
DIGEST OF BILLS
ENACTED BY THE

FILE COPY

FIFTY-EIGHTH GENERAL ASSEMBLY

1991, FIRST REGULAR SESSION



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

JUNE, 1991



DIGEST

**SENATE AND HOUSE BILLS ENACTED
BY THE
FIFTY-EIGHTH GENERAL ASSEMBLY
OF THE
STATE OF COLORADO**

**(1991 - First Regular Session)
(1991 - First Extraordinary Session)**

TABLE OF CONTENTS

	PAGE
Preface - How to use the Digest.....	v
Legislative Statistical Summary.....	vii
Conversion Table: Bill Numbers to Session Law	
Chapters -- Effective Dates.....	ix
Table A -- Bills Vetoed by the Governor.....	xvii
Table B -- Bills Becoming Law without the Governor's Signature..	xvii
Table C -- Bills with Portions Vetoed by the Governor.....	xvii
Table D -- Bills Recommended by 1990 Interim	
Committees which Became Law.....	xviii
Summaries of Bills:	
Appropriations.....	1
Administrative Rule Review.....	7
Agriculture.....	65
Aircraft and Airports.....	13
Children and Domestic Matters.....	14
Consumer and Commercial Transactions.....	22
Corrections.....	25
Courts.....	28
Criminal Law.....	32
Criminal Procedure.....	37
Education - Public Schools.....	40
Education - Universities and Colleges.....	48
Elections.....	51

Financial Institutions.....	55
General Assembly.....	59
Government - County.....	61
Government - Local.....	63
Government - Municipal.....	67
Government - Special Districts.....	71
Government - State.....	74
Health.....	89
Highways and Roads.....	99
Institutions.....	102
Insurance.....	104
Labor and Industry.....	116
Military and Veterans.....	130
Motor Vehicles and Traffic Regulation.....	131
Natural Resources.....	136
Probate, Trusts, and Fiduciaries.....	139
Professions and Occupations.....	141
Property.....	155
Public Utilities.....	161
Social Services.....	162
Statutes.....	170
Taxation.....	171
Water and Irrigation.....	180
Summaries of Proposed State Constitutional Amendments.....	183
Summaries of Bills Passed at the First Extraordinary Session.....	184
Index.....	187

PREFACE

Publication of Supplements to the Colorado Revised Statutes occurs several months following the end of each regular legislative session. Prior to such publication, the Office of Legislative Legal Services prepares the Digest of Bills and Concurrent Resolutions as required under 2-3-504 C.R.S. The Digest consists of summaries of all bills and concurrent resolutions enacted by the Fifty-eighth General Assembly at its First Regular Session ending May 8, 1991, and the bills enacted at the First Extraordinary Session ending June 9, 1991. The summaries include the approval dates and the effective dates of the bills. The Digest also includes an alphabetic subject index and several reference tables. The Digest is not a substitute for the Colorado Revised Statutes, but gives the user notice of and summary information on recent changes to the statutes.

HOW TO USE THE DIGEST

1. Abbreviated summaries of bills and proposed constitutional amendments begin on page 7. To determine the page on which the summary of a particular bill may be found, refer to the Conversion Table, page ix.

2. To identify bills by subject area, refer to the bill summaries section for that subject area or the subject index, beginning on page 187.

3. To determine the approval date and the effective date of a particular bill, refer to the information immediately following the bill summary. To determine the effective date, you may also refer to the Conversion Table, page ix.

4. To convert a particular bill number to a chapter number in the Session Laws, refer to the Conversion Table, page ix.

5. To identify bills which were vetoed by the Governor, refer to Table A, page xvii.

6. To identify bills which became law without the governor's signature, refer to Table B, page xvii.

7. To identify appropriation bills which had portions vetoed, refer to Table C, page xvii.

8. To identify bills which were originally recommended by a 1990 interim committee, refer to Table D, page xviii.

9. For statistics concerning the number of bills and concurrent resolutions introduced and passed in the 1991 session compared to the two prior sessions, see the Legislative Statistical Summary, page vii.

10. Summaries of the bills enacted at the First Extraordinary Session begin on page 184.

Individual copies of enacted bills and concurrent resolutions may be obtained from the Senate Services Office in the State Capitol Building and will also be published in the Session Laws of Colorado 1991.

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LEGISLATIVE STATISTICAL SUMMARY

	1991*		1990		1989**	
	Intro.	Passed	Intro.	Passed	Intro.	Passed
Senate Bills	253	159	212	112	281	184
House Bills	346	181	335	216	372	205
Concurrent Resolutions	12	1	16	1	4	0
Bills signed by the Governor	323		301		262	
Bills becoming law without Governor's signature	4		15		18	
Bills vetoed by the Governor	9***		11		7	
Bills partially vetoed by the Governor	2***		0		2	
Bills becoming law after override of Governor's veto	0		0		0	
Bills referred to the People	0		1		0	
Bills the Governor has not acted on	2****					

* Includes the first regular session and the first extraordinary session of the 58th general assembly

** Includes the first regular session and the first extraordinary session of the 57th general assembly

*** A question has been raised as to the validity of the Governor's vetoes of Senate Bills 91-131, 91-159, and 91-178 and House Bills 91-1028 and 91-1217 and the partial veto of Senate Bill 91-227. While the Governor filed the bills with the Secretary of State, he did not file his objections within the thirty-day period following adjournment of the General Assembly as required by section 11 of article IV of the state constitution. At the time of publication of the Digest, no formal determination of the validity of those bills had been made.

**** As of the date of publication, the governor had not acted on the two bills passed at the first extraordinary session of the 58th general assembly

CONVERSION TABLE

HOUSE BILLS

BILL NO.	SESSION LAW CHAPTER	DIGEST PAGE NO.	EFFECTIVE DATE
91-1002	37	16	5/24
91-1004	294	166	7/1
91-1005	87	41	Portions eff. 6/6 7/1/94
91-1006	326	181	4/27
91-1007	154	81	5/16
91-1008	54	26	3/11
91-1009	155	82	4/20
91-1010	156	82	4/20
91-1011	264	148	3/27
91-1012	310	174	7/1
91-1014	157	83	4/17
91-1015	132	69	3/11
91-1017	27	9	7/1
91-1018	28	10	7/1
91-1020	158	83	3/29
91-1021	232	130	4/1
91-1023	239	132	4/27
91-1024	240	133	3/12
91-1026	159	83	7/1
91-1028	VETOED	13	
91-1030	295	167	3/11
91-1032	78	37	3/11
91-1033	118	61	3/11
91-1036	160	84	3/12
91-1039	265	148	3/12
91-1040	62	29	4/19
91-1042	119	61	3/12
91-1044	135	73	3/27
91-1046	311	174	7/1/92
91-1049	38	18	7/1
91-1050	120	62	3/28
91-1051	100	49	3/28
91-1052	312	174	4/19
91-1053	284	161	3/12
91-1056	71	33	3/27
91-1057	72	33	3/28
91-1062	241	133	9/1
91-1065	161	85	Portions eff. 6/5 7/1
91-1066	266	149	7/1
91-1067	201	106	3/27
91-1071	79	37	5/31

BILL NO.	SESSION LAW CHAPTER	DIGEST PAGE NO.	EFFECTIVE DATE
91-1072	327	181	3/27
91-1073	267	149	Portions eff. 5/1 1/1/93
91-1074	268	150	3/12
91-1076	80	37	5/24
91-1077	221	124	4/19
91-1078	113	59	4/20
91-1080	280	155	7/1
91-1082	296	167	5/24
91-1083	247	137	3/29
91-1086	73	33	6/6
91-1088	74	34	4/19
91-1089	81	38	5/18
91-1092	202	106	7/1
91-1093	63	29	7/1
91-1096	313	174	3/27
91-1100	114	59	4/20
91-1101	124	65	4/20
91-1102	178	94	5/6
91-1103	248	137	5/29
91-1106	242	134	Portions eff. 7/1 5/24
91-1107	269	150	7/1
91-1111	55	26	3/28
91-1112	107	55	5/1
91-1114	39	19	7/1
91-1115	249	137	7/1
91-1116	101	49	5/24
91-1118	222	124	7/1
91-1119	162	85	4/19
91-1121	88	43	6/5
91-1122	250	138	4/17
91-1125	270	150	3/29
91-1127	271	151	5/7
91-1129	223	125	5/29
91-1132	40	19	7/1
91-1133	203	106	7/1
91-1134	VETOED	151	
91-1136	272	152	7/1
91-1137	105	52	5/1
91-1139	115	60	5/1
91-1140	251	138	4/20
91-1141	163	86	3/11
91-1142	204	107	3/12
91-1143	273	153	3/27
91-1145	41	19	7/1
91-1146	89	44	4/19
91-1150	164	86	5/31
91-1151	193	103	4/9

BILL NO.	SESSION LAW CHAPTER	DIGEST PAGE NO.	EFFECTIVE DATE
91-1153	205	108	4/11
91-1154	328	181	6/4
91-1159	224	125	4/20
91-1162	75	35	7/1
91-1163	225	126	5/29
91-1165	297	167	4/20
91-1167	VETOED	30	
91-1168	206	108	7/1
91-1171	90	44	4/17
91-1173	82	38	5/29
91-1174	165	86	3/11
91-1176	VETOED	11	
91-1177	76	35	5/31
91-1178	179	94	7/1
91-1182	314	175	7/1/92
91-1183	315	175	7/1
91-1187	64	30	7/1
91-1191	316	176	4/20
91-1192	207	109	7/1
91-1193	226	126	9/1
91-1195	243	135	7/1
91-1197	208	109	Portions eff. 5/24 1/1/92
91-1198	188	99	7/1
91-1199	180	95	7/1
91-1200	253	139	7/1
91-1202	209	110	6/5
91-1203	91	44	4/20
91-1209	42	20	Portions eff. 6/5 7/1
91-1210	210	112	3/11
91-1211	302	170	4/1
91-1212	48	23	7/1
91-1213	92	45	3/28
91-1214	317	176	4/1
91-1215	318	176	4/11
91-1217	VETOED	45	
91-1218	274	153	7/1
91-1220	275	154	4/1
91-1222	108	56	3/29
91-1224	276	154	5/16
91-1228	227	127	7/1
91-1229	77	36	5/24
91-1231	319	177	Portions eff. 4/20 1/1/92
91-1233	65	31	5/1
91-1235	56	26	7/1
91-1241	281	156	7/1
91-1242	29	11	3/1/92

BILL NO.	SESSION LAW CHAPTER	DIGEST PAGE NO.	EFFECTIVE DATE
91-1243	211	112	7/1
91-1245	320	177	6/1
91-1250	277	154	3/27
91-1252	233	130	4/1
91-1253	49	23	5/16
91-1254	109	56	5/31
91-1255	43	21	5/31
91-1257	25	7	5/24
91-1258	321	178	4/11
91-1260	125	65	5/1
91-1262	166	86	6/7
91-1263	167	87	6/1
91-1264	50	24	6/8
91-1270	30	11	6/7
91-1271	228	127	4/20
91-1272	181	96	4/20
91-1274	182	96	6/4
91-1275	194	103	3/29
91-1277	282	157	7/1
91-1279	229	128	5/18
91-1280	93	46	5/1
91-1281	168	87	5/31
91-1282	110	57	6/1
91-1287	298	167	7/1
91-1292	283	157	7/1/92
91-1294	94	46	7/1
91-1297	230	128	5/29
91-1303	212	114	5/20
91-1306	126	66	6/1
91-1307	111	57	5/1
91-1309	213	114	3/12
91-1315	183	96	5/1
91-1317	189	101	7/1
91-1318	184	97	1/1/92
91-1319	322	178	5/1
91-1321	44	21	5/29
91-1322	231	129	6/4
91-1324	234	130	5/18
91-1325	214	114	7/1
91-1326	95	47	6/8
91-1328	323	179	6/6
91-1330	66	31	7/1
91-1331	190	101	7/1
91-1333	106	54	5/29
91-1335	299	168	7/1

SENATE BILLS

BILL NO.	SESSION LAW CHAPTER	DIGEST PAGE NO.	EFFECTIVE DATE
91-1	136	74	7/1
91-2	235	131	Portions eff. 7/1 4/1/92
91-9	254	141	2/25
91-10	236	131	4/11
91-11	255	141	2/25
91-12	256	141	7/1
91-13	121	63	7/1
91-14	133	71	Portions eff. 6/4 1/1/92
91-15	137	74	5/24
91-16	285	162	5/18
91-17	138	74	7/1
91-18	139	75	6/5
91-19	169	89	4/1
91-20	185	99	7/1
91-21	286	162	6/1
91-22	186	99	7/1
91-23	96	48	5/18
91-24	195	104	4/11
91-27	140	75	4/11
91-28	141	76	7/1
91-29	57	28	7/1
91-33	142	76	6/1
91-34	278	155	7/1
91-35	97	48	3/1
91-36	143	76	3/29
91-37	144	77	4/9
91-38	31	14	7/1
91-39	279	155	4/19
91-43	67	32	4/14
91-44	257	142	7/1
91-47	244	136	4/4
91-49	237	132	4/17
91-51	258	143	6/4
91-52	170	89	4/16
91-54	58	28	4/19
91-56	171	89	7/1
91-58	51	25	5/18
91-59	98	48	4/19
91-61	32	14	4/9
91-63	172	90	5/16
91-64	102	51	4/17
91-65	26	9	7/1

BILL NO.	SESSION LAW CHAPTER	DIGEST PAGE NO.	EFFECTIVE DATE
91-68	116	61	4/19
91-69	127	67	4/4
91-70	59	28	7/1
91-71	259	144	4/11
91-72	196	104	7/1
91-74	145	77	7/1
91-76	68	32	7/1
91-80	287	162	4/20
91-81	33	14	7/1
91-84	288	162	7/1
91-85	289	163	4/11
91-86	83	40	4/11
91-87	245	136	4/19
91-90	215	116	6/8
91-91	34	14	7/1
91-93	191	102	5/18
91-94	35	15	7/1
91-95	260	144	4/27
91-96	69	32	4/17
91-99	261	144	6/6
91-103	192	102	7/1
91-104	36	16	4/20
91-105	290	164	4/11
91-107	117	61	7/1
91-108	197	104	4/11
91-109	303	171	4/17
91-111	128	67	5/20
91-114	146	77	3/29
91-118	238	132	4/17
91-120	324	180	7/1
91-121	198	105	3/29
91-122	216	116	4/14
91-123	147	78	4/9
91-127	45	22	7/1
91-129	46	22	7/1/92
91-131	VETOED	171	
91-132	103	51	7/1
91-136	134	73	4/10
91-137	148	78	3/29
91-138	291	164	7/1
91-139	262	145	7/1
91-140	149	78	1/1/92
91-142	173	90	5/6
91-144	60	28	4/9
91-146	252	139	Portions eff. 5/31 7/1
91-149	263	145	6/4
91-154	304	171	4/9
91-158	292	165	6/4

BILL NO.	SESSION LAW CHAPTER	DIGEST PAGE NO.	EFFECTIVE DATE
91-159	VETOED	63	
91-160	174	92	7/1
91-161	61	29	7/1
91-163	199	105	5/18
91-164	84	40	6/1
91-168	175	92	7/1
91-169	176	93	7/1
91-172	85	41	6/6
91-174	177	93	6/5
91-175	112	59	3/29
91-176	122	64	4/11
91-177	246	136	5/6
91-178	VETOED	161	
91-179	325	181	4/1
91-180	150	79	4/17
91-181	47	22	5/24
91-183	1	1	3/18
91-184	2	1	3/18
91-185	3	1	3/27
91-186	4	1	4/2
91-187	5	1	3/27
91-188	6	2	3/27
91-189	7	2	4/11
91-190	8	2	3/18
91-191	9	2	3/18
91-192	10	2	3/18
91-193	11	2	4/10
91-194	12	3	3/18
91-195	13	3	3/18
91-196	14	3	4/4
91-197	15	3	3/18
91-198	16	3	3/29
91-199	17	4	3/18
91-200	18	4	4/4
91-201	19	4	3/15
91-202	20	4	3/18
91-203	21	4	4/10
91-204	22	5	3/18
91-205	104	51	5/1
91-206	23	5	4/11
91-207	305	171	4/11
91-208	306	172	1/1/92
91-209	151	79	4/11
91-210	187	99	5/16
91-211	217	116	5/16
91-213	VETOED	99	
91-214	307	172	1/1/92
91-216	218	116	5/16
91-217	152	79	4/27

BILL NO.	SESSION LAW CHAPTER	DIGEST PAGE NO.	EFFECTIVE DATE
91-218	219	117	7/1
91-219	123	64	5/24
91-220	129	68	5/15
91-221	52	25	7/1/92
91-222	130	68	5/18
91-224	300	170	5/24
91-225	99	49	6/1
91-227	329	5	6/7
91-228	308	172	6/7
91-230	86	41	6/7
91-231	309	173	6/5
91-234	70	33	6/5
91-236	53	26	6/1
91-237	131	68	6/5
91-238	220	124	6/5
91-241	24	6	5/24
91-243	301	170	Portions eff. 6/1 7/1/92
91-245	200	105	7/1
91-246	153	80	7/1
91-248	293	166	6/1

CONCURRENT RESOLUTIONS

HCR 91-1003	--	183	--
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**HOUSE BILLS
FIRST EXTRAORDINARY SESSION**

91S-1005	1	184	Signature
91S-1009	2	184	7/1

TABLE A

<u>BILLS VETOED BY THE GOVERNOR</u>		
SB 91-131	SB 91-213	HB 91-1167
SB 91-159	HB 91-1028	HB 91-1176
SB 91-178	HB 91-1134	HB 91-1217

TABLE B

<u>BILLS BECOMING LAW WITHOUT THE GOVERNOR'S SIGNATURE</u>
SB 91-90 HB 91-1212 HB 91-1264 HB 91 1326

TABLE C

<u>BILLS WITH PORTIONS VETOED BY THE GOVERNOR</u>
SB 91 -203 SB 91-227

TABLE D
BILLS RECOMMENDED BY
1990 INTERIM COMMITTEES WHICH BECAME LAW

<u>CAPITOL DEVELOPMENT</u>	
SB 91-1	HB 91-1007
SB 91-17	HB 91-1021
SB 91-27	HB 91-1008
<u>AUDIT</u>	
SB 91-15	HB 91-1010
SB 91-24	HB 91-1009
SB 91-13	
<u>BOARDS AND COMMISSIONS</u>	
SB 91-25	HB 91-1065
SB 91-114	
<u>EDUCATION</u>	
SB 91-23	HB 91-1011
HB 91-1005	
<u>FAMILY ISSUES AND RIGHTS</u>	
SB 91-56	HB 91-1002
SB 91-16	HB 91-1004
<u>HIGHWAY LEGISLATION</u> <u>REVIEW COMMITTEE</u>	
SB 91-20	HB 91-1195
SB 91-22	HB 91-1012
SB 91-28	HB 91-1023
SB 91-2	HB 91-1024
SB 91-10	

<u>JOINT REVIEW COMMITTEE</u> <u>FOR MEDICALLY INDIGENT</u>	
SB 91-21	
<u>LEGISLATIVE COUNCIL</u> <u>SUBCOMMITTEE ON</u> <u>STRUCTURE OF STATE AND</u> <u>LOCAL GOVERNMENT</u>	
SB 91-14	HB 91-1020
<u>SUNRISE AND SUNSET REVIEW</u>	
SB 91-12	HB 91-1017
SB 91-18	HB 91-1018
SB 91-19	HB 91-1136
SB 91-9	HB 91-1014
SB 91-65	HB 91-1100
SB 91-11	HB 91-1100
<u>POLICEMEN'S AND FIREMEN'S</u> <u>PENSION REFORM</u>	
HB 91-1015	
<u>WATER</u>	
HB 91-1006	

APPROPRIATIONS

S.B. 91-183 Supplemental appropriation - department of administration. Amends the 1990 general appropriation act to increase the total appropriations made to the department of administration from the general fund and from cash funds.

Amends a headnote in the 1990 general appropriation act by deleting a prohibition on expending moneys for group health and life insurance costs out of appropriations not made specifically for such purpose.

APPROVED by Governor March 18

EFFECTIVE March 18

S.B. 91-184 Supplemental appropriation - department of agriculture. Amends the 1990 general appropriation act to decrease the 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 18

EFFECTIVE March 18

S.B. 91-185 Supplemental appropriation - department of corrections. Amends the 1990 general appropriation act to increase the total appropriation made to the department of corrections. Decreases the general fund portion of the appropriation and increases the cash funds portion. Amends specified appropriations made in a 1990 prison construction bill.

APPROVED by Governor March 27

EFFECTIVE March 27

S.B. 91-186 Supplemental appropriation - department of education. Amends the 1990 general appropriation act to decrease the total appropriations made to the department of education from the general fund and from cash funds.

APPROVED by Governor April 2

EFFECTIVE April 2

S.B. 91-187 Supplemental appropriation - office of the governor. Amends the 1990 general appropriation act to decrease the total appropriations made to the office of the governor from the general fund and from cash funds. Amends an appropriation made in a 1990 prison construction bill.

APPROVED by Governor March 27

EFFECTIVE March 27

S.B. 91-188 Supplemental appropriation - department of health. Amends the 1990 general appropriation act to decrease the total appropriations made to the department of health. Decreases the general fund and federal funds portions of the appropriations, and increases the cash funds portion. Adds a footnote relating to hazardous materials and waste management under the office of health and environmental protection, stating the intent of the general assembly that the division accept the toxics release inventory database and the pollution prevention grants.

APPROVED by Governor March 27

EFFECTIVE March 27

S.B. 91-189 Supplemental appropriation - department of higher education. Amends the 1990 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 April 11

EFFECTIVE April 11

S.B. 91-190 Supplemental appropriation - state department of highways. Amends the 1990 general appropriation act to increase the total cash funds appropriation to the state department of highways for administration.

APPROVED by Governor March 18

EFFECTIVE March 18

S.B. 91-191 Supplemental appropriation - department of institutions. Amends the 1990 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 portion. Adds a new footnote relating to community programs under the division for development disabilities, and adds a footnote relating to a new line appropriation for Wheat Ridge regional center deinstitutionalization.

APPROVED by Governor March 18

EFFECTIVE March 18

S.B. 91-192 Supplemental appropriation - judicial department. Amends the 1990 general appropriation act to decrease the total general fund appropriation to the judicial department.

APPROVED by Governor March 18

EFFECTIVE March 18

S.B. 91-193 Supplemental appropriation - department of labor and employment. Amends the 1990 general appropriation act to increase the total appropriation to the department of labor and

employment. Decreases the general fund and federal funds portions of the appropriation and increases the cash funds portion.

APPROVED by Governor April 10

EFFECTIVE April 10

S.B. 91-194 Supplemental appropriation - department of law. Amends the 1990 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 18

EFFECTIVE March 18

S.B. 91-195 Supplemental appropriation - legislative department. Amends the 1990 general appropriation act and the 1990 legislative appropriation act to decrease the total appropriations to the legislative department. Decreases the general fund portion of the appropriations and increases the cash funds portion.

APPROVED by Governor March 18

EFFECTIVE March 18

S.B. 91-196 Supplemental appropriation - department of local affairs. Amends the 1990 general appropriation act to decrease the total general fund appropriation to the department of local affairs.

APPROVED by Governor April 4

EFFECTIVE April 4

S.B. 91-197 Supplemental appropriation - department of military affairs. Amends the 1990 general appropriation act to increase the total appropriation to the department of military affairs. Increases the federal funds portion of the appropriation and decreases the general fund portion. Adds a footnote requesting the division of national guard to conduct an energy survey of its headquarters and a water survey of its grounds. Adds a footnote requesting the division of national guard to make a mid-year review of its annual agreement with the federal national guard bureau.

APPROVED by Governor March 18

EFFECTIVE March 18

S.B. 91-198 Supplemental appropriation - department of natural resources. Amends the 1990 general appropriation act to increase the total general fund and cash funds appropriations to the department of natural resources.

APPROVED by Governor March 29

EFFECTIVE March 29

S.B. 91-199 Supplemental appropriation - department of personnel. Amends the 1990 general appropriation act to decrease the total general fund appropriation to the department of personnel.

APPROVED by Governor March 18

EFFECTIVE March 18

S.B. 91-200 Supplemental appropriation - department of public safety. Amends the 1990 general appropriation act to decrease the total appropriation made to the department of public safety. Decreases the general fund portion of the appropriation and increases the cash funds portion.

APPROVED by Governor April 4

EFFECTIVE April 4

S.B. 91-201 Supplemental appropriation - department of regulatory agencies. Amends the 1990 general appropriation act to increase the total appropriation made to the department of regulatory agencies. Decreases the general fund and federal funds portions of the appropriation and increases the cash funds portion.

APPROVED by Governor March 15

EFFECTIVE March 15

S.B. 91-202 Supplemental appropriation - department of revenue. Amends the 1990 general appropriation act to increase the total appropriation to the department of revenue. Decreases the general fund portion of the appropriation and increases the cash funds and federal funds portions.

APPROVED by Governor March 18

EFFECTIVE March 18

S.B. 91-203 Supplemental appropriation - department of social services. Amends the 1990 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. Adds a footnote stating the intent of the general assembly that any cost containment savings not achieved in the medical services program must be offset by comparable reductions in departmental administration.

Appropriates \$8,496,706 to the department for the payment of overexpenditures of medicaid appropriations contained in the 1989 general appropriation act.

APPROVED by Governor April 10

EFFECTIVE April 10

PORTION VETOED April 10

S.B. 91-204 Supplemental appropriation - department of the treasury. Amends the 1990 general appropriation act to decrease the total general fund appropriation to the department of the treasury.

APPROVED by Governor March 18

EFFECTIVE March 18

S.B. 91-206 Supplemental appropriation - capital construction. Amends the 1990 general appropriation act to increase the total appropriations for capital construction from the capital construction fund, cash funds, and federal funds. Adds a new line item appropriation for the University of Colorado health sciences center pharmacy building/phase III, and adds a footnote which makes this project contingent upon approval by the Colorado commission on higher education. Amends a 1990 prison construction bill to decrease the total appropriations made to the department of corrections in such bill.

Amends the 1988 general appropriation act to decrease the total appropriations for capital construction. Increases the cash funds portion of the appropriation and decreases the federal funds portion.

Amends the 1989 general appropriation act to increase the total appropriations for capital construction. Decreases the capital construction fund portion of the appropriation and increases the cash funds and federal funds portions.

APPROVED by Governor April 11

EFFECTIVE April 11

S.B. 91-227 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, 1991. Sets the grand total of the operating budget at \$5,467,951,076, of which \$2,678,437,155 is from the general fund, \$1,519,872,774 is from cash funds, and \$1,269,641,147 is from federal funds.

Appropriates \$241,940,569 for capital construction, of which \$68,190,273 is from the capital construction fund, \$57,872,382 is from cash funds, and \$115,877,914 is from federal funds.

Amends the 1990 general appropriation act to increase the cash funds appropriation made to the division of administrative hearings in the department of administration for personal services and to make an appropriation to the division of parks and outdoor recreation for "aspen leaf reimbursement".

Amends the 1989 general appropriation act to decrease the appropriations made to the department of social services for AFDC

basic grants and to decrease the capital construction appropriation made to the university of southern Colorado.

APPROVED by Governor June 7

EFFECTIVE June 7

PORTION VETOED June 7

Note: See page vii for explanation on the validity of this veto.

S.B. 91-241 Legislative department =
reapportionment. Appropriates \$17,683,493, including \$90,000 in cash funds, to the legislative department for its expenses during the 1991-92 fiscal year. Appropriates \$647,808 for the payment of expenses relating to reapportionment. Amends the legislative department budget for the 1990-91 fiscal year in order to provide \$100,000 for capital construction projects.

APPROVED by Governor May 24

EFFECTIVE May 24

ADMINISTRATIVE RULE REVIEW

H.B. 91-1257 Continuation of 1990 rules of executive agencies - exceptions - repeal of rules. Postpones the expiration of rules and regulations of executive agencies which were adopted or amended during 1990; except that specified rules and regulations are allowed to expire as scheduled on June 1, 1991.

Allows the following 1990 rules to expire as scheduled: 2 rules of the state board of education relating to the administration of teacher certification; a rule of the air quality control commission concerning air pollutant emission permits; a rule of the air quality control commission pertaining to transmittal of certificates and issuance of emissions mechanic's licenses; a rule of the air quality control commission relating to conversion of motor vehicles to alternative fuels; several rules of the state board of health relating to schools; several rules of the state board of health concerning building and fire safety codes for residential care facilities for the developmentally disabled; a rule of the executive director of the department of health pertaining to a ban of hazardous playground equipment; several rules of the state historical society concerning the inclusion of property in the state register of historic places; several rules of the state historical society relating to the income tax credit for the preservation of historic properties; several rules of the state inspector of oils pertaining to the licensing of underground storage tank installers; several rules of the division of property taxation concerning exempt properties; a rule of the state personnel board concerning representation before the state personnel board; a rule of the state personnel director relating to the granting of sick leave; several rules of the division of fire safety concerning the firefighter voluntary certification program; a rule of the commissioner of insurance pertaining to readability standards; a rule of the commissioner of insurance relating to grace periods for benefit contracts and evidence of coverage; a rule of the commissioner of insurance concerning the right to examine contracts; a rule of the commissioner of insurance concerning termination of enrollees by health maintenance organizations; 2 rules of the state board of dental examiners concerning exemption from financial responsibility requirements for medical malpractice insurance for dentists performing exclusively as dental consultants or for nonprofit or charitable organizations; a rule of the state board of nursing concerning body fluid analyses for the nursing peer health assistance diversion program; a rule of the public utilities commission concerning control of drug use in natural gas, liquefied natural gas, and hazardous pipeline operations; a rule of the state board of barbers and cosmetologists relating to the combined manicurist and cosmetician course completion requirements for examination for licensure; several rules of the executive director of the department of revenue pertaining to apportionment of corporate

income; a rule of the Colorado lottery commission concerning mandatory license revocation; a rule of the Colorado lottery commission concerning procedures for license issuance, renewal, denial, revocation, suspension, limitation and modification; a rule of the Colorado lottery commission relating to the payment of prizes for instant lottery games; a rule of the state board of social services concerning sanctions for failure or refusal to participate in the JOBS program; several rules of the state board of social services concerning funeral, burial, and cremation expenses of deceased assistance recipients; a rule of the state board of social services concerning extensions of deadlines for completion of nursing home construction; and several rules of the state board of social services relating to services to the aging.

Postpones indefinitely the expiration of all rules and regulations of the public employees' retirement association.

Postpones until June 1, 1992, the expiration of rules of the department of personnel concerning affirmative action which are scheduled to expire on June 1, 1991.

Prohibits several rules of the water quality control commission concerning the control of water pollution from feedlots from being applied, to the extent that the rules are more stringent than federal rules, until a hearing is held and requires that such hearing be held by April 1, 1992.

Repeals several rules of the state board of education concerning standards for the evaluation of teacher preparation programs.

APPROVED by Governor May 24

EFFECTIVE May 24

AGRICULTURE

S.B. 91-65 Nursery stock - "Colorado Nursery Act" - continuation of functions of commissioner of agriculture and nursery advisory committee. Continues the functions of the commissioner of agriculture under the "Colorado Nursery Act" and the nursery advisory committee until July 1, 1996.

Makes changes to the "Colorado Nursery Act". Updates definitions. Allows the commissioner and authorized agents of the department of agriculture to supplement annual inspections with nonscheduled inspections and inspections pursuant to complaints and mandates annual public reporting of the results of such inspections. Prohibits any person from selling nursery stock in this state unless it is from sources available for inspection. Authorizes the commissioner to issue advisory alerts after determining that a specific nursery is selling substandard plant material. Allows the commissioner of agriculture to impose civil penalties for violation of the act. Discontinues licensing requirements and replaces those requirements with a registration system for businesses. Reconfigures the nursery advisory committee and staggers the terms of its members. Redefines the authority of the commissioner of agriculture to search premises and obtain records for purposes of enforcing the act. Redefines the authority of the commissioner to delegate duties to other qualified employees of the department of agriculture. Delineates enforcement authority of the commissioner of agriculture, including the authority to discipline registrants and applicants for such registration, to issue cease and desist orders, and to issue administrative subpoenas and injunctions. Mandates that investigations may be kept confidential until formal disciplinary action begins. Specifies grounds for disciplinary action against registrants.

Specifies that the act applies to registrations issued on and after January 1, 1992, but that the act applies to a "licensee" during the period beginning July 1, 1991, and ending December 31, 1991, and that for this purpose the use of the terms "registrant" and "licensee" shall be synonymous.

APPROVED by Governor April 17

EFFECTIVE July 1

H.B. 91-1017 Slaughterers of livestock - licensure procedures. Requires the board of stock inspection commissioners to establish the annual license fee for a slaughterer of livestock. Eliminates the various classes of slaughterers' licenses. Deletes all references to the term "butcher" from the statutes requiring licensure of slaughterers. Provides that an applicant who supplies false information in an application is subject to the state's perjury laws. Sets forth the grounds for which the board of agriculture may deny, suspend, or refuse to

renew a license or may place a licensee on probation. Allows evidence of disciplinary action taken by another state against a slaughterer to be used as evidence of violation of Colorado law.

Requires hearings concerning slaughterers' licenses to be conducted pursuant to the "State Administrative Procedure Act". Allows administrative law judges to conduct such hearings. Authorizes the state board of stock inspection commissioners to investigate possible violations of the slaughterers' statutes. Makes most violations of the slaughterers' licensing law class 3 misdemeanors.

Continues the functions of the department of agriculture related to the licensing of slaughterers and provides for the termination of such functions on July 1, 2001.

APPROVED by Governor April 17

EFFECTIVE July 1

H.B. 91-1018 Public livestock markets - licensing requirements. Discontinues the requirement that an application for a public livestock market license be notarized. Allows the state board of stock inspection commissioners to set the application fee for licensure at an amount which covers the administrative costs of the licensing of public livestock markets. Discontinues the requirement that an applicant show economic benefit to the livestock economy as a requisite for licensure. Authorizes the board to deny the issuance of a livestock market license when all prerequisites for licensure are not met. Grants the board the authority to suspend or revoke a license or place on probation a licensee for conduct warranting disciplinary action. Authorizes the board to issue letters of admonition for misconduct warranting action other than a more strict form of discipline. Includes as conduct warranting disciplinary action the following: (1) Fraud or misrepresentation in obtaining a livestock market license; (2) deceptive, false, or misleading advertising by a licensee; (3) violation of an order of the board; (4) violation of the statutes regulating public livestock markets or any rule or regulation promulgated by the board; (5) violation of the federal "Packers and Stockyards Act"; (6) conviction of a felony for an offense involving regulated conduct involving public livestock markets.

Authorizes the board to initiate proceedings against a licensee for conduct warranting discipline and requires the board to employ administrative law judges to conduct such hearings. Conforms the penalties for conduct warranting disciplinary action with the penalties set forth in the criminal code.

Repeals the article regulating the licensure of public livestock markets and the functions of the state board of stock inspection commissioners in connection therewith on July 1, 2001.

APPROVED by Governor March 27

EFFECTIVE July 1

H.B. 91-1176 Disparagement of agricultural food products. Declares that the production of agricultural food products constitutes a large proportion of the Colorado economy and that it benefits the economy to allow producers of perishable agricultural food products to recover damages for the disparagement of such products. Defines the terms "disparagement" and "perishable agricultural food product". Makes statutory the common law civil cause of action of product disparagement for any producer of a perishable agricultural food product who suffers damages as a result of the disparagement of that food product. Specifies a 3 year statute of limitations for such actions.

VETOED by Governor April 29

H.B. 91-1242 Farm products - brokers and dealers - regulation by department of agriculture. Amends the definition of "commodity" to exclude processed items. Excludes commodities from the definition of "farm products" and creates a special class of warehousemen, known as "commodity handlers", which are analogous to "dealers" of farm products. Makes conforming amendments to treat dealers and commodity handlers similarly. Establishes requirements, including standardized contract forms with disclosures to sellers, to govern credit sales of both farm products and commodities. Requires records of credit sales and other records to be kept available for inspection for a period of 2 years. Requires licenses for commodity handlers, with each license valid for only one place of business unless certain conditions are met. Provides for administrative inspection of commodity handlers' places of business, which are required to have their hours of business posted unless they are open continuously from 8 a.m. to 6 p.m. each business day. Requires commodity handlers to meet financial responsibility criteria. Authorizes the commissioner of agriculture to issue subpoenas and exercise related powers pursuant to investigations and license suspension or revocation proceedings. Prohibits commodity handlers from selling below market price to insiders or to retain more than a specified commission which must be reported. Prohibits check fraud in the purchase of commodities.

APPROVED by Governor April 19

EFFECTIVE March 1, 1992

H.B. 91-1270 Aquaculture as agricultural enterprise - permitting of facilities - regulation - appropriation. Defines aquaculture as the controlled propagation of and commerce in fish, mollusks, crustaceans, algae, and other aquatic species. Declares that aquaculture should be encouraged to promote agricultural diversification, augment food supplies, promote economic activity, and provide other benefits.

Creates the aquaculture board in the department of agriculture. Requires the board to recommend to the commissioner of agriculture rules concerning the regulation of the aquaculture

industry and its markets except as they may relate to the health of fish, the spread of aquatic disease, and the management of exotic aquatic species, which subjects are within the jurisdiction of the wildlife commission. Requires the board to develop programs to assist in the promotion of the aquaculture industry and to approve certain disciplinary and enforcement actions of the department of agriculture. Authorizes the board to recommend and the commissioner of agriculture to adopt standards for aquaculture products and private aquaculture facilities and to establish permitting procedures and fees. Authorizes the commissioner to employ specialists in the field of aquatic disease and to contract with government agencies to carry out the purposes of the legislation.

Requires any person operating a fish production facility to obtain for that facility an aquaculture facility permit issued by the commissioner. Contemplates the operation of satellite stations of a fish production facility, which may be operated under a common permit. Establishes civil penalties for violation of permit requirements and other applicable statutes and rules.

Creates the fish health board in the division of wildlife to review or initiate and consider proposed rules relating to fish health, the spread of aquatic disease, and management of exotic aquatic species prior to the adoption of such rules by the wildlife commission. Allows for the assessment of penalties, including costs of eradication or removal of disease agents or aquatic organisms, against persons violating the rules.

Appropriates \$4,776 to the department of agriculture for allocation to the aquaculture board for implementation of the act.

APPROVED by Governor June 7

EFFECTIVE June 7

AIRCRAFT AND AIRPORTS

H.B. 91-1028 Division of aviation - aviation fund - allocation of sales and use tax revenues from aviation fuel - state aviation system grant program - appropriation. In accordance with the constitutional provision which stipulates that any taxes imposed on aviation fuel be used exclusively for aviation purposes, requires the state treasurer to phase in over 3 years a transfer from the general fund to the aviation fund, on a monthly basis, of the sales and use taxes imposed on aviation fuel sold for use in turbo-propeller or jet engine aircraft. Establishes the state aviation system grant program and outlines its operation. Specifies additional aviation-related activities that may be funded from the moneys available in the fund. Alters the amount of the fund which may be used by the division of aviation and the Colorado aeronautical board for the payment of administrative expenses.

Transfers \$2,750,000 from the general fund to the aviation fund. Appropriates the \$2,750,000 and an additional \$1,140,000 in the aviation fund to the department of military affairs for allocation to the division of aviation for implementation of the act. Estimates a transfer from the general fund to the aviation fund of \$5,766,666 in the 1992-93 fiscal year and a transfer of \$8,650,000 for the 1993-94 fiscal year and fiscal years thereafter.

VETOED by Governor June 6

Note: See page vii for explanation on the validity of this veto.

CHILDREN AND DOMESTIC MATTERS

S.B. 91-38 Juvenile justice system - audit. Requires the office of the state auditor to conduct an audit of the statewide juvenile justice system. Prescribes the subjects to be focused upon during such audit. Requires the audit to be presented to the legislative audit committee before January 1, 1993.

APPROVED by Governor April 16

EFFECTIVE July 1

S.B. 91-61 Juvenile parole board - panel members. Specifies that a hearing panel may be composed of any 2 members of the juvenile parole board.

APPROVED by Governor April 9

EFFECTIVE April 9

S.B. 91-81 Juvenile delinquency - records - confidentiality - expungement. Establishes that court records in juvenile delinquency proceedings concerning a juvenile who is adjudicated a juvenile delinquent for commission of a crime that would constitute a class 1, 2, 3, or 4 felony if such juvenile were an adult shall be open to the public. States that certain information in such records shall not be open to the public unless there is a court order. Provides that records in such cases shall not be subject to expungement. Permits a juvenile who is adjudicated a juvenile delinquent for an offense other than a class 1 felony to petition the court for an expungement of such records after a period of 5 years from such juvenile's release from the jurisdiction of the juvenile court if such juvenile has not been adjudicated or convicted for any further offenses.

APPROVED by Governor April 20

EFFECTIVE July 1

S.B. 91-91 Juvenile delinquency - service of promise to appear. Permits a law enforcement officer, as an alternative to taking a juvenile into temporary custody, to serve a written promise to appear to any alleged juvenile offender for any misdemeanor or petty offense if the chief judge of the judicial district adopts a policy which permits such service. Requires notification to the juvenile's parents that the promise to appear has been served upon the juvenile. Establishes procedures for making such service.

APPROVED by Governor April 16

EFFECTIVE July 1

S.B. 91-94 Allocation of services to juveniles - criteria for placement - funding allocation formula - overcrowding - truancy study - collection of foster care fees. Requires the department of institutions, the department of social services, and the judicial department, in consultation with a working group consisting of the division of criminal justice of the department of public safety, the office of state planning and budgeting, the Colorado district attorneys council, law enforcement representatives, representatives of local and county governments, and the criminal justice commission and any subcommittee of such commission relating to juvenile issues, to develop criteria for determining when juvenile offenders are appropriate for placement in the physical custody of the department of institutions or in the custody of the department of social services. Requires that such criteria be developed and approved on or before July 1, 1992, and submitted to the criminal justice commission for analysis and evaluation. Requires the criminal justice commission to make a written report to the general assembly analyzing and evaluating such criteria by December 31, 1992. Requires the working group to propose a formula for the purpose of allocating funds to each county or city and county for the development of alternative services to placing juveniles in the physical custody of the department of institutions or in the custody of the department of social services.

Creates the juvenile services fund and permits the general assembly to appropriate moneys in such fund to each county or city and county in accordance with the formula created by the working group after July 1, 1993. Provides that after July 1, 1993, if any juvenile is placed in the physical custody of the department of institutions or in the custody of the department of social services without meeting the criteria developed by the working group, the committing county or city and county shall be required to pay to the department of institutions or to the department of social services a per diem amount for such child. Creates a dispute resolution process if there is disagreement as to whether the juvenile meets the criteria. Requires the working group to meet yearly to review and propose revisions to the criteria or the allocation formula. Permits the department of institutions to operate pilot programs to relieve overcrowding of juvenile facilities between July 1, 1991, and July 1, 1993. Requires the department of institutions and the judicial department to develop emergency release guidelines to relieve overcrowding in juvenile facilities. Requires the department of institutions, the department of education, and the judicial department to study and report to the general assembly regarding programs for truants on or before January 1, 1992.

Permits foster care fees to be collected from parents in the same manner as child support obligations. Provides for the distribution of moneys collected in such manner between the state and each county.

APPROVED by Governor June 5

EFFECTIVE July 1

S.B. 91-104 Juvenile delinquency - jurisdiction - venue - detention - sentencing - juvenile records. Permits the juvenile court to retain jurisdiction over persons who commit crimes while under the age of 18 until any pending cases have been completed or the statute of limitations has run instead of jurisdiction being eliminated once the juvenile reaches the age of 21. Permits the court in a juvenile delinquency proceeding to transfer venue to the court of the county of the juvenile's residence after sentencing for the purposes of supervision. Permits a juvenile commissioner to issue a warrant for the arrest of a juvenile upon the report of a juvenile probation officer that there is probable cause that the juvenile has violated probation. Clarifies that any person 18 years of age or older who is arrested on a juvenile warrant shall be detained in the county jail in the same manner as an adult. Removes the necessity that the district attorney consent to a personal recognizance bond for a juvenile charged with a class 1 misdemeanor when such juvenile has previously been found guilty of a felony or a class 1 misdemeanor.

Removes the requirement that the court designate the agency to perform a preliminary investigation when the district attorney requests the preliminary investigation. States that a juvenile who has had a prior deferred adjudication may not be granted an informal adjustment. Adds to the list of persons who may sign the return receipt for service by mail in a juvenile adjudication action the juvenile's physical custodian or spousal equivalent. Clarifies the time after a return receipt is received that service of summons is deemed complete in juvenile cases. Clarifies that, although the juvenile court may retain jurisdiction over a person who commits a crime while under the age of 18, the person may not be placed in the custody of the department of institutions after such person reaches age 21. Allows the court to sentence a violent juvenile offender who is 18 years of age or older at the time of sentencing to a county jail or community correctional facility in the same manner as permitted regarding mandatory juvenile offenders. Clarifies that, in a case where a direct filing is made against a juvenile in district court and the court determines that it should sentence the juvenile pursuant to the children's code, the provisions relating to the sentencing of mandatory sentence offenders, repeat juvenile offenders, violent juvenile offenders, and aggravated juvenile offenders are still applicable. Clarifies that the appropriate prosecuting agency shall be notified upon expungement of juvenile records.

APPROVED by Governor April 20

EFFECTIVE April 20

H.B. 91-1002 Child abuse and neglect - reports - investigations - central registry - appropriation - adjustment to long bill. Authorizes the state and county departments of social services to access child abuse and neglect records for screening said departments' own employees, screening persons who are

responsible for the care of a child pursuant to a contract with the county department for out-of-home placements or private child care, conducting custody evaluations, and screening prospective adoptive parents. Authorizes private adoption agencies to access such records for screening prospective adoptive parents. Authorizes access to persons engaged in bona fide research or audits.

