
DIGEST OF BILLS
ENACTED BY THE

**FIFTY-EIGHTH
GENERAL ASSEMBLY**

1992 SECOND REGULAR SESSION



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

JUNE 1992

DIGEST

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

(1992 - Second Regular Session)

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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 Second Regular Session ending May 6, 1992. The summaries include the dates bills are approved 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 state 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 xi.
2. To identify bills by subject area, refer to the bill summaries section for that subject area or the subject index, beginning on page 170.
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 xi.
4. To convert a particular bill number to a chapter number in the Session Laws, refer to the Conversion Table, page xi.
5. To identify bills which were vetoed by the Governor, refer to Table A, page viii.
6. To identify bills which became law without the governor's signature, refer to Table B, page viii.
7. To identify bills which were originally recommended by a 1991 interim committee, refer to Table D, page ix.
8. For statistics concerning the number of bills and concurrent resolutions introduced and passed in the 1992 session compared to the two prior sessions, see the Legislative Statistical Summary, page vii.

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 1992.

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LEGISLATIVE STATISTICAL SUMMARY

	1992		1991*		1990	
	Intro	Passed	Intro	Passed	Intro	Passed
Senate Bills	218	136	274	170	212	112
House Bills	368	217	390	199	335	216
Concurrent Resolutions	14	2	12	1	16	1
Bills signed by Governor	330		350		301	
Bills becoming law without Governor's signature	10		4		15	
Bills vetoed by the Governor	13		13**		11	
Bills referred to the People					1	

* Includes the first and second extraordinary sessions of the 58th general assembly.

** A question has been raised concerning the validity of the Governor's vetoes of Senate Bills 91-131, 91-159, 91-178, and 91-227 and House Bills 91-1028 and 91-1217. Although 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. The Governor filed a lawsuit in the Denver District Court. That court has ruled that the vetoes were invalid. The District Court decision has been appealed by the Governor to the Colorado Supreme Court and the case is currently pending.

TABLE A

<u>BILLS VETOED BY THE GOVERNOR</u>		
SB 92-64	HB 92-1036	HB 92-1302
SB 92-65	HB 92-1139	HB 92-1316
SB 92-113	HB 92-1213	HB 92-1340
SB 92-184	HB 92-1218	HB 92-1342
	HB 92-1234	

TABLE B

<u>BILLS BECOMING LAW WITHOUT THE GOVERNOR'S SIGNATURE</u>	
SB 92-32	HB 92-1043
SB 92-75	HB 92-1135
SB 92-117	HB 92-1145
SB 92-148	HB 92-1206
SB 92-156	
SB 92-181	

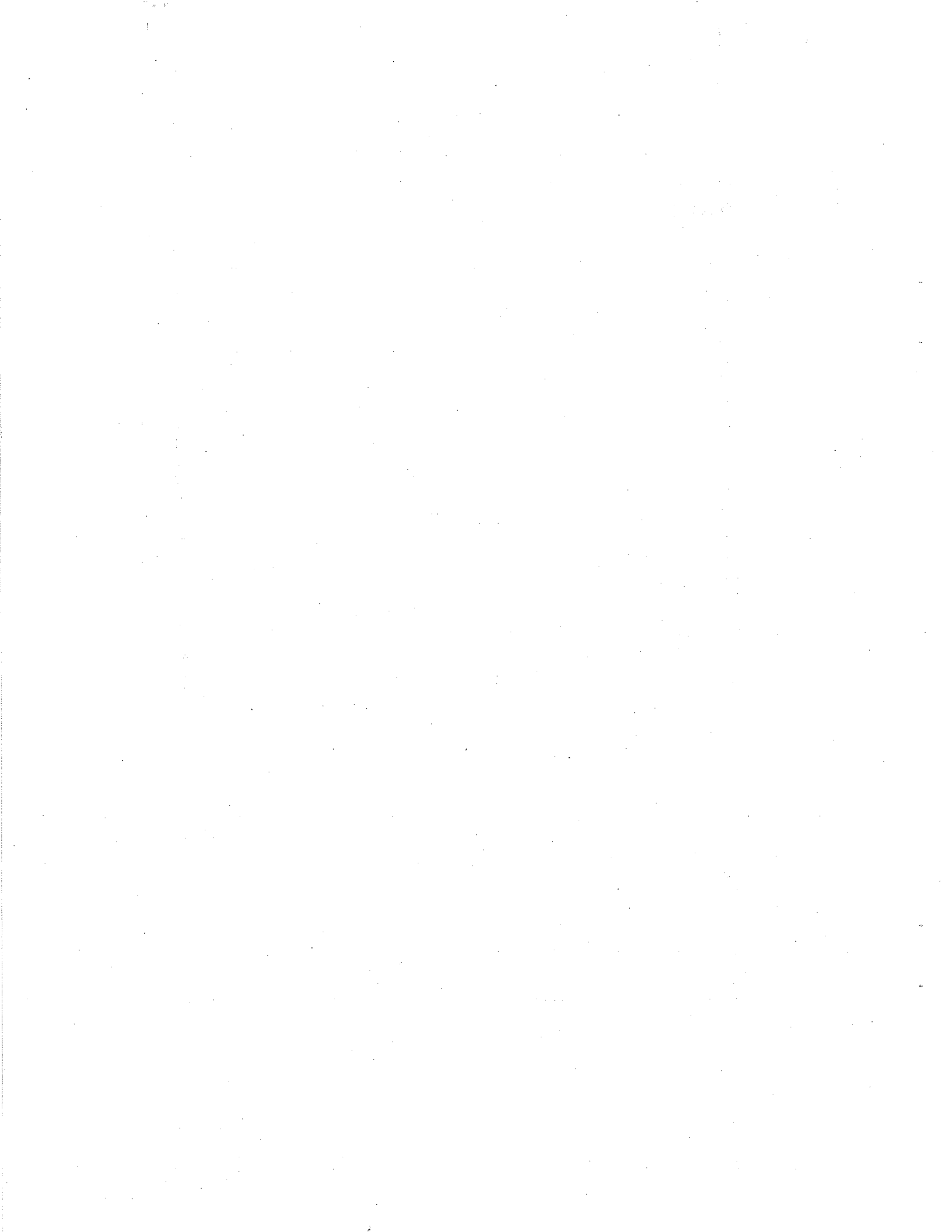
TABLE C

<u>BILLS WITH PORTIONS VETOED BY THE GOVERNOR</u>
HB 92-1345

**TABLE D
BILLS RECOMMENDED BY
1991 INTERIM COMMITTEES WHICH BECAME LAW**

<u>SUNRISE AND SUNSET REVIEW COMMITTEE</u>	
SB 92-3	HB 92-1018
SB 92-6	HB 92-1030
SB 92-11	HB 92-1034
SB 92-83	
SB 92-84	
SB 92-88	
SB 92-90	
SB 92-91	
SB 92-98	
SB 92-99	
SB 92-104	
<u>JOINT AGRICULTURE COMMITTEE</u>	
SB 92-87	HB 92-1003
	HB 92-1008
	HB 92-1131
<u>JOINT BUSINESS AFFAIRS AND LABOR COMMITTEE</u>	
SB 92-12	
<u>JOINT COMMITTEE ON STATE AFFAIRS</u>	
	HB 92-1004
<u>JOINT HEALTH, ENVIRONMENT, WELFARE AND INSTITUTIONS COMMITTEE</u>	
SB 92-4	

<u>CAPITOL DEVELOPMENT COMMITTEE</u>	
SB 92-8	HB 92-1012
SB 92-94	
<u>CRIMINAL JUSTICE COMMISSION</u>	
	HB 92-1021
<u>POLICE AND FIRE PENSION REFORM COMMISSION</u>	
SB 92-5	HB 92-1164
SB 92-9	
SB 92-85	
<u>HIGHWAY LEGISLATION REVIEW COMMITTEE</u>	
SB 92-82	HB 92-1002
SB 92-89	HB 92-1019
SB 92-125	HB 92-1154
	HB 92-1162
<u>LEGISLATIVE AUDIT COMMITTEE</u>	
SB 92-79	HB 92-1011
	HB 92-1017
<u>JOINT TRANSPORTATION COMMITTEE</u>	
SB 92-86	



CONVERSION TABLE

SENATE BILLS

BILL NO.	SESSION LAW CHAPTER	DIGEST PAGE	EFFECTIVE DATE
12-2	83	35	7/1
92-3	264	130	6/4
92-4	202	101	4/29
92-5	133	62	4/24
92-6	266	132	7/1
92-7	100	46	3/25
92-8	28	9	6/3
92-9	134	62	3/25
92-11	267	132	7/1
92-12	203	101	Portions eff. 7/1 10/30/93
92-16	300	149	4/16
92-17	240	120	4/29
92-20	265	131	4/16
92-21	69	28	7/1
92-22	204	103	6/3
92-24	101	46	3/25
92-26	141	65	7/1
92-28	29	9	2/25
92-30	142	65	7/1
92-31	143	67	7/1
92-32	306	152	7/1
92-33	119	56	2/25
92-34	241	120	4/1
92-35	314	159	2/25
92-36	144	67	3/12
92-37	199	99	4/10
92-38	307	152	3/25
92-39	315	159	4/16
92-41	88	38	5/29
92-42	205	104	4/16
92-43	291	144	7/1
92-50	316	159	Portions eff. 6/3 1/1/93
92-51	301	149	4/10
92-54	120	56	3/24
92-56	242	119	3/19

BILL NO.	SESSION LAW CHAPTER	DIGEST PAGE	EFFECTIVE DATE
92-58	54	23	4/9
92-59	102	46	5/14
92-60	70	28	7/1
92-64	VETOED	11	
92-65	VETOED	152	
92-67	25	1	2/25
92-68	145	68	7/1
92-70	223	113	4/10
92-72	268	132	6/1
92-75	224	113	6/6
92-78	176	81	5/29
92-79	146	68	4/16
92-81	253	125	6/2
92-82	269	133	7/1
92-83	42	18	7/1
92-84	177	82	7/1
92-85	135	62	4/9
92-86	302	149	7/1
92-87	333	166	5/27
92-88	243	119	7/1
92-89	244	122	7/1
92-90	206	104	Portions eff. 5/20 7/1
92-91	270	133	4/3
92-92	334	166	4/16
92-94	103	46	7/1
92-96	271	133	6/2
92-97	178	83	7/1
92-98	272	134	4/9
92-99	273	134	3/24
92-100	292	144	Portions eff. 5/26 7/1/96
92-101	317	160	6/2
92-104	207	106	7/1
92-105	179	83	7/1
92-107	138	64	7/1
92-113	VETOED	68	
92-114	208	107	Portions eff. 6/2 1/1/93
92-115	147	68	7/1
92-116	180	86	Portions eff. 6/1 8/1
92-117	181	87	7/1

BILL NO.	SESSION LAW CHAPTER	DIGEST PAGE	EFFECTIVE DATE
92-119	139	64	4/24
92-122	182	88	4/9
92-125	193	96	4/9
92-127	104	47	7/1
92-130	183	88	7/1
92-133	200	7	Portions eff. 5/29 7/1
92-138	245	122	7/1
92-140	335	167	4/2
92-141	274	134	4/2
92-143	140	64	7/1
92-144	1	1	3/24
92-145	2	1	3/24
92-146	3	1	3/25
92-148	225	113	4/11
92-149	293	145	7/1
92-150	148	68	4/9
92-151	30	9	4/2
92-153	129	60	3/25
92-154	47	20	3/24
92-155	105	47	4/29
92-156	33	11	8/1
92-157	89	38	4/29
92-159	318	161	5/27
92-160	43	18	4/16
92-163	254	125	5/29
92-164	55	23	4/16
92-165	56	23	7/1
92-167	255	126	7/1
92-170	149	69	7/1
92-171	209	108	4/24
92-173	90	38	4/24
92-175	91	38	6/4
92-177	34	12	4/16
92-179	210	108	Portions eff. 5/29 7/1
92-181	57	23	4/28
92-184	VETOED	134	
92-185	275	134	5/20
92-189	92	39	5/26
92-190	226	114	4/16
92-191	227	114	4/16
92-192	150	69	1/1/93

BILL NO.	SESSION LAW CHAPTER	DIGEST PAGE	EFFECTIVE DATE
92-193	308	153	4/29
92-194	112	50	4/10
92-195	106	48	5/27
92-197	48	21	5/26
92-198	113	50	3/24
92-199	121	56	6/1
92-201	256	126	6/1
92-202	107	48	6/1
92-204	85	36	7/1
92-205	130	60	5/20
92-206	151	69	5/21
92-209	211	108	Portions eff. 12/1 1/1/93
92-211	194	96	6/1
92-213	152	69	6/1
92-214	49	21	6/1
92-216	153	70	6/1
92-217	212	109	6/5
92-218	154	70	6/1

CONCURRENT RESOLUTIONS

SCR 92-3	-	169	-
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CONVERSION TABLE

HOUSE BILLS

BILL NO.	SESSION LAW CHAPTER	DIGEST PAGE	EFFECTIVE DATE
92-1002	195	96	5/29
92-1003	93	40	6/1
92-1004	114	50	3/16
92-1007	108	48	3/19
92-1008	336	167	3/19
92-1009	122	56	4/2
92-1011	155	71	3/16
92-1012	31	10	4/6
92-1013	109	48	3/4
92-1015	71	28	7/1
92-1017	156	71	3/16
92-1018	127	59	3/19
92-1019	246	122	4/10
92-1021	86	36	6/2
92-1022	228	114	4/29
92-1024	110	48	3/6
92-1025	72	29	4/10
92-1026	319	161	5/29
92-1029	50	21	3/16
92-1030	276	135	7/1
92-1031	213	109	3/20
92-1032	294	145	3/16
92-1034	277	137	7/1
92-1035	58	24	2/12
92-1036	VETOED	161	
92-1037	278	139	3/20
92-1038	295	145	3/20
92-1040	229	114	3/19
92-1042	247	122	3/24
92-1043	59	24	4/14
92-1044	32	10	3/16
92-1045	279	139	3/16
92-1046	280	140	7/1
92-1047	60	24	7/1
92-1050	230	115	3/16
92-1053	44	18	6/1
92-1054	123	57	7/1
92-1055	94	41	7/1

BILL NO.	SESSION LAW CHAPTER	DIGEST PAGE	EFFECTIVE DATE
92-1056	157	71	7/1
92-1058	158	72	3/16
92-1059	61	24	7/1
92-1060	87	37	7/1
92-1061	159	72	2/25
92-1062	214	109	2/28
92-1063	95	41	7/1
92-1064	62	25	3/16
92-1065	63	25	7/1
92-1066	160	72	7/1
92-1068	320	161	4/9
92-1070	281	140	5/14
92-1071	303	150	7/1
92-1073	248	122	7/1
92-1075	35	12	7/1
92-1076	215	109	5/29
92-1077	321	161	4/9
92-1078	73	29	6/3
92-1079	231	115	3/19
92-1082	45	19	7/1
92-1083	296	146	4/9
92-1084	161	72	7/1
92-1085	249	123	1/1/93
92-1086	74	31	7/1
92-1087	64	25	4/23
92-1088	162	72	3/4
92-1089	337	167	2/25
92-1090	216	110	3/20
92-1091	282	140	4/23
92-1092	297	147	3/4
92-1093	4	1	3/4
92-1094	5	2	2/25
92-1095	6	2	3/4
92-1096	7	2	3/4
92-1097	8	2	2/25
92-1098	9	2	3/4
92-1099	10	2	2/25
92-1100	11	3	3/6
92-1101	12	3	3/4
92-1102	13	3	3/4
92-1103	14	3	2/25
92-1104	15	3	2/25
92-1105	16	3	2/25

BILL NO.	SESSION LAW CHAPTER	DIGEST PAGE	EFFECTIVE DATE
92-1106	17	4	3/4
92-1107	18	4	2/25
92-1108	19	4	2/25
92-1109	20	4	3/4
92-1110	21	4	3/6
92-1111	22	4	3/6
92-1112	23	4	2/25
92-1114	36	13	3/20
92-1115	37	13	5/14
92-1117	232	115	3/20
92-1118	233	115	7/1
92-1120	304	150	5/27
92-1121	257	127	6/1
92-1124	51	21	6/3
92-1125	322	162	2/25
92-1126	258	127	3/4
92-1127	283	141	3/6
92-1128	323	162	4/10
92-1129	259	127	7/1
92-1131	338	168	6/3
92-1134	234	116	6/3
92-1135	217	110	5/1
92-1139	VETOED	25	
92-1141	218	110	7/1
92-1142	163	73	7/1
92-1144	65	26	4/23
92-1145	324	162	6/6
92-1146	325	162	3/16
92-1149	136	62	2/25
92-1152	298	147	7/1
92-1153	164	73	3/4
92-1154	250	123	7/1
92-1155	75	31	4/29
92-1156	131	60	6/1
92-1160	165	73	7/1
92-1162	196	97	3/24
92-1164	137	63	4/10
92-1167	132	61	4/23
92-1168	66	26	6/2
92-1169	185	89	7/1
92-1174	124	57	4/23
92-1175	219	111	4/10
92-1176	220	111	5/14

