standardized contract language for agreements with professionals and construction managers.

Specifies that all persons selected to perform professional services for proposed projects are subject to approval by the principal representative of the state agency for which the project is to be done, and all contracts with such selected professionals shall be consistent with appropriations and legislative intent.

Removes the responsibility of the department to coordinate capital construction and requires the department to review and make recommendations on capital construction projects only if so requested by the office of state planning and budgeting or the capital development committee. Makes the department responsible for preparation of the state's controlled maintenance budget request.

Authorizes state agencies to hire private construction managers to supervise capital construction projects.

Requires the adoption of minimum state building codes by the department. Creates a code appeals board. Directs the board to

consider code variances. Requires that the department provide clerical and other assistance to the board from funds appropriated for the coordination of construction. Establishes procedural rules for the board and empowers the board to promulgate rules and regulations.

Requires the development of performance criteria for state real property and the analysis of state real estate holdings against such criteria.

Requires periodic performance audits on state agencies to ensure that state facilities are being properly maintained.

Repeals certain provisions relating to duties and responsibilities including: Reporting to the general assembly annually on the status of all state capital construction projects; reviewing facilities master planning, facility program planning and construction standards developed by the Colorado commission on higher education; maintaining a life-cycle cost analysis of existing facilities; and reporting on maintenance of state buildings.

APPROVED by Governor April 18 EFFECTIVE April 18

S.B. 90-30 Colorado promotion association - repeal of - transfer of funds and assets. Repeals the Colorado promotion association and reverts all unexpended and unencumbered state funds appropriated to such association to the general fund. Requires that, within 60 days of July 1, 1990, all other assets be transferred to the "Always Buy Colorado" promotion association, a Colorado tax-exempt nonprofit corporation.

APPROVED BY Governor May 4 EFFECTIVE July 1

S.B. 90-54 Colorado library law - establishment of libraries - boards of trustees - participation in existing libraries. Provides procedures for the establishment of a municipal library, county library, a library district, or a joint library by resolution, ordinance, or petition. Sets forth the requirements for establishing a metropolitan library district.

Requires written notification of the proposed establishment of a public library to each governmental unit and library board of trustees maintaining a public library in the proposed library service area. Allows the board of trustees of an established library district, to decide, by resolution or ordinance, whether they wish to participate in the proposed library and requires the filing of a written notice of nonparticipation with the appropriate boards of county commissioners. Forbids refusing library service to a municipality included in the service area of an existing county library or library district. Sets forth when a municipality may establish its own municipal library. Allows the legislative body of a governmental unit to contract for library service from an existing public library. Allows a school district to contract for such services and pay for them from funds available to the school district for library purposes.

Requires library board of trustees to be residents of the library service area. Provides procedures for the appointment and removal of library boards of trustees for library districts and joint libraries. Specifies the terms of such trustees. Sets forth certain rules and regulations to be included in the bylaws of such boards. Delineates the powers and duties of boards of trustees of county and municipal libraries and library districts with regard to fiscal authority and reporting requirements. Authorizes the board of trustees of a municipal or county library or a library district to request that an election be held to alter the maximum tax levied to support such library or library district.

Allows a legislative body of a governmental unit or a board of trustees of a library district maintaining a public library to participate in an established public library with the concurrence of the established library's board of trustees by passage of a resolution or ordinance or by election. Provides for a tax levy in connection therewith. Requires that, upon authorization for an existing library or library district to participate in an established public library, a written agreement between the legislative bodies of the participating governmental units be entered into setting forth the purposes, powers, rights, obligations, and responsibilities, financial and otherwise, of all parties to the agreement.

Allows the legislative body of a city or town or a board of county commissioners to submit to a vote a proposition containing a desired maximum tax levy for the library service area for the establishment, maintenance, and operation of libraries which, if approved, shall stay in effect until changed by a subsequent vote. Requires that interest income which accrues on library moneys shall be credited to the public library fund in the office of the appropriate treasurer.

Provides procedures for abolishment of public libraries and joint libraries.

APPROVED by Governor April 18 EFFECTIVE July 1

S.B. 90-66 Historical, prehistorical, and archaeological resources of Colorado - human remains. For purposes of verifying Colorado's title to all historical, prehistorical, and archaeological resources owned by the state or any of its political subdivisions, specifies certain entities which are political subdivisions of Colorado. Includes among the functions of the state archaeologist the authority to establish procedures by which such resources may be removed from Colorado on a loan basis. With respect to the conservation of archaeological resources not owned by Colorado, requires the state historical society to undertake its functions upon the request of a governmental entity but allows the society discretion in undertaking its functions upon the request of a corporation or private individual. Eliminates willfulness as an element of the misdemeanor committed by vandalizing any historical, prehistorical, or archaeological resource of Colorado.

Establishes notification requirements upon the discovery or knowing disturbance of suspected human skeletal remains. Sets forth procedures for determining the origin and age of such remains. Requires that the commission of Indian affairs be notified if such remains are determined to be of native American origin. Requires that such remains be disinterred unless allowed to remain in situ by unanimous agreement of the landowner, the state archaeologist, and the chairman of the commission of Indian affairs. Provides procedures for the disinterment of such remains. Allows the archaeologist conducting the disinterment to retain custody of such remains for a period of one year for purposes of study and analysis. Establishes procedures for the discovery of human remains during an anthropological investigation. Authorizes the state archaeologist to promulgate rules and regulations for the purpose of implementing the aforementioned procedures.

Makes it a class 1 misdemeanor to knowingly disturb an unmarked human burial and a class 2 misdemeanor to fail to report to the appropriate law enforcement agency knowledge of the disturbance of an unmarked human burial.

APPROVED by Governor May 9 EFFECTIVE May 9

S.B. 90-78 Government publications - use of acid-free, alkaline-based, or permanent type paper. Requires that contracts for the publication of the Colorado Revised Statutes specify that the paper used in such publication must be acid-free, alkaline based, or permanent type paper. Requires the usage of such paper in all publications authorized by the general assembly for purposes of establishing a public record. Recommends that state agencies use such paper in publications meant for permanent recordation. Applies to contracts that are entered into after July 1, 1991.

APPROVED by Governor April 3 EFFECTIVE July 1, 1991

S.B. 90-95 Colorado office of space advocacy - implementation of space initiative. Creates the Colorado office of space advocacy to implement the Colorado space initiative. Creates the position of Colorado space advocate to supervise the implementation of the space initiative. Creates the Colorado space advisory council for the purpose of providing advice and counsel to the space advocate, and for the purpose of advising the governor and the general assembly on the implementation of the Colorado space initiative. Requires the space advocate to submit a report to the governor and to the general assembly no later than March 31, 1992, regarding the progress of the office in implementing the space initiative.

Terminates the space advisory council on July 1, 1994. Provides for review by the sunrise and sunset review committee prior to said termination date. Repeals provisions concerning the Colorado office of space advocacy on July 1, 1994.

APPROVED by Governor April 9 EFFECTIVE April 9

S.B. 90-100 Risk management - claims arising prior to 1985 - state employee workers' compensation account - appropriation. Authorizes the payment of liability claims arising prior to September 15, 1985, out of the risk management fund.

Establishes a state employee workers' compensation account in the risk management fund to be used for a workers' compensation self-insurance program for state employees or to pay the premium on a commercial workers' compensation insurance policy.

Requires the executive director of the department of labor and employment to provide alternative security requirements for the workers' compensation self-insurance program of the department of institutions, which are to apply to claims arising on or after July 1, 1985, and before July 1, 1990. Provides that the employees of the department of institutions will be covered by the workers' compensation account in the risk management fund beginning July 1, 1990.

Appropriates $600,000 to the department of administration for the payment of liability claims arising prior to September 15, 1985.

APPROVED by Governor May 24

PORTIONS EFFECTIVE:
May 24
July 1

S.B. 90-119 Public employees' retirement association - survivor benefits. Changes the order of payment for public employees' retirement association survivor benefits by providing for the surviving spouse of deceased association members to receive survivor benefits prior to any qualified children of the deceased who are 23 years of age or older. Requires that an eligible surviving spouse begin receiving survivor benefits no later than the end of the year in which the deceased member would have reached 70 1/2 years of age.

Applies to survivor benefits for deaths occurring on or after July 1, 1990, except the provisions concerning commencement of survivor benefits also apply to deaths occurring prior to July 1, 1990.

APPROVED by Governor May 8

EFFECTIVE July 1

S.B. 90-173 Capital construction projects - contract deadlines - waiver. Authorizes the controller, in consultation with the capital development committee, to grant a waiver from the requirement that contracts for capital construction projects be completed within 6 months of the date on which the appropriation for the project becomes law. Provides that, for purposes of projects funded out of net lottery proceeds, the 6-month deadline begins to run on the date that the agency completing the project receives the funds. Excludes certain projects for the division of parks and outdoor recreation and the

division of wildlife in the department of natural resources, certain maintenance, repair, and improvement projects, and the acquisition of any easement by such divisions from the 6-month contract deadline. Allows state agencies to modify contracts for the purpose of securing satisfactory completion of the work and the provision of the goods and services consistent with the original contract.

APPROVED by Governor April 12 EFFECTIVE April 12

S.B. 90-201 Office building at 700 Kipling street - department of administration - renegotiation of lease or purchase. Authorizes and directs the executive director of the department of administration to renegotiate the lease for the office building at 700 Kipling street. Authorizes the executive director to borrow money from the state treasury for the purpose of purchasing the office building in the event the lease cannot be renegotiated. Provides that such loan will be repaid by the state agencies who are tenants of the building with moneys appropriated to such agencies for lease payments.

APPROVED by Governor May 24 EFFECTIVE May 24

S.B. 90-203 Economic development activities of state - organization - office of business development - Colorado economic development advisory board - minority business office. Creates the Colorado office of business development within the office of the governor. Establishes the powers, duties, and functions of such office.

Creates the Colorado economic development advisory board within the office of the governor. Sets forth the composition of the membership of such advisory board and establishes the powers, duties, and functions of the board. Provides for the sunset of the advisory board on July 1, 1993.

Creates the minority business office within the office of the governor. Establishes the powers, duties, and functions of such office. Creates the minority business fund to which shall be credited all moneys received by the minority business office.

Repeals an obsolete reference in the statutes to the Colorado office of volunteerism.

APPROVED by Governor June 1 EFFECTIVE July 1

S.B. 90-209 Nonappropriated funds - identification of custodial funds - report by state controller. Declares that it is the duty of the general assembly to identify situations in which custodial funds are properly established and to discontinue funds which are not custodial and which have not been authorized by the general assembly. Requires the state controller to submit a report to the general assembly listing all nonappropriated funds, including custodial funds. Indicates that the report

should include the department maintaining the fund, total amounts receipted in and disbursed from the fund in the 1989-90 fiscal year, the balance in the fund on June 30, 1990, and the authority for maintaining the fund. States the general assembly's intent to enact legislation in 1991 which would prohibit the maintenance of custodial funds which do not meet statutory criteria and would provide statutory authorization for noncustodial funds in proper cases.

VETOED by Governor June 8

H.B. 90-1013 State debt management commission - oversight of issuance of public securities. Creates a state debt management commission composed of 8 members, as follows: One member of the house of representatives appointed by the speaker of the house, one member of the house of representatives appointed by the house minority leader, one member of the senate appointed by the president of the senate, one member of the senate appointed by the senate minority leader, the state treasurer, the state auditor, the executive director of the department of revenue, and the executive director of the department of local affairs. Requires the commission to meet at least twice each year and provides for reimbursement of the actual and necessary expenses of the commission members. Requires the commission to keep an inventory of all public securities issued by public bodies of the state. Authorizes the commission to obtain reports from such public bodies concerning such securities. Requires the commission to compile a report concerning the issuance of public securities by the Colorado housing and finance authority and the Colorado water resources and power development authority. Requires the commission to review the procedures of debt-issuing agencies and to make recommendations to the general assembly regarding improvements in such procedures. Terminates the commission on June 30, 1995.

VETOED by Governor May 7

H.B. 90-1029 Lease-purchase agreements - state master leasing program. Adds the staff director of the joint budget committee as the fourth director of the nonprofit corporation (the "capital finance corporation") that acts as the lessor under a lease-purchase agreement pursuant to the state's master leasing program. Provides that a majority of the directors constitutes a quorum and that no official action may be taken at any meeting unless a quorum is present.

Amends a requirement that lease-purchase agreements included in a master lease must be authorized by appropriation, by specifying that such appropriation must be an appropriation made by the general assembly.

Provides specific authority for the state department of highways to participate in the master leasing program, subject to the approval of the executive director of the department of

corporation and subject to the law governing the expenditure of state highway funds.

Authorizes state agencies to participate in the master leasing program if they have available moneys not subject to legislative appropriation, subject to the approval of the executive director of the department of administration and the directors of the capital finance corporation. Requires such agencies to enter into an agreement requiring them to meet the payment obligations attributable to their participation.

Specifies that participation in the master leasing program by institutions of higher education is subject to the approval of the executive director of the department of administration and the directors of the capital finance corporation.

VETOED by Governor April 5

H.B. 90-1032 Public employees' retirement association - benefit recipients - cost of living increases. Increases the percentages of the cost of living increases paid to benefit recipients of the public employees' retirement association who began receiving benefits in 1988 or earlier.

APPROVED by Governor April 3 EFFECTIVE July 1

H.B. 90-1036 Public employees' retirement association - investments in real property. Authorizes the public employees' retirement association to invest in second mortgage loans secured by real property. Prohibits, however, the origination of mortgages or deeds of trust on residential real property and defines such property as any real property with a structure designed principally for the occupancy of from one to 4 families, a mobile home, or a condominium unit or cooperative unit designed principally for the occupancy of from one to 4 families. Authorizes the association to invest in stock or beneficial interests in any entity formed for the ownership of real property by a tax-exempt organization with no limitation on the percentage of the association's ownership of such stock or bonds.

APPROVED by Governor March 20 EFFECTIVE March 20

H.B. 90-1037 Public employees' retirement association - qualified children - premium subsidy. Includes children who are not natural or adopted children of benefit recipients of the public employees' retirement association as eligible enrollees in the health care program of the association if they reside full time with a benefit recipient, are dependents of a benefit recipient for federal income tax purposes, and meet certain other conditions. Increases the amount of the premium subsidy for benefit recipients enrolled in the health care program from $95 per month to $115 per month.

APPROVED by Governor March 22 EFFECTIVE July 1

H.B. 90-1082 Cumbres and Toltec scenic railroad commission - authority to borrow money. Authorizes the Cumbres and Toltec scenic railroad commission, with the approval of a majority of the commission, to borrow money for certain expenditures related to the operation of the railroad. Requires the commission to adopt a resolution which states the purpose for and the amount of the loan before any loan may be obtained. Limits the amount of money the commission may borrow. Authorizes the commission to establish and collect user fees to be charged to passengers on the railroad. Requires that the commission create a loan retirement fund which shall consist of such user fees and pledges the moneys in such fund to the repayment of any moneys borrowed by the commission. Provides that the interest charged on any loan made to the commission by any financial institution shall be tax-exempt.

APPROVED by Governor March 22 EFFECTIVE July 1

H.B. 90-1087 Public employees' retirement association - member benefits - disability retirement - service retirement commencement date - change of option or cobeneficiary - judicial division - substitute teachers. Makes numerous changes in provisions concerning benefits for members of the public employees' retirement association. Eliminates disability retirement based on the performance of comparable full-time employment. Requires that association benefits and contributions not exceed the maximum permitted for qualified plans under the federal internal revenue code. Establishes the date for retirement benefits to begin for vested inactive members who have not applied for such benefits. Changes the time period for retiring members to change the election of an option or designation of a cobeneficiary. Allows judicial retirees to be employed in positions subject to membership for compensation without loss of benefits. Authorizes the chief justice of the Colorado supreme court to assign any judge of the court of appeals, or any retired judge of the court of appeals who consents, to perform temporary judicial duties. Authorizes retired judges from the court of appeals to receive increased benefits for performance of judicial duties. Allows substitute school district employees the option of being exempt from association membership if their work does not exceed 110 days in any academic year.

APPROVED by Governor April 5 EFFECTIVE April 5

H.B. 90-1111 State department of highways - acquisition of property through lease-purchase. Authorizes the state department of highways to acquire an interest in real property through a lease-purchase agreement. Provides that the purpose of the agreement is to provide space for the department for offices and shops and to provide facilities in Durango for other local government offices. Requires the executive director of the

department of highways to apply the proceeds of the sale of certain property in Durango to the lease-purchase. States that competitive sealed bidding is not required for the lease-purchase agreement. Prohibits the department from entering into the lease-purchase agreement without at least one independent appraisal. Requires the executive director to make quarterly progress reports to the capital development committee and annual reports to the general assembly.

APPROVED by Governor April 5 EFFECTIVE April 5

H.B. 90-1140 Recycled paper - use by state government. Provides that when a contract for a public project is to be awarded, and the state purchasing director has received at least 2 bids on the contract, a bid preference of up to 10% shall be given to a bidder who has used recycled paper in the manufacture of commodities or supplies described in the bid. Requires the state purchasing director to purchase recycled paper whenever the price is competitive and the quality is adequate. Further requires the state purchasing director, for fiscal year 1990-91, to establish a goal of purchasing at least 10% recycled paper out of the total paper purchased and increases such goal in 10% increments each year up to 50% by fiscal year 1994-95.

APPROVED by Governor April 27 EFFECTIVE July 1

H.B. 90-1164 Lease-purchase agreements - personal property acquired by state agencies - real and personal property acquired by local governments. Establishes limitations on the authority of state and local governmental agencies to enter into lease-purchase agreements. Prohibits the expenditure of moneys subject to legislative appropriation for lease-purchase or installment purchase agreements for the acquisition of personal property by state agencies, unless expressly appropriated by the general assembly for such purpose or otherwise permitted by the annual long appropriations bill. Requires legislative authorization of any lease-purchase or installment purchase agreement for the purchase of personal property by a state agency, if the total of all payments required over the term of the agreement exceeds $50,000.

Requires local governments, including home rule cities and counties, special districts, school districts, and junior college districts, to set forth separately in their budgets each of the following: The total amount to be expended during the ensuing fiscal year for payment obligations under all lease-purchase agreements involving real property; the total maximum payment liability of the local government under all lease-purchase agreements involving real property over the entire terms of such agreements, including all optional renewal terms; the total amount to be expended during the ensuing fiscal year for payment obligations under all lease-purchase agreements other than those involving real property; and the total maximum payment liability

of the local government under all lease-purchase agreements other than those involving real property over the entire terms of such agreements, including all optional renewal terms.

Prohibits local governments from entering into any lease-purchase agreement whose duration, including all optional renewal terms, exceeds the weighted average useful life of the assets being financed. In the case of a lease-purchase agreement involving both real property and other property, requires that the lease-purchase agreement shall provide that the real property involved shall be amortized over a period not to exceed its weighted average useful life and that the other property shall be separately amortized over a period not to exceed its weighted average useful life.

APPROVED by Governor April 9

PORTIONS EFFECTIVE:
April 9
January 1, 1991

Note: Provisions of this act amend S.B. 90-28.

H.B. 90-1181 Lottery - state commission and division - ethical standards - payment of lotto winners. Provides that members of the state lottery commission and employees of the state lottery division and their immediate families may accept certain items of insignificant value as determined in rules promulgated by the commission, but prohibits such persons from accepting anything if such acceptance is based on an understanding that it will influence such person's actions or judgment. Prohibits entities which contract with the state lottery division from offering any thing of value to members of the commission, employees of the division, or their immediate families. Requires that lotto tickets include a statement that jackpot winners will be paid by means of an annuity.

APPROVED by Governor May 4

EFFECTIVE May 4

H.B. 90-1197 State treasurer - duties as cash management officer - loan to COFRS. Makes the state treasurer the state's cash manager. Authorizes the state treasurer to make a loan to the Colorado financial reporting system project (COFRS). Sets forth repayment requirements. Repeals the loan provision on July 1, 1998, or on an earlier date if the loan is repaid.

APPROVED by Governor May 23

EFFECTIVE May 23

H.B. 90-1202 Civil rights - unfair housing practices. Allows for the appointment of an attorney to represent the respondent or the aggrieved party in a housing discrimination matter. Specifies that the term "discriminate" includes both segregate and separate for purposes of housing practices provisions. Prohibits the use of coercion,

intimidation, threat, or interference with any person in the exercise of any fair housing rights.

Prohibits unfair housing practices based on familial status. Exempts the sale or rental of certain single-family houses from the application of familial status provisions.

Prohibits discrimination in relation to residential real estate transactions, including appraisals.

Expands the prohibition of discriminatory housing practices against the handicapped to include a refusal to permit certain modifications of existing premises at the expense of the handicapped person, a refusal to make reasonable accommodations when such accommodations may be necessary to afford equal opportunity to use a dwelling, and for certain covered multifamily dwellings, a failure to construct such dwellings so that public use and common use portions are readily accessible to handicapped persons.

Repeals the provisions of the act involving discrimination in housing based on familial status or handicap; real estate transactions based on familial status or handicap; and the provisions for civil actions and enforcement, on September 18, 1992, unless the general assembly receives written verification prior to said repeal date from the civil rights division that said provisions are substantially equivalent to the federal law as determined by the United States department of housing and urban development.

Lengthens the time during which the director of the civil rights division may file a civil action on discriminatory charges from 90 days to one year and provides 18 months for the attorney general to commence civil actions. Explains the requirements of conciliation agreements and expands the relief that may be granted in administrative procedures and in court cases. Lists the types of housing discrimination cases in which the attorney general may become involved. Allows aggrieved persons to file civil actions in discriminatory housing cases.