Categorizes abuse into 3 types of cases: Intrafamilial, institutional, and third-party abuse. Permits, rather than requires, that an investigation of a report of child abuse and neglect include a home visit. Requires the state department to adopt rules regarding investigation of institutional abuses. Specifies corrective action to be taken by any facility at which institutional abuse has occurred. Requires temporary suspension of a teacher, employee, volunteer, or staff person who has allegedly committed an act of institutional abuse and states the notice and hearing rights of the suspended person. Expresses the general assembly's intent that agencies responsible for investigating child abuse and neglect develop cooperative agreements to coordinate the agencies' duties in connection with the investigation. Permits audio or video taping of an interview with a child regarding reported sexual abuse. Specifies that, if an allegation of sexual abuse arises during the course of a non-taped interview with a child, such interview may proceed with questions concerning the sexual abuse without being taped. Requires the agency conducting a taped interview to maintain the audiotape or videotape.

Revises the standard for placing a subject on the state child abuse central registry from some credible evidence to a preponderance of the evidence. Requires the director of the registry to provide notice to a subject placed on the central registry and lists the information to be included in such notice. Places a limit on the time period for a subject to make a written request that the record concerning such subject be amended, expunged, or sealed. Directs that reports of sexual abuse not be automatically sealed 10 years after the child victim reaches age 18. Provides for phased-in expungement of records concerning minor offenses of child abuse or neglect, other than sexual abuse, upon a finding of good cause by the registry director.

Requires a subject who seeks a report of central registry information to provide a written notarized request or to make a personal request with proof of identification. Allows any person to obtain a verification that such person is not included on the central registry upon written notarized request or personal request with proof of identification. Changes the responsibility for establishing the burden of proof at hearings to amend, seal, or expunge central registry records from the county department to the state department of social services. Expands the group of persons or agencies required to pay a fee for central registry information.

Appropriates \$38,647 to the department of social services for departmental and welfare administration for implementation of the act. Reduces the appropriation to the department of social services for county administration by \$21,350.

APPROVED by Governor May 24

EFFECTIVE May 24

H.B. 91-1049 Child support guidelines - age of emancipation - termination of support - postsecondary education - underemployment - shared custody adjustment - commission. Changes the age at which child support terminates by virtue of emancipation from 21 to 19 years. Provides the following exceptions from such termination: The parties agree otherwise in a written stipulation after July 1, 1991; the child is mentally or physically disabled; the child is still in high school or an equivalent program in which case support continues until the end of the month following graduation unless there is an order for postsecondary education and if a child quits high school and later reenrolls support continues but not beyond 21. Authorizes the court or delegate child support enforcement unit, if it finds it appropriate, to terminate child support and enter an order providing for postsecondary education up to the 21st birthday. Requires a party to file a motion for postsecondary education support within one year from the child's 19th birthday or graduation from high school, whichever occurs later. Permits the ordering of payments from one parent to the other for the child's room and board. Makes the termination of support at 19 and the awarding of postsecondary education expenses applicable to all child support obligations established or modified on, prior to, or subsequent to July 1, 1991, except that a support order with respect to a child who turns 19 before July 1, 1991, cannot be modified with regard to support but may be modified with regard to postsecondary education. States that if an existing child support order is modified as a result of the change in age, the modification is only as to installments accruing subsequent to the filing of the motion.

Provides that a parent shall not be deemed "underemployed" for purposes of calculating a parent's income due to a voluntary reduction in income if the employment is temporary and intended to result in increased income or if it is a good faith career choice which is not intended to deprive a child of support and does not unreasonably reduce the support available to a child. Amends the shared custody adjustment so that the amount of support paid by a parent with shared custody cannot exceed that amount of support that would otherwise be paid if the parents did not share physical custody.

Authorizes the child support commission to make a report to the governor and the general assembly during 1991. Authorizes the commission to incur expenses related to its work. Eliminates the language requiring the commission to study the possibility of imposing a duty of support upon grandparents for children whose

parents are under 18 years of age. Directs the commission to study the issue of limiting the total child support obligation and education expenses to a certain percentage of the obligor's income.

APPROVED by Governor June 6

EFFECTIVE July 1

H.B. 91-1114 Domestic abuse cases - emergency protection orders - payment of docket fees - ability of plaintiffs to pay costs. Changes, from one day to 3 days, the length of time an emergency protection order in a domestic abuse action is in effect after its issuance. Allows the plaintiff in a domestic abuse action to pay the docket fee at a time set after hearing by the court rather than at the time of filing. Establishes that the court, in determining the ability of a domestic abuse plaintiff to pay costs including the docket fee, shall take into account only those assets to which the plaintiff has direct access.

APPROVED by Governor April 1

EFFECTIVE July 1

H.B. 91-1132 Special advocate services - funding through victims and witnesses assistance and law enforcement fund - surcharge on criminal sexual offenses. Creates a surcharge of \$1000 on conviction or deferred judgment and sentence in connection with crimes involving sexual offenses, including enticement of a child, sexual assault, sexual assault on a child, incest, sexual exploitation and procurement, or the attempt to commit any of these crimes. Requires the surcharge to be transmitted to the victims and witnesses assistance and law enforcement fund. Establishes that such fund may be used for special advocate services offered to victims who are children. Lists examples of the programs offering special advocate services.

APPROVED by Governor June 5

EFFECTIVE July 1

H.B. 91-1145 Juvenile intensive supervision program - creation - judicial department - pilot program - report - appropriation. Creates the juvenile intensive supervision program in the judicial department. Permits sentencing judges to utilize the program in sentencing juvenile delinquents. Defines the elements of the program. States that the judicial department shall implement the program as a 2-year pilot program operated in 7 judicial districts. Requires the judicial department to make a written report to the general assembly regarding the success of the program.

Appropriates \$250,000 out of the general fund and \$97,500 out of the offender services fund to the judicial department for implementation of the act.

APPROVED by Governor May 24

EFFECTIVE July 1

H.B. 91-1209 Child support enforcement - paternity - genetic testing - jurisdiction - voluntary change of physical custody - health insurance coverage. Makes genetic testing or other testing of inherited characteristics, rather than just blood tests, admissible in evidence to establish paternity. States that testimony of another expert can be offered to rebut the presumption of paternity based solely on genetic testing but cannot prohibit the presumption from attaching. Expands long-arm jurisdiction to establish support on the basis of sexual intercourse that has taken place in Colorado. Refers to "obligor" rather than "absent parent" throughout the statutes governing child support.

Makes the following changes to the "Revised Uniform Reciprocal Enforcement of Support Act": Amends filing requirements to reflect the administrative process; relocates and makes changes to the statute on interstate income withholding to conform with the model interstate income withholding act.

Makes modification of support based on a voluntary change of physical custody effective on the date when physical custody was changed. Encourages parties to use the procedure for updating and modifying a support order without a court hearing in such circumstances.

Corrects a reference to a set of court rules in a paternity statute. Requires notification of relinquishment proceedings to be given to the delegate child support enforcement unit in cases where no adoption proceeding is pending if rights to support have been assigned to the unit.

Amends the statutes concerning the state lottery offset for child support enforcement purposes to require the winner to submit the social security number and federal employer identification number prior to receiving payment of any winnings and removes the requirement that the department of revenue obtain the winner's name.

Makes the following changes to the "Colorado Child Support Enforcement Act": Includes as information the state parent locator service or a delegate child support enforcement unit may request from an employer benefits, income, and assets; clarifies that an employer is not liable for complying with a request to disclose an employee's location or other information; provides that, in counties participating in the demonstration project on judicial review of child support orders, the court be allowed to enter an order to modify the amount based on available income

information.

Conforms a time period for requesting a hearing after receipt of a notice of financial responsibility under the administrative process.

Prohibits insurance carriers from refusing to accept claims filed by the custodial parent when medical coverage for the child is provided by the noncustodial parent.

APPROVED by Governor June 5

PORTIONS EFFECTIVE:

June 5

July 1

H.B. 91-1255 Grandparents - rights in maintaining contact with grandchild. Specifies that any order granting or denying visitation to a child's parent will not affect a grandparent's right to visitation. Qualifies the right by specifying that a grandparent does not include the parent of a child's mother or father whose parental rights have been terminated. Establishes a procedure for an aggrieved grandparent granted visitation to seek relief from the court when visitation is denied by a person with custody of the child.

Allows the court in awarding legal custody of a child or in placing a child out of the home and a placement agency in placing a child, to give preference to a grandparent who is appropriate, capable, available, and willing to care for the child. Requires the court, in cases where a grandparent seeks legal custody or placement of his or her grandchild, to consider any credible evidence of the grandparent's past conduct of abuse or neglect. Describes credible evidence.

APPROVED by Governor May 31

EFFECTIVE May 31

H.B. 91-1321 Juvenile detention - information available to court - bail. Removes language permitting the court in a juvenile detention proceeding to receive information in the form of written or oral reports, sworn testimony, affidavits, or other relevant information the court may wish to receive. Requires any juvenile detained without bail, or whose bail or bail bond has been revoked or increased, to be brought to trial within 90 days of the order revoking or increasing the bail or bail bond or detaining the juvenile without bail or within 6 months after entry of a plea, whichever is earlier.

APPROVED by Governor May 29

EFFECTIVE May 29

CONSUMER AND COMMERCIAL TRANSACTIONS

S.B. 91-127 Uniform commercial code - repeal of bulk transfer act. Repeals all the provisions contained in the "Uniform Commercial Code - Bulk Transfers" act, effective July 1, 1991. Adds a savings clause to the act and makes conforming amendments.

APPROVED by Governor June 6

EFFECTIVE July 1

S.B. 91-129 Uniform commercial code - article 2A - leases. Enacts article 2A of the uniform commercial code as a new article 2.5 to provide for a comprehensive treatment of leases of personal property, including provisions relating to formation and effect of leases, performance under leases, and remedies for default. In addition, provides for an alternative measures of damages by allowing a party to recover the damages necessary to put such party in as good a position as that person would have been in had the other party performed in accordance with the lease.

APPROVED by Governor June 7

EFFECTIVE July 1, 1992

S.B. 91-181 Uniform commercial code - central filing system for financing statements - compliance with federal law - fees - appropriation. Provides that more than one debtor may be covered by an effective financing statement under the central filing system. Repeals provisions for effective financing statements that are inconsistent with provisions of the federal "Food Security Act of 1985". Revises the maximum fees which may be charged for services under the central filing system as follows: For filing a continuation statement, partial release, assignment of or amendment to an effective financing statement pursuant to the central filing system the fee is increased from \$5 to \$15; for filing a termination statement for an effective financing statement, the fee is set at \$15; for issuing an oral and follow-up written confirmation of the existence of an effective financing statement on file, the fee is increased from \$1 to \$15 per debtor; for issuing a written confirmation in response to a written request of the existence of any effective financing statement on file, the fee is increased from \$1 to \$15 per debtor; and for distributing the master list or portions thereof to buyers of farm products, commission merchants, and selling agents, or for providing such master list or portions thereof to other interested parties, the \$25 fee for the first such list per year and \$10 fee for each additional product list per year is deleted and the central filing system board is authorized to develop such fees as will cover the actual cost of providing the lists in the form requested. Extends the date for the state central filing system board to report to the general assembly on

implementation and operation of the central filing system and for the general assembly to take action on any legislation required by such report from January 1, 1992, to January 1, 1994.

Appropriates \$292,675 from the central filing system fund to the department of agriculture for the fiscal year beginning July 1, 1991, for implementation of the act. Authorizes the department of agriculture to borrow moneys not in excess of \$150,000 from the general fund during the fiscal year beginning July 1, 1991, until the central filing system fund has sufficient moneys available for implementation of the act. Specifies that any moneys borrowed from the general fund shall be repaid, with interest, from the central filing system fund.

APPROVED by Governor May 24

EFFECTIVE May 24

H.B. 91-1212 Uniform commercial code - consumer loans - delinquency charges. Allows parties to contract for the imposition of delinquency charges on nonprecomputed consumer loans including revolving accounts which do not include credit cards. Sets the period after which such a delinquency charge may be assessed as 10 days after the instalment is due. Allows a maximum delinquency charge of 5% of the unpaid amount of the instalment. Allows a delinquency charge to be assessed only once on an instalment, regardless of how long that instalment is overdue. Requires that a delinquency charge be assessed within 30 days of the scheduled due date of the instalment or the right to impose such a charge is lost. Requires the lender to notify the borrower in writing that a delinquency charge has been assessed and to specify the amount before the due date of the next scheduled instalment. Specifies that instalments received will be applied first to any instalment that is currently due, and second to any delinquent instalment. Forbids the assessment of finance charges on delinquency charges. Defines an "instalment" as the minimum payment required in any billing cycle, excluding any past due amount from any previous billing cycle.

BECAME LAW without Governor's signature
EFFECTIVE

June 8
July 1

H.B. 91-1253 Health clubs - sales of long-term memberships. States that a health club does not engage in a deceptive trade practice if they meet specified conditions in the sale of memberships that are not in excess of 36 months. Requires that annual renewal options for continued membership in a health club be affirmatively accepted in writing by a member.

Makes it a deceptive trade practice for a health club to represent that a membership contract is perpetual, to use

coercive sales tactics, or to misrepresent the quality, benefits, or nature of the services of the health club.

APPROVED by Governor May 16

EFFECTIVE May 16

H.B. 91-1264 Deceptive trade practices - academic and honorary degrees - institutions - appropriation. Expands the educational institutions from which persons may claim to possess degrees without such claim constituting a deceptive trade practice to include institutions authorized to grant degrees and certain private colleges and universities reviewed by the Colorado commission on higher education. Authorizes the commission to collect applicant fees in connection with the review process and creates the degree accreditation cash fund for deposit of such fees. Repeals this review process on July 1, 1994.

Appropriates \$38,000 from the degree accreditation cash fund to the Colorado commission on higher education for implementation of the act.

BECAME LAW without Governor's signature
EFFECTIVE

June 8
June 8

CORRECTIONS

S.B. 91-58 Parole - development of objective parole criteria - parole guidelines commission - application of such criteria. Clarifies and more fully describes the duties of the parole guidelines commission in approving objective parole criteria which may be used by the state board of parole in making parole decisions. Clarifies the duties of the division of criminal justice in the department of public safety and the department of corrections in developing such criteria. Repeals duplicative language regarding the parole guidelines commission.

APPROVED by Governor May 18

EFFECTIVE May 18

S.B. 91-221 State prisoners in local jails - reimbursement for associated expenses based on state audited expense - incentives for local governments - appropriation. Requires the department of corrections, beginning on July 1, 1992, and subject to available appropriations, to reimburse any county or city and county for the expenses of confining and maintaining a state prisoner in a local jail in an amount equal to the sum of the number of days of confinement multiplied by the audited expense, and the extraordinary costs incurred in confining such prisoner. Defines "audited expense". Directs the state auditor to conduct an annual audit, for purposes of calculating audited expense, unless the legislative audit committee determines that an audit is unnecessary, and obligates each county or city and county to provide such data as the state auditor, by policies and procedures, may require.

Leaves the department the option, subject to available appropriations, of providing by contract for the reimbursement of any county or city and county for the actual expenses incurred as a result of confining state prisoners in a local jail. Allows the executive director of the department to offer an incentive to any county or city and county to encourage them to so contract. Deletes the requirement that any city and county or county wishing to contract with the state to house state prisoners notify the state of the charge for housing a state prisoner.

Appropriates \$10,000 to the state auditor for implementation of the act and makes an offsetting reduction of \$10,000 in the 1991-92 long bill appropriation to the department of corrections for maintaining state prisoners in a local or out-of-state jail.

APPROVED by Governor May 24

PORTIONS EFFECTIVE:

May 24

July 1, 1992

S.B. 91-236 Community correctional facilities - reconsideration of sentence - eligibility to be placed in intensive supervision programs - appropriation. Permits a community correctional facility or program or the probation department to petition the court for the modification of a sentence of an offender sentenced to a facility or program. Requires the district attorney to be notified of the petition and permits the district attorney to object to the petition.

Changes the date upon which an offender is eligible to be placed in an intensive supervision program from 90 days prior to the offender's established parole release date to 90 days prior to the offender's parole eligibility date, or 120 days prior to the offender's parole eligibility date if the offender has met program objectives of a residential community corrections program.

Appropriates \$33,048 and 1.0 FTE to the judicial department for allocation to the probation division for implementation of the sections of the act which address intensive supervision programs. Reduces the general fund appropriation in the 1991-92 long bill to the department of corrections for personal services for minimum security facilities by \$80,000 and 1.4 FTE.

APPROVED by Governor June 1

EFFECTIVE June 1

H.B. 91-1008 Prison construction - lottery-funded projects - master leasing program - prohibition on use of interest proceeds for projects not designated by general assembly. Prohibits the use of interest earnings on bond proceeds, which bond proceeds are the result of the financing of lottery-funded correctional facilities pursuant to the state's master leasing program, for projects not designated by the general assembly.

APPROVED by Governor March 11

EFFECTIVE March 11

H.B. 91-1111 Community correctional facilities - establishment of "per diem" amounts in general appropriation bill. Clarifies that "per diem" amounts for community correctional facilities contracted for by the division of criminal justice shall be established annually by the general assembly in the general appropriation bill.

APPROVED by Governor March 28

EFFECTIVE March 28

H.B. 91-1235 Parole - consolidation of parole and probation offices - pilot program - report to criminal justice commission and joint budget committee. Directs the judicial department and the department of corrections to create a pilot program which consolidates the functions of parole offices and probation offices in each of 4 judicial districts. Requires such

departments to submit a report to the criminal justice commission and the joint budget committee regarding such pilot program by January 1, 1993.

APPROVED by Governor May 31

EFFECTIVE July 1

COURTS

S.B. 91-29 District court judges - increase in fourth judicial district - appropriation. Increases the number of district court judges for the fourth judicial district from 11 to 12, effective July 1, 1991.

Appropriates \$172,484 to the judicial department for implementation of the act.

APPROVED by Governor May 18

EFFECTIVE July 1

S.B. 91-54 Ethnic intimidation - civil damages - punitive damages. Allows a victim or the immediate family of a victim of the offense of ethnic intimidation, who has suffered actual damages due to the offense, to bring a civil action against the person, organization, or association who commits or incites others to commit the offense, and to receive payment for such damages and costs in connection with the action. States that a conviction for criminal ethnic intimidation shall not be a condition precedent to maintaining the civil action. Authorizes a jury, upon proof that the perpetrator committed the offense of ethnic intimidation with knowledge that the offense would cause the damages suffered, to award unlimited punitive damages to the victim or the victim's immediate family.

APPROVED by Governor April 19

EFFECTIVE April 19

S.B. 91-70 Civil actions - sexual assault - evidence of victim's sexual history presumed irrelevant - when such evidence admissible. Creates a statutory determination that evidence of specific instances of an alleged victim's prior or subsequent sexual history is irrelevant in a civil action arising out of an alleged sexual assault and is not subject to discovery except under certain limited conditions. Applies such presumption to civil actions brought against psychotherapists, medical professionals, clergy, or persons acting under the color of a religious organization. Applies such presumption to civil actions maintained against a parent or other person in a position of trust over a child or other person. Permits a party to any such action to discover such information or offer it as evidence after a hearing at which the court determines that any such evidence is relevant and the probative value of such evidence outweighs its prejudicial effect.

APPROVED by Governor April 29

EFFECTIVE July 1

S.B. 91-144 Court referees and commissioners - changing title to magistrate. Changes the title of all Colorado court

referees, except water referees, and all court commissioners, from referee or commissioner to magistrate.

APPROVED by Governor April 9

EFFECTIVE April 9

S.B. 91-161 Mediation services or dispute resolution programs - scope - communications - agreements. Expands the scope of the dispute resolution statutes to apply to all mediation services or dispute resolution programs. Establishes that mediation communications are confidential and inadmissible unless all parties and the mediator consent, or the communication reveals the intent to commit a felony, inflict bodily harm, or threaten the safety of a child, or the statutes require disclosure of the communication, or if necessary and relevant to an action for misconduct of a mediator. Allows for the disclosure of mediation communications without identifying the parties or issues for the purposes of research, education, and program evaluation. Specifies that any agreement in settlement shall be reduced to writing only upon request of the parties and if reduced to writing may be presented to the court by any party as a stipulation. Eliminates the requirement that the mediator provide copies of the written agreement to the parties. Creates the dispute resolution fund.

APPROVED by Governor April 1

EFFECTIVE July 1

H.B. 91-1040 Public records of state agencies - evidence - subpoena - use of official certificate without court appearance. States that when a subpoena is issued to a state agency of an executive department seeking an appearance in court to testify concerning the absence of a public record or entry or the foundation for or the authenticity of documents which are otherwise admissible under the rules of evidence such subpoena may be complied with by the submission of the requested documents under the agency's official certificate without an appearance by the personnel of such agency. Specifies that state employees may be required to appear to testify to matters going beyond the foundation or authenticity of records.

APPROVED by Governor April 19

EFFECTIVE April 19

H.B. 91-1093 Exemplary damages - limitation in medical malpractice actions arising from experimental use of a drug or product. Provides that exemplary damages (punitive damages) shall not be imposed in civil actions arising from an adverse reaction to a medically prescribed drug or product used on an experimental basis when such experimental use is beyond regulatory approvals, is in accordance with standards of prudent health care

professionals, and the patient has given written informed consent.

APPROVED by Governor April 10

EFFECTIVE July 1

H.B. 91-1167 Uncompensated medical care - limitations on civil liability of health care providers. Provides that a licensed physician or surgeon, a licensed hospital, or other health care provider who provides uncompensated medical care to patients shall not be civilly liable for acts or omissions, except for acts or omissions that are grossly negligent or willful and wanton. Provides that such protection from liability shall only apply if the patient is informed in writing that the physician, surgeon, hospital, or other health care provider is providing the care without receiving any compensation and the patient, with informed consent, voluntarily waives in writing his right to bring suit for any professional negligence that may occur, except for acts or omissions that are grossly negligent or willful and wanton. Exempts any organization which sponsors a preventative health screening clinic or service without receiving compensation from civil liability except for acts or omissions that are grossly negligent or willful and wanton. Requires such an organization to post a sign informing the participants about such exemption from civil liability.

Requires the board of medical examiners to report to the general assembly on the effectiveness of the act by January 1, 1994. Includes an automatic termination date for the act on July 1, 1994.

VETOED by Governor April 4

H.B. 91-1187 Judges and justices - increase in salary - court filing fee increases - appropriation. Increases the salaries of the chief justice and associate justices of the supreme court, the chief judge and judges of the court of appeals, the judges of the district courts, the judges of the county courts in Class B counties, and the judges of the juvenile and probate courts of the city and county of Denver, by \$9,000 effective July 1, 1991, and an additional \$3,000 commencing July 1, 1992. Increases the docket fee in county court criminal actions from \$16 to \$18. Effective July 1, 1992, increases the filing fees for county court civil cases as follows: The fee for filing a complaint is increased from \$25 to \$30 and the fee for filing an answer is increased from \$21 to \$26. Increases the docket fee for district court appeals from \$40 to \$50. Creates a \$15 docket fee for modification of a decree in domestic matters. Creates a \$25 docket fee for post-judgment proceedings. Increases court fees as follows: For a writ of execution from \$3 to \$15; for a certificate of dismissal from \$1.50 to \$5; for a certificate of satisfaction of judgment from \$1.50 to \$5; for certifying a copy from \$1 to \$5; for a transcript of judgment from \$5 to \$10; for a

certificate of exemplification from \$1.75 to \$5. Creates a \$15 fee for issuing a writ of garnishment. Creates a \$25 fee for issuing a writ of attachment. Creates a civil penalty of \$20 for issuing a bad check to the court in payment of court fees. Increases the fee for filing a small estate from \$3 to \$10.

Appropriates \$2,139,345 to the judicial department for implementation of the act. Sets forth that \$713,115 from the general fund will be necessary as a future appropriation to implement the act for the fiscal year beginning July 1, 1992.

APPROVED by Governor June 1

EFFECTIVE July 1

H.B. 91-1233 Writs of attachment, execution, and garnishment - exemptions. For purposes of writs of attachment and execution, exempts property held in or payable from pension, retirement, or deferred compensation plans and increases the amount of the homestead exemption from \$20,000 to \$30,000 to reflect inflation. For purposes of writs of attachment, execution, and garnishment, modifies the definition of "earnings" to include funds held in or payable from any health, accident, or disability insurance and to exclude avails of any pension or retirement benefits. Modifies the definition of "earnings" for purposes of writs of garnishment for child support to include pension or retirement benefits and payments. Repeals the definition of "avails of any pension or retirement benefits or deferred compensation plan" for purposes of exemption in federal bankruptcy.

APPROVED by Governor May 1

EFFECTIVE May 1

H.B. 91-1330 Civil actions - fees - processing and distribution of support payments made through court registry - appropriation - adjustment to long bill. Eliminates the \$5 fee assessed against persons directed to make payments through the court registry in cases where the court grants relief other than a decree of dissolution of marriage, legal separation, or declaration of invalidity of marriage. Replaces such provision with a \$30 fee assessed against a person obligated to make support payments through the court registry to cover the cost of processing such payments. Creates a support registry fund comprised of the \$30 fee.

Appropriates \$188,967 from the support registry fund to the judicial department for implementation of the act. Adjusts the 1991-92 long bill to eliminate the general fund appropriation to the judicial department for alimony and support, which appropriation was for the same amount.

APPROVED by Governor June 6

EFFECTIVE July 1

CRIMINAL LAW

S.B. 91-43 Criminal justice commission - membership. Increases the membership of the criminal justice commission by 5 members, including 2 additional members to be appointed by the governor, one member to be appointed by the attorney general, and 2 to be appointed by the chief justice of the supreme court. Expands the list of groups from which the gubernatorial appointments may be made to include the chairman of the state board of parole and the executive directors of state executive departments. Increases the number of gubernatorial appointments which may be from the same major political party from 5 to 6. Provides that the appointments made by the chief justice shall be made from among the judges of the state and employees of the judicial department.

APPROVED by Governor April 14

EFFECTIVE April 14

S.B. 91-76 Bills regarding the sentencing of criminal offenders - assignment to the appropriations committee - "pay as you go" provision - submission to the criminal justice commission. Establishes a legislative intent that any bill which affects criminal sentencing and which would result in a net increase or net decrease in periods of imprisonment in state correctional facilities be submitted whenever possible to the criminal justice commission for consideration prior to enactment of the bill. Requires a subcommittee of the criminal justice commission which consists of all of the members of the commission who are members of the general assembly to make a recommendation to the general assembly regarding such bill. Requires any bill which would result in a net increase in periods of imprisonment in state correctional facilities to be assigned or referred to the appropriations committee of the house in which the bill is introduced. Requires any bill passed by the general assembly which would result in a net increase in periods of imprisonment in state correctional facilities to contain a statutory appropriation of moneys to cover capital construction costs and operating costs resulting from the passage of the bill for the first 5 years in which there is a fiscal impact as a result of the bill. States that any bill which is intended to be an exception to this requirement must expressly state such exception in such bill.

APPROVED by Governor April 19

EFFECTIVE July 1

S.B. 91-96 Sex offenders against children - duty to register - penalties - central registry. Requires any person convicted of any sex offense against a child to register with the local law enforcement agency in the place where such person resides. Provides for the preparation of forms for registration, the information to be provided upon such forms, and the disposition

of such forms. Makes failure to register when required a class 2 misdemeanor and makes a second or subsequent offense a class 6 felony. Permits certain persons required to register to petition the court after a certain time period has passed to discontinue the registration requirement. Permits the Colorado bureau of investigation to establish a central registry of persons required to register under the act.

APPROVED by Governor April 17

EFFECTIVE April 17

S.B. 91-234 Peace officers - use of excessive force - reports to supervisors - criminal penalty established - definition of excessive force - adoption of guidelines. Requires any peace officer who witnesses another peace officer use excessive force to report such use of excessive force to the officer's supervisors. Provides that failure to make such report is a class 1 misdemeanor. Establishes requirements for the manner and content of such report. Establishes that making a false statement in such report constitutes the crime of false reporting to authorities. Clarifies that a peace officer who uses excessive force is subject to the criminal laws of the state in the same manner as any other person. Defines "excessive force". Requires each public entity which employs any peace officers to adopt guidelines concerning the use of force.

APPROVED by Governor June 5

EFFECTIVE June 5

H.B. 91-1056 Domestic violence treatment programs - continuation. Extends the automatic termination date of the domestic violence treatment programs to July 1, 1995.

APPROVED by Governor March 27

EFFECTIVE March 27

H.B. 91-1057 Abuse of toxic vapors - elements of offense - penalty. Creates the crime of abusing toxic vapors. Makes such crime a class 1 petty offense; except that no person shall receive a sentence to confinement in jail for conviction of a first offense. Defines "toxic vapors" and lists the substances which are toxic vapors.

APPROVED by Governor March 28

EFFECTIVE March 28

H.B. 91-1086 Omnibus crime bill - disclosure of grand jury reports - statutes of limitations - life sentence - criminal offenses. Establishes that any financial institution which discloses information or records pursuant to legal process may not be liable for such disclosure. Establishes that the report of a grand jury when no "true bill" is found may be made public if the court determines that the report meets certain conditions. States that the crimes of conspiracy or solicitation to commit

murder, kidnapping, treason, or any forgery shall not be subject to a statute of limitations. States that the statute of limitations for offenses relating to the "Uniform Commercial Code" and computer crime shall run from the date that the crime is discovered.

Provides that any inmate imprisoned under a life sentence for a class 1 felony committed after July 1, 1990, shall not be eligible for parole, but that any inmate imprisoned under a life sentence after such date as an habitual criminal shall not be eligible for parole for 40 years.

Establishes that a judge may not suspend the sentence of any defendant who is ineligible for probation. Clarifies that a defendant in a felony or misdemeanor case being tried before a jury may elect, at any time before the swearing in of the jury or before verdict, with the approval of the district attorney and the court, to be tried by a number of jurors less than the number to which such person would otherwise be entitled. Expands the definition of "serious bodily injury" for the purposes of the criminal code.

Increases the penalty for assault in the second degree committed in the heat of passion from a class 1 misdemeanor to a class 6 felony. Clarifies the penalties for assault in the second degree to provide for equal protection under the laws. Expands the rape shield statute to apply to victims of incest, aggravated incest, sexual exploitation of children, and procurement of a child for sexual exploitation.

Clarifies which offenses constitute unlawful sexual offenses against children. Clarifies that the statutory section regarding the use of videotaped depositions of children in court does not prevent the admission of such videotapes into evidence pursuant to the provisions of other evidentiary statutes. Makes being an accessory to a class 6 felony a class 6 felony. Includes the filing of a delinquency petition as a circumstance constituting the crime of violation of a bail bond condition when such person had previously failed to appear. Clarifies the crime of intimidating a witness or victim to remove any necessity for showing that the person was a witness in an official proceeding. Changes the definition of "bomb" to include a chemical device which causes or can cause an explosion. Harmonizes the definition of a "school zone" in 2 separate statutes providing enhanced penalties for sale of controlled substances in a "school zone". Clarifies penalties concerning theft of livestock.

APPROVED by Governor June 6

EFFECTIVE June 6

H.B. 91-1088 Cigarettes and tobacco products - distribution to minors - vending machines - fines. Increases the fine for the furnishing of tobacco products to minors from \$25 to \$200. Increases the fine for the purchase of cigarettes by a minor from

\$25 to \$50 and allows for community service to be performed and credited against such fine at the rate of \$5 per hour. Makes the sale of cigarettes or tobacco products through vending machines a criminal offense unless the vending machine is located in a building which is not open to the general public or a place to which persons under 18 are not allowed, or where the vending machine is under the direct supervision of the owner or an employee at all times. Increases the fine for sale of tobacco products without display of a warning sign regarding their purchase and possession by minors from \$25 to \$200. Establishes that reliance on a document which identified the person as being 18 years of age or older is an affirmative defense to these criminal offenses.

APPROVED by Governor April 19

EFFECTIVE April 19

H.B. 91-1162 Ownership of dangerous dogs - establishment of criminal offense - local control. Makes it a criminal offense to own a dangerous dog anywhere in the state. Defines a dangerous dog as one that inflicts any bodily injury or death upon a person or domestic animal or that has engaged in or been trained for animal fighting. Describes bodily injury as injury that results in severe bruising, muscle tears, lacerations, fractures, or injuries requiring professional medical treatment. Imposes graduated penalties based on the type of injury inflicted by an owner's dangerous dog and on subsequent incidents involving the same owner of a dangerous dog. Describes the circumstances under which a dangerous dog may be destroyed. Requires the court to order an owner of a dangerous dog to pay restitution including payment for a domestic animal destroyed by the dangerous dog. Sets forth affirmative defenses and exemptions. Allows cities and counties to adopt rules or laws regulating dangerous dogs, including those that are breed-specific. Allows a county dog control officer to issue a summons for a violation of the county's dog control and licensing resolution based on probable cause rather than on personal knowledge of such violation.

APPROVED by Governor May 24

EFFECTIVE July 1

H.B. 91-1177 Violation of a restraining order - elements of offense - temporary restraining orders - procedure - supervised return to residence - duties of peace officers. Creates the crime of violation of a restraining order. Makes such crime a class 3 misdemeanor for orders involving domestic abuse or assaults and threats and a class 1 misdemeanor for all other orders. Permits any person against whom a temporary restraining order is issued in a domestic relations matter to return to a residence shared with the person who obtained the order one time, accompanied by a peace officer, to obtain sufficient undisputed personal effects to maintain a normal

standard of living prior to a hearing on the matter. Requires peace officers to carry out any duties pursuant to such return to a shared residence.

APPROVED by Governor May 31

EFFECTIVE May 31

H.B. 91-1229 Child abuse - definition. Adds to the definition of the crime of child abuse the act of engaging in a continued pattern of conduct which results in malnourishment, lack of proper medical care, cruel punishment, mistreatment, or an accumulation of injuries which ultimately results in the death of or serious bodily injury to a child.

APPROVED by Governor May 24

EFFECTIVE May 24

CRIMINAL PROCEDURE

H.B. 91-1032 Parking violations - penalty assessment notice. Specifies that a penalty assessment notice may be placed upon an unattended vehicle which is parked in violation of any county parking ordinance. Substitutes the identification of the vehicle for the identification of the owner on said penalty assessment notice.

APPROVED by Governor March 11

EFFECTIVE March 11

H.B. 91-1071 Pretrial services programs - creation - municipal ordinances - payment of fines. Permits any county or city and county to establish a pretrial services program which must be approved by the chief judge of the judicial district in which the county is located. Allows any district judge to utilize the approved pretrial services program in making decisions concerning the pretrial release of persons accused of crimes. Establishes criteria which must be met by any pretrial services program. Limits the maximum period of imprisonment which can be imposed on a person who has failed to satisfy a fine imposed for a violation of a municipal ordinance to 15 days. Permits a district judge to discharge any person imprisoned to satisfy a fine imposed for a violation of a municipal ordinance if it appears that such person is indigent and cannot pay such fine.

APPROVED by Governor May 31

EFFECTIVE May 31

H.B. 91-1076 Omnibus bill - discharge of alternate jurors - grand juries - appeals process - extradition costs - earned time. Repeals the statutory penalty for failure of a sheriff, deputy, jailer, or coroner to deliver process to a prisoner in such person's custody. Changes the time that an alternate juror in a criminal trial is discharged from the time that the jury renders its verdict to the time that the jury retires to deliberate. Clarifies the selection process for grand juries and delineates the period of service for persons serving upon grand juries. Applies the laws concerning judicial district grand juries to all judicial districts rather than only those with a population less than 100,000. Eliminates the provision which permits persons charged with a traffic offense to elect to appear in the county court of a county adjoining the county where such person allegedly committed the offense.

States that in any appeal of a class 1 felony case, all issues which can be raised on appeal must be raised in the brief of the appellant or be deemed irrevocably waived, with the exception of newly discovered evidence or any claim of ineffective assistance of counsel. Permits the collection of costs incurred by a district attorney in the prosecution of a

fugitive from justice in an extradition case and requires that when such costs are collected that such costs be remitted directly to the office of the district attorney which incurred such costs. Clarifies that earned time granted to an inmate for participation in the literacy corrections program or the correctional education program shall not exceed the limits upon the granting of earned time established by statute. Clarifies that any CBI investigator designated by the CBI director is a peace officer and may attend CLETA training.

APPROVED by Governor May 24

EFFECTIVE May 24

H.B. 91-1089 Interception of wire, oral, or electronic communications - emergency situations. Changes the language of Colorado statutes concerning the interception of wire, oral, or electronic communications to comport with federal statutes concerning such subject. Permits an investigative or law enforcement officer designated by the attorney general or a district attorney to make an interception of wire, oral, or electronic communications in an emergency situation without a prior court order so long as a judge who could permit such interception is notified within 24 hours and an application for authorization of such interception is granted by such judge within such 24-hour period. Repeals the provisions on interceptions in emergency situations on July 1, 1995.

APPROVED by Governor May 18

EFFECTIVE May 18

H.B. 91-1173 Substance abuse - assessment and treatment of offenders - public service program - drug offender surcharge. Requires the judicial department, the department of corrections, the state board of parole, the division of criminal justice in the department of public safety, and the department of health to cooperate to develop a standardized assessment to determine whether an offender is abusing controlled substances or alcohol. Prescribes that each person convicted of a felony on or after July 1, 1992, shall undergo the assessment at the time of such person's presentence investigation. Mandates that the sentencing judge for each convicted felon include as a part of each sentence to probation, incarceration, or community corrections a requirement that the offender submit to substance abuse testing and treatment in accordance with the recommendations made in the required substance abuse assessment. Requires the state board of parole to establish as a condition of each parole that the parolee submit to substance abuse testing and treatment in accordance with the recommendations made in the substance abuse assessment or any subsequent reassessment. Provides that the judicial department, the department of corrections, the state board of parole, and the division of criminal justice in the department of public safety shall cooperate to develop punitive sanctions for offenders who test positive for the presence of controlled substances or alcohol subsequent to the initial test.

Requires the judicial department, the department of corrections, the state board of parole, the division of criminal justice in the department of public safety, and the department of health to jointly report to the judiciary committees of the senate and the house of representatives regarding implementation of this program on or before March 1, 1994.

Requires that all persons sentenced for drug offenses be evaluated to determine if drug abuse treatment is needed and requires that any offender who is found to need drug abuse treatment be sentenced to complete such treatment. Requires all offenders to be fingerprinted and photographed.

Creates a drug offender public service and rehabilitation program and sets the parameters for such program. Assesses each drug offender a surcharge upon conviction and sets up a system for the distribution of the moneys received pursuant to such assessment.

APPROVED by Governor May 29

EFFECTIVE May 29

EDUCATION - PUBLIC SCHOOLS

S.B. 91-86 School districts - technical changes relating to implementation of change in school district budget year and implementation of changes in school finance act. Makes technical changes to provisions of the "Public School Finance Act of 1988" and other statutory provisions to conform to statutory changes made in HB 90-1314.

Allows school districts to include moneys for the 3- and 4-year-old handicapped program in their budgets for the 1992 six-month transitional budget year. Reduces moneys for such program by 50% for such six-month budget year. Clarifies calculation of equalization program funding for school districts with declining enrollment. Sets forth formulas used to calculate both the school district's and the state's share of equalization program funding for the 1992 transitional budget year. Requires the minimum aid amount to be established annually in the general appropriation act. Amends statutory language providing for elections authorizing additional local revenues to account for the change in the fiscal year in July of 1992. Clarifies the maximum amount school districts may borrow from the state during the 1992 transitional budget year and the first month of the 1992-93 budget year and the procedure for repayment of such loans.

APPROVED by Governor April 11

EFFECTIVE April 11

S.B. 91-164 Classroom paraprofessionals - assessment for purposes of credit towards a type A teacher's certificate - appropriation. Defines a "classroom paraprofessional" and an "assessment team". Directs the department of education, in cooperation with interested parties, to develop a classroom paraprofessional assessment program and to establish uniform criteria and standards to be used by assessment teams statewide. Authorizes the assessment teams, upon request of the paraprofessional, to assess such paraprofessional utilizing those criteria and standards and to make a recommendation to an accepted institution of higher education that the paraprofessional be awarded academic credit toward completion of a bachelor's degree or an approved program of teacher preparation and to describe the academic credit required. Creates the classroom paraprofessional advisory board. Authorizes the board to raise funds for the classroom paraprofessional fund to provide scholarships for classroom paraprofessionals meeting certain criteria and to reimburse participants in the development of the classroom paraprofessional assessment program.

Repeals the program on July 1, 1996.

Appropriates \$25,000 from the classroom paraprofessional

cash fund to the department of education for implementation of the program.

APPROVED by Governor June 1

EFFECTIVE June 1

S.B. 91-172 Magnet school for mathematics, science, and technology - creation - appropriation. Creates the Colorado magnet school for mathematics, science, and technology as a residential institution located on the campus of Colorado state university, which shall open with the fall semester of 1993. Sets, as the school's objective, the educational development of Colorado secondary school students who are academically talented in the areas of mathematics and science. Directs the school to develop, evaluate, and disseminate experimental instruction programs to be integrated with the state's existing distance learning and telecommunications programs. Establishes an advisory board for the school to develop, in cooperation with the commissioner of education, a preliminary plan of tentative courses of study, campus development, and costs and expenses for submission to the state board of education and the state board of agriculture, and thereafter to the general assembly, for review and approval.

Allows any secondary school student enrolled in a public school to apply to the department of education to attend the school. Implements tuition requirements and authorizes tuition assistance. Provides for a superintendent of the school to be appointed by the commissioner of education. Creates the Colorado magnet school fund to be used for the direct and indirect costs of implementing and administering the school.

Appropriates \$57,882 out of the Colorado magnet school fund and 1.0 FTE to the department of education for implementation of the act.

APPROVED by Governor June 6

EFFECTIVE June 6

S.B. 91-230 Schools of choice - interscholastic athletics - eligibility. Repeals provisions regarding denial of eligibility for interscholastic athletic contests and competitions for a limited time period for students who transfer schools or school districts under the public schools of choice programs.

APPROVED by Governor June 7

EFFECTIVE June 7

H.B. 91-1005 Educators - licensure - renewal - professional standards boards - future appropriation. Creates new provisions concerning the licensure of teachers, principals, administrators, and special services providers. Defines terms. Provides for initial applicants for licenses and authorizations to submit fingerprints as a prerequisite for licensure. Requires such

applicants to make specified certified statements. Authorizes the department of education to release such fingerprints to the Colorado bureau of investigation. Allows for applicants for provisional licenses to be required to submit statements regarding completion of approved programs of preparation.

Authorizes the state board of education to endorse licenses in certain manners. Requires the state board of education to endorse special services licenses. Provides for the review of any endorsement. Specifies grounds for the denial, annulment, suspension, and revocation of licenses, certificates, endorsements, and authorizations and sets procedures therefor. Allows the state board of education to appoint a hearing commissioner to preside at hearings concerning such denials, annulments, suspensions, and revocations and to submit his findings to said state board regarding such proceedings.

Specifies requirements and procedures for the renewal of licenses. Specifies the types of authorizations which the department of education may issue. Sets forth requirements for the issuance of such authorizations and their terms. Authorizes the collection of application and renewal fees for licenses, certificates, endorsements, and authorizations. Creates the educator licensure cash fund and specifies that such collected fees be credited to said cash fund. Provides for the transfer of the teacher certification cash fund to the educator licensure cash fund. Provides for the issuance of professional licenses upon the satisfaction of certain requirements to persons holding certificates which were issued or renewed prior to a specified date.

Authorizes the state board of education to waive any requirement set forth in the new licensure provisions with regard to certain programs and professional development requirements in certain circumstances. Provides for the state board of education to promulgate rules and regulations. Provides for the evaluation of programs of preparation by teachers, principals, and administrators.

Specifies the types of licenses which the department of education may issue to teachers, principals, administrators, and special services providers. Sets forth qualification requirements for the issuance of such licenses and their terms. Authorizes the department of education to issue master certificates to professional licensees with certain expertise or achievements. Requires the state board of education to establish areas of knowledge in which provisional and professional licensees shall be satisfactorily proficient. Sets forth criteria for approved induction programs for provisional licensees provided by school districts.

Sets forth the duties of the department of education in regard to alternative teacher programs. Provides for the creation of alternative teacher support teams and advisory

councils and sets forth their responsibilities in regard to alternative teachers. Specifies terms and conditions which may be included in alternative teacher contracts. Provides for the department of education to award minority alternative teacher fellowships and allows the department to accept gifts and grants to be used for such fellowships. Requires the department of education to submit an annual report to the general assembly regarding alternative teachers and specifies information to be included in such report.

Creates a professional standards board for teachers and special services providers and a professional standards board for principals and administrators within the department of education. Effective July 1, 1999, repeals said professional standards boards and creates the educator professional standards board for teachers, special services providers, principals, and administrators. Specifies the membership and the powers and duties of said boards.

Authorizes the state board of education to coordinate the review of approved programs of preparation with the review of accepted institutions of higher education by nationally recognized accrediting agencies and organizations. Requires said state board to notify the Colorado commission on higher education of any programs of preparation which the state board of education has refused to approve and to recommend termination of such programs. On and after July 1, 1994, prohibits certificates from being issued or renewed pursuant to current provisions and repeals said provisions on July 1, 1999. Provides for the acceptance of portfolios of professional development in lieu of renewal credit for renewal of certificates issued pursuant to current provisions. Requires the governing boards of the state institutions of higher education to give special consideration to programs in schools of education which have responded to the new Colorado educator licensing system when recommending programs to be designated as programs of excellence.

Estimates that, for the 1993-94 fiscal year, an appropriation of \$312,700 and 2.0 FTE from the educator licensure cash fund will be necessary for implementation of the act.

APPROVED by Governor June 6

PORTIONS EFFECTIVE:

June 6

July 1, 1994

H.B. 91-1121 Mathematics-science-technology commission - development plan - Pre-K-16 Mathematics, Science, and Technology Improvement Act of 1990. Authorizes the Colorado mathematics-science-technology commission to facilitate an improvement plan for mathematics, science, and technology education in pre-K through 12 and postsecondary levels of education. Lists certain matters to be included in and addressed by such plan. Creates the mathematics, science, and technology

education improvement plan fund.

Expands the "K-12 Mathematics, Science, and Technology Improvement Act of 1990" to include pre-K through 16 and adds representatives from the fields of mathematics, science, technology, and engineering to persons developing a plan thereunder.

