

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

(1991 - Second Extraordinary Session)

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Compiled by the  
Office of  
Legislative Legal Services  
State Capitol Building  
Denver

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	Introduced	Passed
HOUSE BILLS	42	16
SENATE BILLS	<u>21</u>	<u>11</u>
TOTALS	63	27

Of the House Bills passed: 16 were signed by the Governor

Of the Senate Bills passed: 7 were signed by the Governor

4 were vetoed by the Governor



## APPROPRIATIONS

**S.B. 91S2-11** Supplemental appropriation - department of social services. Makes a supplemental appropriation to the department of social services for disproportionate share payments to hospitals for the 1990-91 and 1991-92 fiscal years. Makes a supplemental appropriation to the department for the payment of overexpenditures for medical services for the 1990-91 fiscal year, and releases related restrictions on expenditures for the 1991-92 fiscal year.

APPROVED by Governor October 11

EFFECTIVE October 11

## COURTS

**S.B. 91S2-6** Protective orders - automatic termination. Authorizes the court to extend a conservatorship or protective order entered on the basis of the minority of a person until the person reaches the age of 21 years. Requires a conservator appointed on the basis of the minority of a person to account to the court for the administration of the trust and to transfer the property of the protected person when said person reaches the age of 21 years.

APPROVED by Governor October 11

EFFECTIVE October 11

**H.B. 91S2-1006** Docket fees in post-judgment proceedings. Reduces the docket fee for filing a post-judgment proceeding from \$25 to \$15.

APPROVED by Governor October 7

EFFECTIVE October 7

## CRIMINAL PROCEDURE

**H.B. 91S2-1001** Imposition of sentence in class 1 felony cases - procedure - appellate review. Establishes the procedures to be followed by the trial court for the imposition of either a life or death sentence upon persons who have been convicted of a class 1 felony. Establishes procedures for the appellate review of any such sentence imposed.

APPROVED by Governor September 20

EFFECTIVE September 20

**H.B. 91S2-1008** Appeals by the prosecution - cases in which death penalty statutes are adjudged inoperative or inapplicable. If a statute providing for the imposition of the death penalty is adjudged inoperative or inapplicable, provides that such adjudication shall constitute a final order which is immediately appealable to the supreme court.

APPROVED by Governor October 7

EFFECTIVE October 7

**H.B. 91S2-1038** Imposition of sentences in class 1 felony cases committed between July 1, 1988, and September 20, 1991 - procedure. Reenacts the procedure for the imposition of sentences in class 1 felony cases which existed prior to July 1, 1988, and applies such procedure to class 1 felonies committed on or after July 1, 1988, and prior to September 20, 1991.

APPROVED by Governor October 11

EFFECTIVE October 11

## EDUCATION - PUBLIC SCHOOLS

**S.B. 91S2-12** Public school finance - insufficient state appropriations - proration of a reduction in state aid. Provides that the current method for prorating a reduction in state aid to school districts resulting from a negative supplemental appropriation will also be applicable to reductions resulting from insufficient state appropriations.

VETOED by Governor October 18

**S.B. 91S2-13** Public school finance - aid to districts with increased enrollments. Reestablishes the previous threshold for qualifying for aid for increased enrollment which was an increase in pupil enrollment of 3% or 350 pupils, whichever is less. Decreases the amount of funding districts receive as aid for increased enrollment from 8/9 of certain funding components to 2/3 of such components. Clarifies that the payment of aid for increased enrollment is limited to payment for pupils in excess of the statutory threshold for eligibility for such aid.

APPROVED by Governor October 18

EFFECTIVE October 18

**S.B. 91S2-14** Public school finance - district mill levies which are exceptions to the uniform mill levy. Repeals the authority for certain school districts to have a higher mill levy for the 1991 property tax year than the mill levy required to fund the school district's share of equalization program funding for the transitional budget year. Also repeals the 4-mill limitation on mill levy increases which was applicable only to "hold harmless" and "categorical buyout" districts.