APPROVED by Governor April 16 EFFECTIVE April 16

H.B. 90-1230 Statewide computer information network - state librarian - appropriation. Creates the Colorado computer information network under the charge of the commissioner of education, acting as the state librarian. Specifies that the network be composed of several existing computer networks including, but not limited to, the Colorado alliance for research library network (CARL), a network of libraries on the western slope (MARMOT - not an acronym), and a primarily metro Denver network connected with the university of southern Colorado (IRVING - not an acronym). Access to the network by any person within the state shall be by local telephone number via a microcomputer and modem. Authorizes the state librarian to establish such network and to receive moneys from private, state, and federal sources to be placed into the computer information network fund, which fund is created by this act. Repeals the provision concerning said fund on July 1, 1992. Provides

guidance to the state librarian to avoid competition with private firms by providing information provided to libraries without costs to network users.

Appropriates $350,000 from the computer information network fund to the state librarian for the implementation of this act.

APPROVED by Governor June 7 EFFECTIVE July 1

H.B. 90-1233 Lottery - disclosure by gaming equipment suppliers - manner of payment of award - inspection of drawing equipment - computers - facilities. Requires that gaming equipment suppliers under contract with the state lottery division report to the Colorado lottery commission any change in, addition to, or deletion from the information provided to the commission in its bid to contract with the commission. Requires that any costs associated with an investigation regarding such information be paid by the contractor. Allows the director of the state lottery division to terminate a contract if the information reported by the contractor or obtained through any other source would have prohibited an initial award of a contract or would have given the director the right to refuse to award a contract.

In determining the manner of payment of prizes, requires the director of the state lottery division to consider awarding prizes in a lump sum or as an amortized annuity. Allows all or part of a prize to be pledged as collateral for a loan.

Discontinues the requirement that one or more of the commissioners of the Colorado lottery commission examine all drawing equipment prior to and after each public drawing. Eliminates the requirement that the commission supervise the operation of the computers used in the lottery and audit such computers' data.

Repeals the requirement that any additional facilities for the operation of the lottery be located at the Colorado state hospital campus in Pueblo.

APPROVED by Governor April 10 EFFECTIVE April 10

H.B. 90-1301 State purchasing - report on travel expenses - authority of state purchasing director - purchasing agencies - procurement advisory council abolished. Requires the controller to submit an annual report to the governor, the joint budget committee, and the legislative audit committee regarding travel expenses of state employees. Specifies certain information to be included in such report. Directs the state purchasing director to develop programs to delegate purchasing authority and to reduce administrative costs. Requires the executive director of the department of administration to authorize the creation of a purchasing agency for any governmental body when certain criteria are met. Provides that the authority of any purchasing agency to purchase goods and services may be suspended at the discretion of said executive director. Specifies that the state shall initiate

the renewal or extension of any contract for supplies or services. Terminates the procurement advisory council.

APPROVED by Governor June 8 EFFECTIVE July 1

H.B. 90-1303 Lease-purchase agreement - deletion of facility for developmentally disabled. Modifies a 1986 lease-purchase agreement to delete a 15-bed facility for the developmentally disabled in Pueblo. Decreases the total project cost accordingly.

APPROVED by Governor April 27 EFFECTIVE April 27

H.B. 90-1309 State administrative organization board. Creates the state administrative organization board and directs the board to establish criteria for determining whether agencies of state government which are designated as type 1 agencies should continue to be so designated and whether newly created agencies should be designated as type 1 agencies. Authorizes the board to establish a review procedure for all type 1 agencies and to recommend legislation to the general assembly regarding its findings.

Provides that the board shall be comprised of 11 members, 2 of whom shall be appointed by the speaker of the house of representatives; one of whom shall be a member of the general assembly and one shall not be a member of the general assembly or a state government employee; one of whom shall be appointed by the minority leader of the house of representatives and shall not be a member of the general assembly or a state government employee; 2 of whom shall be appointed by the president of the senate, of which one shall be a member of the general assembly and one shall not be a member of the general assembly or a state government employee; one of whom shall be appointed by the minority leader of the senate and shall not be a member of the general assembly; and 5 of whom shall be appointed by the governor, of which 3 shall not be members of the general assembly or state government employees. Provides for staff assistance from the office of state planning and budgeting.

APPROVED by Governor May 24 EFFECTIVE May 24

H.B. 90-1335 Sale of surplus property to elected state officials. Provides that items of personal property may not be sold to elected state officials unless such property is declared to be surplus, was used by the elected state official, is sold in accordance with established procedures, and is sold at a price which is equal to or greater than its current actual value. Authorizes current and former members of the general assembly to purchase chairs used in the 2 chambers. Allows the state historical society to dispose of any chairs not sold.

BECAME LAW without Governor's signature June 9
EFFECTIVE June 9

S.B. 90-3 Personal care boarding homes - regulation - appropriation. Amends the definition of "personal care boarding home" to emphasize that the term includes facilities that provide certain described services, either directly or indirectly through a provider agreement. Excludes any facility licensed in the state as a residential care facility for the mentally ill from said definition, thereby excluding such facilities from regulation as personal care boarding homes.

Allows the health department to impose a civil penalty against unlicensed homes. Establishes the penalty at not less than $50 nor more than $100 for each day of violation, which accrues from the date the facility is found by the department to be in violation. Creates the personal care boarding home cash fund, comprised of licensing fees and such civil penalties collected by the department, to fund the department's administrative costs. Eliminates a cap on total fees that can be collected from each licensed facility by the health department.

Requires a criminal history check of personal care boarding home owners, operators, administrators, and staff. Makes the individual who is the subject of such investigation responsible for the costs of the investigation. Prohibits the issuance or renewal of a license to persons convicted of a felony or misdemeanor involving moral turpitude or conduct that the department of health determines could pose a risk to the health, safety, and welfare of residents. Requires revocation of a license on the same basis.

Authorizes the issuance of provisional licenses for applicants temporarily unable to conform to all the minimum standards for personal care boarding homes.

Appropriates $32,109 and 0.5 FTE from the personal care boarding home cash fund to the department of health for the implementation of this act.

APPROVED by Governor May 17 EFFECTIVE July 1

S.B. 90-20 Asbestos control - air sampling standards - asbestos abatement - functions of department of health - appropriation. Authorizes the air quality control commission in the department of health to promulgate standards for asbestos air sampling and for persons who conduct asbestos air sampling.

Requires the air pollution control division within the division of administration in the department of health to develop or purchase examinations to be administered to applicants for certification under the program. Requires that such tests be administered at least twice per year at various locations in the state and that the division set passing scores based on a minimum level of competency in the procedures to be followed in asbestos abatement. Establishes procedures to be followed and requirements for applicants who fail such an examination and seek to be reexamined. Authorizes certification by endorsement under the program if applicants are equivalently certified in good

standing in another jurisdiction. Provides for the renewal of certification under the program.

Provides grounds for disciplinary action against persons certified under the asbestos abatement program. Allows the division to issue letters of admonition for misconduct that should not be dismissed without merit but does not warrant more severe disciplinary action.to the Colorado court of appeals. Authorizes the division to require corrective education as a disciplinary action. Authorizes the imposition of administrative fines for violations of the provisions of the program. Specifies that the fines for a first administrative proceeding against a certified person may not be less than $100 nor more than $1,000 and for a second or subsequent administrative proceeding not less than $1,000 nor more than $10,000. Establishes the requirements for recertification of persons whose certification is revoked under the program. Authorizes the use of injunctive proceedings through the attorney general to enforce the provisions of the program. Provides for the appeal of actions taken by the air quality control commission to the Colorado court of appeals.

Requires the commission to promulgate rules and regulations governing refresher training for persons certified under the program. Provides that such refresher training shall not exceed the requirements of the federal "Asbestos Hazard Emergency Response Act of 1986". Repeals a rule of the air quality control commission in conflict with the statutory refresher training requirements in the act.

Extends the automatic termination date of the functions in the department of health relating to asbestos control to July 1, 1996, pursuant to the provisions of the "Sunset Law".

Appropriates $35,000 from the stationary sources control fund to the department of health for allocation to the air quality control division for the implementation of the act.

APPROVED by Governor May 24 EFFECTIVE May 24

S.B. 90-64 Hazardous waste commission - appropriation. Creates the hazardous waste commission within the department of health and transfers regulatory functions pertaining to hazardous waste and the protection of the public health and environment from the state board of health to the commission. Eliminates the committee on hazardous waste regulation and turns over its functions to the hazardous waste commission. Provides for the composition of the hazardous waste commission and outlines procedures to be followed by the commission. Provides for judicial review of final actions of the department and the commission.

Creates the hazardous waste commission fund to which shall be credited fees charged to generators of hazardous waste and certain filing fees.

Appropriates $229,101 and 3.3 FTE from the hazardous waste commission fund to the department of health for allocation to the hazardous waste commission for the implementation of this act.

VETOED by Governor June 8

S.B. 90-77 Uranium mill tailings remedial action program fund - appropriation. Creates the uranium mill tailings remedial action program fund as a state funding source to match federal funds for the cleanup of certain uranium mill tailing sites targeted for cleanup under the federal "Uranium Mill Tailings Radiation Control Act of 1978". Authorizes the transfer of $16,000,000 from the severance tax trust fund to the uranium mill tailings remedial action program fund. Authorizes the treasurer to accept donations to the fund, including amounts from the local government severance tax fund as directed by the executive director of the department of local affairs.

Creates a uranium mill tailings remedial action program fund oversight committee and requires the department of health to annually report to the oversight committee on the progress of the cleanup of sites, the proposed and final transfers or disposition of the land of sites, the proposed program activities, and the financing requested for the upcoming fiscal year. Requires the oversight committee to review such report and make recommendations on funding to the joint budget committee. Prohibits the addition of new sites to the program without the general assembly's approval. Repeals the program on July 1, 1996.

Appropriates $95,171,070 to the department of health to implement the act. Of such sum $95,000,000 is appropriated for remedial costs, of which $9,500,000 is from the uranium mill tailings remedial action program fund and $85,500,000 is from federal funds, and $171,070 and 3.0 FTE is appropriated for administrative costs, of which $17,107 is from the uranium mill tailings remedial action program fund and $153,963 is from federal funds.

APPROVED by Governor May 2 EFFECTIVE May 2

S.B. 90-157 AIDS - authority of state department of health to control. Amends statutory provisions concerning the treatment of information obtained by persons involved in testing procedures for AIDS or HIV infections and removes the provision that repeals such statutes on July 1, 1990. Adds to the legislative declaration that having AIDS or the HIV infection, or seeking testing for the presence of the HIV virus should not result in discrimination or the prevention of access to services. Allows the state department of health to designate the time for reporting and repeals the provision requiring that only one report be made for each infected person. Changes references to confidential medical information to confidential information. Allows the state department of health to develop and implement programs under which state and local departments of health may perform specified tasks, rather than requiring the state department to perform such tasks.

Expands physicians' responsibility to patients upon discovering the existence of HIV infection to include counseling patients on measures for preventing the infection of others, prophylaxis and treatment of opportunistic infections, treatment

to prevent progression of HIV, and the necessity of regular medical evaluation. Sets forth the procedures that may be implemented by the state and local health departments when a public safety worker, emergency medical service provider, or staff member of a detention facility has been exposed to the HIV virus. Requires the employer of an exposed person to ensure that relevant information and test results concerning such person be kept confidential as medical information.

Rewords the provision that authorizes the testing for HIV infection without consent of a person bound over for trial of a sexual offense by adding that the person be tested by a health care provider or facility other than one that exclusively tests for HIV. Adds as a circumstance under which a cease and desist order may be issued, the situation where a person has received counseling by a qualified physician or health worker and continues to engage in behavior that endangers others. Specifies that the restrictions that may be imposed on persons who violate cease and desist orders and who continue to be a danger to others may include required participation in evaluative, therapeutic, and counseling programs. Includes as parties to whom penalties apply any person who fails to submit the required reports to the department of health. Includes the release or making public of public health reports as a situation to which the penalty provisions apply.

Requires the state department of health to conduct an anonymous testing program in the city and county of Denver for a period of not less than 18 months nor more than 36 months, but allows for a requirement that the age and sex of the person tested be provided. Requires the department to evaluate the program, giving particular attention to the necessity of notifying partners and contacts exposed to persons determined to be infected with the HIV virus and to comparing the effectiveness of the anonymous testing program with other testing programs of the department. Directs the department to report such findings to the general assembly within 6 months after the termination of the program. Authorizes the executive director of the department to terminate the anonymous testing program upon finding that the program poses a threat to the public health.

APPROVED by Governor May 24 EFFECTIVE May 24

S.B. 90-176 Hazardous substance response - funding of state activities under federal "superfund" act. Creates the natural resource damage recovery fund to replace the CERCLA recovery fund, which expired by statute on January 1, 1990. Provides that all moneys recovered through litigation by the state acting as trustee of natural resources pursuant to the federal "superfund" act (the "Comprehensive Environmental Response, Compensation, and Liability Act of 1980" or "CERCLA") shall be credited to the fund and shall be used pursuant to the federal act to restore, replace, or acquire the equivalent of natural resources which have been damaged by a hazardous substance release.

Provides that moneys in the hazardous substance response fund shall not be appropriated to finance any litigation on behalf of the state, except that the general assembly may make appropriations for the enforcement of court-approved remedies under CERCLA out of moneys in the hazardous substance response fund received for future response costs, excluding fines, under CERCLA. Specifies that moneys recovered through litigation by the state acting as trustee of natural resources shall not be credited to such fund.

APPROVED by Governor May 4 EFFECTIVE July 1

S.B. 90-194 Aboveground storage tanks - regulations - enforcement by state inspector of oils. Declares that the rising expense of the use of underground storage tanks, including the cost of liability insurance, has resulted in the closure of several small gasoline service stations. States that aboveground storage tanks for fuel products are feasible and economical and should be permitted under certain circumstances.

Empowers the state inspector of oils to promulgate and enforce regulations concerning aboveground storage tanks. Allows the storage of fuel products in aboveground storage tanks with a capacity of 3,000 gallons at a service station or aircraft fueling facility located in an unincorporated area or in a municipality with a population of fewer than 5,000 inhabitants upon approval of the governing body of such municipality and if the facility is located more than 5 miles from the limits of a municipality with a population of 15,000 or more. Allows the storage of fuel products in aboveground storage tanks with a capacity of not more than 4,000 gallons at such a facility in an unincorporated area if it is located more than 10 miles from the limits of a municipality with a population of 15,000 or more. Provides that the authority for such storage shall not be affected by a later change in the boundaries or population of the municipality.

Excepts aboveground storage facilities associated with mining, oil and gas production facilities, asphalt or concrete production, construction projects, and activities related thereto, from the minimum standards of the national fire code made applicable under Colorado law.

APPROVED by Governor May 24 EFFECTIVE May 24

H.B. 90-1049 Manufacture and sale of mattresses and bedding - deregulation. Deregulates the manufacture and sale of mattresses and bedding by eliminating the requirement that persons selling bedding purchase registration stamps from the department of health, by eliminating the requirement that manufacturers of bedding obtain a license therefor from the department of health, and by eliminating the position of bedding law inspector from the department of health. Permits the department of health to continue to make rules and regulations

regarding the sale of mattresses and bedding and permits the department of health to enforce such rules upon a complaint or upon a request by a consumer. Eliminates any criminal penalty for violation of mattress and bedding laws and replaces such criminal penalties with a civil penalty enforced by the department of health. Makes certain changes regarding the requirements for tagging and disinfection of mattresses and bedding.

APPROVED by Governor March 19 EFFECTIVE July 1

H.B. 90-1057 Deregulation of consumer products - dairy products served by food service establishments - eyeglasses and sunglasses - appropriations. Deregulates certain consumer product programs administered by the department of health. Exempts any food service establishment which serves dairy products to the final consumer of such products from the licensing requirements of the department of health for dairy plants. Eliminates the authority of the department of health to regulate the sale of eyeglasses and sunglasses.

Adjusts appropriations in the general appropriation act to reflect the decreased duties of the department of health.

APPROVED by Governor April 5 EFFECTIVE July 1

H.B. 90-1205 Solid waste user fees increase - superfund site cleanup. Doubles solid waste user fees to provide additional funds for the hazardous substance response fund for state matching fund obligations relating to superfund site cleanup. Decreases the percentage of solid waste user fees collected by the department of health and credited to said fund which may be retained by the department to cover the cost of collection and administration of such fees from 5% to 2 1/2%. Prohibits the hazardous substance response fund from being used to finance litigation on behalf of the state, except for enforcement of court approved remedies under the federal act.

APPROVED by Governor April 16 EFFECTIVE January 1, 1991

H.B. 90-1238 Hazardous substance response - implementation of federal superfund act - appropriation. States that the department of public safety is the agency responsible for the implementation of Title III of the federal "Superfund Amendments and Reauthorization Act of 1986". Creates the Colorado emergency planning commission in the department of public safety. Directs the commission to conduct an assessment of available resources for emergency response situations, to investigate and evaluate the ability of local jurisdictions to implement the federal act, and to make recommendations about the administration and implementation of the federal act. Directs the commission to assist in appropriate training of personnel to react to emergency response situations.

Requires the commission to appoint local emergency planning committees in accordance with the federal act. Makes the commission, local planning committees, and other entities engaged in emergency service or response activities immune from liability.

Appropriates $42,200 and 0.4 FTE from the hazardous materials safety fund to the department of public safety for allocation to the Colorado emergency planning commission to fund the assessment of available resources and for personnel to staff the commission and assist the local emergency planning committees on the implementation of the federal act.

APPROVED by Governor May 31 EFFECTIVE May 31

H.B. 90-1308 Underground storage tank fund - appropriations. Amends an appropriation of $11,350,000 made jointly to the department of health and the department of labor and employment for the 1989-90 fiscal year for the purpose of the underground storage tank program by specifying that $11,000,000 is appropriated to the department of health for corrective action purposes in the cleanup of releases and that $350,000 is appropriated to the department of labor and employment for initial abatement response. Provides that appropriations for initial abatement response and for corrective action purposes shall only be used for those stated purposes, which shall not include any administrative costs. If appropriations to the department of labor and employment for initial abatement response are insufficient, provides that the department may use moneys appropriated to the department of health for corrective action purposes. Requires annual reporting of moneys used for such initial abatement response and corrective action purposes.

APPROVED by Governor May 18 EFFECTIVE May 18

HIGHWAYS AND ROADS

S.B. 90-14 High-occupancy vehicle lanes - state highway commission - rule-making authority. Authorizes the state highway commission to adopt rules and regulations to provide that lanes of state highways be designated as diamond lanes (high-occupancy vehicle lanes) for use by buses. Authorizes the commission to adopt rules and regulations which also allow use of such lanes by vanpools and carpools, and which establish the number of passengers that constitutes a vanpool or carpool. Requires the commission to report to the highway legislation review committee on the use and impact of high-occupancy traffic lanes.

APPROVED by Governor April 3 EFFECTIVE July 1

S.B. 90-190 Highway users tax fund - allocation of moneys. Identifies which agencies may receive appropriations or statutory distributions from the highway users tax fund. Provides that revenues raised by the excise tax on gasoline and special fuel which are in excess of 18¢ be allocated for improvements to state highways. Requires that county roads be open, used, and maintained before such roads may be included for purposes of determining the proper allocation of highway users tax fund revenues to counties. Clarifies how lane miles are to be measured in making the calculation of adjusted lane miles in each county.

Increases the amount a person is required to pay to the law enforcement assistance fund from $65 to $75, if such person is convicted of, pleads guilty to, or receives a deferred sentence for driving under the influence, driving while impaired, or driving with excessive alcoholic content. Requires the general assembly to appropriate to the department of health an amount out of the law enforcement assistance fund which is sufficient to pay for the costs of laboratory services and implied consent specialists which costs are currently paid for out of the highway users tax fund.

APPROVED by Governor May 31 EFFECTIVE July 1

H.B. 90-1074 Highway legislation review committee - continuation. Continues the highway legislation review committee by repealing the automatic termination date for the committee. Requires the committee to meet at least once each year.

APPROVED by Governor March 13 EFFECTIVE March 13

H.B. 90-1128 Public highway authorities - toll collection - enforcement - appropriation. Provides that state and municipal traffic laws and a public highway authority's rules concerning tolls govern the use of a public highway operated by an

authority. Authorizes state and local authorities to enter into enforcement agreements with public highway authorities.

Empowers public highway authorities to adopt regulations pertaining to the enforcement of toll collection, including civil penalties for toll evasion. Limits the amount of penalties which may be established for toll evasion. Authorizes the issuance of civil penalty assessments, or municipal summons and complaints if authorized pursuant to municipal ordinance, by peace officers for toll evasion. Allows a civil penalty assessment notice to be issued by the public highway authority and sent certified mail to the registered owner of a motor vehicle where an instance of toll evasion is evidenced by technology not involving a peace officer. Provides procedures for payment and enforcement of such civil penalty assessments.

Appropriates $88,655 and 5.0 FTE out of moneys received by the Colorado state patrol from any public highway authority pursuant to enforcement agreements to the department of public safety for allocation to the state patrol for performance of public highway authority enforcement duties.

APPROVED by Governor May 31 EFFECTIVE May 31

H.B. 90-1313 Department of highways - appropriations for administrative expenditures. Clarifies that the general assembly shall make appropriations to the state department of highways for administrative expenditures for the fiscal years 1990-91 and 1991-92.

APPROVED by Governor May 8 EFFECTIVE May 8

INSURANCE

S.B. 90-10 Medical liability extraordinary loss fund - special committee - membership - repeal date. Changes the composition of the special committee which oversees the medical liability extraordinary loss fund by adding the director of research of the legislative council. Requires the special committee to report to the general assembly before the fund can be created. Repeals the provisions authorizing the creation of the fund effective June 30, 1990.

VETOED by Governor April 19

S.B. 90-21 Long-term care insurance - disclosure of benefits - terms of policies. Enacts the long-term care insurance act based on the model act of the national association of insurance commissioners. Sets forth standards for long-term care insurance policies, including disclosure to consumers about the benefits and terms of such policies and requirements concerning preexisting conditions, hospitalization, institutionalization, and options for inflation adjustment and renewability. Allows a policyholder to return the policy and obtain a refund of the premium within 30 days after delivery of the policy. Details the elements of coverage in such policies. Repeals existing statutes governing long-term care policies.