BILL NO.	SESSION LAW CHAPTER	DIGEST PAGE	EFFECTIVE DATE
92-1177	284	141	4/10
92-1178	186	90	7/1
92-1182	187	91	5/29
92-1185	115	51	1/1/93
92-1186	166	74	7/1
92-1189	76	32	7/1
92-1191	326	162	6/5
92-1192	167	74	3/6
92-1195	168	74	7/1
92-1200	188	91	7/1
92-1204	339	168	3/20
92-1205	169	75	5/14
92-1206	285	142	6/6
92-1207	77	32	-
92-1208	189	92	7/1
92-1209	52	22	7/1
92-1210	327	163	7/1
92-1213	VETOED	75	
92-1214	38	13	8/1
92-1216	235	116	4/10
92-1217	309	154	7/1
92-1218	VETOED	123	
92-1223	260	128	7/1
92-1224	221	111	1/1/93
92-1226	53	22	7/1
92-1230	39	14	8/1
92-1232	40	15	8/1
92-1234	VETOED	52	
92-1237	236	116	4/29
92-1238	237	117	4/29
92-1243	305	151	4/23
92-1244	251	124	6/1
92-1245	125	57	5/29
92-1248	328	163	5/27
92-1249	329	164	7/1
92-1251	78	33	4/29
92-1252	261	128	4/23
92-1256	116	52	1/1/93
92-1259	170	76	7/1
92-1262	310	154	4/16
92-1263	330	164	4/16
92-1266	286	142	4/10
92-1267	67	27	7/1

BILL NO.	SESSION LAW CHAPTER	DIGEST PAGE	EFFECTIVE DATE
92-1270	331	164	7/1
92-1272	111	49	7/1
92-1275	222	112	4/16
92-1276	79	33	4/23
92-1277	171	77	7/1
92-1278	332	165	6/1
92-1280	238	117	5/19
92-1282	96	41	4/24
92-1287	41	16	7/1
92-1288	68	27	4/29
92-1289	97	42	6/5
92-1291	172	77	Portions eff. 7/1 1/1/93
92-1297	80	33	4/10
92-1302	VETOED	155	
92-1305	190	93	7/1
92-1306	311	156	5/21
92-1312	299	147	5/14
92-1314	46	19	6/1
92-1315	173	78	7/1
92-1316	VETOED	52	
92-1317	117	53	7/1
92-1321	191	94	5/27
92-1323	98	42	6/1
92-1325	126	58	4/29
92-1327	192	95	7/1
92-1328	312	158	5/20
92-1333	118	53	1/1/93
92-1334	174	79	4/29
92-1335	175	79	Portions eff. 5/1 7/1
92-1336	128	59	4/29
92-1338	262	129	6/1
92-1340	VETOED	118	
92-1342	VETOED	49	
92-1344	99	43	5/28
92-1345	340	5	6/3
92-1348	24	5	6/1
92-1351	201	100	5/19
92-1352	252	124	Portions eff. 7/1 1/1/93
92-1353	81	34	6/3
92-1354	197	97	7/1

BILL NO.	SESSION LAW CHAPTER	DIGEST PAGE	EFFECTIVE DATE
92-1355	198	97	7/1
92-1356	263	129	7/1
92-1358	287	142	6/1
92-1359	313	158	Portions eff. 6/2 7/1
92-1360	288	142	6/1
92-1363	82	34	6/1
92-1364	289	143	7/1
92-1365	239	118	5/26
92-1366	26	6	6/2
92-1368	290	143	6/1
CONCURRENT RESOLUTIONS			
HCR 92-1003	-	169	-

APPROPRIATIONS

S.B. 92-67 Capital construction fund - transfers from general fund reduced. Reduces the statutory general fund transfer to the capital construction fund required to be made on July 1, 1990, and eliminates the statutory general fund transfer to the capital construction fund required to be made on July 1, 1991. Replaces appropriations of such moneys in the general appropriations acts for fiscal years 1990-91 and 1991-92 and in a 1990 prison construction bill with appropriations of moneys from additional lottery proceeds, interest income, and reversions accruing to the capital construction fund.

APPROVED by Governor February 25

EFFECTIVE February 25

S.B. 92-144 Supplemental appropriation - department of labor and employment. Amends the 1991 general appropriation act to increase the total cash funds and federal funds appropriations to the department of labor and employment. Amends an appropriation made in a 1991 workers' compensation bill.

APPROVED by Governor March 24

EFFECTIVE March 24

S.B. 92-145 Supplemental appropriation - department of transportation. Amends the 1991 general appropriation act to increase the total cash funds appropriation to the department of transportation. To conform to 1991 legislation, changes references to the "state department of highways" to the "department of transportation", and adds an appropriation to the aeronautics division, whose functions were transferred to the department of transportation from the department of military affairs.

APPROVED by Governor March 24

EFFECTIVE March 24

S.B. 92-146 Supplemental appropriation - capital construction. Amends the 1991 general appropriation act to add an appropriation from cash funds to the department of health for laboratory equipment, an appropriation from the capital construction fund to Colorado state university for architectural and engineering work for the natural and environmental sciences building, and an appropriation from the capital construction fund to the council on the arts for the Auraria higher education center art project and for an academic replacement facility at Pueblo community college. Amends the 1989 general appropriation act to reduce the capital construction fund appropriation to Colorado state university for remodeling of the vacated biochemistry and radiation biology building, Phase I.

APPROVED by Governor March 25

EFFECTIVE March 25

H.B. 92-1093 Supplemental appropriation - department of administration. Amends the 1991 general appropriation act to increase the total appropriations made to the department of administration from the general fund and from cash funds.

Appropriates \$264,360 to the department for the payment of overexpenditures of capitol complex utilities appropriations contained in the 1990 general appropriation act.

APPROVED by Governor March 4

EFFECTIVE March 4

H.B. 92-1094 Supplemental appropriation - department of agriculture. Amends the 1991 general appropriation act to increase the total appropriations made to the department of agriculture from the general fund and from cash funds.

APPROVED by Governor February 25

EFFECTIVE February 25

H.B. 92-1095 Supplemental appropriation - department of corrections. Amends the 1991 general appropriation act to decrease the total appropriations made to the department of corrections from the general fund and from cash funds. Increases the appropriation for payments to local or out-of-state jails for maintenance of prisoners sentenced to a state correctional facility and adds a new footnote expressing the intent of the general assembly as to how such payments should be prioritized.

APPROVED by Governor March 4

EFFECTIVE March 4

H.B. 92-1096 Supplemental appropriation - department of education. Amends the 1991 general appropriation act to increase the total appropriation made to the department of education. Decreases the general fund portion of the appropriation and increases the cash funds portion.

APPROVED by Governor March 4

EFFECTIVE March 4

H.B. 92-1097 Supplemental appropriation - office of the governor. Amends the 1991 general appropriation act to decrease the total appropriations made to the office of the governor from the general fund and from cash funds.

APPROVED by Governor February 25

EFFECTIVE February 25

H.B. 92-1098 Supplemental appropriation - department of health. Amends the 1991 general appropriation act to decrease the total appropriation to the department of health. Decreases the general fund and federal funds portions of the appropriation and increases the cash funds portion.

APPROVED by Governor March 4

EFFECTIVE March 4

H.B. 92-1099 Supplemental appropriation - department of higher education. Amends the 1991 general appropriation act to decrease the total

appropriations made to the department of higher education from the general fund and from cash funds.

APPROVED by Governor February 25

EFFECTIVE February 25

H.B. 92-1100 Supplemental appropriation - department of institutions. Amends the 1991 general appropriation act to decrease the total appropriation to the department of institutions. Decreases the general fund portion of the appropriation and increases the cash funds portion.

APPROVED by Governor March 6

EFFECTIVE March 6

H.B. 92-1101 Supplemental appropriation - judicial department. Amends the 1991 general appropriation act to decrease the total appropriation made to the judicial department. Decreases the general fund and federal funds portions of the appropriation and increases the cash funds portion.

APPROVED by Governor March 4

EFFECTIVE March 4

H.B. 92-1102 Supplemental appropriation - department of law. Amends the 1991 general appropriation act to decrease the total appropriation to the department of law. Decreases the general fund portion of the appropriation and increases the cash funds portion.

APPROVED by Governor March 4

EFFECTIVE March 4

H.B. 92-1103 Supplemental appropriation - legislative department. Amends the 1991 legislative appropriation act to decrease the total general fund appropriation to the legislative department, including amounts appropriated for congressional and state legislative reapportionment.

APPROVED by Governor February 25

EFFECTIVE February 25

H.B. 92-1104 Supplemental appropriation - department of local affairs. Amends the 1991 general appropriation act to decrease the total appropriations to the department of local affairs from the general fund and from cash funds and federal funds.

APPROVED by Governor February 25

EFFECTIVE February 25

H.B. 92-1105 Supplemental appropriation - department of military affairs. Amends the 1991 general appropriation act to decrease the total appropriations made to the department of military affairs from the general fund and from cash funds. Deletes the appropriation to the division of aviation,

whose functions were transferred to the aeronautics division in the department of transportation.

APPROVED by Governor February 25

EFFECTIVE February 25

H.B. 92-1106 Supplemental appropriation - department of natural resources. Amends the 1991 general appropriation act to increase the total appropriation to the department of natural resources. Increases the cash funds portion of the appropriation and decreases the general fund and federal funds portions.

APPROVED by Governor March 4

EFFECTIVE March 4

H.B. 92-1107 Supplemental appropriation - department of personnel. Amends the 1991 general appropriation act to decrease the total appropriation made to the department of personnel. Decreases the general fund portion of the appropriation and increases the cash funds portion.

APPROVED by Governor February 25

EFFECTIVE February 25

H.B. 92-1108 Supplemental appropriation - department of public safety. Amends the 1991 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 February 25

EFFECTIVE February 25

H.B. 92-1109 Supplemental appropriation - department of regulatory agencies. Amends the 1991 general appropriation act to decrease the total appropriation to the department of regulatory agencies. Decreases the general fund and cash funds portions of the appropriation and increases the federal funds portion. Amends appropriations made in a 1991 workers' compensation bill and a 1991 racing bill.

APPROVED by Governor March 4

EFFECTIVE March 4

H.B. 92-1110 Supplemental appropriation - department of revenue. Amends the 1991 general appropriation act to decrease the total appropriations made to the department of revenue from the general fund and from cash funds.

APPROVED by Governor March 6

EFFECTIVE March 6

H.B. 92-1111 Supplemental appropriation - department of social services. Amends the 1991 general appropriation act to increase the total appropriations made to

the department of social services from the general fund and from cash funds and federal funds.

Appropriates \$1,048,667 to the department for payment of overexpenditures of appropriations for assistance payments contained in the 1990 general appropriation act.

APPROVED by Governor March 6

EFFECTIVE March 6

H.B. 92-1112 Supplemental appropriation - department of treasury. Amends the 1991 general appropriation act to decrease the total general fund appropriation to the department of the treasury.

APPROVED by Governor February 25

EFFECTIVE February 25

H.B. 92-1345 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, 1992. Sets the grand total of the operating budget at \$6,203,418,377, of which \$2,937,974,538 is from the general fund, \$1,774,184,549 is from cash funds, and \$1,491,259,290 is from federal funds.

Appropriates \$226,026,536 for capital construction, of which \$71,233,789 is from the capital construction fund, \$54,664,738 is from cash funds, and \$100,128,009 is from federal funds.

For the 1992-93 fiscal year, reduces the general fund appropriation made in the annual legislative appropriation act (House Bill 92-1366) to the house of representatives and senate by \$1,000,000. For the 1991-92 fiscal year, decreases the general fund appropriations made to the department of corrections, to the department of education, and to the division of racing events in the department of regulatory agencies, increases the total appropriations made to the departments of administration, corrections, law, and state, and makes other adjustments in the appropriations to the departments of agriculture and revenue. For the 1990-91 fiscal year, reduces capital construction fund appropriations to the department of corrections.

APPROVED by Governor June 3

PORTION VETOED June 3

EFFECTIVE June 3

H.B. 92-1348 Supplemental appropriation - state medical assistance program. Amends the 1991 general appropriation act to increase the total appropriations to the department of social services for the administration of the state medical assistance program. Amends an adjustment to the 1991 general appropriation act and amends an appropriation in the 1991 supplemental appropriation to the department of public safety.

Nullifies supplemental appropriations made in legislation enacted at the

1991 second extraordinary session to implement disproportionate share payments in the event that implementation of such legislation is prevented.

APPROVED by Governor June 1

EFFECTIVE June 1

H.B. 92-1366 Legislative department. Makes appropriations to the legislative department for the 1992-93 fiscal year. Lists travel expenses as separate line items. Makes separate appropriations for litigation expenses. Amends the 1991-92 appropriation to the Colorado reapportionment commission.

APPROVED by Governor June 2

EFFECTIVE June 2

ADMINISTRATIVE RULE REVIEW

S.B. 92-132 Continuation of 1991 rules of executive agencies - exceptions - repeal of rules. Postpones the expiration of rules and regulations of executive agencies which were adopted or amended during 1991; except that specified rules and regulations are allowed to expire as scheduled on June 1, 1992.

Allows the following 1991 rules to expire as scheduled: A rule of the department of administration concerning priorities in claims to offset against tax refunds; several rules of the state board of education concerning the alternative teacher program; a rule of the state board of education concerning the reduction of state equalization under the public school finance act where the appropriation is insufficient; a rule of the air quality control commission concerning applicability under the diesel inspection program; several rules of the department of health concerning solid wastes disposal sites and facilities; a rule of the state department of highways on the terms and conditions for issuance of longer vehicle combination permits; several rules of the state housing board pertaining to factory built housing construction certifications, nonresidential construction certifications, and manufactured housing; several rules of the health data commission relating to collection of data and definitions; several rules of the mined land reclamation board concerning the "Colorado Surface Coal Mining Reclamation Act"; 2 rules of the mined land reclamation board pertaining to the mine subsidence protection program; a rule of the board of parks and outdoor recreation on safety equipment for off-highway vehicles; a rule of the board of parks and outdoor recreation on group picnic area permits; several rules of the wildlife commission concerning definitions for damage caused by big game and requests for damage prevention materials; several rules of the executive director of the department of public safety concerning fireworks licenses; several rules of the public utilities commission concerning collection and disclosure of personal information obtained by public utilities under telemarketing services; a rule of the public utilities commission prescribing procedures for administering the low-income telephone assistance fund; 2 rules of the state grievance board relating to disclosure of information by psychotherapists; a rule of the state board of dental examiners on the obligation of dentists to treat persons with HIV disease and acquired immune deficiency syndrome; a rule of the commissioner of insurance on the discounting of loss reserves by captive insurance companies; a rule of the commissioner of insurance on the availability and maintenance of independent auditor workpapers; a rule of the Colorado racing commission on the distribution of funds in the horse breeders and owners awards and supplemental purse fund; several rules of the Colorado limited gaming control commission relating to accounting and financial standards; several rules of the department of social services relating to offsets against taxpayer's state income tax refund; a rule of the state board of social services relating to appeals under the single entry point system for long term care services; several rules of the executive director of the department of social services concerning finance and accounting; a rule of the state board of social services on administration and storage of medications in licensed residential child care facilities; a rule of the state board of social services concerning operation of a statewide foster care review system; and 6 chapters of rules of the department of transportation concerning the emerging

small business program.

Postpones indefinitely the expiration of all 1991 rules and regulations of the public employees' retirement association; except for a rule of the public employees' retirement association concerning membership of students and a rule of the public retirement association concerning ineligibility of policemen and firemen.

Postpones until June 1, 1993, the expiration of rules of the department of personnel concerning affirmative action which are scheduled to expire on June 1, 1992.

Repeals 2 rules of the state board of education concerning completion of an approved teacher education program and waiver of the completion of courses for a Type A certificate.

Includes language that explains that the recommendations of the Committee on Legal Services as reflected in the act apply to the specified rules in the form in which said rules were considered and acted upon by the committee and that any amendments or other changes to the rules subsequent to that action are not affected by this act.

APPROVED by Governor May 29

EFFECTIVE May 29

AGRICULTURE

S.B. 92-8 State fair - state funds for controlled maintenance and capital construction projects - new indoor arena. Authorizes the state fair authority to seek funding for capital construction projects from the state so long as the authority agrees to fund a portion of such projects out of its operating revenues, the proceeds from the issuance of bonds or other obligations of the authority, or donations received by the authority, or from any combination of such sources. Requires that capital improvements made with state funding shall remain the property of the state and shall be leased to the authority. States the intent of the general assembly, in lieu of funding controlled maintenance projects for the state fair authority, to fund the state's share of matching funds for the public-private construction of a new indoor arena at the state fair grounds, subject to legislative appropriation not to exceed \$1,485,500.