VETOED by Governor October 18

**S.B. 91S2-17** Public school finance - equalization program funding - funded pupil count used for calculation. Replaces the current provisions for calculating equalization program funding under the "Public School Finance Act of 1988" for school districts with declining enrollments with a provision which establishes funding based upon a "funded pupil count". Defines "funded pupil count" to be the greater of a district's pupil enrollment for the ensuing budget year or the average of the district's pupil enrollment for the ensuing budget year and the pupil enrollment for the prior budget year.

APPROVED by Governor October 18

EFFECTIVE October 18

S.B. 91S2-18 Public school finance - funding for period beginning January 1, 1992, and ending June 30, 1993 - adjustment to long bill appropriation. Changes the school district fiscal year to July 1 through June 30, effective July 1, 1993, rather than July 1, 1992. Replaces the 6-month transitional fiscal year with two 9-month transitional fiscal years. Establishes the equalization program funding, the "at-risk" preschool program funding, and the 3- and 4-year-old handicapped program funding for such fiscal years.

Provides that property tax revenue collected by a school district during the first 9-month transitional fiscal year which is not needed to fund the district's equalization program funding for such fiscal year shall be carried forward to the second 9-month transitional fiscal year and used to offset the state's share of the district's equalization program funding for such fiscal year. Requires minimum state aid school districts to reduce their levy for taxes collected in 1992 and 1993 to eliminate any property tax carryforward unless the board of education of the district votes, by a 2/3 majority, to keep the carryforward. Makes a school district which keeps its carryforward ineligible for state aid until the amount of state aid the district would have received equals the amount of the carryforward.

Reduces the inflation factor for the first 9-month transitional budget year from 3% to .75%. Makes the funding component amounts for the first 9-month transitional budget year applicable to the second 9-month transitional budget year and budget years thereafter. Provides "formula" school districts with an additional \$20 per pupil in the first 9-month transitional budget year with "hold harmless" school districts receiving \$20 for each pupil of increase over the prior budget year. Repeals the tables containing the funding components for the 1992-93 budget year.

Requires the uniform mill levy to be set by the department of education for property taxes to be collected in 1992 and 1993 at a level that will raise \$1,070,000,000. Eliminates the statutory mill levy for property taxes to be collected in 1994 and thereafter.

Establishes an interest-free loan program on October 1, 1992, to alleviate cash flow management problems for school districts. Provides for the administration of the loan program by the state treasurer. Allows a school district to borrow money, on a monthly basis, in an amount equal to the difference between the district's equalization program funding for the month and property tax revenue and state aid available to the district for the month. Requires school districts to begin to repay loans when the property tax revenue and state aid available to the district exceeds the district's equalization program funding for the month with all loans being repaid no later than June 27.

Limits contracts entered into by school districts during the

first 9-month transitional fiscal year to a period of one year if the contract involves payments from the general fund. Repeals the limitation on October 1, 1992.

Adjusts the appropriation in the 1991 long bill to increase the appropriation for equalization program funding by the amount which was transferred to the property tax reduction fund.

VETOED by Governor November 1

**S.B. 91S2-21** Public school finance - funding for 1992 transitional budget year. Provides that the property tax revenue collected by a school district during the 1992 calendar year which is not needed to fund the district's equalization program funding for the 1992 transitional fiscal year shall be carried forward to the 1992-93 fiscal year and used to offset state aid in the 1992-93 and 1993-94 fiscal years. Calculates the amount of the offset on an assumption of 95% of 100% of collections for the 1991 property tax year. Requires a minimum state aid district to reduce its mill levy for the 1992 property tax year for collection in 1993 by the amount of the carryforward unless the board of education of the district votes, by a 2/3 majority, to keep the carryforward. Makes a school district which keeps its carryforward ineligible for state aid until the amount of state aid the district would have received equals the amount of the carryforward.

Reduces the inflation factor for the 1992 transitional budget year from 3% to 1%. Makes the necessary changes in the tables containing the funding component amounts for 1992 transitional budget year and the 1992-93 budget year.

Requires the department of education to set the uniform mill levy for the 1991 property tax year and property tax years thereafter at a level that will raise \$1,078,000,000. Establishes an interest-free loan program on July 1, 1992, to alleviate cash flow management problems for school districts caused by the change in fiscal year.