APPROVED by Governor April 3 EFFECTIVE July 1

H.B. 90-1046 State employees and officials group health and life insurance plan - state contribution - appropriation. Increases the amount of the state contribution to the state employees and officials group health and life insurance plan from an amount not to exceed $81 per month to $114 per month for each enrolled state employee and official.

Appropriates $5,415,696 from moneys allocated to certain state departments and agencies to the department of personnel for the implementation of the act.

APPROVED by Governor May 22 EFFECTIVE July 1

H.B. 90-1072 Motor vehicle insurance - protests - authority of commissioner of insurance. In a motor vehicle insurance protest, permits the commissioner of insurance to grant a protest in favor of the insured without a hearing. Requires the commissioner to disallow an insurer's proposed action if the notice of the proposed action does not comply with Colorado Law.

APPROVED by Governor March 13 EFFECTIVE March 13

H.B. 90-1079 Unfair competition or deceptive trade practice by insurer - authority of commissioner of insurance to order payment to insured. Authorizes the commissioner of insurance to order an insurer to pay a claim to an insured after a hearing in which the commissioner determines that such insurer has engaged in an unfair method of competition or an unfair or deceptive act or practice. States that the commissioner shall not make such an order during the pendency of any declaratory judgment action concerning such claims. Provides for a trial de novo of orders issued pursuant to this authority to any district court.

Provides additional authority to the commissioner to promulgate rules for payment of benefits under group and individual contracts for property and casualty coverage, except for coverage provided by motor vehicle no-fault insurance.

APPROVED by Governor April 5 EFFECTIVE April 5

H.B. 90-1080 Life insurance - acceleration of death benefits. Allows any policy of life or endowment insurance or annuity contract or contract supplemental thereto to provide for the acceleration of certain benefits for health care expenses or for long-term care for an insured who is diagnosed with a terminal illness or upon the occurrence of a qualifying event, as defined in the policy or contract. Specifies that long-term care may include hospice care or adult day care. Permits the commissioner of insurance to request insurers to file in advance the premium or discount rates to be applied when such benefits are accelerated.

APPROVED by Governor March 22 EFFECTIVE March 22

H.B. 90-1114 Registered professional nurses - direct reimbursement for services. Includes outpatient services performed by a registered professional nurse in the treatment of a condition arising from mental illness as a benefit under a major medical group sickness and accident insurance policy and as a benefit for subscribers of major medical coverage under a policy issued by a nonprofit hospital and health service corporation. Prohibits the denial of reimbursement to a registered professional nurse for such services and requires that reimbursement be made directly to such nurse when acting as an independent provider.

Requires that reimbursement be made directly to a registered professional nurse for any service performed as a benefit available to members of a nonprofit hospital and health service corporation when such nurse is acting as an independent provider under contract with such corporation.

Eliminates the automatic repeal of the prohibition against denial of direct reimbursement by sickness and accident insurers to registered professional nurses for the performance of certain health care services.

APPROVED by Governor March 19 EFFECTIVE March 19

H.B. 90-1214 Property and casualty insurance - reporting of loss and expense information. Requires the commissioner of insurance, by rule and regulation, to require a property and casualty insurer to record its loss and expense experience for the purpose of determining whether its rates comply with statutory mandates. Requires insurers to provide such information as is required by the commissioner. Allows an insurer to record such experience on a classification basis consistent with its rating system. Permits the commissioner to request assistance from rating or advisory organizations in the compilation of such experience reports. Requires the commissioner to consider such reports in determining the appropriateness of premium rates.

Authorizes the commissioner to require that such reports and any reports containing information of an insurer's loss and loss adjustment reserves be accompanied by an opinion of a qualified and independent actuary verifying that the insurer's loss and loss adjustment reserves are computed and stated in accordance with accepted loss reserving standards. Requires the commissioner to retain for a minimum of 6 years all reports submitted to the commissioner and to make such reports available to the general assembly and to any other interested party. Permits the commissioner and all insurers and rating organizations to exchange information and loss experience data.

Makes noncompliance with such reporting requirements a crime punishable by a fine of $10,000, subject to increase by $200 per day until such time as the insurer is in compliance with the requirements.

APPROVED by Governor April 5 EFFECTIVE April 5

H.B. 90-1305 Uninsurable health insurance plan - creation - eligibility - procedures. Creates the Colorado uninsurable health insurance plan, a nonprofit unincorporated legal entity not an agency of the state. Declares that the plan is to provide health insurance for eligible residents deemed uninsurable because they have been denied health insurance or because such insurance is available only at prohibitive rates or with restrictive exclusions.

Establishes a 7-member board of directors to govern the operation of the plan, 6 to be appointed by the governor with the consent of the senate and one to be a member of the general assembly, with the commissioner of insurance acting as an ex officio nonvoting member. Grants the board the power to implement the uninsurable health insurance plan, including the authority to establish rates and rate schedules and to establish a benefit plan design utilizing cost-containment controls. Grants members of the board immunity from civil liability for any act performed in good faith and within the scope of the member's authority.

Requires the board to submit a proposed plan of operation to the commissioner of insurance for review and sets forth procedures for the development, review, and approval process.

Specifies that the development process include notice and opportunity for public comment. Authorizes the commissioner to promulgate rules and regulations to implement the uninsurable health insurance plan if the board fails to submit an acceptable plan of operation within certain time limits. Authorizes the board, and, if necessary, the commission to amend the plan of operation. Outlines the required elements for such plan.

Requires that the board establish a competitive bid procedure to select an administering carrier to act as issuing insurer for the plan, the term of such contract to be for three years. Lists the responsibilities of such carrier for all administrative, eligibility, and claims payment functions.

By July 1 of each year commencing July 1, 1991, requires that the board submit an audited financial report for the plan's preceding calendar year to the commissioner of insurance. Requires the commissioner to examine the financial status of the plan at least once every 3 years. Provides for a review of the net premium by the commissioner at the close of each calendar year and directs the board to recover any deficit through appropriate adjustment in premiums or services.

States that premiums shall be based on the standard risk rate calculated using the average rate for health insurance charged by the 5 largest insurers in the state offering comparable coverage. Requires that the premiums paid by insured participants under the plan be reasonable in relation to the benefits provided, the risks undertaken, and the actual expenses incurred for such coverage. Prohibits an initial premium rate in excess of 150% of the standard risk rate and a subsequent premium rate in excess of 175% of the standard risk rate. Prohibits a premium rate change except on a class basis and with full disclosure of the plan's right to make such change.

Establishes eligibility requirements for obtaining health insurance coverage under the plan as well as criteria for exclusion from the plan, including eligibility for health care benefits from other public programs, including medicare. Allows a participant to select coverage with a choice of deductibles of not less than $300 and not more then $2,000. Requires coinsurance in excess of the mandatory deductible amount. Disallows duplication of benefits from other health insurance coverage. Sets the maximum lifetime benefit amount for any individual at $500,000. Excludes coverage of expenses due to preexisting conditions for a period of 6 months unless waived pursuant to the act.

States that, when an employer contributes to group health insurance for other employees and the subject employee enrolls in the plan due to ineligibility for such group health insurance, the employer must contribute the same amount to the plan on behalf of the plan participant as it does for other employees' health insurance. Allows payroll deductions in the amount of the insured's premiums.

Provides for reduction of benefits under certain circumstances. States that policies issued under the plan shall be renewed until the first day the plan participant becomes eligible for medicare, except as provided by the act. Requires

the commissioner of insurance to promulgate rules and regulations to implement the purposes of the plan. States that, if an insurer denies coverage to an applicant or places restrictions on any coverage allowed, the insurer must advise such applicant of possible eligibility under the plan and provide him with pertinent information regarding the plan.

Exempts the plan from any tax levied by the state or its political subdivisions. Ensures that eligible persons may purchase a policy covering major medical expenses. Describes covered and excluded expenses. Authorizes the commissioner to assure abatement of any delinquency in the case of insolvency, impairment, or dissolution of the plan. Provides for evaluation of the plan and development of recommendations by the health, environment, welfare, and institutions committee of the senate and house to the general assembly.

Provides for funding of the plan through premiums paid by insured participants and, for the years 1990, 1991, and 1992, through a charge collected from all taxpayers whose federal income tax return indicates adjusted gross income in excess of $15,000. Establishes the amount of such charge at $2 for a single return and $4 for a joint return. Creates the Colorado uninsurable health insurance plan cash fund and requires that such premiums and charges be credited to such fund.

Appropriates from the general fund to the Colorado uninsurable health insurance plan cash fund $80,456 and 2.0 FTE for the department of regulatory agencies for allocation to the division of insurance for the implementation of the act. Appropriates $15,889 from the general fund and 0.4 FTE to the department of revenue for direct and indirect costs incurred by such department for implementation of the act. Provides for the repayment of such appropriations to the general fund on or before February 15, 1991.

APPROVED by Governor May 31 EFFECTIVE July 1

LABOR AND INDUSTRY

S.B. 90-26 Workers' compensation - written notice of injury - admissibility in workers' compensation hearings of records relating to convictions for alcohol-related offenses. Requires that employees of employers with permission to be self-insurers or of employers who participate in a public entity self-insurance pool provide written notice of workers' compensation injuries within 4 working days of the accident and requires that employers note on these notices the date and time of receipt. Requires such employers to post a warning of the requirement to provide written notice in a prominent place on the workplace premises.

Makes admissible in hearings conducted pursuant to the "Workers' Compensation Act of Colorado" a conviction for an alcohol-related offense, the transcripts of proceedings leading to such conviction, and the court files related to such conviction where the conviction results from the same injury that forms the basis of the workers' compensation claim.

APPROVED by Governor June 8 EFFECTIVE July 1

Note: This act amends H.B. 90-1160.

S.B. 90-145 Independent contractors - common carriers - employment relationships. Specifically permits the use of independent contractors by motor vehicle carriers and contract motor carriers. Lists possible provisions for leases between independent contractors and motor vehicle carriers or contract motor carriers. Creates a presumption of an independent contractor relationship between the parties where the lease contains certain subject provisions, and provides that such presumption may be overcome by clear and convincing evidence of an employment relationship between the parties.

For purposes of the "Colorado Employment Security Act", also creates a presumption of an independent contractor relationship, which may be overcome by clear and convincing evidence where an individual is free from control and direction in the performance of service and is customarily engaged in an independent trade, occupation, profession, or business related to such service, and where this relationship is evidenced by a writing signed by both parties and containing certain provisions. Requires the written document to contain a disclosure that the independent contractor is not entitled to workers' compensation benefits or unemployment insurance benefits and that the independent contractor is obligated to pay income tax on all moneys paid pursuant to the contract. Permits an independent contractor who is a professional whose license to practice a particular occupation requires such professional to exercise a supervisory role over an entire project to so supervise without affecting his or her status as an independent contractor.

VETOED by Governor April 19

Note: Provisions of this act are identical to provisions in H.B. 90-1333 which was approved by the governor.

S.B. 90-171 Unemployment compensation - reduction in benefits for lump sum retirement payments - exception for reinvested payments. Increases the amount of time which an individual has to reinvest certain lump sum retirement payments to avoid a reduction in the weekly benefit amount for unemployment compensation from 14 days to 60 days. Specifies that such a lump sum retirement benefit shall not be considered to be received by an individual until the entire balance due has been so received. Defines "lump sum retirement payment".

APPROVED by Governor March 16 EFFECTIVE March 16

S.B. 90-200 Labor disputes - jurisdiction of director of division of labor. Limits the jurisdiction of the director of the division of labor over certain disputes between employers and employees to those disputes in which the employer and the employee request the director's intervention or when the dispute, as determined by the director, affects the public interest. Makes utilization of such procedure for the purpose of delay a misdemeanor. Eliminates some requirements for notice to the director by employers and employees of intended changes affecting conditions, wages, or hours of employment.

APPROVED by Governor May 24 EFFECTIVE May 24

H.B. 90-1123 Conditions of employment - unlawful prohibition of legal activities. Makes it a discriminatory or unfair employment practice for any employer to terminate the employment of any employee due to that employee's engaging in any legal activity off the premises of the employer during nonworking hours unless the restriction relates to a bona fide occupational requirement or is reasonably and rationally related to employment activities or responsibilities, or is necessary to avoid a conflict of interest related to any responsibilities to the employer. Specifies that a civil suit for damages is the sole remedy of an injured party for a violation of this provision.

BECAME LAW without Governor's signature April 17
EFFECTIVE July 1

H.B. 90-1126 Workers' compensation - guaranty fund - immediate payment fund - medical disaster fund - major medical insurance fund - appropriation. Creates a guaranty fund and immediate payment fund to protect claimants employed by self-insurers who lack sufficient security or timely access to proceeds of required bonds to pay workers' compensation benefits awarded to their employees. Creates the special funds board in

the department of labor and employment to determine the assessments to be made for such funds and the qualifications of claims administrators. Authorizes the division of labor to select claims administrators for the guaranty fund. Establishes the basis for making assessments for each of the funds and for refunding excess funds to self-insured employers. Exempts public entities who self-insure from participation in the guaranty fund. Increases the fee for an initial application or an annual review of a self-insurer to $2,000.

Permits the director of the division of labor to utilize funds from the major medical insurance fund to meet the obligations of the medical disaster fund. Repeals a provision abating the tax imposed for the major medical insurance fund.

Appropriates $100,000 from the immediate payment fund and $1,416 from the workers' compensation self insurance fund to the department of labor and employment for implementation of the act.

APPROVED by Governor May 17

PORTIONS EFFECTIVE:
May 17
July 1

H.B. 90-1160 Workers' compensation - reorganization of statutory provisions. Restructures the workers' compensation laws to improve the organization thereof, but does not make any substantive changes to the provisions. Makes gender specific references in said provisions and related provisions gender-neutral. Directs the revisor of statutes to change the term "state compensation insurance authority" to "Colorado compensation insurance authority" throughout the Colorado Revised Statutes.

APPROVED by Governor March 13

EFFECTIVE July 1

H.B. 90-1194 Unemployment compensation - reorganization of defined terminology. Reorganizes the definitional section of the "Colorado Employment Security Act" for purposes of clarity. Restructures the format by dividing the present definitional section, which contains 32 subsections of defined terms, into numerous sections, each of which contains one defined term. Makes no substantive changes to any of the definitions.

APPROVED by Governor April 3

EFFECTIVE April 3

Note: This act is amended by H.B. 90-1333.

H.B. 90-1207 Unemployment compensation - session-only legislative employees. Provides that employees of the Colorado senate and house of representatives who serve only when the general assembly is in session are seasonal employees, within the meaning of the statute on seasonal employment. Sets forth the duties and activities of session-only employees which make such

employees functionally distinct from year-round employees. Defines the normal season as the regular and special sessions of the general assembly, together with short intervals for session preparation and wrap-up. Provides that session-only employees of the general assembly will be governed by the current statute on seasonal employment, except for the requirement that the employer file an application with the director of the division of employment and training. States that the act governs the seasonal status of session-only employees unless the United States department of labor indicates in writing that application of the act will remove Colorado from compliance with federal law.

BECAME LAW without Governor's signature April 3
EFFECTIVE April 3

H.B. 90-1212 Workers' compensation - rate reductions. Requires the commissioner of insurance to promulgate rules and regulations to effect rate reductions for employers implementing plans under the "Workers' Compensation Cost Containment Act". Requires the commissioner to organize a working group to study issues related to workers' compensation insurance rates and report to the general assembly by October 1, 1990. Requires the commissioner to promulgate rules and regulations establishing standards for risk management services which shall be offered by insurance carriers offering workers' compensation insurance. Entitles businesses accepting such risk management services to a premium dividend if any such business entity's loss experience under the risk management program indicates such dividend is appropriate. Requires the commissioner to promulgate rules and regulations that require workers' compensation insurers to offer a premium differential on all such policies if the policyholder has selected an authorized treating physician or physicians.

APPROVED by Governor April 12 EFFECTIVE April 12

H.B. 90-1261 Unemployment compensation - temporary employees - reciprocal interstate agreements - normal seasonal period - multiple separations - overpayments - aliens. Amends numerous provisions in the unemployment compensation act. Makes employees of temporary help contracting firms eligible for unemployment compensation benefits if certain conditions are met.

Removes an exception which permitted a taxpaying employer's account to be charged when reimbursements were paid from the unemployment compensation fund pursuant to reciprocal interstate agreements when the individual receiving benefits based in part on wage credits transferred by this state to another state would have been eligible for benefits based on wages paid in this state alone. Clarifies the time when the determination of a normal seasonal period of a seasonal industry applies to the filing of claims for benefits. Modifies the criteria for determination of awards of benefits when there have been multiple separations from

employment. Requires repayment of the total amount plus a penalty of 50% of such amount for any overpayment of benefits received by any person due to his or her false representation or willful failure to disclose a material fact. Clarifies the circumstances under which an alien may be eligible for benefits. Repeals an exemption from unemployment insurance for "in-home" services.

APPROVED by Governor April 16 EFFECTIVE April 16

H.B. 90-1304 Workers' compensation - independent medical examinations - appropriation. Directs the director of the division of labor to maintain a list of physicians, called the medical review panel, to perform independent medical examinations for purposes of workers' compensation. Establishes procedures for the use of independent medical examinations. Grants members of the medical review panel, and certain other persons, immunity from liability for actions performed in their official capacity where such actions were taken in good faith and were based upon a reasonable effort to obtain relevant facts and a reasonable belief that such action was warranted by those facts. Grants immunity to physicians from civil liability based on their determination of an impairment rating unless there is a showing of malice or bad faith.

Appropriates $19,614 and 0.6 FTE to the department of labor and employment for allocation to the division of labor for the implementation of this act.

APPROVED by Governor May 24 EFFECTIVE July 1

H.B. 90-1333 Division of employment and training - independent contractors - funding for unemployment compensation - appropriation. Specifically permits the use of independent contractors by motor vehicle carriers and contract motor carriers. Lists possible provisions for leases between independent contractors and motor vehicle carriers or contract motor carriers. Creates a rebuttable presumption of an independent contractor relationship between such parties where the lease contains certain subject provisions.

Provides criteria which creates a presumption of an independent contractor relationship for purposes of unemployment compensation, which may be overcome by clear and convincing evidence.

Changes the taxable wage on which an employer is required to pay tax to increase reserves in the unemployment insurance trust fund. Eliminates the method of calculating a new employer's tax rate based on the average industry rate. Diverts part of the funds received from an existing surcharge, based on an employer's amount of benefits not effectively charged, to the employment support fund, which is created by the act. Specifies that moneys in the employment support fund shall be annually appropriated by the general assembly to be used to offset funding deficits and to

strengthen unemployment fund solvency. Provides for the assessment of a solvency tax surcharge when the unemployment compensation fund balance is equal to or less than a certain percentage of the total wages reported by ratable employers and provides a mechanism for removing such surcharge when the fund balance stabilizes. Exempts certain employers from this solvency tax surcharge. Makes the unemployment revenue fund subject to annual appropriation by the general assembly. Conditions additional appropriations on certification from the joint budget committee and the state auditor that the department of labor and employment has met the goals and timelines established in the workplans submitted the previous year. Directs that, of the moneys appropriated for allocation to the division of employment and training for administrative services, not less than 50% shall be used to fund enforcement activities and none shall be allocated to services which compete directly with services available in the private sector. Requires the division director to report to the governor and the general assembly on the effect of these provisions.

Appropriates $4,080,000, out of moneys in the employment support fund, to the department of labor and employment for allocation to the division of employment and training for the implementation of this act.

APPROVED by Governor June 8 EFFECTIVE June 8

Note: This act amends H.B. 90-1194.

MILITARY AFFAIRS

S.B. 90-212 Management of capital assets - department of military affairs - 5-year strategic plans - appropriation. Requires the approval of the general assembly before the adjutant general may acquire or dispose of real property. Requires the adjutant general to develop, adopt, and annually revise 5-year plans for the use of capital assets of the department of military affairs. Provides that such plans shall be based upon consideration of the operational program plans of the department. Requires the department to submit the 5-year plans to the joint budget committee, the capital development committee, and the state affairs committees of the general assembly. Requires the general assembly to annually adopt a joint resolution that identifies portions of the plan acceptable to the general assembly and that includes recommendations for changes to the plan.

Appropriates $31,000 to the department of military affairs for the operation of additional armories, of which $15,500 shall be for personal services and $15,500 shall be for utilities.

VETOED by Governor June 8

S.B. 90-36 Port of entry weigh stations - closure - equipment. Authorizes the executive director of the department of revenue to close port of entry weigh stations on certain holidays or other times as determined by the executive director. Requires that all port of entry weigh stations, either permanent or mobile, be equipped with weighing equipment.

APPROVED by Governor April 9 EFFECTIVE April 9

S.B. 90-38 Safety standards - equipment - commercial vehicles - lengths. Limits an exemption which allows trucks and truck tractors with more than 3 axles to not have brakes on certain wheels to only those vehicles manufactured before July 25, 1980.

Makes changes in emergency lighting equipment requirements for trucks, service cars, and passenger buses. Replaces provisions allowing the use of various optional combinations of emergency lighting equipment with a specific requirement for the use of bidirectional reflective triangles whenever such vehicles are stopped on a highway for any cause other than necessary traffic stops. Specifies how such reflective triangles are to be used.

Eliminates the requirement that vehicles used in commerce to transport cargo be defined as commercial vehicles for purposes of establishing minimum standards for such vehicles. Changes the number of passengers which a vehicle must carry to be defined as a commercial vehicle for such purposes from 10 to 16. Requires a motor carrier operating a commercial vehicle in Colorado to declare in writing knowledge of rules and regulations for the operation of such vehicles adopted by the department of public safety. Makes failure to comply with such declaration requirement a class 2 misdemeanor traffic offense.