APPROVED by Governor June 3

EFFECTIVE June 3

S.B. 92-28 Fees - chemigation permits - agricultural inspections. Removes the cap on the fee charged for a chemigation permit and for the annual renewal of such permit. Removes the cap on the amount of indirect costs which may be recovered in conjunction with the issuance of chemigation permits. Removes the cap on the fee charged for inspections and on the amount of indirect costs which may be recovered in conjunction therewith. Removes the cap on the fee for a chemigation permit if enforcement is contracted by the ground water management district to be carried out through the department of agriculture.

Effective until July 1, 1994, changes the amount which may be appropriated to the state agricultural commission from the general fund for inspections of fruits, vegetables, and other agricultural products from a maximum of \$400,000 to a maximum of \$200,000, on and after which the maximum amount appropriated will return to \$400,000. Effective until July 1, 1994, removes the cap on the fee charged for inspections of said fruits, vegetables, and other agricultural products on and after which the cap on the fee charged for inspections is reimposed.

APPROVED by Governor February 25

EFFECTIVE February 25

S.B. 92-151 Livestock - brand inspection - pre-shipment requirements - exemptions. Eliminates the exemption from the inspection requirements for the transportation of farm work horses for use in farm work, the transportation of saddle horses for use in handling livestock, and the transportation of horses within the state to or from a recognized horse show, gymkhana, or rodeo, for show or competition purposes.

Changes the exemption for cattle, horses, and mules transported within the state between properties under the control of the owner to an exemption from the pre-shipment brand inspection requirements if the animals are transported a distance no more than 75 miles from the point of origin rather than a radius of

75 miles from the point of origin.

Eliminates the exemption provided for the transportation of registered purebred beef and dairy cattle to and from any fair exhibit, stock show, or dispersal sale within the state, and instead grants an exemption for the transportation of such livestock to and from the national western stock show or the Colorado state fair, if the livestock are accompanied by registration papers identifying the owner.

APPROVED by Governor April 2

EFFECTIVE April 2

H.B. 92-1012 Department of agriculture - sale of real property in Mesa county. Authorizes the executive director of the department of agriculture to sell 2 parcels of real property no longer needed for state purposes in Mesa county. Requires that such property be sold to the highest bidder after a sealed bid procedure, at not less than the appraised value, and on such terms as deemed appropriate by the executive director. Requires that the proceeds from the sale be credited to the capital construction fund.

APPROVED by Governor April 6

EFFECTIVE April 6

H.B. 92-1044 Wheat - marketing act of 1939. Establishes that the nominees to serve on the board of control to administer the marketing order affecting wheat must be chosen and submitted to the commissioner of agriculture prior to the beginning of the fiscal year for the industry affected. Authorizes the commissioner to define the fiscal year used for a marketing order affecting wheat.

APPROVED by Governor March 16

EFFECTIVE March 16

CHILDREN AND DOMESTIC MATTERS

S.B. 92-64 Juvenile court records - delinquency proceedings - availability to the public. Makes available to the public the court records of a juvenile who is charged with the commission of a delinquent act which would constitute a class 1, 2, 3, or 4 felony if such juvenile were an adult, and requires such records to contain the names of the parents or legal guardians of the juvenile at the time the offense was committed.

VETOED by Governor May 29

S.B. 92-156 Child support - postsecondary education - orders and wage deductions for health insurance - offset due to retirement or disability benefits - composition of child support commission. Clarifies that child support orders are to be terminated when a postsecondary education order is entered, and prohibits the court from issuing orders providing for both child support and postsecondary education for the same child regardless of the child's age. Provides that orders for postsecondary education support may not extend beyond the earlier of the child's 21st birthday or the completion of an undergraduate degree instead of not extending beyond the 21st birthday. Allows the court to order one parent to pay the other parent room and board if the child resides in the home of the other parent during periods of time in excess of 30 days when school is not in session. Removes references to the delegate child support enforcement unit in the provision authorizing orders for postsecondary education. States that postsecondary education support may be established or modified in the same manner as child support.

Changes the treatment of health insurance under the child support guidelines from a deduction from gross income of the parent paying the premium to an adjustment to the basic child support obligation to be shared by both parents in proportion to their respective incomes. Requires the court to order inclusion of a child under a parent's medical or dental policy. Provides that, if a court orders a parent to provide medical or dental insurance, it is that parent's responsibility to provide separate coverage for children not covered by the parent's insurance due to residence outside the geographic area of the policy if the court determines that such coverage is available at reasonable cost. Creates a mechanism for automatic deduction from the wages due an obligor to pay for premiums for health insurance when the obligor has been ordered to provide health insurance and directs the employer to enroll the obligor's child in the health insurance plan offered through such employer when such insurance is offered by the employer. Specifies the notice provisions to the employer and the procedure for making such deductions. Specifies the obligations of the employer in complying with an employee's order to provide health insurance.

Directs that the noncustodial parent's share of the total child support obligation as determined under the guidelines shall be reduced by any federal disability benefits received by the custodial parent on behalf of dependent children due to the noncustodial parent's disability or federal retirement benefits received by the custodial parent on behalf of dependent children due to

the noncustodial parent's retirement.

Directs the child support commission to review general child support issues. Increases the number of members of the commission from 15 to 17. Requires that the 2 legislative members be appointed by the speaker of the house of representatives and the president of the senate, respectively, rather than by the governor. Specifies that a male custodial parent, female custodial parent, male noncustodial parent, female noncustodial parent, a joint custodial parent, a parent in an intact family, and a public member be appointed by the governor in addition to those gubernatorial representatives already described in statute. Mandates that the parent representatives, bar association representative, public member, and legislative members not be employees of public agencies or courts which deal with child support issues.

BECAME LAW without Governor's signature June 6

EFFECTIVE August 1

S.B. 92-177 Child abuse or neglect proceedings - medical evaluations - spiritual healing. Authorizes the court to order medical evaluations in child abuse or neglect proceedings, and in cases involving spiritual healing, authorizes the court to order a medical evaluation to determine whether the child is in a life-threatening situation or that the child's condition will result in a serious handicap or disability. Allows the court to order that medical treatment be provided if, on the basis of relevant information, including the medical evaluation, the court determines that the child is in a life-threatening situation or that the child's condition will result in a serious handicap or disability.

APPROVED by Governor April 16

EFFECTIVE April 16

H.B. 92-1075 Domestic abuse - enforcement of restraining orders. Requires a police officer or sheriff who has probable cause to believe that a domestic abuse or domestic relations restraining order has been violated to arrest the alleged violator. Adds the violation of a temporary restraining order in domestic relations cases or an order issued pursuant to a municipal ordinance which restrains and enjoins any person from threatening, beating, striking, or assaulting any other person or requires a person to leave certain premises and refrain from entering or remaining on such premises to the crime of violation of a restraining order. Increases the penalty for the crime of violation of a restraining order from a class 3 misdemeanor to a class 1 misdemeanor if the court finds that the violator has previously been convicted of violation of a restraining order within 7 years.

Applies to offenses committed on or after July 1, 1992.

APPROVED by Governor June 2

EFFECTIVE July 1

NOTE: This bill further amends HB 92-1087 relating to restraining orders preventing emotional abuse of the elderly.

H.B. 92-1114 Adoption - termination proceedings - corporate licensed child placement agencies - representation. Requires any parent who petitions the juvenile court for relinquishment of a child to submit an affidavit, instead of a statement, indicating the nature and extent of the relinquishment counseling received and the recommendations of the counselor.

Defines "corporate licensed child placement agency" and permits such agencies to be represented by an officer or agent of the agency in termination or adoption proceedings.

APPROVED by Governor March 20

EFFECTIVE March 20

H.B. 92-1115 Children's trust fund board - receipt and expenditure of moneys. Authorizes the Colorado children's trust fund board to award grants from the Colorado children's trust fund for pilot programs, home visitation programs, and programs to prevent and reduce the occurrence of prenatal drug exposure. Includes in the make-up of the fund moneys appropriated to the fund by the state.

Specifies that moneys in the fund that are from federal grants and other contributions, grants, gifts, bequests, donations, and any moneys appropriated by the state shall not be subject to the statutory restrictions on the expenditures of moneys in the Colorado children's trust fund. Specifies that only the moneys credited to the trust fund from marriage license fees are subject to the statutory restriction limiting expenditure of moneys in the trust fund to not more than one-half of the moneys in the fund until the total amount of moneys in the fund exceeds \$5 million.

APPROVED by Governor May 14

EFFECTIVE May 14

H.B. 92-1214 Paternity - establishment for child support enforcement purposes. Requires that in any action brought to establish paternity for child support enforcement purposes the parties use the laboratory designated by the delegate child support enforcement unit for genetic tests or other tests of inherited characteristics, with subsequent testing being determined by the court. Specifies that such testing be paid for by the nonprevailing party on the parentage issue. Eliminates the alleged father's right to a jury trial if the test results indicate a 99% or higher probability of paternity. Requires that the court determine who will have legal custody of the child while paternity is being established.

Allows paternity to be established by default orders issued by the delegate child support enforcement unit under the "Colorado Administrative Procedure Act for the Establishment and Enforcement of Child Support", including allowing default orders to be issued when the obligor fails to take or appear for a blood test without good cause or when the blood tests indicate the obligor is the biological father within a 97% or greater probability and the obligor fails to appear at the negotiation conference and fails to reschedule the negotiation conference. Directs the state board to promulgate rules defining what constitutes good cause for failure to appear at a negotiation conference.

Additionally requires that the default order include a statement that the obligor was determined to be the natural parent of the child, and that the obligee's verified affidavit regarding paternity and any blood test results be included in the court filing of the default order. Clarifies that service of process in paternity actions may be made by certified mail.

States that the court may adjudicate parentage without joining the child for whom support is sought to the action.

APPROVED by Governor April 29

EFFECTIVE August 1

H.B. 92-1230 Child support - changes to guidelines and schedule - orders for health insurance - deviations - update of expenses by custodial parent - shared custody - dependency exemptions. Changes the treatment of health insurance under the guidelines from a deduction from gross income of the parent paying the premium to an adjustment to the basic child support obligation to be shared by both parents in proportion to their respective adjusted gross incomes. Requires the court to order inclusion of a child under a parent's medical insurance policy.

Defines gross income to account for overtime if overtime is required by the employer as a condition of employment and excludes child support received by a parent in calculating the gross income for that parent. Allows a court to deviate from child support guidelines where their application would be unjust or inappropriate, and requires the court to specify in its findings the presumed amount under the guidelines without a deviation. Lists specific circumstances for deviation from the guidelines.

Permits the court, at the noncustodial parent's request, to require the custodial parent to submit an annual update of financial information, including information on actual expenses relating to the child for whom support has been ordered, except that such orders may not occur in circumstances where the noncustodial parent has failed to exercise visitation rights, when child support payments are in arrears, or there is documented evidence of domestic violence, child abuse, or violation of restraining orders on the part of the noncustodial parent. Authorizes the court to order costs for preparing a financial information update, and to refer the parties to mediation if the noncustodial parent claims, based upon the financial information, that the custodial parent is not spending the support for the children's benefit. Requires the party requesting mediation to pay mediation costs.

Revises the schedule of basic child support obligations in the following ways: Adjusts the schedule for combined gross income of \$1700 and above to reflect changes in the consumer price index and to reflect changes in federal and state income tax rates and FICA rates since the schedule was created; and increases the upper limit for combined gross income from \$10,000 to \$15,000.

Directs that separate computations be made for each child rather than a joint computation in split physical custody cases. Makes no change in the formula for shared physical custody other than to express the formula in terms

of overnights rather than a percentage of the year. Requires the court to allocate the right to claim an exemption for dependent children for income tax purposes between the parties where the parties have not otherwise agreed on such right. Prohibits a parent from claiming a child as a dependent if he or she has not paid all court ordered child support for that tax year or if no tax benefit would result.

Requires that the child support commission consider economic data on the cost of raising children and analyze case data on applications of and deviations from the guidelines in its review. Repeals language relating to issues about which the commission has already studied and reported.

APPROVED by Governor June 1

EFFECTIVE August 1

H.B. 92-1232 Child support - URESA - criminal nonsupport - postsecondary education - modifications - procedures - review of support and maintenance orders - family support registry - appropriation. Makes the following changes to the "Revised Uniform Reciprocal Enforcement of Support Act": Makes venue proper in any county where a child support order exists; allows an obligor to testify and be cross-examined by telephone at hearings; states that registration of a foreign support order in this state does not confer personal jurisdiction over the person nor subject matter jurisdiction over any issues other than child support and arrearages; provides that a wage assignment may be automatically activated in a RURESAs action once the support order is confirmed; and allows for enforcement of orders from jurisdictions within Colorado.

Increases the age for criminal nonsupport of children from 16 to 18 years of age. Requires parties filing for dissolution of marriage or legal separation who have joint legal responsibility for a child for whom support is being sought to indicate whether they or any dependent children have received public assistance within the last 5 years and, if so, requires the court to notify the appropriate delegate child support enforcement unit. States that there shall be no penalty for failure to so notify.

Clarifies that child support orders are to be terminated when a postsecondary education order is entered, and prohibits the court from issuing orders providing for both child support and postsecondary education for the same child regardless of the child's age. Provides that orders for postsecondary education support may not extend beyond the earlier of the child's 21st birthday or the completion of an undergraduate degree instead of not extending beyond the child's 21st birthday. Allows the court to order one parent to pay the other parent room and board if the child resides in the home of the other parent during periods of time in excess of 30 days when school is not in session.

Makes modification of maintenance or child support effective as of the date of the filing of the motion unless it would cause undue hardship or substantial injustice.

Changes the priority of payments of amounts withheld under wage assignments and immediate deductions for family support to the following order: Current

monthly child support and maintenance when included in child support orders; medical support; child support debt and arrears; and maintenance only. Requires an employer withholding wages to indicate whether dependent health insurance is available to the obligor and whether the obligor has elected to enroll the dependents in such coverage. Allows wage assignments to be activated at the request of the obligee in IV-D cases pursuant to state procedures.

Allows for electronic service to be used when the state department of social services is acting as the trustee for purposes of an unemployment benefit intercept. Makes a mistake of fact the only defense that an obligor may make in an objection to a wage assignment. Allows the court to stay activation of a wage assignment as to arrears pending a hearing, but allows activation to proceed as to current support obligations.

Extends the date for implementation of immediate income deductions for family support to non-IV-D cases from July 1, 1992, to January 1, 1994. Amends the definition of "good cause" for the purposes of an immediate deduction.

Allows the courts to impose as a condition of probation or parole the requirement to make and fulfill a payment plan for support obligations.

Continues and extends statewide the procedure for review and modification of child support orders. Changes the method of notice to regular mail.

Eliminates the ability of an obligor to request a court hearing when served with a notice of financial responsibility under the "Colorado Administrative Procedure Act for the Establishment and Enforcement of Child Support". Changes the procedure to require that all parents attend a negotiation conference and, if no stipulation is agreed upon and paternity is not an issue, directs the delegate child support enforcement unit to issue a temporary order of financial responsibility pending a court hearing. Clarifies that the unit may use the order of financial responsibility to enter judgment rather than file a separate verified entry of judgment.

Amends the workers' compensation statute to clarify that permanent total disability benefits are subject to wage assignment or garnishment for purposes of enforcement of child support orders. States that, if the underlying judgment for a lien is a judgment for a support obligation, the lien remains in effect for the life of the judgment and does not have to be renewed every 6 years.

Clarifies that the \$30 fee for setting up a court registry account to pay support applies to all types of support orders. Authorizes a roll-forward of \$272,168 which had been authorized in statute to be appropriated in fiscal year 1991-92 but had not actually been appropriated for the purpose of implementing and operating the family support registry for fiscal year 1992-93.

Appropriates \$2,721,680 and 2.0 FTE to the department of social services to implement the family support registry, of which \$272,168 is the roll-forward of a previously authorized appropriation and \$2,449,512 is from federal funds.

APPROVED by Governor June 3

EFFECTIVE August 1

H.B. 92-1287 Children's code - administrative review of placement - court order and court petition requirements - juvenile parole board hearings - confidentiality of delinquency records. Allows the court to require the 6-month review of the placement of a child out of the home to be conducted as an administrative review if there is no objection by any party to the action. Defines administrative review. Requires counsel of record to be notified and allowed to appear at such administrative review. Requires a juvenile court magistrate to advise the parties that they have the right to object to an order allowing a review of placement of a child to be conducted by the department of social services as an administrative review, and that if a party objects the review will be conducted by the court.

Requires any court order removing a child from the home or continuing a child in a placement out of the home to contain specific findings that the continuation of the child in the home is contrary to the child's best interest, that reasonable efforts have been made to prevent or eliminate the need for removal of the child or that an emergency situation exists, and that reasonable efforts have been made or will be made to reunite the child and the family or that such efforts have failed.

Requires that petitions for dependency and neglect and review of out-of-home placement contain a statement that the court will hold a permanency planning hearing if the out-of-home placement is for a period of 18 months or longer, and that the hearing may result in a change of custody of the child. Requires the court to order the county department of social services to develop a permanency plan for a child and to submit the plan at least 3 working days in advance of the permanency planning hearing.