Amends the appropriation to the department of education in the 1991-92 general appropriation act to reduce the appropriation for equalization program funding caused by the reduction in the inflation factor for the 1992 transitional budget year and to increase the appropriation to the property reduction fund by the same amount.

APPROVED by Governor November 8

EFFECTIVE November 8

**H.B. 91S2-1002** Creation of Colorado achievement "Coach" commission - membership powers and duties - repeal of Colorado commission on school finance. Creates the Colorado achievement "Coach" commission and sets forth the membership of said commission. Specifies the terms of members appointed to the commission. Establishes the powers and duties of the commission relating to assessment of educational achievement and relating to Colorado's education and training system. Establishes a task force to make recommendations to the commission and authorizes the chairman of the commission, with the approval of the members of the commission, to appoint additional task forces. Sets forth the number of members on such additional task forces and the manner in which such members are appointed. Requires the commission to submit an initial written report to the general assembly concerning its recommendations no later than January 1, 1993, and annually thereafter. Mandates the commission to submit annually a spending priority list containing recommendations for the expenditure of state moneys for Colorado's education and training system.

Repeals the Colorado commission on school finance. For school finance purposes, prohibits the redefining of any setting category or the transfer of any school district from one setting category to another without the recommendation of the "Coach" commission.

APPROVED by Governor November 1

EFFECTIVE November 1



## ELECTIONS

**S.B. 91S2-8** United States congress - redistricting. Divides the state into congressional districts pursuant to the most recent United States census. Provides that no adjustment in the boundaries of such congressional districts shall occur if any annexation changes a county boundary which constitutes any portion of the boundary of a congressional district. Directs that the statutory provisions which describe such congressional districts shall prevail if there is a conflict between such statutory provisions and the maps filed with the secretary of state by the legislative council.

VETOED by Governor November 1

## FINANCIAL INSTITUTIONS

**H.B. 91S2-1004** Securities - permissible investments - mortgage-related securities - no federal preemption. Specifically refers to section 106 of the federal "Secondary Mortgage Market Enhancement Act of 1984", as is required by that act to avoid preemption of state statutes which prohibit or limit investments in certain mortgage-backed securities beyond the limitations contained in the federal act. Prohibits such investments to the extent they are inconsistent with Colorado law.

APPROVED by Governor October 1

EFFECTIVE October 1

## GOVERNMENT - LOCAL

**H.B. 91S2-1042 School district tax anticipation notes - issuance by state treasurer.** For purposes of the issuance of tax anticipation notes on behalf of school districts, eliminates a restriction upon the authority of the state treasurer to withhold any funds otherwise payable by the state to a school district to be used for the payment of tax anticipation notes issued for such school district. Authorizes the state treasurer to pledge such withheld funds to the payment of tax anticipation notes. Requires payments by school districts to be made no later than the 27th day of any month.

Provides that tax anticipation notes can be paid from certain funds on hand or in the custody of the state treasurer. Specifies that such payments made by the state treasurer are to be repaid from payments received from school districts or, if such payments are insufficient, from funds otherwise payable by the state which are withheld from school districts. Creates the school district tax anticipation notes repayment account in the general fund of the state and specifies certain payments to be deposited in said account.

Provides that additional payments of school district property taxes to be made by county treasurers in March, April, and May include such property taxes collected through the 20th day of such month in counties with populations of at least 5,000 persons and such property taxes collected through the 18th day of such month in counties with populations of less than 5,000 persons. Requires county treasurers to make such payments to school districts no later than the 24th day of the month.

APPROVED by Governor October 11

EFFECTIVE October 11

## GOVERNMENT - STATE

**S.B. 91S2-20** Capital construction fund - reduction of expenditures. Reduces the statutory general fund transfer to the capital construction fund for the fiscal year 1991-92. Removes certain capital construction and controlled maintenance projects from the FY 1991-92 budget. Reduces the appropriations in H.B. 90-1327 for the women's correctional facility in Denver, and the preliminary engineering work at the Trinidad and Sterling prison sites. Defers allocations for the acquisition of works of art for certain capital construction projects and reduces funding for such projects by 1%. Transfers the moneys made available by such reductions from the capital construction fund to the general fund.