APPROVED by Governor June 5

EFFECTIVE June 5

H.B. 91-1146 School districts - date of elections - directors. Implements the change in the date for holding regular biennial school elections from May to November of odd-numbered years by extending for 6 months the terms of school district directors who are elected in May of 1991 and by providing for the appointment of school district directors for 6-month terms to replace directors whose terms expire in May of 1993 and May of 1995. Authorizes the board of education of the school district to appoint school district directors for such 6 month terms. Provides for the expiration of terms upon the election of school district directors in November of 1993, November of 1995, and November of 1997. Provides that elected school district directors shall take office upon completion of canvassing of votes following the election, instead of during the first week in January. Requires the board of any school district whose directors serve 6-year terms to submit to the electors, at the 1993 regular biennial election, a proposal to change the terms of office of such board from 6 to 4 years.

APPROVED by Governor April 19

EFFECTIVE April 19

H.B. 91-1171 School for the deaf and the blind - resource services - advisory board - superintendent and officers - admissions - study group. Permits the Colorado school for the deaf and the blind to be an educational resource and describes the resource services available. Deletes the July 1, 1991, sunset provision for the advisory board for the school. Authorizes the commissioner of education to set appropriate qualifications for the superintendent, officers, and employees. Requires applicants to meet enrollment criteria established by the state department of education and authorizes admission at the request of either the applicant's school district of residence, parent, or guardian. Eliminates certain reporting duties of school districts and the superintendent's authorization to pay and defer certain expenses. Establishes the Colorado school for the deaf and the blind study group.

APPROVED by Governor April 17

EFFECTIVE April 17

H.B. 91-1203 School districts - protection of persons acting in good faith under discipline code. Requires the court to dismiss a civil action brought as a result of actions taken by a teacher or other person in the course of disciplining a student if the court finds that such person was acting in good faith and in compliance with the school district's discipline code. Awards attorney fees and court costs to the prevailing party in such an action. Establishes as an affirmative defense to a criminal action brought against such person the fact that such person acted in good faith and in compliance with the discipline code. Prohibits the school district from dismissing, disciplining, or not renewing the contract of such person for so acting, or documenting such actions in any personnel record concerning such person.

APPROVED by Governor April 20

EFFECTIVE April 20

H.B. 91-1213 School districts - tax anticipation notes issued by state treasurer - treasurer's powers - use of proceeds - repayment. Establishes the powers of the state treasurer and procedures necessary to implement the treasurer's existing authority to issue tax anticipation notes on behalf of school districts. Provides for the issuance of such notes by resolution of the treasurer upon terms and conditions as may be specified in the resolution. Authorizes the treasurer to contract for the purchase or repurchase of such notes. Empowers the treasurer to provide credit enhancement for such notes by obtaining credit facilities, by withholding funds otherwise payable by the state to a school district, or by pledging interest from the state public school fund towards repayment of such notes. Permits the treasurer to invest the proceeds of such notes, loan the proceeds to school districts to alleviate temporary cash flow deficits, and apply the proceeds towards payment of the expenses or charges incurred in connection with the issuance of the notes.

Allows for repayment of such notes from any legally available moneys received by the school district during the fiscal year in which such notes are issued. Authorizes the treasurer to pledge such moneys and any amounts payable pursuant to a credit facility towards the repayment of such notes. Limits the sources for repayment of such notes to revenues pledged thereto. Specifies that such notes shall not constitute a debt of the state or any school district within the meaning of any constitutional or statutory provision.

Repeals the statutory provisions on July 31, 1995.

APPROVED by Governor March 28

EFFECTIVE March 28

H.B. 91-1217 Postsecondary Enrollment Options Act - nonpublic institutions of higher education - limitations - cooperative agreements - tuition. Modifies the definition of the term

"institution of higher education" to include nonpublic institutions of higher education. Expands the "Postsecondary Enrollment Options Act" to include courses offered by institutions of higher education regardless of where such courses are offered. Limits the ability of pupils to enroll in college courses pursuant to the act only when courses or similar courses are not offered for college credit by the school district or when scheduling conflicts prevent taking the course at the high school. Amends the definition of the term "course" to mean any course offered by institutions of higher education.

Requires any cooperative agreement between a school district and institution of higher education entered into on or after the effective date of the act to include certain financial provisions. Prohibits the amount of tuition charges by institutions of higher education for pupils enrolled pursuant to the act to exceed certain in-state tuition rates, depending on whether such institution is state-supported or nonpublic. Requires such pupils to be classified as in-state students for tuition purposes. Eliminates the restriction that institutions of higher education may limit the number of pupils enrolled in courses only upon the basis of space available.

VETOED by Governor June 7

Note: See page vii for explanation on the validity of this veto.

H.B. 91-1280 School districts - excess transportation costs - imposition of fees and property taxes - voter approval. Upon approval by the registered electors of a school district, authorizes a school district to impose and collect a transportation fee or to levy additional property taxes, or both, to pay the difference between the transportation costs incurred by the school district and the amount of any state reimbursement entitlement. If a school district imposes such fee, requires a waiver of such fee for certain low-income pupils. Provides that any revenues received from transportation fees shall not result in a reduction of the amount of transportation aid that such district may receive from the state. Provides for the creation of a transportation fund in each school district.

APPROVED by Governor May 1

EFFECTIVE May 1

H.B. 91-1294 Bonds and lease agreements - timely payment by state treasurer if default imminent - school finance payments. Whenever a school district is going to default on payments of principal and interest on its general obligation bonds, a lease agreement, or an installment purchase agreement, the state treasurer is directed to withhold the necessary amounts from the state's share of school finance payments and to forward such amounts to the paying agent. Authorizes payments of principal and interest only on behalf of districts which receive state school finance funds, and limits the amount to 12 months'

worth of school finance payments. Applies to bonds and other obligations issued on or after July 1, 1991.

Requires the department of education to initiate an audit of any school district on behalf of which payments under the act are made to determine the reason for the nonpayment and to assist the district in adopting measures to assure that future payments will be made when due. Allows a district whose nonpayment is due to the failure to collect property taxes and which later collects such delinquent taxes to transfer those taxes from its bond redemption fund to its general fund.

APPROVED by Governor April 1

EFFECTIVE July 1

H.B. 91-1326 Schools of choice - limitations on implementation - school facilities, programs, and program eligibility requirements. Specifies that no school district, in implementing schools of choice within the district, shall be required to alter the structure of school buildings or rooms within a school building, establish and offer particular programs in schools where such programs are not currently offered, or alter or waive eligibility criteria for particular programs. Expands the reasons for denying pupil enrollment in a particular program or school to include the lack of appropriate programs or necessary facilities to meet special needs of the pupil, the fact that the particular program is not offered in the school requested, and the failure of a pupil to meet established eligibility criteria for a particular program. Declares that the obligation of the state, under federal mandate, to provide a "free appropriate public education" for handicapped children has not been altered by schools of choice.

BECAME LAW without Governor's signature
EFFECTIVE

June 8
June 8

EDUCATION - UNIVERSITIES AND COLLEGES

S.B. 91-23 Tuition assistance - Colorado national guard members - transfer of administration to the department of military affairs - transfer of long bill appropriation. Transfers administration of the tuition assistance program for members of the Colorado national guard from the department of higher education to the department of military affairs. Requires individuals receiving tuition assistance to obtain and present certification of satisfactory academic standing at the time such tuition assistance is requested. Requires any person who fails to serve the required 2-year period in the Colorado national guard to repay the tuition assistance granted for each such year.

Transfers the appropriation to the Colorado commission on higher education in the 1991-92 long bill to the department of military affairs for implementation of the act.

APPROVED by Governor May 18

EFFECTIVE May 18

S.B. 91-35 University of Colorado - transfer of control over and purposes of research building revolving fund - limitation on bonds for research buildings and facilities. Transfers control of the university of Colorado research building revolving fund from the state treasurer to the university treasurer. Expands the purposes of the fund to include maintenance and operating costs associated with research buildings and facilities at the university. Modifies the limitation on the amount of revenue bonds which may be issued in connection with research buildings and facilities so that no additional bonds may be issued if the maximum future annual debt service for all such bonds would exceed 6% of the average total current restricted fund revenues of the university from research gifts, contracts, and grants for the immediately preceding 3 fiscal years. States that such bonds do not constitute a debt within the meaning of any state constitutional or statutory provision.

APPROVED by Governor March 1

EFFECTIVE March 1

S.B. 91-59 Technology transfers to nonprofit corporations. Authorizes the governing board of any state-supported institution of higher education to incorporate one or more nonprofit corporations for developing discoveries and technologies resulting from research at the institution. Subject to an agreement providing terms of remuneration, allows such a governing board to transfer to a corporation all rights to discoveries and technologies resulting from science and technology research at the institution. Empowers such a governing board, through one or more such corporations, to own and license rights to technology and science, own shares in a

corporation holding a license from such board, participate as a general partner or a limited partner, develop economic incentives, and cooperate with the Colorado advanced technology institute.

APPROVED by Governor April 19

EFFECTIVE April 19

S.B. 91-225 University of Colorado hospital authority - creation to operate university hospital. Creates the university of Colorado hospital authority, a body corporate and a political subdivision of the state, for the purpose of operating university hospital. Provides for governance of the day-to-day operations of the hospital by a 9-member board representative of all areas of the state and appointed by the university regents. States that the mission of the authority is the operation of a state of the art teaching and research hospital and acknowledges its responsibility to provide uncompensated care for the medically indigent. Provides for the transfer of hospital assets and liabilities from the regents to the authority and specifies the relationship between the regents and the authority. Addresses the status of the private nonprofit-nonstock corporation which previously operated the hospital and the employment and pension status of all employees of the authority, including former members of the state personnel system and the public employees' retirement association. Provides that the authority is a public body subject to the open meetings and open records laws and has the power, subject to certain limits, to issue bonds and notes.

Provides that certain sections of the act shall take effect upon the repeal of current provisions relating to university hospital.

APPROVED by Governor June 1

EFFECTIVE June 1

H.B. 91-1051 Loan guarantee fund - federal reinsurance receivables - minimum balance. Allows the minimum balance required to be maintained in the guaranteed student loan guarantee reserve account to consist of cash held in that account or federal reinsurance receivables held by the student loan division so long as the amount of those receivables does not exceed 50% of the amount of such minimum balance.

APPROVED by Governor March 28

EFFECTIVE March 28

H.B. 91-1116 Teacher tuition scholarship loan program - creation - eligibility and repayment - loan fund - appropriation. Authorizes a teacher tuition scholarship loan program for in-state students attending institutions of higher education in Colorado. Allows those students to apply for tuition scholarship loans at such institutions and authorizes the Colorado commission on higher education to make the loans in

accordance with certain criteria. Requires loan recipients to enter into a loan agreement to teach full time, for a period of not less than 5 years, in certain school districts.

Establishes a limit on the amount and term of the loans. Provides for forgiving up to 1/2 of the student's loan repayment under certain circumstances. Requires students who do not complete an approved program of preparation or teach full time in a public school in this state in violation of their loan agreement to repay such loan. Creates the Colorado teacher tuition scholarship fund to be used by the commission to make tuition scholarship loans. Establishes certain audit and reporting requirements.

Appropriates \$100,000 from the Colorado teacher tuition scholarship fund to the Colorado commission on higher education for implementation of the act.

APPROVED by Governor May 24

EFFECTIVE May 24

ELECTIONS

S.B. 91-64 Presidential primary - date - names on ballot - precincts - canvass of votes. Establishes the first Tuesday in March as the date on which the Colorado presidential primary election will be held in years in which a United States presidential election is to be held. Specifies requirements for placing names on the presidential primary ballot. Provides a challenging mechanism to dispute the right of candidates to appear on a ballot. Requires write-in candidates to comply with certain requirements before votes for such candidate may be counted. Permits counties to combine precincts for the presidential primary if such counties properly publish polling locations. States that the presidential primary ballot shall not be used for the purpose of presenting any other issue or question to the electorate. Directs each county clerk and recorder to canvass election results and certify such results to the secretary of state no later than 10 days after the primary election.

APPROVED by Governor April 17

EFFECTIVE April 17

S.B. 91-132 Campaign funds - use for political education purposes. For purposes of a provision in the "Campaign Reform Act of 1974" that allows campaign contributions to be expended for "political education", specifies that the term "political education" includes obtaining information from, and furnishing information to, the electorate and includes the establishment of educational scholarships related to political education.

APPROVED by Governor April 4

EFFECTIVE July 1

S.B. 91-205 Public moneys - use for educating electorate. Specifies that the general prohibition on expending public moneys to influence voters shall not preclude a governmental unit from expending moneys or making contributions in kind to dispense a factual summary, which may include arguments both for and against a proposal, on any issue of official concern before the electorate. Establishes a procedure for the enforcement and administration of the general prohibition on the use of public moneys for political purposes, and authorizes the secretary of state to determine whether violations have occurred. If violations are believed to have occurred, directs the secretary of state to notify the attorney general, who may institute a civil action for appropriate relief. Provides for an accelerated procedure to investigate and

prosecute alleged violations occurring within 10 days of an election. Expressly protects the rights of elected officials to express personal opinions.

APPROVED by Governor May 31

EFFECTIVE May 31

H.B. 91-1137 Miscellaneous changes to election laws - registration - residency - elderly electors - petitions - election judges - ballots. Reduces to 25 days the residency requirement for registering to vote in all elections. Shortens to 25 days the residency requirements for candidates for precinct committeepeople and for delegates to party assemblies. Lengthens the time available for registration of electors.

Authorizes the secretary of state to establish, publish, and distribute guidelines for election processes for the office of the secretary of state and for county clerk and recorders. Specifies that vacant lots and business addresses shall not be considered a residence for registration purposes. Specifically includes an elector's name and date of birth on the "notice of registration". Requires the each elector making application to vote to provide a post office address where different from the residential address. Deletes physical descriptors requirements for registering. Permits the use of "notice of registration" documents for transfers of party affiliation.

Changes affidavit requirements to self-affirmation, thereby eliminating the need for a notary public for registering or voting. Changes the term "registration sheet" to "registration record".

Clarifies when prisoners in correctional facilities or jails are ineligible to vote.

Makes the secretary of a tribal council of tribes meeting certain conditions a deputy county clerk and recorder for registration purposes.

Specifies that branch registration sites may be open at any time within the 50 days preceding the primary or general election except for certain days. States that door to door registration shall not be considered a mobile or branch registration site.

Provides for inactive electors to become active if they vote in municipal, school district, or special district elections where the county clerk and recorder has access to election records, or if the elector applies for an absentee ballot for a general, primary, or congressional vacancy election. Clarifies that "abroad", for purposes of absentee voting, means the elector is out of the United States of America when such ballot is received and voted. Defines the term "elderly elector" for purposes of the "Colorado Election Code of 1980" and adds the status as an elderly elector as a condition permitting use of

absentee ballots. Permits applications for absentee ballots to be requested by fax, but specifies an original request must be received at the same time or before the ballot for the vote to be counted. Permits changes in name or party affiliation to be made at the time an absentee ballot is requested. Clarifies that absentee ballots may be delivered to group residential facilities. Conforms the delivery of absentee ballots to county clerks and recorders for primaries to mirror the timing for all other elections.

Lengthens from 45 to 50 days the time period for the secretary of state to transmit nominations for primary candidates to the county clerk and recorders. Permits the use of computer lists and preprinted signature cards for all elections in lieu of registration or poll books. Delineates ballot positions for various candidates.

Permits the use of counting judges at primary and congressional vacancy elections. Permits voting to start where 2 election judges of different parties are at the polls. Requires a political party county chairman to file a written request to remove an election judge within a specified amount of time. Increases the amount of time when the school of instruction for election judges may be held. Directs the county clerk and recorders to maintain a list of qualified unaffiliated election judges to fill vacancies of election judge positions. Permits rather than requires the filling of vacancies in election judge positions at the polling place to be accomplished by a vote of the electors then present. Expands the oath required of election judges to include assurance that such judges have not committed specified offenses. Raises the maximum compensation level allowed for election judges.

Requires certain members of state senatorial and representative central committees to reside within such senatorial or representative district. Changes the date by which state central committees are required to file bylaws and rules.

Specifies that defeated primary candidates shall be ineligible to run for the same office by ballot or as write-ins. Specifies that write-in candidates shall have the same qualification requirements as all other candidates for that office. States that a cross mark is not required beside a name written in by a voter, since write-in candidates' names shall not be printed on ballots.

Requires information on petitions for designation or nomination of candidates to be reviewed and verified upon submittal pursuant to rules established by the secretary of state.

Specifies that no campaign promise or promotional statement may appear on a ballot. Clarifies that ballots shall be marked defective where the intent of the elector may not be determined

from the ballot.

Requires that all new voting machines for sale after a specific date must meet federal election commission regulations. Exempts voting machines already in use prior to the specified date from such regulations.

Specifies that only registered electors may vote in elections for Moffat Tunnel commissioners.

Includes the presidential primary election in all references to primary elections.

Changes the day of the week that drafts of proposed laws or constitutional amendments must be filed for title and submission clause hearings. Requires fiscal impact information from the office of state planning and budgeting or the department of local affairs to be filed with the secretary of state's office by 5:00 p.m. on Mondays preceding Wednesday meetings where such information has been requested.

APPROVED by Governor May 1

EFFECTIVE May 1

H.B. 91-1333 Campaign Reform Act of 1974 - reimbursements of contributions prohibited - statute of limitations. Provides for a civil penalty for violations of the "Campaign Reform Act of 1974" involving contributions or contributions in kind. Limits such penalty to the greater of \$5,000 or 3 times the amount of the contribution.

Prohibits reimbursing contributions, making contributions with the expectation of reimbursement, and making contributions that are in fact reimbursed. Specifies that loans made to campaigns that are repaid with campaign moneys are not prohibited as reimbursements.

Establishes a statute of limitation for violations of the "Campaign Reform Act of 1974" of 3 years from the affected election. Applies the new statute of limitation to offenses committed on or after July 1, 1991.

APPROVED by Governor May 29

EFFECTIVE May 29

FINANCIAL INSTITUTIONS

H.B. 91-1112 Division of banking - regulatory activities. Permits the banking board, the state bank commissioner, and their designees to exchange information with the federal home loan bank of which a financial institution is a member or for which the financial institution is making application for membership. Also permits the banking board, the state bank commissioner, and their designees to exchange information with the federal bureau of investigation and the executive director of the department of regulatory agencies relating to possible criminal violations of federal law. Specifies that the board of directors of a bank have no authority to waive any privileges which belong by law to the banking board, the division of banking, or any of its employees.

Clarifies that certain activities of the banking board related to applications for charters under the banking laws commence once a completed application for such a charter has been filed.

Exempts banking board proceedings to take possession of a state bank from provisions of law requiring banking board proceedings to be conducted in public.

Clarifies the provisions of law governing the appointment of the federal deposit insurance corporation as liquidator of a state bank.

Authorizes state banks and industrial banks to operate one loan production office as defined by the banking board and approved thereby.

Authorizes the banking board to order that any stock held by a bank shall be sold within 18 months of being taken by a state bank to satisfy indebtedness.

Clarifies that the definition of "bank" under the "Public Deposit Protection Act" includes banks chartered under the laws of other states and clarifies provisions of said act with respect to the holding of eligible collateral.

Requires industrial banks to maintain reserves against deposits as required by the "Federal Reserve Act" and authorizes the banking board to impose other reserve requirements on industrial banks. Requires industrial banks to maintain reserves against bad debts as required by law and the banking board.

APPROVED by Governor May 1

EFFECTIVE May 1

H.B. 91-1222 Hospital and health care trusts - eligible participants. Allows certain additional health-related entities to be participants in or members of hospital or health care trusts which may be formed under current law to insure physicians, dentists, or health care institutions against loss, including malpractice claims.

APPROVED by Governor March 29

EFFECTIVE March 29

H.B. 91-1254 Branch offices - authority to operate - organizational equality of financial institutions - repeal of "Savings and Loan Guaranty Act". Defines the terms "affiliate financial institution", "branch", and "financial institution" for purposes of the banking regulatory statutes.

After August 1, 1991, authorizes financial institutions to convert any affiliate financial institution to a branch pursuant to a schedule based on percentages of affiliates converted. Upon application to and approval by the banking board or the state commissioner of financial services as appropriate, authorizes the establishment of branches by financial institutions in economically depressed areas of the state if the financial institution has its principal place of business located in the county in which the economically depressed area is located. Limits the number of branches which may be established in such economically depressed areas to 10. On and after July 1, 1993, permits any financial institution with its principal place of business in this state to establish one de novo branch anywhere in the state upon 30 days' prior written notice to the banking board or the state commissioner of financial services. Upon 30 days' prior written notice, on and after July 1, 1997, permits any financial institution with its principal place of business in this state to establish one or more de novo branches anywhere in this state and on and after such date permits the conversion of affiliate financial institutions to branches.

Specifically prohibits interstate branching by financial institutions in this state.

Permits any Colorado financial institution to contract with any other Colorado financial institution to accept and receive deposits and to honor and pay out withdrawals on behalf of such other institution and the depositors therein.

Requires the banking board and the state commissioner of financial services to adopt rules and regulations necessary for the administration of the act, and requires said board and commissioner to coordinate rule-making so that the procedures and time periods are the same for each type of financial institution applying for authority to operate a branch.

Requires financial institutions controlled by out-of-state financial institutions to report each year as required by the

banking board or the state commissioner of financial services on the dollar amount of loans made in the service area or areas of any such financial institution in the state of Colorado or in states adjacent to this state, in other states of the United States, and to persons or entities controlled by interests in countries outside the United States and also to report on the dollar amount of money flowing from any such financial institution to the out-of-state financial institution controlling the Colorado institution.

Repeals the "Savings and Loan Guaranty Act".

APPROVED by Governor May 31

EFFECTIVE May 31

H.B. 91-1282 Nonrated public securities - financial and credit information - disclosure by issuers - creation of nonrated public securities cash fund - appropriation. Requires the state or any political subdivision thereof which has any outstanding nonrated public securities which have been issued to the public to file annual reports and to pay a filing fee. Creates a committee which will develop and recommend standards for the annual reports and a fee schedule to be submitted to the governor and the department of local affairs by October 15, 1991. Mandates that the department of local affairs, after considering the recommendations submitted by the committee and the governor's recommendations, if any, shall adopt final report forms and a fee schedule and shall make the same available to the public by December 15, 1991. Creates the nonrated public securities cash fund and provides that all fees collected pursuant to this article be deposited in such fund. Provides that the committee shall review the reporting process and recommend, to the department of local affairs by October 15, 1992, any issuers it believes should be added to or deleted from the reporting requirements. Specifies that the committee will cease to exist on December 31, 1992. Confers immunity on any issuer for information contained in or omitted from a report unless such act is willful and wanton.

Appropriates \$26,800 to the department of local affairs from the nonrated public securities cash fund for implementation of the act.

APPROVED by Governor June 1

EFFECTIVE June 1

H.B. 91-1307 Reverse mortgages - joint study on legislation. Authorizes the state bank commissioner, the state commissioner of financial services, and one member of the Colorado commission on the aging to conduct a joint study on legislation for reverse mortgages. Sets forth specific items for consideration for legislation. Requires recommendations for

legislation to be made by December 1, 1991.

Repeals provisions relating to the study on January 1, 1992.

APPROVED by Governor May 1

EFFECTIVE May 1

GENERAL ASSEMBLY

S.B. 91-175 Format of bills. Deletes statutory provisions which require the use of capital letters and cancelled letter type to show amendments to existing law in bills introduced in the general assembly. Also deletes exceptions to the general requirement for bills which repeal and reenact existing law. Repeals a provision which stated that the format requirements should not be applied to proposed constitutional amendments. Provides that the format of bills will be determined by the general assembly acting by joint rule.

APPROVED by Governor March 29

EFFECTIVE March 29

H.B. 91-1078 Sunset review - regulatory agencies and functions. Modifies the sunset review procedure to eliminate reference to the "termination" of a regulatory body or a licensing function of a regulatory body after their sunset review and substitutes a repeal provision for the statutes creating the body or authorizing the licensing function.

In connection with the sunset review of the regulation of outfitters, changes the citation to the substantive law from article 55 of title 12 to article 55.5 of title 12. Deletes a reference to the review of the duties and functions of the department of health, which reference erroneously appeared in the general statutory provisions establishing the sunrise and sunset review process.

APPROVED by Governor April 20

EFFECTIVE April 20

H.B. 91-1100 Sunset review - advisory committees. Repeals the termination provisions of various executive agency advisory committees scheduled for repeal on July 1, 1991. Changes the termination date of certain advisory committees from July 1, 1993, to July 1, 1994. Schedules the pharmacy advisory committee for repeal on July 1, 1996. Repeals the provision which would terminate on July 1, 1994, the authority of the director of the division of labor to appoint an advisory committee to assist the director in promulgating regulations in connection with reporting and utilization control requirements for medical benefits under the workers' compensation system.

Adds to the state special education advisory committee at least one faculty member from the Colorado school for the deaf and the blind or a parent of a student attending said school. Discontinues the per diem compensation for members of the advisory committee on student loans for attendance at official meetings. Requires the membership of the council advising the state board for community colleges and occupational education to

reflect adequate geographical representation of all areas in the state.

Verifies by a conforming amendment to the substantive law that the scheduled date for the repeal of the advisory committee for factory-built nonresidential structures is July 1, 1993.

APPROVED by Governor April 20

EFFECTIVE April 20

H.B. 91-1139 American legislative exchange council - authorization for members of the general assembly to join. Declares that the American legislative exchange council (ALEC) is a joint governmental agency. Authorizes members of the general assembly to subscribe to membership in the council. Provides that membership fees shall be paid by the individual members. Provides that certain expenses incurred by members attending ALEC functions may be paid from appropriations made to the legislative department. Requires delegations selected to attend ALEC functions to reflect the percentage of members of each party in the general assembly.

APPROVED by Governor May 1

EFFECTIVE May 1

GOVERNMENT - COUNTY

S.B. 91-68 County officers - recall provisions - petition - incumbent expense reimbursement. Specifies the office of county clerk and recorder as the location for filing a petition for recall. Modifies the information that must be contained in the petition and establishes requirements for the petition circulator. Changes the amount of recall election expenses reimbursed for an incumbent successfully opposing a recall and requires that such expenses be paid from the county general fund instead of the state treasury.

APPROVED by Governor April 19

EFFECTIVE April 19

S.B. 91-107 County clerk and recorders - changes in U.C.C. filing, school district bond registration, and other fees. Restructures certain fees charged by the county clerk and recorder for filing, indexing, and furnishing data respecting uniform commercial code filings. Clarifies that school district bonds shall be registered on a collective, not an individual, basis for which a single fee of \$25 shall be charged. Increases certain other fees charged by the county clerk and recorder, the service fee charged in connection with photographic reproduction of abstracts removed from their place of keeping, and the fees payable to the registrar of titles under the "Torrens Title Registration Act". Establishes a minimum fee payable by the state school organization fund for a voter registration list. Eliminates certain fee provisions.

APPROVED by Governor May 20

EFFECTIVE July 1

H.B. 91-1033 County mileage rate. Modifies the mileage rate for county officers, employees, and agents on official county business to be not less than 20¢ per mile nor more than the standard mileage rate allowed pursuant to federal income tax laws. For purposes of said mileage rate, eliminates the distinction between four-wheel drive and non-four-wheel-drive vehicles.

APPROVED by Governor March 11

EFFECTIVE March 11

H.B. 91-1042 County lodging tax - sales and use taxes excluded from 2% limitation. Modifies the 2% limitation on the aggregate amount of the county lodging tax and any additional sales, use, or lodging tax or statewide tax on lodging facilities enacted or levied after January 1, 1987, by excluding sales and use taxes from such limitation.

APPROVED by Governor March 12

EFFECTIVE March 12

H.B. 91-1050 County officers - salaries for officers of Pueblo county. Changes the compensation category of Pueblo county officers from a category I county to a category II county for purposes of establishing the annual salaries of Pueblo county officers.

APPROVED by Governor March 28

EFFECTIVE March 28

GOVERNMENT - LOCAL

S.B. 91-13 Colorado housing and finance authority - unemployment compensation fund - issuance of bonds and notes to maintain adequate balance. Empowers the Colorado housing and finance authority (CHAFA) to issue bonds and notes to maintain an adequate balance in the state unemployment compensation fund and to repay moneys advanced to the state by the federal government pursuant to 42 U.S.C. sec. 1321. Limits repayment of any such bonds and notes to revenues generated through a levy against employers. Mandates that the division of employment and training collect and administer the bond assessment on behalf of CHAFA. Delineates the rates at which employers may be levied and exempts certain types of employers from the levy. Prohibits the use of revenues derived from the levies for anything other than repayment of the bonds and notes and directs that any surplus be credited to the unemployment compensation fund. Specifies requirements that must be met before any bonds or notes may be issued, including the requirement that other feasible funding alternatives must be considered by the governor, the state treasurer, and executive director of the department of labor and employment. Allows the executive director of the department of labor and employment to request CHAFA to issue such bonds and notes. Creates the unemployment bond repayment account.

APPROVED by Governor April 16

EFFECTIVE July 1

S.B. 91-159 Municipal bonds - securities commissioner - registration - special districts - disclosure - appropriation. Gives the securities commissioner rulemaking authority to assure that bonds issued by certain improvement districts meet prescribed investment criteria and do not unduly burden future property owners. Authorizes the commissioner to require certain financial information and full disclosure of a district's financial condition to property owners and potential bond investors. Authorizes the commissioner to impose requirements on a special district regarding filing an annual budget and disclosing certain credit and financial information, and on all districts regarding filing an annual audit. Provides for compilation of information and reports for recommendations to the governor. Creates the Colorado municipal bond supervision advisory board to aid and advise the securities commissioner. Sunsets the board effective July 1, 1997.

Makes it unlawful for any district to issue bonds unless they are first registered with the commissioner, subject to certain exemptions. Designates who may file such registration applications. Describes what a registration application must contain and the accompanying documents. Authorizes the commissioner to issue a stop order denying effectiveness to, or suspending or revoking the effectiveness of, any application for

registration on the basis of certain grounds or, by emergency order, to summarily postpone or suspend the effectiveness of such application. Allows for notice and hearing where a stop order is entered.

Exempts certain issues of bonds from registration. Makes it unlawful to make or cause to be made to certain investors and property owners certain representations or to file a false or misleading document. Gives the commissioner certain investigative and subpoena powers. Authorizes the commissioner to apply for an injunction under certain circumstances to enforce compliance with any rule or order. Makes filing a misleading document a felony and willful violations of certain other provisions a misdemeanor. Provides for administrative proceedings and judicial review of a final order of the commissioner. Allows the commissioner to set registration fees based on the dollar amount of bonds to be registered and issued.

Requires certain special districts to certify separate mill levies to the board of county commissioners, one each for funding requirements of each general obligation debt. Imposes certain notice and recordation requirements when a special district incurs general obligation debt. Prescribes certain remedies to a purchaser of residential real property in a special district against the seller when the seller has not provided, and such purchaser has not signed and delivered, an acknowledgment containing disclosure of certain information on the special district.

Appropriates \$156,969 out of the division of securities cash fund to the department of regulatory agencies, for allocation to the division of securities, for implementation of the act and, out of such appropriation, further appropriates \$36,675 to the department of law.

VETOED by Governor June 7

Note: See page vii for explanation on the validity of this veto.

S.B. 91-176 Hazardous substance incidents - reimbursement for assistance - elimination of emergency response cash fund.
Transfers responsibility for the establishment of guidelines governing state reimbursement of entities providing assistance in responding to hazardous substance incidents from the department of local affairs to the department of public safety. Eliminates the emergency response cash fund and provides for reimbursements to be made from available appropriations.

APPROVED by Governor April 11

EFFECTIVE April 11

S.B. 91-219 Business facilities - incentive payments for new or expanded facilities - authority of counties and municipalities

to exceed revenue-raising limitations. Authorizes counties and municipalities to exceed any revenue-raising limitation by an amount equal to the annual incentive payments made by such county or municipality to taxpayers who establish new business facilities or who expand existing business facilities.

APPROVED by Governor May 24

EFFECTIVE May 24

H.B. 91-1101 Housing authorities - appointment, number, and terms of commissioners of authority of city and county with population over 300,000 - open records. Provides that, if the city council of a city and county with a population of more than 300,000, grants the mayor the power to appoint the commissioners of such city and county's housing authority, then the number of such commissioners shall be 9 unless the council votes to change that number after giving proper notice and hearing. Conditions such commissioners' appointments upon confirmation by the city council. Requires that the residents of the dwellings of an authority consisting of 9 commissioners shall have representation on such authority. Staggers the terms of such commissioners. Requires that 5 such commissioners be present to constitute a quorum. Categorizes the records of all housing authorities as open records subject to inspection by the public.

APPROVED by Governor April 20

EFFECTIVE April 20

H.B. 91-1260 Energy saving measures - financing by counties, municipalities, and school districts. Allows the board of education of any school district, the board of county commissioners of any county, or the governing body of any municipality to contract for an analysis and recommendations pertaining to energy saving measures that would significantly reduce energy consumption in buildings or other facilities owned or rented by such political subdivisions. Upon a finding that the amount of money the political subdivision would spend on such measures is not likely to exceed the amount of money it would save in energy costs over the ensuing 10 years, permits the board or governing body to enter into an energy performance contract, shared-savings contract, or otherwise incur debt to finance such measures. Defines such contracts as contracts for energy saving measures that place upon the provider of such measures the risk that the energy cost savings attributable to such measures may not exceed the payments to be made for such measures.

Provides that a contract or debt for an energy saving measure shall not constitute or give rise to an indebtedness within the meaning of any constitutional, statutory, or home rule debt limitation and shall not be subject to approval of the qualified electors of the political subdivision so long as the indebtedness so incurred does not exceed or cause the total outstanding indebtedness so incurred to exceed a certain percentage of the latest valuation for assessment of the taxable

property of the political subdivision. Requires the board or governing body to monitor the energy consumption of buildings and facilities benefiting from such measures and to prepare a report to be certified by an independent architect or engineer documenting the energy and cost savings attributable to such measures.

APPROVED by Governor May 1

EFFECTIVE May 1

H.B. 91-1306 Housing - rental assistance demonstration program - appropriation. Directs the division of housing to develop and administer a rental assistance demonstration program under which the division awards contracts to local agencies that will provide rental vouchers to up to 400 homeless families or families at risk of becoming homeless. Reimburses agencies awarded contracts for administrative costs but limits reimbursement to no more than 5% of the total funds received by an agency.

Specifies that 20% of available moneys be used to provide assistance to disabled tenants, a subsidy be the difference between 30% of a family's adjusted gross monthly income and the contract rent as determined by the state housing board, and a subsidy be limited to 24 months and paid directly to a landlord.

Sets forth eligibility and participation requirements for rental assistance. Allows for transitional assistance for up to 4 months for a family that becomes disqualified for assistance based on increased income.

Creates a rental assistance fund comprised of private or public contributions, including federal grants.

Requires the state housing director to make an initial report to the general assembly by January 1, 1993, on the overall effectiveness of the program, followed by a final report by January 1, 1991, with recommendations concerning statewide extension of the program and the creation of a rental assistance trust fund.

Repeals the program on July 1, 1995.

Appropriates \$500,000 from the rental assistance fund and 0.5 FTE to the department of local affairs for allocation to the division of housing for implementation of the act.

APPROVED by Governor June 1

EFFECTIVE June 1

GOVERNMENT - MUNICIPAL

S.B. 91-69 Municipal powers - judges - recall procedure. Makes certain changes pertaining to municipal judges and municipal court enforcement powers. Changes the definition of a "governmental agency" in connection with public projects, public improvements, and anticipation warrants. Modifies selection and appointment of certain municipal officers including a mayor pro tem and town marshal. Requires statutory cities and towns to comply with the open records act.

Modifies municipal recall procedures including petition requirements, repayment of incumbent expenses, and termination of recall proceedings. Changes certain municipal election procedures. Clarifies the types of ordinances, resolutions, and orders that require a majority of all members of the governing body for passage.

APPROVED by Governor April 4

EFFECTIVE April 4

S.B. 91-111 Business improvement districts - changes in organization and operating procedures. For business improvement districts formed on or after the effective date of the act, requires no less than 50% of the service area of such a district to have been developed and used as commercial property prior to creation of the district and to be used primarily as commercial property upon creation of the district. Notwithstanding the foregoing, permits the service area to include those locations designated by the municipality, after public notice and hearing, as locations for new business or commercial development. Increases the permissible number of directors of such a district's board, changes the number of directors necessary for a quorum, and limits the number of directors affiliated with one property owner or lessee.

For any proposed district for which a petition for organization is filed on or after the effective date of the act, changes the requirements for and manner of organizing and challenging the validity of such a district. Deletes the provision waiving the notice and hearing requirements for the creation of such a district when a petition is signed by 100% of the property owners.

For all business improvement districts, alters the requirements for and manner of changing the boundaries of and dissolving a district. Requires a district's operating plan and budget to specifically identify any information the municipality may require. Establishes December 5th as the ultimate deadline for a municipality to approve or disapprove a district's operating plan and budget filed during the year. Provides that the business records of a district, not including the business

records of the owners of property in the district, shall be considered public records to be made available to the municipality. Creates a lien on the personal property within the boundaries of a district and provides for foreclosure of such a lien to facilitate collection of any rates, tolls, or charges for any services or improvements furnished by the district.

APPROVED by Governor May 20

EFFECTIVE May 20

S.B. 91-220 Annexation - establishment of contiguity - prohibition against use of certain boundaries. Prohibits establishing contiguity for annexation by use of the boundaries of either: (a) Certain previously annexed areas or (b) territory subsequently annexed or indirectly connected to such an area. Allows a court to declare an annexation using such a boundary void ab initio and permits certain municipalities to seek judicial review of such an annexation.

APPROVED by Governor May 15

EFFECTIVE May 15

S.B. 91-222 Fire and police pensions - members' benefits - state contributions. Requires the board of the fire and police pension association to submit a biennial report, commencing December 1, 1992, to the joint budget committee on each employer having an accrued unfunded liability and the amount of such accrued unfunded liability. Terminates the annual \$20,000,000 state contribution to the fire and police members' benefit fund when the minimum employer and employee contributions required result in an actuarially sound fund. Allows for the final annual contribution to be less than \$20,000,000 as determined from such biennial report.

APPROVED by Governor May 18

EFFECTIVE May 18

S.B. 91-237 Black Hawk and Central City charters - amendments - grant of additional powers. Amends the territorial charter of the city of Central as follows: Permits the city council to create one or more capital improvement funds consisting of sales, use, occupational, or other excise taxes, fees, or charges, including those on gaming or gambling activities. Authorizes the issuance, by ordinance, of revenue bonds payable only from such funds for the sole purpose of providing capital improvements. Provides that such bonds shall not constitute a debt within the meaning of any constitutional, statutory, charter, or ordinance debt limitation or provision. Designates permissible terms and conditions of such bonds, including a recital that the bond is issued under authority of the charter and is thus incontestable after delivery thereof for value. Bars actions challenging the validity of any such bonds filed later than 30 days after the effective date of the authorizing ordinance. Makes the provisions of articles 55, 56,

and 57 of title 11, C.R.S., applicable to the city which, among other things, provide for the use of facsimile signatures by public officers, the issuance of refunding bonds, and the permissible terms and conditions of public securities.

Amends the territorial charter of the city of Black Hawk as follows: Grants to the city the general financial powers of a statutory city as set forth in part 3 of article 15 of title 31, C.R.S. Permits the city to pledge the revenue from sales, use, occupational, or other excise taxes, fees, or charges, including those on gaming and gambling activities, to the payment of or to secure its debts. Authorizes, subject to an exception, the issuance of bonds for any purpose and payable from such pledged revenues pursuant to the procedures and upon the terms and conditions as set forth in part 4 of article 35 of title 31, C.R.S., pertaining to the issuance of bonds for water and sewer purposes. Grants to the city the power to issue bonds on any income-producing facility or project. Makes the provisions of articles 14 and 15 of title 29, articles 55, 56, and 57 of title 11, part 8 of article 15 of title 31, and parts 6 and 7 of article 75 of title 24, C.R.S., applicable to the city which relate to the power to issue bond and tax anticipation notes and refunding bonds, the use of facsimile signatures by public officials, the permissible terms and conditions of public securities, the power to enter into long-term rental or leasehold agreements, and the power of public bodies to pool and invest their moneys. Permits use of a written recital that a bond is issued under authority of the charter and is thus incontestable after delivery thereof for value.

APPROVED by Governor June 5

EFFECTIVE June 5

H.B. 91-1015 Fire and police pensions - modifications by board of directors of the fire and police pension association. Authorizes the board of directors of the fire and police pension association to modify the pension benefits and age and service requirements for the statewide fire and police pension plan if the board determines: Such a modification will maintain or enhance the actuarial soundness of the fire and police members' benefit fund; the modification does not require an increase in the employer and member contribution rates established by law as of January 1, 1980; the modification does not adversely affect the plan's status as a qualified plan under the federal "Internal Revenue Code of 1986"; the modification is approved by 65% of the active members of the plan; the modification is approved by more than 50% of employers having active members covered by the plan; and the modification does not adversely affect the pension benefits of retired members.

Specifies that no modification adopted by the board may reduce the statewide plan's normal retirement age below the current normal retirement age under such statewide plan as provided by law. Requires the board to adopt rules and

regulations for elections required by the act and to keep a written record of plan modifications adopted pursuant to the act. Requires the board to revoke any modification adopted pursuant to the act that requires an increase above the 8% employer and 8% member contributions to the statewide plan. Allows for the reinstatement of such modification in the discretion of the board if the change will not require an increase in contributions.

APPROVED by Governor March 11

EFFECTIVE March 11

GOVERNMENT - SPECIAL DISTRICTS

S.B. 91-14 Miscellaneous changes to special district law. Requires that whenever a title insurance agent or company issues a title commitment, such agent or company shall also provide a statement disclosing the following: That the property may be in a special taxing district; that a certificate of taxes due may be obtained from the county treasurer; and that information regarding the boundaries of such districts may be obtained from the county commissioners, the county clerk and recorder, or the county assessor. Requires that special district service plans be filed with the division of local government and with the state auditor. Requires service plans to be submitted to county planning commissions for review and recommendations if required by county policy.

Requires financial plans contained within service plans to include a schedule of debt issuance. Authorizes boards of county commissioners to impose additional fees if special review of a service plan is required. Establishes a cap on such additional fee of the lesser of 0.01% of the debt to be issued or \$10,000.

Provides that notification of the hearing concerning the organization of a special district may be by letter, as well as by postcard. Requires that such notification include procedures for filing a petition for exclusion. Requires the board of county commissioners of each county in which the proposed special district lies to approve the service plan.

Requires the district court, upon a finding that the denial of a special district plan by any board of county commissioners or the governing body of a municipality was arbitrary, capricious, or unreasonable, to remand the matter back to the county or municipality and eliminates the authority of the district court to approve the organization of a special district notwithstanding the decision of the county or city. Specifies what circumstances constitute material modifications of a service plan such that approval of the county commissioners is required.

Requires that special district annual reports include information regarding the progress of the special district in implementing the service plan. For special districts created on or after July 1, 1991, requires the state auditor to review the annual reports to determine whether the financial ability of the district to discharge its indebtedness has decreased. Authorizes county treasurers to withhold moneys of a special district in the event the special district fails to file an annual report or fails to submit other information.

Authorizes the division of local government to initiate the consolidation of special districts whenever it finds that such consolidation is in the best interests of the residents of the

special districts. Authorizes the division to file an application for dissolution with the board of a special district.

Requires the notice of a special district election to include a statement disclosing whether director candidates are employed by or affiliated with the developer of all or substantially all of the real property within the special district. Requires special district directors who own undeveloped land which constitutes at least twenty percent of the land in a special district to disclose such ownership before each special district board meeting. Requires that the notice of board meetings include the specific action which the board will consider.

Prohibits a special district from contracting with a board member of the special district or with any person who owns at least 25% of the land in the special district unless such persons are selected as a result of competitive bidding. Prohibits a district from paying more than fair market value for real property and prohibits a district from paying for real property which is required by law to be dedicated for public use.

Limits the period during which a special district may issue general obligation bonds to 5 years following the date of the bond election or up to twenty years if the bond issue is in compliance with the district's financial plan. Establishes a ceiling on the total principal amount of general obligation debt issued by a special district of \$2,000,000 or 50% of the assessed value of the taxable property in the district whichever is greater, unless the debt is 1) investment grade; 2) necessary to comply with federal or state public health laws; 3) secured by a letter of credit; or 4) financial institutions or institutional investors.

Requires special districts to file applications for findings of reasonable diligence every 5 years. Requires the board of county commissioners to review such applications to determine whether the special district financial plan will meet the debt obligations of the district. Provides that the board of county commissioners, after reviewing such applications, may grant a continuation of the authority of the board to issue remaining debt, deny such continuation, or require the board to modify its financial plan.

Effective January 1, 1992, requires the county treasurer to include on certificates of taxes due a list of the amounts of assessments imposed by special taxing districts.

APPROVED by Governor June 4

PORTIONS EFFECTIVE:

June 4

January 1, 1992

S.B. 91-136 Petition for dissolution - continuation of services by counties and intergovernmental authorities. Adds counties and intergovernmental authorities to those governmental entities which may, under a plan for dissolution of a special district, assume and continue services within such district under an agreement incorporated into such plan.

APPROVED by Governor April 10

EFFECTIVE April 10

H.B. 91-1044 Regional transportation district - nominations of directors - filing deadline. Changes the petition filing deadline for nominations of directors to the board of directors of the regional transportation district to conform with the petition filing deadline relating to all other independent candidates running in a general election.

APPROVED by Governor March 27

EFFECTIVE March 27

GOVERNMENT - STATE

S.B. 91-1 Master leasing program. Clarifies a provision which states that an additional lease-purchase agreement executed under the state's master leasing program may include personal property for which an appropriation has been made by providing that such appropriation must be an appropriation made by the general assembly. Requires that personal property which is not part of an existing lease-purchase agreement be authorized by legislative appropriation before such property may be included in an additional lease-purchase by an institution of higher education.