Requires the department of institutions to conduct an administrative review every 6 months after a juvenile has been placed in foster care by the department. Clarifies that the court may authorize the juvenile parole board to conduct a parole hearing prior to the release of a juvenile from the custody of the department of institutions. Establishes that all juvenile records in the custody of the department of institutions are confidential and may be disclosed only for certain purposes and to certain individuals.

Requires the court to appoint a guardian ad litem in all cases of alleged child abuse or neglect.

Clarifies that if a child is placed out of the state, the requirements of the "Interstate Compact on Placement of Children" shall be followed, if appropriate.

Clarifies that the court may consider reports and other materials relating to the child in determining whether to terminate the parent-child legal relationship. Clarifies that if the court determines that a child will not be returned to the physical custody of a parent within 6 months, the court shall enter an order determining the future status or placement of the child.

APPROVED by Governor June 2

EFFECTIVE July 1

CONSUMER AND COMMERCIAL TRANSACTIONS

S.B. 92-83 Hearing aid dealers - deceptive trade practices - refunds - returns. Amends the "Colorado Consumer Protection Act" with respect to hearing aid dealers. Requires that the receipt from the purchase of a hearing aid bear information for the resolution of consumer complaints including a statement that if the consumer is not satisfied such consumer may contact the district attorney or the attorney general. Mandates that the receipt include the provisions of the warranty or that the dealer provide an exact copy of the warranty to the purchaser. Requires that any sale of a hearing aid to a child 18 or under shall be conditioned upon such child's having been examined within the previous 6 months by a licensed physician and an audiologist. Allows only an audiologist or a licensed physician to adjust a cochlear implant. Requires a trial period for all hearing aid purchases within which the buyer has a right to cancel the purchase. Specifies how a refund may be obtained and under what circumstances the dealer may retain any portion of the purchase price. Prohibits any attempt to delay or forestall a purchaser's attempt to return a hearing aid to the dealer. Prohibits keeping any portion of a purchase price for services or goods represented as being free of charge to the purchaser. Makes the violation of any of these provisions deceptive trade practices and violations of the "Colorado Consumer Protection Act". Defines "audiologist", "cochlear implant", "dispense", and "trial period" for purposes of the "Colorado Consumer Protection Act".

APPROVED by Governor June 1

EFFECTIVE July 1

S.B. 92-160 Uniform consumer credit code - disclosure - limited liability. Limits liability under the uniform consumer credit code for acts done in conformity with a written response by the administrator (the designated assistant attorney general) or the board of governors of the federal reserve system to a person pursuant to a written request on behalf of such identified person, even if such written response is amended, rescinded, or determined to be invalid. Liability is limited under current law for acts done in conformity with rules, regulations, or interpretations of the administrator or the board.

Amends the notice and fee provision that applies to persons who collect payments from consumer credit sales, consumer leases, or consumer loans by eliminating the requirement that such persons have an office or place of business in this state.

APPROVED by Governor April 16

EFFECTIVE April 16

H.B. 92-1053 Charitable organizations - reporting requirements - appropriation. Requires all charitable organizations which qualify as 501 (c) (3) tax-exempt organizations under the federal internal revenue code and which are required to file a form 990 or a form 990EZ to annually file a copy of such form, with an attached schedule A, with the secretary of state of Colorado. Repeals said provision on December 31, 1994.

Appropriates \$14,401 and 0.5 FTE to the department of state for the implementation of the act.

APPROVED by Governor June 1

EFFECTIVE June 1

H.B. 92-1082 Antitrust - enforcement - penalties. Repeals and reenacts antitrust provisions as the "Colorado Antitrust Act of 1992". Defines terms. Makes illegal certain acts in restraint of trade or commerce, certain acts to monopolize trade or commerce, and certain acts relating to bid-rigging. Makes unlawful certain acts relating to mergers and acquisitions. Establishes jurisdiction and venue and statutes of limitation for actions brought pursuant to the act. Establishes powers of the attorney general related to the enforcement of the act. Provides for enforcement of the act through criminal or civil penalties. Authorizes civil damages, treble damages, and injunctive relief for violations of the act. Renders void all contracts arising from a violation of this act.

APPROVED by Governor May 26

EFFECTIVE July 1

H.B. 92-1314 Repossession of personal property - bond - disclosure of bond status. Requires a person acting as a reposessor to make an initial disclosure to the party retaining such person as to whether the person acting as a reposessor is bonded. Makes the failure to disclose and the misrepresentation of bond status or failure to file such bond with the attorney general violations of the "Colorado Consumer Protection Act" and deceptive trade practices. Makes knowingly falsifying or misrepresenting information on a bond application a class 1 misdemeanor. Requires that fees collected by the attorney general pursuant to this act be credited to the general fund by the treasurer.

APPROVED by Governor June 1

EFFECTIVE June 1

CORPORATIONS AND ASSOCIATIONS

S.B. 92-154 Ditch and reservoir companies - directors - qualifications - stock ownership. Allows a municipal corporation which owns stock in a ditch or reservoir company to designate an officer, agent, or employee to serve as a director of such company irrespective of the fact that such officer, agent, or employee is not a member or stockholder of the corporation.

APPROVED by Governor March 24

EFFECTIVE March 24

CORRECTIONS

S.B. 92-197 American Indian religious practices - freedom of worship in correctional facilities. Grants persons confined to a correctional facility freedom to worship without fear of retaliation or discrimination, unless such practice of religion threatens the reasonable security interests of the correctional facility. Requires the department of corrections to permit access to religious facilities, sacred objects, and spiritual leaders upon the request of any inmate. Makes attendance at religious services voluntary. Specifies that inspection of sacred objects be done visually. Provides that the department of corrections is not required to construct additional facilities, remodel existing structures, or hire additional employees to accommodate such freedom of worship. Defines American Indian, Indian tribe, Native Hawaiian, and American Indian religion. Requires that access to American Indian spiritual leaders, religious items, and religious facilities be comparable to similar access afforded to inmates who practice Judeo-Christian religions. States that this statute shall not be construed as requiring prison authorities to permit or prohibit access to peyote or American Indian religious sites.

APPROVED by Governor May 26

EFFECTIVE May 26

S.B. 92-214 Preparole facilities - statutory authority for utilization of parole facilities - continuation. Repeals the statute which terminates the authority of the department of corrections to utilize parole facilities as of July 1, 1992, thereby continuing such utilization authority of the department.

APPROVED by Governor June 1

EFFECTIVE June 1

H.B. 92-1029 Regimented inmate training program - eligibility. Expands the age of eligibility for participation in the regimented inmate training program from 25 to 30 years of age.

APPROVED by Governor March 16

EFFECTIVE March 16

H.B. 92-1124 Parole and probation - pilot program to consolidate offices - recommendations - offender-based tracking system - statutory authority for utilization of parole facilities - continuation. Requires that the joint report by the judicial department and the department of corrections concerning the pilot program to consolidate parole and probation offices include a recommendation as to whether the 2 programs should be consolidated and, if so, in which governmental department. Creates an offender-based tracking system which is uniform throughout the criminal justice system and requires the Colorado Bureau of Investigation to maintain the system.

Repeals the statute which terminates the authority of the department of corrections to utilize parole facilities as of July 1, 1992, thereby

continuing such utilization authority of the department.

APPROVED by Governor June 3

EFFECTIVE June 3

H.B. 92-1209 Community corrections - transition program for substance-abusing offenders - creation - components. Creates a transition program for substance-abusing offenders and establishes the criteria for such program. Permits the department of corrections to place offenders in such program who meet certain eligibility requirements. Authorizes the division of criminal justice in the department of public safety to contract with public and private facilities to provide services pursuant to the program.

APPROVED by Governor June 2

EFFECTIVE July 1

H.B. 92-1226 Alternative sentencing - specialized restitution and community service programs authorized - cash fund - appropriation. Permits a sentencing judge to sentence eligible persons convicted of non-violent crimes, other than offenses against children, to specialized restitution and community service programs under specified conditions. Describes the offenders who are eligible for participation in such a program. Provides for the creation, administration, establishment of standards for, and evaluation of such programs. Requires the division of criminal justice to report to the general assembly by January 1, 1996, on the effectiveness of specialized restitution and community service programs.

Authorizes the executive director of the department of public safety to accept on behalf of the state any grants or donations from public or private sources for the purpose of administering specialized restitution and community service programs. Creates a cash fund for such moneys.

Appropriates \$466,420 from the specialized restitution and community service cash fund to the department of public safety for the implementation of this act.

APPROVED by Governor June 1

EFFECTIVE July 1

COURTS

S.B. 92-58 Liability - limitation of civil liability - veterinarians. Exempts veterinarians engaged in equine activities from civil liability for injuries to or the death of participants in such activities.

APPROVED by Governor April 9

EFFECTIVE April 9

S.B. 92-164 Medical malpractice - collateral source evidence - notice requirements. Requires the plaintiff in a medical malpractice action against a health care provider to serve written notice of such suit to a third party payor or health benefit provider in the manner set forth in the Colorado rules of civil procedure or pursuant to the statute requiring a foreign insurance company to appoint the commissioner as agent for service of process.

States that failure to file written notice of a subrogated claim with the court or arbitrator constitutes waiver of the right to subrogation as to such action.

States that the notice of suit and notice of subrogated claim requirements are inapplicable to actions to establish third party liability brought on behalf of persons who receive medicaid under the "Colorado Medical Assistance Act".

APPROVED by Governor April 16

EFFECTIVE April 16

S.B. 92-165 Court of appeals - expansion of jurisdiction. Expands the initial jurisdiction of the court of appeals by permitting them to hear cases in which the constitutionality of a statute, municipal charter provision or an ordinance is in question, but excludes from the jurisdiction of the court of appeals cases in which a statute, a municipal charter provision or an ordinance has been declared unconstitutional.

APPROVED by Governor April 9

EFFECTIVE July 1

S.B. 92-181 Attorney fees - class action litigation brought against public entities - limitation. Limits the amount of attorney fees that an attorney is entitled to receive out of an award to plaintiffs who prevail in class action litigation brought against any public entity, including actions under the "Colorado Governmental Immunity Act". States that the attorney fees shall be determined by the court and shall not exceed \$250,000. Provides that such limitation applies where the public entity is required to pay attorney fees directly or indirectly.

Applies to awards for attorney fees entered on or after April 28, 1992.

BECAME LAW without Governor's signature April 28

EFFECTIVE April 28

H.B. 92-1035 County courts - organizational structure - reclassification. Reclassifies Eagle county from a class D county to a class B county. Changes the designation of Clear Creek county from a class B county to a class D county effective January 12, 1993, or upon the occurrence of a vacancy in the Clear Creek county judgeship, whichever occurs first. Requires the judge of Eagle county court to conduct court business in the Roaring Fork river drainage area of Eagle county in a manner sufficient to deal with court business. Repeals the statute requiring that, in Eagle county, there shall be an assistant county judge who shall maintain his official residence and court chambers in the Roaring Fork river drainage area of Eagle county.

APPROVED by Governor February 12

EFFECTIVE February 12

H.B. 92-1043 Workers' compensation - representation by corporate employees. Authorizes any corporate employee who is authorized by the president or secretary of the corporation to represent such corporation in workers' compensation proceedings. Eliminates the requirement that such form of representation be limited to closely held corporations and to disputes where the amount at issue does not exceed \$10,000.

BECAME LAW without Governor's signature April 14

EFFECTIVE April 14

H.B. 92-1047 Liability - limitation of civil liability - volunteers. Enacts the "Volunteer Service Act" which establishes immunity for volunteers from civil liability in instances in which they are acting in good faith and within the scope of their volunteer functions. Makes an exception to immunity when damage or injury is caused by willful and wanton misconduct by a volunteer. Defines volunteer as a person performing services without compensation for a nonprofit organization, nonprofit corporation, or hospital. Excludes licensed physicians providing medical services or medical care from the definition of volunteer. Defines nonprofit corporation and nonprofit organization. Limits such immunity protection by providing that an individual volunteer may be sued for a negligent act or omission involving the operation of a motor vehicle to the extent that the volunteer possesses insurance coverage.

APPROVED by Governor April 29

EFFECTIVE July 1

H.B. 92-1059 Criminal actions - protection of individuals who provide information - sealing of records - video tape depositions. Authorizes the court to seal information contained in correspondence which is a part of a criminal justice record in order to protect the author.

Establishes that, upon application of the prosecution and a preliminary finding by the court that there is a substantial risk of physical harm or intimidation of a criminal witness, the court may order that the witness' deposition be recorded on video tape. Defines "intimidation".

APPROVED by Governor April 10

EFFECTIVE July 1

H.B. 92-1064 Liability - limitation of civil liability - llama activities. Exempts a llama activity sponsor, a llama professional, or any other person from civil liability to persons engaging in llama activities for injury or death to a participant resulting from the inherent risks of llama activities. States the circumstances in which such exemption from liability is not applicable and requires llama professionals to post warning notices about the exemption from liability.

APPROVED by Governor March 16

EFFECTIVE March 16

H.B. 92-1065 Small claims court - limitation on number of claims filed. Applies the limitation on the number of claims a plaintiff may file in small claims court in any month or year to claims filed in each county rather than to claims filed statewide.

APPROVED by Governor March 16

EFFECTIVE July 1

H.B. 92-1087 Emotional abuse of the elderly - restraining orders. Empowers county courts to issue temporary and permanent restraining orders to prevent emotional abuse of the elderly where there exists imminent danger to the emotional health and welfare of the elderly person.

Permits a restraining order to be issued against any person who commits repeated acts which constitute a verbal threat or assault or verbal harassment to a person age 60 or over, repeated acts which result in the inappropriate use or the threat of inappropriate use of physical or chemical restraints or medications upon a person age 60 or over, or repeated acts which result in the misuse of power or authority granted to a person through a power of attorney or by a court in a guardianship or conservatorship proceeding which results in unreasonable confinement or restriction of an elderly person's liberty.

Establishes the procedures governing the issuance of a temporary or permanent restraining order for emotional abuse of the elderly and outlines the duties of peace officers in enforcing such orders.

Requires a person failing to comply with the court's order for emotional abuse of the elderly to be found in contempt of court or permits prosecution for violation of a restraining order.

APPROVED by Governor April 23

EFFECTIVE April 23

NOTE: This bill is further amended by HB 92-1075 relating to enforcement of restraining orders.

H.B. 92-1139 Garnishment - recovery fee for garnishee's costs. Permits a garnishee to withhold and retain a cost recovery fee to defray the garnishee's costs connected with processing the garnished earnings of an employee of the

garnishee. Establishes the amount of such cost recovery fee in an amount of up to \$10 per month and provides that such fee may be withheld in addition to the amount of earnings which are garnished.

VETOED by Governor April 10

H.B. 92-1144 Liability - limitation of civil liability - not-for-profit organizations - operation. Defines the terms "nonprofit corporation" and "nonprofit organization" as those entities which are exempt from federal income taxation and includes "not-for-profit corporation" in the definition of a nonprofit corporation. Provides that any person who serves as a director, officer, or trustee of a nonprofit corporation or nonprofit organization and who is not compensated by a salary or prorated equivalent basis shall be immune from civil liability for any act or omission which results in damage or injury if such person was acting within the scope of such person's official functions and duties as a director, officer, or trustee unless the damage or injury was caused by some willful or wanton conduct or omission. Provides exceptions for damages caused by the operation of a motor vehicle, airplane, or boat. Specifies that someone shall not be considered compensated solely by reason of the payment of expenses, the receipt of meals at meetings, or the receipt of up to \$1,000 in gifts in any 12-month period.

APPROVED by Governor April 23

EFFECTIVE April 23

H.B. 92-1168 Alternative dispute resolution. Empowers any court of record, in its discretion, to refer a case, other than a civil action where injunctive or equitable relief is the only remedy sought, to any ancillary form of alternative dispute resolution which the court deems to be an effective method for resolving the dispute in question. Enables judges to provide guidance or suggest an appropriate forum of alternative dispute resolution. Defines and includes as forms of alternative dispute resolution: "Arbitration", "early neutral evaluation", "med-arb", "mini-trial", "multi-door courthouse concepts", "settlement conference", "special master", and "summary jury trial".

Prohibits a court from referring a case to any ancillary form of alternative dispute resolution or mediation services where one of the parties claims that it has been the victim of physical or psychological abuse by the other party and is thereby unwilling to enter into ancillary forms of alternative dispute resolution or mediation services. Prohibits a court from referring a case to any ancillary form of alternative dispute resolution or to mediation services where a party files with the court, within 5 days of the referral order, a motion objecting to ancillary forms of alternative dispute resolution or mediation services and demonstrating compelling reasons why such ancillary forms of alternative dispute resolution or mediation services should not be ordered.

Gives the chief judge of any judicial district authority to establish, make available, and promote ancillary programs of alternative dispute resolution within the affected district or within a combination of districts. Requires the director of the office of dispute resolution to promulgate rules and regulations

which are subject to the approval of the chief justice of the Colorado supreme court. Provides that referrals be made subject to the availability of alternative dispute resolution programs. Gives parties referred to ancillary forms of alternative dispute resolution the option of selecting services offered by the office of dispute resolution or by other individuals or organizations. Prescribes the contents of the director's annual report to the chief justice.