Increases by 6 inches the maximum length which truck tractor-semitrailer-trailer combinations may be to be exempt from vehicle combination length limitations. Excludes extensions of up to 18 inches on each end of a vehicle or combination of vehicles used to transport manufactured vehicles in measuring the length of such vehicle or combination of vehicles. Changes the point on a vehicle beyond which a load may not project from the head lamp to the grill of the vehicle.

APPROVED by Governor April 20 EFFECTIVE April 20

S.B. 90-39 Truck registration fee increases - classifications to which applicable. Imposes an additional registration fee on certain noncommercial and recreational trucks and other special types of trucks equal to such fees imposed in 1989 on other trucks of the same age. Clarifies which truck registration fees the department of revenue is to adjust in

order to generate funds which approximate a specified difference in the per gallon excise tax on special fuels and gasoline.

APPROVED by Governor April 10 EFFECTIVE April 10

S.B. 90-43 Instruction permits - reduction of age for application - appropriation. Reduces the age at which a minor can apply for an instruction permit to operate a motor vehicle, a motorcycle, or a motor-driven cycle from 15 years 9 months to 15 years 6 months. Increases the period of time an instruction permit is valid from 120 days to 6 months. Reduces the age at which a minor enrolled in driver education classes can apply for an instruction permit from 15 years 6 months to 15 years 3 months. Increases the length of time a motorcycle instruction permit is valid from 90 days to 6 months.

Appropriates $2,660 to the department of revenue for implementation of the act.

APPROVED by Governor May 14 EFFECTIVE July 1

S.B. 90-202 Defects in form in a summons and complaint for traffic offenses - amendment permitted - defects in form not cause for dismissal. Permits any defect in form in any summons and complaint issued and served by a peace officer for any traffic offense which is a misdemeanor, petty offense, or misdemeanor traffic offense to be amended upon oral motion by the prosecuting attorney at any time prior to trial or before verdict or findings. States that no defect in form in a summons and complaint concerning traffic offenses shall be deemed to be cause for dismissal of such summons and complaint.

APPROVED by Governor June 8 EFFECTIVE June 8

H.B. 90-1002 Longer vehicle combinations - length limitations - designated routes - fleet permits. Removes the overall length limitation on longer vehicle combinations. Establishes or increases length limitations on the individual semitrailers and trailers of such combinations. Changes the designated highways on which long vehicle combinations may be driven. Establishes annual fleet permits for longer vehicle combinations which exceed legal weight limits.

APPROVED by Governor April 5 EFFECTIVE April 5

H.B. 90-1148 Registration - specific ownership taxes - permanent number plates - used vehicle mileage. Changes the deadline for new residents of the state to register their motor vehicles from within 45 days of becoming a resident to immediately after establishing residency. Changes the due dates for filing and payment of specific ownership taxes for certain

classes of personal property. Restricts the classification of class A personal property to only those vehicles used as interstate carriers. Includes mobile machinery and construction equipment in the categories of property for which specific ownership tax credits may be allowed if a vehicle is disposed of during the registration period. Provides that such credit will be allowed only if the total ownership tax credit due exceeds $10. Provides that items of classified personal property that are exempt from ad valorem taxes shall be exempt from annual specific ownership taxes.

Divides the registration fee category which includes most trucks that exceed a weight of 16,000 pounds and that are driven less than 10,000 miles per year into two categories effective January 1, 1991, and directs the department of revenue to establish new registration fees for such categories.

Directs that fees collected by the department of revenue to defray expenses for the issuance of vehicle plates or validation tabs shall be credited to the same fund as registration fees collected by the department.

Authorizes the department of revenue to adopt rules and regulations for the issuance of permanent number plates which do not display the year of issuance or the month of expiration.

Eliminates several state statutory provisions concerning used motor vehicle sales and disclosure of mileage information. Prohibits, however, used motor vehicle transferors from making false statements in any disclosure required by the federal "Truth in Mileage Act".

APPROVED by Governor April 16 EFFECTIVE April 16

H.B. 90-1155 Motorcycle operator safety training program - appropriation. Requires the division of highway safety to establish a motorcycle operator safety training program. Provides for a program coordinator to implement and administer the program. Specifies that such program include courses to develop the knowledge and skills necessary for the safe operation of a motorcycle and instruction on the effects of alcohol and drugs on the operation of motorcycles.

Directs the division to establish a program instructor training course and authorizes the director of the division to certify instructors. Outlines instructor requirements and prohibits an applicant from becoming an instructor if he or she has been convicted of certain traffic offenses or if his or her driver's license has been revoked or suspended.

Provides funding for the program through surcharges on fees assessed drivers and owners of motorcycles and motorscooters. Creates a motorcycle operator safety training fund for the deposit of such surcharge moneys.

Requires the governor to appoint an advisory committee to make recommendations to the director of the division of highway safety concerning the safety training program. Terminates the advisory committee on July 1, 1996. Provides for review by the sunrise and sunset review committee prior to said termination date.

Appropriates $276,200 and 1.0 FTE out of the motorcycle operator safety training fund to the department of highways for allocation to the division of highway safety for the implementation of this act.

APPROVED by Governor April 30 EFFECTIVE July 1

H.B. 90-1185 Salvage vehicles - certificates of title. Requires the purchaser or transferee of a salvage vehicle to make application for a salvage certificate of title upon the sale or transfer of any motor vehicle for which a current Colorado certificate of title has been issued. Requires the letter "S" to be placed permanently on the certificate of title of a salvage vehicle that has been made roadworthy.

APPROVED by Governor May 9 EFFECTIVE October 1

H.B. 90-1191 Drivers' licenses - revocation or surrender - drugand alcohol-related offenses. Adds the option of a 3-month revocation period for first offenses of persons under 17 years of age for nondriving offenses involving alcohol. Requires the mandatory surrender of driver's, minor driver's, or provisional driver's licenses upon conviction or a plea of guilty for a nondriving conviction involving alcohol. Requires the court to notify the department of revenue and forward such licenses to the department within 10 days. Limits education and treatment requirements for persons whose licenses were revoked for alcohol- or drug-related offenses to driving offenses.

APPROVED by Governor April 5 EFFECTIVE July 1

H.B. 90-1208 Motor vehicle registration - mandatory insurance coverage - appropriation. Requires the owner of a motor vehicle to sign an affirmation, under penalty of perjury, that such owner has in effect a complying policy of automobile insurance pursuant to the "Colorado Auto Accident Reparations Act" or a certificate of self-insurance as a condition of obtaining a valid motor vehicle registration card. Establishes the crime of perjury on a motor vehicle registration application and makes such crime a class 1 petty offense. States that the failure to sign the affirmation clause on a registration application or renewal notice shall result in nonissuance or nonrenewal of a valid registration and the return to the owner of the registration application or renewal notice and any accompanying fee. Requires a reprocessing fee for those registration applications or renewal notices returned for failure to sign the affirmation clause. Terminates the reprocessing fee provisions on January 1, 1994. Provides for review by the sunrise and sunset review committee prior to such date. Effective January 1, 1991, directs the department of revenue to notify all registered owners of the affirmation requirement.

Prohibits providers of insurance coverage required by the "Colorado Auto Accident Reparations Act" from cancelling or failing to renew a policy, reclassifying an insured, reducing coverage, or increasing premiums solely because the insured has been convicted of an offense related to the failure to have in effect compulsory motor vehicle insurance or because the insured has been denied issuance of a motor vehicle registration for failure to have such insurance.

Applies to motor vehicle registrations and renewals thereof on and after January 1, 1991.

Appropriates $111,562 and 2.8 FTE from the special purpose account in the highway users tax fund to the department of revenue for the implementation of this act.

APPROVED by Governor June 8 EFFECTIVE July 1

H.B. 90-1257 State vehicles - alternative fuels plan - sales of natural gas. Requires the motor vehicle advisory council created pursuant to executive order of the governor to develop a state fleet alternative fuels plan on or before December 31, 1990. Specifies certain percentage goals for the number of new motor vehicles purchased or leased by state agencies for operations principally within the AIR program area which shall operate on clean-burning alternative fuels. Allows conversion of existing motor vehicles in lieu of purchase or lease of new motor vehicles which operate on such alternative fuels. Exempts authorized emergency vehicles and heavy-duty vehicles for purposes of calculating the number of new motor vehicles purchased by state agencies. Provides certain criteria to be considered by the advisory council in developing the plan. Requires that purchases or leases of motor vehicles by state agencies after July 1, 1991, comply with the percentage goals contained in the plan, contingent upon adequate legislative appropriations. Directs the air quality control commission to report to the general assembly on or before January 1, 1994, concerning the application of the provisions of the act. Repeals the alternative fuel vehicle provisions on July 1, 1995.

States that persons selling compressed natural gas or its component parts or by-products to governmental entities or to the public for use as fuel in alternative fuel vehicles shall not be considered to be public utilities.

APPROVED by Governor June 7 EFFECTIVE June 7

H.B. 90-1259 State motor vehicle travel reduction plan. Creates a travel reduction program task force to study methods for the implementation of a travel reduction program in the Denver metropolitan area. Sets forth factors to be analyzed, including measures to reduce employee commutes and work-related vehicle trips, employers required to participate in the program, an implementation schedule for the program, funding mechanisms, incentives to promote employer participation, the use of public

or private entities to oversee the program, measures to ensure participation in the program, incentives for employers that meet or exceed program goals, participation of employers outside the program area, allowances for employers that have an existing program, and existing programs upon which a state program may be modeled. Requires the task force to submit written findings and recommendations to the health, environment, welfare, and institutions committees of the general assembly no later than December 1, 1990. Authorizes the task force to accept and expend public and private moneys, services, and in-kind donations to carry out its functions. Repeals the state motor vehicle travel reduction task force provisions on July 1, 1991.

APPROVED by Governor April 5 EFFECTIVE April 5

H.B. 90-1272 Traffic offenses - judgment for costs - instructional permits - false swearing on license application - notices of action taken on license - immediate surrender of license - municipal violations - alcohol-related offenses - nonresidents. Requires courts to give a judgment to the state of Colorado, the appropriate prosecuting attorney, or the appropriate law enforcement agency for the costs of prosecution when a conviction is obtained. Requires any defendant convicted of any alcohol- or drug-related traffic offense to pay the costs for chemical tests to the law enforcement agency which performed the tests.

Changes the application fee for any motor vehicle instructional permit from the same amount required for a driver's license to $10. Reduces the fee for issuing a minor driver's license from $15 to $10 when the minor has obtained an instruction permit and has paid the permit fee.

Requires the department of revenue to notify the district attorney when there is false swearing on a license application. Makes a false swearing or affirmation on a license application a class 2 misdemeanor traffic offense rather than a misdemeanor.

Allows the department of revenue to send notices of denial, cancellation, suspension, or revocation of a license to any attorney appearing for a defendant. Requires the department to keep records of denials and cancellations of licenses. Revises the listing of official state records and documents that are required to be kept by the department.

Requires an offender to immediately surrender to the court his or her driver's license or instructional permit upon sentencing for a conviction where license revocation is mandatory; requires the court to forward any such license and notice of conviction to the department of revenue not later than 10 days after sentencing rather than within 48 hours of sentencing. Requires that mandatory revocations for convictions of certain offenses not be concurrent with any other revocation. Requires immediate surrender of a license or instructional permit to the court upon a plea of guilty or nolo contendere or upon a conviction by the court or jury of certain alcohol- or drug-related driving offenses, except when a stay has been

imposed. Requires the court to forward such license to the department of revenue within 10 days, rather than 5 days, of the day of sentencing. Requires the department to notify the district attorney when a person fails to surrender his or her license to the department upon suspension, revocation, or cancellation of the license. Clarifies when a mandatory revocation is required for multiple convictions of alcohol- or drug-related traffic offenses.

For purposes of administrative revocation of a license, allows a hearing officer to reschedule a hearing if he is unable to attend a scheduled hearing for good cause shown.

Allows points to be assessed against a license for municipal traffic violations. Clarifies the requirements for notification to be followed by the department of revenue upon the suspension of a license based upon accumulation of points.

Clarifies the maximum length of suspensions and revocations and the statutory exceptions thereto. Makes the false application for a new license before expiration of a suspension or revocation a class 2 misdemeanor traffic offense.

Requires a mandatory jail term for a person who drives while his or her license was denied or revoked based on an administrative determination of an alcohol-related offense. Makes the traffic offenses of driving under the influence, driving while impaired, and driving with excessive alcoholic content strict liability offenses.

Requires the executive director to assess points against driver's licenses and to impose appropriate suspensions when notified of violations that occurred in jurisdictions outside of Colorado when such jurisdictions are members of the interstate "Nonresident Violators Compact".

APPROVED by Governor June 7

PORTIONS EFFECTIVE:
June 7
July 1

H.B. 90-1325 Testing persons for intoxication upon licensed premises by law enforcement officers - prohibition. Prohibits law enforcement officers from requiring or soliciting any person who is patronizing an establishment or premises licensed to sell fermented malt or alcoholic beverages to submit to a mechanical test to determine whether such person is intoxicated while such person is upon such premises, except to determine a drunk driving offense, unless such testing is carried out pursuant to a court order. Establishes procedures for obtaining such a court order upon showing probable cause to believe evidence will be obtained showing the commission of the crimes of either providing any fermented malt beverage or any malt, vinous, or spirituous liquors to a visibly intoxicated person or minor. Makes any evidence obtained through a test not complying with these provisions inadmissible in a court or administrative proceeding.

APPROVED by Governor June 8

EFFECTIVE June 8

S.B. 90-35 State board of parks and outdoor recreation - Colorado greenway trails system. Authorizes the state board of parks and outdoor recreation, in cooperation with the wildlife commission, the Colorado water conservation board, the state highway commission, and all other appropriate units and authorities of state government, to establish the Colorado greenway trails system, a statewide network of trails along and between the state's lakes, streams, or reservoirs linking cities, towns, communities, and river basins. Empowers the board, through the division of wildlife, to conduct studies and to promulgate rules and regulations for the establishment and management of such system. Requires the division of parks and outdoor recreation to provide information to political subdivisions of the state in connection with all aspects concerning the establishment of recreational trails.

Prohibits the use of trails for purposes of annexation or access to private lands unless allowed by consent of the landowner.

Authorizes acceptance by the division of parks and outdoor recreation of contributions, grants, and in-kind donations from any public or private source and the expenditure of up to $36,500 of donated funds for the implementation of the act. Specifies that no moneys from the general fund be used for the implementation of the act.

APPROVED by Governor May 29 EFFECTIVE May 29

S.B. 90-67 Aquaculture - control of conduct related to the cultivation of fish - appropriation. Authorizes the division of wildlife to issue an aquaculture license for brokering live native and nonnative fish and viable gametes or for operating a fish production facility which raises, sells, or transports such live fish and viable gametes and allows the division to collect a $150 fee for the issuance of such license. Prohibits the licensee of a commercial lake license from selling or transporting live fish or viable gametes from the licensed premises. Prohibits the licensee of a private lake license from selling fish or gametes or from transporting live fish or viable gametes from the licensed premises. Increases from $100 to $150 the fee for a commercial lake license. Allows a licensee of an aquaculture license to charge a fee for fishing at the production facility. Allows the satellite stations of a fish production facility to operate under one aquaculture license provided such satellite stations are listed on the license.

In connection with the possession, transportation, importation, exportation, or release of live native and nonnative fish and viable gametes, requires a person compliance with the rules and regulations of the wildlife commission. Imposes criminal penalties for the violation of such rules and regulations.

Appropriates $109,284 and 1.5 FTE from the wildlife cash fund to the department of natural resources for allocation to the division of wildlife for the implementation of the act.

APPROVED by Governor May 22

PORTIONS EFFECTIVE:
July 1
January 1, 1991

S.B. 90-80 Skiing - limitations on liability - inherent dangers - man-made obstructions. Amends the "Ski Safety Act of 1979" to clarify the act in relation to skiing injuries and the dangers and risks inherent in that sport. Establishes that a skier accepts and assumes the inherent dangers and risks of skiing and may not make a claim against or recover from any ski area operator for injury resulting from any of the inherent dangers and risks of skiing.

Includes a person using a ski area for the purpose of sliding on a snowboard or for the purpose of using any of the facilities of the ski area, including slopes and trails, in the definition of skier in the ski safety act.

For purposes of provisions requiring the covering of man-made obstructions with a shock-absorbent material, provides that variations in steepness or terrain are not man-made structures under the ski safety act.

Clarifies that the authority of a ski area operator to revoke skiing privileges of reckless skiers does not create an affirmative duty to protect skiers from their own or from another skier's carelessness or recklessness.

Requires ski area operators to post warning signs about the inherent risks of skiing in a clearly visible location at the ski area where lift tickets and ski lessons are sold and at certain places on the approach to the loading point of each base area lift. Requires the same warning to be printed on ski lift tickets.

Specifies that areas designated as "danger areas" do not include areas presenting inherent dangers and risks of skiing.

Decreases the statute of limitation for bringing an action against a ski area operator or its employees from 3 to 2 years.

Limits the total amount of damages that may be recovered against a ski area operator by an injured skier to $1 million which amount includes any derivative claims which are limited to $250,000 and includes any claims for noneconomic loss or injury which are limited to $250,000.

Specifies that any person, including a physician, surgeon, or other medical personnel, while acting as a volunteer member of a ski patrol or ski area rescue unit, notwithstanding the fact that such person receives free skiing privileges as a result of his or her volunteer status, who in good faith renders emergency assistance shall not be liable for any civil damages.

Clarifies that a skier/skier collision is not an inherent risk or a risk assumed by a skier for the purposes of an action by one skier against another.

APPROVED by Governor May 1

EFFECTIVE July 1

S.B. 90-137 Wildlife - native - nonnative or exotic - restrictions on conduct - criminal penalties. By definition, distinguishes native wildlife from nonnative or exotic wildlife. Requires the state agricultural commission to review the regulations of the division of wildlife concerning wild ungulates held in confinement for breeding for agricultural purposes, production of meat or other animal products. After 72 hours of notification of the escape of a captive wild mammal, allows the division of wildlife to remove such mammal from the wild. Authorizes the division of wildlife to recoup from the owner the actual costs of such removal. Makes the possession of nonnative or exotic wildlife not in accordance with the rules and regulations of the wildlife commission a misdemeanor punishable by a fine. Prohibits a person from knowingly allowing the escape of native or nonnative wildlife except in accordance with rules and regulations of the wildlife commission. Creates separate criminal penalties for violations involving native wildlife and violations involving nonnative or exotic wildlife.

APPROVED by Governor May 8 EFFECTIVE July 1

S.B. 90-182 Acquisition of land in Pueblo county - division of wildlife - appropriation. Authorizes the division of wildlife to purchase for public purposes a tract of land in Pueblo county.

Appropriates $4,500 to the division of wildlife from the wildlife cash fund for the acquisition of such land.

APPROVED by Governor May 16 EFFECTIVE May 16

H.B. 90-1084 Acquisition of land in Morgan County - division of wildlife - appropriation. Authorizes the division of wildlife to acquire a parcel of land in Morgan County, Colorado, for public purposes.

Appropriates $96,500 to the division of wildlife from the wildlife cash fund for the implementation of the act. Of said sum, $48,250 shall be from moneys in the wildlife cash fund and $48,250 shall be from donated cash funds.

APPROVED by Governor May 16 EFFECTIVE May 16

H.B. 90-1232 Oil and gas - composition of oil and gas conservation commission - surcharge on oil and gas production - procedures for mitigation of hazards related to oil and gas production - appropriation. Requires that one member of the oil and gas conservation commission be a member of the public sector not employed by the oil and gas industry. Increases the number of members of such commission who may be from the same political party from 3 to 4.

Imposes an additional surcharge not to exceed two-tenths of one mill on the dollar on the market value of all oil and natural

gas produced in Colorado and requires that the moneys from such surcharge be credited to the oil and gas environmental response fund. Authorizes the oil and gas conservation commission to determine the amount of such surcharge. Creates the oil and gas environmental response fund and sets forth its sources of revenue in addition to the income generated from the surcharge.

Directs that the oil and gas environmental response fund be used to mitigate adverse environmental impacts resulting from the production of oil and gas from wells which have been abandoned or which have been plugged and abandoned. Empowers the commission to order an owner of a well to mitigate any adverse environmental impacts. If an owner fails to comply with such order or if an owner cannot be identified, authorizes the commission to order its director to undertake mitigation procedures using moneys from the oil and gas environmental response fund. Allows a credit against such surcharge in an amount equal to the value of approved contributions made after March 1, 1990, by a producer or purchaser to mitigate an adverse environmental impact where the owner of an oil or gas well cannot be identified. Restricts the maximum amount of the credit to the producer's or purchaser's current surcharge liability.

Sets forth the authority of the commission in connection with the evaluation of adverse environmental impacts and the monitoring of and testing for adverse environmental impacts.

Appropriates $101,700 from the oil and gas environmental response fund to the department of natural resources for allocation to the oil and gas conservation commission for the implementation of the act.

APPROVED by Governor May 8 EFFECTIVE May 8

H.B. 90-1311 Division of parks and outdoor recreation - agreements to collect special district tolls for maintenance of access roads - appropriation. Authorizes the division of parks and outdoor recreation in the department of natural resources to enter into an agreement with a special district to collect a toll established and, prior to such agreement, collected by the special district for maintenance of roads within the special district that access a state recreation area. Specifies the distribution and retention of moneys collected by the division from such tolls. Repeals the authority of the division to enter into such agreements on July 1, 1991. Provides that any person refusing to pay a toll collected pursuant to this act is guilty of a misdemeanor and that such penalty is enforceable through the penalty assessment procedure for other offenses in state parks.

Appropriates $100,000 to the department of natural resources for allocation to the division of parks and outdoor recreation for distribution for maintenance of an access road to a state park as specified in an agreement entered into pursuant to this act and $8,160 to the division for administration of the collection of tolls pursuant to this act.