APPROVED by Governor March 28

EFFECTIVE July 1

S.B. 91-15 Debts owed the state - collection procedures. Requires written notice to a debtor that a debt owed the state shall be offset against a tax refund due the debtor. Provides the debtor an opportunity to dispute the debt if a request is made in writing within 30 days from the postmark of the notice. Specifies that such hearing shall be held within 30 days of the request. Provides that all moneys owed to the debtor will be refunded with interest if the dispute is resolved in favor of the debtor. Eliminates the requirement that debts greater than \$500 be reduced to judgment. Requires the state controller to establish performance policies and standards for measuring agency performance in collecting debts. Requires the state controller to report to the general assembly annually on agency compliance and indicate in such report the amount of accounts receivable outstanding for each state agency.

APPROVED by Governor May 24

EFFECTIVE May 24

S.B. 91-17 Revenue shortfalls - authority of governor to transfer capital construction fund moneys. Authorizes the governor, in the event of a general fund revenue shortfall, to transfer moneys from the capital construction fund to the general fund. Requires that, before such action may be taken, the governor must have reduced general fund expenditures in accordance with existing law by at least one percent of all general fund appropriations, and requires the governor to consult with the capital development and joint budget committees. Requires the governor to restrict capital construction projects in the reverse order of the priorities established by the capital development committee unless the capital development and joint budget committees approve a different order. Tolls the running of the 6-month deadline for professional services contracts for the period during which the projects are restricted.

APPROVED by Governor March 29

EFFECTIVE July 1

S.B. 91-18 Office of regulatory reform - advisory committee to office of regulatory reform - continuation. Continues the office of regulatory reform and the advisory committee to such office until July 1, 1997.

Clarifies that the provision of law requiring state agencies to submit rules affecting small business to the office of regulatory reform for review applies to rules promulgated pursuant to the "State Administrative Procedure Act".

Requires that before any bill is introduced in the general assembly which contains a mandatory continuing education requirement for any licensed occupation or profession, the group or association proposing such requirement shall first submit information concerning the need for the requirement to the office of regulatory reform for an impartial review and evaluation to be reported in writing to the general assembly. Such report shall state whether the mandatory continuing education requirement would likely protect the public served by the practitioners. Provides that this requirement does not apply to any profession or occupation which as of July 1, 1991, has mandatory continuing education requirements in place or any bill introduced in the general assembly containing a mandatory continuing education requirement as a result of a legislative interim committee.

Authorizes the office to accept and expend nonstate moneys without legislative appropriation if such receipt and expenditure is reported in writing to the executive director of the department of regulatory agencies prior to the time of the office's annual budget requests. Requires any person who provides information developed by the office and charges a fee for such information to disclose that such information is available from the office at no charge and makes the violation of such provision punishable as a class 3 misdemeanor. Moves the provision of law requiring the office to review and report on any proposed agency rules which the office believes are unnecessary to a separate section of law to eliminate confusion.

APPROVED by Governor June 5

EFFECTIVE June 5

S.B. 91-27 Capital construction fund - use of unexpended appropriations. Clarifies that the unexpended balance of any capital construction fund appropriation reverts to the capital construction fund at the end of the period for which the moneys are appropriated.

Further clarifies that, whenever a department has completed a capital construction project and there is an unexpended balance of the capital construction fund appropriation for such project, the department is required to obtain legislative approval for the expenditure of such unexpended balance on any additional project which is not within the scope or design of the original project.

APPROVED by Governor April 11

EFFECTIVE April 11

S.B. 91-28 State construction projects - public notice of contracts for professional services. Changes the length of time required for publishing public notice from at least 30 days to at least 15 days prior to the selection of the most highly qualified persons for professional services contracts on state construction projects. Changes the number of times such public notice must be published from 3 times to at least 2 times.

APPROVED by Governor April 9

EFFECTIVE July 1

S.B. 91-33 Open meetings - state and local public bodies - executive sessions. Makes the open meetings provisions of the "Colorado Sunshine Act of 1972" applicable to certain meetings of any "state public body" and "local public body", the latter of which is defined to include political subdivisions of the state. Describes what constitutes timely notice of a meeting by a local public body. Requires that minutes of certain meetings of a state public body and a local public body, and executive sessions of each, be taken and be open to public inspection. Prescribes when a state public body and a local public body may hold an executive session and what matters may be considered at each. Provides for the awarding of costs and reasonable attorney fees to a citizen prevailing in actions to enforce the open meetings provisions and, where no violation exists, to the prevailing party if the action was frivolous or groundless. Repeals current statutory provisions relating to open meetings for political subdivisions of the state.

APPROVED by Governor April 29

EFFECTIVE June 1

S.B. 91-36 Economic development commission - continuation - revolving account. Authorizes the economic development commission to develop operating guidelines which describe the types of financial assistance which the commission may provide for various projects. Eliminates the power of the commission to review information regarding industrial opportunities and to review state regulatory policies. Eliminates specific reporting requirements. Creates a revolving account within the economic development fund and provides that repayments of loans made from the fund and any interest earned on moneys in the fund shall be credited to the revolving account. Authorizes the commission to use the moneys in the revolving account to make loans without appropriation by the general assembly. Requires the commission to report to the joint budget committee annually regarding the expenditure of moneys from and the balance of the revolving account. Continues the commission for an additional 2-year period.

APPROVED by Governor March 29

EFFECTIVE March 29

S.B. 91-37 Public employees' retirement association - legal protections for members' moneys. Allows the public employees' retirement association to recover moneys directly from persons who received moneys on behalf of ineligible benefit recipients. Clarifies that public employees' retirement association member contributions are subject to garnishment for child support purposes only if the member has terminated membership and is not vested.

APPROVED by Governor April 9

EFFECTIVE April 9

S.B. 91-74 Confidentiality of addresses contained in public records - appropriation. Allows an individual whose address is contained in public records relating to voter registration, driver licensing, motor vehicle registration, and public official disclosure statements to request that such address be kept confidential, if the individual states under penalty of perjury that the individual has reason to believe that the individual, or any member of the individual's immediate family who resides with the individual, will be exposed to criminal harassment or otherwise be in danger of bodily harm if the individual's address is not kept confidential. Requires that requests of confidentiality relating to records other than public official disclosure statements be made at the office of the county clerk and recorder of the county in which the individual resides, and requires that requests of confidentiality relating to public official disclosure statements be made at the office of the secretary of state. Allows the following persons and entities access to addresses that are otherwise required to be kept confidential under the act: Criminal justice agencies, governmental agencies, persons required to have access in order to comply with federal or state law, insurance companies, collection agencies, supervised lenders, financial institutions, licensed attorneys, and motor vehicle manufacturers or their agents when access is required in connection with a product recall. Also allows members of the news media to verify, but not inspect, the address of an individual whose address is otherwise required to be kept confidential under the act.

Requires individuals who make requests of confidentiality to pay processing fees, and provides for the disposition of such processing fees. Increases the fees charged by the department of revenue for supplying copies of motor vehicle and driver's license records.

Appropriates \$68,479 to the department of revenue and \$15,634 to the department of state for implementation of the act.

APPROVED by Governor May 18

EFFECTIVE July 1

S.B. 91-114 State boards and commissions - statutory language required for creation. Provides that any statutory

provision enacted by the general assembly which creates a state board or commission shall specify a termination date for such board or commission and other relevant information.

APPROVED by Governor March 29

EFFECTIVE March 29

S.B. 91-123 General fund - temporary reduction in reserve - spending reductions by governor. For the 1991-92 fiscal year only, extends the temporary reduction in the required general fund reserve from 4% to 3%. Provides that the additional general fund moneys made available by such reduction may be appropriated for any lawful purpose. Extends through the 1991-92 fiscal year the requirement that the governor implement spending reductions whenever quarterly revenue estimates indicate that one-third or more of the general fund reserve will be used during said fiscal year.

APPROVED by Governor April 9

EFFECTIVE April 9

S.B. 91-137 State boards and commissions - ethical standards for members. Excludes nonsalaried members of boards and commissions from coverage under the government ethics act; except that a member of a board or commission is prohibited from performing an official action which may result in an economic benefit to such member without disclosing the nature of his or her private interest to the secretary of state.

APPROVED by Governor March 29

EFFECTIVE March 29

S.B. 91-140 Debts owed the state - collection by the controller - use of private counsel or private collection agencies. Requires state agencies to refer uncollected debts to the controller within 30 days after such debts have become past due. Excludes specified debts under the jurisdiction of the department of revenue from such requirement. Authorizes the controller to provide exceptions to such requirement. Allows the controller 120 days to collect debts received on or before July 1, 1992, and 90 days to collect debts received after such date. Requires the controller to legally assign all debts which are not claims in process of collection after such time periods have expired. Directs that such assignments be made to private counsel or private collection agencies which are included on a list of private counsel and private collection agencies. Directs that private counsel and private collection agencies be selected for such list pursuant to the provisions of the "Procurement Code" and directs the executive director of the department of administration to develop criteria for such selection. Limits contracts for collection of state debts to terms of 3 years.

APPROVED by Governor June 4

EFFECTIVE January 1, 1992

S.B. 91-180 State employees - salaries of state correctional employees - implementation date of 1991 systems maintenance study of correctional classes. Provides that the results of the January 1991, occupational study conducted by the department of personnel relating to the salaries of state correctional employees shall be implemented immediately, subject to administrative resolution of any appeals concerning such study, rather than on July 1 as would be the case pursuant to the general provisions of current law applicable to implementation of occupational studies. Provides that the salaries of current employees shall not be reduced as a result of such implementation.

Reduces the 1990-91 long bill appropriation made to the department of corrections for personal services at the Limon correctional facility. Allows the executive director of the department of corrections to make transfers between appropriations made in the 1990-91 long bill to the department for personal services at correctional facilities.

APPROVED by Governor April 17

EFFECTIVE April 17

S.B. 91-209 General fund - revenues in excess of appropriations and required reserve - method of calculating amounts of general fund spillover. Provides that, for the 1990-91 and 1991-92 fiscal years, the required general fund reserve shall be considered 4% for purposes of the statutory provision that requires a portion of general fund revenues in excess of general fund appropriations and the required reserve to be transferred to the capital construction fund, notwithstanding the fact that the actual reserve required for the 1990-91 and 1991-92 fiscal years is 3%.

APPROVED by Governor April 11

EFFECTIVE April 11

S.B. 91-217 Transfers between appropriations - overexpenditures of appropriations. Recreates and reenacts, with amendments, statutory provisions which expired September 1, 1990, and which authorized limited kinds of transfers between appropriations, as follows: Allows transfers between departments of state government to implement appropriations conditioned on the distribution or transfer of the appropriated funds, such as centralized appropriations for pots for salary survey, anniversary increases, shift differential, group health and life insurance, workers' compensation, employment security payments, and legal services. Authorizes transfers of unlimited amounts of general fund appropriations between the departments of social services and institutions when required by changes from the appropriated levels in the amount of medicaid cash funds earned through programs or services provided or administered by the department of institutions. Authorizes the head of a principal department to transfer moneys between appropriations made to the

department for like purposes, subject to specified exceptions. For example, the exceptions would prohibit transfers which increase spending authority for personal services, cash-funded appropriations, and certain capital construction projects. Allows similar intradepartmental transfers within the judicial department and the office of the governor. Limits the total amount of moneys that may be transferred within executive departments in a fiscal year to \$1,000,000. Limits intradepartmental transfers to the period beginning May 1 and ending 45 days after the close of a fiscal year.

In addition to reenacting such transfer provisions, postpones the July 1, 1991, expiration date for existing provisions which allow state agencies to overexpend items of appropriation under limited circumstances for the purposes of closing the state's books for a fiscal year.

Limits the transfer and overexpenditure authority to fiscal years 1990-91 through 1993-94.

APPROVED by Governor April 27

EFFECTIVE April 27

S.B. 91-246 State employees - personnel system - compensation reform. Provides that, beginning January 1, 1992, the pay grade assigned to any class of positions assigned to grade 99 (the highest pay grade currently allowed) as of June 30, 1991, shall be increased to one-half the difference between grade 99 and the pay grade recommended by the salary survey. For the period beginning January 1, 1992, and ending July 1, 1992, establishes a monthly salary cap of \$5,640 (\$6,250 for physicians and dentists), and, for the fiscal year beginning July 1, 1992, increases the maximum monthly salary to \$6,218 (with no cap for physicians and dentists). Indexes future increases to the Denver-Boulder consumer price index or the increase in general fund appropriations, whichever is less. Requires that all of the costs of implementing the program in the 1991-92 fiscal year, and 50% of the costs of implementing the program in the 1992-93 fiscal year, be paid from personal services savings and not from the elimination or reduction of programs or services. Further requires each department to submit a plan to the office of state planning and budgeting and to the joint budget committee no later than November 1, 1991, which states how the department will achieve the savings from personal services.

Requires the state personnel director to create a separate pay plan for physicians and dentists. Creates a senior executive service for certain employees currently in the classified personnel system in the highest management classifications. Requires the state auditor and the executive director of each department to submit a list of positions which appear to qualify for the senior executive service to the state personnel director. Requires the state personnel director to determine which positions shall be included in the senior executive service.

Provides that the salary of employees in the senior executive service shall be negotiated and included in a contract between the employee and the department head. Authorizes employees whose positions are moved into the senior executive service either to retain such position and move into the senior executive service or to take another position in the same department. Authorizes the state personnel director to adopt procedures to implement the senior executive service.

APPROVED by Governor May 24

EFFECTIVE July 1

H.B. 91-1007 State capitol buildings group - advisory committee - preservation of state capitol building - capitol driveways - appropriation. Creates the state capitol building advisory committee. Directs the advisory committee to review and make recommendations to the capital development committee regarding plans to restore, redecorate, and reconstruct space within the state capitol buildings group. Prohibits commencement of any construction projects affecting specified parts of the state capitol building without review by the advisory committee and approval by the capital development committee. Provides an exception to such requirement for emergency repairs. Directs the advisory committee to identify and make an inventory of all furniture original to the state capitol building and to make recommendations to the capital development committee concerning such furniture. Authorizes the advisory committee to engage in long-range planning for modifications and improvements to the state capitol building and surrounding grounds.

Directs the advisory committee to formulate a plan for publishing publications regarding the history of the state capitol building and for developing other state capitol building memorabilia for sale. Requires the advisory committee to present such plan to the capital development committee on or before October 1, 1991.

Terminates the state capitol building advisory committee on July 1, 1997. Provides for review by the sunrise and sunset review committee prior to said termination date.

Repeals the statutory authority granted to the city and county of Denver to regulate and control usage of the state capitol driveways. Reserves principal usage of the state capitol driveways for employees and members of the executive and legislative departments in the performance of their duties and for members of the public while attending functions at the state capitol. Requires the advisory committee to review and make recommendations to the capital development committee concerning any proposed additional uses of such driveways. Prohibits any additional use of such driveways without the approval of the capital development committee and the governor.

Changes the name of the Colorado state museum building to

the legislative services building.

Appropriates \$15,000 from moneys received from private sources to the department of administration for implementation of the act.

APPROVED by Governor May 16

EFFECTIVE May 16

H.B. 91-1009 Division of central services - cost of services provided - records. Defines "cost" for purposes of determining whether the division of central services is competitive with the private sector in providing services. Requires the division to formulate its operations plan no later than January 1 of each year. Requires the division to notify state agencies that they may obtain goods and services from the private sector if the cost and quality of such goods and services are competitive with those provided by the division. Requires the director of the division to keep a record of the cost of providing services. Provides that the report prepared by the director shall include the imputed cost of government fees and taxes.

APPROVED by Governor April 20

EFFECTIVE April 20

H.B. 91-1010 Quarterly allotments of state departments and agencies - dates. Extends the deadline for agencies in the executive branch to submit their work programs, including quarterly allotments, from June 1 to July 1 of each year. Provides that such allotments must be approved no later than July 25, rather than June 20, to avoid a reduction in appropriations. Makes corresponding changes in subsequent deadlines for approval of allotments in order to avoid further reductions. Requires departments to revise their work programs when appropriations are amended.

Provides that unexpended or unencumbered balances of quarterly allotments are deemed to create a reserve if none was created at the time of the original allotments, and specifies that such balances may be returned to the appropriation or other fund in the same manner as reserves created with original allotments.

Removes the requirement that copies of various documents concerning allotments be given to the state auditor, and mandates that such copies be delivered to the office of state planning and budgeting and the majority and minority leaders of the house of representatives and the senate, in addition to the persons currently required to receive such documents.

APPROVED by Governor April 20

EFFECTIVE April 20

H.B. 91-1014 Colorado bureau of investigation - authority to provide criminal data regarding persons employed as security guards - appropriation. Defines the terms "contract security agency", "proprietary security organization", and "security guard". After January 1, 1992, authorizes any contract security agency or proprietary security organization to submit fingerprints of security guards to the Colorado bureau of investigation for purposes of a national criminal history records check. Provides that such fingerprints shall be available for use by the Colorado bureau of investigation and for transmittal to the identification division of the federal bureau of investigation for a national criminal history record check. Provides that information obtained from the criminal history record check may be used by a contract security agency or proprietary security organization for employment purposes and that such information should not be used in violation of Colorado statutes on discriminatory or unfair employment practices.

Requires the Colorado bureau of investigation to establish fees to cover the direct and indirect costs of the administration of the program.

Appropriates \$16,992 to the department of public safety for allocation to the Colorado bureau of investigation for implementation of the program.

APPROVED by Governor April 17

EFFECTIVE April 17

H.B. 91-1020 Incentive award suggestion system. Specifies that one of the members appointed to the incentive award suggestion board by the governor shall be from the private sector, shall have expertise in personnel matters, and shall be employed by a company which has an incentive program. For purposes of determining the incentive award to be paid to an employee whose suggestion is implemented, requires documentation of savings for 3 months after the date of such implementation. If the documented savings is less than \$1,000, requires payment of the incentive award within 30 days after the end of the documentation period, and, if the savings is \$1,000 or more, requires the first \$1,000 to be paid within 30 days from the end of the documentation period and the remainder to be paid at the end of the first year of implementation. Requires agencies to allocate up to \$1,500 to the department of administration from savings achieved for the administration of the incentive award program. Requires the board to make recommendations concerning cost-saving suggestions, and further requires the board to maintain a file of all suggestions received for 2 years.

APPROVED by Governor March 29

EFFECTIVE March 29

H.B. 91-1026 Public employees' retirement association - membership requirements. Requires membership in the public

employees' retirement association ("PERA") for certain employees in positions previously excluded from membership or in positions for which membership was optional, as follows: Members of the general assembly and other elected state officials, employees of the house of representatives and the senate, district attorneys, elected officials of municipalities affiliated with PERA, part-time and temporary employees, substitute school district employees, foreign exchange faculty in universities and colleges covered by the PERA plan, and persons appointed to state boards and commissions who are expected to work less than full time.

Specifies that enrolled students whose employment by a public school, college, or university is predicated on student status, and who were not members upon commencement of such employment, and other employees who are not required to be covered by a public retirement system or social security by federal law are not eligible for membership in PERA. Adds other professionals exempt from the state personnel system to the exclusion of university officials from PERA where such other professionals have a retirement plan approved by the board of regents. Excludes from membership in PERA employees of employers assigned to the municipal division of PERA whose position was covered only by social security for such employment as of November 5, 1990, and employees in similar positions created later by such employers.

Allows service retirees to serve as members of the general assembly without reduction in benefits. Requires that the salaries of service retirees who return to PERA-covered employment without reduction in benefits shall be subject to employer and member contributions, but extends to such retirees eligibility for disability retirement benefits. Does not extend survivor benefits to such retirees. For retirees who return to work in positions requiring PERA membership, eliminates the option of voluntarily suspending service retirement benefits rather than having benefits reduced according to the general statutory formula.

Reduces the contribution rate paid by state, school, and municipal division employers.

APPROVED by Governor May 24

EFFECTIVE July 1

H.B. 91-1036 State controller - authority to make electronic payments of obligations against the state. Authorizes the controller to electronically approve or disapprove commitment vouchers and to make payment of state obligations by means of electronic fund transfers.

APPROVED by Governor March 12

EFFECTIVE March 12

H.B. 91-1065 State boards and commissions - repeal of inactive boards - physicians' public communications and advertisements - location of adoption intermediary commission.
Repeals the statutory authority and provisions related thereto for the following inactive state boards and commissions: Regional foster care review boards, the executive committee in the department of education, the advisory council for career education, the professional practices commission, the advisory committee to the division of commerce and development, the population advisory council, the hazardous waste siting council, the transit finance commission, the medical advisory board, the law enforcement radio system advisory committee, the rural advisory committee, regional criminal justice boards, the state advisory committee to the department of agriculture, and the irrigation district commission. Repeals certain severance tax credits.

Prohibits physicians from disseminating or causing to be disseminated certain public communications which are false, fraudulent, misleading, or deceptive and certain advertisements which include charges for rendering professional services or products or which makes comparisons of professional services or charges therefor. Prohibits physicians from giving compensation to any media representative for professional publicity in certain circumstances and from using false, fraudulent, misleading, or deceptive professional notices or devices. Provides that violations constitute grounds for disciplinary actions. Specifies certain statements and information which may be included in physicians' advertisements.

Locates the adoption intermediary commission in the department of social services and specifies that such commission shall exercise its powers as if it were transferred to the department by a type 2 transfer. Transfers certain duties formerly performed by the irrigation district commission to the Colorado water conservation board.

APPROVED by Governor June 5

PORTIONS EFFECTIVE:

June 5

July 1

H.B. 91-1119 State authorities - use of telecommunication devices to participate in board meetings. Authorizes members of the boards of directors of the Colorado health facilities authority, the Colorado student obligation bond authority, and the Colorado water resources and power development authority to use telecommunications devices for the purpose of participating in board meetings. Limits such usage of telecommunications devices to meetings which have been called for the sole purpose of adopting resolutions authorizing the issuance of bonds, notes, bond anticipation notes, or other obligations.

APPROVED by Governor April 19

EFFECTIVE April 19

H.B. 91-1141 State employees - personnel system - sharing of annual leave. Authorizes the state personnel director to adopt regulations which allow for the sharing of annual leave among employees in the state personnel system in certain circumstances.

APPROVED by Governor March 11

EFFECTIVE March 11

H.B. 91-1150 Public construction projects - timely payment of subcontractors by contractors. Provides that, whenever a public entity pays a contractor, the contractor shall make payments to subcontractors of any amounts which were included in the contractor's request for payment to the public entity for such subcontracts. Requires subcontractors to pay persons who provide materials or labor to the subcontractor any amounts included in the subcontractor's request for payment to the contractor, which amounts were for such materials and labor. Provides that a contractor will not be required to make payment to a subcontractor until the subcontractor submits a list of the subcontractor's suppliers to the contractor. Requires contractors and subcontractors to make such payments within 7 days of receipt of payment from the public entity or from the contractor, and to pay interest on late payments.

APPROVED by Governor May 31

EFFECTIVE May 31

H.B. 91-1174 Radio reading services. Grants authority to the state librarian to contract for the furnishing of radio reading services for the benefit of those who cannot otherwise use printed materials.

APPROVED by Governor March 11

EFFECTIVE March 11

H.B. 91-1262 State government spending limitation - fiscal emergencies - state mandates on local governments - exceptions. Requires that the level of state general fund appropriations for fiscal year 1991-92 and each fiscal year thereafter not be in excess of moneys necessary for reappraisals of property plus the lesser of either an amount equal to 5% of Colorado personal income or 6% over the state general fund appropriations for the previous fiscal year. Specifies that such state spending limitation does not apply to certain state general fund appropriations. Allows such state spending limitation to be exceeded when a state fiscal emergency is declared by the general assembly.

Prohibits the circumvention of the state spending limitation by making certain state cash fund appropriations. Provides that said prohibition shall not apply to certain state cash fund appropriations. Requires the general assembly to reexamine the state spending limitation upon a significant restructuring of the financing of any level of education in the state. Provides that,

for fiscal year 1991-92 and thereafter, excess general fund revenues, shall be retained in the general fund and shall be available for appropriation for the current fiscal year or any future fiscal year. Specifies the manner of calculating the state reserve for fiscal year 1991-92 and thereafter. Specifies that any punitive or exemplary damages awarded in any lawsuit to enforce the state spending limitation shall be deposited in the property tax relief fund for use by the general assembly to provide property tax relief.

Prohibits the state from requiring any local government to provide new programs or services or increases in the level of services for existing programs unless the state provides funding therefor. Allows any local government to implement any state mandate without state funding at the option of such local government. Sets forth certain exceptions to said prohibition. Repeals the existing provision relating to the finding of state-mandated programs.

APPROVED by Governor June 7

EFFECTIVE June 7

H.B. 91-1263 Colorado convention center - management of display space - appropriation. Requires the department of administration to establish a fee schedule for the use of display space in the Colorado convention center. Provides that no fees shall be assessed against counties, municipalities, or state agencies for the use of the display space. Requires that the revenue from such fees and any other moneys available to the department for utilization of the convention center display space shall be credited to the convention center fund, which fund is created. Requires the department of administration to report annually to the joint budget committee regarding the balance of and expenditures from the fund. Provides that the moneys in the convention center fund shall be subject to annual appropriation by the general assembly and that such moneys may only be used for expenses related to the utilization of the display space. Authorizes the department to contract with a private vendor to manage and promote the display space.

Appropriates \$20,000 to the department of administration for implementation of the act.

APPROVED by Governor June 1

EFFECTIVE June 1

H.B. 91-1281 Colorado youth conservation and service corps council - Colorado youth service corps - creation - duties and functions - appropriation. Establishes the Colorado youth conservation and service corps council and describes the council's duties including the provision of assistance to program agencies in developing youth conservation corps and youth service corps programs and in preparing proposals for grants to the commission on national and community service.

Creates the office of the Colorado youth service corps in the department of local affairs. Empowers the corps to coordinate youth employment and training efforts with other state agencies or departments and program agencies, to determine appropriate financial support levels for matching funds for corps members, to recruit corps members and agencies to employ them, and to establish a scholarship program for corps members who successfully complete the terms of enrollment in the corps. Provides a training and subsistence allowance for corps members and awards a corps member who successfully completes a term of enrollment a \$5000 scholarship. Authorizes the corps to accept and expend certain funds including grants and donations.

Appropriates \$300,000 to the department of local affairs for implementation of the act.

APPROVED by Governor May 31

EFFECTIVE May 31

HEALTH

S.B. 91-19 Residential care facilities - continuation of program for administration of medications. Continues for one year the program in the department of health for the administration of medications in residential care facilities and the exemption from licensure under the "Colorado Controlled Substances Act", the "Colorado Medical Practice Act", and the "Nurse Practice Act" for persons who administer medications in compliance with the program.

APPROVED by Governor April 1

EFFECTIVE April 1

S.B. 91-52 Immunization - submission of proof by college and university students. Requires college and university students to provide evidence of immunization from communicable diseases as specified by the state board of health in order to attend a public or private college or university in Colorado.

Repeals such immunization requirement on July 1, 1994.

APPROVED by Governor April 16

EFFECTIVE April 16

S.B. 91-56 High risk pregnant women - substance abuse treatment - appropriations - adjustment to long bill. Creates the treatment program for high-risk pregnant women in the department of health in order to provide substance abuse treatment for medicaid-eligible pregnant women. Permits the department of health to operate demonstration and evaluation projects. Permits the department of health to promulgate rules and regulations for the program. Describes the program and all necessary components. Requires the department of health to cooperate with private entities to provide services under the program and to cooperate with the department of social services to collect data regarding the program.

Provides that alcoholics may not be involuntarily committed unless there is a showing that such person refused voluntary commitment to accessible and affordable treatment.

Permits the department of social services to promulgate any rules and regulations necessary to carry out the purposes of the treatment program for high-risk pregnant women. Defines alcohol and drug counseling and treatment for pregnant women who are eligible for medicaid as a basic service for the categorically needy. Requires the department of social services to provide for needs assessment and referral for pregnant women eligible for the program. Permits the department of social services to apply for a federal waiver to limit statewide application of the program. Requires the department of social services to cooperate with

private entities in providing services under the program. Requires the department of social services to cooperate with the department of health in collecting data regarding the program. Defines "clinic services" as services provided to high-risk pregnant women under the program in a freestanding alcohol or drug treatment program. Defines "clinic services" as services provided to high-risk pregnant women in a school-based clinic.

Decreases the appropriation to the department of health in the 1991-92 long bill by \$303,005 and appropriates \$303,005 out of the general fund and \$362,941 out of federal funds to the department of social services for implementation of the act. Appropriates \$665,946 in cash funds to the department of health for implementation of the act.

APPROVED by Governor June 7

EFFECTIVE July 1

S.B. 91-63 Air quality - air pollutant emission notices and permits - inspection fees - appropriation. Repeals the \$60 limitation on the maximum amount of the average annual fee for air pollutant emission notice and permit inspections applicable to fiscal years 1991 and later. Extends the current fee limitation of \$110 for such notices and permits to fiscal years 1991 and later.

Appropriates \$286,000 and 6.0 FTE to the department of health for allocation to the air pollution control division for implementation of the act.

APPROVED by Governor May 16

EFFECTIVE May 16

S.B. 91-142 Disease control - investigation - access to medical records - named reporting - rules - newborn screening program. Clarifies the authority of the board of health to require reporting, without patient consent, of the occurrence of epidemic and communicable diseases, environmental and chronic diseases, morbidity and mortality, cancer, venereal diseases, tuberculosis, and rabies and mammal bites, including the name of the person affected by the occurrence, so that the department of health can investigate and control these diseases and conditions. Describes the required contents of reports and authorizes the board to determine the time, manner, and form of such reports.

Clarifies the authority of authorized personnel of state and local health departments to inspect, have access to, and obtain medical records without patient consent when relevant and necessary to the investigation of epidemic and communicable diseases, environmental and chronic diseases, morbidity and mortality, cancer, venereal diseases, tuberculosis, and rabies and mammal bites.

Authorizes the state board of health to designate, by rule,

the epidemic and communicable diseases and environmental and chronic diseases which are subject to the provisions on reporting and inspection of records as specified in this act.

Provides that any reports or disclosures made in good faith shall not constitute libel, slander, or a violation of any right to privacy or privileged communication.

Declares that any reports and records obtained from the investigation of diseases and conditions are strictly confidential. States that such reports and records shall not be released, except under the following circumstances: Release for research purposes where identifying information is not disclosed, release to the extent necessary for the treatment, control, investigation, and prevention of diseases, and release to the person who is the subject of the report with written authorization from such person.

States that the named reporting, access to medical records, and confidentiality requirements are not applicable to cases of AIDS, HIV-related illness, or HIV infection which are governed by other statutes.

States that an officer or employee of the state or local health department shall not be examined as to the existence or content of any report or record without the subject's consent, except in cases involving isolation, quarantine, or exclusion from school. Makes any release of confidential public health records or reports a class 1 misdemeanor.

Conforms other statutes relating to reports of venereal disease, tuberculosis, rabies control, and control of contagious diseases to the reporting requirements set forth in this act. Removes a penalty provision applicable to physicians who fail to report contagious diseases. Eliminates a statutory prohibition on named reporting of venereal diseases and the exception to such reporting where the person infected is considered to be a menace to the health of others. Clarifies that a provision on access to records relating to tuberculosis applies to medical practitioners and hospitals. Adds mammal bites of creatures other than pets to the provisions on rabies control. Repeals statutes requiring railroad officials to notify health authorities if there are passengers suffering from certain contagious diseases no longer considered public health threats. Repeals a provision requiring that householders report smallpox or other diseases.

Allows the board of health to discontinue testing for certain conditions under the newborn screening program if the board finds that the public health is better served by not testing infants for such conditions. Requires the department of health to report to the general assembly by January 15, 1993, on the newborn screening program.

APPROVED by Governor May 6

EFFECTIVE May 6

S.B. 91-160 Disposal of low-level radioactive waste - regulation by local government entities - appropriation. Establishes that no person may dispose of low-level radioactive waste classified as "below regulatory concern" by the United States nuclear regulatory commission in a solid wastes disposal site and facility without the express written permission of the governmental entity which has jurisdiction over such site and facility. Provides that technical assistance shall be given to the governmental entity by the department of health to aid in deciding whether such waste should be accepted. Requires the governmental entity to charge a fee for such technical assistance to the applicant. States that the fee charged shall be transferred to the department of health and deposited in the solid waste management fund.

Appropriates \$96,741 to the department of health for allocation to the hazardous waste management division for implementation of the act.

APPROVED by Governor June 4

EFFECTIVE July 1

S.B. 91-168 Solid wastes disposal sites and facilities - application process - review of applications by private contractors - fees - appropriation. Directs the department of health to perform an initial examination of each solid wastes disposal site and facility application for completeness of information and directs the department to provide notice of its initial decision within 30 days after receipt of each such application. Directs the department to offer any applicant who has made an application for such a site and facility the option of having such application reviewed by a private contractor if the department determines that it will be unable to complete review of such application within 150 days. Directs the department to maintain a register of private contractors. Establishes procedures for private contractor review of solid wastes disposal site and facility applications. Directs that moneys collected from applicants in payment for private contractor review fees shall be annually appropriated to the department for the sole purpose of transferring such moneys to private contractors. Authorizes the department of health to establish a fee not to exceed \$75 per hour for the review of the recommendations and findings of private contractors. Sets a maximum fee of \$2500 for such a review.

Repeals the current provisions concerning the department's fees for review of solid wastes disposal site and facility applications and sets a maximum fee of \$10,000 for such review. Prohibits the imposition of such a fee in excess of the department's actual documented costs. Requires the department to complete review of each such application within 150 days after commencement of such review. Directs the department to establish annual solid waste site and facility registration fees based upon the size and type of each site and facility and upon the volume

of wastes received by each such site and facility. Imposes a maximum annual registration fee of \$5,000.

Appropriates \$50,000 from the solid waste management fund to the department of health for implementation of the act.

APPROVED by Governor June 5

EFFECTIVE July 1

S.B. 91-169 Drinking water regulation - department of health - powers and duties - regulation of drinking water vending and dispensing machines. Changes the duties of the department of health concerning the disinfection and treatment of drinking water to conform with federal requirements. Permits the health department to regulate and approve plans and specifications for drinking water vending and dispensing machines.

APPROVED by Governor April 17

EFFECTIVE July 1

S.B. 91-174 Solid wastes disposal sites and facilities - application process - fees - appropriations. Applies provisions concerning solid wastes disposal sites and facilities to sites and facilities which are within municipalities in addition to sites and facilities which are within unincorporated areas. Directs that the governing body of each municipality or county shall issue certificates of designation for solid wastes disposal sites and facilities within such governing body's jurisdiction. Repeals the current county application fee amount of \$300 and directs each governing body having jurisdiction to set the application fee to be charged by such governing body. Requires the governing body having jurisdiction over a proposed site and facility to hear testimony concerning such proposed site and facility from all individuals who reside within the relevant county or municipality or who reside or own property within 3 miles of such proposed site and facility. Allows continued collection of any county-wide tax on solid wastes disposal sites and facilities which is imposed with the consent of a majority of county voters notwithstanding any additional taxes subsequently imposed by municipalities within the county.

Directs that the department of health's review and recommendation of a solid wastes disposal site and facility application include a technical review of the environmental and public health issues raised by such proposed site. Directs the department of health to perform an initial examination of each such application for completeness of information and directs the department to notify the applicant and the governing body having jurisdiction within 30 days after receipt of such application concerning the department's initial decision. Repeals the current provisions concerning the department of health's fees for review of applications and sets the maximum fee for review by the department at \$10,000. Prohibits the imposition of such a fee in excess of the department's actual documented costs. Requires the

department to complete review of each application within 150 days after commencement of such review. Directs the department to establish annual solid waste site and facility registration fees based upon the size and type of each site and facility and upon the volume of wastes received by each such site and facility. Imposes a maximum annual registration fee of \$5,000.

Appropriates \$145,293 and 3.3 FTE from the solid waste management fund to the department of health for implementation of the act. Appropriates \$6,500 from such moneys to the department of law for the provision of legal services to the department of health.

APPROVED by Governor June 5

EFFECTIVE June 5

H.B. 91-1102 Providers - nursing peer health assistance diversion program - uncompensated health care - nursing care facility staffing. Clarifies that the costs of educational and intervention services, services related to the identification of physical, emotional, or psychological problems, and the costs of referral to treatment and monitoring and evaluation of treatment of a nurse participant in a nursing peer health assistance diversion program shall be covered by fees paid by nursing licensees. Clarifies that the cost of treatment pursuant to such program shall be paid by the nurse participant. Permits the board of medical examiners to promulgate rules which exempt physicians and dentists from the requirements concerning professional liability insurance coverage if such physicians or dentists provide uncompensated health care but do not provide compensated health care. Permits a nursing care facility licensed by the department of health which does not fall under an existing exemption for rural facilities to use a licensed practical nurse in place of a registered nurse when a registered nurse is temporarily unavailable. Requires the department of health to make a written report to the general assembly regarding the impact of this staffing change on or before January 1, 1993.

APPROVED by Governor May 6

EFFECTIVE May 6

H.B. 91-1178 Air quality - automobile travel reduction pilot program. Requires the air pollution control division to develop and implement, commencing January 1, 1992, an 18 month pilot program in a 6 county area composed of Adams, Arapahoe, Boulder, Denver, Douglas, and Jefferson counties, to study the feasibility of a travel reduction program and to gather information regarding the establishment and implementation of a regional travel reduction program. Mandates that the pilot program be conducted with voluntary cooperation of approximately 25 public and private employers from the 6 counties. Requires the pilot program to address: The costs of a travel reduction program to the public and private sector; administrative costs; the expected results and benefits from implementation of a regional program; the

appropriate features of a regional program including employer size, phasing in of participation, monitoring compliance, incentives, and funding mechanisms; available funding resources, including tax credits and fees and penalties; and specific goals for travel reduction. Requires the pilot program to gather information regarding administration, participation, exclusions and exemptions, phasing, implementation, costs, flexibility, monitoring, group plans, and suggested goals of a regional travel reduction program.

Requires the air quality control commission to submit to the general assembly no later than December 1, 1993, a report with a summary of data collected during the pilot program, written findings concerning the overall feasibility of implementing a regional travel reduction program, and recommendations concerning the elements of such a program.

Creates an advisory board to oversee and analyze the pilot program and to make recommendations to the division concerning the feasibility of developing a regional travel reduction program.

Terminates the travel reduction program advisory board on July 1, 1994. Provides for review by the sunset review committee prior to said termination date.

Repeals the program automatically on July 1, 1994.

APPROVED by Governor May 24

EFFECTIVE July 1

H.B. 91-1199 Drug abuse - education, prevention and voluntary treatment programs established - emergency and involuntary commitment - appropriations. Requires the division of alcohol and drug abuse to establish and administer a comprehensive program of drug abuse education, prevention, and treatment. Requires drug abuse treatment programs to be operated primarily through community-based treatment facilities in a manner which parallels current treatment programs for alcoholics and intoxicated persons, including such elements as voluntary treatment and emergency and involuntary commitment, inpatient treatment, intermediate treatment, and outpatient and follow-up treatment. Requires documentation of refusal of treatment before a petition for involuntary commitment will be accepted.

Appropriates \$5,300 to the judicial department for allocation to the division of trial courts out of federal funds received by the department of health. Appropriates \$381,950 out of federal funds to the department of health for allocation to the division of alcohol and drug abuse for implementation of the act.

APPROVED by Governor June 7

EFFECTIVE July 1

H.B. 91-1272 AIDS or HIV reporting - research exemption for participants in an approved research protocol. Provides a research exemption from the requirement that a researcher conducting a medical research study of HIV treatment, vaccine effectiveness, or biomedical research report a diagnosis of AIDS, HIV-related illness, or HIV infection and the name, address, and other identifying information for research subjects participating in an approved research protocol. States that such exemption does not alter the reporting requirements of persons or researchers otherwise required to report when engaged in any treatment or testing outside the scope of or prior to enrollment in the research protocol, from reporting other reportable diseases, or from providing post-test counseling and referral for partner notification services to infected research subjects. Directs the state board of health to approve research activities for this research reporting exemption based on specified criteria.

States that any medical or laboratory records generated by a research protocol shall not be subject to review and inspection by state or local departments of health.

Includes a sunset provision of July 1, 1994.

APPROVED by Governor April 20

EFFECTIVE April 20

H.B. 91-1274 Health care professionals - state loan repayment program - service in medically underserved areas. Directs the university of Colorado health sciences center to develop a loan repayment program in which all or part of the educational loans of physicians or other health professionals are paid in exchange for their agreement to provide primary health services in medically underserved areas in Colorado. States the terms and conditions of such loan repayments.

Provides that the funds for the state loan repayment program shall be made up of federal grants for such purpose and matching funds comprised of contributions from communities and from private sources. Permits a surcharge to be assessed for administrative costs on each community which signs a contract under this program. Mandates that no state funds be appropriated as matching funds for the program.

APPROVED by Governor June 4

EFFECTIVE June 4

H.B. 91-1315 Health data commission - continuation - membership - entities to submit data - sanctions for noncompliance with data requests - audit. Removes the requirement that health care providers and third-party payers submit information to the health data commission and requires that hospitals submit information to the commission. States that one of the purposes of the commission is to serve as a

source of objective information on health care. Expands the membership of the health data commission from 7 to 9 by adding a member knowledgeable in health care accounting and a member who represents a nonprofit health care service plan. Lists grounds for the removal of commission members. Mandates that no member serve for more than 2 consecutive terms.

Authorizes the commission to promulgate rules requiring hospitals to submit uniform clinical data related to severity-adjusted medical outcome rates applicable to hospitals with 125 or more beds. Specifies that such rules shall exempt specified facilities, shall require that information collected during the first year not be released to the public, and that the hospitals not be required to purchase, lease, or implement specific computer systems in order to report such data unless the commission has determined that such systems have been proven to be cost-effective and efficient.

Allows hospitals to submit data to an agency approved by the commission in order to verify the accuracy of the data. Authorizes the commission to grant temporary waivers or extensions for the submission of data. Allows for the imposition of sanctions, after notice and hearing, for noncompliance with data requests, including the imposition of a \$50 a day penalty and requesting an order from the district court compelling compliance. Requires a performance audit by the legislative audit committee by January 15, 1992.

Creates a publications advisory committee which sunsets on July 1, 1995. Extends the health data commission from July 1, 1992, to July 1, 1995.

APPROVED by Governor May 1

EFFECTIVE May 1

H.B. 91-1318 Retail food establishments - inspections and inspection fees - creation of food protection cash fund - deposit of fees into fund - use of fees - exemptions. Creates the food protection cash fund. Mandates that fees be paid by retail food establishments for inspections of sanitary conditions of such retail food establishments by the department of health and that such fees be credited to the fund by the state treasurer unless the inspection is done by the local board of health, in which case the local board of health will keep the fee to defray its costs. Sets a graduated scale for inspection fees based on the square footage of an establishment. Requires any establishment which is being constructed or remodelled to be inspected for adequate sanitary conditions, and to have the sanitary conditions of any such establishment approved prior to use thereof. Exempts establishments which are currently inspected and which currently pay fees because they are also food service establishments from payment of the annual inspection fee. Allows health inspections to be conducted by local boards of health or the department. Establishes an annual fee of \$20 separate from the inspection fee

which also goes into the the fund and which will be used to develop statewide standards for retail food establishment sanitation and to provide education and technical assistance for local boards of health regarding such standards. Provides an exemption from such annual fee for retail food establishments in any jurisdiction where the local board of health currently charges an annual fee to retail food establishments. Sets civil penalties for violations. Allows judicial review of any final order or determination by the department or local board of health.

Appropriates \$20,380 from the food protection cash fund to the department of health for implementation of the act.

APPROVED by Governor June 5

EFFECTIVE January 1, 1992

HIGHWAYS AND ROADS

S.B. 91-20 State department of highways - rights-of-way for future needs. Authorizes the state department of highways, at any stage of condemnation proceedings, to take possession of rights-of-way to be acquired for future needs before construction funds are available, following the approval of an environmental assessment.

APPROVED by Governor April 11

EFFECTIVE July 1

S.B. 91-22 Highway projects - less than 3 bidders - permissible amount above estimate for awarding contracts. Increases from 2% to 10% the permissible percentage over the estimate of the state department of highways that will allow the award of a contract for a highway project when there are less than 3 bidders for the contract.

APPROVED by Governor April 11

EFFECTIVE July 1

S.B. 91-210 Highway users tax fund - appropriations to the personnel department. Authorizes the general assembly to make appropriations out of the highway users tax fund to the department of personnel for all costs of highway-related salaries and benefits, not just the costs of short-term disability benefits.

APPROVED by Governor May 16

EFFECTIVE May 16

S.B. 91-213 State department of highways - appropriation of administrative expenditures. Extends the authority of the general assembly to make appropriations to the state department of highways for administrative expenditures through the fiscal year 1996-97.

VETOED by Governor April 20

H.B. 91-1198 Department of transportation - creation - state department of highways abolished - transportation planning process - appropriation. Creates the department of transportation. Abolishes the state department of highways. Provides that the executive director shall be the head of the department of transportation and provides powers and duties of the executive director. Creates the transportation commission and provides that the current members of the state highway commission shall become the initial members of the transportation commission. Specifies the powers and duties of the transportation commission. Directs the transportation commission

to perform studies and prepare reports on specified transportation topics.

Creates the highway operations and maintenance division, the engineering, design, and construction division, the transportation development division, and the aeronautics division. Authorizes the transportation commission to create additional divisions, sections, and units. Requires the transportation commission to create divisions, sections, or units to address mass transit, special transportation districts, railroads, and bicycles and pedestrians. Provides that the division, section, or unit which is created to address mass transit shall be funded by the regional transportation district until July 1, 1996. Requires the transportation commission to create divisions, sections, or units to provide specified services for the department. Authorizes the executive director to create or alter sections and units within the divisions of the department.

Creates the office of the chief engineer and provides powers and duties of the chief engineer. Designates the chief engineer as director of the highway operations and maintenance division and director of the engineering, design, and construction division.

Transfers functions, employees, and property of the state department of highways to the department of transportation. Transfers functions, employees, and property of the division of highway safety in the state department of highways to the office of transportation safety in the department of transportation. Transfers functions, employees, and property of the aviation division in the department of military affairs to the aeronautics division in the department of transportation. Provides that the initial members of the Colorado aeronautical board shall be the members of the Colorado aeronautical board as it existed in the department of military affairs.