Requires parties who use ancillary forms of alternative dispute resolution of the office of dispute resolution to pay a fee set to cover the reasonable and necessary expenses of operating the program.

APPROVED by Governor June 2

EFFECTIVE June 2

H.B. 92-1267 Power of attorney - statutory form - creation. Adopts the "Uniform Statutory Form Power of Attorney Act" which establishes a statutory form to be used to create a power of attorney. States that the form does not authorize anyone to make medical or other health-care decisions on behalf of another. Sets forth the general powers of the agent of a statutory power of attorney. Specifies the construction of power relating to each power enumerated on the statutory form power of attorney, including the powers with regard to real property transactions (when properly recorded); tangible personal property transactions; stock and bond transactions; commodity and option transactions; banking and other financial institution transactions; business operating transactions; insurance and annuity transactions; estate, trust, and other beneficiary transactions; claims and litigation; personal and family maintenance; benefits from social security, medicare, medicaid, or other governmental programs, or military service; retirement plan transactions; and tax matters. States that the powers are exercisable whether or not the principal's interest is existing at the time of execution of the power of attorney or is acquired after the execution, whether or not the property is located in this state, and whether or not the power of attorney is executed in this state or any other state. Specifies that the act shall be construed to make the law uniform among the states enacting the act.

APPROVED by Governor April 23

EFFECTIVE July 1

H.B. 92-1288 Interactive audiovisual devices - use in certain types of court proceedings. Authorizes a person who is required to appear in any Colorado court for any proceeding except a trial to appear via the use of an interactive audiovisual device. Requires that the device operate so that the judge or magistrate and such person can view and converse with each other simultaneously. Permits a judge or magistrate to require that a person appear in court. Mandates the making of a record for any proceeding conducted through the use of an interactive audiovisual device. Allows the Colorado supreme court to prescribe rules of procedure to implement this statute.

APPROVED by Governor April 29

EFFECTIVE April 29

CRIMINAL LAW

S.B. 92-21 Animals - unauthorized release of an animal - penalty - restitution. Creates the crime of unauthorized release of an animal. Makes such crime a class 1 misdemeanor. Requires that any person convicted of such crime be ordered to pay restitution.

APPROVED by Governor June 1

EFFECTIVE July 1

S.B. 92-60 Criminal sexual assault proceedings - rights of victims - sequestration orders - definition of consent - jury instructions. Provides safeguards for victims in criminal sexual assault proceedings. Authorizes the court to exclude any member of the general public from a preliminary hearing at the request of any party to the proceeding. Permits the court to exempt a victim's advocate from any sequestration order entered which excludes members of the general public from a trial or preliminary hearing. Defines "consent" for purposes of sexual assault offenses to mean cooperation in act or attitude pursuant to an exercise of free will and with knowledge of the nature of the act. Makes clear that the victim's current or previous relationship with the defendant is not sufficient to constitute consent. States that submission under the influence of fear shall not constitute consent. Requires the jury to be instructed on the definition of consent in a criminal proceeding concerning sexual assault.

APPROVED by Governor May 27

EFFECTIVE July 1

H.B. 92-1015 Controlled substances - uniform controlled substances act - repeal of existing controlled substances laws - location of act in criminal code - appropriation. Enacts, in part, the "Uniform Controlled Substances Act of 1991" which has been adopted by the uniform law commissioners and locates such act in the criminal code. Relocates the five schedules of known narcotic and dangerous drugs and revises them to conform with the uniform act.

Adopts the uniform provisions which require every person who manufactures, distributes, or dispenses any controlled substance within this state or who proposes to engage in the manufacture, distribution, or dispensing of any controlled substance within this state to periodically register with the licensee's respective licensing board or agency. Registration applies to physicians, podiatrists, dentists, optometrists, veterinarians, researchers, pharmacists, pharmacies, in-state manufacturers, in-state and out-state distributors, and humane societies. Makes clear that separate licensure is not required for registration pursuant to this act.

Uses existing Colorado penalties in lieu of penalties recommended by the uniform law commissioners and consolidates all of the existing criminal penalties involving controlled substances, including provisions relating to: Violations by persons licensed to handle controlled substances, imitation controlled substances, and drug paraphernalia; inducing consumption by fraud; and the

aggravating circumstance of soliciting or employing a child to assist in the unlawful distribution or manufacture of a controlled substance.

Adopts a sentencing scheme similar to provisions recommended in the uniform act for knowingly manufacturing, dispensing, selling, distributing, or possessing different quantities of cocaine, methamphetamine, heroin, and cocaine base.

Enacts the following criminal provisions, modeled on portions of the uniform act: Adds use of a deadly weapon, engaging in a continuing criminal enterprise, and money laundering to the list of aggravating circumstances involving controlled substances; allows the district attorney in certain circumstances to request reduction or suspension of a sentence for a violation involving special quantities if the person provided special assistance in the identification, arrest, or conviction of persons violating this act; creates the crime of keeping property for unlawful distribution or manufacture of controlled substances; and enacts criminal penalties for manufacturing, delivering, or possessing with intent to manufacture or deliver counterfeit substances.

Adds anabolic steroids to the list of Schedule III drugs which was added to such list in the federal "Comprehensive Crime Control Act of 1990" and is not included in the uniform act. Reschedules glutethimide from Schedule III to Schedule II to conform with a change made by the federal drug enforcement agency that is also not included in the uniform act.

Repeals the current drug schedules and other existing statutes relating to controlled substances and conforms all statutory references with this act.

Appropriates \$16,923 and 0.5 FTE out of the division of registrations cash fund to the department of regulatory agencies for the implementation of the act.

APPROVED by Governor June 2

EFFECTIVE July 1

H.B. 92-1025 Criminal justice commission - endorsement of proposed legislation. Changes the procedure for the endorsement by the criminal justice commission of proposed bills to conform with joint rules established by the general assembly. Clarifies that only those bills which are endorsed by the criminal justice commission shall not be subject to rules concerning individual bill limits. Clarifies the criteria to be used by the criminal justice commission in approving or disapproving legislation which affects the periods of imprisonment in state correctional facilities.

APPROVED by Governor April 10

EFFECTIVE April 10

H.B. 92-1078 Omnibus criminal law bill - criminal nonsupport - habitual criminals - escape expenses - place of trial - speedy trial - records - municipalities' power to set speed limits - DUI sentencing - motor vehicle laws. Repeals certain obsolete language in the statute regarding the crime of nonsupport of spouse and children, which language concerned the acceptance of a bond by the court. Repeals the statute which permitted the court to suspend the

sentence of a person convicted of the crime of nonsupport of spouse and children under certain conditions. Clarifies language concerning the extradition of a person charged with nonsupport. Clarifies that the procedure in cases concerning nonsupport of spouse and children shall follow the Colorado rules of criminal procedure. Updates procedures concerning appearance bonds for persons charged with nonsupport, and states that in case of a forfeiture of such a bond, the moneys received due to such bond forfeiture shall be applied to any child support obligation. Repeals obsolete language concerning procedures to be followed by the clerk of the district court in cases concerning nonsupport.

Adds to the offenses for which the statute of limitations begins to run upon discovery, the following offenses: Theft, defacing or destruction of written instruments, criminal simulation, obtaining signature by deception, criminal impersonation, offering a false instrument for recording, dual contracts to induce loan, issuing a false financial statement or obtaining a financial transaction device by false statements, unlawful activity concerning the selling of land, equity skimming, bribery and corrupt influences, abuse of public office, perjury and related offenses, offenses relating to the "Colorado Organized Crime Control Act", unlawful concealment of transactions, embezzlement or misapplication of funds, unlawful acts or omissions relating to financial institutions, criminal offenses relating to industrial banks, and criminal offenses relating to savings and loan associations.

Permits the prosecution to file an interlocutory appeal from a ruling on a motion which challenges the place of trial. Clarifies that, if a defendant, charged as an habitual criminal, admits to the existence of a previous conviction, such admission shall constitute conclusive proof of such conviction. Changes a statute which requires a sheriff to personally pay expenses resulting from the escape of a prisoner to require the office of such sheriff to pay such expenses. Requires the general assembly to establish the percentage of appropriated moneys which may be transferred between community corrections line items in the general appropriation bill. Clarifies the place of trial in criminal cases involving the death of a person and establishes a procedure for challenging the place of trial. Establishes that the period of delay between the filing of a motion challenging the place of trial shall not be used in computing the time within which a defendant must be brought to trial. Extends by 3 months the period within which a defendant must be brought to trial when a trial date has been fixed by the court and the case is subsequently transferred to a court in another county.

Requires the criminal justice commission to study and make recommendations on or before January 1, 1993, to the joint budget committee regarding increasing the sentences for unlawful sexual offenses against children and child abuse when death results. Clarifies the penalties for sexual assault in the third degree. Adds to the definition of first degree criminal trespass that entry into a motor vehicle with intent to commit a crime therein constitutes first degree criminal trespass. Defines the term "child" for the purposes of the crime of contributing to the delinquency of a minor. Adds violation of any protective order issued pursuant to the "Colorado Children's Code" to the list of restraining orders the violation of which constitutes the crime of violation of a restraining order. Clarifies the definitions of "government", "governmental function", and "public

servant" for the purposes of crimes related to governmental operations.

Redefines retaliation against a witness or victim to conform with the definition of intimidating a witness or victim. Adds any coroner who is a medical doctor investigating a child abuse case to the list of persons who may be given access to child abuse or neglect records and reports. Requires the court to advise a juvenile offender, at the time of adjudication, of such juvenile's right to initiate expungement proceedings regarding the records of delinquency proceedings. Requires the official custodian of records of official actions and criminal justice records to deny access to such records to any person who does not sign a statement which affirms that such records shall not be used for the direct solicitation of business for pecuniary gain.

Allows statutory municipalities to adopt absolute speed limits within their jurisdictions. Permits the court, in sentencing a defendant for driving under the influence, to sentence the defendant to attend and pay for a victim impact panel, for which the fee assessed to the defendant shall not exceed \$25. Allows a court, in sentencing a person for violation of compulsory insurance laws, to suspend the sentence if it is established that appropriate insurance has been obtained by the defendant. Clarifies the definition of what information must be disclosed regarding odometer readings when selling a car in order to avoid criminal liability. Clarifies the criminal penalties under the "Motor Vehicle Repair Act".

APPROVED by Governor June 3

EFFECTIVE June 3

H.B. 92-1086 Abuse of property insurance - penalty. Declares reduction of or elimination of the need for actual payment of required copayments or deductibles by an insured or to provide rebates to the insured to be an illegal business practice in connection with property insurance. Declares that such business practices are against the public interest. Makes the advertising of such business practices an illegal act. Makes persons licensed by a governmental entity who commit such acts subject to disciplinary actions by such governmental entity.

Makes "abuse of property insurance" a class 2 misdemeanor. Defines "abuse of property insurance" as knowingly representing to an insurer that the fee charged the insured for the repair of a product or the provision of goods or services was higher than was actually charged with the intent of collecting such higher fee from the insurer. Further defines "abuse of property insurance" as providing a gift, cash, or thing of value to an insurance company or its representative in connection with any claim made to such company. Includes acceptance of such gift, cash, or thing of value or a rebate by an insurance company or its agent as part of the definition of "abuse of property insurance".

APPROVED by Governor June 3

EFFECTIVE July 1

H.B. 92-1155 Animals - cruelty to animals - intentional abandonment of a dog or cat. Makes intentional abandonment of a dog or cat a criminal offense under the

cruelty to animals statute.

APPROVED by Governor April 29

EFFECTIVE April 29

H.B. 92-1189 Harassment - stalking - penalties. Includes within the crime of harassment the act known as "stalking", which is described as making a credible threat to someone and repeatedly following or communicating with that person. Defines the term "credible threat". Makes stalking a class 1 misdemeanor, and states that the penalty shall run consecutively with any sentence for a conviction for criminal violation of a restraining order arising out of the same incident. Imposes a duty on a peace officer to respond to a report of stalking.

APPROVED by Governor June 4

EFFECTIVE July 1

H.B. 92-1207 Rights of crime victims in cases of crimes against persons - procedures - appropriation. Implements a state constitutional amendment relating to the rights of crime victims in cases of crimes against persons. Defines the terms "crime", "critical stages", "lawful representative", "significant other", and "victim's immediate family" in accordance with such amendment. Changes the definition of victim to include, if such victim is deceased or incapacitated, the victim's spouse, parent, child, sibling, grandparent, significant other, or other lawful representative.

Establishes and delineates certain rights to be afforded to crime victims, and establishes procedures for assuring the rights of victims and witnesses to crimes. Creates requirements for notification to crime victims regarding the right to compensatory benefits and the availability of services, information regarding all critical stages in the prosecution of a person accused of a crime against such victim, and information regarding the imprisonment and release of such person. Designates the officials who are supposed to make such notification to such victim. Establishes a method for the enforcement of the rights of crime victims. States that the priority use for moneys in both the local and state VALE funds is to implement the rights of crime victims established in the act.

Makes the statutory implementation of the constitutional amendment effective upon the proclamation of the governor announcing the passage at the 1992 general election of House Concurrent Resolution 91-1003 regarding the rights of crime victims.

Conditionally appropriates \$13,110 and 0.5 FTE to the department of corrections and \$14,085 and 0.5 FTE to the department of institutions, out of the victims assistance cash fund, for the implementation of the act.

APPROVED by Governor June 4

NOTE: This bill will become effective only if HCR 91-1003 is approved by the voters at the 1992 general election.

H.B. 92-1251 Criminal trespass - exception - surveyors. Establishes an exception to the criminal trespass laws for licensed or registered professional land surveyors and employees, agents, and representatives under their direct supervision when they enter public or private land to investigate boundary evidence and perform boundary surveys. Requires that prior notification of entry be provided to the landowner by certified mail and by regular mail unless the landowner waives his or her right to this method of delivery. Specifies that the notification must include the identity of the party for whom the survey is being performed, the purpose of the survey, the employer of the surveyor, the identity of the surveyor, the date the property will be entered, the time, location, and timetable for the entry, estimated completion date, estimated number of entries required, and a statement requesting the landowner to provide the name of each tenant or lessee.

Authorizes access by the surveyor if the landowner does not acknowledge the notice within 14 days of receipt. Allows any landowner who acknowledges receipt of the notice within 14 days of receipt to modify the time and other specifications of the access, if the modifications are not unduly restrictive. Requires surveyors and other persons performing survey work to carry identification which identifies themselves and their principal or employer, and to present such identification upon request. States that surveyors and those under their direct supervision shall be liable to landowners for actual damages caused during their work on the property. Prohibits surveyors and those under their supervision from recovering damages from a landowner or lessee for personal injury or property damage incurred while on the property unless the injury or damage was willfully or deliberately caused by the landowner.

APPROVED by Governor April 29

EFFECTIVE April 29

H.B. 92-1276 Peace officers - investigators employed by department of corrections - defined as level Ia peace officers - notification to local law enforcement agencies. Establishes that an investigator employed by the department of corrections is included under the definition of "peace officer, level Ia". Permits such investigators to be certified by the P.O.S.T. board. Requires such investigators to notify a local law enforcement agency when the investigator is operating in such agency's jurisdiction.

APPROVED by Governor April 23

EFFECTIVE April 23

H.B. 92-1297 Criminal offenses relating to property - classification of offenses - monetary amounts. Increases the monetary amounts established in statute which determine the classification of the following offenses: Theft, theft of rental property, aggravated motor vehicle theft, theft by receiving, criminal mischief, fraud by check, defrauding a secured creditor or debtor, unauthorized use of a financial transaction device, and computer crime.

APPROVED by Governor April 10

EFFECTIVE April 10

H.B. 92-1353 Peace officers - authority of level I peace officers to make arrests while off duty. Permits a peace officer, level I, to make arrests while off duty if such officer is employed in a capacity authorized by the governmental entity which employs such officer. Specifies that a level I peace officer employed off duty by a nongovernmental entity must be in uniform with the officer's public entity badge plainly visible or be approved for plain clothes work.

APPROVED by Governor June 3

EFFECTIVE June 3

H.B. 92-1363 Concurrent power of a municipality to enact ordinance to prohibit theft. Increases the amount of the value of the thing involved in a theft from less than \$300 to less than \$400 under a municipality's concurrent power to prohibit theft by ordinance.

APPROVED by Governor June 1

EFFECTIVE June 1

CRIMINAL PROCEDURE

S.B. 92-2 Bailbonds. Prohibits bonding agents from soliciting business where prisoners are confined, arraigned, or in custody. Requires bonding agents to return collateral or security within 10, rather than 20, working days after receipt of a copy of a court order that releases the bond. Requires that copies of any such court orders be sent to the bonding agent by the person for whom the bond was written.