APPROVED by Governor June 7 EFFECTIVE June 7

H.B. 90-1318 Park and recreation areas - senior citizen's Aspen Leaf annual pass - exchange of Aspen Leaf passport. Permits any senior citizen who obtained an "Aspen Leaf Passport" prior to January 1, 1985, to obtain from the division of parks and outdoor recreation an Aspen Leaf annual pass at no charge upon presentation of appropriate documentation showing purchase of the "Aspen Leaf Passport". Specifies that the pass confers the privilege of entering state park and recreation areas on all days of the year and of using division campgrounds on all days except weekends and holidays.

APPROVED by Governor May 31 EFFECTIVE January 1, 1991

S.B. 90-91 Probate code - nonprobate transfers on death. Rewrites the provisions of the "Colorado Probate Code" relating to nonprobate transfers on death to enact the recommended 1989 amendments to article VI of the "Uniform Probate Code".

Updates the law on multiple-party accounts and makes such accounts easier to use. Consolidates treatment of POD (pay-on-death) accounts and trust accounts so that the same rules apply to both. Eliminates reference to "joint accounts". Recognizes checks issued before death and presented for payment after death. Revises creditor rights provisions relating to multiple-party accounts. Provides that beneficial ownership in a survivorship account passes to the surviving spouse in preference to other surviving account parties. Authorizes the designation of an agent to make withdrawals without creating ownership or survivorship interests. Authorizes payments, pursuant to the "Uniform Transfers to Minors Act", to a minor who is an account beneficiary. Makes it clear that marital funds in an account retain community property incidents.

Adds language that allows transfer-on-death procedures used for such accounts to also be used for investment securities so that such securities may contain provisions that permit them to be transferred on the death of the owner to a named beneficiary without probate.

Changes the uniform act to include several provisions contained in prior Colorado statutes to make it clear that unfunded trusts are valid and that the family home and other property held in joint tenancy will not be subject to probate.

APPROVED by Governor May 31 EFFECTIVE July 1

H.B. 90-1048 Creditors' claims against decedents' estates - notice. Specifies the procedures for giving actual notice in writing to creditors of an estate. Immunizes a personal representative from liability for giving or failing to give notice to a creditor. Provides that all creditor's claims are barred if not presented within one year after the decedent's death.

APPROVED by Governor March 16 EFFECTIVE July 1

S.B. 90-11 Podiatry - regulation of - continuation of podiatry board. Clarifies the scope of the practice of podiatry by repealing and reenacting the definition of "practice of podiatry". Includes within the practice of podiatry treatment of the ankle as well as the foot. Discontinues the restriction that podiatrists perform surgery only in licensed or certified hospitals. Allows physicians certified by the American osteopathic board of orthopedic surgery to supervise surgery performed by a podiatrist.

Allows podiatrists to delegate authority to perform acts constituting the practice of podiatry to physician assistants, subject to the rules and regulations of the Colorado podiatry board. Allows podiatrists to delegate podiatric functions to nurses. Specifies that registered nurses are not subject to any podiatric licensure requirements in rendering nursing services consistent with the scope of nursing practice.

Directs the podiatry board to ensure that the passing score on the podiatry examination reflects a standard of minimum competency. Eliminates the requirement that an examinee who has twice failed the podiatry examination wait a year between each subsequent retake.

Requires the podiatry board to create a questionnaire concerning violations of regulatory provisions for completion by podiatrists renewing a license. Allows licensure by endorsement for podiatrists licensed in another jurisdiction and possessing qualifications substantially equivalent to those required in Colorado.

Adds as acts of unprofessional conduct the following: Violating any rule or regulation promulgated by the podiatry board; failing to complete the renewal questionnaire; failing to report a violation of any of the regulations governing podiatrists; dividing fees or compensation or billing for services performed by an unlicensed person; misstating or omitting a material fact in obtaining or renewing a license; and failing to report any adverse action against a licensee by another jurisdiction or the surrender of a license in another jurisdiction. Grants the board reasonable time in which to evaluate mental or physical examinations of a podiatrist. Allows the board to issue letters of concern as one means of disciplinary action. Specifies that no licensee whose license is revoked shall be allowed to apply for reinstatement earlier than 2 years after revocation.

Extends the automatic termination date of the podiatry board to July 1, 1995, pursuant to the provisions of the sunset law.

APPROVED by Governor April 10 EFFECTIVE July 1

S.B. 90-34 Real estate appraisers - regulation of - appropriation. Declares the intent of the general assembly to require the licensure or certification of real estate appraisers

in order to comply with the minimum requirements of the federal "Real Estate Appraisal Reform Amendments", title XI of the federal "Financial Institutions Reform, Recovery, and Enforcement Act of 1989".

Creates the board of real estate appraisers in the division of real estate in the department of regulatory agencies. Specifies that the board will consist of 7 members appointed by the governor with the consent of the senate. Establishes certain qualifications for board membership. Enumerates the powers and duties of the board including the licensure, certification, and discipline of real estate appraisers. Provides for judicial review of final actions and orders of the board.

Establishes the requirements for an appraiser's license and for an appraiser's certification including criteria for initial and continuing education and appraisal experience. States the expiration terms of a license or certificate and sets forth the procedure for renewal or reinstatement. Allows licensure or certification by endorsement. Empowers the board to deny the issuance or renewal of a license or certificate.

Lists prohibited activities of real estate appraisers and empowers the board to take disciplinary action for such conduct. Creates administrative and criminal penalties for violations of the provisions of the act.

Delays the date for compliance with the licensure or certification requirements for certain public employees from July 1, 1990, until July 1, 1992.

Requires that all fees, fines, and penalties collected pursuant to the act be credited to the division of real estate cash fund.

Terminates the board of real estate appraisers on July 1, 1999. Provides for review by the sunrise and sunset review committee prior to said termination date.

Appropriates $109,652 and 1.5 FTE from the division of real estate cash fund to the board of real estate appraisers for the implementation of the act. Out of such moneys, appropriates $22,278 and 0.3 FTE to the department of law and $5,484 and 0.1 FTE to the division of administrative hearings for the implementation of the act. Appropriates $38,375 out of the division of real estate cash fund to the board of real estate appraisers to be transmitted to the federal financial institutions examinations council as required by federal law.

APPROVED by Governor June 7 EFFECTIVE July 1

S.B. 90-37 Massage parlor code - exemption of massage therapy. Exempts a facility operated for the purpose of massage therapy performed by a massage therapist from the provisions of the Colorado massage parlor code. Defines "massage therapist" to be a person who has graduated from a massage therapy school accredited by the state educational board or division charged with the responsibility of approving private occupational schools or from a school with comparable approval or accreditation from another state with transcripts indicating completion of at least

500 hours of training in massage therapy. Also provides that a massage therapy school may include an equivalency program approved by the state educational board or division charged with the responsibility of approving private occupational schools.

APPROVED by Governor April 16 EFFECTIVE April 16

S.B. 90-87 Chiropractors - professional utilization review. Specifies that an investigation by a professional review committee of the quality of care provided by a chiropractor may include a utilization review.

APPROVED by Governor April 9 EFFECTIVE April 9

S.B. 90-151 Colorado racing commission - owners of racetracks - investigations - appropriation. Raises the maximum cost of an investigation of an applicant to hold race meets from $1,000 to $25,000. Requires the applicant to advance the moneys for investigation to the commission, either directly or through escrow, and requires the commission to return any unused moneys to the applicant at the conclusion of the investigation. Requires corporations to pay said investigation fee when they propose to sell, mortgage, transfer, or otherwise pledge or transfer 10% or more of their voting shares. Authorizes the commission to approve or disapprove the disposition of such stock, upon good cause shown, within 90 days. States that the commission may investigate an existing licensee who seeks ownership of another existing licensee. Directs the commission to utilize investigative information of other state racing jurisdictions, if possible.

Appropriates $24,000 to the Colorado racing commission for implementation of the act.

APPROVED by Governor April 27 EFFECTIVE April 27

S.B. 90-191 Health care professionals - prohibition against discrimination - authorities of licensed nurses. Prohibits a specialty society or association of physicians or a licensed physician from discriminating against a person licensed to practice medicine, and otherwise qualified for membership, if board certification or board eligibility is a requirement for membership in a specialty society or association of physicians and such person has been granted board certification or board eligibility by either the American board of medical specialists or the American osteopathic association. Grants a licensed physician a right of action for damages against a specialty society, association of physicians, or licensed physician for acts constituting discrimination under this act.

Includes delegated medical functions rendered by registered or other nurses within an exemption from the licensing

requirement for the practice of medicine. Clarifies the definition of delegated medical function as an aspect of care which does not contravene the medical plan prescribed by a physician or dentist by specifying that a medical plan is a written plan, verbal order, standing order, or protocol, whether patient specific or not, that authorizes specific or discretionary medical action, which may include the selection of medication.

APPROVED by Governor May 14 EFFECTIVE July 1

H.B. 90-1009 Barbers and cosmetologists - regulation of - continuation of state board - repeal of rules and regulations. Changes the legislative declaration concerning the regulation of barbers and cosmetologists to reflect a greater emphasis on protecting the public's health, safety, and welfare.

Eliminates licensure requirements for barber schools or beauty schools and, instead, requires that such schools be approved as private occupational schools. Establishes testing and administrative procedures for licensure of instructors. Requires 16 hours of advanced training for renewal of an instructor's license. Repeals the provisions relating to instructors on November 1, 1990, to allow those persons who have begun but not finished instructor training to become licensed as instructors. Awards to currently licensed instructors current occupational teaching credentials.

Establishes specific hours of course completion to qualify applicants for testing for licensure as a cosmetologist, barber, cosmetician, or manicurist. Permits manicurists who are currently practicing artificial nail services to continue to engage in such practice without a license until January 1, 1991.

Directs the state board of barbers and cosmetologists to hold examinations as often as necessary, within the confines of available monies, for the benefit of applicants for licensure. Requires that examinations be graded and that results be distributed promptly, that examinations emphasize health and safety issues, and that examinations be developed and graded within the state. Removes the $50 limit on compensation provided to persons conducting such examinations.

Establishes that all fees for examination, registrations, and licenses shall be paid in advance, unless specified otherwise.

Permits the issuance of a license by reciprocity without examination to holders of a license under the laws of territorial possessions of the United States, the District of Columbia, Puerto Rico, and Canada where the requirements of such other jurisdiction were equal or greater than the requirements of this state.

Exempts licensed therapists and students of barbering or cosmetology schools who have taken 300 or more hours of instruction from the provisions concerning the unlawful practice of barbering or cosmetology without a license.

Requires the registration of all places of business in which one or more persons practice barbering or cosmetology. Allows inspections of places of business by the state board of barbers and cosmetologists only upon written complaint. Permits the board to contract out such inspections. Makes it an unfair or deceptive trade practice for insurance companies to increase premiums or decrease coverage for insurance policies of barber shops or beauty salons based solely on the decision of the general assembly to stop mandatory inspections of such places of business.

Includes the performance of services outside of a licensee's area of training or experience as grounds for disciplinary action by the state board of barbers and cosmetologists. Adds to the powers and duties of the board the authority to send letters of admonition, to issue cease and desist orders, and to make licenses probationary. Also empowers the board to issue administrative fines for violations of regulatory provisions and directs that such fines be credited to the general fund. Changes the misdemeanor penalty for violations of these regulatory provisions from a class 3 misdemeanor to a class 2 misdemeanor.

Staggers the terms of members of the state board of barbers and cosmetologists. Prohibits owners of barber or beauty schools from being board members. Clarifies what shall constitute cause for dismissal of board members. Removes the specification of times that the board must meet.

Grants immunity to persons acting as consultants, testifying in board proceedings, and lodging complaints, when acting in good faith and on reasonable facts. Directs appeals of final board orders to the court of appeals.

Extends the automatic termination date of the inspecting of places of business by the board of barbers and cosmetologists and the transfer of authority over barber and cosmetology schools to any other unit of government to July 1, 1992. Extends the automatic termination date for the board of barbers and cosmetologists to July 1, 2000.

Repeals the current rules and regulations of the state board.

APPROVED by Governor March 27 EFFECTIVE July 1

H.B. 90-1016 Accountants - regulation of - disciplinary actions - number of board members - elimination of permit requirement - certification - records - titles. Declares the intent of the general assembly to allow the state board of accountancy to invoke discipline proactively when required for the protection of the public health, safety, and welfare. Grants the board the power to deny the issuance or renewal of certificates and the power to issue letters of admonition to or censure or place on probation or fine any certified public accountant violating regulatory provisions. Authorizes the board to issue letters of admonition for misconduct warranting a reprimand other than discipline requiring a full hearing. Prohibits a person whose certificate has been revoked from applying for reinstatement for a minimum of 2 years. Grants the

board the discretion to reconsider its disciplinary actions. Makes judicial review of any action of the board within the jurisdiction of the Colorado court of appeals. Provides for confidentiality of complaints to the board.

Increases the number of members comprising the state board of accountancy from 5 to 7. Increases the number of members who are required to hold valid certified public accountant certificates from 4 to 5 and increases the number of members who are not required to hold such a certificate from one to 2. With regard to offices held by such members, continues the office of president but eliminates the offices of secretary and treasurer.

Discontinues the requirement that individual certified public accountants and public accounting firms and partnerships obtain annual permits to practice public accounting. Sets forth time frames, procedures, and requirements for obtaining a certificate of certified public accountant and for renewing, reactivating, or reinstating such certificate. Changes the passing score for the certified public accountant examination from seventy-five percent to a grade reflecting a standard of minimum competency to be determined by the board. Restricts the board from requiring continuing education hours in excess of 80 hours every 2 years with a minimum of 20 hours in any one year. Grants to the members of the board of accountancy and its consultants immunity from liability in civil and criminal actions. Allows the board to charge an application fee for reinstating, renewing, or reactivating a certificate. Allows the board of accountancy to employ administrative law judges to assist the board with its hearing docket and to contract for assistance in administering certified public accountant exams.

Changes the time required for candidates withdrawing from an examination to notify the board of such intent in order to qualify for a refund of the examination fee from 10 to 30 days.

Sets forth the procedure to acquire inactive status and the procedure for reinstatement to active status.

Requires a certificant to retain the work product of clients for 5 years.

Combines the provisions dealing with partnerships and corporations. Requires partnerships and corporations to register with the board of accountancy once every 3 years.

Deletes all references to "registered accountant" and makes such title synonymous with certified public accountant. Deletes references to obsolete dates and practices.

APPROVED by Governor April 12 EFFECTIVE July 1

H.B. 90-1068 Alcoholic beverages - promotion of Colorado wine industry - suspension or revocation of liquor licenses. Enacts the "Colorado Wine Industry Development Act". Creates the Colorado wine industry development board in the department of agriculture to promote and serve as a resource for the wine industry of Colorado. Specifies powers and duties of the board including duties related to research and development and marketing of the Colorado wine industry.

States that the phrase "Colorado Grown" may be used on a wine label by a licensed Colorado winery only if such wine is of its own manufacture and was produced using 100% Colorado grown grapes or other fruits.

Changes the requirements for a limited winery license. Modifies the percentage utilization requirements for such license to allow winery operations to use not less than 50% of Colorado grown produce for the first 5 years of operation and not less than 75% thereafter. Grants limited wineries an exemption from said requirements whenever weather conditions, pests, or other natural causes have reduced the quantity or quality of Colorado grown produce to an extent which renders compliance infeasible.

Authorizes a limited winery licensee to conduct tasting events and sell vinous liquors manufactured by other Colorado limited wineries as well as vinous liquors of its own manufacture. Allows such licensees to sell general merchandise.

Makes the excise tax on wine the same for all wine sold in the state and removes a lower rate allowed to limited wineries. Imposes an excise tax surcharge on all wine sold in the state for a certain period of time. Imposes an additional excise tax surcharge on wine produced and sold in Colorado. Also imposes a separate excise tax on grapes and other produce used in the production of wine. Provides that the revenue generated from the additional excise tax surcharges and the excise tax on grapes and other produce used in the production of wine shall be used for the promotion of the Colorado wine industry. Creates the Colorado wine industry development fund for the deposit of such revenues. Specifies that such excise taxes and surcharges are due on the 20th day of the month following the month first sold. Applies to taxable transactions on fermented malt beverages and malt, vinous, and spirituous liquors occurring on and after July 1, 1990.

Extends the provisions which allow a retail liquor licensee to petition for permission to pay a fine in lieu of having his or her license suspended and which require local and state licensing authorities to report on actions taken to impose fines, suspensions, and revocations.

APPROVED by Governor March 27 EFFECTIVE July 1

H.B. 90-1083 Licensed liquor retailers - hours of business - sales of souvenirs by restaurants. Changes the hours of business for licensed retailers who sell malt, vinous, or spiritous liquors. Expands the hours of sale on Mondays to include the hours from 12 midnight to 2 a.m.; expands the hours of sale on any Sunday which falls on December 31 to include the hour from 7 a.m. to 8 a.m. and the hours from 8 p.m. to 12 midnight; and specifies that on any day following Christmas the sale of such liquors shall not commence until 7 a.m. but may continue until 12 midnight. Repeals a provision which prohibited the sale, serving, or distribution of any malt, vinous, or spiritous liquors on any primary or election day except during certain hours.

Allows certain restaurants, as defined in the "Colorado Liquor Code", to sell items of souvenir merchandise depicting the theme of the restaurant or the geographical or historic subjects of the nearby area.

APPROVED by Governor March 20 EFFECTIVE July 1

H.B. 90-1089 Peace officers - certification - convicted criminals - background checks. Excludes the certification and revocation of certification for employment as a peace officer from the provision which prohibits denying public employment to a person only because that person has been convicted of a crime.

Requires the peace officers standards and training (P.O.S.T) board to deny certification as a peace officer to any person who has been convicted of a felony or a crime involving moral turpitude. Requires a background investigation of each applicant for peace officer certification. Specifies that the P.O.S.T. board shall require each applicant for certification to furnish fingerprints and any other information the board may deem necessary for a background investigation. Authorizes the Colorado bureau of investigation to assist the board in such investigations by means of review of fingerprint files or records.

APPROVED by Governor March 16 EFFECTIVE March 16

H.B. 90-1131 Real estate brokers and salespersons - continuing education requirement. Requires real estate brokers and salespersons to fulfill continuing education requirements as a condition of license renewal. Until 1994, imposes on a staggered basis the hourly course requirement for current licensees. For renewals in 1994 and thereafter, requires passage of the Colorado portion of the real estate exam or completion of a minimum of 24 hours of credit, 8 hours of which shall be developed by the Colorado real estate commission. Sets forth the subjects from which a licensee may choose to fulfill such obligation. Requires that written certification verifying completion of the requirements accompany the renewal application. Requires that documentation evidencing completion of the continuing education requirements be retained for a period of 7 years.

Includes the fraudulent renewal, reinstatement, or reactivation, of a real estate broker's or salesperson's license and the failure to keep documentation evidencing completion of continuing education requirements for the specified period as grounds for disciplinary action by the real estate commission.

APPROVED by Governor April 24 EFFECTIVE April 24

H.B. 90-1203 Medical licensure - foreign medical graduate applicants. Eliminates the duty of the state board of medical examiners to prescribe standards for the licensing of graduates of medical schools in other states and outside the United States.

Authorizes the state board to license a foreign medical graduate who did not attend an approved medical college if the applicant meets all other requirements for licensure and holds current specialty board certification conferred by a regular member board of the American board of medical specialties or the American osteopathic association.

APPROVED by Governor March 27 EFFECTIVE March 27

H.B. 90-1235 Peace officers - certification - rules and regulations. Authorizes the peace officer standards and training board to promulgate rules and regulations for the certification of peace officers in the state. Specifies that such rules and regulations may include compliance with a personal history reviewing process that consists of background checks and medical and psychological examinations of peace officer candidates.

APPROVED by Governor April 5 EFFECTIVE July 1

H.B. 90-1273 Motor vehicle dealers and wholesalers - bonds - drafts or checks issued by licensed persons. Increases the amount of the bond required for licensure of a motor vehicle dealer, wholesaler, or used motor vehicle dealer from $20,000 to $30,000, on and after July 1, 1991. Requires corporate sureties to notify the motor vehicle dealer licensing board of any claims honored against the bond of a motor vehicle dealer, wholesaler, used motor vehicle dealer, or motor vehicle salesperson.

Authorizes the motor vehicle dealers licensing board to suspend the license of a motor vehicle dealer, wholesaler, or used motor vehicle dealer who issues a check or draft to a motor vehicle dealer, wholesaler, used motor vehicle dealer, motor vehicle auction house, or consignor and who fails to honor the draft or check. Directs that if such failure to honor a draft or check causes a loss to a third party, the issuer of the unpaid draft or check commits a misdemeanor punishable by a fine of $2,500. Awards any such fines which are collected to the law enforcement agency which investigated and issued the citation for the violation.

APPROVED by Governor May 14 EFFECTIVE July 1

H.B. 90-1299 Bingo and raffles law - regulations concerning licensing - appropriation. Requires that a person renting or offering to rent to a bingo-raffle licensee a facility to be used to conduct games of chance be the holder of a current valid commercial landlord license. Sets forth certain information required of an applicant for such license. Requires that an applicant pay a fee established and charged by the secretary of state for the issuance and renewal of landlord licenses. Requires that a landlord license be prominently displayed on the licensed premises. Defines conduct prohibited

by a landlord licensee. Sets forth the expenses and items to be covered by the rent charged by a landlord licensee.

Requires the licensing of bingo-raffle manufacturers and suppliers and the agents of bingo-raffle manufacturers and suppliers. Sets forth the information required of an applicant for a manufacturer license, a supplier license, or a manufacturer's or supplier's agent license. Requires applicants to pay a fee for the issuance and renewal of such licenses. Requires a written statement from an applicant attesting that such applicant has not been convicted of any felony or of any offense involving gambling. Defines conduct prohibited by manufacturers or suppliers of games of chance equipment not licensed in accordance with the provisions of the act. Prohibits manufacturer or supplier licensees or licensed agent from being responsible for the conduct, management, or operation of any game of chance. Establishes reporting requirements for licensed manufacturers and suppliers.