Authorizes the general assembly to make appropriations to the department of transportation for administrative expenditures for fiscal years 1991-92 through 1993-94. Provides that the fiscal year of the department for highway construction projects shall be a calendar year.

Creates a transportation planning process. Requires the preparation of a regional transportation plan for each transportation planning region which is comprised of a metropolitan planning organization and authorizes preparation of such plans for the other regions. Requires the transportation commission to prepare a comprehensive statewide transportation plan for Colorado. Creates a transportation advisory committee.

Appropriates \$541,070 and 0.5 FTE to the department of transportation for implementation of the act. Directs that, of such amount, \$500,000 shall be from the highway users tax fund,

\$32,270 shall be from moneys collected from the regional transportation district, and \$8,000 shall be from the state highway fund in the highway users tax fund.

APPROVED by Governor June 6

EFFECTIVE July 1

H.B. 91-1317 State department of highways - use of rights-of-way by adjacent landowners for agricultural purposes. Authorizes the state department of highways to issue permits to persons who own land adjacent to state highway rights-of-way for the use of such rights-of-way for agricultural purposes. Requires the executive director of the state department of highways to adopt rules which describe the terms and conditions of such permits, including a description of the types of agricultural uses allowed, the procedure for obtaining a permit, and insurance requirements. Prohibits the use of rights-of-way in medians or where the ownership of the right-of-way is not of public record.

Authorizes the state department of highways to charge fees to applicants for permits. Requires the permittee to show proof of insurance. Provides that the state department of highways shall not be liable for any property damage or injuries which may result from the permitting program.

APPROVED by Governor June 6

EFFECTIVE July 1

H.B. 91-1331 AIR account in highway users tax fund - distribution of moneys generated by certain fees. Eliminates the department of revenue as an eligible recipient of the moneys generated by the 50¢ registration fee imposed on motor vehicles for emissions programs. Directs that the revenues attributable to \$1 of the \$1.50 registration fee imposed on motor vehicles registered in the AIR program area shall be appropriated to the department of revenue and that the revenues attributable to the remaining 50¢ of such fee shall be appropriated to the department of health. Provides that the department of revenue shall be the agency which expends the moneys generated by the annual license fee for inspection and readjustment stations and by the annual license fee for emissions mechanics.

APPROVED by Governor June 5

EFFECTIVE July 1

INSTITUTIONS

S.B. 91-93 State hospitals - Pueblo and Fort Logan - change of name. Changes the name of the Colorado state hospital to the Colorado mental health institute at Pueblo. Changes the name of the Fort Logan mental health center to the Colorado mental health institute at Fort Logan.

APPROVED by Governor May 18

EFFECTIVE May 18

S.B. 91-103 Developmentally disabled - family support programs - loan fund - study of self-sufficiency trusts - termination of parental rights not required for voluntary placements. Directs the department of institutions to expand an existing family resource service program by developing a statewide program of family support services for families maintaining a developmentally disabled person at home. Authorizes the department to contract with community centered boards to provide family support services to such families. Describes the types of services that may be offered. Directs that a family support council be established in each catchment area to advise community centered boards and monitor services provided. Authorizes the department of institutions to submit a request for a model 200 waiver in order to utilize medicaid funds, subject to appropriation, for family support services.

Authorizes the department of institutions to transfer up to 7% of the appropriation for community programs allocated for family support services to pay for administrative costs of the department and the community centered boards.

Creates a family support loan program to make loans up to a maximum of \$8000 to families maintaining a developmentally disabled person at home for the purpose of obtaining short-term family support services or equipment. Requires that a family support plan, developed by the family with the assistance of the appropriate community centered board, accompany each application for a loan. Authorizes the department of institutions to transfer up to 3% of the appropriation for community programs allocated for family short-term support services or equipment to the loan fund.

Directs the department of institutions and the state council on developmental disabilities to study different approaches to creating group trust funds for the purpose of assisting families in arranging for lifetime services to be provided for a developmentally disabled family member, including the plan lifetime assistance network proposal and the self-sufficiency trust model. Requires a report with recommendations to be given to the general assembly by December 1, 1991.

Provides that the amount of parental income and resources attributable to a child's income for purposes of eligibility for home and community-based services under medicaid shall be established by rules and regulations of the department.

Amends the children's code to make a decree providing for voluntary placement of a child with an agency in which public moneys are expended renewable in circumstances where there is documentation that the child has an emotional, physical, or intellectual handicap which necessitates care and treatment longer than the usual 90-day period. States that the court shall not transfer or require relinquishment of legal custody or termination of parental rights for such a child who was voluntarily placed out of the home for the purposes of obtaining special treatment or care solely because the parent or legal guardian is unable to provide the treatment or care.

APPROVED by Governor May 31

EFFECTIVE July 1

H.B. 91-1151 Mental health - refusal of medication hearings - expenses. Requires the county with original jurisdiction to reimburse the expenses incurred by a county conducting a refusal of medication hearing at the request of a treating physician. In the alternative, allows the county with original jurisdiction the option to conduct the hearing using its own personnel.

APPROVED by Governor April 9

EFFECTIVE April 9

H.B. 91-1275 Developmentally disabled - gastrostomy services in residential and day programs. Allows the administration of fluids and nutrients through gastrostomy tubes or naso-gastric tubes to persons with developmental disabilities receiving residential program services or day program services funded by the department of institutions by authorized individuals who are not physicians or nurses. Requires the department of institutions to establish a program for the administration of gastrostomy services to persons with developmental disabilities. Requires that service agencies providing such residential program services or day program services have a person qualified to administer nutrients and fluids through gastrostomy tubes on staff, and keep records of the administration of nutrition and fluids. Specifies that the statutory program for the administration of medications includes the ingestion of medications through gastrostomy tubes or naso-gastric tubes.

Exempts individuals authorized by the department of institutions to administer fluids and nutrients through gastrostomy tubes from licensure requirements of physicians and nurses and requires sunset review of these exceptions prior to July 1, 1992.

APPROVED by Governor March 29

EFFECTIVE March 29

INSURANCE

S.B. 91-24 Medical liability extraordinary loss fund - repeal. Repeals the statutory provisions relating to the establishment and operation of the medical liability extraordinary loss fund.

APPROVED by Governor April 11

EFFECTIVE April 11

S.B. 91-72 Automobile insurance - compliance with requirement of offering uninsured motorist coverage. Defines the term "personal injury protection" for purposes of the no fault automobile insurance laws. Specifies that the required coverages under the no fault auto insurance law are conditioned upon offering uninsured motorist coverages as required by law. Specifies that an insurer shall be deemed to have complied with this requirement and that an exclusion of a named insured from uninsured motorist coverage shall be deemed valid if the insured has rejected the uninsured motorist coverage in writing. Provides that such waiver is continuing until the insured requests uninsured motorist coverage and that the insurer shall not have a duty to offer uninsured motorist coverage after receiving a written waiver of such coverage even though the vehicles insured under the policy have changed or the policy is reinstated, transferred, substituted, amended, altered, modified, replaced, or renewed. Also specifies that an insurer shall be deemed to have complied with the requirement to offer uninsured motorist coverage if such coverage has been offered at available levels and the insured has selected a certain value. The insurer shall have no further duty to offer changes to the insured motorist even though the vehicles covered under the policy have changed or the policy is reinstated, transferred, substituted, amended, altered, modified, replaced, or renewed, except if there is an increase in bodily injury liability limits and the limits of the uninsured motorist coverage would be less than such limits.

APPROVED by Governor June 5

EFFECTIVE July 1

S.B. 91-108 Automobile insurance - discount - drivers over 55 - driver's education course. Requires insurers to offer an appropriate discount on automobile insurance policy premiums for covered vehicles when the operator is 55 or older and has successfully completed a driver's education course offered by a commercial driving school licensed under Colorado law or by a nonprofit corporation organized under Colorado law that obtains preapproval for its driving course. Sets the period of time for which such discount shall remain in effect at 3 years and allows the insurer to require that the insured not be involved in an accident. Allows the insured to renew such discount when the

insured is not at fault in any accidents and the driver's education course is retaken. Requires insurance companies to report to the insurance commissioner regarding claims experience for drivers who have received rate reductions.

APPROVED by Governor April 11

EFFECTIVE April 11

S.B. 91-121 Preneed funeral contracts - fixed duration for payment period. Requires that the payment period for a preneed funeral contract be of fixed duration expressed in a set number of months or years.

APPROVED by Governor March 29

EFFECTIVE March 29

S.B. 91-163 Investments by insurance companies - increase in number and type of permissible. Broadens the range of bonds and other evidences of indebtedness in which domestic insurance companies may invest. Adds to the list of allowable obligations those guaranteed or insured by any state, territory, district, or political subdivision of the United States or by the Dominion of Canada or any province or district thereof, subject to certain limitations; those of solvent American, Canadian, or foreign corporations, also subject to limitations; and those issued or guaranteed by foreign governments or by specified international development banks. Limits investments in instruments issued or guaranteed by foreign governments, foreign corporations, and international banks to 5% of admitted assets.

Authorizes investment in mortgage-backed securities so long as the issuing entity is not in default in the payment of interest and the securities either are government-insured or have been rated at or above specified grades by the national association of insurance commissioners or by Moody's or Standard & Poor's.

APPROVED by Governor May 18

EFFECTIVE May 18

S.B. 91-245 State employees and officials group health and life insurance plan - state contribution - stabilization reserve fund - appropriation. Effective January 1, 1992, varies the amount contributed by the state to the group health and life insurance plan of state employees and officials on the basis of whether an employee or official has covered dependents. Establishes the amount and distribution of such contribution as follows: \$114 per month for a single employee; \$139 per month for an employee with one covered dependent; and \$190 per month for an employee with 2 or more covered dependents.

Establishes within the group insurance reserve fund a stabilization reserve fund in the amount of \$1,400,000 for the purpose of offsetting unexpected year-end deficits and

extraordinary fluctuation in annual premiums.

Appropriates \$4,089,293 from the group insurance reserve fund to specified state departments and agencies for implementation of the act.

APPROVED by Governor June 6

EFFECTIVE July 1

H.B. 91-1067 Medicare supplement insurance - regulations necessary for compliance with federal law. Authorizes the commissioner of insurance to promulgate such regulations as are necessary to allow Colorado to meet the medicare supplement policy standards and requirements imposed by the federal "Health Insurance for the Aged Act" or otherwise required by any federal law or rule or regulation, including promulgation of the model standards adopted by the national association of insurance commissioners for the purpose of complying with such federal requirements.

APPROVED by Governor March 27

EFFECTIVE March 27

H.B. 91-1092 Automobile insurance - payment of benefits - cost containment measures. Removes the requirement that an insurer offer a no-fault policy with a \$100 deductible provision in the payment of benefits portion of such policy. Allows an insurer to offer cost containment measures in a no-fault policy in the form of managed care arrangements, including health maintenance organizations and preferred provider organizations. Also allows inclusion of conditions and qualifications, including deductibles and coinsurance requirements. Mandates that such cost containment measures be voluntary and offered in addition to, and not to the exclusion of, traditional coverage. Excludes such deductibles and coinsurance requirements from any care provided to an insured within the first 24 hours after an emergency. Excludes cost containment measures from applying to any person who is not the insured, a resident relative of the insured, or a permissive driver. Defines "resident relative". Requires insurers to demonstrate the savings to be realized under the plan. Requires preapproval of disclosure forms and allows the commissioner of insurance to promulgate any necessary rules and regulations to implement the law.

APPROVED by Governor March 28

EFFECTIVE July 1

H.B. 91-1133 Automobile insurance - cost containment measures - arbitration of disputes - obligations of professionals providing health care services - tort recoveries. Authorizes the parties to any dispute related to the payment of direct benefits under the "Colorado Auto Accident Reparations Act" to resolve any such a dispute through voluntary binding arbitration. Provides that such arbitration shall be conducted under rules promulgated

by the commissioner of insurance in accordance with the provisions of the act, which rules shall be promulgated no later than August 1, 1991. Provides that in the absence of an agreement concerning binding arbitration, the parties may bring an action in contract in the appropriate court to resolve the dispute. Specifies the procedures to be followed in arbitrations conducted pursuant to the act and standards for the award of attorney fees, if any, to the insured party.

Absolves the insurer and the insured from liability for medical expenses not properly reported to the insurer within the time limit established by law. Establishes required information for notices to insurers from treating physicians or other health care practitioners after treating an insured under a complying auto insurance policy.

Establishes standards related to fees and records for persons providing services for which compensation is provided under the "Colorado Auto Accident Reparations Act". Makes the violation of such standards unlawful and provides that the failure to make patient records available during business hours within 10 business days after the presentation of written authorization together with an offer to pay reasonable copying charges shall subject the person having custody of such records to liability for all reasonable expenses, including attorney fees, incurred in the enforcement of the provisions if the actions in not making such records available are determined to be not in good faith reliance upon a legally recognized privilege. Requires health care providers to maintain originals or copies of patient records relating to services for no-fault related cases for 5 years after the last date of examination or treatment of the patient.

Exempts insurers of public school vehicles designed to transport 7 or more passengers from the prohibition on tort actions for direct benefits under the "Colorado Auto Accident Reparations Act" when such a vehicle is involved in an accident with a nonprivate passenger motor vehicle.

APPROVED by Governor May 31

EFFECTIVE July 1

H.B. 91-1142 Insolvent insurers - sale as a going concern. Authorizes the receiver appointed to administer the assets of an insolvent Colorado insurance company to apply to the court for permission to sell the company as a going concern, if it is in the best interest of the estate and will not diminish the value of claims against the company. Provides that such a sale does not affect the priority or preference rights of creditors, policyholders, shareholders, or others as fixed by current statute. Specifies that the proceeds of the sale become part of the general assets of the estate.

APPROVED by Governor March 12

EFFECTIVE March 12

H.B. 91-1153 Property and casualty insurance - rates charged by insurers - new provisions for rate regulation of workers' compensation insurance. Defines the terms "classification system", "competitive market", "expenses", "loss trending", "noncompetitive market", and "pure premium rate". Requires workers' compensation insurers to file expense and profit information individually. Requires insurers to pay the reasonable costs of consultants hired by the division of insurance to assist in the review of rate filings. Grants the insurance commissioner the authority to approve rates in whole or in part. Clarifies statutory provisions governing the standards for determining whether insurance rates are excessive, inadequate, or unfairly discriminatory and for applying such standards to different types of property and casualty insurance. Authorizes the insurance commissioner to require insurers or insurance rating organizations to refund excess premiums plus interest at a maximum rate of 18% per annum to consumers after a hearing and determination by the commissioner that an insurer's or rating organization's rates are excessive.

APPROVED by Governor April 11

EFFECTIVE April 11

H.B. 91-1168 - Group health insurance regulation - sickness and accident insurers - nonprofit hospital and health service corporations - health maintenance organizations - appropriation. Regulates how sickness and accident insurers, nonprofit hospital and health service corporations, and health maintenance organizations issue, cancel, or seek to cancel policies for small employer group policies. Requires notification prior to cancellation of such policies. Sets forth the conditions under which an employer may renew a policy for such employer's employees and their dependents. Exempts small employers from mandatory mental health care coverage if any such employer did not provide such coverage prior to July 1, 1989.

Requires a group policy provider not providing mental health care coverage to state in the provider's sales literature prior to the sale of any such policy that such coverage is not provided. Mandates that a group policy provider disclose the manner in which such provider's rates are determined and what factors affect those rates. Specifies what information a provider may request from an employer applying for coverage. Specifies how premiums may be increased by a provider.

Requires the division of insurance to report to the general assembly on the effect of changes in required benefits offered by employers to their employees on insurance premium rates.

Sets forth the criteria and regulations for one provider to succeed another. Specifies what types of coverage are ongoing and the lengths of time for which continuing coverage is mandated.

Appropriates \$34,000 to the department of regulatory agencies for allocation to the division of insurance for implementation of the act.

APPROVED by Governor June 7

EFFECTIVE July 1

H.B. 91-1192 Title insurance - agents - licensing requirements - financial responsibility - preservation of closing documents. Requires title insurance agents to possess paid-in capital reserves or, if individuals, net worth, of \$10,000 to qualify for a license. Allows agents to meet the requirement by filing with the commissioner of insurance an affidavit to the effect that their investment in a title plant, or the aggregate of such investment and their capital reserves, equals or exceeds the required amount. Requires agents to retain documents relating to a transaction, or copies of such documents, for at least 5 years after closing.

APPROVED by Governor April 20

EFFECTIVE July 1

H.B. 91-1197 Mutual and captive insurance companies - organization - conversion to other forms of insurer - lines of business. Declares the general assembly's intent that the existence and status of mutual insurance companies formed under the act be given full faith and credit outside of Colorado.

Allows captive insurance companies to be formed as mutual insurers. Defines a "mutual" insurer as an insurance corporation without capital stock, owned by its policyholders collectively, who have the right to vote in the election of its directors. States that such companies need not issue shares or provide members with annual reports more frequently than once each year or when an initial policy is issued, but are otherwise subject to the "Colorado Corporation Code".

Allows a mutual to write insurance to the extent now allowed for domestic insurance companies and captive insurance companies if permitted by the mutual's bylaws. Allows a mutual to render services related to its insurance business, including investment advice, actuarial and other services, and acting as administrative agent for a health or welfare program, subject to oversight by the insurance commissioner. Limits liability of members of a mutual to the amount of their premiums paid. Allows for contingent premium assessment.

Allows payment of dividends by mutuals which write life, accident, or accident and health insurance. Provides for classification of policyholders for payment of dividends by mutuals which write certain types of casualty insurance if allowed by their articles of incorporation and so long as they maintain at least the original level of capital surplus required for the kinds of insurance they write.

Specifies a method for a domestic mutual to convert voluntarily, without reincorporation, into a domestic stock or other form of insurer subject to approval by the commissioner of a detailed plan of conversion. Requires the commissioner to give preliminary approval to the conversion upon receipt of all information required in the plan. Calls for subsequent notice and approval of the plan by policyholders, subject to waiver in certain circumstances, before issuance by the commissioner of an amended certificate of authority. States that all pending litigation and liabilities survive the conversion.

Alters the definition of a pure captive insurance company so as to allow it to insure only the risks, hazards, and liabilities of its parent, subsidiaries of its parent, and associated and affiliated companies regardless of whether it insures professional practitioners. Prohibits any captive insurance company from providing personal insurance coverage for individuals except for professional liability, errors and omissions, or directors and officers liability coverage.

Allows a captive insurance company to apply for a certificate of authority to write insurance for comprehensive general liability, including health and travel insurance, and professional liability insurance whether or not combined with comprehensive general liability, subject to existing restrictions including the restriction against reinsurance of personal motor vehicle or homeowners' insurance coverage.

Removes the existing minimum level of premiums required for issuance of a certificate of authority to a pure captive insurance company.

Effective January 1, 1992, eliminates the deduction from gross premiums for amounts received as reinsurance premiums for state tax purposes. Replaces the current one percent premium tax rate with a formula containing a \$5,000 minimum dollar amount. Exempts from the premium tax all premiums for risks subject to direct taxation and all receipts of assets pursuant to the assumption of liabilities of an affiliated insurer as part of a plan of discontinuance of the affiliate's operations.

Exempts pure captive insurance companies from the prohibition against exposure to loss in an amount exceeding 10% of paid-up capital or guaranty fund and surplus unless reinsured.

APPROVED by Governor May 24

PORTIONS EFFECTIVE:

May 24

January 1, 1992

H.B. 91-1202 Division of insurance - fees paid by persons and entities licensed, authorized, or admitted to transact business. Specifies that appropriate examination fees for adjuster's examinations and examinations of agents for preneed

funeral contracts administered by some authority other than the commissioner of insurance shall be payable directly to the authority administering any such examination. Deletes specific fees for services charged by the division of insurance and replaces such fees with the following standard fees for entities regulated by the division:

For investigating and processing an initial application for authorization or licensure as a foreign or domestic insurance company, a nonrefundable fee of \$500;

For entities having prior year's direct written premiums, gross contract funds, or charges received in Colorado not exceeding \$1,000,000, a fee of \$500;

For entities which have prior year's direct written premiums, gross contract funds, or charges received in Colorado in excess of \$1,000,000, but less than \$10,000,000, a fee of \$1,000;

For entities which have prior year's direct written premiums, gross contract funds, or charges received in Colorado in excess of \$10,000,000, a fee of \$2,500.

For entities which did not write at least \$40,000 of taxable premium in the previous year in Colorado, the fee paid shall not exceed \$500. The fee of any entity which wrote in excess of \$40,000 of taxable premium, but less than \$100,000 of taxable premium in the previous year shall not exceed \$1,000.

Specifies that fees collected by the division of insurance shall be credited to the general fund except for \$200 of every fee or payment and a one-time payment due by June 30, 1991, of \$200 from nonprofit hospital and health service corporations, health maintenance organizations, fraternal benefit societies, preneed funeral contract sellers and endowment care cemeteries, mutual protective associations, mutual benefit societies, and interinsurers currently regulated by the division, which shall be credited to the division of insurance consumer protection cash fund. Authorizes the commissioner of insurance to determine reasonable fees for various administrative services of the division of insurance, including but not limited to copying, record searches, computer listings, and computer disks or tapes.

Requires that financial statements filed with the commissioner of insurance in accordance with the convention blank form include information required by any instructions, procedures, and guidelines for completing such convention blank form which are not in conflict with any provision of Colorado law.

Specifies that nonprofit hospital and health service corporations and health maintenance organizations shall pay a fee of \$10 for each enrollment representative's initial license and

\$6 for each enrollment representative's license renewal.

Specifies that the registration fee for representatives of motor clubs shall be \$10 and the renewal thereof \$6.

APPROVED by Governor June 5

EFFECTIVE June 5

H.B. 91-1210 Authority of insurer to transact business - part ownership by non-Colorado governmental entity. Clarifies that if certain requirements are met, the ownership in part of an insurer by a government of any state of the United States or a foreign government or any political subdivision, instrumentality, or agency thereof shall not restrict the commissioner of insurance from issuing, renewing, or continuing in effect the license of such insurer to conduct business in this state, if the commissioner finds that: The insurer is not subject to any form of subsidy; the insurer does not engage in practices that are discriminatory or unfair employment practices in violation of Colorado law; the ownership or financial control of the insurer will not create the presence of any sovereign immunity in the insurer; appropriate measures and controls exist to avoid security problems resulting from the insurer's access to confidential information and data of its insured; and the ownership or financial control will not result in substantial or undue influence being asserted over the insurer. Specifies that the act is a clarification of existing law and not a substantive change from existing law.

APPROVED by Governor March 11

EFFECTIVE March 11

H.B. 91-1243 Division of insurance - improvements in regulatory functions. Requires continuous appropriation of funds collected by the commissioner of insurance as reimbursement for out-of-state travel costs in conjunction with the examination of an insurance company to the division of insurance for the purposes of its activities.

Authorizes the commissioner of insurance to mandate the examination of a foreign insurance company, new applicant, or domestic insurance company by independent examiners, actuaries, or other qualified professionals. Specifies that such persons shall keep all information obtained from any such examination strictly confidential and disclose it only to the commissioner or to the examinee. Permits the examinee to contest the amount of any fees for such examinations.

Requires insurers maintaining a home office or regional home office in this state to file with the commissioner of insurance the name of a person designated to receive service of process. Provides that the names of such authorized agents shall be maintained on a list by the commissioner and made available to any person upon request.

Sets standards for qualifications of domestic insurers prior to the granting of a certificate of authority to conduct business in this state.

Between July 1, 1991, and July 1, 1995, phases in increases in the minimum level of total capital or guaranty fund plus surplus required for an insurance company to become licensed in Colorado. Requires companies already licensed in Colorado to increase their level of total capital or guaranty fund plus surplus by December 31, 1992, unless such period of time is extended by the commissioner or the commissioner waives or reduces such new levels upon a showing of adequate justification.

Requires that all securities owned by insurance companies which are valued by the securities valuation office of the national association of insurance commissioners be valued in accordance with the most recently published valuations of such valuation office. Other securities shall be valued as provided by law, or, if not provided by law, in accordance with procedures promulgated by the national association of insurance commissioners.

Specifies the priority of distribution for annuities and deposit fund contracts of insurance companies in delinquency proceedings.

Authorizes the commissioner of insurance to regulate the formation or operation of risk retention groups and purchasing groups as permitted by the federal "Liability Risk Retention Act of 1986" and state law.

Requires domestic, foreign, and alien insurers authorized to transact the business of insurance in this state to file a copy of their annual statement convention blank form with the national association of insurance commissioners.

Clarifies that newborn children and maternity insurance coverage shall be subject to the same copayment, deductible, and aggregate dollar limit provisions as are generally applicable under the health insurance policy to all other sicknesses, diseases, and conditions otherwise covered for sickness and accident insurance policies, prepaid nonprofit hospital and health service corporation plans, and health maintenance organizations. For maternity coverage provides that if an employer changes health insurance carriers or policies, the new carrier or policy shall not exclude coverage for normal pregnancy and delivery expenses on the grounds that pregnancy was a preexisting condition if the pregnant person was covered under the employer's former policy and coverage under the new carrier or policy came into effect within 90 days of termination or lapse of the former policy.

APPROVED by Governor May 31

EFFECTIVE July 1

H.B. 91-1303 Sickness and accident insurance - direct reimbursement for social worker services - appropriation. Requires that group policies providing hospitalization or medical benefits for conditions arising from mental illness must provide direct reimbursement for outpatient services furnished by a licensed clinical social worker within the scope of his or her license. Mandates that a social worker have at least 5 years of experience in psychotherapy, under appropriate supervision, beyond a master's degree in order to qualify for such reimbursement. Includes similar amendments to the law governing nonprofit hospital and health service corporations.

Appropriates \$8,090 out of the division of registrations cash fund to the department of regulatory agencies to implement the act.

APPROVED by Governor May 20

EFFECTIVE May 20

H.B. 91-1309 Agents and brokers - educational training - continuation of program for reduced license fee. Deletes the provision which would have repealed the program which allows an insurance agent or broker who completes all required educational training through the education program of a qualified company to pay a reduced license fee.

APPROVED by Governor March 12

EFFECTIVE March 12

H.B. 91-1325 Life and health insurance - creation of "life and health insurance protection association" - insurers as members. Creates the life and health insurance protection association. Mandates that such association provide coverage of benefit payments to persons who are holders of insurance policies or contracts where the insurer has become insolvent unless such holders could obtain protection from a similar association in another state. Requires life and health insurers to be members of the association as a condition of doing business in Colorado. Allows the association to levy assessments against member insurers. Specifies the limitations and conditions on such coverage and on the liability of the association itself. Provides for the regulation, organization, and operation of the association through a board of directors composed of member insurance companies. Makes the association accountable to the commissioner of insurance. Enumerates the powers and duties of the commissioner in relationship to the association. Holds the state harmless for any debts incurred by the association.

Subrogates the rights of the association to any insolvent insurer for whom its members pay claims. Establishes guidelines to detect and prevent insurer insolvencies.

Authorizes assessments of member insurers for administrative costs and for the costs of paying benefit claims due to policyholders in insolvent insurance companies. Allows life insurers to offset a portion of assessments paid against the premium tax. Mandates a maximum offset for any one year. Does not provide tax offsets for health insurers.

APPROVED by Governor June 7.

EFFECTIVE July 1

LABOR AND INDUSTRY

S.B. 91-90 Employment offices - report. Requires the executive director of the department of labor and employment to submit a report to the senate and house committees on business affairs and labor no later than January 25, 1992, on the closure of employment offices throughout the state and the establishment of centralized offices. Directs that the report include a comparison of costs under the centralized system versus the former system. Also requires the state auditor to report to the legislative audit committee no later than January 1, 1993, as to whether the new system has resulted in more effective delivery of services and a reduction in costs.

Repeals the reporting requirements on January 2, 1993.

BECAME LAW without Governor's signature
EFFECTIVE

June 8
June 8

S.B. 91-122 Workers' compensation - proceedings - authority for representation by officer of closely held corporation. Authorizes closely held corporations to be represented by an officer of the closely held corporation in workers' compensation cases if the amount at issue does not exceed \$10,000. Specifies that the authority for such representation does not extend to proceedings before the industrial claim appeals office, the court of appeals, or the state supreme court.

APPROVED by Governor April 14

EFFECTIVE April 14

S.B. 91-211 Unemployment compensation - benefits - eligibility for - construction workers quitting jobs outside of regular trade to return to regular trade. Extends eligibility for full unemployment benefits to certain construction workers who leave jobs outside their regular apprenticeable trades to return to their regular apprenticeable trades. Defines "regular apprenticeable trade" as a skilled trade or occupation in which a worker customarily must complete a program of apprenticeship or training which meets applicable federal standards.

APPROVED by Governor May 16

EFFECTIVE May 16

S.B. 91-216 Unemployment compensation - premium tax assessment - experience ratings - effect of closure of business due to employer's being called to military duty. Provides that an employer's experience rating, used in computing that employer's future unemployment insurance premium tax rate, shall not be affected by the employer's having been a member of the

military reserves or of the national guard who ceased doing business and discharged his or her employees as a result of being called to active military duty for a period of more than thirty days. Adds such business closures to the list of circumstances in which full unemployment benefits are payable to an individual following separation from a job.

APPROVED by Governor May 16

EFFECTIVE May 16

S.B. 91-218 Workers' compensation - omnibus reform bill - appropriation. Creates the division of workers' compensation in the department of labor and employment. Transfers the powers, duties, and functions of the division of labor related to the administration and enforcement of the "Workers' Compensation Act of Colorado" to the division of workers' compensation.

Transfers the functions related to the docketing of workers' compensation cases for hearing to the division of administrative hearings in the department of administration. Provides that decisions of the industrial claim appeals office may be appealed to the court of appeals by writ of certiorari. On July 1, 1993, transfers the administrative law judges who hear workers' compensation cases in the division of administrative hearings and all powers, functions, and support personnel related thereto to the division of workers' compensation. Specifies that commencing in the 1992 legislative session and at least every 4 years thereafter the general assembly shall provide for the conduct of a performance review by the state auditor of the administrative law judges hearing workers' compensation cases.

Defines the terms "maximum medical improvement" and "permanent total disability". Specifies that "permanent total disability" means an employee is unable to earn any wages in the same or other employment. Clarifies provisions in the definition of "wages". Deletes an obsolete provision of law related to the inclusion of employers of farm and ranch labor in the definition of "employer".

Repeals obsolete statutory authority for the department of institutions to self-insure for workers' compensation.

Limits mental stress claims by defining such claims to be compensable only if they constitute a mental impairment injury. Limits benefits for such claims to a period of 12 weeks in an amount not less than \$150 per week and not more than 50% of the state average weekly wage. Specifies that such limitations do not apply to the victim of a crime of violence.

Clarifies provisions related to determining which employer has responsibility for compensation and benefits for occupational disease.

Specifies that the provisions of the "Workers' Compensation

Act of Colorado" generally do not apply to the occupant or owner, or both, of residential real property who contracts out work done to the property.

Specifies that the limitation of one artificial member, glasses, hearing aid, brace, and any other external prosthetic device to be provided to an injured employee by the employer or insurer does not apply to implants or devices necessary to regulate the operation of internal organs or structures of the body.

Requires the director of the division of workers' compensation, with advice from the workers' compensation medical care accreditation commission created by the act, to promulgate rules establishing a medical fee schedule, impairment rating guidelines based on the revised 3rd edition of the "American Medical Association Guides to the Evaluation of Permanent Impairment", in effect as of July 1, 1991, medical treatment guidelines and utilization standards, and the medical accreditation process for physicians treating employees for time-loss injuries.

Specifies that the fees set forth in the fee schedule promulgated by the director of the division of labor in effect immediately prior to July 1, 1991, shall remain in effect until January 1, 1993, or until the director of the division of workers' compensation promulgates the impairment rating guidelines and medical treatment guidelines and utilization standards required by the act. Limits reimbursement for chiropractic treatments to not more than 90 days after the first of such treatments or 12 treatments, whichever occurs first, until the impairment rating guidelines and medical treatment guidelines and utilization standards are adopted and the chiropractor receives accreditation at level I under the medical accreditation program required by the act.

Defines "physician" for purposes of the medical accreditation program created in the act. Requires the director of the division of workers' compensation by January 1, 1992, to promulgate a system for the determination of medical treatment guidelines and utilization standards and medical impairment rating guidelines for impairment ratings as a percent of the whole person or affected body part based on the revised 3rd edition of the "American Medical Association Guides to the Evaluation of Permanent Impairment", in effect as of July 1, 1991. On and after July 1, 1991, requires that all physical impairment ratings used for purposes of the workers' compensation system be based on the revised 3rd edition of the "American Medical Association Guides to the Evaluation of Permanent Impairment", in effect as of July 1, 1991.

Creates the workers' compensation medical care accreditation commission and provides for the appointment of members of such advisory commission. Requires the director of the division of

workers' compensation to establish a two-tier accreditation system for physicians treating time-loss injuries and rendering impairment ratings under the "Workers' Compensation Act of Colorado". Level I will be voluntary for physicians treating employees' time-loss injuries, except for chiropractors for whom it will be mandatory to treat such injuries. Level II will be mandatory for any physician rendering impairment ratings of injured employees on and after January 1, 1993. Requires that both Level I and Level II accreditation be implemented and made available to physicians no later than July 1, 1992, and that physicians required to be accredited under Level II obtain such accreditation by July 1, 1993. Requires the director of the division of workers' compensation to contract with the medical school of the university of Colorado for the services of a medical director to advise the director of the division of workers' compensation and to work with the workers' compensation medical care accreditation commission on issues of accreditation, impairment rating guidelines, medical treatment guidelines and utilization standards, case management, and peer review activities under the medical accreditation provisions and the utilization review provisions of the "Workers' Compensation Act of Colorado". On or before July 1, 1993, requires every employer or insurer to offer at least managed care or medical case management in the counties of Denver, Adams, Jefferson, Arapahoe, Douglas, Boulder, Larimer, Weld, El Paso, Pueblo, and Mesa, and to offer medical case management in all other counties of the state.

Empowers the director of the division of workers' compensation to revoke the accreditation of any physician who violates the provisions of the medical accreditation system. Specifies that if a physician whose accreditation has been revoked submits a claim for payment for services rendered subsequent to such revocation, such physician shall be considered to be committing a fraudulent insurance act and no employer or insurer shall be liable to pay any such claim. Specifies that after July 1, 1993, neither an employer nor a self-insured employer shall be liable for any cost incurred for impairment evaluation of a patient if a physician is not accredited at Level II accreditation. Makes violation of the provisions of the medical accreditation program grounds for disciplinary action against physicians by their respective licensing authorities. Imposes a registration fee for Level I accreditation not to exceed \$250 and a registration fee not to exceed \$400 for Level II accreditation.

Makes changes in the formula for calculating average weekly wages to permit a daily wage to be multiplied by less than 5 for purposes of calculating the average weekly wage and to permit the hourly rate to be multiplied by less than 8.

Clarifies that in determining the compensation benefits payable for a later injury, permanent total disability, or death, the employee's average weekly earnings at the time of the later

injury shall be used in determining the compensation payable to the employee or such employee's dependents. Specifies that no claimant may receive concurrent permanent total disability awards from injuries occurring in this state or any other state.

Sets forth the specific circumstances in which a claimant is entitled to receive temporary total disability payments and the timing of such payments. Sets forth circumstances which terminate temporary total disability payments.

Clarifies that a claimant is entitled to receive temporary partial disability payments of 66 2/3% of the difference between the claimant's average weekly wage at the time of the injury and the claimant's average weekly wage during the continuance of the temporary partial disability.

Specifies that a claimant shall be entitled to permanent partial disability benefits depending upon whether an injury is listed on a schedule of injuries or according to a formula for the determination of permanent partial disability medical impairment benefits if the injury is not on the schedule. If an injury is scheduled the claimant is eligible for benefits as specified in the schedule paid at a maximum of \$150 per week for a maximum of 208 weeks. If an injury is not on the schedule, the medical impairment benefit is determined by multiplying the impairment rating determined by an accredited physician based on the revised 3rd edition of the "American Medical Association Guides to the Evaluation of Permanent Impairment" by an age factor specified in the act, by 400 weeks, and by 66 2/3% of the claimant's average weekly wage. Specifies a mechanism for resolving disputes related to impairment rating determinations. Limits combined temporary disability and permanent total disability payments to \$60,000 for claimants with impairment ratings of 25% or less and \$120,000 for claimants with impairment ratings of 25% or higher.

Entitles an employer who reemploys injured employees at their preinjury rate of pay to a premium dividend of up to 10% to be included within the premium dividends specified by the commissioner of insurance for employer cost-containment programs approved pursuant to rules and regulations of the commissioner of insurance.

Specifies that for injuries occurring on and after July 1, 1991, the average weekly wage of injured employees used for computing compensation paid for permanent total disability shall be increased by 2% per year effective July 1 of each year. Specifies that for injuries occurring on and after July 1, 1991, permanent total disability benefits shall cease when a claimant reaches the age of 65.

Increases burial expenses under the "Workers' Compensation Act of Colorado" from \$2000 for reasonable funeral expenses to \$4000.

Requires employees to provide written notice of injuries to employers within 4 days of the occurrence of the injury unless notice of the injury is submitted by another person. Tolls the time period for submitting written notice of the injury if the employer does not display written notification to employees of the requirement for written notice of on-the-job injuries.

Requires the employer or insurer to notify in writing the division of workers' compensation and the injured employee of its final position as to the admission or denial of liability within 60 days after notice or knowledge of an injury if the employer or insurer has contested liability due to the need for further investigation.

Requires the mediation of disputes related to a claimant's average weekly wage, a change in a claimant's health care provider, or as to authorized medical benefits in workers' compensation cases prior to the filing of an application for hearing, and authorizes the claimant to be represented at any such mediation by himself, counsel, or any other agent of the claimant's choice. States that mediators need not be attorneys.

Establishes a right to binding arbitration as an alternative to the hearing procedures under the workers' compensation system for disputes between parties.

Specifies that notwithstanding any rules of the division of workers' compensation, no discovery or evidentiary deposition in a workers' compensation case may be taken without the prior written order of an administrative law judge. Authorizes administrative law judges to review the medical necessity of treatment in workers' compensation cases and set aside excessive fees for services, issue summary orders based on documentary evidence in the case file regarding certain issues, and impose the sanctions of the Colorado rules of civil procedure, except for civil contempt, for willful failure to comply with orders in workers' compensation cases.

Clarifies provisions related to the powers of administrative law judges in connection with hearings. Requires that hearings in workers' compensation cases occur within 80 to 100 days of the commencement of hearing procedures unless a continuance is granted in certain situations for good cause shown. Increases the period of time before a hearing that parties shall be sent written notice of any such hearing from 20 to 30 days. Provides that parties shall be informed that they may be represented by an attorney or any person of their choice. Requires that hearings shall be set by the division of administrative hearings within a 80 to 100 days after the commencement of administrative proceedings. Specifies that parties may request a hearing only on issues ripe for adjudication, and, if any person requests a hearing or files a notice to set on issues which are not ripe for adjudication, such person shall be assessed reasonable attorney fees and costs. Authorizes the award of attorney fees and costs

if an administrative law judge, the industrial claim appeals office, or the court of appeals determines that a party has pursued or defended any frivolous claim for workers' compensation benefits. Requires administrative law judges to report to the director of the division of workers' compensation each time attorney fees and costs are awarded. Repeals frivolous claim provisions effective March 1, 1996. Authorizes any party to provide at the party's own expense a certified court reporter to report all or any part of any hearing. Requires that all transcripts be prepared and filed with the division of administrative hearings within 25 working days after they are ordered. States that if a court reporter is unable to meet the 25-day time limit any party or the administrative law judge may contract with another court reporter to ensure the timely preparation of transcripts.

Specifies that within 10 working days after the conclusion of a hearing the administrative law judge shall reduce a summary order to writing. Requires parties dissatisfied with a summary order to request specific findings of fact and conclusions of law within 15 days of the certificate of mailing of the summary order. Requires specific findings of fact and conclusions of law requested by any party to be completed by the administrative law judge within 25 days after a request.

Authorizes the director of the division of workers' compensation to appoint claims managers for the claims management of workers' compensation cases. Requires parties to workers' compensation cases to comply with the efforts of claims managers in managing claims or complaints received by the division of workers' compensation and subjects any party not complying to the penalty provisions of the "Workers' Compensation Act of Colorado" and to the denial or vacation of a hearing date.

Permits the reopening of permanent total disability cases to determine if a claimant has returned to employment and is earning in excess of \$4,000 per year or has participated in activities which indicate that the claimant has the ability to return to employment. If such facts are found, the claimant's permanent total disability award shall cease, and any subsequent award of permanent partial disability for the same injury or occupational disease shall be decreased by the amount of permanent total disability benefits previously received by the claimant.

Specifies that any employer or insurer violating any provision of the "Workers' Compensation Act of Colorado" shall be subject to having any order so violated reduced to judgment by a court of competent jurisdiction and also to a fine of not more than \$500 per day payable to the aggrieved party. Permits an insurer or employer to take a credit or offset of previously paid workers' compensation benefits or payments due a worker when the worker admits to having obtained benefits or payments through fraud or a civil or criminal judgment is entered against the employee for having obtained the previously paid benefits through

fraud. Specifies that benefits or payments obtained through fraud by a worker shall not be included in any data used for ratemaking or individual employer rating or dividend calculations by any insurer or the Colorado compensation insurance authority. Prohibits the inclusion of any penalties paid under the "Workers' Compensation Act of Colorado" or any damages awarded in suits founded upon bad faith in handling a claim in ratemaking by the commissioner of insurance.

Requires that after all appeals have been exhausted or in cases where there have been no appeals, insurers and employers shall pay benefits within 30 days of when due, and any employer or insurer who willfully delays payment of medical benefits for more than 30 days or willfully stops payments shall pay a penalty to the division of workers' compensation of 8% of the amount of wrongfully withheld benefits. If any insurer or employer willfully withholds permanent partial disability benefits within 30 days of when due, the insurer or employer shall pay a penalty to the division of 10% of the amount of such benefits due.

Increases the amount of a permissible lump sum payment for permanent total disability to \$37,560.

Requires the director of the division of workers' compensation upon receiving information from any person or entity that an employer is in default of its workers' compensation insurance obligations to institute the proper action to enjoin such employer from continuing business operations.

Defines the term "medical records" for purposes of utilization review provisions. Specifies that the director of the division of workers' compensation with input from the medical director shall appoint members of utilization review committees. Specifies the procedures for deliberations and recommendations of utilization review committees and the scope of the director of the division of workers' compensation's orders based thereon. Specifies that the appeal of decisions of the director shall be to an administrative law judge, the industrial claim appeals office, and the court of appeals by writ of certiorari.

Provides that deductible amounts of workers' compensation claims paid by employers shall not be considered by insurers in establishing insurance rate modification factors based on experience.

Requires the director of the division of workers' compensation to work with the commissioner of insurance who shall promulgate rules for the collection of data from workers' compensation insurance carriers related to the workers' compensation system. Specifies that data from self-insured employers shall be supplied to the commissioner of insurance by the executive director of the department of labor and employment, which shall collect statistics on self-insureds. Requires the commissioner of insurance to report the results of the data

collection to the general assembly within the first 30 days of each year beginning in January, 1993. Requires the commissioner of insurance to contract with some qualified entity for the study of risk classifications by insurers and modification factors based upon experience in determining premiums and to report on such studies to the general assembly by a November 30, 1991. Specifies that on and after July 1, 1991, until June 30, 1992, no insurance carrier, including the Colorado compensation insurance authority, shall change the method used to calculate the modification factor based upon experience. Repeals obsolete provisions of law requiring reports to the general assembly by the director of the division of labor.

Specifies that until July 1, 1994, the commissioner of insurance shall require an independent actuarial opinion that the best estimate of the impact of the reforms to the workers' compensation system enacted in this act have been incorporated in any workers' compensation rate change filed with the commissioner.

Appropriates \$3,110,894 to the departments of labor and employment, administration, and regulatory agencies for implementation of the act.

APPROVED by Governor June 6

EFFECTIVE July 1

S.B. 91-238 Unemployment compensation - "employment" defined - effect of government-mandated control. Provides that, for purposes of the definition of "employment" under the unemployment compensation statutes, the degree of control exercised, pursuant to statute or regulation, over the performance of a service or over the person performing the service by a person for whom the service is performed is not to be considered. Amends prior law under which such control could have been construed to create an employer/employee relationship despite the putative employer's lack of choice to impose such control.

APPROVED by Governor June 5

EFFECTIVE June 5

H.B. 91-1077 Liquified petroleum gas - conformance to nationally recognized standards. Changes terminology so that Colorado laws concerning specifications of liquified petroleum gas products conform to nationally recognized standards. Adds definitions for the industry terminology used.

APPROVED by Governor April 19

EFFECTIVE April 19

H.B. 91-1118 Unemployment compensation - unemployment insurance fund - solvency tax surcharge rates - appropriation. Mandates an increase in the solvency tax surcharge to increase the amount in the unemployment insurance

fund. Adjusts the mechanics of how an employer's unemployment insurance tax rate is raised. Requires tax rate increases to end once the fund is at the required level and further requires, whenever the fund level reaches 1.6% of the total taxable wages on July 1 of any year, that the director of the division of employment and training recommend a tax rate decrease to legislative council. Reinstates the assignment of the average industry tax rate to construction firms newly subject to this article, after such firms have had 36 months of experience in the industry, to allow for older firms which may have high negative percents of excess so that those older firms are not as sensitive to an economic downturn.

Appropriates \$15,000 from the unemployment insurance administration cash fund to the department of labor and employment for implementation of the act.

APPROVED by Governor May 31

EFFECTIVE July 1

H.B. 91-1129 Workers' compensation - eligibility - dependents - reduction due to acts of employee - death benefits - effect of remarriage. Allow children of decedents between the ages of 18 and 21 to continue to receive workers' compensation benefits so long as they remain in school full time, even if they were not full-time students at the time of the decedent's death. Specifies that the 50% reduction in benefits due to acts of employees resulting in injury shall be calculated after, and not before, any offset for federal social security benefits or similar benefits received from other sources. Raises the cap on death benefits from 80% to 91% of the state average weekly wage for accidents occurring on or after July 1, 1989, and decreases the setoff attributable to federal or foreign-state death benefits from 100% to 50% of the amount of such benefits. Clarifies terms of the 2-year lump-sum bonus on remarriage to provide that the bonus is withheld only if there are dependent children at the time of remarriage. Amends the general lump-sum payment provision to eliminate the marriage penalty and conform with the marriage incentive in corresponding provisions.