Eliminates the requirement that a real estate owner file a quitclaim deed with a bond if the bond is secured by real estate. Requires instead that a real estate owner file the original deed of trust to the public trustee, executed by all record owners of the property, naming the court clerk as beneficiary, and securing an amount equal to 1 1/2 times the bond amount. States that a recording fee must be paid before a bond will be accepted and recorded by the court clerk. Requires that the court clerk release the deed of trust within 10 days of satisfaction of the terms of the bond, and if the bond is forfeited but the forfeiture is set aside, to execute a release and affidavit.

States that any defendant who fails to appear while free on bond for a class 1 misdemeanor or a felony and is later arrested shall not be eligible for a personal recognizance bond for the case for which he or she failed to appear, unless such failure was due to circumstances or events beyond the defendant's control. Exonerates any person who has executed a bail bond and proves to the court that the defendant has died or is incarcerated in a foreign jurisdiction for at least 90 days and will not be extradited.

Reduces from 30 to 10 working days the period during which a change in the terms of the bond may warrant a refund to the defendant. Requires that the court mail notice of any order of forfeiture to all sureties and depositors or assignees of cash or property deposits within 10 days after entry of such order. Stipulates that if a defendant is apprehended within one year after judgment the court may vacate the judgment and order a remission, less court costs.

APPROVED by Governor April 29

EFFECTIVE July 1

S.B. 92-134 Arrest and search warrants - electronic transmission of required documents authorized. Amends the "Colorado Code of Criminal Procedure" by granting authority to electronically transmit documents associated with the issuance of arrest and search warrants. States that when a sworn or affirmed affidavit is required, it may be administered orally by the court to the affiant and the affiant may then electronically transmit back to the court a written affidavit of the oath or affirmation. Allows the Colorado supreme court by rule to establish procedures governing the implementation of the use of electronically transmitted documents in the application for and issuance of arrest and search warrants. Adds the stipulation that such rules require the court administrator to establish paper quality and durability standards for warrants issued. Specifies that an electronically transmitted document is to be treated as an original document.

Specifies that the act will be applicable to warrants issued on and after a specified date established by Colorado supreme court rules.

APPROVED by Governor April 16

EFFECTIVE April 16

S.B. 92-204 Forfeiture of property - public nuisances - legislative intent - burden of proof - affirmative defense - procedures - reporting and disposition of forfeited property by law enforcement agencies. Enacts additional legislative intent regarding asset forfeiture through the operation of public nuisance statutes. Establishes elements which must be proven and the burden of proof in any action seeking forfeiture of property through public nuisance statutes. Creates an affirmative defense applicable to such actions. Establishes when such actions must be filed, procedures regarding the service of process, and procedures for obtaining continuances in such actions. Creates procedures for the reporting and disposition of forfeited property by law enforcement agencies.

Applies to forfeiture actions filed on or after July 1, 1992, and makes the reporting requirements applicable to moneys or forfeited property which are ordered to be delivered to any seizing agency on or after July 1, 1992.

APPROVED by Governor May 27

EFFECTIVE July 1

H.B. 92-1021 Sex offenders - creation of sex offender treatment board - treatment program - sex offender surcharge - allocation of moneys - report. Creates a sex offender treatment board in the department of public safety and establishes the membership of the board and its duties. Requires the board to develop and implement a standardized procedure for the evaluation and identification of sex offenders. Requires the board to develop a standardized treatment program for sex offenders and a system for continued monitoring of offender behavior.

Defines "sex offender". Prescribes that each person convicted of a sex offense shall undergo a standardized evaluation and identification procedure at the time of such person's presentence investigation. Mandates that the sentencing judge for each sex offender include, as a part of each sentence to probation, incarceration, or community corrections, a requirement that the offender submit to treatment in accordance with the recommendations made in the evaluation and identification. Requires the state board of parole to establish, as a condition of each parole of a sex offender, that the parolee submit to treatment in accordance with the recommendations made in the standardized evaluation and identification or any subsequent reevaluation.

Requires the sex offender treatment board to report to a joint meeting of the judiciary committees of the senate and the house of representatives regarding the results of the implementation of the program on or before March 1, 1995. Establishes a sex offender surcharge and a sex offender surcharge fund. Sets up a system for the distribution of moneys received pursuant to such surcharge.

APPROVED by Governor June 2

EFFECTIVE June 2

H.B. 92-1060 Public defender - representation of indigent persons - application fee. Eliminates court-appointed counsel for indigent persons charged with certain minor offenses where the prosecuting attorney files a written statement that incarceration is not being sought.

Directs the prosecuting attorney to engage in plea discussions with an indigent defendant charged with a misdemeanor, petty offense, or certain traffic offenses, where the defendant requests the appointment of a public defender, with the exception of certain traffic offenses involving alcohol or drugs or driving while one's license was denied, suspended, or revoked.

Requires the prosecutor to inform the court of the terms of the proposed plea agreement and the recommended penalty, and requires the court to advise the defendant of the right to a court-appointed attorney if incarceration is part of the plea agreement, or if the court determines that incarceration will be imposed.

Requires the court to appoint counsel where no plea agreement has been reached, and permits the prosecutor to engage in additional plea discussions with defense counsel.

Increases the amount of the application fee for court-appointed counsel from \$10 to \$25, but allows the court to reduce the fee for persons in custody who are financially unable to pay the fee.

APPROVED by Governor March 16

EFFECTIVE July 1

EDUCATION - PUBLIC SCHOOLS

S.B. 92-41 Boards of cooperative services - regional education and support services plan - report - repeal. Requires each board of cooperative services to develop a regional education and support services plan. Allows a nonmember school district to participate with a board or with one or more other nonmember school districts in developing and submitting a plan. Describes what such plan shall include. Requires that such plans be submitted to the state board of education and the Colorado commission for achievement in education on or before January 31, 1993, and that the state board submit a final report to the education committees of both houses of the general assembly by June 1, 1993. Repeals the provision requiring such plans on July 1, 1994.

APPROVED by Governor May 29

EFFECTIVE May 29

S.B. 92-157 Boards of cooperative services - teachers performance evaluation - employment. Makes the certificated personnel evaluation duties of local boards of education and the certificated personnel evaluation system applicable to boards of cooperative services, subject to certain exceptions. Describes the membership of the advisory board of cooperative services personnel performance evaluation councils. Provides that a part-time teacher employed by a school district on a continuous basis while also employed by a board of cooperative services may be considered a probationary teacher whose contract is subject to nonrenewal.

APPROVED by Governor April 29

EFFECTIVE April 29

S.B. 92-173 General educational development tests - minimum age requirement. Lowers the minimum age for receiving a high school equivalency certificate to 16 years of age. Provides that a person who is at least 16 years of age may sit for the GED upon submittal of written evidence of a need to take the test to be eligible for educational or vocational programs and upon complying with all statutory and regulatory testing requirements.

APPROVED by Governor April 24

EFFECTIVE April 24

S.B. 92-175 Denver school board - election - terms. Establishes a new plan of representation for the 7-member board of education of the Denver school district to consist of 5 members elected from director districts and 2 directors elected at large. Sets school director terms at 4 years. Provides for replacement of existing directors upon expiration of terms with directors elected in accordance with the new plan of representation. Establishes the boundaries of the 5 director districts. Requires a director candidate to be a registered elector of the school district and, if running in a director district, a resident of such director district. Requires an at-large candidate to file a nomination petition

signed by at least 50 registered electors of the school district and a director district candidate to file a nomination petition signed by at least 50 registered electors who are residents of the director district.

APPROVED by Governor June 4

EFFECTIVE June 4

S.B. 92-189 Colorado preschool program. Eliminates both the repeal of and the pilot status of the Colorado preschool program. Changes the name of the act to the "Colorado Preschool Program Act". Expands the state preschool program to include 4- and 5-year-old children who lack overall learning readiness and who are receiving aid as neglected or dependent children. Removes the cap on the number of children who may participate in the state preschool program.

Increases the number of persons on the district preschool program council to include parents of children in the district preschool program, members of the business community, and representatives from public and private child care facilities. Requires the council to elect a chairperson and to meet a minimum number of times per year. Specifies that the district board of education retains responsibility for the district preschool program and final approval authority over actions of the council. Authorizes the council to study whether the school district needs a preschool program, to solicit proposals for a preschool program from public and private child care facilities, to submit recommendations regarding public and private child care facilities to the district board of education, and to recommend a plan to coordinate the preschool program with family support services and parent-training classes. Requires the council to visit all child care facilities which are participating in the district preschool program. Permits the council to define additional student eligibility criteria, to develop an evaluation component for the district preschool program, and to develop a training program for district preschool program staff members.

Mandates that school districts applying for participation in the state preschool program submit additional information including a plan for coordinating the district preschool program with family support services and parent-training classes and a plan for increasing parental involvement in the district preschool program. Provides that the department of education give priority consideration to school districts with exemplary plans to coordinate the district preschool program with family support services, to school districts attempting to collaborate with public and private child care facilities, and to school districts with proposals which demonstrate the greatest degree of community involvement in the district preschool program. Requires all school districts participating in the state preschool program as of September 15, 1992, to submit a modified application for participation in the state preschool program which reflects the additional application requirements.

Authorizes school districts to contract with public or private child care facilities which meet statutory licensing requirements for provision of extended-day services. Permits and encourages school districts to seek private and federal funding in establishing a district preschool program. Requires the

department of education to set minimum program standards for district preschool programs.

APPROVED by Governor May 26

EFFECTIVE May 26

H.B. 92-1003 School districts - reorganization. Repeals and reenacts the "School District Organization Act of 1965", changing the short title of the act to the "School District Organization Act of 1992". Specifies that one process shall apply in all circumstances of organization, including creation of a new district, consolidation of 2 or more districts, dissolution and annexation of a district, and detachment and annexation of a district. Specifies that the election code shall govern all elections authorized under the act. Clarifies the means for initiating the planning process, including a request from a board of education, a petition signed by 25% of the eligible electors from each affected school district, and loss of state accreditation by a district. Requires appointment of committee members by the boards of education of the affected school districts, advisory accountability committees of the affected school districts, and petition committees if the process was initiated by a petition. Requires the school district boards of education to serve as the committee in situations arising from detachment and annexation of a portion of a school district with 5 or fewer eligible electors.

States the duties of the committee including: Establishing the parameters of the reorganization study; studying the public school system affected by the reorganization; developing a plan of organization; cooperating with the local boards of education, the state board of education, and the commissioner of education; calling and arranging elections on the plan of organization; and assisting in promoting the proposed plan. Specifies the details for operation of the committee which include: Filling vacancies; holding open meetings; certifying members' names to the commissioner; receiving compensation for expenses; and working with department of education consultants. Specifies the duties of the attorney general in working with the committee.

Requires the plan of organization to include the following: Consideration of educational needs, diverse opportunities, equal opportunities, and efficiency; establishment of boundaries for the new and existing school districts affected by the plan; adjustment and distribution of district assets; and a plan of representation for the new district which divides the district into 5 or 7 director districts or allows election of at-large directors. Requires the committee to file the proposed plan of organization with the commissioner of education and to hold public hearings to explain the plan. Requires the commissioner and the committee to approve a final plan of organization within 120 days following the public hearings and requires the committee to call for a special school organization election. Prior to the election, requires the committee to hold public hearings explaining the final approved plan of organization.

If a majority of the eligible electors in each affected school district approve the plan of organization, specifies that the new school district shall become a body corporate with full rights and powers 60 days after the election.

Requires the committee to dissolve if the plan of organization is not approved at the election. Requires election of 5 or 7 school directors in the new school district, each to serve terms of 4 years. Effective July 1, 1992, prohibits districts having director terms of 4 years from increasing such terms to 6 years.

Reenacts without change sections from the previous act regarding distribution of assets and bonded indebtedness.

APPROVED by Governor June 1

EFFECTIVE June 1

H.B. 92-1055 Noncertificated school district personnel - submittal of fingerprints. Limits the requirement that applicants for noncertificated personnel positions in school districts submit fingerprints and a completed form as a prerequisite for employment to only those applicants who are selected by school districts for such positions. Allows such fingerprints to be taken by either a qualified law enforcement agency or an authorized employee of the school district to which such person has applied. Modifies the time at which such fingerprints and form must be submitted. Requires notification of the appropriate district attorney of any fingerprint results which are inconsistent with information given on such form.

Defines the term "position of employment". Modifies the amount of the fee which school districts may charge selected noncertificated applicants for the costs incurred by school districts for the administration of such fingerprinting requirements. Specifies that such fingerprinting requirements do not apply to students enrolled in any school district who apply for noncertificated personnel positions with the same school district in which they are enrolled.

APPROVED by Governor April 29

EFFECTIVE July 1

H.B. 92-1063 School finance - pupil funding component - instructional purposes. Expands the allowable uses of school finance moneys statutorily required to be expended only for instructional purposes to include the following items: Expenses incurred in providing transportation for pupil travel directly related to instruction; costs incurred for repair or maintenance services for equipment which is directly used for instructional purposes; and costs incurred in providing staff development directly related to instruction.

Creates an instructional purposes account within the general fund of school districts.

APPROVED by Governor April 10

EFFECTIVE July 1

H.B. 92-1282 Colorado achievement "COACH" commission - statutory changes. Changes the name of the Colorado achievement "COACH" commission to the Colorado commission for achievement in education. Provides that the executive director, and not the chairman, of the Colorado commission on higher education shall be a member of the commission. Allows the chairman of the commission to establish

task forces from time to time and to determine the membership of such task forces. Requires the chairman to appoint at least one member of the commission to each task force. Eliminates the statutory time frame for the submission of recommendations by task forces and allows such recommendations to be submitted to the commission at such times as the chairman specifies. Provides for the inclusion of such task force recommendations in an annual report made by the commission.

APPROVED by Governor April 24

EFFECTIVE April 24

H.B. 92-1289 Excellent schools program - creation of fund - repeal - appropriation. Creates the excellent schools program fund in the state treasury and specifies moneys which are to be credited to said fund. Provides that moneys appropriated from said fund shall be used solely for making financial awards to schools, school districts, and the personnel thereof in conjunction with the excellent schools program. Repeals the excellent schools program on June 30, 1995.

Appropriates \$250,000 from the excellent schools program fund to the department of education for the implementation of the act.

APPROVED by Governor June 5

EFFECTIVE June 5

H.B. 92-1323 Exceptional learning program - establishment - improvement teachers and school districts - eligibility criteria - appropriation. Establishes the exceptional learning program to be administered by the state board of education for the purpose of identifying improvement teachers and improvement school districts and providing said school districts with additional moneys that may be used to employ improvement teachers at salaries above the salary schedule. Sets up requirements for designation of improvement teachers and improvement school districts. Establishes the application process.

Authorizes an improvement school district to employ an improvement teacher at a salary higher than the salary on the district's salary schedule. Provides for payment by the state of such excess salary amounts from moneys in the exceptional learning program fund. Requires reports to the general assembly on the implementation and effectiveness of the program. Repeals the exceptional learning program on July 1, 1997.

Provides that an appropriation of \$500,000 from the exceptional learning program fund will be required for the 1993-94 fiscal year for implementation of the act.

APPROVED by Governor June 1

EFFECTIVE June 1

H.B. 92-1344 School finance - increased state revenues - education reform - studies relating to the financing of schools - appropriation. Establishes public school funding under the "Public School Finance Act of 1988" for the 1992-93 budget year while making other changes relating to the financing of schools.

School finance. Redefines pupil enrollment for the 1992-93 budget year as the average of the number of pupils enrolled on February 1 and October 1. Defines pupil enrollment for the 1993-94 budget year and years thereafter as the average of the number of pupils enrolled on February 15 and October 1. Provides an alternative method for determining pupil enrollment in certain low enrollment districts.

Retains equalization program funding for 1992-93 budget year at the 1992 transitional budget year level and then further reduces the funding by one-half of one percent to reflect the savings which result from the reduction in the public employees' retirement association (PERA) employer contribution rate for school employees from 12.2% to 11.6%. For the 1993-94 budget year and years thereafter, requires the general assembly, on an annual basis, to adopt the funding components to be used to establish equalization program funding. For the 1992-93 and 1993-94 budget years, authorizes a reduction in the amount budgeted by a school district for capital reserve and insurance reserve, not to exceed \$60, and allows the moneys resulting from such reduction to be used for cash flow management or for any lawful purpose that does not commit the district to an expenditure beyond the 1993-94 budget year.

Keeps the local property tax share of total equalization program funding for the 1992-93 budget year at \$1,078,000,000. For budget year 1993-94, sets the state's percentage share of equalization program funding at 55.5% and further reduces the state's percentage share for years thereafter to 55%. Requires the department of education to certify the uniform mill levy no later than December 1. Beginning with the 1992-93 budget year, provides that the increase in the mill levy for certain school districts shall be the greater of 4 mills or the increase in the uniform mill levy over the uniform mill levy for the prior budget year plus 4 mills. Clarifies that "hold harmless" districts (those districts whose equalization program funding exceeds the funding for such districts established by the formula) may reduce their funding to not less than the formula amount without losing state aid.