APPROVED by Governor October 16

EFFECTIVE October 16

**H.B. 91S2-1031** Public employees' retirement association - interest on member contributions. Requires that interest be credited to the member contribution accounts of the members of the public employees' retirement association beginning with account balances which existed on June 30, 1991. Provides that the interest rate to be credited during each year shall equal the interest earned on 3-month United States treasury bills at the end of the previous year, but that such interest rate shall not fall below the prevailing passbook savings rate or exceed the actuarial investment assumption rate.

APPROVED by Governor October 11

EFFECTIVE October 11

## PROFESSIONS AND OCCUPATIONS

**S.B. 91S2-19** Racing - simulcast races - commencement of operations. Authorizes reception by in-state simulcast facilities of broadcast signals of simulcast horse races run outside of Colorado commencing October 1, 1991, rather than July 1, 1992, as was provided in S.B. 91-99.

APPROVED by Governor October 1

EFFECTIVE October 1

## SOCIAL SERVICES

H.B. 91S2-1015 Assessment upon vendors - payments to vendors under the "Medical Assistance Act" - adjustment to long bill appropriation. Creates the "Vendor Assessment Plan" which provides for enhanced payments to vendors under the "Colorado Medical Assistance Act" through revenues raised from assessments imposed, effective October 1, 1991, upon hospital and nursing home vendors and through the reallocation of medically indigent funds. Provides that assessments and funds be credited to the general fund and be used for obtaining federal funds, making disproportionate share payments to hospitals, making enhanced payments to nursing homes, and funding specified medical assistance costs.

Declares that any moneys available for enhanced payments to vendors shall not be used for any new services or eligible populations. States that any enhanced payments to vendors shall not be deemed vested or otherwise obligated to be continued if federal matching funds are discontinued.

States that disproportionate share payments made to hospital vendors shall be based on the amount of uncompensated care and may be used to offset the cost of providing care to low income persons.

Makes the assessment, federal matching, and funding provisions conditioned on written approval by the federal health care financing administration, and provides for automatic repeal of the act if, as specified by the state attorney general in a written notice to the governor, federal law or regulation is amended to prevent implementation of the act.

Repeals the act, effective June 30, 1995.

Adjusts the appropriation act for 1991-92 fiscal year by reallocating general funds appropriated to the department of higher education, health sciences center, for the medically indigent program to the department of social services and by combining such funds with vendor assessments to be matched with federal funds and by adding two new lines to the department of social services budget that totals \$23,885,227 for provider or service and administrative payments. Reappropriates, as cash funds, a portion of the general funds reallocated from the medically indigent program to the department of social services.

APPROVED by Governor October 16

EFFECTIVE October 16

**H.B. 91S2-1023** Home care allowance - authority of department to manage program - report - repeal. Requires the state department of social services to promulgate rules for managing the state home care allowance program within available appropriations. Requires that such rules address amounts to be paid to recipients, services rendered, and eligibility criteria. Requires that the eligibility criteria include a method for determining an applicant's or recipient's functional impairment and the person's unmet need for paid care and that eligibility be determined through the use of a comprehensive and uniform long-term care assessment instrument. Allows the state department to adjust the eligibility criteria and the amount of allowance paid to recipients as necessary to manage the program within available appropriations. Allows the department to amend services provided under the program as is necessary to provide services within available appropriations.

Requires the department of social services to submit, before December 1, 1992, a report to the general assembly regarding the administration of the program, specifically addressing the number of persons denied access to the program and the number of persons who receive alternative long-term care.

Repeals statutory authority for the department to administer the home care allowance program, effective July 1, 1993.

APPROVED by Governor October 16

EFFECTIVE October 16

**H.B. 91S2-1030** Eligibility for medical assistance - use of court-approved trusts - estate recovery - appropriation. Limits the establishment of medicaid qualifying trusts by persons in need of nursing home care, whose monthly income is greater than the income eligibility standard for medicaid but is insufficient to pay the average private rate for nursing home care, (a situation referred to as the "Utah Gap"), for the purpose of qualifying for medicaid.