APPROVED by Governor May 29

EFFECTIVE May 29

H.B. 91-1159 Workers' compensation - cost containment board - risk management programs offered by certain colleges. Adds to the powers and duties of the workers' compensation cost containment board the power to recommend and review proposals for workplace insurance cost containment and risk management training programs and related services to be offered by community, technical, and junior colleges, subject to standards set by the commissioner of insurance. Includes the programs and services offered by such colleges in the statute that entitles business

entities to a premium dividend when they make use of such services.

APPROVED by Governor April 20

EFFECTIVE April 20

H.B. 91-1163 Workers' compensation - utilization review process - adjustments to long bill. Requires that the fee charged for utilization review be set at a level which covers the costs of compensating the members of utilization review committees in addition to the administrative costs of the division of labor. Allows that a claimant, in addition to an insurer or a self-insured employer, may cause a licensed medical professional to review services subject to utilization review prior to submitting a request for such review. Requires each member of a utilization review committee, rather than the committee as a whole, to report to the director of the division of labor on such member's findings for each case reviewed. In addition to recommending that no change be ordered with respect to a case or that a change of provider be made, allows a member to recommend that payment of the fees for the services provided be retroactively denied. Requires the director to issue an order in each case, and stipulates the conclusions which may be entered in such order. Requires that the director order a change of provider if a majority of the members of the reviewing committee recommend such an order. Requires the director to order that the payment of fees be retroactively denied if 2 of the members of the reviewing committee recommend such an order. Allows a claimant, insurer, self-insured employer, or health care provider to appeal an order of the director but amends the appeals process as follows: Eliminates further review of a case by committees appointed by the director; restricts appeals, other than those contesting retroactive denial of payment of fees, to a review of the record by an administrative law judge; specifies the number of days within which such review must be completed; and allows a de novo hearing before an administrative law judge for appeals contesting retroactive denial of payment of fees.

Decreases by \$30,500 the utilization review cash fund appropriation to the department of labor and employment and increases by \$30,500 the workers' compensation cash fund appropriation to the department of labor.

APPROVED by Governor May 29

EFFECTIVE May 29

H.B. 91-1193 Unemployment compensation - failure to pay unemployment taxes - penalty - appropriation. States that the penalty for being delinquent in the payment of unemployment taxes shall be the amount of delinquent taxes, not to exceed an additional one percent of the employer's taxable wages paid which were subject to unemployment insurance in the preceding calendar year in lieu of the current penalty of an additional one percent on the employer's unemployment tax rate. Also changes the

penalty for failure to file tax reports by the due date to provide for a \$50 penalty for each occurrence, and specifies that each subsequent quarter in which the employer fails to file constitutes a separate occurrence.

Appropriates \$31,400 in federal funds to the department of labor and employment for allocation to the division of employment and training to implement the act.

APPROVED by Governor May 29

EFFECTIVE September 1

H.B. 91-1228 Colorado compensation insurance authority - cost containment measures. Authorizes the Colorado compensation insurance authority to sell services developed as authorized by law.

Changes the formula for calculating the present worth of deferred medical and compensation payments for determining the amount of reserve to be set aside by the Colorado compensation insurance authority for such deferred payments so that interest is calculated at a rate of interest not higher than 6% rather than 4%.

Provides that the claim files of injured employees and policy files of employers shall not be subject to the provisions of the open records law and that with respect to meetings of the Colorado compensation insurance authority, matters relating to such files shall not be subject to the open meetings law.

Requires the commissioner of insurance to review the audit report of the national council on compensation insurance undertaken by the national association of insurance commissioners to determine the cost effectiveness of the Colorado compensation insurance authority utilizing the national council on compensation insurance. Requires the commissioner to report the findings of such review to the general assembly by January 1, 1992. Requires the sunrise and sunset review committee of the general assembly, as part of its review of the division of insurance during the 1991 interim, to review the cost effectiveness of the national council on compensation insurance with respect to the Colorado compensation insurance authority taking into account the audit report of the national council on compensation insurance undertaken by the national association of insurance commissioners.

APPROVED by Governor June 6

EFFECTIVE July 1

H.B. 91-1271 Workers' compensation - liability - exemption for placement through vocational training or rehabilitation programs. Exempts any department, board, commission, or institution of the state or of any county, city and county, city, town, school district, or private or parochial school or college

from all liability for injury to or death of any person placed with an employer as part of a vocational training or rehabilitation program if, under an agreement with the employer, the employer maintains workers' compensation insurance covering the placed person and if the employer receives notice of the act's provisions. Departs from prior law under which the placed person was automatically deemed an employee of the entity sponsoring the program for workers' compensation purposes. Provides a parallel exemption for the employer if the placed person is to be deemed an employee of the sponsoring entity.

APPROVED by Governor April 20

EFFECTIVE April 20

H.B. 91-1279 Unemployment compensation - "employment" defined - evidence of freedom from control and direction in performance of service. Amends the definition of "employment" in the "Colorado Employment Security Act" to reduce a business's burden of proof on the issue of whether a given person is an independent contractor or an employee. Allows the parties to a contract for the performance of service to demonstrate, by a preponderance of the evidence, either that the person performing the service is engaged in an independent trade, occupation, profession, or business and is free from control and direction in the performance of the service or, through use of a written document, that some or all of 9 enumerated factors exist. Departs from prior law by specifying that only the factors which are appropriate to the situation, out of the 9 specified, need to be proven. Allows the relationship to come outside the definition of "employment" despite the fact that the contract may be exclusive, some training may be provided, the relationship may be terminated for violation of contractual terms by the person providing the service, and a range of working hours may be set forth in the document.

APPROVED by Governor May 18

EFFECTIVE May 18

H.B. 91-1297 Workers' compensation - attorney fees - limitation on amounts charged - determination of reasonableness - disclosure and reporting requirements - appropriation. Requires attorney fee agreements in workers' compensation cases to be in writing, signed by both attorney and client, and to contain relevant statutory provisions governing such fee agreements. Provides that contingent fees may not be calculated based on medical benefits paid in a permanent disability award entered pursuant to admission or settlement. Creates a presumption that any contingent fee in excess of 20% of unappealed contested benefits is unreasonable. Allows the parties or their attorneys to obtain, upon request, a determination by the director of the division of labor of the reasonableness of fees charged in the case. Prohibits the charging or collecting of any fee determined to be unreasonable. Requires disclosure to the director of all attorney fees charged in any matter under the workers'

compensation laws; repeals the disclosure requirement as of July 1, 1993.

Appropriates \$35,200 and 1.0 FTE to the department of labor and employment for allocation to the division of labor for implementation of the act.

APPROVED by Governor May 29

EFFECTIVE May 29

H.B. 91-1322 Unfair employment practices - authority of director of civil rights division to issue subpoenas. Permits the director of the civil rights division of the department of regulatory agencies to subpoena witnesses, compel testimony of witnesses, and to compel the production of books, papers, and records relevant to any unfair employment practice charge. Sunsets the director's subpoena powers on July 1, 1996.

APPROVED by Governor June 4

EFFECTIVE June 4

MILITARY AND VETERANS

H.B. 91-1021 Department of military affairs - real property acquisitions - review by the capital development committee. Requires the adjutant general to submit a report to the capital development committee prior to acquiring any real property. Directs the capital development committee to provide recommendations concerning such proposed real property acquisition within 30 days after receiving such report from the adjutant general. Prohibits the adjutant general from completing any such real property acquisition without considering any recommendations of the capital development committee which are received during such 30-day period.

APPROVED by Governor April 1

EFFECTIVE April 1

H.B. 91-1252 State military forces - code of military justice - nonjudicial punishment - convening courts-martial - burial benefits for discharged military personnel. Broadens applicability of the "Colorado Code of Military Justice" to include members of the state military forces who are in federal service. Increases the minimum fine or forfeiture of pay and allowances from \$25 to \$50 which may be imposed by a commanding officer upon military personnel who are not officers as a disciplinary punishment for minor offenses. Expands the category of officers with the authority to convene general courts-martial. Specifies the appropriate officers to convene special courts-martial for several specific branches of service. Adds honorably discharged military personnel of Operation Desert Storm or Desert Shield to the class of personnel eligible for state burial benefits.

APPROVED by Governor April 1

EFFECTIVE April 1

H.B. 91-1324 Officers in armed forces - power to perform notarial acts. Permits officers in the armed forces who are performing inactive-duty training to perform notarial acts in the same manner as active-duty officers. Clarifies the rank such officers must hold to perform notarial acts.

APPROVED by Governor May 18

EFFECTIVE May 18

MOTOR VEHICLES AND TRAFFIC REGULATION

S.B. 91-2 Commercial drivers' licenses - license fees - licensing of testing units and testers - criminal penalties. Increases the fee for issuance of commercial drivers' licenses from \$15 to \$25. Authorizes persons who are at least 18 years of age but less than 21 years of age to operate commercial vehicles intrastate upon obtaining an appropriate provisional driver's license. Sets the fee for such a provisional driver's license at \$25. Sets the maximum fee for administration of commercial driver's license driving tests by commercial driver's license testing units at \$100 and increases the fee for administration of such driving tests by the department of revenue from \$40 to \$100. Directs that the fee charged to specified types of organizations for such driving tests not exceed \$40. Authorizes the department of revenue to set reduced fees for retesting of failed applicants.

Sets the fee for initial issuance of licenses for commercial driver's license testing units at \$300 and sets the annual renewal fee at \$100. Sets the fee for initial issuance of licenses for commercial driver's license driving testers at \$100 and sets the annual renewal fee at \$50. Authorizes the department of revenue to set reduced license fees for specified types of organizations. Provides that commercial driver's license driving tests may be performed only by employees of the department of revenue or by licensed driving testers employed by licensed testing units. Authorizes the department of revenue to issue, deny, suspend, or revoke licenses of testing units and driving testers after notice and hearing. Requires the department to provide for inspection of testing units and to adopt regulations regarding testing units and driving testers.

Creates the crime of performing driving tests or acting as a testing unit or driving tester without a license and imposes a penalty of a fine of not less than \$25 nor more than \$1000 or imprisonment for not more than one year or both.

APPROVED by Governor May 24

PORTIONS EFFECTIVE:

July 1

April 1, 1992

S.B. 91-10 Temporary commercial registration permit - agricultural harvest operations - port of entry clearance. Allows the owner or operator of a farm truck or truck tractor or a farm tractor to apply for a temporary commercial registration permit valid for a period not to exceed 60 days. Authorizes the holder of a temporary commercial registration permit to operate the registered vehicle solely in agricultural harvest operations within Colorado. Limits each vehicle to a maximum of 2 temporary commercial registration permits in any

12-month period. Establishes a fee schedule for the issuance of temporary commercial registration permits.

Requires that the owner or operator of any motor vehicle or combination of vehicles which is in excess of 16,000 pounds empty weight secure a valid clearance from the department of revenue, the state patrol, or a port of entry weigh station prior to operating such motor vehicle or combination of motor vehicles on the highways of this state.

APPROVED by Governor April 11

EFFECTIVE April 11

S.B. 91-49 Registration - resubmission of application when insurance affirmation clause is not signed - elimination of reprocessing fees. Eliminates the requirement of signing an affirmation clause on registration applications and renewals concerning compliance with insurance requirements. Removes the procedure for nonissuance of registration and return of registration documents for failure to sign such affirmation clause and eliminates the reprocessing fee associated with such return. Permits counties to refund all or any part of the reprocessing fees collected since January 1, 1991.

APPROVED by Governor April 17

EFFECTIVE April 17

S.B. 91-118 School buses - safety standards - driver training. Prohibits passengers of any school bus being used on mountainous terrain from occupying the front row of seats and any seats located next to the emergency doors, unless such bus is equipped with brake retarders. Encourages school districts to acquire only those brake retarders which are electromagnetic or state-of-the-art and to purchase only those new school buses which are equipped with external public address systems and such brake retarders. Requires every school bus driver to complete, by July 1, 1992, training concerning driving on mountainous terrain and in adverse weather conditions. Directs the state board of education to adopt and enforce regulations governing the operation of school buses. Specifies penalties for noncompliance with such regulations.

APPROVED by Governor April 17

EFFECTIVE April 17

H.B. 91-1023 Residential vehicles - manufactured home - trailer coach - definitions. Amends the definitions of "trailer coach" and "mobile home" in the "Uniform Motor Vehicle Law" as follows: Increases the maximum length of trailer coaches; specifies that trailer coaches are licensed as vehicles; and specifies that manufactured homes are not licensed as vehicles. Changes the name of "mobile home" to "manufactured home". Specifies that such homes are made of a preconstructed building unit or units manufactured in a factory or at a location other

than the site of the completed home.

APPROVED by Governor April 27

EFFECTIVE April 27

H.B. 91-1024 Ports of entry - cooperative agreements with contiguous states - joint operation of ports of entry - reciprocal collection of taxes and enforcement of laws. Authorizes the executive director of the department of revenue to negotiate and to enter into cooperative agreements with contiguous states for the operation of ports of entry at the borders between Colorado and such states. Authorizes the joint operation of ports of entry with contiguous states. Authorizes the reciprocal collection of fees, taxes, and penalties and the reciprocal enforcement of laws by the port of entry employees and officials of Colorado and contiguous states. Requires that cooperative agreements contain provisions indicating that any employees and officials of other states who act under the provisions of such agreements shall not be compensated by Colorado or be considered to be employees of Colorado. Authorizes the department of revenue to promulgate necessary regulations to implement the act.

APPROVED by Governor March 12

EFFECTIVE March 12

H.B. 91-1062 Collectors' items - automobile inspection and readjustment program - registration - taxes and fees - appropriation. Makes motor vehicles registered as collectors' items subject to the automobile inspection and readjustment program. Excludes from such program any motor vehicle registered as a collector's item which is of model year 1959 or earlier or which has a two-stroke cycle engine. Provides that a certification of emissions control issued for a collector's item shall be valid until such vehicle is sold or transferred. Prohibits the issuance of an emissions-related repair waiver for any vehicle registered as a collector's item. Provides that no verification of emissions test shall be issued to or required for any motor vehicle which is registered as a collector's item.

Requires that motor vehicles registered as collectors' items be registered for 5-year time periods. Sets the taxes and fees to be imposed for each such 5-year registration at 5 times the annual taxes and fees which would otherwise be imposed for registration. Prohibits registration of any collector's item for which a certification of emissions control is required until such certification is obtained.

Appropriates \$2,161 from the AIR account in the highway users tax fund to the department of revenue for allocation to the automotive inspection and readjustment program for implementation of the act. Directs the state treasurer to transfer \$20,404 from the AIR account in the highway users tax fund to the statewide distributive data processing system special purpose account in

the highway users tax fund. Appropriates \$20,404 from the statewide distributive data processing system special purpose account in the highway users tax fund and \$203 from the highway users tax fund to the department of revenue for implementation of the act.

APPROVED by Governor May 1

EFFECTIVE September 1

H.B. 91-1106 Traffic laws - recodification - highway legislation review committee - revision of various traffic statutes. Directs the highway legislation review committee to study any necessary revisions to the statutes concerning traffic, motor vehicles, and drivers' licenses. Directs the committee to make recommendations to the general assembly concerning the recodification of such statutes. Prohibits the committee from making recommendations to raise fines or lengthen sentences. Requires the committee to present its final report to the general assembly concerning its recommendations for legislation on or before January 1, 1993.

Repeals provisions requiring the supreme court to establish traffic violation bureaus in the county courts. Transfers statutory provisions concerning driver's license and operation requirements for motorized bicycles to the statutory article containing other driver's license requirements. Clarifies that habitual traffic offender status is based on multiple violations occurring within a given time period, rather than multiple convictions occurring within such time period. Authorizes the surviving spouse of a former prisoner of war to retain any set or sets of special license plates for former prisoners of war which the deceased spouse had obtained. Authorizes veterans of the armed forces of the United States who were disabled on or after May 7, 1975, to obtain special license plates for disabled veterans upon payment of all taxes and fees. Clarifies that the prohibition against operating a motor vehicle with a television screen located so as to be visible to the driver does not prohibit the usage of any computer, data terminal, or other similar device in a motor vehicle. Prohibits imposition of a fine which is less than the maximum fine of \$50 for the offense of the improper use of a handicapped parking space. Increases the penalty contained in the penalty and surcharge schedule for the offense of driving a motor vehicle with obstructed windows from \$15 to \$50 so as to be consistent with the penalty for such offense contained in the substantive statute. Directs that the penalty and surcharge schedule applies to all cases in which a peace officer was authorized to offer a penalty assessment notice but chose not to offer such penalty assessment notice and in all cases in which a penalty assessment notice was offered by a peace officer but was refused by the defendant.

APPROVED by Governor May 24

PORTIONS EFFECTIVE:

May 24

July 1

H.B. 91-1195 Traffic control - pedestrian control devices - railroad crossing signs. Clarifies that symbols may be used as an alternative to words on pedestrian-control devices. Changes the required legend for signs erected at railroad crossings where trains are not in operation during certain periods or seasons of the year from "exempt crossing" to "exempt". Repeals a statutory provision providing for flashing "walk" indications on pedestrian-control devices.

APPROVED by Governor March 28

EFFECTIVE July 1

NATURAL RESOURCES

S.B. 91-47 Hunting license fees - refunds to military personnel. Allows for a refund of big game hunting license fees to military personnel sent abroad. Allows a direct refund to such personnel who apply to the licensing authority and to the spouse of any deceased personnel. Disallows a refund to a licensee who is in Colorado during any part of the season for which the license was issued. Specifies that a request for a refund be in writing and that the licensee provide evidence of compliance with statutory requirements and that the request be completed before departure or within 6 months of the licensee's return to Colorado.

APPROVED by Governor April 4

EFFECTIVE April 4

S.B. 91-87 Oil and gas - drilling units - oil and gas environmental response fund - PUC-regulated rates for gas transportation. Sets standards for the size and shape of drilling units where oil or gas resources have not been previously discovered or determined by reference to drilling units previously established for the same formation in other areas of the same geologic basin.

Corrects errors made in House Bill 90-1232, concerning the political balance on the oil and gas conservation commission and the credit against the surcharge on oil and gas production for the environmental response fund.

Authorizes the commission to set the filing and service fee for drilling permits, subject to a specified maximum. Provides that moneys in the oil and gas environmental response fund may be used to investigate allegations of adverse environmental impacts. Requires that moneys in the oil and gas conservation fund in excess of 10% of the next year's appropriation revert to the environmental response fund instead of the general fund.

Specifies that gas transportation rates are not unjust or unreasonable if they are within a range set by the public utilities commission (PUC) or, in the case of a municipal utility, by the governing body of the municipal utility. States that this provision does not limit or restrict the PUC's authority to regulate rates and charges, correct abuses, or prevent unjust discrimination.

APPROVED by Governor April 19

EFFECTIVE April 19

S.B. 91-177 Mined land reclamation - plans - permits. Mandates that a mined land reclamation plan shall be carried out as concurrently with mining operations as is

practicable. Removes a cap on financial warranties which must be paid by operators. Corrects all references to powers of, obligations of, or obligations to the mined land reclamation board to include the division of mined land reclamation.

APPROVED by Governor May 6

EFFECTIVE May 6

H.B. 91-1083 Division of wildlife - acquisition of land in Morgan county - appropriation. Authorizes the division of wildlife to acquire 2 parcels of land in Morgan County, Colorado, for public purposes.

Appropriates \$105,000 to the division of wildlife from the wildlife cash fund for the acquisition of such land.

APPROVED by Governor March 29

EFFECTIVE March 29

H.B. 91-1103 Division of wildlife - acquisition of land in Las Animas county - appropriation. Authorizes the division of wildlife to acquire approximately 8,500 acres of land in Las Animas county.

Appropriates \$500,000 to the division for purposes of the acquisition, contingent upon the division's ability to acquire clear title to all of the lands described.

APPROVED by Governor May 29

EFFECTIVE May 29

H.B. 91-1115 Mined land reclamation - creation of fund - fees - permits - appropriation. Creates the mined land reclamation fund. Modifies the fee structure including setting up a 3 year implementation schedule, creates new fees, and increases the amount of the fees required under the mined land reclamation act. Mandates that all fees collected be deposited in the fund. Removes the exemption from paying fees previously held by units of governments which are operating mines. Allows an operator that is a unit of government to submit a composite fee if such unit is operating more than one mine and submits a composite application and annual report. Except for the executive director, authorizes payment of \$50 per diem to members of the board.

Appropriates \$841,824 to the department of natural resources for allocation to the mined land reclamation board from the mined land reclamation fund and credits the general fund \$329,427 to offset the appropriation in the 1991-92 long bill, leaving an effective appropriation of \$505,197 for implementation of the act.

APPROVED by Governor June 5

EFFECTIVE July 1

H.B. 91-1122 Arkansas River - regulation of use by board of parks and outdoor recreation - continuation. Extends provisions vesting the board of parks and outdoor recreation with authority to regulate recreational and commercial use of the Arkansas river by changing the effective date of the repeal of those provisions from January 1, 1992, to July 1, 1997.

APPROVED by Governor April 17

EFFECTIVE April 17

H.B. 91-1140 Damage caused by wildlife. In a provision that indicates that the state is not liable for property damage caused by wildlife when the claimant charges a fee in excess of \$25 for allowing hunters access across the property, increases the amount of the said limit to \$100.

Authorizes the wildlife commission to review settlement agreements between the division of wildlife and a claimant who has alleged property damage caused by wildlife. Allows the wildlife commission to disapprove any settlement it considers unreasonable. Requires the wildlife commission to review all claims which the division of wildlife denies and all claims which the division and claimant are unable to settle. Empowers the commission to confirm the denial of a claim or to extend an offer of settlement to a claimant. Grants a claimant judicial recourse if such claimant contests the commission's final determination or refuses its offer of settlement. Requires that a court action be commenced within 60 days after the claimant receives the commission's notice of denial or offer of settlement.

For claims within the monetary range of small claims court, allows a claimant to waive review by the wildlife commission and to commence an action in small claims court thereby entitling such claimant to a trial de novo. Requires that such action be commenced within 60 days after the claimant receives the division's notice of denial or offer of settlement. Allows a full-time employee of the division of wildlife to represent the division in small claims court.

APPROVED by Governor April 20

EFFECTIVE April 20

PROBATE, TRUSTS, FIDUCIARIES

S.B. 91-146 Probate and protective proceedings - statutory rule against perpetuities - fees. Creates a statutory rule against perpetuities. Requires a \$25 fee for filing a demand for notice in probate proceedings. Establishes that costs of administration of estates, funeral and burial, interment, and cremation expenses have priority over the family allowance and exempt property allowance. Establishes that the provisions regarding nonademption of specific devises apply only if the disposition of the specific property was by a conservator and not by the testator, and only if the conservatorship was in effect on the date of death, or was terminated within 6 months prior to death. Allows a power of attorney to expressly empower the agent to renounce and disclaim interests and powers, to make gifts, and to release and exercise powers of appointment. Requires reduction of a claim against an estate made by a claimant who is jointly liable with the decedent to a secured creditor and who has received the property securing the debt by transfer outside of the estate. Increases the limit for collection of property by affidavit in small estates from \$20,000 to \$27,000. Establishes that sums in a non-POD multiple-party account which remain on deposit on death, belong to the surviving party or parties to the account and not the estate, unless there is clear and convincing evidence of a different intent of the decedent.

Makes the following changes with respect to protective proceedings: Requires that a minor reach the age of 21 years before the minor's property which is held by a custodian will be transferred to the minor; removes "advanced age" from the enumerated grounds for incapacity and protective proceedings; establishes that the standard of proof in a proceeding determining incapacity or the need for protection shall be by clear and convincing evidence; establishes that the burden of proof shall be on the party alleging incapacity or the need for protection; and requires the court to determine those persons who are to receive notice of any hearing regarding appointment of a conservator or for any protective order.

APPROVED by Governor May 31

PORTIONS EFFECTIVE:

May 31

July 1

H.B. 91-1200 Public administrators. Requires persons appointed as public administrators to be qualified electors over 21 years of age and to reside in the judicial district for which appointed during their term as public administrators. Increases to \$25,000 the amount of the bond which a public administrator is required to maintain. Authorizes public administrators to appoint deputy public administrators.

Requires public administrators to take possession of and protect a decedent's property in the event that no other qualified person is able to provide such protection. Authorizes public administrators to deduct appropriate fees from the decedent's estate for costs incurred in protecting the estate. Requires law enforcement and other agencies to notify the public administrator whenever such agencies believe that a decedent's property is not secured.

Authorizes public administrators to administer small estates and to distribute the funds of such small estates. Provides that public administrators shall not be liable for any improper distributions made in reliance on information contained in affidavits submitted by persons making claims on the estate. Authorizes public administrators to make funeral arrangements for a decedent consistent with the decedent's religious preferences. Authorizes public administrators, in searching for a decedent's assets, to have access to a decedent's safe deposit box and to prepare a certificate which compels a bank or any other entity to release to the public administrator any information concerning the decedent's assets.

Allows public administrators to act as special administrators or as conservators in certain circumstances. Establishes docket fees for the filing of statements of accounts by public administrators. Requires public administrators to file reports with the appointing court regarding the administration of the public administrators' cases during the previous calendar year. Requires public administrators to maintain detailed time records for all services and provides that the fees of the public administrator are subject to review by the court which has jurisdiction over the estate.

APPROVED by Governor June 7

EFFECTIVE July 1

PROFESSIONS AND OCCUPATIONS

S.B. 91-9 Barbers and cosmetologists - proof of education requirements. Requires an applicant for licensure as a barber or cosmetologist to furnish proof of graduation from a barber school or a beauty school approved by a governmental agency and to furnish proof of having successfully completed the educational requirements established by the state board of barbers and cosmetologists or of having successfully completed education substantially equal to those requirements if the applicant attended a barber school or beauty school outside of Colorado.

APPROVED by Governor February 25

EFFECTIVE February 25

S.B. 91-11 Barbers and cosmetologists - licensure of barbers, cosmetologists, manicurists, and cosmeticians by endorsement. Requires the state board of barbers and cosmetologists to license a barber, cosmetologist, manicurist, or cosmetician licensed anywhere outside of Colorado if the board finds that the applicant possesses qualifications which are substantially equivalent to requirements for licensure by examination in Colorado and if the applicant meets all other requirements for licensure. Allows the board to define "substantially equivalent".

APPROVED by Governor February 25

EFFECTIVE February 25

S.B. 91-12 Veterinarians - regulation by and continuation of state board of veterinary medicine. Changes the name "animal technician" to "veterinary technician". Discontinues the authority of the state board of veterinary medicine to issue temporary permits. Discontinues the requirement that artificial inseminators be licensed by the state board of veterinary medicine but authorizes the board to regulate artificial insemination through the promulgation of rules and regulations. Prohibits the use of prescription drugs in the care and treatment of an animal by its owner in the absence of a veterinarian-client-patient relationship. Requires that one member on the state board of veterinary medicine not only be a consumer of services provided by a licensed veterinarian and be actively engaged in livestock production but also have no financial interest in the practice of veterinary medicine. Includes misconduct and incompetence as grounds for dismissing a member of the board. Grants the board the power to issue cease and desist orders and to issue subpoenas when conducting investigations.

Grants immunity from liability in civil actions to members of the board, witnesses, and complainants. Removes the requirement that an applicant for a veterinary license be "of

good moral character". Allows veterinary students who will graduate within 30 days after the giving of the Colorado practical examination to sit for such examination. Discontinues the requirement that an applicant apply at least 30 days before the date of an examination. Requires the board to set the passing score for the veterinary examinations to reflect a standard of minimum competency. Allows the board to issue by endorsement a Colorado veterinary license to a veterinarian who is licensed in another jurisdiction and who possesses credentials and qualifications substantially equivalent to those required in Colorado. Allows the board to issue a Colorado veterinary license to an applicant who is certified by a specialty board of the American veterinary medical association and who meets requirements for certification substantially equivalent to those required in Colorado.

Discontinues the biennial expiration of licenses and substitutes a reference to the statute that gives authority to the department of regulatory agencies to establish an expiration schedule for licenses. Requires a veterinarian who has allowed his license to expire for more than 3 years or who has remained on inactive status for more than 3 years to retake the Colorado practical examination as a condition for reinstatement. Eliminates the requirement that a veterinarian assistant be under the direct supervision of a veterinarian and substitutes the requirement that a veterinarian assistant be under the on-the-premises supervision of a veterinarian. Authorizes the board to issue letters of admonition for misconduct warranting action other than a more strict form of disciplinary action.

Includes as conduct warranting disciplinary action the following: (1) An act or omission which fails to meet generally accepted standards of veterinary practice; (2) the practice or performance of services beyond a veterinarian's scope of competence; (3) the failure to report a known violation of the veterinarian standards of practice; and (4) the administration, dispensing of, or prescription of any prescription drug in the absence of a veterinarian-client-patient relationship.

Repeals on July 1, 2001, the article regulating veterinarians pursuant to the provisions of the sunset law. Prior to such repeal, requires review of the state board of veterinary medicine.

APPROVED by Governor April 16

EFFECTIVE July 1

S.B. 91-44 Electricians - renewal of licenses or registrations. Requires successful completion of an open book multiple choice examination as a prerequisite for renewing the license or registration of an electrician. Includes as conduct warranting disciplinary action any deception, misrepresentation, or fraud by an electrician in obtaining or attempting to obtain

renewal of a license or registration.

APPROVED by Governor April 11

EFFECTIVE July 1

S.B. 91-51 Fireworks - licensing requirements for sale or distribution - local and state regulation - appropriation - long bill adjustment. Repeals and reenacts the fireworks licensure law and changes the enforcement and licensing responsibility from the office of the secretary of state to the department of public safety. Defines certain acts as illegal uses or sales of fireworks and makes exceptions to those prohibitions. Mandates licensing of any person who sells as a wholesaler, retailer, or display retailer or who exports fireworks. Includes "manufacturer" in the definition of "wholesaler" for licensing purposes. Makes effective on July, 15, 1991, the licensing requirements for retailers, wholesalers, display retailers, and exporters. Requires the director of the department of public safety to set fees for licenses at such rates as are necessary to cover the costs of the department of public safety in implementing this article and to collect all fees paid for licenses. Requires the director of the department of public safety to promulgate rules and regulations necessary to implement the provisions of the article. Creates the fireworks licensing cash fund into which all fees will be deposited by the director. Makes effective on July 15, 1991, the creation of the fund and the authority of the director of the department of public safety. Funds the activities required pursuant to this article through the fireworks licensing cash fund. Prohibits selling or furnishing any fireworks to any person under 16 years of age; except that the possession or discharge of permissible fireworks is allowed if done under adult supervision. Mandates that any seller of fireworks display a specified warning sign to purchasers. Authorizes local governments to issue permits for the use and display of fireworks and provides exceptions to the permit requirements. Specifies how a local government may control the use of fireworks within its jurisdiction. Authorizes local authorities to seize illegal fireworks. Sets penalties for violations.

Grants licensing authority to the secretary of state to continue licensing persons who manufacture fireworks, sell fireworks at retail, or who sell fireworks at wholesale until July, 15, 1991, at which time all fireworks licensing authority in the secretary of state shall cease.

Sets the automatic termination date of the licensing functions of the executive director of the department of public safety at July 1, 1992, subject to a review of such functions pursuant to the sunset law.

Appropriates \$66,874 from the fireworks licensing cash fund to the department of public safety for implementation of the act.

Adjusts the appropriation to the department of state made in the 1991-92 long bill by a decrease of \$2,950.

APPROVED by Governor June 4

EFFECTIVE June 4

S.B. 91-71 Alcoholic beverages - limited winery licensees - sale of wine on Sundays. Authorizes limited winery licensees to sell wine in sealed containers or by the glass on Sundays from 8 a.m. until 12 midnight.

APPROVED by Governor April 11

EFFECTIVE April 11

S.B. 91-95 Dental hygienists - licensing requirements - licensure of persons licensed in other states - appropriation. Replaces prior licensure-by-reciprocity procedure with provisions allowing one who is licensed as a dental hygienist in another state to receive a Colorado license upon submission of credentials and background information and upon successful completion of a qualifying examination.

Appropriates \$17,317 and 0.5 FTE to the department of regulatory agencies for implementation of the act.

APPROVED by Governor April 27

EFFECTIVE April 27

S.B. 91-99 Horse and greyhound racing - regulation - pari-mutuel wagering - off-track wagering facilities - classification of tracks - appropriation. Divides the state into a north circuit and a south circuit for greyhound racing. Divides horse racing tracks into 2 classes, designated "A" and "B", according to the duration of race meets held at such tracks. Authorizes the operation of one "in-state simulcast facility", at which simultaneous broadcast signals of live races are received and wagers are taken, per operating horse racing track except within 50 miles of operating class B tracks and other facilities unless consent is obtained. Authorizes the formation of common pari-mutuel pools, consisting of host tracks which run live races and of simulcast facilities which receive signals of such races, or consisting of simulcast facilities only, for purposes of conducting pari-mutuel wagering. Gives the racing commission authority to license and regulate simulcast facilities, in addition to its existing authority over tracks.

Allows facilities which previously were licensed to hold race meets to operate for 12 months as simulcast facilities, subject to approval by the commission. Authorizes "cross simulcasting" between horse tracks and greyhound tracks. Establishes guidelines for simulcasting of horse and greyhound races with reference to scheduling of live and simulcast race days, geographical location of the tracks and simulcast facilities involved, and duration of race meets. Provides for

the transfer of authorized race meet days between tracks. Amends provisions on duration and scheduling of race meets by the commission. Adds detailed provisions regarding scheduling of horse and greyhound race meets to avoid conflicts.

Amends provisions relating to fees payable to the commission based on gross receipts from pari-mutuel wagering, increasing such payments from 4 to 4 1/2% in the case of greyhounds and reducing them from 3 1/2 to 3/4%, with a minimum of \$3,000 per meet or the actual cost of regulation of a race meet at a class B track, in the case of horses. Requires payment of 1/4% of gross receipts from wagering on horses, other than win, place, and show, to Colorado state university for equine research. Makes other changes to provisions governing takeout percentages and disposition of payments to the state. Allows the retention of 5% of gross receipts from wagering on simulcast races of horses to be used to cover expenses of operating a simulcast facility. Requires at least one race of each day of a live race meet to consist exclusively of Colorado-bred horses if they are available.

Appropriates \$102,545 to the division of regulatory agencies for allocation to the division of racing events to implement the act during the remainder of the fiscal year which began July 1, 1990. Appropriates \$1,704,900 to the division of regulatory agencies for allocation to the division of racing events to implement the act during the fiscal year beginning July 1, 1991.

APPROVED by Governor June 6

EFFECTIVE June 6

S.B. 91-139 Alcoholic beverages - issuance of temporary permits. Authorizes local licensing authorities to issue temporary permits to a transferee of a fermented malt beverage or alcoholic beverage license. Allows the holder of a temporary permit to sell fermented malt beverages or alcoholic beverages during the period an application to transfer ownership of a license is pending. Sets forth the procedures for applying for a temporary permit and imposes conditions precedent to obtaining such a permit. Requires that an application for a temporary license be accompanied by a fee not to exceed \$100. States the grounds for which a temporary permit is subject to cancellation, revocation, or summary suspension by the local or state licensing authority.

APPROVED by Governor April 11

EFFECTIVE July 1

S.B. 91-149 Limited gaming - implementation and regulation of - appropriations. Enacts the "Limited Gaming Act of 1991", which implements the conduct of limited gaming in the cities of Black Hawk, Central, and Cripple Creek as authorized by section 9 of article XVIII of the state constitution. Charges the Colorado limited gaming control commission with the regulation of limited

gaming. Creates the division of gaming within the department of revenue. Directs the executive director of the department of revenue to appoint a director of the division of gaming. Specifies the function of said division and states the powers and duties of the director. Makes investigators of the division and their supervisors, including the director of the division and the executive director of the department of revenue, "Peace Officers, Level II". Authorizes the division to procure the records of any law enforcement agency in the United States for purposes of fulfilling its responsibilities pursuant to the act. Terminates the division and the powers, duties, and functions of the director of the division on July 1, 1996.

Creates the Colorado limited gaming control commission within the division of gaming. Provides that the commission be comprised of 5 members appointed by the governor with the consent of the senate. Sets forth the criteria for membership on the commission. Specifies the powers and duties of the commission, which powers include the authority to promulgate rules and regulations. Includes matters which the commission is required to regulate by rule. Prohibits conduct constituting a conflict of interest for members of the commission and employees of the division and specifies such conduct.

Authorizes the commission to issue the following licenses: Slot machine manufacturer or distributor, operator, retail gaming, support, and key employee. Sets forth criteria for the issuance of such licenses. Allows the commission to establish an application fee for each license. Provides that all licenses issued by the commission are revocable and nontransferable. Requires that an applicant for a license establish that such applicant is of good moral character. Allows the commission to delegate to the division of gaming the authority to issue support and key employee licenses. Sets forth criteria which would disqualify an applicant for licensure. Specifies the information, authorizations, waivers, and articles of identification required by an applicant for licensure. Authorizes the commission to deny, suspend, or revoke a license and sets forth the grounds therefor. Authorizes the commission to renew a license and sets forth the requirements therefor. Allows the commission to hold executive or closed meetings for certain purposes.

Specifies information, records, and communications of the commission deemed confidential. Requires a licensee to keep books of account and records which are subject to inspection by the division. Specifies the minimum safety standards for licensed gaming establishments and the requirements for obtaining a certificate of compliance. Requires that licensed gaming establishments be accessible to the physically handicapped.

Imposes a gaming tax on the adjusted gross proceeds of gaming. Requires that the commission set the tax rate but not in excess of forty percent of such proceeds. Establishes criteria

for consideration by the commission in determining the percentage of such tax. Requires each gaming licensee to file a return and remittance to the director of the division on a monthly basis. Specifies what constitutes a violation of the taxation provisions, and specifies the penalties for such violations.

Creates the limited gaming fund and provides the framework for its maintenance and operation. Specifies the purposes for which the moneys in the fund are available. At the end of each fiscal year, requires the state treasurer to distribute the balance of the fund, after expenses, as follows: 49.8% to the general fund; 28% to the state historical fund; 12% to the governing bodies of Gilpin and Teller counties in proportion to the gaming revenues generated in each county; 10% to the governing bodies of the cities of Central, Black Hawk, and Cripple Creek in proportion to the gaming revenues generated in each city, and .2% to the Colorado tourism promotion fund. Sets forth the purposes for which the state historical society may make grants. Directs the state auditor to annually audit the fund.

Charges all sheriffs and police officers in the state with the duty of enforcing the provisions of the act and the district attorneys of each judicial district with the duty of prosecuting violations of the act. Directs the attorney general to provide legal services for the division and the commission.

Specifies persons prohibited from having a direct or indirect interest in any license in connection with limited gaming. Authorizes the commission to establish a list of persons required to be excluded or ejected from a licensed gaming establishment and sets forth criteria for consideration by the commission in determining such persons. Sets forth information required by the commission for each slot machine imported into the state by a slot machine manufacturer or distributor. Establishes prohibitions in connection with the age of gaming participants, the minimum payback for slot machines, the hours for limited gaming, and the maximum amount of bets. Legalizes the shipment of gaming devices into the state and exempts Colorado from the federal act prohibiting the transportation of gambling devices in interstate and foreign commerce.

Allows charitable organizations to sponsor limited gaming at a retailer's licensed gaming establishment and sets forth the terms of such sponsorship.

Appropriates as a loan from the general fund to the limited gaming fund the amount of \$946,122 for organizational and administrative expenses incurred in connection with implementation of limited gaming. Sets forth the rate of interest and payment terms for such loan.

Creates the contiguous county limited gaming impact fund to reimburse counties contiguous to Gilpin and Teller counties for

expenses incurred in connection with implementation of limited gaming in said counties. Sets forth procedures and guidelines for the distribution, operation, and maintenance of said fund.

In accordance with federal regulations, authorizes the creation of a tribal-state compact governing the conduct of gaming activities on tribal lands and sets forth the provisions to be included in said compact.

Specifies unlawful and fraudulent acts in connection with limited gaming activities and sets forth the criminal and civil penalties therefor.

For the 1990-91 fiscal year, appropriates from the limited gaming fund \$11,222 to the department of law, \$323,910 and 4.5 FTE to the department of public safety for allocation to the Colorado bureau of investigation, and \$57,948 to the department of revenue for implementation of the act. For the 1991-92 fiscal year, appropriates from the limited gaming fund \$151,506 to the department of administration, \$71,902 and 1.0 to the department of law, \$395,890 and 5.5 FTE to the department of public safety for allocation to the Colorado bureau of investigation, \$247,293 and 7.2 FTE to the department of public safety for allocation to the Colorado state patrol, and \$53,490 to the department of revenue for implementation of the act.

APPROVED by Governor June 4

EFFECTIVE June 4

H.B. 91-1011 Private occupational schools - computation of surety bond - train-out. Changes the method of determining the amount of the surety bond required of approved private occupational schools. Allows the private occupational school division of the department of higher education to use the surety bond of an approved private occupational school that ceases operation to provide train-out for students currently enrolled in such school. Designates the division as trustee for all prepaid, unearned tuition and fees, student loans, pell grants, and other student financial aid assistance when a school ceases operation. Requires the division to determine whether offering the train-out is practicable without federal government designation of the division as trustee for federal student financial aid funds. Defines "ceasing operation" and "train-out".

APPROVED by Governor March 27

EFFECTIVE March 27

H.B. 91-1039 Nursing home administrators - licensing requirements - licensing by reciprocity - conditional licenses - annual registration requirement. Allows for licensure as a nursing home administrator of any person duly licensed to practice nursing home administration in another state or territory upon the successful completion of the Colorado state examination and upon submission of a current license issued by

another state, information relating to the person's license history, verification of experience, and a report of any pending or final disciplinary or malpractice actions. Eliminates the provision allowing licensure by endorsement of licenses issued in other states.

Increases the effective duration of a conditional license, pending approval of an application for a reciprocal license, from 60 to 120 days.

Requires annual, rather than biennial, registration of licensees.

APPROVED by Governor March 12

EFFECTIVE March 12

H.B. 91-1066 Pharmacists - discipline - alternatives to disciplinary proceedings - peer health assistance diversion program - appropriation. Creates a peer health assistance diversion program for pharmacists experiencing impaired practice due to psychiatric, psychological, or emotional problems or alcohol or drug use or addiction. Declares the legislature's intent that the program be used as an alternative to disciplinary proceedings.

Creates the pharmacy peer health assistance fund in the state treasury, funded by a fee, not to exceed \$25, paid biennially by pharmacy licensees in addition to registration or license renewal fees. Authorizes the state board of pharmacy to make annual awards from the fund to one or more recognized pharmacy peer health assistance organizations for purposes of administration of the program. Establishes the conditions that a pharmacy peer health assistance organization must meet in order to be eligible to receive an award. Establishes the conditions and requirements to be met by applicants for participation in the peer health assistance program.

Calls for the formation of a rehabilitation evaluation committee to review applications of persons to participate in the program. Provides immunity from civil liability for members of the committee and other personnel acting in good faith to fulfill their duties under the program.

Appropriates \$55,400 to the department of regulatory agencies for allocation to the division of registrations for implementation of the act.

APPROVED by Governor May 16

EFFECTIVE July 1

H.B. 91-1073 X-ray technicians - safety training for unlicensed technicians employed in podiatric, chiropractic, dental, and medical practices outside of hospitals. Authorizes the regulatory boards governing the practices of podiatry,

chiropractic, dentistry, and medicine to establish qualifications, including minimum educational and training requirements, for unlicensed persons operating machine sources of ionizing radiation and administering such radiation to patients for diagnostic purposes. Requires adoption of the regulations by July 1, 1992. Specifies that employment of a person not qualified under regulations established by the appropriate board may be grounds for disciplinary action.

APPROVED by Governor May 1

PORTIONS EFFECTIVE:
May 1
January 1, 1993

H.B. 91-1074 Alcoholic beverages - liquor licenses - definition of "hotel" - deletion of minimum number of rooms requirement. By deleting the 50-room requirement from the definition of "hotel", allows small establishments such as "bed and breakfast" establishments to obtain a hotel and restaurant liquor license.

APPROVED by Governor March 12

EFFECTIVE March 12

H.B. 91-1107 Real estate brokers and salespersons - licensing requirements. Changes language so that regulatory provisions are gender neutral. Adds language to reflect the recent creation of limited liability companies and to include such companies with partnerships, corporations, and associations for licensing and fee purposes. Modifies requirements for the licensing of those brokers and salespersons currently or formerly licensed in Colorado or elsewhere. Changes how licensing fees fund the real estate recovery fund and how, and under what circumstances, claims may be paid out of the real estate recovery fund. Provides that a real estate broker or salesperson cannot be liable for nondisclosure of the fact that a sale property was the site of a homicide, suicide, felony, or that a former resident had AIDS, HIV, or any other disease which cannot be transmitted through the occupancy of a dwelling place. Mandates that a licensee who takes real estate law courses pursuant to continuing legal education requirements shall be given credit for such courses towards such licensee's continuing education requirements under these regulatory provisions.

APPROVED by Governor May 24

EFFECTIVE July 1

H.B. 91-1125 Physicians - foreign medical graduates - eligibility for licensure. Specifies that an applicant for licensure who did not attend an approved medical school but meets all other requirements for licensure and who holds current specialty board certification shall be, rather than may be, eligible for licensure, at the discretion of the board of medical examiners. In exercising its discretion, requires the board to

consider available information relating to the applicant's medical school and the nature and length of the applicant's post-graduate training.

Deems completion of the academic curriculum at a foreign medical school followed by a year of clinical training at a U.S. hospital affiliated with a medical school offering a fifty pathway, or similar, program to be the equivalent of attaining the degree of doctor of medicine.