Provides that state aid for the 1992 transitional budget year shall be based upon property taxes collected through August 31, 1992, plus an amount which represents uncollectible taxes and amounts which are eligible for payment from the state contingency reserve. Requires the state treasurer to make loans to school districts which are required to offset excess property tax revenue against state aid in the amount of the difference between the actual property tax collections for each district and 95% of 100% collections for the budget year. Limits the total of such loans to \$30 million. Authorizes the state treasurer to transfer the amount necessary for such loans from the capital construction fund to the state public school fund and to return the moneys to the capital construction fund as the loans are repaid by the districts.

To provide additional state revenues to fund equalization program funding

for the 1992-93 budget year: Lowers the required state general fund reserve for 1992-93 to 3% of the amount appropriated for expenditure from the general fund minus \$14 million; reduces the amount transferred to the capital construction fund on July 1, 1992, from \$25 million to \$21.1 million; and increases state income tax revenues by applying the 5% flat tax to the federal taxable income adjusted to include the amount of the federal deduction claimed for state income taxes by persons who itemize.

Increases the cap on additional local property tax revenues to 10% of equalization program funding, as determined using the formula, or \$200,000, whichever is greater. Requires school districts which have a property tax carryforward remaining after the offset of the carryforward against state aid in the 1992-93 and 1993-94 budget years to either reduce the mill levy for the 1993 property tax year to equal the amount of the district's share of equalization program funding minus the amount of property tax carryforward or, by a 2/3 majority vote of the board of education, to elect to keep the property tax carryforward and not receive state aid until such carryforward is completely used. Provides that carryforward amounts shall be considered in determining whether a district is eligible for a loan under the interest-free loan program.

Makes technical changes in the "Public School Finance Act of 1988" and other statutory provisions to conform to the change in the school district budget year and the change to funding based upon the funded pupil count.

School budget measures. Allows a board of education, upon a 2/3 majority vote taken after at least one public hearing, to declare a fiscal emergency and reduce school district employee salaries or alter the work year of such employees. Extends the time granted to school districts to comply with the increased contingency reserve requirement.

Authorizes district advisory accountability committees to make recommendations to the district board of education regarding prioritization of expenditures of school district moneys. Authorizes school building advisory accountability committees to make recommendations to schools regarding prioritization of expenditures of school district moneys by such school.

Authorizes an additional property tax levy of not more than 2 mills to fund removal of asbestos and hazardous materials and for costs incurred in complying with the "Americans with Disabilities Act of 1990" for property tax years beginning on or after January 1, 1992, but before January 1, 1996. Establishes a special account in the general fund of the district for deposit of such moneys.

Education reform. Requires the Colorado commission for achievement in education to develop a plan for development of local and statewide content and outcome standards and local and statewide performance assessments. Requires a statewide writing performance assessment by 1992 and a statewide math performance assessment by 1993. Requires issuance of a certified diploma by 1996 and requires remedial instruction until mastery or age 21, whichever comes first, for students who have not met the requirements for such diploma.

Studies regarding education costs and finance. Authorizes the legislative

council to conduct a study of the setting categories for school districts. Creates the public school cost analysis task force to study and analyze the costs and functions of kindergarten through twelfth grade public school education.

Miscellaneous. Authorizes a party which enters into an energy performance contract with a school district to guarantee payment on such contract by surety bond. Requires school districts which adopt a local comprehensive health education program to provide a procedure for students to opt out of portions of the program on religious grounds.

Appropriation. Appropriates \$27 million from the general fund to the property tax reduction fund for the 1991-92 fiscal year.

APPROVED by Governor May 28

EFFECTIVE May 28

Note: (1) Sections 13 through 15 of HB 92-1335 which amend the "Public School Finance Act of 1988" are superseded by sections 5, 8, and 9 of this act while section 1 of HB 92-1335 concerning the reduction in the school district PERA contribution rate supersedes section 4 of this act.

(2) This bill further amends HB 92-1061.

EDUCATION - UNIVERSITIES AND COLLEGES

S.B. 92-7 Postsecondary education system - transition of students entering from K-12 education system. Requires the Colorado commission on higher education and the governing boards of state-supported institutions of higher education to adopt policies and procedures to aid the Colorado system of public elementary and secondary education and the Colorado system of public postsecondary education in providing a better transition for students from one system to the other. Requires the commission to report to the education committees of both houses of the general assembly on the measures initiated to facilitate such transition.

APPROVED by Governor March 25

EFFECTIVE March 25

S.B. 92-24 State council on the arts. Changes the name of the state council on the arts and humanities to the state council on the arts.

APPROVED by Governor March 25

EFFECTIVE March 25

S.B. 92-59 Incentives for improvement initiative grant program - criteria - applications - awards - matching funds. Authorizes the governing boards of state-supported institutions of higher education to apply to the Colorado commission on higher education for incentives for improvement initiative grants. Requires the commission, after consultation with the governing boards and the education committee of both houses of the general assembly to develop and employ criteria for evaluating such proposals by August 1, 1992.

Requires governing boards to submit proposals by November 1, 1992, and the commission to designate an initial list of such initiatives and proposed grants to be provided to the general assembly annually commencing January 1, 1993. Allows initial grants to be awarded on or before July 1, 1993. Requires that grants be made annually for a period not to exceed 5 years and that an institution commit to providing certain matching funds in order to receive such grants.

Allows the general assembly to separately appropriate annually, and for the commission to allocate annually, an amount not to exceed 1% of the total annual department of higher education general fund appropriation to governing boards to be used for awarding such grants.

APPROVED by Governor May 14

EFFECTIVE May 14

S.B. 92-94 Colorado state university research building revolving fund. Prohibits the deposit of student fees, tuition receipts, or general funds of Colorado state university into the university's research building revolving fund. Requires that interest earned on the fund be credited to the fund. Requires that buildings financed by revenues in the fund be related to the research mission of the university. Requires the annual report regarding the

condition of the fund to be made to the joint budget and capital development committees and that such report include certain information relating to any bonds issued by the state board of agriculture.

Authorizes the state board of agriculture to issue bonds, which authority is in addition to the board's authority to issue anticipation warrants. Requires that the proceeds from such bonds be credited to the research building revolving fund and that such bonds be secured by the fund. Provides that such bonds are tax-exempt and establishes a ceiling on the total amount of bonds which may be issued.

APPROVED by Governor April 24

EFFECTIVE July 1

S.B. 92-127 Employees of state-supported institutions of higher education - retirement plans. Authorizes the governing boards of state-supported institutions of higher education to establish optional retirement plans for faculty and administrative employees who are exempt from the state personnel system. Excludes any employee participating in such optional retirement plan from participation in the public employees' retirement association (PERA). Provides an option to any eligible employee either to participate in PERA or to participate in an optional retirement plan if such employee was appointed to an eligible position prior to the establishment of such plan or if such employee was appointed to an eligible position on or after the date such plan was established and such employee had at least one year of service credit in PERA. Requires an eligible employee to participate in an optional retirement plan if such employee was appointed to an eligible position on or after the date of the establishment of such plan and, at the time of such appointment, such employee either was not a member of PERA or had less than one year of service credit in the PERA.

Directs that any moneys held in the PERA member account of an eligible employee who is required to participate in an optional retirement plan be transferred to such optional retirement plan. Provides that any moneys held in the PERA member account of an eligible employee who elects to participate in an optional retirement plan may either be transferred to such optional retirement plan or may be retained in the PERA at the option of such employee.

Excludes the university of Colorado from the provisions of this act.

APPROVED by Governor April 2

EFFECTIVE July 1

S.B. 92-155 Degree programs - efficiencies in completion - policies. Requires the Colorado commission on higher education to implement and revise policies to assure that students at state-supported institutions of higher education complete their academic degree program in the most efficient manner. Establishes what the policy implementation and review shall include. Provides reporting requirements for governing boards and the commission.

APPROVED by Governor April 29

EFFECTIVE April 29

S.B. 92-195 Colorado advanced technology institute - continuation - performance review. Extends the automatic termination date of the Colorado advanced technology institute to July 1, 2002. Requires the state auditor to prepare and present a performance review in 1999.

APPROVED by Governor May 27

EFFECTIVE May 27

S.B. 92-202 Colorado commission on higher education - authorization of capital construction projects. Prohibits state-supported institutions of higher education from beginning any capital construction project exceeding \$250,000 unless the project is authorized by legislative appropriation or the project has been approved by the Colorado commission on higher education and is to be constructed, operated, and maintained solely from student fees, auxiliary enterprise funds, wholly endowed gifts and bequests, and research building revolving funds. Requires the commission, prior to approving any plan for a capital construction project to be constructed, operated, and maintained solely from student fees, auxiliary enterprise funds, wholly endowed gifts and bequests, and research building revolving funds, to request and consider recommendations from the capital development committee and the joint budget committee. Requires the commission, the joint budget committee, and the capital development committee to adopt procedures for review of such projects, and requires the capital development committee and the joint budget committee, whenever possible, to submit their recommendations to the commission within 30 days after each committee receives necessary information on the project.

APPROVED by Governor June 1

EFFECTIVE June 1

H.B. 92-1007 Postsecondary educational facilities authority - financing of facilities for cultural institutions. Repeals the statutory provision prohibiting the Colorado postsecondary educational facilities authority from undertaking or participating in the financing of a facility for a cultural institution after July 1, 1992.

APPROVED by Governor March 19

EFFECTIVE March 19

H.B. 92-1013 Colorado student obligation bond authority - outstanding bond limit. Increases the aggregate principal amount of outstanding bonds which may be held by the Colorado student obligation bond authority from \$500,000,000 to \$900,000,000.

APPROVED by Governor March 4

EFFECTIVE March 4

H.B. 92-1024 Agriculture board - meetings. Changes state board of agriculture meetings from specific dates in May and December to meetings twice annually.

APPROVED by Governor March 6

EFFECTIVE March 6

H.B. 92-1272 Colorado nursing scholarship program - report - appropriation. Authorizes the Colorado commission on higher education to establish a nursing scholarship program. States in the legislative intent that preference for scholarships be given to individuals who shall work in federal qualifying health clinics and underserved areas of the state. Authorizes the commission to determine which institutions are eligible for participation in the program. Requires the commission to report annually to the general assembly. Repeals the Colorado nursing scholarship program provisions on July 1, 1995.

Specifies that the 1992-93 general appropriation act includes an appropriation of \$220,800 to the Colorado commission on higher education for the grant program for nurses training.

APPROVED by Governor June 1

EFFECTIVE July 1

H.B. 92-1342 Colorado advanced technology authority - creation - board of directors - powers - bonds and notes - repeal. Creates the Colorado advanced technology authority. Provides for the appointment of a board of directors for the authority and describes the membership thereof. Sets forth the powers of the authority and allows the authority to engage in programs and activities involving research and development and the encouragement of advanced technology. Grants the authority power to issue bonds and notes necessary for any of its corporate purposes but limits the amount of bonds the authority may have outstanding at any one time to \$10 million. Creates the Colorado advanced technology authority revolving fund. Requires the authority to make an annual report and audit. Provides for the repeal of statutory provisions creating the authority if funding is not received by July 1, 1995.

VETOED by Governor June 5

ELECTIONS

S.B. 92-194 Precinct boundaries - revisions for 1992 elections. Requires county clerk and recorders to prepare for 1992 precinct caucuses by redrawing precinct boundaries according to the reapportionment plan filed by the Colorado reapportionment commission with the state supreme court on January 21, 1992, prior to supreme court approval of that plan. Requires that, if a court-approved reapportionment plan is filed with the secretary of state after March 1, 1992, but before March 30, 1992, final changes in precinct boundaries must be completed no later than March 30, 1992. Requires that, if a court-approved reapportionment plan is filed with the secretary of state after March 15, 1992, but before March 30, 1992, and if any newly-established precinct includes territory from more than one senatorial or representative district under the court-approved plan, then that precinct shall be divided so that each portion which is contained wholly within a separate senatorial or representative district will become a separate precinct. Allows consolidation of adjacent precincts which lie wholly within the same senatorial or representative district, so long as the total number of active registered electors in the combined precinct does not exceed the statutory limit. Allows the secretary of state, if a court-approved reapportionment plan is filed with the secretary of state on or after March 30, 1992, to take such action and issue such orders to the county clerk and recorders as may be necessary and appropriate to assure the integrity and orderly conduct of the 1992 elections, including but not limited to delaying precinct caucus day beyond April 14. Extends the deadline for the major political parties to amend their bylaws and rules to accommodate changes in the precinct caucus day or other actions taken by the secretary of state because of delays in receiving final precinct boundaries.

APPROVED by Governor April 10

EFFECTIVE April 10

S.B. 92-198 Congressional districts - 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 that constitutes any portion of the boundary of a congressional district. Directs that the statutory provisions that 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.

APPROVED by Governor March 24

EFFECTIVE March 24

H.B. 92-1004 Voting prior to election day - procedure. Allows any registered elector to vote early or by absentee ballot. Permits "early voting" by any registered elector who appears in person prior to election day at a designated polling place and allows early voting to continue until the close of business on the Friday before the election. Requires election officials to carry out requirements of the federal "Uniformed and Overseas Citizens Voting Act", and authorizes the secretary of state to issue emergency orders or rules to

facilitate absentee and early voting by members of the military and military support personnel who are directly affected by a national or local emergency in cases where such national or local emergency makes strict compliance with existing statutory voting requirements impossible or unreasonable. Lengthens the period in which voters may apply for absentee ballots to January 1 before an election, rather than 90 days before the election. Authorizes registered electors who live outside the United States and who cannot comply with the time limits for absentee voting to vote by special blank ballots. Deletes provisions relating to notarization and voters requiring special assistance which are obsolete because of earlier amendments.

APPROVED by Governor March 16

EFFECTIVE March 16

H.B. 92-1185 Campaign reform act - campaign reports and statements - complaints against candidates for secretary of state - unexpended campaign funds. Requires campaign reports and statements to be filed with the appropriate officer by the close of the business day on the date due and provides that a postmark of such date will no longer be acceptable as timely filing. Permits fax submissions of reports where an original of the filing is received within seven days of the filing deadline.

Requires any statement of a political committee to include the interest of such committee, the phone number of the campaign treasurer, the complete title or name of the political committee, and a complete list of all supporting and affiliated organizations of the political committee.

Designates reports pertaining to contributions received as public records. Requires such reports to be filed in duplicate, one copy to be kept by the appropriate officer as a permanent record and the other copy to be made available immediately for public inspection. In the event no contributions are received nor expenditures made, requires the candidate to file a report stating such status with the appropriate officer.

Requires any person who makes an expenditure in an aggregate amount exceeding \$100 to file required reports 11 days before primary and general elections and 30 days after the general election. Requires such reports to be filed in duplicate with the appropriate officer no later than the close of the business day on the date due.

Specifies that complaints filed against candidates for secretary of state are to be directed to the attorney general. Directs the attorney general to investigate such complaints. If probable cause that a violation has occurred is found on such investigation, requires the attorney general to institute a civil action for relief.

Authorizes a private right of action in cases where no civil action is instituted by the attorney general within 120 days after a complaint is filed alleging a violation of the campaign reform act. Requires any private right of action to be exercised within one year from the date the final report is filed with the appropriate officer.

Requires that statements required to be filed be retained for a period of one year. Permits unexpended campaign funds to be contributed to any nonprofit or charitable organization whose purposes are not political in nature. Designates the close of the business day on the day any statement or other information is due, rather than the date of postmark, as the date to be used for the assessment of penalties.

APPROVED by Governor June 3

EFFECTIVE January 1, 1993

H.B. 92-1234 Congressional districts - 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 that constitutes any portion of the boundary of a congressional district. Directs that the statutory provisions that 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 February 21

H.B. 92-1256 Initiative petitions - right to cure - appropriation. Effective January 1, 1993, entitles a majority of persons representing the signers of a duly submitted petition which has been declared insufficient in number to cure the insufficiency by filing an addendum with the secretary of state. Requires the addendum to contain such number of additional signatures as will cure the insufficiency. Establishes time limitations for the filing of curative addendums.

Appropriates \$10,500 to the department of state for the implementation of the act.

APPROVED by Governor June 3

EFFECTIVE January 1, 1993

H.B. 92-1316 Campaign reform act - limits on contributions - prohibition against earmarked contributions to political parties. Establishes the following limits on the amount of political contributions that any person or political committee, including all such committee's local chapters and affiliate organizations, may make during any election cycle to any one candidate: \$10,000 for a gubernatorial candidate; \$4,000 for a candidate for lieutenant governor, secretary of state, state treasurer, or attorney general; \$3,000 for a candidate running at large for the state board of education or the regents of the university of Colorado; \$4,000 for a candidate to the state senate; and \$2,000 for a candidate to the state house of representatives, district attorney, or any other district office which is greater than a county office. Doubles the contribution limits for a candidate who has a contested primary and general election.