Specifies that all licenses required under this act be renewed on an annual basis.

Amends existing statutory provisions to differentiate bingo-raffle licenses and bingo-raffle licensees from the licenses and licensees required by the provisions of this act.

Requires that a designated games manager be an active member of an applicant for a bingo-raffle license for at least the 6 months immediately preceding such designation and be certified by the secretary of state before assuming such management duties. Requires that a caller or assistant to the caller for any game of bingo be a member in good standing of the licensee conducting such game for at least 3 months rather than one year.

Appropriates $187,196 and 4.0 FTE from the department of state cash fund to the department of state for allocation to the secretary of state for the implementation of the act.

APPROVED by Governor June 7

PORTIONS EFFECTIVE:
July 1
January 1, 1991

H.B. 90-1320 Dentists and physicians - inactive licenses - financial responsibility standards. Establishes an inactive license for dentists and physicians. Authorizes the board of dental examiners and the board of medical examiners to issue or deny such inactive licenses and establishes the requirements for inactive status. Provides that such inactive status shall be plainly indicated on the face of an inactive license. Authorizes each board to conduct disciplinary proceedings against any person who has been issued an inactive license for any act committed while the person was licensed under the "Dental Practice Law of Colorado" or the "Colorado Medical Practice Act". Specifies the application form and requirements for any inactive licensee who wishes to resume the practice of dentistry or medicine. Authorizes each board to grant or deny such applications.

Authorizes the board of medical examiners and the board of dental examiners to exempt from or establish lesser financial responsibility standards than those specifically prescribed in

the "Health Care Availability Act" for certain classes of license holders, including employees of the federal government. Adds physicians and dentists holding inactive licenses and health care institutions to those required to provide evidence of compliance with financial responsibility requirements.

APPROVED by Governor May 8 EFFECTIVE May 8

S.B. 90-109 Encumbrances on real property - recodification of statutes governing public trustees and foreclosures sales. Repeals and reenacts and makes numerous changes to the statutes governing encumbrances on real property. Increases the amount of the surety bond required of public trustees in counties of the second class from $10,000 to $25,000 and increases the amount of the bond required of county treasurers serving as public trustees from $5,000 to $10,000. Allows a public trustee to appoint more than one deputy. Discontinues the $50 fee to the public trustee for bifurcated sales of agricultural real estate and the $5 fee for the filing of a notice of intent to redeem an agricultural residence. Adds a $50 fee for the public trustee to reset a foreclosure sale date after dismissal of a bankruptcy case. Adds a $75 fee for the public trustee to rerecord a notice of election and demand for sale upon the termination of an injunction, the entry of an order dismissing a bankruptcy case, or the granting of relief from an automatic stay. Includes as acceptable forms of payment to a public trustee electronic transfers and certified tellers' checks.

Combines and revises provisions concerning procedures for foreclosure sales. Reduces the amount of a lost instrument bond from 2 to 1 1/2 times the face amount of the original evidence of debt. Includes among the documentation filed with the public trustee to commence foreclosure proceedings an affidavit which sets forth the outstanding principal balance of the indebtedness. Specifies the persons presumed to be an owner of an evidence of debt. Unless otherwise prescribed in the deed of trust, requires that the public trustee publish a notice of sale in a newspaper of general circulation in the county or counties in which the property is located once a week for 5 successive weeks and set the date of sale not less than 45 days nor more than 60 days after the date of the recording of the notice of election and demand. Upon request by an owner of an evidence of debt, requires the public trustee to correct any errors in the published notice of sale and to postpone the date of sale to allow for republication of the corrected notice of sale. Discontinues the requirement that a notice of election and demand for the sale of agricultural property so specify on such notice. Prohibits the foreclosure of a portion of the property encumbered by a deed of trust unless such portion is encumbered as a separate and distinct parcel. Requires that a notice of election and demand for sale state whether the property described in such notice is all or a portion of the property encumbered by the deed of trust. Requires postponement of a foreclosure sale pending disclosure by the owner of the evidence of debt of such amount.

Prescribes the continuance provisions for sales stayed by a judicial injunction or the filing of bankruptcy proceedings. Orders the reinstatement of an indebtedness if a foreclosure sale is held in violation of an automatic bankruptcy stay. Sets notification and publication requirements for rescheduled

foreclosure sales. Prioritizes lienors entitled to any excess moneys from a foreclosure sale.

For installment mortgages and deeds of trust, allows foreclosure as to any one or more delinquent installments provided the evidence of debt grants a right to declare the whole indebtedness due and payable upon the default of an installment payment. Imposes restrictions and sets forth the procedure in connection with installment foreclosures.

Establishes the holder of a certificate of purchase as a lienor, possessing the priority of the lien foreclosed by such holder. Grants redemptive rights to a mechanic's lien claimant notwithstanding that a claim therefor has not been reduced to judgment. Provides the requirements for replacing a lost certificate of purchase or redemption, which requirements include the procurement of a bond. Establishes and exhibits a form of deed for a public trustee's sale and a sheriff's sale. Describes the effect of a foreclosure as to classes of persons.

Provides for the release of a lien of deed of trust upon the written request of the owner of the evidence of indebtedness. Requires that a lien evidenced by a mortgage be released by a separate document executed by a mortgagee.

APPROVED by Governor April 16 EFFECTIVE October 1

Note: Provisions of this act are amended by H.B. 90-1260.

H.B. 90-1054 Manufactured housing units - installation and setup - standards and enforcement. Empowers the state housing board to promulgate rules and regulations establishing standards for the installation and setup of manufactured housing units. Authorizes local governmental subdivisions to enforce such rules and regulations. Allows for possible additional regulation of manufactured housing units by local governmental subdivisions where special weather or topographical conditions exist.

APPROVED by Governor April 5 EFFECTIVE April 5

H.B. 90-1135 Factory-built nonresidential structures - regulations - inspection - appropriation. Declares that there is a need for regulation in the manufacture of factory-built nonresidential structures to ensure the safety of people using them. Authorizes the state housing board to promulgate rules and regulations to ensure the safety of factory-built nonresidential structures. Directs the board to appoint an advisory committee on factory-built nonresidential structures and to consult with the advisory committee in drafting regulations regarding such structures.

Requires that the division of housing enforce these provisions. Requires that factory-built nonresidential structures bear an insignia of approval issued by the division of housing. Gives the division the responsibility for the electrical inspection of any manufactured units in plants which

are certified by the division pursuant to these provisions. Authorizes the state housing board to establish by rule a schedule of fees for insignias of approval. Creates the nonresidential structure regulation fund for the deposit of such fees. Allows the state housing board to approve structures that are approved by other states. Empowers the state director of housing to designate persons to enter and inspect premises where factory-built nonresidential structures are made or stored for purposes of enforcing standards for such structures. Also empowers the state director to seek injunctions and to suspend a manufacturers authority to affix insignias while injunctive relief is being sought.

Establishes a civil penalty for persons violating these provisions or any rule or regulation regarding factory-built nonresidential structures.

Terminates the advisory committee on factory-built nonresidential structures on July 1, 1993. Provides for review by the sunrise and sunset review committee prior to said termination date.

Appropriates $44,410 and 1.0 FTE to the department of local affairs for allocation to the division of housing for implementation of this act.

APPROVED by Governor May 18 EFFECTIVE May 18

H.B. 90-1163 Unclaimed property act - funds owed under insurance policies - relief for depositors of troubled industrial banks. Expands the property covered by the "Unclaimed Property Act" to include intangible property held by insurance companies and provides for the relief of depositors of troubled industrial banks from moneys collected as a result of the inclusion of insurance policies in said act. Specifies when funds held or owing under any life or endowment insurance policy or annuity contract that has matured or terminated are presumed abandoned for purposes of the unclaimed property act. Establishes dates for filing with the administrator of the unclaimed property act the initial and subsequent reports of such abandoned insurance moneys. Creates the unclaimed insurance moneys fund and credits such moneys collected to said fund. Directs the administrator to record the name and last-known address of each person entitled to unclaimed insurance moneys. Requires insurance companies to request certain information when a change of beneficiary form is issued, including the address and relationship to the insured of the new beneficiary. Provides that no moneys from the unclaimed insurance moneys fund shall be distributed to any depositor unless that depositor has signed a voidable release of any claim against the state of Colorado and certain parties arising from the failure of the troubled industrial banks.

APPROVED by Governor April 27 EFFECTIVE April 27

H.B. 90-1218 Restrictive covenants based upon race or religion - void and unenforceable - removal - modification. Authorizes certain persons, in limited circumstances, to remove void and unenforceable covenants which are based upon race or religion from instruments of conveyance by recording new documents. Provides that certain persons who deliver instruments of conveyance which include such void and unenforceable restrictive covenants shall be immune from civil liability. Specifies that such delivery shall not constitute an unfair housing practice. Sets forth an exception.

Establishes procedures for owners of real property located within any subdivision to modify private restrictive covenants based upon race or religion which are void and unenforceable. Specifies an exception. Provides that county clerks and recorders shall not be held liable for recording such modified private restrictive covenants.

APPROVED by Governor April 16 EFFECTIVE April 16

H.B. 90-1260 Notice of foreclosure - lessees with unrecorded possessory interests. Requires that any lessee who has an unrecorded possessory interest in a single family residence or a multiple-unit residential dwelling be given notice of foreclosure proceedings. Stipulates that such notice be in writing and sent by regular mail. Directs the public trustee to mail a copy of such notice as published in a newspaper of general circulation to any lessee with an unrecorded possessory interest in the premises if the foreclosing party has a lien with priority over a lessee's and desires to terminate such possessory interest with the foreclosure.

APPROVED by Governor April 9 PORTIONS EFFECTIVE:
April 9
October 1

Note: Provisions in this act amend S.B. 90-109.

S.B. 90-69 Telephone assistance program - low-income persons. Recreates and reenacts the "Emergency Telephone Access Act". Authorizes and directs the implementation of telephone assistance programs for low-income persons. Specifies such programs shall be provided to certain low-income subscribers by providers of basic local exchange telecommunications services and shall consist of a 25% discount for basic telephone service charges and, if applicable, for mileage charges. Makes eligible for such assistance those individuals certified by the department of social services as qualified to receive public assistance. Requires periodic recertification of the eligibility of such subscribers.

Limits assistance to a single line at the principal residence of an eligible subscriber.

Authorizes the public utilities commission to promulgate rules and regulations for program implementation and to establish and adjust a uniform charge on business and residential access lines sufficient to fund the program, which includes reimbursing the department of social services for administrative costs. Requires the commission to monitor the effectiveness of the program.

Funds the first year of the program with excess moneys from the disabled telephone users fund. Beginning July 1, 1991, requires providers of basic local exchange telecommunications services to collect the charge imposed on business and residential access lines and allows providers to retain an amount of the collected charges sufficient to reimburse such providers for providing telecommunication services to eligible subscribers. Creates a low-income telephone assistance fund and requires that remaining collected charges be credited to such fund to be annually appropriated to reimburse the department of social services. Exempts any state or local governmental entity and program-eligible subscribers from said charge. Mandates that said charge shall not generate any additional profit for telecommunication service providers.

Requires all programs to be in compliance with federal criteria for receipt of matching funds. Limits the applicability of the act to providers of basic local exchange telecommunications services with more than 500,000 subscribers and certified to do business in the state. Allows certified companies with fewer subscribers to petition the public utilities commission for discounted rates for their eligible subscribers.

Allows the state department of social services to participate in other federal telecommunications programs for low-income individuals that do not require the appropriation of any state moneys.

Specifies that the program will end when federal assistance for the program terminates.

APPROVED by Governor May 4 EFFECTIVE July 1

H.B. 90-1045 Public utilities - disclosure of information to law enforcement officials - life-threatening situations. Requires public utilities to disclose identification information upon a formal written request by specified law enforcement officials in connection with a life-threatening situation. Requires such request to be made during regular business hours, when practicable. Allows such information to be given upon oral request when such information is needed during non-business hours and allows such request to be made by an officer in command when an authorized law enforcement official is unavailable. Requires that an oral request be followed by a formal written request by the end of the next working day of the law enforcement agency. Requires the return of such requests to the district court within 72 hours after issuance. Provides that a public utility or an authorized representative thereof which responds to such a request shall not be liable absent a showing of willful, wanton, or malicious intent.

APPROVED by Governor April 3 EFFECTIVE April 3

H.B. 90-1105 Cooperative electric associations - use of patronage capital. Authorizes a cooperative electric association which has declared patronage capital to be distributable to its members or patrons to use such capital for expenditures associated with the provision of electric services, after notice thereof has been provided. Permits a negotiable instrument which is unclaimed 3 years after issuance to be used for expenditures associated with electric service without further notice.

APPROVED by Governor March 9 EFFECTIVE March 9

H.B. 90-1310 Public utilities - distribution of unclaimed monies - low-income energy assistance program. Declares the need to make distributions of moneys to provide aid and assistance to the indigent, the elderly, and the handicapped to assist such persons with their heating and energy needs. Declares that the low-income energy assistance program of the department of social services is the most appropriate entity to determine those most in need and to distribute moneys to such persons.

Creates the legislative commission on low-income energy assistance and directs such commission to establish a fund in a nonprofit corporation for the purpose of collecting and distributing unclaimed moneys left with utilities to eligible recipients for use in the payment of electric and gas utility bills. Directs the department of social services to promulgate eligibility standards for such assistance and directs that such standards be based in part on household size and income and the past year's energy costs for the residence. Directs the commission to disburse moneys by negotiable instrument from the nonprofit corporation directly to a utility.

Provides that the board shall be composed of 11 members to be appointed by the governor; of the 11 members, 5 members shall

be from private sector energy related enterprises, one member shall be from the Colorado office of energy conservation, 2 members shall be low-income energy assistance recipients, and 2 members shall be from the general public.

Empowers the public utilities commission to order that part or all of unclaimed refunds be paid by the utility in an equitable manner to the general body of customers or that up to 20% of such unclaimed moneys be paid into the fund established by the commission to assist eligible persons with heating and energy needs.

APPROVED by Governor May 31 EFFECTIVE May 31

S.B. 90-1 Long-term care - state ombudsman program - assistance to residents of long-term facilities. Enacts the "Colorado Long-term Care Ombudsman Act" in conformance with the federal "Older Americans Act of 1965". Establishes a statewide long-term care ombudsman program to assist residents of long-term care facilities in asserting their civil, human, and legal rights. Specifies that the program shall consist of a state office that is operated under the state department of social services and is administered by a state long-term care ombudsman and local offices that are designated by the state ombudsman to serve as representatives of the state office. Makes the state ombudsman responsible for establishing policies and procedures for the operation of the program, including procedures to identify and resolve complaints regarding the care of elderly residents of long-term care facilities.

Requires every long-term care facility to post a notice with information concerning the nearest local ombudsman program.

Provides an ombudsman access to long-term care facilities, residents, and records in order to serve residents. Provides civil and criminal immunity for ombudsmen who act in good faith. Allows the state department of social services to impose and collect penalties against persons who interfere with any ombudsman performing ombudsman duties or who retaliate against specified individuals who communicate with an ombudsman performing ombudsman duties. Provides that any such penalty collected shall be credited to the state general fund.

Requires that the state department of social services establish a statewide uniform reporting system to collect data relating to complaints and conditions in long-term care facilities. Lists other duties of the department, including the assurance of confidentiality of information, that no individual involved in the ombudsman program is subject to any conflict of interest, and that adequate legal counsel is available to ombudsmen.

APPROVED by Governor April 10 EFFECTIVE April 10

S.B. 90-9 Long-term care service delivery - single entry point system - uniform assessment instrument. Requires the state department of social services to study the establishment of centralized systems at the local level for disseminating long-term care information, consolidating long-term care resources, assessing individuals' long-term care needs, and delivering appropriate long-term care services under a plan of care which includes case management. Specifies components of such study. Requires the department to report the findings from such study to the general assembly.

Requires the state department of social services to establish a long-term care uniform client assessment process to determine appropriate services and levels of care to meet clients' needs and the payment sources for such care and, in

connection with such process, to develop and implement a uniform functional assessment instrument. Mandates that clients of publicly funded programs participate in such process. Also makes such instrument available for private paying clients in selecting long-term care services that best meet such clients' needs.

APPROVED by Governor April 10 EFFECTIVE April 10

S.B. 90-18 Medical assistance - long-term care - payment to vendors - appropriations. Requires the state department of social services to establish payment schedules for nursing home vendors incorporating a pass-through adjustment to vendor payments based on estimates developed by the department and sufficient to cover 100% of the costs vendors are expected to incur in complying with the increased quality of care requirements under the federal "Omnibus Budget Reconciliation Act of 1987" (OBRA), as amended. Makes pass-through payments available only to class I, II, IV, and V nursing home vendors. Limits total payments to vendors for fiscal year 1990-91 to $2,919,847 and for fiscal year 1991-92 to $3,344,826. Declares the legislature's intent that payments for nurse aid training be made on or before June 30, 1990, in accordance with the federal law. Requires the state department to promulgate rules that assure payments are made in accordance with specified requirements. Repeals the provision authorizing pass-through payments on October 1, 1991.

Requires the state department to promulgate rules for making payments within available appropriations to home health care providers for costs incurred by such providers in complying with OBRA requirements. Requires that such payments be made during the period between July 1, 1990, and June 30, 1991. Repeals such statutory section on July 1, 1991.

Appropriates sums of moneys as follows: For fiscal year 1989-90, $2,919,847 to the department of social services to make pass-through payments to nursing home vendors. Of such sum, $729,962 shall be from moneys retained in the general fund at the end of fiscal year 1989-90 not subject to statutory limitations and $2,189,885 shall be from federal funds; and for fiscal year 1990-91, $3,344,826 to the department of social services for pass-through payments to nursing home vendors during said fiscal year and $518,610 to the department of social services to make payments to home health care providers during such fiscal year. Estimates that the provision requiring payments for home health care providers can be implemented in fiscal year 1991-92 with an appropriation of $267,555.

APPROVED by Governor May 17 EFFECTIVE May 17

S.B. 90-25 Children's health plan - low-income children - appropriation. Establishes a managed health care system to provide ambulatory insurance coverage for low-income children without health care insurance who are less than 9 years of age, who are eligible under the medically indigent program, who are not eligible for medicaid, and who are not otherwise insured for covered services.

Directs that the program administrator of the Colorado health sciences center who is responsible for the medically indigent program administer the children's health plan. Authorizes the administrator to contract with health care providers to provide managed health care services. Requires the administrator to annually report to the general assembly on the use and cost of the program. Authorizes the administrator to accept grants and donations from private and public sources for operation of the program. Creates the children's health policy board to advise the administrator, review and approve policies and plans, and review and select contractors.

Requires the board to divide the state into regions and allows the administrator to select a region for initial operation of the health plan, but provides that expansion into additional regions is subject to approval of the general assembly.

Requires an annual enrollment fee of $25 for each eligible child, not to exceed $150 per family, and a $2 client copayment for each child for each visit.

Repeals the children's health plan program on July 1, 1993.

Appropriates $1,511,300 to the department of higher education for allocation to the health sciences center for the implementation of the act. Of said sum, $211,300 is from enrollment fees, $650,000 is from grants and donations, and $650,000 is from federal funds received by the department of social services.

APPROVED by Governor May 22 EFFECTIVE July 1

S.B. 90-55 Medical assistance - rehabilitative services - categorically needy mentally ill persons. Adds rehabilitative services for categorically needy mentally ill persons to the list of basic services provided under the "Colorado Medical Assistance Act".

Makes an adjustment in the appropriations in the 1990-91 general appropriations act for the departments of social services and institutions for the implementation of this act.

APPROVED by Governor May 18 EFFECTIVE July 1

S.B. 90-57 Medical assistance - nurse anesthetists - reimbursement for services. States that the executive director of the department of social services shall authorize reimbursement for services provided by a certified registered nurse anesthetist when such services are ordered by a physician in accordance with the "Nurse Practice Act". Specifies that payment for such services may be made directly to the nurse anesthetist, upon request by the nurse anesthetist. States that the foregoing provisions do not apply if the nurse anesthetist is acting within the scope of his or her employment as a salaried employee of a public or private institution or physician.

APPROVED by Governor April 10 EFFECTIVE April 10

S.B. 90-96 Funding of services by county departments - foster care - nursing home services. Replaces the allocation method of funding for foster care with a requirement that the state department of social services reimburse allowable expenses to county departments for foster care and base its budget request for foster care on the actual aggregate expenditure over the previous 24 months.

Removes certain restrictions thereby enabling any decree vesting custody or providing placement of a child with an agency in which public moneys are expended to be accompanied by a court order obligating the parent of the child to pay a fee to cover guardian ad litem and residential care costs.

Effective January 1, 1991, eliminates the requirement that 2% of the costs of intermediate care nursing home services under the "Colorado Medical Assistance Act" not provided in state institutions be borne by the county departments.

Adjusts the 1990-91 general appropriation act to decrease the appropriation to the department of social services, county administration, for county contingency by $560,000, to increase the appropriation to the department of social services, medical assistance division, medical programs, for medical services, by $560,000, and to reduce the cash fund appropriation from county funds to the department of social services, medical assistance division, medical programs, medical services, by $560,000.

APPROVED by Governor May 31

PORTIONS EFFECTIVE:
July 1
January 1, 1991

S.B. 90-160 Centralized family support registry - appropriation. Authorizes the implementation of a central family support registry by the state department of social services for receiving, processing, and disbursement of child support payments with respect to support orders for children on whose behalf the custodian is receiving support enforcement services from a delegate child support enforcement unit (IV-D cases). Requires the judicial department and the department of social services to cooperate in the transfer of information relating to such support payments. Directs that implementation of the registry begin on July 1, 1991, in counties and judicial districts as designated by the executive director of the department of social services. Sets forth the procedures for implementation including that all court orders and all administrative orders establishing or modifying IV-D orders include an order that support payments are to be paid through the family support registry. Requires the delegate child support enforcement unit to send to all obligors of existing IV-D orders a notice to redirect payments notifying them to send future payments to the family support registry. Requires the delegate child support enforcement unit to notify employers withholding wages or making immediate deductions for family support obligations to send future payments to the family support registry. Repeals the family support registry on July 1, 1996.