APPROVED by Governor March 29

EFFECTIVE March 29

H.B. 91-1127 Athletic trainers - exemption from licensing requirements of "Colorado Medical Practice Act". Exempts services rendered by qualified athletic trainers from the licensing requirements of the "Colorado Medical Practice Act". Directs the state board of medical examiners to promulgate rules and regulations specifying the types of services which qualify for such exemption. Requires the board to request the voluntary assistance of physicians and athletic trainers in developing and formulating such rules and regulations. Defines "qualified athletic trainer" on the basis of education and experience. Describes the functions included within the scope of the practice of an athletic trainer. Prohibits athletic trainers from practicing or claiming to provide physical therapy.

Requires the state board of medical examiners to report to the sunrise and sunset review committee during the interim after the 1992 regular session if rules and regulations have not been promulgated by June 1, 1992.

APPROVED by Governor May 7

EFFECTIVE May 7

H.B. 91-1134 Alcoholic beverages - malt beverages - regulation of the relationship between suppliers and wholesalers. Enacts the "Malt Beverage Fair Distribution Act". Expresses the intent of the general assembly to regulate the business relationship between suppliers and wholesalers of malt beverages and malt liquors. Prohibits certain conduct by suppliers and wholesalers. Sets forth the grounds whereby a supplier may terminate or materially modify an agreement with a wholesaler or whereby the supplier may reduce the territory of a wholesaler. States the causes for which a supplier may immediately terminate, cancel, or refuse to renew an agreement with a wholesaler. Specifies conduct for which a supplier is required to compensate a wholesaler for the value of the wholesaler's business. Designates to whom a wholesaler's business may be transferred upon the death of the wholesaler. Without a supplier's prior written consent, prohibits the transfer of an ownership interest of more than 10% of a wholesaler's business.

Prohibits as a violation of public policy the waiver of any right or remedy granted under the act. Requires every supplier to designate exclusive sales territories and to name one wholesaler for each such territory. Sets forth requirements in connection with the designation of territories. Stipulates remedies for violations of the act.

VETOED by Governor April 14

H.B. 91-1136 Physical therapists - licensing functions of director of division of registrations - continuation. Requires any person practicing physical therapy to possess a valid license issued by the director of the division of registrations.

States that a physical therapist does not have authority to perform acts which constitute the practice of medicine, surgery, or any other form of healing not specifically authorized in the act. Specifies the qualifications and procedures for the licensing of applicants by examination and by endorsement and for the licensing of foreign-trained physical therapists. Authorizes the director of the division of registrations to issue temporary permits or temporary licenses to qualified applicants for licensure. Specifies the procedures and requirements for renewing physical therapist licenses. Permits a physical therapist to utilize not more than 3 unlicensed persons in a physical therapy practice who are at all times under the direct supervision of the physical therapist unless such unlicensed persons are physical therapist assistants who shall be under responsible direction and supervision of the physical therapist. Authorizes the director of the division of registrations to promulgate rules regarding the supervision of such unlicensed persons. Permits physical therapists to administer certain medications, and to perform nonoperative wound debridement under certain circumstances.

Excludes certain acts from the licensing requirements of the act. Sets forth the grounds for disciplinary action, the types of disciplinary actions which may be taken against a licensee, and the procedures to be followed in disciplinary proceedings. Provides that the director of the division of registrations, under certain circumstances, may require a licensee to take a mental or physical examination and establishes certain safeguards and procedures with respect to the use of such examination. Authorizes the use of professional review committees and provides for immunity from civil suit for the director, any member of a professional review committee, and any witness appearing before them, if certain conditions are met. Requires insurance companies engaged in writing malpractice insurance to make certain reports to the director of the division of registrations and to the secretary of the federal department of health and human services.

Specifies that certain acts are unlawful and makes such violations class 3 misdemeanors. Specifies that the director of the division of registrations may assess civil fines for any violation of the provisions of the act or any rule and regulation of the director in an amount not in excess of \$ 1000. Authorizes the director to seek an injunction against any person committing a violation of the act. Authorizes the establishment of professional service corporations for the practice of physical therapy. Sets forth the powers and duties of the director of the division of registrations under the act. Establishes an advisory committee. Provides that fees collected under the act shall be determined, collected, and appropriated in the same manner as other fees of the division of registrations in the department of regulatory agencies.

Specifies that any physical therapist who was registered prior to July 1, 1991, shall be licensed as of July 1, 1991.

Sunsets the "Physical Therapy Practice Act" effective July 1, 2001, and provides for review by the sunrise sunset committee prior to said date.

Repeals the rules and regulations of the former state board of physical therapy.

Requires the Colorado commission on higher education by March 1, 1992, to review the system for educating physical therapists and submit a report to the general assembly regarding possible solutions to alleviate the shortage of physical therapists in the state.

APPROVED by Governor April 29

EFFECTIVE July 1

H.B. 91-1143 Accountants - educational requirements - "accredited college or university". Defines "accredited college or university" to include only schools which have been accredited by the 6 regional accrediting agencies or which meet equivalent academic standards as set forth in rules to be adopted by the board of accountancy.

APPROVED by Governor March 27

EFFECTIVE March 27

H.B. 91-1218 Architects - frequency of licensing examinations - contracts for administration of examinations. Allows the state board of examiners to contract for assistance in the administration of licensing examinations for architects when necessary. Changes the date for initiation of semiannual license examinations for architects to 1995.

APPROVED by Governor April 1

EFFECTIVE July 1

H.B. 91-1220 Alcoholic beverages - fermented malt beverage license - testimony at hearing by neighborhood association. Allows neighborhood associations to present evidence, through authorized representatives, at hearings to determine the granting of a fermented malt beverage license, where such license would be for an establishment affecting the neighborhood, either wholly or partially, for which the association was formed. Requires the person testifying to live within the neighborhood for which the association was formed and to be a member of the association. Prohibits any such representative from cross-examining other witnesses or seeking judicial review of the licensing authority's decision.

APPROVED by Governor April 1

EFFECTIVE April 1

H.B. 91-1224 Plumbing code - study to determine need for revisions. Directs the examining board of plumbers to conduct a study of the plumbing code to determine whether the code needs any revisions and to complete such study by December 1, 1991. Mandates that the board hold a public hearing to allow the general public to make comments concerning any proposed revisions.

APPROVED by Governor May 16

EFFECTIVE May 16

H.B. 91-1250 Alcoholic beverages - liquor licenses - increase in amount of liquor that may be purchased at retail. Increases the dollar value of liquor that beer and wine, hotel and restaurant, tavern, club, arts, and racetrack licensees may purchase at the retail level in any calendar year from \$100 to \$500. Specifies that any licensee who purchases liquor on the retail level must keep receipts which show a date, a place of purchase, a description of liquor purchased, and the amount paid. Requires that such receipts be available to state and local licensing authorities for inspection.

APPROVED by Governor March 27

EFFECTIVE March 27

PROPERTY

S.B. 91-34 Minerals or geothermal resources - royalty interests - real property interest. Provides that any conveyance, reservation, or devise of a royalty interest in minerals or geothermal resources creates a real property interest which vests in the holder thereof the right to receive the designated royalty share but excludes certain enumerated rights relating to exploration and mineral development leasing.

APPROVED by Governor April 11

EFFECTIVE July 1

S.B. 91-39 Mobile homes - landlord responsibility for repairs, maintenance, and payment of utilities - deposit to assure payment - liability for property damage. Makes a mobile home park landlord responsible for the maintenance and repair of the premises and certain property owned by the landlord and provided for the residents' use and the costs of repairing any damage to a mobile home that results from the landlord's failure to maintain or repair such property. Explains that such responsibilities shall not be construed as limiting the liability of a resident for causing damage to property located in the mobile home park or restricting a landlord from requiring a resident to comply with reasonable rules and regulations, lease terms, or covenants.

Requires a landlord contracting with a utility for service for the residents to remit to the utility any moneys collected from residents as payment for such utility service within 45 days of receipt of payment. Empowers such utility to require a deposit from any landlord who fails to timely remit such moneys and to recover any attorney fees and costs incurred in a successful action to enforce the requirement.

APPROVED by Governor April 19

EFFECTIVE April 19

H.B. 91-1080 Fraudulent transfers - uniform fraudulent transfer act. Adopts the "Uniform Fraudulent Transfer Act" with minor changes, expanding and refining prior law making certain transfers voidable by creditors of the transferor. Allows avoidance of transfers made with actual intent to hinder, delay, or defraud creditors and of transfers made for less than reasonably equivalent value if, at the time of any such transfer or as a result of the transfer, the transferor was left with unreasonably small assets for a contemplated transaction or business, or was insolvent, or either intended to incur or should have known he would incur debts beyond his ability to pay them when due. On the issue of intent, allows consideration of factors such as whether the transfer was made to an insider, whether a lawsuit was pending at the time, and whether the assets transferred represented all or substantially all of the

transferor's assets. Defines key terms such as reasonably equivalent value, "affiliate", "insider", and insolvency. Uses the balance sheet test as the basic test of insolvency. Specifies when a transfer is made.

Gives creditors legal and equitable remedies including attachment and other provisional remedies. Extinguishes causes of action within 4 years except in the case of certain transfers to insiders on which the action must be commenced within one year. Provides a defense, to the extent of the value given, for good-faith purchasers and subsequent transferees. Limits a creditor's judgment against non-good-faith purchasers to the value of the asset or the amount of the creditor's claim, whichever is less.

Amends prior law which created a conclusive presumption of fraud when there is any transfer of title to goods when the goods remain in the possession of the transferor, with limited exceptions, to provide that such transfer creates only a rebuttable presumption of fraud. Replaces the general fraudulent conveyance provision of prior law on April 20 but specifically provides for the continuation of all consistent prior law including equitable doctrines such as estoppel, laches, duress, and mistake.

APPROVED by Governor April 20

EFFECTIVE July 1

H.B. 91-1241 Leased residential property - hazardous conditions - gas equipment. Requires service personnel from organizations providing gas service to residential buildings to inform the customer of record in writing of any hazardous condition caused by unsafe gas appliances, piping, or other equipment discovered in the building and the possible cause and potential nature of such hazardous condition. Specifies that the landlord or the landlord's agent be given immediate written notification by the tenant of the residential building of the hazardous conditions. Requires the landlord of such building to have the hazardous condition repaired by a professional within 72 hours of notification of the problem and provides for additional time if the 72 hour period ends on a weekend or legal holiday. Defines who will be deemed a "professional" for purposes of repairing the condition. Requires proof of the repair to be furnished to the landlord or the landlord's agent, and permits such proof of repair to be used as an affirmative defense to any action brought by the tenant based on the hazardous condition. Permits the tenant to opt to vacate the premises if the condition is not repaired within the required time period. Specifies that the lease or rental agreement between the landlord and tenant becomes null and void after the tenant vacates, and sets out a procedure for the tenant to get his or her security deposit returned. Entitles the tenant to twice the amount of the security deposit and reasonable attorney

fees if the security deposit is willfully and wrongfully retained by the landlord.

APPROVED by Governor April 20

EFFECTIVE July 1

H.B. 91-1277 Mobile homes - change in location - abandonment - condemnation - taxes. Adds the requirement of obtaining and displaying a transportable modular home permit for either intracounty or intercounty moves of mobile homes. Describes the transportable modular home permit and the information it must contain. Adds to existing sanctions the failure to use such transportable modular home permit. Makes the offense of moving a mobile home without the required permits a strict liability offense and makes the failure to produce the permits at the request of a peace officer prima facie evidence that the offense has been committed.

Increases fines associated with violations of the requirements relating to transfers of certificates of title of mobile homes and relating to notices to be given the county when a mobile home is relocated. Requires notice to the county treasurer for intracounty moves as well as intercounty moves. Requires county treasurers to include a notice on tax statements that levy taxes on mobile homes stating that the mobile home may not be moved without a valid permit or prorated tax receipt and a transportable manufactured home permit from the county treasurer's office.

Permits landlords of abandoned mobile homes to winterize such mobile homes and to take measures to avoid damage by vandals and allows any associated costs to run with the mobile home. Provides for accelerated condemnation proceedings for mobile homes purchased by the county at a tax sale and valued by the assessor at less than \$1,000.

APPROVED by Governor April 20

EFFECTIVE July 1

H.B. 91-1292 Colorado common interest ownership act. Enacts the "Colorado Common Interest Ownership Act". Makes a unit owner's interest in a cooperative unit real estate. Provides that each unit in a condominium or planned community, together with its interest in the common elements, constitutes a separate parcel of real estate and must be separately taxed and assessed. Describes the applicability of local ordinances, regulations, and building codes. Makes compensation and interest reallocation requirements for units acquired by eminent domain.

Contains provisions for applicability to new and preexisting common interest communities and establishes the procedure to elect treatment under the act. Creates exceptions for certain planned communities. Excepts nonresidential planned communities and out-of-state common interest communities from application of

the act. Fixes procedures for enforcement of the act.

Establishes methods for creating a common interest community and cooperative. Provides what is included in the boundaries of a unit and in a legally sufficient description of a unit. Prescribes the contents of a declaration. Makes requirements for leasehold common interest communities and describes certain interests of unit owners. Describes plat and map requirements. Makes provision for the exercise and lapse of development rights. Places certain restrictions on a unit owner with regard to alteration of units and describes when the boundaries between adjoining units may be relocated.

Allows the subdivision of units if permitted by the declaration and provides the procedure therefor. Describes the declarant's easement rights. Establishes the method for termination of a common interest community and certain effects thereof. Allows a declaration in a cooperative to provide that all creditors of the association have priority over any interests of unit owners and creditors of unit owners and describes the rights of lienholders when the declaration does not provide such a priority. Describes the rights of respective unit owners upon termination of a common interest community. Provides for certain effects, in a condominium or planned community, of foreclosure or enforcement of a lien or encumbrance.

Allows the declaration, subject to certain restrictions, to provide certain secured lender rights. Describes the powers, and limitations thereon, of master associations and certain requirements of the certificate of incorporation and the declaration when one exists.

Allows any 2 or more common interest communities to be merged into a single common interest community. Permits a declarant in a common interest community, if the right is reserved in the declaration, to amend the declaration to add additional real estate to a planned community.

Requires that a unit owners' association be organized as a nonprofit, not-for-profit, or for-profit corporation no later than the date the first unit in the common interest community is conveyed to a purchaser and describes the powers and membership thereof. Requires officers and members of the executive board appointed by the declarant to exercise the care required of fiduciaries of the unit owners. Excepts members and officers not appointed by the declarant from liability for their acts or omissions, unless willful and wanton. Gives the executive board certain powers and duties. Allows the declaration to provide a period of declarant control during which the declarant may appoint and remove the officers and members of the executive board and prescribes the limits on such periods.

Provides the conditions under which a special declarant right may be transferred and the liability of a transferor

thereof. Describes certain special declarant rights a purchaser may succeed to. Delineates the liabilities and obligations of persons who succeed to special declarant rights.

Describes certain contracts and leases that the association may terminate without penalty.

Prescribes bylaw, meeting, special meeting, and voting and proxy rights requirements and procedures. Describes certain responsibilities of the association for the common elements and of each unit owner for such owner's unit. Subjects the declarant to liability for all expenses in connection with real estate subject to development rights.

Describes the tort and contract liability of a declarant under certain circumstances. Requires that any action alleging an act or omission of the association must be brought against the association and not against any unit owner. Makes the declarant liable to the association for all funds of the association collected during the period of declarant control which were not properly expended.

Describes when portions of the common elements may be conveyed or subjected to a security interest by the association, in a condominium, or in a planned community. Describes when part of a cooperative may be conveyed and when all or part of a cooperative may be subjected to a security interest by the association. Prescribes execution and recording requirements for an agreement to convey, or subject to a security interest, common elements in a condominium or planned community or, in a cooperative, to convey or subject to a security interest any part of a cooperative.

Prescribes property and commercial general liability insurance requirements for an association and the disposition of insurance proceeds under property insurance policies. Authorizes the association to assess all insurance deductibles paid by the association against negligent unit owners causing a loss or benefiting from repair or restoration. Specifies the need for unit owners to obtain insurance for their own benefit. Requires that any portion of the common interest community for which insurance is required which is damaged or destroyed must be repaired or replaced promptly by the association subject to certain exceptions. Provides when the association must obtain fidelity insurance and the amount thereof.

Requires the declarant to pay certain common expenses and describes the frequency of such assessments by the association against units. Provides methods for assessing certain common expenses. Prohibits a unit owner from being exempt from liability for payment of the common expense by waiver of the use or enjoyment of any of the common elements or by abandonment of the unit against which the assessments are made.

Gives the association a statutory lien on a unit for any assessment levied against that unit. Provides that, subject to certain exceptions, such lien is prior to all other liens and encumbrances on a unit. Provides that recording of the declaration constitutes record notice and perfection of the lien. Extinguishes a lien for unpaid assessments unless proceedings to enforce the lien are instituted within 6 years after the full amount of assessments become due. Requires the association, upon written request, to furnish a unit owner or lender with a statement of unpaid assessments currently levied against such owner's unit.

Provides a procedure for foreclosure of the association's lien in a condominium, planned community, or cooperative. Describes the effect in a condominium or planned community of a recorded money judgment against the association, the rights of a creditor holding a security interest in the common elements, and a lien against 2 or more units. Requires the association to maintain, and make reasonably available to unit owners, financial records. Authorizes third persons dealing with the association to assume the existence of trust powers in the association.

APPROVED by Governor May 31

EFFECTIVE July 1, 1992

PUBLIC UTILITIES

S.B. 91-178 Taxicabs - lease rates not subject to PUC approval. Removes the ability of the public utilities commission to regulate the lease rate that common and contract carriers charge to drivers. Specifies that rate changes in such lease rates are not subject to any notice provision.

VETOED by Governor June 7

Note: See page vii for explanation on the validity of this veto.

H.B. 91-1053 Public utilities commission - scope of authority - exclusion of amusement rides. Excludes amusement rides from regulation by the PUC by altering the definitions of "public utility" and "motor vehicle" to exclude such rides. Defines "amusement ride" as a towed vehicle, such as a horse-drawn carriage, which is used principally for pleasure and only incidentally for transportation.

APPROVED by Governor March 12

EFFECTIVE March 12

SOCIAL SERVICES

S.B. 91-16 Task force on family issues - creation - membership. Creates a task force on family issues and defines the membership of such task force. Requires the task force to meet and study issues affecting families and report to the general assembly regarding suggested legislation by July 1, 1993.

APPROVED by Governor May 18

EFFECTIVE May 18

S.B. 91-21 Medically indigent program - continuation. Adds licensed birth centers to the definition of "general provider". Sets forth the line items identified in the long bill for services provided under contract through the medically indigent program.

Eliminates the mandatory statutory percentages for different kinds of care. Requires Denver health and hospitals to provide to the joint budget committee and the chairs of the senate and house health, environment, welfare, and institutions committees a final report provided by any management companies under contract with Denver for the management of Denver general hospital.

Authorizes the joint review committee for the medically indigent to request the state auditor to conduct a performance audit of the administration of the program for the medically indigent to be conducted in conjunction with any financial postaudit of the health sciences center.

Extends the program for the medically indigent until July 1, 1994.

APPROVED by Governor June 1

EFFECTIVE June 1

S.B. 91-80 Reimbursement to county departments - payment of federal Title IV-E funds received for out-of-home placements. Requires the state department of social services to seek additional federal Title IV-E reimbursement moneys, and requires that the amount which exceeds the cost of administering a state foster care review program and of providing reimburseable Title IV-E services shall be paid to the counties.

APPROVED by Governor April 20

EFFECTIVE April 20

S.B. 91-84 Adult protection - at-risk adults - reports of abuse or neglect - protective services - crimes against at-risk adults. Expands the availability of protective services to abused, exploited, or neglected at-risk adults. Urges specified persons who have reason to believe that an at-risk adult has been

abused to report or cause a report to be made to the county department of social services or the local law enforcement agency responsible for investigating violations of criminal laws for the protection of at-risk adults. Allows all other persons who reasonably believe that an at-risk adult has been abused to make a report to such agencies. Provides civil and criminal immunity for reports made in good faith and without reckless disregard for the truth. Makes information reported and the informant's identity confidential. Allows for disclosure of information only when authorized by a court for good cause or in connection with a criminal investigation. Makes it a class 2 petty offense to violate the confidentiality provisions. Describes the procedure for investigating reports of at-risk adult abuse. Requires cooperative agreements between agencies responsible for investigating incidents of abuse. Permits the creation of at-risk adult protection teams throughout the state to review investigation procedures and the provision of protective services to at-risk adults. Specifies the procedures for providing protective services in consensual and nonconsensual situations, including the county director of social services petitioning the court for a conservatorship or guardianship if no other person is able or willing to so petition. Imposes a limitation that services provided constitute the least restrictive intervention necessary to remedy the situation. Exempts from application of the act persons being furnished or relying upon spiritual treatment. Provides for the promulgation of rules.

Consolidates existing criminal statutes setting forth enhanced penalties for crimes committed against at-risk adults. Specifies that statutory privileges concerning witnesses do not apply in any prosecution for violation of such law. Gives precedence to cases involving crimes against at-risk adults, subject to speedy trial safeguards. Allows the court to order the payment of treatment costs and restitution for the at-risk adult victim.

APPROVED by Governor June 7

EFFECTIVE July 1

S.B. 91-85 County department personnel merit system - exemption of specified positions authorized. Authorizes the merit system supervisor for each county department of social services to exempt specified positions from the personnel merit system established for the county departments of social services. Includes as positions that may be exempted attorneys, custodians, trade workers, and individuals providing in-home care to persons in need of community-based services, and persons who work for limited periods and specific purposes. Provides for the appeal of a merit system supervisor's determination regarding an exemption.

APPROVED by Governor April 11

EFFECTIVE April 11

S.B. 91-105 Medical assistance - rewrite of statutes. Reorganizes and streamlines the "Colorado Medical Assistance Act" and integrates therein home and community-based services and the program for all-inclusive care for the elderly (PACE) which are part of the state medicaid program. Deletes detailed provisions for the purpose of improving the administration of the medicaid program. Reorganizes the act into the following segments: General provisions, mandatory provisions, optional provisions, administrative procedures, special provisions, and home and community-based services. Identifies eligible groups and services mandated by federal law to be included in the medicaid program and the mandated services for which Colorado has enacted special provisions. Identifies the optional groups and optional services which Colorado has selected to be included in the medicaid program and the optional services for which Colorado has enacted special provisions. Reenacts the state medical assistance and services advisory council.

Makes the following changes to the provisions regarding recovery of overpayments to recipients: Provides that the state department is not liable for attorney fees or costs of the recipient when it intervenes in legal proceedings against the third party; makes the state's lien automatic; makes each party to a judgment, award, or settlement which was made without first satisfying the department's lien liable to the department for the full amount of the medical assistance paid to the recipient for injuries; makes a recipient or representative liable for the entire amount of medical assistance paid to a recipient for injuries if such person fails to give written notice to the state department of the bringing of an action or claim against a third party, except that the liability of a person other than the recipient shall exist only if such person had knowledge that the recipient had received medical assistance; directs the state department to pay its reasonable share of attorney fees not to exceed 25% of the lien where the recipient brings the action alone and incurs a personal liability to pay attorney fees rather than paying the amount of medical assistance paid less 25%. Removes the 50% limit on the amount of a judgment or settlement that may be subject to the state department's lien.

APPROVED by Governor April 11

EFFECTIVE April 11

S.B. 91-138 Federal laws conformance - required and optional programs. Makes numerous changes to statutes related to provisions of the "Colorado Social Services Code" based on federal laws governing social services programs. Specifies that the county departments' share of recovered funds for overpaid food stamps shall be the amount provided by federal law instead of stated percentages. Clarifies that overpaid AFDC grants shall be recovered even if the overpayment was not the fault of the recipient. Provides for emergency medical assistance to undocumented aliens.

Repeals a number of statutes providing for and related to work programs for applicants and recipients of aid to families with dependent children (AFDC), which programs are now governed by the Job Opportunity and Basic Skills Training (JOBS) Program. Makes changes to the JOBS Program as follows: Redefines a dependent child to include a child between age 18 and 19 who is expected to complete school before age 19; exempts from mandatory participation in the JOBS Program any parent caring for a child under age 6 unless child care is guaranteed, in which case the parent is required to participate on a limited basis, and any person who is a full-time VISTA volunteer; and authorizes the state board to adopt rules identifying good cause reasons for not participating in the JOBS Program without being sanctioned.

Conforms state laws to the federal "Omnibus Reconciliation Act of 1990" as follows: Adds to the categorically needy eligible to receive medical assistance a child born to an eligible pregnant woman until the child attains one year of age under stated conditions and children born after September 30, 1983, who are between the age of 6 and 19 and whose family's income does not exceed 100% of the federal poverty level; clarifies that a pregnant woman eligible for medical assistance following her pregnancy remains eligible even if eligibility would otherwise terminate as a result of increased income; allows for hospice services to be extended beyond 210 days if a physician's recertifies the patient's terminal condition; allows for the processing of medical assistance applications at locations other than the county departments of social services; increases the personal needs amount from \$34 to \$90 for persons without a spouse or dependent who receive a veterans pension and medical assistance for nursing home care, but only until September 30, 1992; requires that group health insurance be purchased for medical assistance recipients if cost-effective; and requires certain health care providers participating in the medical assistance program to inform adult patients of state law governing the making of medical treatment decisions and to adopt procedures for informing staff and the community.

Clarifies that for the purpose of reimbursing medical assistance vendors, an improvement is defined as an addition to a capital-related asset.

APPROVED by Governor May 6

EFFECTIVE July 1

S.B. 91-158 Medical assistance - purchase access - study.
Directs the department of social services to seek a federal grant to conduct a demonstration project to study the effect on access to, and the costs of, health care of a purchase access program. Defines purchase access as a program in which persons who are unable to acquire private health insurance coverage because of a chronic or catastrophic illness or condition and do not meet categorical eligibility requirements for medicaid would be allowed to purchase access to medicaid through the use of

premiums, deductibles, and coinsurance. States the items to be studied. Authorizes the department to accept and expend private grants or donations and federal funds for the purpose of the study. Requires an interim report to the house and senate health, environment, welfare, and institutions committees by January 1, 1992, and a final report by January 1, 1993. Repeals the act on July 1, 1993.

APPROVED by Governor June 4

EFFECTIVE June 4

S.B. 91-248 Medical assistance - duty to inform state department of action against third party - excusable neglect. Provides that the legal representative of a recipient of medical assistance who brings an action on behalf of the recipient for damages against a third party and who fails to notify the state department of social services of such action, shall not be liable to the said department for the entire amount of medical assistance furnished to the recipient if the failure to give notice was based on excusable neglect.

APPROVED by Governor June 1

EFFECTIVE June 1

H.B. 91-1004 Family preservation pilot program - creation - family preservation fund - creation. Enacts the "Family Preservation Act" which creates a pilot project aimed at reducing out-of-home placements of children of troubled families. Allows the executive directors of the departments of social services, health, and institutions and the commissioner of education, after consulting with care providers in the private sector and members of the commission on families and children, to: Designate a pilot county or counties and require them to contract with the private sector for start-up costs of family preservation models; promulgate rules and regulations to carry out the requirements of the program; and conduct or cause to be conducted a study of the effectiveness of the program. Requires that the study evaluate: The feasibility, cost-effectiveness, and recoverability of funds in the family preservation model or models as compared with the existing out-of-home placements; the cost avoidance to the out-of-home placement line items of the departments of social services and institutions in the general appropriation bill; the impact to clients under the family preservation model; and the delivery, administrative structure, and financing implications of the models. Requires the executive directors to report such findings to the general assembly by January 1, 1994. Allows for allocation of moneys appropriated to the department of social services for child welfare placement to pilot counties in support of successful family preservation programs.

Creates the family preservation fund, comprised of moneys from private sources. Permits the general assembly to make annual appropriations of the moneys in the fund to the departments of health, education, institutions, and social

services for the direct and indirect costs incurred by the respective departments in administering this act. Requires that moneys in the fund be kept separate and distinct from the moneys appropriated to the department of social services for child welfare placement alternatives.

APPROVED by Governor June 5

EFFECTIVE July 1

H.B. 91-1030 Secure residential treatment centers - age of persons who may be committed to such centers. Clarifies that persons up to the age of 21 years who are under the jurisdiction of the juvenile court may be committed to a secure residential treatment center.

APPROVED by Governor March 11

EFFECTIVE March 11

H.B. 91-1082 Final agency action - provider appeals - request for waiver. Directs the state department of social services, in consultation with the division of administrative hearings in the department of administration, to request federal waivers of the single state agency requirement for the administration of a grant program with respect to the procedures for final agency action. Repeals a reporting requirement on the number of appeals which has already occurred.

APPROVED by Governor May 24

EFFECTIVE May 24

H.B. 91-1165 Overpayment of benefits - state income tax refund offset - appeal rights. Specifies that, before an overpayment can be certified to the state department of revenue for an income tax refund offset, the state department of social services shall ensure that the recipient who received the overpayment has been given an opportunity for an evidentiary conference or administrative review concerning the certification. Requires the notice sent to the recipient to inform such recipient of the opportunity for an evidentiary conference or administrative review, to specify the issues that can be raised by the recipient at the review or hearing, and to state that the hearing is not for disputing whether an overpayment occurred. Requires the recipient to request an administrative review or evidentiary hearing within 30 days of the mailing of the notice.

APPROVED by Governor April 20

EFFECTIVE April 20

H.B. 91-1287 Long-term health care - creation of single entry point system. Authorizes the creation of a single entry point system to enable persons 18 years of age or older in need of long-term care to access appropriate services. Incorporates as part of the system the use of a comprehensive client assessment instrument for the purpose of determining the most appropriate

and cost-effective service for clients. Specifies that the system shall be used by clients of publicly funded long-term care programs and may be used by private paying clients on a fee-for-service basis. Mandates statewide implementation no later than July 1, 1995. Requires the state board of social services to adopt rules to implement the system and specifies that the rules include the process and criteria for selecting single entry point districts as service areas of the state and single entry point agencies for the various single entry point districts and establish quality assurance standards to ensure adequate performance by the single entry point agencies.

Requires that the system be financed with federal moneys available for case management for home and community-based services and for administration of medical assistance programs, the state's contribution for long-term care programs, and a county contribution that is adjusted annually. Specifies that the county contribution shall be expended only for clients in the county making such contribution.

Requires that an annual report be submitted to the general assembly on the overall effectiveness of the single entry point system. Establishes a long-term care advisory committee to assist the state board in adopting rules and the executive director in making required reports to the general assembly.

Terminates the advisory committee on July 1, 1996. Provides for review of such committee by the sunset review committee prior to said termination date.

Allows case management services to include the direct delivery of long-term care services to clients.

APPROVED by Governor May 6

EFFECTIVE July 1

H.B. 91-1335 Low-income energy assistance program - acceptance of private contributions and federal grants - appropriation. Authorizes the state department of social services to accept federal grants or private contributions, including moneys collected by the legislative commission on low-income energy assistance, for the purpose of increasing funds available for distribution under the state low-income energy assistance program. Specifies that no general fund moneys be used to match the funds received pursuant to this act and that funds be disbursed without additional FTE for the state and county departments of social services. Directs the department to disburse the available funds in accordance with state and federal rules governing the program and Title IV of the federal "Social Security Act".

Appropriates \$2,000,000, comprised of private contributions and a federal grant, to the state department of social services for implementation of the act.

APPROVED by Governor June 6

EFFECTIVE July 1

STATUTES

S.B. 91-224 Colorado Revised Statutes - printing of - submitting current version to bid. Establishes procedures for bidding and contracting for the continued printing of the updates to Colorado Revised Statutes.

States that the general assembly acknowledges that it has an obligation to provide reasonably priced, accurate, and easy to use statutes and that printing in the current format meets that obligation. Expresses an intent to obtain bids and award a contract a year before the current contract expires, which expiration will occur December 31, 1992. Specifies certain requirements for such contracts and requires the committee on legal services to report its progress in December of 1991.

APPROVED by Governor May 24

EFFECTIVE May 24

S.B. 91-243 Revisor's bill - revisions to conform, correct, and clarify statutes. 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. The specific reasons for each amendment or repeal are set forth in the appendix to this act.

APPROVED by Governor June 1

PORTIONS EFFECTIVE:

June 1

July 1, 1992

H.B. 91-1211 Validation of Colorado Revised Statutes and replacement volumes and supplements thereto - effective date - proceedings of the committee on legal services. Establishes the effective date for the 1990 replacement volume 15 and for the 1990 cumulative supplements to the Colorado Revised Statutes. Enacts the replacement volume and supplements as the positive statutory law of the state of Colorado.

Amends a provision concerning firemen and policemen pension funds to include "marriage" in a listing of reasons that a member's beneficiary designation may be changed, because the word was inadvertently omitted from the 1990 Session Laws and from the 1990 Cumulative Supplement to the 1986 Replacement Volume 12B.

APPROVED by Governor April 1

EFFECTIVE April 1

TAXATION

S.B. 91-109 Income tax - continuation of tax checkoff for homeless prevention activities program - advisory committee. Continues the homeless prevention activities program and the voluntary contribution designation on state income tax forms to support this program until July 1, 1995. Provides that the program be administered by the Colorado trust under the direction of an advisory committee instead of the department of social services. Specifies that the advisory committee be made up of a representative from the department of social services, a representative from the department of local affairs, and a representative from the public at large. Requires members of the advisory committee to serve without compensation or reimbursement for expenses. Changes the required percentage of voluntary contributions for the direct benefit of the homeless from 50% to 75%.

APPROVED by Governor April 17

EFFECTIVE April 17

S.B. 91-131 Enterprise zones - sales and use tax exemption provided for persons engaged in mining activities. Clarifies the definition of "manufacturing", for purposes of the sale and use tax exemption found in the "Urban and Rural Enterprise Zone Act", to specifically include persons engaged in mining activities.

VETOED by Governor June 7

Note: See page vii for explanation on the validity of this veto.

S.B. 91-154 Income tax - continuation of tax checkoff in support of the United States olympic committee. Continues the state income tax voluntary contribution designation in support of the United States olympic committee program by changing the termination date for such checkoff from January 1, 1991, to January 1, 1994, and by changing the date for the repeal of such program from January 1, 1992, to January 1, 1995.

Provides that the statutory provision requiring the elimination of any income tax checkoff that does not at least equal 10% of the amount contributed to all income tax checkoffs shall not apply to the United States olympic committee program for the period between January 1, 1991, and September 30, 1991, but shall apply to periods thereafter.

APPROVED by Governor April 9

EFFECTIVE April 9

S.B. 91-207 Severance tax - allocation of revenues. Extends through fiscal year 1991-92 the allocation to the state general

fund of severance tax revenues which would otherwise be credited to the state severance tax fund.

APPROVED by Governor April 11

EFFECTIVE April 11

S.B. 91-208 Property tax - change in date for state payment to county treasurer of deferred taxes. Establishes July 15 as the annual deadline by which the state treasurer must pay to the county treasurer the amount certified, in a certificate of deferral, as the deferred real property taxes of a taxpayer 65 years of age or older. Requires, in conjunction with the payment of such amount, the payment to the county treasurer of interest accrued on such amount from May 1 until the date of payment.

APPROVED by Governor April 4

EFFECTIVE January 1, 1992

S.B. 91-214 Property tax - oil and gas properties - guidelines for audit and compliance review. Requires the property tax administrator to prepare and publish guidelines concerning the audit and compliance review of oil and gas leasehold properties for property tax purposes. Requires such guidelines to be reviewed by the advisory committee to the property tax administrator and approved by the state board of equalization and to be subject to legislative review. Prohibits the payment of contingency fees for such audit review and collection.

APPROVED by Governor June 6

EFFECTIVE January 1, 1992

S.B. 91-228 Property tax - exemptions - tentative determinations - incidental use - health care services - housing for the homeless and abused - applications and annual reports. In regard to tentative determinations by the property tax administrator regarding certain property tax exemptions, modifies provisions concerning public hearings on such tentative determinations. Allows tax-exempt properties used for schools or for charitable purposes to be used for occasional nonexempt use which does not annually exceed 208 hours or which does not annually result in more than \$10,000 in gross rental income.

Exempts from property taxation property owned by nonprofit organizations which is occupied or used by licensed physicians or dentists, or both, to provide health care services. Imposes limitations on such exemptions. Abolishes the requirement that residential property occupied by low-income single-parent families have no less than a capacity of 25 families in order to be exempt from property taxation.

Exempts from property taxation transitional housing facilities for individuals or families who are homeless or have been abused and whose income level is within 150% of income

levels of occupants of low-rent public housing. In order for housing for low-income elderly or disabled to qualify for exemption from property taxation, allows such property to be owned by domestic or foreign limited partnerships which satisfy certain requirements. Exempts from property taxation residential property owned by the United States which is leased to nonprofit organizations for the purposes of housing individuals or families who are homeless. Imposes limitations on said exemption.

Modifies the time period for which certain information is required to be given in applications for certain property tax exemptions for the previous calendar year to the previous 12-month period. Specifies that, if the owner did not own the property being claimed as exempt for 12 months prior to application, the application shall contain the required information for that portion of the previous 12 months during which the owner owned the property. For purposes of annual reports filed for such property tax exemptions, specifies that, if the owner did not own the property being claimed as exempt for the entire previous calendar year prior to filing such annual report, the annual report shall contain the required information for that portion of the previous calendar year during which the owner owned the property.

APPROVED by Governor June 7

EFFECTIVE June 7

S.B. 91-231 Property tax - abatements and refunds - overvaluation - hearings - filing of petitions - date payable. Provides that an abatement or refund of property taxes shall be made based upon the ground of overvaluation with respect only to property taxes levied on and after January 1, 1988, which are the subject of a petition filed on or after the effective date of this act or which are the subject of a petition filed prior to the effective date of the act if, on said date, such petition is pending or a final administrative order or court judgment has been issued on the basis that overvaluation of property was not grounds for such abatement or refund. Allows petitions denied on such grounds to be refiled on or before December 31, 1991. Prohibits any abatement or refund for property taxes levied on and after January 1, 1990, on the grounds of overvaluation if an objection or protest to the valuation has been made and a notice of determination has been mailed to the taxpayer.

Specifies that any taxpayer shall have the opportunity to be present at the board of county commissioners' hearing regarding the taxpayer's petition for abatement or refund. Requires the board to provide, by mail, notice of such hearing at least 7 days in advance. For taxes levied on and after January 1, 1990, permits any taxpayer to file a petition for abatement or refund of property taxes levied for the intervening year of a reassessment cycle prior to the beginning date of the protest period for such intervening year if the valuation of such property for the first year of such reassessment cycle has been

the subject of an arbitration hearing for which the arbitrator failed to issue a decision within 10 days of the hearing. Changes the time period within which a petition must be filed to 2 years after January 1 of the year following the year in which the taxes were levied.

Requires the board of county commissioners to consult with affected taxing entities before determining the date upon which an abatement or refund of taxes shall become payable; except that such date shall be no later than the date of payment of property taxes for the property tax year in which the final determination granting such abatement or refund was made.

APPROVED by Governor June 5

EFFECTIVE June 5

H.B. 91-1012 Special fuels tax - collection. Changes the filing period for special fuels users' tax returns from monthly to quarterly, and changes the filing due date from the 25th day of each month to the last day of the month following the end of the quarter.

APPROVED by Governor April 17

EFFECTIVE July 1

H.B. 91-1046 Sales and use tax - exemption for purchase or use of aircraft component parts. Exempts the purchase or use of aircraft component parts from sales and use taxes.

APPROVED by Governor March 11

EFFECTIVE July 1, 1992

H.B. 91-1052 Property tax - levy limitation computation - exclusion of increased valuation attributable to new primary oil or gas production. Permits any taxing entity to apply to the division of local government for authority to exclude from the computation of the limitation on increases in property tax levies all or any portion of the increased valuation for assessment attributable to new primary oil or gas production if the oil or gas leasehold or land is wholly or partially within the taxing entity and if such production has caused or will cause an increase in the level of services provided by the taxing entity. Requires a taxing entity receiving such authorization to deposit any resulting increase in revenues into a fund to be used exclusively for any increase in the level of services provided. Limits standing to challenge any determination made by said division to owners of taxable property within the taxing entity.

APPROVED by Governor April 19

EFFECTIVE April 19

H.B. 91-1096 Property tax - fees and procedures for sale of property - minimum price - contracts with auctioneers and collection agencies. Deletes provisions regarding the fees to be

paid and the procedures to be followed by the county treasurer when property taxes have been paid prior to the date of first publication of the list of tax liens for sale.

Requires taxes and penalty interest to be included in the minimum price for personal property sold at a tax sale. Permits the county treasurer to contract by competitive bid with an auctioneer or auction company to conduct such a tax sale. Limits the fee of the auctioneer or auction company to no more than one-third of the proceeds of the sale and requires an accounting to the treasurer. Authorizes the treasurer, when no personal property is available for seizure and sale, to contract by competitive bid with a licensed collection agency to collect the amounts due. Limits the collection agency's fee to no more than one-third of the amount recovered.

APPROVED by Governor March 27

EFFECTIVE March 27

H.B. 91-1182 Sales and use tax - exemption for machinery, tools, and equipment used by air carriers in enterprise zones for repair of aircraft. Exempts from sales and use taxes machinery, tools, and equipment to be used or consumed by a certified or licensed air carrier in an enterprise zone exclusively for the repair, remodeling, or maintenance of aircraft, aircraft engines, or other aircraft component parts. Repeals said exemption, effective July 1, 1994, unless such an air carrier delivers to the state, before said date, a letter of commitment to operate an aircraft maintenance facility employing more than 2,000 persons in the state.

APPROVED by Governor May 24

EFFECTIVE July 1, 1992

H.B. 91-1183 Property tax - board of assessment appeals - creation of new board - employee compensation and benefits - adjustment to long bill appropriation. Effective July 1, 1991, abolishes the existing board of assessment appeals and creates a new board of assessment appeals. Sets forth the terms of the initial appointments to the new board of assessment appeals. Specifies that members of said board are public employees. Increases the per diem received by board members from \$140 to \$150 and increases the number of days for which per diem may be received from 160 days to 220 days. Allows board members who do not reside in the Denver metropolitan area to receive actual and necessary travel expenses as determined by the executive director of the department of local affairs. Modifies the terms of additional members which may be appointed to the board of assessment appeals due to an extraordinary work load to terms of one fiscal year each.

For purposes of state employees and officials group insurance, defines "employee" to include members of the board of assessment appeals. Modifies the prohibition against appointed

members of state boards and commissions who work less than full time from being eligible for membership in the public employees retirement association to make members of the board of assessment appeals eligible for membership.

Makes an adjustment in the appropriations in the 1991-92 long bill by decreasing the general fund appropriation to the department of local affairs by \$6,227 and increasing the number of FTE for the board of assessment appeals by 7.0 FTE.

APPROVED by Governor May 24

EFFECTIVE July 1

H.B. 91-1191 Property tax - rented personal property - exemption - county rental tax. For purposes of exemption from property taxation, modifies the definition of "inventories of merchandise and materials and supplies which are held for consumption by a business or are held primarily for sale" to include personal property which is rented for 30 days or less, regardless of whether such property is subject to depreciation.

Authorizes boards of county commissioners to levy a rental tax, not to exceed 1% of the rental payment paid or charged to persons who rent, for 30 days or less, personal property which is not subject to property tax or specific ownership tax. Sets forth procedures for the levy, collection and reporting of said tax.

Requires the county treasurer to apportion, credit, and distribute rental tax revenues to counties and political subdivisions within such counties based upon the proportion of property taxes levied by each such political entity to the total amount of property taxes levied in such county. Exempts any rental tax levied from the 7% limitation on sales and use taxes which may be imposed.

APPROVED by Governor April 20

EFFECTIVE April 20

H.B. 91-1214 Income tax - corporations - credit for purchase of Colorado coal. Changes the automatic termination date for the Colorado income tax credit for corporations which purchase Colorado coal from January 1, 1995, to January 1, 2005.

APPROVED by Governor April 1

EFFECTIVE April 1

H.B. 91-1215 Property tax - residential real property - adjustment of residential rate. Establishes the ratio of valuation for assessment for residential property for property tax years commencing on or after January 1, 1991, but before January 1, 1993, at 14.34% of actual value. Allows the ratio of

valuation for assessment for residential property to be adjusted to the nearest 1/100th of 1% rather than to the nearest 1%.

APPROVED by Governor April 11

EFFECTIVE April 11

H.B. 91-1231 Income tax - adjusted basis of shares of regulated investment company - filing requirements - credits or refunds for new business facility employees - investment credits. Repeals the adjustment to the basis of shares of a regulated investment company. Modifies what constitutes net income of a real estate investment trust. Requires the filing of an income tax return whenever an individual, estate, or trust has incurred any tax liability. On and after January 1, 1992, extends through taxable years beginning prior to February 15, 1998, the availability of certain income tax credits or refunds allowed for new business facility employees to conform to changes made in 1990 legislation. Alters certain investment tax credits to account for recent changes in the federal internal revenue code.

APPROVED by Governor April 20

PORTIONS EFFECTIVE:

April 20

January 1, 1992

H.B. 91-1245 Income tax - credit for qualified equipment utilizing postconsumer waste. For income tax years commencing between January 1, 1991, and January 1, 1996, allows a Colorado income tax credit to taxpayers for costs incurred for purchases of qualified equipment with at least an estimated 3-year useful life which is used to manufacture products composed of at least 25% postconsumer waste. Provides that the credit may only be claimed if at least 90% of the capacity of such qualified equipment is used to manufacture such products within 3 years of the date of purchase. Specifies that the amount of the tax credit equals 20% of such costs incurred. 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. Requires the refund of specified amounts of said credit if, within 3 years of purchase, the qualified equipment for which a credit is claimed is disposed of or otherwise ceases to be qualified equipment.

Requires the department of revenue to prepare a report on the effectiveness of the tax credit no later than January 1, 1997. Specifies certain information to be contained in the report. For purposes of preparing the report, authorizes the department of revenue to seek the performance of in-kind services from taxpayers who were allowed the tax credit and moneys from public and private sources.

APPROVED by Governor June 1

EFFECTIVE June 1

H.B. 91-1258 Property tax - work-off programs for the elderly. Authorizes taxing entities which levy and collect property tax to establish property tax work-off programs allowing taxpayers who are 60 years of age or older to work off property taxes due and owing on owner-occupied residences. Imposes certain requirements in order to participate in such a program. Specifies the calculation of the number of hours to be worked. Sets forth procedures for the establishment of such programs. Requires resolutions and ordinances creating such programs to include certain information. Mandates that taxing entities which establish property tax work-off programs to make information regarding such programs available to taxpayers.