Establishes standards for the creation and administration of such trusts and specifies that a person benefitting from a medicaid qualifying trust shall be considered an undue hardship case, thus allowing receipt of medical assistance. Requires that the trusts be created by the court. Requires, that under the terms of the trust, persons who become eligible for medicaid as a result of such trusts shall be treated the same as other medicaid recipients in terms of patient contribution to the cost of care, available allowances, and total financial support available from sources other than the medical assistance program.

Establishes an estate recovery program to recover medical assistance funds from the estate of a deceased person who received medicaid while such person was alive, who was age 65 or older, and who received institutional care.

Requires the state department to promulgate rules regarding the treatment by the department of court-approved trusts in determining eligibility for medical assistance and for the development and implementation of an estate recovery program. Requires that the rules conform to the federal "Social Security Act".

Appropriates \$1,027,561 and 2.3 FTE to the department of social services to implement the act.

APPROVED by Governor October 16

EFFECTIVE October 16

**H.B. 91S2-1039** Public assistance - ineligibility for payments. Prohibits an applicant from receiving public assistance payments under the old age pension (OAP), aid to the needy disabled (AND), or aid to the blind (AB) programs if the applicant is a member of a household which is receiving aid to families with dependent children (AFDC). Requires a supplemental payment in an amount that will maintain the level of assistance, to be made to families receiving both AFDC and OAP or AND as of December 1991. Amends the line item appropriation in the long bill to reflect the amounts paid under each program after adjustments as a result of the bill.

APPROVED by Governor October 16

EFFECTIVE January 1, 1992

## TAXATION

**H.B. 91S2-1027** Income tax - remittance by employer of employees' withheld taxes - time period for refunds to be made - appropriation. Provides that an employer who is required to deduct and withhold an amount from wages of an employee for state income tax purposes and who has at least \$400 in unremitted withheld taxes at the end of a specified period shall file a return and remit the taxes to the department of revenue within 3 banking days of the close of such period. Authorizes the executive director of the department of revenue to require any taxpayer with an estimated annual withheld tax liability of more than \$11,000 to remit such withheld taxes by electronic transfer.

Specifies that additional interest derived from moneys deposited in the income tax withholding fund as a result of the modified withheld tax remittance schedule is to be credited to the general fund. Provides that an employer who withholds less than \$400 during a quarter shall file a quarterly return by a specified date. Modifies the time period in which the department of revenue is required to pay refunds of personal income tax returns to be dependent upon the date of filing of such return.

Appropriates \$123,018 and 2.4 FTE to the department of revenue for the implementation of the act. Estimates that, in fiscal year 1992, the implementation of the act will require an appropriation of \$1,642 and 0.3 FTE to the department of revenue.

APPROVED by Governor

EFFECTIVE January 1, 1992

**H.B. 91S2-1036** Property tax - adjustment of residential ratio by state board of equalization - deadline. Modifies the date by which the state board of equalization is required to adjust the residential ratio, if necessary, from September 20 to October 7.

APPROVED by Governor September 25

EFFECTIVE September 25

**H.B. 91S2-1041** Property tax - adjustment of residential ratio by state board of equalization - review of information. Authorizes the state board of equalization to review certain information concerning valuation for assessment in addition to county abstracts for assessment for purposes of adjusting the ratio of valuation for assessment for residential real property set by the general assembly. Modifies the date by which the state board of equalization completes such review from September 20 to October 7.

APPROVED by Governor October 7

EFFECTIVE October 7

## WATER AND IRRIGATION

**H.B. 91S2-1040** Water conservation board - use of water board construction fund for board expenses - amendment to 1991 long bill.  
Authorizes the general assembly to appropriate moneys from the water conservation board construction fund to the water conservation board for any necessary expenses during the 1991-92 and 1992-93 state fiscal years.

Amends the 1991 long bill to replace 1991 general fund appropriations to the water conservation board with appropriations from the water conservation board construction fund.

APPROVED by Governor October 11

EFFECTIVE October 11