Creates the family supply registry fund. Directs that in fiscal year 1990-91 the first $40,771 of the 1/2 proportionate state share of moneys from recoveries of public assistance to which counties are entitled shall be credited to the family support registry fund to implement and operate the registry. Directs that in fiscal year 1991-92 up to $425,843 of the 1/2 proportionate state share of moneys from recoveries of public assistance to which counties are entitled, as appropriated by the general assembly, shall be credited to the family support registry fund to implement and operate the registry.

Appropriates $119,914 and 2.0 FTE to the department of social services for allocation to the division of child support for the implementation of this act. Of said sum, $40,771 shall be from the family support registry fund and $79,143 shall be from federal funds.

APPROVED by Governor June 8 EFFECTIVE June 8

S.B. 90-161 Child care - employer-sponsored centers. Directs the department of personnel to investigate and study programs to make the state a model employer in the area of child care.

Declares the need for encouragement of private employer involvement in child care issues. Provides for the department of social services to act as a coordinating agency for the purpose of assisting employers seeking licensure for on-site centers. Requires a license for these types of centers and gives the department authority to establish and collect license fees for such facilities. Directs the department to designate one of its licensing specialists as an employer-sponsored child care center specialist. Specifies that employers shall accept employees' natural children, adoptive children, step children, or legal wards only at employer-sponsored on-site child care centers. Directs the department to establish separate standards for employer-sponsored on-site day care centers and restricts the areas such standards may address. Repeals provisions of the act concerning employer-sponsored on-site child care centers on July 1, 1995.

Permits the department to establish standards relating to transporting children to and from child care centers. Requires workers at employer-sponsored on-site child care centers to report child abuse or neglect. Specifies that 2 at-large members of the advisory committee on licensing of child care facilities shall be parents with at least one child attending a facility licensed by the department of social services.

Adds monetary or in-kind contributions to promote child care as permissible contributions to enterprise zones which qualify for existing tax credit programs.

Grants the department of personnel authority to expend up to $5,000 of the moneys appropriated in the 1990-91 general appropriation act to the department for the implementation of this act.

APPROVED by Governor May 24 EFFECTIVE May 24

S.B. 90-192 Home and community-based services for mentally ill - deauthorization to provide services. Eliminates the authority of the department of social services and the department of institutions to provide home and community-based services to the mentally ill. Removes said authority because of the federal government's discontinuance of the state's federal medicaid waiver to provide such services with medicaid funds. Requires, however, that the department of institutions report to the general assembly on or before January 1, 1991, on any statutory, budgetary, or administrative modifications that will facilitate the legislature's goal of providing cost effective services in the least restrictive setting to the mentally ill.

APPROVED by Governor May 14 EFFECTIVE May 14

S.B. 90-204 Implementation of federally mandated programs - unemployed parent program for aid to families with dependent children - work supplementation program - expansion of medicaid to pregnant women and children - medicaid for qualified disabled and working individuals - services by certified pediatric nurse practitioners and certified family nurse practitioners - appropriations. Implements the aid to families with dependent children - unemployed parent (AFDC-UP) program on October 1, 1990, in order to comply with the federal "Family Support Act of 1988". Specifies an eligibility period of 9 months in any 12 month period for the unemployed parent program.

Allows counties to elect to make participation in a work supplementation program mandatory under the county's jobs plan. Allows the work supplementation program subsidy to employers to be up to 50% of the participant's gross monthly wages.

Amends the program that provides medicaid to pregnant women and children by increasing the poverty level threshold from 75% to 133%, repealing scheduled expansions of the poverty level thresholds, and increasing the age of children covered from under one year of age to under 6 years of age beginning April 1, 1990, in order to comply with the federal "Omnibus Budget Reconciliation Act of 1989". Provides for continuous eligibility of pregnant women once accepted into such program and provides that no resource standard will be applied to pregnant women as a condition of eligibility for such program.

Provides for medicaid payment of medicare premiums to persons who are qualified disabled and working individuals who are mandated to receive such payments under the federal "Omnibus Budget Reconciliation Act of 1989".

Allows the executive director of the department of social services to authorize reimbursement for services provided by certified pediatric nurse practitioners and by certified family nurse practitioners when such services are ordered by a physician in accordance with the "Nurse Practice Act" in order to comply with the federal "Omnibus Budget Reconciliation Act of 1989". Allows for payment to be made directly to the nurse practitioner, upon such nurse's request.

Requires the department of social services to complete a plan concerning a credit card system for medicaid clients and to report on such plan to the general assembly by January 1, 1991.

Makes the following appropriations to the department of social services to implement the aid to families with dependent children - unemployed parent program: $5,479 for departmental and welfare administration, of which $2,740 shall be from the general fund and $2,739 shall be from federal funds; $405,472 and 11.0 FTE for county administration, of which $126,801 shall be from the general fund, $75,935 shall be from cash funds provided by local governments, and $202,736 shall be from federal funds; $1,450,310 for assistance payments, of which $386,284 shall be from the general fund, $290,062 shall be from cash funds provided by local governments, and $773,964 shall be from federal funds; $57,154 for day care, of which $15,094 shall be from the general fund, $11,431 shall be from cash funds provided by local governments, and $30,629 shall be from federal funds; $1,386,348 for medical services, of which $643,404 shall be from the general fund and $742,944 shall be from federal funds; $27,000 for special purpose, of which $13,500 shall be from the general fund and $13,500 shall be from federal funds.

Makes the following appropriations to the department of social services for the implementation of the program for pregnant women and children: $79,354 and 2.0 FTE for departmental and welfare administration, of which $39,677 shall be from the general fund and $39,677 shall be from federal funds; $1,613,298 and 59.0 FTE for county administration, of which $649,431 shall be from the general fund, $161,330 shall be from cash funds, and $802,537 shall be from federal funds; $744,847 and 3.0 FTE for the medical assistance division, of which $316,894 shall from the general fund and $427,953 shall be from federal funds; $10,269,680 for medical services, of which $4,710,969 shall be from the general fund and $5,558,711 shall be from federal funds.

Decreases the general fund appropriation in the 1990-91 general appropriations act to the university of Colorado health sciences center, indigent care program, by $3,000,000, of which sum $1,300,000 shall be from the appropriation for the Denver indigent care program, $200,000 shall be from the appropriation for the specialty indigent care program, and $1,500,000 shall be from the appropriation for the university hospital indigent care program. Directs the office of state planning and budgeting in consultation with the department of social services to identify line item appropriations made in the 1990-91 general appropriations act which shall be reduced by $1,008,716.

Appropriates $412,567 and 2.0 FTE from moneys appropriated to the department of social services under another appropriation for purposes of the medicaid program for pregnant women and children to the department of health for the office of health care and prevention. Appropriates $221,074 to the department of social services for medical services for the implementation of the provisions relating to qualified and disabled working individuals, of which $103,922 shall be from the general fund and $117,152 shall be from federal funds.

APPROVED by Governor June 8

PORTIONS EFFECTIVE:
June 8
October 1

H.B. 90-1004 Medical assistance - inclusion of hospice care - funding through cost savings in other programs. Includes hospice care as a service for medicaid-eligible persons under the "Colorado Medical Assistance Act". Defines "hospice care". Requires the state board of social services to promulgate rules and regulations concerning the provision of hospice care.

Authorizes the state department of social services to expend moneys for the implementation of the act, including 0.5 FTE, which moneys shall be out of funds generated from cost savings of programs for which appropriations are made in the 1990-91 general appropriations act.

Makes the substantive provisions of the act effective on January 1, 1991, or upon the development and implementation of a uniform assessment instrument by the state department, whichever occurs earlier.

APPROVED by Governor May 16

PORTIONS EFFECTIVE:
May 16
January 1, 1991

H.B. 90-1021 Medically indigent health care program - continuation. Extends the medically indigent health care program until July 1, 1991.

APPROVED by Governor May 24

EFFECTIVE May 24

H.B. 90-1030 Program of all-inclusive care for the elderly - appropriation. Directs the state department of social services to evaluate the appropriateness of applying for medicaid waivers from the federal government in order to participate in a national replication project to implement a program of all-inclusive care for the elderly, known as the PACE program. Authorizes the state department of social services to apply for medical and medicare waivers upon a finding of appropriateness, and after consultation with the general assembly's joint budget committee, and to negotiate a contract with a nonprofit community-based organization for a pilot project to provide comprehensive health

care services on a capitated basis to frail elderly persons who are at risk of nursing home placement. Allows the state department to accept grants and donations from private sources to implement the act. Sets forth the eligibility requirements of the PACE program. Repeals the PACE program effective July 1, 1995.

Appropriates $73,281 and 1.0 FTE to the department of social services for implementation of the act. Of said sum, $38,187 shall be from federal funds and $35,094 shall be from cash funds received by the department as grants and donations from private sources.

APPROVED by Governor April 16 EFFECTIVE April 16

H.B. 90-1043 Medical assistance - medicaid clients - continuation of heavy care services for clients dependent on medical technology. Continues the provision of heavy care services, including private duty nursing services, to medicaid clients who are dependent on medical technology. Changes the term "ventilator dependent" to "technology dependent" for purposes of the heavy care services provisions. Authorizes the department of social services to seek a waiver from the federal government that would allow the department to continue to impose a requirement that clients who are technology dependent and otherwise eligible for heavy care services be hospitalized prior to receiving private duty nursing services. Limits services under the waiver to private duty nursing and case management. Lists eligibility criteria for private duty nursing services and specifies when a client shall not be eligible for such services.

APPROVED by Governor March 22 EFFECTIVE March 22

H.B. 90-1075 Child care - licensing - investigations and inspections - appropriation. Declares the purpose of the "Child Care Act" to give the department of social services flexibility in establishing child care licensing fees with the intent that such fees shall be used to hire or contract for additional staff to inspect and license child care facilities.

Exempts any child care facility approved, licensed, or certified by any federal or state agency which has standards for operation of child care facilities and inspects or monitors such facilities and those nursing homes which have children as residents from the "Child Care Act".

Authorizes the department to establish fees pursuant to rules and regulations under the "Child Care Act" for certain situations, including the issuance of a duplicate or amended license and accomplishing criminal record checks on license applicants and any person living with or employed by an applicant. Limits such license fees to the direct and indirect costs of the department. Specifies what situations will necessitate use of an original or a renewal application. Eliminates the credit against state license fees for fees imposed

by a city or county. Establishes the child care licensing cash fund into which licensing fees shall be credited.

Directs the department to require each applicant, owner, employee, licensee and any adult who resides in the licensed premises to obtain a criminal record check. Requires a fingerprint check on all the above listed persons except where the quality of such persons fingerprints precludes a search, and then a check will be made of such person using the person's name and personal descriptors. Grants immunity from civil liability for employers who refuse to hire an applicant based on the results of the employer's or department's investigation. Also permits release of information from a former employer to a prospective employer regarding an employee without subjecting the former employer to liability.

Authorizes the department of social services to contract with any publicly or privately operated organization to investigate and inspect facilities which seek licensure as child care centers, as long as such organization is interested in and experienced in working with children or on behalf of children.

Permits the department to assess civil fines against any person violating any provision of the "Child Care Act" or intentionally making any false statement or report.

Requires the department of social services to report to the general assembly by October 1, 1992, concerning the implementation of these provisions and whether the department has addressed the concerns of the regulated community.

Appropriates $195,873 and 6.0 FTE to the department of social services for implementation of this act.

APPROVED by Governor May 4 EFFECTIVE May 4

H.B. 90-1078 Medical assistance - drug utilization review process - pharmacy advisory committee. Directs the state department of social services to implement a drug utilization review process to assure appropriate use of drugs by medicaid patients. Creates a pharmacy advisory committee to review recommendations and findings of the drug utilization review program, advise the department on maintaining the drug formulary for medicaid, monitor compliance with program objectives, and communicate state program objectives to providers.

APPROVED by Governor May 23 EFFECTIVE May 23

H.B. 90-1240 Public assistance - funeral and cremation expenses of recipients. Requires county departments of social services to pay for either funeral and cremation expenses or for funeral and burial expenses on behalf of a decedent who was a public assistance recipient. Increases the limit on the amount of required payments to be made by a county department of social services for such expenses to $1,500; makes the limit applicable to the total charge for funeral and cremation or burial services as opposed to separate limits for funeral expenses and burial

expenses. Clarifies how contributions from any source for such expenses affect the required payments by the county departments.

Allows a public assistance recipient to specify in writing a preference to be buried or cremated or for specified relatives to determine disposition when the recipient has not expressed a written preference. Requires the county department of social services to honor a recipient's preference within the limits of costs and reimbursement provided. Authorizes the county department of social services to determine disposition in the event a recipient has not expressed a preference and none of the specified relatives can be contacted. Requires that the department's determination for disposition be based on the most cost-efficient procedure. Requires that dispositions be conducted in a timely and dignified manner.

Allows for the disposition of unclaimed cremated remains. Provides civil and criminal immunity to any person who, in good faith, complies with this provision in the disposition of a deceased recipient or the remains of such recipient.

Requires the state department of social services to annually review the levels of reimbursement to providers of funeral and burial or cremation services and to determine the adequacy of such reimbursements.

APPROVED by Governor April 3 EFFECTIVE July 1

STATUTES

S.B. 90-122 Publication of "official" statutes - evidence of the law and judicial notice - permission for reprintings. Requires the committee on legal services to assure that the official statutes are protected by federal copyright. Clarifies the official status of the statutes printed by the state of Colorado. States that only such officially published statutes may be used as evidence in Colorado courts and that courts of this state shall take judicial notice of such official statutes. Provides for wider access to the statutes by authorizing alternative formats for the official sets and by setting out the circumstances under which other versions of the statutes may be printed. Authorizes such versions to contain a notice that they are printed with permission. Prohibits other versions from including notices that indicate they are official. Establishes a forfeiture of money for including such a notice in an unofficial version or for printing without permission, which forfeiture is similar to the forfeiture currently provided for printing laws and court reports without permission. Authorizes the committee on legal services to require persons who have printed without permission to send a notice to the persons who received the statutes which indicates that they are unapproved and unofficial publications. Clarifies the intent of the existing forfeiture provision. Authorizes charges for any costs of reproduction and a fee for the use of state property and accuracy checks of the alternative versions. Sunsets the commission's authority to set fees on July 1, 1992, to provide for review of that authority.

APPROVED by Governor March 20 EFFECTIVE March 20

H.B. 90-1015 Colorado Revised Statutes - supplements and replacement volumes - enactment and effective date. Establishes the effective date for the 1989 replacement volumes 11A and 11B and for the 1989 cumulative supplements to the Colorado Revised Statutes. Enacts the replacement volumes and supplements as the positive statutory law of the state of Colorado.

APPROVED by Governor February 15 EFFECTIVE February 15

H.B. 90-1158 Revisor's bill - reenactment of inadvertent repeals. Reenacts two statutory provisions inadvertently repealed by the general assembly in 1989 as follows:

(1) The statutory provision concerning a prohibition on paying persons who circulate initiative or referendum petitions was repealed by 1989 Senate Bill No. 246 which dealt with a number of criminal offenses. The provision was being repealed because a court decision held it unconstitutional. 1989 House Bill No. 1181 changed the same provision from a prohibition to a requirement that information about paid circulators be filed with

the secretary of state and made payment an expenditure under the "Campaign Reform Act of 1974". H.B. 1181 became law on June 10, 1989. S.B. 246 became law on June 8, 1989, but contained a July 1, 1989, effective date. Thus, S.B. 246 inadvertently repealed the filing requirement rather than the prohibition. This act reenacts the filing provision.

(2) Registration fees for off-highway vehicles were enacted by 1989 House Bill No. 1329 to be effective April 1, 1990, but the statutory provision to which the fees were added was repealed effective January 1, 1990, by 1989 House Bill No. 1175, inadvertently omitting the new fees. This act reenacts the fees.

APPROVED by Governor March 22 EFFECTIVE March 22

H.B. 90-1316 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. Sets forth the specific reasons for each amendment or repeal in the appendix to the act.

APPROVED by Governor May 31

PORTIONS EFFECTIVE:
May 31
July 1
October 1

TAXATION

S.B. 90-33 Lodging tax - continuation of counties authority. Continues the provisions authorizing counties to levy a lodging tax by repealing the automatic termination date of said provisions.

APPROVED by Governor April 3 EFFECTIVE April 3

S.B. 90-81 Property tax - exemptions - computer software. Sets forth a legislative declaration to clarify that computer software, except for certain built-in machine language, has been and shall continue to be classified as intangible personal property and that no property taxes should have been levied on computer software; however, any property tax which may have been levied and collected on computer software is not abatable or refundable. For purposes of property taxation, specifies that intangible personal property includes, but is not limited to, computer software.

APPROVED by Governor March 22 EFFECTIVE March 22

S.B. 90-164 Severance tax - allocation of state's share of revenues. Extends through fiscal year 1990-91 the allocation to the state general fund of those gross receipts realized from severance taxes on minerals and mineral fuels which would otherwise be credited to the state severance tax fund.

APPROVED by Governor April 3 EFFECTIVE April 3

S.B. 90-211 Property tax - change in date for payment of final installment of taxes - additional payments of tax revenues to school districts - study of tax collection and distribution procedures. In order to implement the change in the school district fiscal year, effective July 1, 1992, and to transfer property tax revenues to school districts prior to the end of the fiscal year, changes the date for paying the second installment of property taxes from July 31 to June 15. Makes such change effective January 1, 1992, and requires county treasurers to inform taxpayers of such change. On and after January 1, 1992, in addition to the normal payment of property tax revenues to school districts on the tenth of each month, requires county treasurers to make 3 additional payments during the months of March, May, and June.

Requires the Colorado county treasurers' association, in consultation with the Colorado department of education and the legislative council, to conduct a study to determine the most efficient method for collecting and distributing property tax revenues. Provides for the results of such study to be submitted to the general assembly, along with any recommendations concerning statutory changes, by January 2, 1991.

APPROVED by Governor June 7 EFFECTIVE June 7

Note: The sections of this act amending provisions concerning the collection of property taxes are similar to changes made to such provisions in H.B. 90-1314.

H.B. 90-1003 Sales and use tax - purchases from out-of-state retailers - collection procedures. Provides for the collection of sales or use taxes imposed by the state or a political subdivision thereof on sales of tangible personal property purchased by and delivered to a person in Colorado from an out-of-state retailer. Specifies that provisions relating to the collection and remittance of sales and use taxes by retailers are applicable to out-of-state retailers collecting sales or use taxes, subject to any provisions excepted by the executive director of the department of revenue by rule and regulation. Provides that, in lieu of collecting local sales and use tax at the actual tax rate, out-of-state retailers shall collect an in-lieu fee at a rate established by the executive director. Provides for the distribution to political subdivisions of the in-lieu fees so collected.

Makes said collection of sales or use taxes contingent upon passage of federal legislation authorizing states to require out-of-state retailers to collect sales or use taxes. Repeals the foregoing provisions, effective the December 31 following the end of a 24-month period beginning on the effective date of such federal legislation. In addition, specifies that said statutory provisions are repealed, effective December 31, 1994, unless such federal legislation has been enacted.

APPROVED by Governor May 8 EFFECTIVE May 8

H.B. 90-1018 Property tax - vacant land - assessment calendar - protests and appeals - abatements and refunds - omitted oil and gas leaseholds and lands - agricultural land - state board of equalization - nonexempt use of health care facilities. Requires an application for certificate of title for a manufactured home to specify the new or resale price of such manufactured home, wherever is applicable, paid by such applicant. In the valuation of vacant land, changes the maximum time period for anticipated market absorption rates from 10 years to 30 years. For property tax year 1991 and thereafter, requires assessors to send subdivision questionnaires to obtain information regarding the value of vacant land in subdivisions. Changes the date by which notices of valuation for real property are required to be mailed from May 15 to May 1. Modifies the dates by which taxpayers must give notice of protest to assessors by mail from June 10 to May 27 and in person from June 15 to June 1. Requires the assessor to give a taxpayer an explanation of the reasons why the actual value of property in an intervening year has increased by more than 75% from the previous year.

Changes the date by which assessors shall file public notice concerning the commencement of hearings of tax protests from May 15 to May 1. Modifies the date by which assessors shall conclude

such hearings from June 15 to June 1. Specifies that certain statements do not satisfy the requirement that assessors must give a written statement setting forth the reasons why any protest is denied. In any protest hearing, requires assessors to consider taxpayers' evidence regarding the value of property. Changes the date by which assessors must report the valuation for assessment of real property and the protests of such valuations to county boards of equalization from the date of the first meeting of the board to the second Monday in July. Modifies the date by which taxpayers are required to file petitions for hearing with county boards of equalization from July 10 for real property and July 15 for personal property to July 15 for both real and personal property.

Allows taxpayers to appeal abatement and refund decisions. Specifies procedures for such appeals. Increases the fee collected by county treasurers for advertising delinquent personal property taxes from $1 to $10. Clarifies that agricultural land can be located in an incorporated or unincorporated area and that land can be classified as agricultural regardless of the uses for which such land is zoned. Imposes an additional requirement in order to be classified as agricultural land that at least 1/3 of the total gross income resulting from all uses of the land be from the use as a farm or ranch. Specifies that the use of agricultural land for hunting, fishing, or other wildlife purposes shall not affect such agricultural classification.