APPROVED by Governor April 11

EFFECTIVE April 11

H.B. 91-1319 Income tax - Operation Desert Storm active duty military tax checkoff program - grants for persons receiving combat pay in Operation Desert Storm - appropriation. For income tax years commencing on and after January 1, 1991, but prior to January 1, 1993, allows the department of revenue to make grants to resident individuals who are members of the United States armed forces and who received combat pay while serving on active duty in Operation Desert Storm or to the resident estates of resident individuals who were members of said armed forces, who became deceased while serving on active duty in Operation Desert Storm, and who received combat pay while serving on such active duty. Specifies the manner in which the department of revenue determines the amount of grants to be made.

For income tax years commencing on and after January 1, 1991, but prior to January 1, 1993, permits individual taxpayers to designate on their Colorado individual income tax return an amount of contribution to the Operation Desert Storm active duty military fund. Specifies that the limitation on the duration of voluntary contribution programs does not apply to the Operation Desert Storm active duty military voluntary contribution program and that moneys contributed to said voluntary contribution program shall not be included in the calculation of the total amount contributed to all income tax checkoffs for purposes of said limitation.

Creates the Operation Desert Storm active duty military fund and credits such voluntary contributions to said fund. Authorizes the state treasurer to accept cash donations and requires such cash donations to be credited to said fund. Authorizes the department of revenue to use moneys in said fund for the purpose of making grants to members of the armed forces who received combat pay while serving on active duty in Operation Desert Storm and for certain costs of said department and the state treasurer.

Appropriates \$19,651 and 0.5 FTE from the Operation Desert Storm active duty military fund to the department of revenue for

implementation of the act. Authorizes the department of revenue to borrow moneys from the general fund not to exceed the amount appropriated until sufficient moneys become available in the Operation Desert Storm active duty military fund.

APPROVED by Governor May 1

EFFECTIVE May 1

H.B. 91-1328 Property tax - implementation of annual reassessments. For property tax purposes, modifies implementation date of annual reassessments from 1993 to 1997.

APPROVED by Governor June 6

EFFECTIVE June 6

WATER AND IRRIGATION

S.B. 91-120 Resource mitigations banking system - establishment - appropriation. Creates the "Resource Mitigation Banking Act" for the purpose of establishing a statewide resource mitigation system. Establishes a resource mitigation bank within the office of the executive director of the department of natural resources. Creates a structure for the recordation of debits and credits of resource sites to such bank. States that enrollment in the bank is voluntary. Specifies the party responsible for the maintenance of land enrolled in the bank upon a change of ownership. Prohibits the enrollment in the bank of lands under the jurisdiction of the Colorado board of land commissioners.

Requires the department of natural resources to develop a resource protection and development program within the joint review process of the department. Allows the department to accept gifts, donations, and grants from any source to accomplish the purposes of the act. Authorizes the department to charge and set application fees for persons applying for participation in the program. Requires the executive director of the department to assemble a state assessment team to assist the executive director in developing management guidelines through rules and regulations for implementation and administration of the system. Requires the general assembly to affirm all rules and regulations prior to their taking effect. Sets forth information which may be included in the management guidelines. Allows a person who wishes to participate in the program to submit a resource mitigation proposal to the executive director. Requires the executive director to approve proposals that meet the criteria set forth in the management guidelines. Restricts the authorization or prohibition of the application of banking credits as compensatory mitigation to a public agency authorized by law to issue a permit or certification. Sets forth criteria for calculating the value of a resource. Establishes proximity guidelines to assure that a relationship exists between resource benefits and impacts.

Declares that the act does not affect the exercise of local governmental powers, duties, and responsibilities. Exempts from the provisions of the act group event permits and recreation event permits issued by the forest service and special recreation permits issued by the bureau of land management.

Appropriates \$30,519 from the resource mitigation banking cash fund to the department of natural resources for allocation to the executive director of the resource mitigation bank for implementation of the act.

APPROVED by Governor June 7

EFFECTIVE July 1

S.B. 91-179 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, to the fish and wildlife resources account in such fund, and to the Colorado water resources and power development authority which were scheduled for July 1, 1991, July 1, 1992, and July 1, 1993.

APPROVED by Governor April 1

EFFECTIVE April 1

H.B. 91-1006 Water conservation board - approval of projects for financial assistance loans. Enumerates the water resources projects which shall receive financial assistance loans from the Colorado water conservation board.

Authorizes the Colorado water conservation board to expend not more than \$100,000 from the Colorado water conservation board construction fund for a cooperative interagency water planning and management study of the Upper Gunnison River Basin. Precludes the board from expending such moneys until the board has reached an agreement on the purposes and results of the study with the United States bureau of reclamation, the Colorado division of water resources, the Colorado River water conservation district, and such other local water agencies as the board deems appropriate,

Deauthorizes the Durango West water supply project.

Authorizes the Colorado water conservation board to expend up to \$50,000 from the loan portion of the total authorization for the Platoro reservoir project for the preparation of an operational model as the basis for the operating agreement for the state's use of the Platoro reservoir for interstate compact purposes.

Adjusts project authorizations made in 1989 for Alsbury Dam and Rock Creek or Muddy Creek Dams.

APPROVED by Governor April 27

EFFECTIVE April 27

H.B. 91-1072 Residential well water for watering domestic animals - two-year extension. Continues through June 30, 1993, the authorization for use of residential well water for watering domestic animals.

APPROVED by Governor March 27

EFFECTIVE March 27

H.B. 91-1154 Water conservation - creation of office - water use efficiency plans - state financial assistance - appropriation. Enacts the "Water Conservation Act of 1991". Declares that it is state policy to enhance water use efficiency

with the objective of providing water for all beneficial uses in Colorado.

Directs the Colorado water conservation board to conduct an analysis of water salvage which may result from federal programs, including salinity control, and report findings to the General Assembly by January 1, 1992. Creates the office of water conservation under the Colorado water conservation board.

Requires that the state develop plans to enhance water use efficiency in conjunction with state projects or facilities. Amends existing water use efficiency standards related to low-water using fixtures.

Requires that local water providers develop plans to enhance urban water use efficiency. Links state water use efficiency policy and state financial assistance for water facilities. Authorizes the expenditure of \$580,000 from the Colorado water conservation board construction fund for the purpose of promoting water use efficiency through a pilot program and appropriates such sum to the Colorado water conservation board for the fiscal year beginning July 1, 1991. Requires the Colorado water conservation board to report to the general assembly on the results of the pilot program by January 1, 1995. Sunsets provisions of this act on July 1, 1999. Imposes requirements for water conservation in landscaping for certain public projects.

APPROVED by Governor June 4

EFFECTIVE June 4

PROPOSED STATE CONSTITUTIONAL AMENDMENTS

H.C.R. 91-1003 Bill of rights - victims of crime. Amends the bill of rights in the state constitution by establishing that any person who is a victim of a crime, or such person's designee, legal guardian, or surviving immediate family members if such person is deceased, shall have the right to be heard when relevant, informed, and present at all critical stages of the criminal justice process regarding such crime.

BILLS PASSED AT THE FIRST EXTRAORDINARY SESSION

H.B. 91S-1005 Incentives for new business facilities - intergovernmental agreements - Colorado business incentive fund. Creates the Colorado business incentive fund to be used to finance incentives for economic development purposes. Authorizes the Colorado economic development commission, acting on behalf of the state, to enter into intergovernmental agreements with local governments or the Colorado housing and finance authority (CHAFA), or both, which are financed from said fund.

Requires specified guidelines to be considered in determining whether the state should enter into any intergovernmental agreement. Imposes certain requirements upon such intergovernmental agreements relating to: Prerequisite agreements between the local government or CHAFA, or both, and the private entity establishing a new business facility; the number of employees to be employed within a specified time period at such new business facility and at any ancillary facilities thereto and the average annual salaries of employees at such facilities; and procedures and remedies for enforcement of such agreement between the private entity and the local government or CHAFA, or both.

Effective January 1, 1992, authorizes local governments to enter into intergovernmental agreements relating to the establishment of new business facilities that will employ a substantial number of new employees receiving a specified average annual salary. Allows local governments to apply to the state for financing of such intergovernmental agreements. Prohibits certain local intergovernmental agreements and the financing thereof.

Limits the maximum amount of incentives financed for any person or entity under intergovernmental agreements financed from the Colorado business incentive fund to \$115 million. Authorizes local governments to contribute moneys to finance incentives from said fund. Eliminates the limitation that the income tax credit or refund for new business employees within enterprise zones be available only through the 1993 income tax year. Repeals the automatic termination date of February 15, 1998, for the "Urban and Rural Enterprise Zone Act".

APPROVED by Governor X

EFFECTIVE X

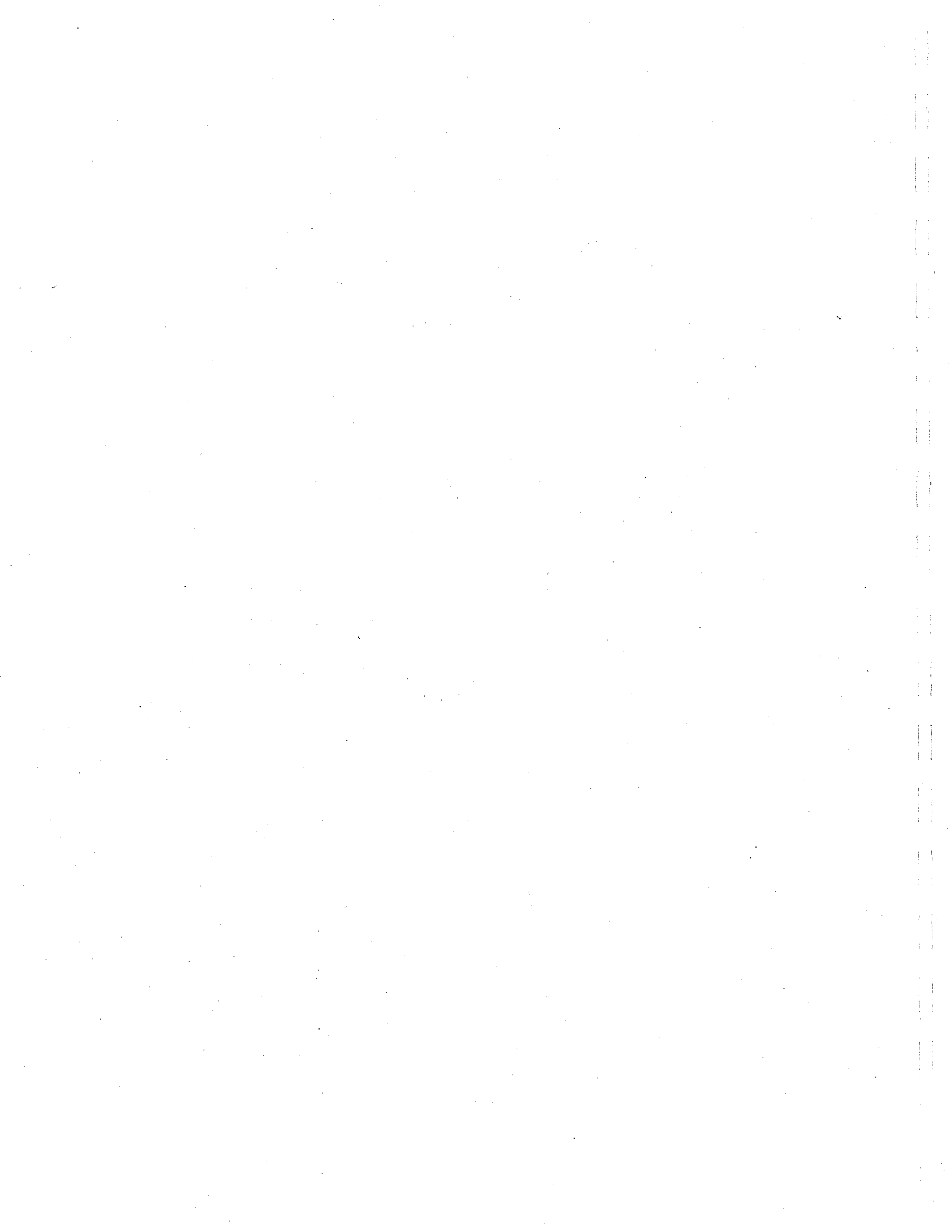
H.B. 91S-1009 Division of aeronautics - aviation fund - disbursement of proceeds - state aviation system grant program - appropriation. In accordance with section 18 of article X of the state constitution which specifies that any taxes imposed on aviation fuel be used exclusively for aviation purposes, requires the state treasurer to transfer from the general fund to the

aviation fund, on a monthly basis and beginning in the 1991-92 fiscal year, an amount equal to the sales and use taxes imposed on aviation fuel sold for use in turbo-propeller or jet engine aircraft. Requires 75% of such amount to be returned to the governmental entity operating the airport from which such taxes were derived or, in the case of the largest airport in the state during the period in which an applicable intergovernmental agreement is in effect, to the Colorado business incentive fund. Specifies additional aviation-related activities, including economic development activities related to the promotion, development, operation, and maintenance of the state aviation system, that may be funded from the moneys available in the fund. Increases the amount of the fund which may be used by the division of aeronautics and the Colorado aeronautical board for the payment of administrative expenses. Establishes the state aviation system grant program by means of which any entity other than the city and county of Denver which operates a public-accessible airport may apply for and receive moneys from the fund. Requires the city and county of Denver to convey surplus airport-related equipment to the division of aeronautics for distribution to other governmental entities operating airports in the state.

Appropriates \$8,623,089, including \$24,150 for administrative costs, from the aviation fund to the department of transportation for allocation to the division of aeronautics for the implementation of the act. Appropriates \$5,075,544 from the Colorado business incentive fund to the department of local affairs for allocation to the economic development commission for the implementation of article 46.5 of title 24, Colorado Revised Statutes.

APPROVED by Governor X

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

	Bill #	Page #
ADMINISTRATIVE RULE REVIEW.		
Continuation of 1990 rules of executive agencies - exceptions - repeal of rules.....	HB 1257	7
AGRICULTURE.		
Aquaculture as agricultural enterprise - permitting of facilities - regulation - appropriation.....	HB 1270	11
Disparagement of agricultural food products.....	HB 1176V	11
Farm products - brokers and dealers - regulation by department of agriculture.....	HB 1242	11
Nursery stock - "Colorado Nursery Act" - continuation of regulatory functions of commissioner of agriculture and nursery advisory committee.....	SB 65	9
Public livestock markets - licensing requirements.....	HB 1018	10
Slaughterers of livestock - licensure procedures.....	HB 1017	9
AIRCRAFT AND AIRPORTS.		
Division of aeronautics - aviation fund - disbursement of proceeds - state aviation system grant program - appropriations.....	HB S1009	184
Division of aviation - aviation fund - allocation of sales and use tax revenues from aviation fuel - state aviation system grant program - appropriation.....	HB 1028V	13
APPROPRIATIONS.		
Appropriation - legislative department - reapportionment.....	SB 241	6
General appropriation act - long bill.....	SB 227	5
State department of highways - appropriation of administrative expenditures.....	SB 213V	99
Supplemental appropriations.		
Capital construction.....	SB 206	5
Department of administration.....	SB 183	1
Department of agriculture.....	SB 184	1
Department of corrections.....	SB 185	1
Department of education.....	SB 186	1
Department of health.....	SB 188	2
Department of higher education.....	SB 189	2
Department of institutions.....	SB 191	2
Department of labor and employment.....	SB 193	2
Department of law.....	SB 194	3
Department of local affairs.....	SB 196	3
Department of military affairs.....	SB 197	3
Department of natural resources.....	SB 198	3
Department of personnel.....	SB 199	4
Department of public safety.....	SB 200	4
Department of regulatory agencies.....	SB 201	4
Department of revenue.....	SB 202	4
Department of social services.....	SB 203	4
Department of the treasury.....	SB 204	5

	Bill #	Page #
Judicial department.....	SB 192	2
Legislative department.....	SB 195	3
Office of the governor.....	SB 187	1
State department of highways.....	SB 190	2
CHILDREN AND DOMESTIC MATTERS.		
Allocation of services to juveniles - criteria for placement - funding allocation formula - overcrowding - truancy study - collection of foster care fees.....	SB 94	15
Child abuse and neglect - reports - investigations - central registry - appropriation - adjustment to long bill.....	HB 1002	16
Child support enforcement - paternity - genetic testing - jurisdiction - voluntary change of physical custody - health insurance coverage.....	HB 1209	20
Child support guidelines - age of emancipation - termination of support - postsecondary education - underemployment - shared custody adjustment - commission.....	HB 1049	18
Developmentally disabled - family support programs - loan fund - study of self-sufficiency trusts - termination of parental rights not required for voluntary placements.....	SB 103	102
Domestic abuse cases - emergency protection orders - payment of docket fees - ability of plaintiffs to pay costs.....	HB 1114	19
Domestic violence treatment programs - continuation.....	HB 1056	33
Grandparents - rights in maintaining contact with grandchild....	HB 1255	21
Juvenile delinquency.		
Jurisdiction - venue - detention - sentencing - juvenile records.....	SB 104	16
Records - confidentiality - expungement.....	SB 81	14
Service of promise to appear.....	SB 91	14
Juvenile detention - information available to court - bail.....	HB 1321	21
Juvenile intensive supervision program - creation - judicial department - pilot program - report - appropriation.....	HB 1145	19
Juvenile justice system - audit.....	SB 38	14
Juvenile parole board - panel members.....	SB 61	14
Special advocate services - funding through victims and witnesses assistance and law enforcement fund - surcharge on criminal sexual offenses.....	HB 1132	19
CONSUMER AND COMMERCIAL TRANSACTIONS.		
Deceptive trade practices - academic and honorary degrees - institutions - appropriation.....	HB 1264	24
Health clubs - sales of long-term memberships.....	HB 1253	23
Uniform commercial code.		
Article 2A - leases.....	SB 129	22
Central filing system for financing statements - compliance with federal law - fees - appropriation.....	SB 181	22
Consumer loans - delinquency charges.....	HB 1212	23
Repeal of bulk transfer act.....	SB 127	22
CORRECTIONS.		
Community correctional facilities.		
Establishment of "per diem" amounts in general appropriation bill.....	HB 1111	26
Reconsideration of sentence - eligibility to be placed in intensive supervision programs - appropriation.....	SB 236	26
Parole.		

Consolidation of parole and probation offices - pilot program - report to criminal justice commission and joint budget committee.....	HB	1235	26
Development of objective parole criteria - parole guidelines commission - application of such criteria.....	SB	58	25
Prison construction - lottery-funded projects - master leasing program - prohibition on use of interest proceeds for projects not designated by general assembly.....	HB	1008	26
State prisoners in local jails - reimbursement for associated expenses based on state audited expense - incentives for local governments - appropriation.....	SB	221	25
COURTS.			
Civil actions.			
Fees - processing and distribution of support payments made through court registry - appropriation - adjustment to long bill.....	HB	1330	31
Sexual assault - evidence of victim's sexual history presumed irrelevant - when such evidence admissible.....	SB	70	28
Court referees and commissioners - changing title to magistrate.	SB	144	28
District court judges - increase in fourth judicial district - appropriation.....	SB	29	28
Domestic abuse cases - emergency protection orders - payment of docket fees - ability of plaintiffs to pay costs.....	HB	1114	19
Ethnic intimidation - civil damages - punitive damages.....	SB	54	28
Exemplary damages - limitation in medical malpractice actions arising from experimental use of a drug or product.....	HB	1093	29
Judges and justices - increase in salary - court filing fee increases - appropriation.....	HB	1187	30
Mediation services or dispute resolution programs - scope - communications - agreements.....	SB	161	29
Omnibus bill - discharge of alternate jurors - grand juries - appeals process - extradition costs - earned time.....	HB	1076	37
Public records of state agencies - evidence - subpoena - use of official certificate without court appearance.....	HB	1040	29
Uncompensated medical care - limitations on civil liability of health care providers.....	HB	1167V	30
Workers' compensation - proceedings - authority for representation by officer of closely held corporation.....	SB	122	116
Writs of attachment, execution, and garnishment - exemptions....	HB	1233	31
CRIMINAL LAW.			
Abuse of toxic vapors - elements of offense - penalty.....	HB	1057	33
Bill of rights - victims of crime.....	HCR	1003	183
Bills regarding the sentencing of criminal offenders - assignment to the appropriations committee - "pay as you go" provision - submission to the criminal justice commission.....	SB	76	32
Child abuse - definition.....	HB	1229	36
Cigarettes and tobacco products - distribution to minors - vending machines - fines.....	HB	1088	34
Criminal justice commission - membership.....	SB	43	32
Domestic violence treatment programs - continuation.....	HB	1056	33
Omnibus crime bill - disclosure of grand jury reports - statutes of limitations - life sentence - criminal offenses.....	HB	1086	33
Ownership of dangerous dogs - establishment of criminal offense - local control.....	HB	1162	35

Peace officers - use of excessive force - reports to supervisors - criminal penalty established - definition of excessive force - adoption of guidelines.....	SB	234	33
Sex offenders against children - duty to register - penalties - central registry.....	SB	96	32
Violation of a restraining order - elements of offense - temporary restraining orders - procedure - supervised return to residence - duties of peace officers.....	HB	1177	35
CRIMINAL PROCEDURE.			
Interception of wire, oral, or electronic communications - emergency situations.....	HB	1089	38
Omnibus bill - discharge of alternate jurors - grand juries - appeals process - extradition costs - earned time.....	HB	1076	37
Parking violations - penalty assessment notice.....	HB	1032	37
Pretrial services programs - creation - municipal ordinances - payment of fines.....	HB	1071	37
Substance abuse - assessment and treatment of offenders - public service program - drug offender surcharge.....	HB	1173	38
EDUCATION - PUBLIC SCHOOLS.			
Bonds and lease agreements - timely payment by state treasurer if default imminent - school finance payments.....	HB	1294	46
Classroom paraprofessionals - assessment for purposes of credit towards a type A teacher's certificate - appropriation.....	SB	164	40
Educators - licensure - renewal - professional standards boards - future appropriation.....	HB	1005	41
Magnet school for mathematics, science, and technology - creation - appropriation.....	SB	172	41
Mathematics-science-technology commission - development plan - Pre-K-16 Mathematics, Science, and Technology Improvement Act of 1990.....	HB	1121	43
Postsecondary Enrollment Options Act - nonpublic institutions of higher education - limitations - cooperative agreements - tuition.....	HB	1217V	45
School districts.			
Date of elections - directors.....	HB	1146	44
Excess transportation costs - imposition of fees and property taxes - voter approval.....	HB	1280	46
Protection of persons acting in good faith under discipline code.....	HB	1203	44
Tax anticipation notes issued by state treasurer - treasurer's powers - use of proceeds - repayment.....	HB	1213	45
Technical changes relating to implementation of change in school district budget year and implementation of changes in school finance act.....	SB	86	40
School for the deaf and the blind - resource services - advisory board - superintendent and officers - admissions - study group.	HB	1171	44
Schools of choice.			
Interscholastic athletics - eligibility.....	SB	230	41
Limitations on implementation - school facilities, programs, and program eligibility requirements.....	HB	1326	47
EDUCATION - UNIVERSITIES AND COLLEGES.			
Immunization - submission of proof by college and university students.....	SB	52	89

Loan guarantee fund - federal reinsurance receivables - minimum balance.....	HB	1051	49
Teacher tuition scholarship loan program - creation - eligibility and repayment - loan fund - appropriation.....	HB	1116	49
Technology transfers to nonprofit corporations.....	SB	59	48
Tuition assistance - Colorado national guard members - transfer of administration to the department of military affairs - transfer of long bill appropriation.....	SB	23	48
University of Colorado - transfer of control over and purposes of research building revolving fund - limitation on bonds for research buildings and facilities.....	SB	35	48
University of Colorado hospital authority - creation to operate university hospital.....	SB	225	49
ELECTIONS.			
Campaign funds - use for political education purposes.....	SB	132	51
Campaign Reform Act of 1974 - reimbursements of contributions prohibited - statute of limitations.....	HB	1333	54
Miscellaneous changes to election laws - registration - residency - elderly electors - petitions - election judges - ballots.....	HB	1137	52
Presidential primary - date - names on ballot - precincts - canvass of votes.....	SB	64	51
Public moneys - use for educating electorate.....	SB	205	51
FINANCIAL INSTITUTIONS.			
Branch offices - authority to operate - organizational and operational equality of financial institutions - repeal of "Savings and Loan Guaranty Act".....	HB	1254	56
Division of banking - regulatory activities.....	HB	1112	55
Hospital and health care trusts - eligible participants.....	HB	1222	56
Nonrated public securities - financial and credit information - disclosure by issuers - creation of nonrated public securities cash fund - appropriation.....	HB	1282	57
Reverse mortgages - joint study on legislation.....	HB	1307	57
GENERAL ASSEMBLY.			
American legislative exchange council - authorization for members of the general assembly to join.....	HB	1139	60
Format of bills.....	SB	175	59
Sunset review.			
Advisory committees.....	HB	1100	59
Regulatory agencies and functions.....	HB	1078	59
GOVERNMENT - COUNTY.			
County clerk and recorders - changes in U.C.C.. filing, school district bond registration, and other fees.....	SB	107	61
County lodging tax - sales and use taxes excluded from 2% limitation.....	HB	1042	61
County mileage rate.....	HB	1033	61
County officers - recall provisions - petition - incumbent expense reimbursement.....	SB	68	61
County officers - salaries for officers of Pueblo county.....	HB	1050	62
GOVERNMENT - LOCAL.			
Business facilities - incentive payments for new or expanded facilities - authority of counties and municipalities to exceed revenue-raising limitations.....	SB	219	64

Colorado housing and finance authority - unemployment compensation fund - issuance of bonds and notes to maintain adequate balance.....	SB	13	63
Energy saving measures - financing by counties, municipalities, and school districts.....	HB	1260	65
Hazardous substance incidents - reimbursement for assistance - elimination of emergency response cash fund.....	SB	176	64
Housing - rental assistance demonstration program - appropriation.....	HB	1306	66
Housing authorities - appointment, number, and terms of commissioners of authority of city and county with population over 300,000 - open records.....	HB	1101	65
Limited gaming - implementation and regulation of - appropriations.....	SB	149	145
Municipal bonds - securities commissioner - registration - special districts - disclosure - appropriation.....	SB	159V	63
Property tax - levy limitation computation - exclusion of increased valuation attributable to new primary oil or gas production.....	HB	1052	174
School districts - tax anticipation notes issued by state treasurer - treasurer's powers - use of proceeds - repayment.	HB	1213	45
Solid wastes disposal sites and facilities - application process - fees - appropriations.....	SB	174	93
GOVERNMENT - MUNICIPAL.			
Annexation - establishment of contiguity - prohibition against use of certain boundaries.....	SB	220	68
Black Hawk and Central City charters - amendments - grant of additional powers.....	SB	237	68
Business improvement districts - changes in organization and operating procedures.....	SB	111	67
Fire and police pensions.			
Members' benefits - state contributions.....	SB	222	68
Modifications by board of directors of the fire and police pension association.....	HB	1015	69
Municipal powers - judges - recall procedure.....	SB	69	67
GOVERNMENT - SPECIAL DISTRICTS.			
Miscellaneous changes to special district law.....	SB	14	71
Municipal bonds - securities commissioner - registration - special districts - disclosure - appropriation.....	SB	159V	63
Petition for dissolution - continuation of services by counties and intergovernmental authorities.....	SB	136	73
Regional transportation district - nominations of directors - filing deadline.....	HB	1044	73
GOVERNMENT - STATE.			
Capital construction fund - use of unexpended appropriations....	SB	27	75
Colorado bureau of investigation - authority to provide criminal data regarding persons employed as security guards - appropriation.....	HB	1014	83
Colorado convention center - management of display space - appropriation.....	HB	1263	87
Colorado youth conservation and service corps council - Colorado youth service corps - creation - duties and functions - appropriation.....	HB	1281	87

	Bill #	Page #
Confidentiality of addresses contained in public records - appropriation.....	SB 74	77
Debts owed the state.		
Collection by the controller - use of private counsel or private collection agencies.....	SB 140	78
Collection procedures.....	SB 15	74
Division of central services - cost of services provided - records.....	HB 1009	82
Economic development commission - continuation - revolving account.....	SB 36	76
General fund.		
Revenues in excess of appropriations and required reserve - method of calculating amounts of general fund spillover.....	SB 209	79
Temporary reduction in reserve - spending reductions by governor.....	SB 123	78
Incentive award suggestion system.....	HB 1020	83
Incentives for new business facilities - intergovernmental agreements - Colorado business incentive fund.....	HB S1005	184
Master leasing program.....	SB 1	74
Office of regulatory reform - advisory committee to office of regulatory reform - continuation.....	SB 18	75
Officers in armed forces - power to perform notarial acts.....	HB 1324	130
Open meetings - state and local public bodies - executive sessions.....	SB 33	76
Prison construction - lottery-funded projects - master leasing program - prohibition on use of interest proceeds for projects not designated by general assembly.....	HB 1008	26
Public construction projects - timely payment of subcontractors by contractors.....	HB 1150	86
Public employees' retirement association.		
Legal protections for members' moneys.....	SB 37	77
Membership requirements.....	HB 1026	83
Public records of state agencies - evidence - subpoena - use of official certificate without court appearance.....	HB 1040	29
Quarterly allotments of state departments and agencies - dates..	HB 1010	82
Radio reading services.....	HB 1174	86
Revenue shortfalls - authority of governor to transfer capital construction fund moneys.....	SB 17	74
State authorities.		
Use of telecommunication devices to participate in board meetings.....	HB 1119	85
Ethical standards for members.....	SB 137	78
Repeal of inactive boards - physicians' public communications and advertisements - location of adoption intermediary commission.....	HB 1065	85
State boards and commissions - statutory language required for creation.....	SB 114	77
State capitol buildings group - advisory committee - preservation of state capitol building - capitol driveways - appropriation.....	HB 1007	81
State construction projects - public notice of contracts for professional services.....	SB 28	76
State controller - authority to make electronic payments of obligations against the state.....	HB 1036	84

State employees.

Personnel system - compensation reform.....	SB	246	80
Personnel system - sharing of annual leave.....	HB	1141	86
Salaries of state correctional employees - implementation date of 1991 systems maintenance study of correctional classes.....	SB	180	79
State government spending limitation - fiscal emergencies - state mandates on local governments - exceptions.....	HB	1262	86
Transfers between appropriations - overexpenditures of appropriations.....	SB	217	79

HEALTH.

Air quality.

Air pollutant emission notices and permits - inspection fees - appropriation.....	SB	63	90
Automobile travel reduction pilot program.....	HB	1178	94

AIDS or HIV reporting - research exemption for participants in an approved research protocol.....	HB	1272	96
---	----	------	----

Disease control - investigation - access to medical records - named reporting - rules - newborn screening program.....	SB	142	90
--	----	-----	----

Disposal of low-level radioactive waste - regulation by local government entities - appropriation.....	SB	160	92
--	----	-----	----

Drinking water regulation - department of health - powers and duties - regulation of drinking water vending and dispensing machines.....	SB	169	93
--	----	-----	----

Drug abuse - education, prevention and voluntary treatment programs established - emergency and involuntary commitment - appropriations.....	HB	1199	95
--	----	------	----

Health care professionals - state loan repayment program - service in medically underserved areas.....	HB	1274	96
--	----	------	----

Health data commission - continuation - membership - entities to submit data - sanctions for noncompliance with data requests - audit.....	HB	1315	96
--	----	------	----

High risk pregnant women - substance abuse treatment - appropriations - adjustment to long bill.....	SB	56	89
--	----	----	----

Immunization - submission of proof by college and university students.....	SB	52	89
--	----	----	----

Providers - nursing peer health assistance diversion program - uncompensated health care - nursing care facility staffing....	HB	1102	94
---	----	------	----

Residential care facilities - continuation of program for administration of medications.....	SB	19	89
--	----	----	----

Retail food establishments - inspections and inspection fees - creation of food protection cash fund - deposit of fees into fund - use of fees - exemptions.....	HB	1318	97
--	----	------	----

Solid wastes disposal sites and facilities.			
Application process - fees - appropriations.....	SB	174	93

Application process - review of applications by private contractors - fees - appropriation.....	SB	168	92
---	----	-----	----

HIGHWAYS AND ROADS.

AIR account in highway users tax fund - distribution of moneys generated by certain fees.....	HB	1331	101
---	----	------	-----

Department of transportation - creation - state department of highways abolished - transportation planning process - appropriation.....	HB	1198	99
---	----	------	----

Highway projects - less than 3 bidders - permissible amount above estimate for awarding contracts.....	SB	22	99
--	----	----	----

	Bill #	Page #
Highway users tax fund - appropriations to the personnel department.....	SB 210	99
State department of highways.		
Appropriation of administrative expenditures.....	SB 213V	99
Rights-of-way for future needs.....	SB 20	99
Use of rights-of-way by adjacent landowners for agricultural purposes.....	HB 1317	101
INSTITUTIONS.		
Developmentally disabled.		
Family support programs - loan fund - study of self-sufficiency trusts - termination of parental rights not required for voluntary placements.....	SB 103	102
Gastrostomy services in residential and day programs.....	HB 1275	103
Mental health - refusal of medication hearings - expenses.....	HB 1151	103
State hospitals - Pueblo and Fort Logan - change of name.....	SB 93	102
INSURANCE.		
Agents and brokers - educational training - continuation of program for reduced license fee.....	HB 1309	114
Authority of insurer to transact business - part ownership by non-Colorado governmental entity.....	HB 1210	112
Automobile insurance.		
Compliance with requirement of offering uninsured motorist coverage.....	SB 72	104
Cost containment measures - arbitration of disputes - obligations of professionals providing health care services - tort recoveries.....	HB 1133	106
Discount - drivers over 55 - driver's education course.....	SB 108	104
Payment of benefits - cost containment measures.....	HB 1092	106
Division of insurance.		
Fees paid by persons and entities licensed, authorized, or admitted to transact business.....	HB 1202	110
Improvements in regulatory functions.....	HB 1243	112
Group health insurance regulation - sickness and accident insurers - nonprofit hospital and health service corporations - health maintenance organizations - appropriation.....	HB 1168	108
Insolvent insurers - sale as a going concern.....	HB 1142	107
Investments by insurance companies - increase in number and type of permissible.....	SB 163	105
Life and health insurance - creation of "life and health insurance protection association" - insurers as members.....	HB 1325	114
Medical liability extraordinary loss fund - repeal.....	SB 24	104
Medicare supplement insurance - regulations necessary for compliance with federal law.....	HB 1067	106
Mutual and captive insurance companies - organization - conversion to other forms of insurer - lines of business.....	HB 1197	109
Preneed funeral contracts - fixed duration for payment period...	SB 121	105
Property and casualty insurance - rates charged by insurers - new provisions for rate regulation of workers' compensation insurance.....	HB 1153	108
Sickness and accident insurance - direct reimbursement for social worker services - appropriation.....	HB 1303	114
State employees and officials group health and life insurance plan - state contribution - stabilization reserve fund - appropriation.....	SB 245	105

	Bill #	Page #
Title insurance - agents - licensing requirements - financial responsibility - preservation of closing documents.....	HB 1192	109
LABOR AND INDUSTRY.		
Colorado compensation insurance authority - cost containment measures.....	HB 1228	127
Employment offices - report.....	SB 90	116
Liquified petroleum gas - conformance to nationally recognized standards.....	HB 1077	124
Unemployment compensation.		
Benefits - eligibility for - construction workers quitting jobs outside of regular trade to return to regular trade.....	SB 211	116
"Employment" defined - effect of government-mandated control..	SB 238	124
"Employment" defined - evidence of freedom from control and direction in performance of service.....	HB 1279	128
Failure to pay unemployment taxes - penalty - appropriation...	HB 1193	126
Premium tax assessment - experience ratings - effect of closure of business due to employer's being called to military duty.....	SB 216	116
Unemployment insurance fund - solvency tax surcharge rates - appropriation.....	HB 1118	124
Unfair employment practices - authority of director of civil rights division to issue subpoenas.....	HB 1322	129
Workers' compensation.		
Attorney fees - limitation on amounts charged - determination of reasonableness - disclosure and reporting requirements - appropriation.....	HB 1297	128
Cost containment board - risk management programs offered by certain colleges.....	HB 1159	125
Eligibility - dependents - reduction due to acts of employee - death benefits - effect of remarriage.....	HB 1129	125
Liability - exemption for placement through vocational training or rehabilitation programs.....	HB 1271	127
Omnibus reform bill - appropriation.....	SB 218	117
Proceedings - authority for representation by officer of closely held corporation.....	SB 122	116
Utilization review process - adjustments to long bill.....	HB 1163	126
MILITARY AND VETERANS.		
Department of military affairs - real property acquisitions - review by the capital development committee.....	HB 1021	130
Officers in armed forces - power to perform notarial acts.....	HB 1324	130
State military forces - code of military justice - nonjudicial punishment - convening courts-martial - burial benefits for discharged military personnel.....	HB 1252	130
MOTOR VEHICLES AND TRAFFIC REGULATION.		
AIR account in highway users tax fund - distribution of moneys generated by certain fees.....	HB 1331	101
Collectors' items - automobile inspection and readjustment program - registration - taxes and fees - appropriation.....	HB 1062	133
Commercial drivers' licenses - license fees - licensing of testing units and testers - criminal penalties.....	SB 2	131
Parking violations - penalty assessment notice.....	HB 1032	37
Ports of entry - cooperative agreements with contiguous states - joint operation of ports of entry - reciprocal collection of taxes and enforcement of laws.....	HB 1024	133

Registration - resubmission of application when insurance affirmation clause is not signed - elimination of reprocessing fees.....	SB	49	132
Residential vehicles - manufactured home - trailer coach - definitions.....	HB	1023	132
School buses - safety standards - driver training.....	SB	118	132
Temporary commercial registration permit - agricultural harvest operations - port of entry clearance.....	SB	10	131
Traffic control - pedestrian control devices - railroad crossing signs.....	HB	1195	135
Traffic laws - recodification - highway legislation review committee - revision of various traffic statutes.....	HB	1106	134
NATURAL RESOURCES.			
Arkansas River - regulation of use by board of parks and outdoor recreation - continuation.....	HB	1122	138
Damage caused by wildlife.....	HB	1140	138
Division of wildlife.			
Acquisition of land in Las Animas county - appropriation.....	HB	1103	137
Acquisition of land in Morgan county - appropriation.....	HB	1083	137
Hunting license fees - refunds to military personnel.....	SB	47	136
Mined land reclamation.			
Creation of fund - fees - permits - appropriation.....	HB	1115	137
Plans - permits.....	SB	177	136
Oil and gas - drilling units - oil and gas environmental response fund - PUC-regulated rates for gas transportation....	SB	87	136
PROBATE, TRUSTS, FIDUCIARIES.			
Probate and protective proceedings - statutory rule against perpetuities - fees.....	SB	146	139
Public administrators.....	HB	1200	139
PROFESSIONS AND OCCUPATIONS.			
Accountants - educational requirements - "accredited college or university".....	HB	1143	153
Alcoholic beverages.			
Fermented malt beverage license - testimony at hearing by neighborhood association.....	HB	1220	154
Issuance of temporary permits.....	SB	139	145
Limited winery licensees - sale of wine on Sundays.....	SB	71	144
Liquor licenses - definition of "hotel" - deletion of minimum number of rooms requirement.....	HB	1074	150
Liquor licenses - increase in amount of liquor that may be purchased at retail.....	HB	1250	154
Malt beverages - regulation of the relationship between suppliers and wholesalers.....	HB	1134V	151
Architects - frequency of licensing examinations - contracts for administration of examinations.....	HB	1218	153
Athletic trainers - exemption from licensing requirements of "Colorado Medical Practice Act".....	HB	1127	151
Barbers and cosmetologists - licensure of barbers, cosmetologists, manicurists, and cosmeticians by endorsement..	SB	11	141
Barbers and cosmetologists - proof of education requirements....	SB	9	141
Dental hygienists - licensing requirements - licensure of persons licensed in other states - appropriation.....	SB	95	144
Electricians - renewal of licenses or registrations.....	SB	44	142

Fireworks - licensing requirements for sale or distribution - local and state regulation - appropriation - long bill adjustment.....	SB	51	143
Horse and greyhound racing - regulation - pari-mutuel wagering - off-track wagering facilities - classification of tracks - appropriation.....	SB	99	144
Limited gaming - implementation and regulation of - appropriations.....	SB	149	145
Nursing home administrators - licensing requirements - licensing by reciprocity - conditional licenses - annual registration requirement.....	HB	1039	148
Pharmacists - discipline - alternatives to disciplinary proceedings - peer health assistance diversion program - appropriation.....	HB	1066	149
Physical therapists - licensing functions of director of division of registrations - continuation.....	HB	1136	152
Physicians - foreign medical graduates - eligibility for licensure.....	HB	1125	150
Plumbing code - study to determine need for revisions.....	HB	1224	154
Private occupational schools - computation of surety bond - train-out.....	HB	1011	148
Real estate brokers and salespersons - licensing requirements...	HB	1107	150
Veterinarians - regulation by and continuation of state board of veterinary medicine.....	SB	12	141
X-ray technicians - safety training for unlicensed technicians employed in podiatric, chiropractic, dental, and medical practices outside of hospitals.....	HB	1073	149
PROPERTY.			
Colorado common interest ownership act.....	HB	1292	157
Fraudulent transfers - uniform fraudulent transfer act.....	HB	1080	155
Leased residential property - hazardous conditions - gas equipment.....	HB	1241	156
Minerals or geothermal resources - royalty interests - real property interest.....	SB	34	155
Mobile homes.			
Change in location - abandonment - condemnation - taxes.....	HB	1277	157
Landlord responsibility for repairs, maintenance, and payment of utilities - deposit to assure payment - liability for property damage.....	SB	39	155
Reverse mortgages - joint study on legislation.....	HB	1307	57
PROPOSED STATE CONSTITUTIONAL AMENDMENTS.			
Bill of rights - victims of crime.....	HCR	1003	183
PUBLIC UTILITIES.			
Public utilities commission - scope of authority - exclusion of amusement rides.....	HB	1053	161
Taxicabs - lease rates not subject to PUC approval.....	SB	178V	161
SOCIAL SERVICES.			
Adult protection - at-risk adults - reports of abuse or neglect - protective services - crimes against at-risk adults.	SB	84	162
County department personnel merit system - exemption of specified positions authorized.....	SB	85	163
Family preservation pilot program - creation - family preservation fund - creation.....	HB	1004	166
Federal laws conformance - required and optional programs.....	SB	138	164

	Bill #	Page #
Final agency action - provider appeals - request for waiver.....	HB 1082	167
Long-term health care - creation of single entry point system...	HB 1287	167
Low-income energy assistance program - acceptance of private contributions and federal grants - appropriation.....	HB 1335	168
Medical assistance.		
Purchase access - study.....	SB 158	165
Rewrite of statutes.....	SB 105	164
Duty to inform state department of action against third party - excusable neglect.....	SB 248	166
Medically indigent program - continuation.....	SB 21	162
Overpayment of benefits - state income tax refund offset - appeal rights.....	HB 1165	167
Reimbursement to county departments - payment of federal Title IV-E funds received for out-of-home placements.....	SB 80	162
Secure residential treatment centers - age of persons who may be committed to such centers.....	HB 1030	167
Task force on family issues - creation - membership.....	SB 16	162
STATUTES.		
Colorado Revised Statutes - printing of - submitting current version to bid.....	SB 224	170
Revisor's bill - revisions to conform, correct, and clarify statutes.....	SB 243	170
Validation of Colorado Revised Statutes and replacement volumes and supplements thereto - effective date - proceedings of the committee on legal services.....	HB 1211	170
TAXATION.		
Enterprise zones - sales and use tax exemption provided for persons engaged in mining activities.....	SB 131V	171
Income tax.		
Adjusted basis of shares of regulated investment company - filing requirements - credits or refunds for new business facility employees - investment credits.....	HB 1231	177
Continuation of tax checkoff for homeless prevention activities program - advisory committee.....	SB 109	171
Continuation of tax checkoff in support of the United States olympic committee.....	SB 154	171
Corporations - credit for purchase of Colorado coal.....	HB 1214	176
Credit for qualified equipment utilizing postconsumer waste...	HB 1245	177
Operation Desert Storm active duty military tax checkoff program - grants for persons receiving combat pay in Operation Desert Storm - appropriation.....	HB 1319	178
Property tax.		
Abatements and refunds - overvaluation - hearings - filing of petitions - date payable.....	SB 231	173
Board of assessment appeals - creation of new board - employee compensation and benefits - adjustment to long bill appropriation.....	HB 1183	175
Change in date for state payment to county treasurer of deferred taxes.....	SB 208	172
Exemptions - tentative determinations - incidental use - health care services - housing for the homeless and abused - applications and annual reports.....	SB 228	172
Fees and procedures for sale of property - minimum price - contracts with auctioneers and collection agencies.....	HB 1096	174

	Bill #	Page #
Implementation of annual reassessments.....	HB 1328	179
Levy limitation computation - exclusion of increased valuation attributable to new primary oil or gas production.....	HB 1052	174
Oil and gas properties - guidelines for audit and compliance review.....	SB 214	172
Rented personal property - exemption - county rental tax.....	HB 1191	176
Residential real property - adjustment of residential rate....	HB 1215	176
Work-off programs for the elderly.....	HB 1258	178
Sales and use tax.		
Exemption for machinery, tools, and equipment used by air carriers in enterprise zones for repair of aircraft.....	HB 1182	175
Exemption for purchase or use of aircraft component parts.....	HB 1046	174
Severance tax - allocation of revenues.....	SB 207	171
Special fuels tax - collection.....	HB 1012	174
WATER AND IRRIGATION.		
Residential well water for watering domestic animals - two-year extension.....	HB 1072	181
Resource mitigations banking system - establishment - appropriation.....	SB 120	180
Water conservation - creation of office - water use efficiency plans - state financial assistance - appropriation.....	HB 1154	181
Water conservation board.		
Approval of projects for financial assistance loans.....	HB 1006	181
Transfers of general fund moneys.....	SB 179	181