Requires assessors to consider the actual value of taxable property for the first year of the reassessment cycle, as may have been adjusted prior to the assessment date, to be the actual value for the second year of the reassessment cycle unless there is evidence showing that any of the three approaches to appraisal requires modification of such actual value. Requires any taxpayer which has taken a county board of equalization decision to arbitration to produce information supporting his or her position in addition to requiring the assessor to produce information supporting the assessor's valuation. Mandates that the arbitrator shall consider the information presented by both sides. Clarifies that the one-year redemption period for mobile homes is applicable to the redemption of any mobile home which is located on property which was previously owned by the owner of the mobile home but, through foreclosure, which is currently owned by another person.

Eliminates the duty of the advisory committee to the property tax administrator to approve or disapprove property tax manuals, appraisal procedures, and instructions. Imposes an additional duty upon the advisory committee to make recommendations regarding such manuals, procedures, and instructions to the state board of equalization. Requires the state board of equalization to approve or disapprove all property tax manuals, appraisal procedures, and instructions; however, if the state board fails to act within 30 days, such manuals, procedures, or instructions are automatically approved.

Requires assessors, upon request, to release to taxpayers any confidential data which can be presented in a manner that

does not reveal the source of such data and to release to the taxpayer all data supporting the assessor's valuation 2 working days prior to any county board of equalization hearing. At such hearing, requires the assessor to produce information supporting his or her valuation but prohibits the reliance on any confidential data which cannot be presented to the taxpayer without revealing its source. Requires county boards of equalization to hear and consider all testimony and exhibits presented in such hearings. In any appeal of valuation decisions of county boards of equalization or in any appeal of abatement or refund decisions by boards of county commissioners, prohibits increasing the valuation established by such board except for specified reasons; specifies that the valuation of similar property similarly situated is credible evidence; prohibits the respondent from relying on confidential data which cannot be released to the taxpayer without revealing its source; and requires assessors, upon request, to release to the taxpayer all data supporting the assessor's valuation 2 working days prior to any appeals hearing.

Specifies that once property is classified for property tax purposes, it shall remain so classified until the actual use changes or the assessor discovers that the classification was erroneous. Requires taxpayers to endeavor to comply with reasonable requests of assessors for information which cannot be obtained independently and which is necessary to determine the actual use of the property. Prohibits the failure to supply such information from being the sole reason for reclassifying such property.

Allows the nonexempt use of any property of a health care facility which is otherwise exempt from property tax if the nonexempt use does not result in gross income from an unrelated trade or business which exceeds 15% of the total gross revenues from all uses of such property. Specifies that, when an abatement or refund is granted prior to the certification of the mill levy, the board of county commissioners may determine when such abatement or refund shall be paid; however, such payment shall be no later than upon the payment of property taxes for the property tax year in which such abatement or refund was granted. Prohibits any abatement or refund from being granted on the ground of errors in valuation if the valuation has been protested or appealed and the protest or appeal is pending or upon which a final order or judgment has been issued. Clarifies, for purposes of qualifying as a ranch, that livestock includes domestic animals used for food for human or animal consumption or for breeding.

Increases the amount of any abatement or refund which must be reviewed by the property tax administrator from $500 to $1,000. Specifies that taxes paid on oil and gas leaseholds and lands which were previously omitted from the assessment roll due to underreporting of the selling price or the quantity of oil or gas sold therefrom are not included as revenues received as taxes paid on omitted taxable property for purposes of calculating the revenue limitation of local governments. Requires such taxes paid to be escrowed until the subsequent year and allows the

collection costs of the treasurer and assessor to be subtracted from such taxes prior to apportionment and distribution to taxing entities.

BECAME LAW without Governor's signature June 9
PORTIONS EFFECTIVE June 1
January 1, 1991

H.B. 90-1033 Income tax credit - preservation of historic properties - appropriation. For income tax years commencing between January 1, 1991, and January 1, 1995, allows a Colorado income tax credit for a taxpayer who incurs qualified costs equaling or exceeding $5,000 in restoring, rehabilitating, and preserving qualified historic properties or a taxpayer who is allowed a federal income tax credit for costs incurred in the rehabilitation of property. Prohibits certain taxpayers from receiving said tax credit. Specifies the maximum amount of said credit to be an aggregate of $50,000 per qualified property or an amount equal to 20% of qualified costs per qualified property, whichever is less. However, for any given taxable year, specifies that the maximum amount of credit which may be claimed shall not exceed $2,000 plus an amount equal to 50% of the difference between the taxpayer's tax liability and $2,000.

Sets forth procedures for taxpayers to qualify for said credit. Provides an exception to such procedures. Allows any amount of said credit not used in the year for which the credit is being claimed to be carried forward for a limited number of income tax years; however, for any given taxable year, the maximum amount of credit which may be claimed shall not exceed $2,000 plus an amount equal to 50% of the difference between the taxpayer's tax liability and $2,000. Requires the refund of specified amounts of said credit if any taxpayer who is the owner of qualified property sells such property within 5 years of completion of the qualified rehabilitation or if any taxpayer who is a qualified tenant leasing qualified property terminates the lease of such qualified property within 5 years of completion of the qualified rehabilitation.

Requires the state historical society to create forms and to establish and promulgate criteria and procedures for determination of qualified rehabilitation for purposes of said credit. Requires certified local governments to annually decide whether to act as reviewing entities for the purposes of said credit. Specifies fees which are required to be paid to reviewing entities by taxpayers and creates the state historic preservation fund for the deposit of such fees.

Appropriates from the state historic preservation fund $3,375 to the state historical society for implementation of the act.

APPROVED by Governor April 20 EFFECTIVE April 20

H.B. 90-1063 Income tax - voluntary contribution designation - nongame and endangered wildlife. Continues the state income tax voluntary contribution designation for the Colorado nongame wildlife program until December 31, 1995, and includes endangered wildlife in such voluntary contribution designation. Requires the division of wildlife to report to the senate agriculture, natural resources, and energy committee and to the house of representatives agriculture, livestock, and natural resources committee by February 1 of each year on the dollar amount expended by the nongame wildlife and the endangered wildlife activities and programs in this state.

Applies to tax return forms filed on or after January 1, 1991, but before January 1, 1996.

APPROVED by Governor April 3 EFFECTIVE April 3

H.B. 90-1124 Sales and use taxes - exemption of precious metals. Exempts from the sales and use taxes certain precious metal bullion and coins sold in transactions substantially equivalent to certain transactions in securities or commodities. Repeals said exemption 5 years from April 17, 1990.

BECAME LAW without Governor's signature April 17
EFFECTIVE April 17

H.B. 90-1171 Enterprise zones - number of zones - population data. Increases the number of areas that may be designated as enterprise zones from 12 to 16. Discontinues the requirement specifying the number of zones that must be located in areas of a certain sized population. If data necessary to establish the population growth rate criteria for enterprise zones is not available from the United States census bureau or the department of local affairs for the most recent 5 year period, provides that data for the most recent period of not less than 5 nor more than 10 years for which such data are available shall be utilized. Requires the executive director of the department of local affairs to determine whether an area meets the criteria based on the most recent statistics available to the state demographer. Extends the repeal date for provisions concerning enterprise zones from January 1, 1994, to February 15, 1998.

APPROVED by Governor May 24 EFFECTIVE May 24

H.B. 90-1176 Interest rate - state taxes - prime rate as base. Changes the rate of interest permitted to be charged in connection with the underpayment, nonpayment, extension of time for payment, or overpayment of state taxes from the discount rate to the prime rate as reported by the Wall Street Journal plus 3 points. Requires that such rate be established initially on July 2, 1990, and thereafter annually on July 1, or the next

succeeding business day. Allows the executive director to waive the imposition of 3 points in excess of the prime rate if payment is made within 30 days of notice, unless there has been a willful neglect or failure to pay such tax.

APPROVED by Governor April 5 PORTIONS EFFECTIVE:
April 5
July 1, 1993

H.B. 90-1193 Sales and use tax - direct mail advertising materials. Specifies that direct mail advertising materials distributed in Colorado by any person engaged solely and exclusively in providing cooperative direct mail advertising for businesses are not to be considered tangible personal property for the purpose of being subject to the sales and use tax.

BECAME LAW without Governor's signature April 3
EFFECTIVE April 3

H.B. 90-1229 Property tax - classification of certain forest lands as agricultural land. For purposes of property taxation, modifies the definition of "agricultural land" to include a parcel of at least 40 acres which is forest land, which is used to produce tangible wood products for the primary purpose of making a profit, which is subject to a forest management plan, and which is not a farm or ranch.

Requires the Colorado state forest service to annually inspect forest land subject to a forest management plan to determine if such forest land is eligible to be classified as agricultural land. Provides for the Colorado state forest service to annually report to county assessors any forest land which is eligible to be classified as agricultural land and any forest land which no longer qualifies for such classification. Specifies certain information to be included in such report. Authorizes the Colorado state forest service to charge fees to owners of forest land being inspected to cover the reasonable costs incurred in making such inspections.

Applies to property tax years beginning on or after January 1, 1991.

APPROVED by Governor April 16 EFFECTIVE April 16

H.B. 90-1258 Administration of tax laws - statutory references - special sales events licenses. In regard to statutory provisions governing the department of revenue's procedures and administration of certain taxes, replaces references to specific types of taxes with a general reference to taxes.

Allows persons who organize special sales events to be issued special sales events licenses. Specifies procedures for application for such special sales events licenses. Requires the

filing of returns and payment of sales tax collected at special sales events by such special sales events licensees. Requires certain special sales events licensees to maintain detailed accounts of the retail sales occurring at a special sales event. Allows persons engaged in retail sales at any special sales event, regardless of whether such persons hold special sales events licenses, to elect to remit sales tax collected to the person who organized such special sales event if such organizer has been issued a special sales event license.

Reduces the amount of the fee which persons engaged in retail sales at special sales events are required to pay for special sales events licenses from $32 to $16. Specifies that persons who have been issued sales tax licenses are not required to pay any fee for the issuance or renewal of special sales events licenses.

APPROVED by Governor May 1

PORTIONS EFFECTIVE:
May 1
July 1, 1993

H.B. 90-1302 Board of assessment appeals - appointment of additional members - appropriation. Increases the number of additional members which may be appointed to the board of assessment appeals from 2 to 6 as a result of an extraordinary work load of said board regarding property tax appeals.

Appropriates $322,400 and 5.0 FTE out of the general fund to the department of local affairs for allocation to the board of assessment appeals for the implementation of the act and appropriates $37,200 and 0.6 FTE from cash funds of the board of assessment appeals to the department of law for the provision of legal services to the department of local affairs for the purposes of the act.

APPROVED by Governor May 22

EFFECTIVE May 22

H.B. 90-1306 Taxes and tax liens - provision of information by governmental entities - appropriation. Directs that any governmental entity shall provide a certificate of taxes due for any taxpayer within 30 days of receipt of a written request by such taxpayer or an authorized person. Authorizes the collection of a $10 fee for the issuance of a certificate of taxes due. States that any certificate of taxes due which is signed by the treasurer of a public entity shall be conclusive evidence that, at the time of certification, the property of the taxpayer was or was not subject to any identified taxes due and any tax liens arising therefrom. Provides for the determination of taxes due and tax liens arising therefrom if more than one certificate is issued by the same public entity. Specifies an exception for tax liens arising after the date of the latest certificate. Provides that, if a subsequent audit or investigation reveals a greater tax liability, then the public entity retains all rights and remedies for collection of such

taxes, except in the event of certain foreclosures initiated by lenders. Sets forth certain requirements for lenders or transferors to qualify for such exceptions.

Requires any governmental entity to provide either copies of returns and filings or a summary statement of tax payments made by any taxpayer within 30 days after a written request by such taxpayer or an authorized person. Establishes a $1.25 fee for each page of tax returns and filings so provided and a $10 fee for each identified tax included in a summary statement.

Provides that provisions of the act shall not apply to general taxes for real property. Bars liability in civil actions for acts done or omitted in accordance with the provisions of the act. Creates the tax lien certification fund and directs that fees collected by the department of revenue pursuant to the provisions of the act be deposited in such fund.

Prohibits any person other than a county treasurer or an authorized agent of the treasurer from issuing any property tax certificate.

Appropriates $16,861 from the tax lien certification fund to the department of revenue for implementation of the act.

APPROVED by Governor May 22 — PORTIONS EFFECTIVE: May 22, January 1, 1991

H.B. 90-1322 Property tax - exemptions - educational or charitable purposes - "Colorado benefit test". For property which is otherwise exempt from property taxation because it is owned and used for schools or for charitable purposes, prohibits the imposition of a requirement that the use of such property benefit the people of Colorado in order to qualify for such exemption. Provides that nonresidential property owned and used exclusively by a qualified amateur sports organization shall be presumed to be owned and used for charitable purposes. Makes said prohibition applicable for property tax years commencing on and after January 1, 1990.

BECAME LAW without Governor's signature — June 9
EFFECTIVE — June 9

H.B. 90-1326 Severance tax - coal - extension of increased threshold for tonnage exemption. Extends to June 30, 2000, the exemption from the severance tax on the first 25,000 tons of coal produced in each quarter of the taxable year. Thereafter, applies the exemption to the first 8,000 tons of coal produced.

APPROVED by Governor May 25 — EFFECTIVE May 25

WATER AND IRRIGATION

S.B. 90-13 Conditional water rights - finding of reasonable diligence. Changes the period of time for filing an application for a finding of reasonable diligence to maintain a conditional water right from 4 to 6 years. Sets standards for the determination of reasonable diligence.

APPROVED by Governor April 13 EFFECTIVE April 13

S.B. 90-41 Water conservation board - project authorizations and deauthorizations. Authorizes the Colorado water conservation board to loan moneys from the Colorado water conservation board construction fund for the construction of 3 water resource projects. Eliminates funding for the Chatfield Project Channel Improvement project. For 9 water resource projects, deauthorizes specified amounts from the amount originally authorized in previous legislative sessions. Allows the water conservation board to renegotiate the repayment terms of the loans for the Meadow Creek project authorized in the 1980 and 1981 legislative sessions.

APPROVED by Governor April 12 EFFECTIVE April 12

S.B. 90-75 Residential well water for watering domestic animals - one-year extension. Extends for one year the provisions which allow the use of residential well water for watering domestic animals.

BECAME LAW without Governor's signature April 10
EFFECTIVE April 10

S.B. 90-126 Groundwater - regulation of agricultural chemicals - appropriations. States the public policy of the state regarding the protection of groundwater and the appropriate use of agricultural chemicals. Directs the commissioner of agriculture to identify areas in the state that include features where there is a significant risk of contamination or pollution of groundwater from agricultural activities conducted at or near the land surface. Authorizes the department of health to assist in the identification of such areas. Authorizes the commissioner to develop best management practices for agricultural chemicals and to promulgate rules and regulations for the administration and implementation of proper management practices which prevent or remedy the introduction of agricultural chemicals into groundwater.

Requires the commission to promulgate rules and regulations regarding bulk storage facilities and mixing and loading areas where large amounts of finished product of agricultural chemicals are handled each year. Provides the commissioner with

investigation and enforcement powers, including the power to issue cease and desist orders, with respect to any such rule or regulation. Authorizes civil penalties for violations of any such rule or regulation.

Directs the Colorado cooperative extension service, subject to a signed agreement with the commissioner of agriculture, to disseminate information and provide training regarding management of agricultural chemicals.

Directs the division of administration of the department of health, subject to a signed agreement with the commissioner of agriculture, to conduct certain groundwater monitoring programs, to notify the commissioner of certain groundwater conditions, and to provide him with any written reports it deems necessary or desirable. Requires the commissioner to notify the registrant of any pesticide and the distributor of any agricultural chemical of any such conditions when the conditions are related to the use of such pesticide or chemical.

Authorizes the water quality control commission to promulgate control regulations, subject to certain restrictions, if rules and regulations promulgated by the commissioner have been or will be insufficient to meet the requirements of state or federal law.

Creates the groundwater protection fund and authorizes increased registration fees for pesticide products and increased inspection fees for commercial fertilizers to provide moneys for the fund.

Requires the commissioner to prepare and transmit to the general assembly an annual report regarding the implementation of the act.

For the purpose of implementation of the act, authorizes the department of agriculture to borrow from the pesticide fund the amount of $60,000, such moneys to be credited to the groundwater protection fund and repaid without interest when the reserve fund balance in the groundwater protection fund is sufficient to preclude any jeopardy. Appropriates $263,517 and 2.0 FTE from the groundwater protection fund to the department of agriculture for allocation to the division of plant industry for the implementation of the act. Of said sum, appropriates $11,139 and 0.2 FTE to the department of law for the provision of legal services to the department of agriculture and, subject to the conclusion of interagency agreements, appropriates $53,100 to the Colorado cooperative extension service for the provision of training and education services and $78,452 and 1.75 FTE to the department of health for allocation to the division of administration for the provision of monitoring services.

APPROVED by Governor May 18 EFFECTIVE July 1

S.B. 90-165 Water conservation board - transfers of general fund moneys. Delays for one year the transfers of general fund moneys to the Colorado water conservation board construction fund, the fish and wildlife resources account in such fund, and the Colorado water resources and power development

authority which were scheduled for July 1, 1990, July 1, 1991, and July 1, 1992. Allows, however, a partial transfer of $1,000,000 to the fish and wildlife resources account on July 1, 1990, to be expended exclusively for Muddy Creek project fish and wildlife mitigation purposes.

APPROVED by Governor April 3 EFFECTIVE April 3

S.B. 90-183 Southwestern water conservation district - loans or grants. In addition to any public entity, allows the southwestern water conservation district to make loans or grants to any non-profit corporation, not-for-profit corporation, carrier ditch company, mutual ditch or reservoir company, unincorporated ditch or reservoir company, and cooperative association in order to carry out the purposes of such district.

APPROVED by Governor May 24 EFFECTIVE May 24

H.B. 90-1094 Water quality control - industrial pretreatment program - discharge permit fees - appropriation. Empowers the division of administration of the department of health under the "Colorado Water Quality Control Act" (the Colorado act) to establish a state industrial pretreatment program designed to eliminate problems that occur when pollutants from industrial wastewaters are discharged into publicly-owned treatment works. Requires that the program be adopted by the water quality control commission and be adequate to comply with the "Federal Water Pollution Control Act" (the federal act). Funds the state industrial pretreatment program by fees, based on a sliding scale, assessed to industrial dischargers of pollutants and assessed to publicly owned treatment works. Directs that such fees be credited to a separate account in the water quality control fund.

Authorizes a 5 1/2% increase in discharge permit fees upon dischargers to be directed to the water quality control fund.

Adds to the Colorado act civil penalties for the violation of any control regulation promulgated thereunder and criminal penalties for certain discharges of any pollutant into any domestic wastewater treatment works. Empowers a municipal judge, the governing body of each municipality, and the governing body of each special district implementing an industrial wastewater pretreatment program to provide such relief and impose such penalties as are required under the federal act and its implementing regulations.

Appropriates the amounts of $52,000 and $219,464 to the department of health out of the water quality control fund for the implementation of this act.

APPROVED by Governor May 31 EFFECTIVE July 1

H.B. 90-1106 Water supply - mandatory use of metered water delivery and billing systems. Requires that water service suppliers shall provide metered water delivery and billing service to water customers according to the following schedule: Any new construction water meters shall be installed at the time of construction and any existing construction meters shall be installed in stages delimited by the years 2000, 2005, and 2009. Requires that billing based on such metered service begin no later than 90 days after the installation of the meter. Specifies that any increase in rates attributed to the requirement for such installation and billing services shall be based upon the actual cost of providing such services and that such increase may recover the total cost of providing such service to the customers of water service supplier.

States that multiple water uses within an industrial customer operation shall not be considered separate service connections and that deliveries to customers other than detached single family residential customers may be metered by a single meter. Exempts communities receiving water from free flowing springs, raw water piped irrigation systems in communities with separate domestic water systems, communities under sanction by the health department for violation of water quality standards, and mobile home parks which do not bill tenants for water as a separate items from these provisions.

APPROVED by Governor April 5 EFFECTIVE July 1

H.B. 90-1130 Fees charged by state engineer - project plans - livestock water tanks - erosion control dams. Increases the fee charged by the state engineer for the examination of plans and specifications from $2 to $3 for each $1,000 of the estimated cost of a project and changes the maximum amount allowed for such fee from $200 to an amount ranging from a minimum of $100 to a maximum of $3,000. Increases from $1 to $15 the fee charged by the state engineer for the examination of plans, drawings, and specifications for a livestock water tank. Requires that a fee of $15 accompany an application for the construction of an erosion control dam. Discontinues the fee charged for the inspection of a dam or reservoir.

APPROVED by Governor April 12 EFFECTIVE July 1

SUBJECT INDEX

SB indicates a Senate bill
HB indicates a House bill
HCR indicates a House concurrent resolution
V indicates a bill which was vetoed by the Governor and **not** overridden by the General Assembly

HOUSE CONCURRENT RESOLUTION

SENATE BILLS

HOUSE BILLS

BILLS WHICH BECAME LAW WITHOUT THE GOVERNOR'S SIGNATURE

SB 75	HB 1193
SB 118	HB 1207
HB 1018	HB 1280
HB 1093	HB 1290
HB 1123	HB 1295
HB 1124	HB 1322
HB 1139	HB 1328
	HB 1335

BILLS VETOED BY THE GOVERNOR

SB 10	HB 1013
SB 64	HB 1029
SB 145	HB 1138
SB 209	HB 1247
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	HB 1334

BILLS RECOMMENDED BY 1989 INTERIM COMMITTEES WHICH BECAME LAW

Capital Development Committee

SB 15	HB 1029
SB 17	
SB 22	

Criminal Justice Committee

HB 1023

Higher Education Committee

HB 1012

Highway Legislation Review Committee

SB 8	HB 1008
SB 14	HB 1074
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Independent Governmental Authorities Committee

HB 1007
HB 1013

Joint Review Committee for Medically Indigent

SB 25	HB 1021

Policemen's and Firemen's Pension Reform Commission

SB 16	HB 1011
	HB 1026
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Workers' Compensation Committee

SB 26 HB 1160