Requires any candidate who receives a contribution in excess of the limits to remit such excess to the contributor within 10 days from receipt. Delimits

the duties of the secretary of state under the act. Excludes individual members, officers, directors, and employees of an organization from the definition of "affiliate organization" with regard to personal contributions. Except as provided by party rules, precludes professional lobbyists from disbursing party moneys of any state, county, or municipal political party to candidates of such party. Prohibits any person from making and any political party from accepting any contribution that is designated to be passed through the political party to any one candidate.

VETOED by Governor May 29

H.B. 92-1317 Voter registration - high school deputy county clerk and recorders. Appoints each principal of a public high school or the principal's designee as a deputy county clerk and recorder for the sole purpose of conducting voter registration of eligible students, school employees, other persons who attend school functions, and other eligible residents of the county where the school is located. All such registration must occur on the high school premises during hours when the school is open. Requires county clerk and recorders to train, supervise, administer the oath of office to, and provide sufficient registration materials to high school deputy county clerk and recorders and to maintain a list of all high school deputy county clerk and recorders in that county. Establishes procedures for high school deputy county clerk and recorders to use in taking registrations and forwarding registrations to the county clerk and recorders' offices, and establishes procedures for county clerk and recorders to use in curing defective registrations and establishing the effective dates of high school registrations. Imposes misdemeanor penalties upon any high school deputy county clerk and recorder who influences or attempts to influence any person to affiliate with a political party or to affiliate with a particular political party.

APPROVED by Governor April 29

EFFECTIVE July 1

H.B. 92-1333 Election code - recodification - applicability to special districts, school districts, and municipalities. Amends and recodifies the "Colorado Election Code of 1980" as the "Uniform Election Code of 1992". Provides that all general, primary, congressional vacancy, special district, and school district elections shall be conducted under the new uniform election code. Permits any municipality to enact an ordinance allowing use of the new uniform election code instead of the "Colorado Municipal Election Code of 1965". Standardizes language throughout the code to assure application to all types of elections covered by the uniform code. For example, replaces "county clerk and recorder" with "designated election official" throughout the code, unless the task is specific to a county clerk and recorder. Authorizes school districts and special districts to contract with the county clerk and recorder to conduct elections.

Makes language throughout the code consistent with actual practice. Eliminates redundant and awkward language wherever possible to clarify and simplify the code. Replaces gender-specific language with gender-neutral

Language.

Amends the definitions to distinguish between joint and concurrent elections, to define different types of electors, to designate the times of holding elections, and to assure that all types of elections are included. Delineates the responsibilities of the secretary of state, the department of local affairs, county clerk and recorders, and governing boards with regard to elections. Regularizes terms of offices for nonpartisan officers.

Provides a method of nomination for nonpartisan candidates. Clarifies the process of nominating partisan and nonpartisan candidates by petition. Provides a uniform process for placing a candidate for election or recall on the ballot.

Provides for notice of the presidential primary. Provides for a call for nominations for nonpartisan elections. Requires postcard notice of some elections and one published notice. Establishes procedures for court-ordered elections. Permits cancellation of elections under limited circumstances.

Clarifies residence requirements for voting purposes. Eliminates redundant language for voter registration and simplifies administrative responsibilities. Clarifies the process of establishing registration records and registration lists of electors and property owners. Establishes fees for the lists. Simplifies and clarifies the process for challenging the registration of a registered elector and the right to vote. Includes the right to challenge for nonpartisan elections. Eliminates language concerning voting by new residents for president and vice-president as no longer necessary given changes in the time of registration of electors.

Regularizes the form and content of ballots. Standardizes the printing, distribution, and correction of ballots. Standardizes the process of casting ballots. Provides for the allocation of election expenses. Requires county clerk and recorders to give an estimate of the cost of conducting an election. Clarifies the process of contesting elections. Provides that an elector may recover costs for violations by a governing body in limited circumstances.

Standardizes qualifications, appointment, and required number of election judges for all elections. Provides for the appointment of election judges for nonpartisan elections. Standardizes the requirements for the school for judges. Provides for a master list of election judges to be maintained. Standardizes the compensation of election judges and requires election judges to submit social security numbers to be compensated. Standardizes the causes for and the process of removing election judges.

Standardizes the provisions governing the conduct of elections. Rearranges sections of the code to place instructions in chronological order. Provides for the establishment and change of precincts and polling places for nonpartisan elections. Eases restrictions in polling places for all elections.

Provides for an affidavit for a nonpartisan election if a name is omitted from the list. Standardizes the requirements and responsibilities of watchers. Consolidates requirements for casting and counting write-in votes.

Simplifies the ministerial instructions on the preparation for elections and the casting and counting of paper ballots. Simplifies the ministerial instructions on the use of voting machines and electronic voting equipment. Provides for instructions for nonpartisan elections. Clarifies the instructions for not counting improperly marked ballots.

Simplifies the process of absentee voting. Makes absentee voting an option for any elector without the necessity of giving a rationale or reason. Removes redundant language and duplicative instructions concerning absentee voting. Clarifies the process of voting at group facilities for nonpartisan elections. Clarifies the process for the delivery of absentee ballots to election judges. Clarifies the process of counting absentee ballots for partisan and nonpartisan elections.

Simplifies and clarifies the process of surveying returns by canvassers for partisan and nonpartisan elections. Clarifies the responsibility of the secretary of state and other election officials in correcting election returns and preparing a certified statement of results. Clarifies the process of conducting and challenging a recount for partisan and nonpartisan elections. Standardizes the process for resolving tie votes. Provides for the issuance of certificates of election of nonpartisan elections. Provides for the publication of an official abstract by the secretary of state.

Relocates to the election code provisions concerning recall from state office. Standardizes the process of recall for all officials. Standardizes the form and circulation of recall petitions for all offices. Provides for the call of election and the process of balloting for recall elections. Provides for the nomination and election of a successor. Provides for the survey of returns and the allocation of the cost of recall.

Amends a section on vacancies to include nonpartisan offices. Provides for a certificate of appointment for a person appointed or elected to fill a vacancy.

APPROVED by Governor June 1

EFFECTIVE January 1, 1993

Note: Certain sections of this bill conflicted with sections in HB 92-1003 which repealed and reenacted article 30 of title 22, C.R.S. The conflicting sections were repealed in HB 92-1003 (as further amended by HB 92-1359).

FINANCIAL INSTITUTIONS

S.B. 92-33 Division of banking - division of financial services - cash funds - establishment of assessments. Creates the division of banking cash fund and the division of financial services cash fund. Provides that all fees and assessments collected by the banking board and the division of financial services shall be credited to such cash funds. Specifies that for the fiscal year beginning July 1, 1992, and each fiscal year thereafter, the banking board and the division of financial services shall establish their assessments to be collected semiannually in such amounts as are sufficient to generate the moneys appropriated by the general assembly. To provide a transition period for the cash funding of the activities of the divisions of banking and financial services, specifies that for each fiscal year beginning July 1, 1992, and ending June 30, 1994, and for the period ending January 31, 1995, the banking board and the commissioner of financial services shall collect a semiannual repayment of the fiscal year 1991-1992 general fund advance to the divisions of banking and financial services in an amount equal to 1/6 of the amount of the assessment that would have been collected in September, 1992.

APPROVED by Governor February 25

EFFECTIVE February 25

S.B. 92-54 Banks - elementary school accounts. Specifies that a bank which opens accounts and accepts students' deposits at elementary schools in conjunction with other educational programs presented by the bank is not engaged in branch banking as defined by law. Requires a bank engaging in such activity to obtain the prior approval of the banking board. Defines elementary school as any school with students in kindergarten through 8th grade.

APPROVED by Governor March 24

EFFECTIVE March 24

S.B. 92-199 Appraisals - property acquired by bank in satisfaction of indebtedness - property valuations by persons who are not appraisers. Removes the requirement that subsequent appraisals on property taken by a bank in satisfaction of indebtedness be in writing. Allows subsequent valuations to be done by persons who are approved by the banking board, but are not certified, licensed, or registered appraisers, if initial appraisals on such property taken in satisfaction of indebtedness show that the property value is \$100,000 or less. Removes the prohibition that assets acquired by an industrial bank to satisfy indebtedness not be categorized as classified assets.

APPROVED by Governor June 1

EFFECTIVE June 1

H.B. 92-1009 Credit union - use of name. Authorizes credit unions that are organized under the laws of another state or territory of the United States to use the words "credit union" in their name or title.

APPROVED by Governor April 2

EFFECTIVE April 2

H.B. 92-1054 Banks and trust companies - personnel - disclosure and reporting requirements - penalties for violations. Authorizes the banking board to set a civil penalty of up to \$25 per day for the failure of any bank, industrial bank, or trust company to file reports promptly with the division of banking whenever there is a change in a director, executive officer, or other management or controlling person. Authorizes the imposition of similar penalties upon such directors, officers, and controlling persons individually for failure to file reports relating to the persons' qualifications, past convictions, and other information required by the banking board.

APPROVED by Governor May 29

EFFECTIVE July 1

H.B. 92-1174 Reverse mortgages - interest - repayment - inapplicability of related statutes. Defines a reverse mortgage as a nonrecourse loan secured by real property which provides cash advances to a borrower based on the equity in the borrower's owner-occupied principal residence that requires no partial or other payment of interest until the entire loan is due and payable. Allows for prepayment of a reverse mortgage and gives advances under a reverse mortgage priority over certain liens. Specifies the interest rates that a reverse mortgage may contain and limitations thereon. Subjects a defaulting lender to forfeiture of interest collection and civil damages.

Describes the events that trigger repayment of a reverse mortgage. Exempts reverse mortgages from certain statutory provisions pertaining to mortgage transactions, including the interest rate limits under the usury statutes. Establishes lender disclosure obligations and imposes certain loan applicant counseling requirements. Exempts reverse mortgage loan payments from inclusion in income for purposes of determining eligibility and benefits under means-tested programs of aid to individuals.

Applies to all reverse mortgages entered into on and after July 1, 1992, and does not invalidate any reverse mortgage entered into prior to such date.

APPROVED by Governor April 23

EFFECTIVE April 23

H.B. 92-1245 Banks - regulation of the operation of branch facilities by financial institutions. Makes provisions of law related to emergency or temporary branch bank and industrial bank facilities consistent with legislation enacted during the 1991 regular session of the general assembly to authorize the operation of branches by financial institutions. Specifies that the definition of a "branch" financial institution includes a branch office of a financial institution where trust powers are exercised. Provides that, for purposes of acquiring a financial institution for conversion to a branch, the term "financial institution" includes the charter issued to a failed industrial bank by the state of Colorado if acquired separately from any other assets of that failed industrial bank so long as those assets have not been finally liquidated. Clarifies that state financial institution regulators shall not approve more than 10 branch financial institutions in economically depressed areas of the state. Accelerates the date on and after which financial institutions are authorized to

establish one de novo branch anywhere in the state from July 1, 1993, to January 1, 1993. Provides that if any financial institution has, on or after June 1, 1991, established a branch in any county having a population of less than 30,000, as determined by the latest federal census, which is located within the market area of any other financial institution which has its principal place of business in such county, then such latter financial institution, if it has no other branch, may establish one de novo branch within that county.

APPROVED by Governor May 29

EFFECTIVE May 29

H.B. 92-1325 Public securities - interest rate exchange agreements. Authorizes public entities to enter into agreements to exchange interest rates, cash flows, or payments in connection with the issuance and sale of public securities. Sets forth the circumstances under which public entities may enter into such exchange agreements, including requirements for the rating of long-term debt of the party contracting with the public entity or the guarantee or collateralization of the obligation under the agreement. Defines the terms "proposed public securities", "public entity", and "public securities" for purposes of the act.

APPROVED by Governor April 29

EFFECTIVE April 29

GENERAL ASSEMBLY

H.B. 92-1018 Advisory committees - changes - sunset review. Continues various advisory committees scheduled to sunset July 1, 1992.

Changes the name of the authorized agents' advisory committee to the distributive data processing advisory committee.

Specifies that a maximum of 18 members shall be on the advisory committee to assist in the planning, implementation, and evaluation of the extension programs of the Colorado cooperative extension service.

Changes the minimum number of members from 9 to 11 on the advisory board to the department of institutions responsible for advising on mental health service standards for health care facilities and requires that the 2 additional members represent consumers of mental health services.

Requires the psychiatric technicians' advisory committee to advise the board on psychiatric technician testing.

Repeals the advisory committee to assist the executive director of the department of natural resources in the executive director's duties relating to weather modification.

Extends the automatic termination date of the advisory committee to the Colorado racing commission concerning breeders, owners, and stallion awards and supplemental purses to July 1, 1994, pursuant to the provisions of the sunset law.

APPROVED by Governor March 19

EFFECTIVE March 19

H.B. 92-1336 Committee on legal services - authority to charge fees - continuation. Continues the authority of the committee on legal services to charge a fee to any applicant who wishes to publish, reprint, or distribute Colorado Revised Statutes.

APPROVED by Governor April 29

EFFECTIVE April 29

GOVERNMENT - COUNTY

S.B. 92-153 County records - use of optical imaging. Allows any county clerk and recorder, when authorized by the board of county commissioners, to use optical imaging to maintain the records of the county. Establishes requirements concerning the maintenance of copies of any county's optical imaging records. Requires that any optical imaging system used by a county clerk and recorder produce permanent records which do not permit additions, deletions, or other changes to the original documents.

APPROVED by Governor March 25

EFFECTIVE March 25

S.B. 92-205 Local improvement districts - collection of sales tax. Continues the levy of the sales tax in any territory of a local improvement district which is annexed by or incorporated into a municipality until either the revenue bonds for which such sales tax is levied are no longer outstanding or the improvements authorized for such local improvement district prior to annexation or incorporation are completed, whichever is later. Specifies that any territory having been annexed by or incorporated into a municipality, regardless of the date of annexation or incorporation, shall be subject to these provisions.

APPROVED by Governor May 20

EFFECTIVE May 20

H.B. 92-1156 County powers. Authorizes counties to use excess funds collected from emergency telephone service charges for reimbursement of organizations providing emergency medical services by telephone. Requires a monthly fee report by county officers only if required by the board of county commissioners. Reduces the salary of county commissioners for category II counties which elect 5-member boards of county commissioners after July 1, 1992. Reduces the notice period for zoning, regulation, and building code hearings to 14 days. Reduces the review period for subdivision plans to 21 days. Authorizes counties to dispose of personal property acquired and subsequently abandoned by county employees or officials in performing official duties. Authorizes a board of county commissioners or the purchaser of land included in a recorded plat to bring an action to enforce the provisions of the plat. Authorizes issuance of an administrative entry and seizure warrant for removal of rubbish or weeds and brush.

Authorizes a board of county commissioners to fill a vacancy, by appointment, on a special district board if the special district board fails to fill the vacancy within 60 days. Delays the date for a special district to file an application for a quinquennial due diligence review of special district debt. Where a mine is located in more than one county, requires the assessors of each county in which the mine is located to agree on a valuation for such mine and the county boards of equalization of each county in which the mine is located to confer in case of a protest or appeal.

APPROVED by Governor June 1

EFFECTIVE June 1

H.B. 92-1167 County commissioners - open meeting requirements - exemption. Exempts the day-to-day oversight of property and supervision of employees by county commissioners from the requirements of the "Colorado Sunshine Act of 1972" regarding the provision of public notice prior to a meeting of a local public body.

APPROVED by Governor April 23

EFFECTIVE April 23

GOVERNMENT - MUNICIPAL

S.B. 92-5 Fire pension plans - retiree employment. Eliminates the requirement that the monthly pension payment of a retired member, officer, or employee of any paid fire department of a municipality or fire protection district with a population of less than 100,000 be suspended if such a retiree takes a job with another fire department.

APPROVED by Governor April 24

EFFECTIVE April 24

S.B. 92-9 Fire and police pension plans - compliance with internal revenue code requirements. Requires that local police and fire pension funds be held in trust for fund members and other persons entitled to benefits. Provides for the vesting of benefits accrued in the event of the discontinuance or termination of the pension fund and upon attaining eligibility requirements. Prohibits increasing benefits to members due to forfeitures of benefits by other members. Specifies when a member's pension begins. Makes the maximum annual pension payable to a member subject to the limitations of the internal revenue code and requires that the compensation amount for pension fund purposes not exceed the applicable amount under the code.

APPROVED by Governor March 25

EFFECTIVE March 25

S.B. 92-85 Fire and police pension plans - alternative programs - amendments - voting requirements. Changes the voting requirements for the amendment of exempt alternative police and fire pension benefit programs in municipalities, fire protection districts, and county improvement districts with a population under 100,000 and in any city and city and county with a population over 100,000. Prohibits adoption of any amendment to such programs adversely affecting the benefits of former employees.

APPROVED by Governor April 9

EFFECTIVE April 9

H.B. 92-1149 Fire and police pension plans - members' benefit fund - death and disability account - state contribution. Changes the duty of certifying the amount to be contributed by the state to the fire and police members' benefit fund for allocation to the death and disability account from the state auditor to the board of directors of the fire and police pension association. Alters the date of such certification to no later than January 1 of each year, commencing January 1, 1993. Commencing July 1, 1993, requires the state treasurer, on the first day of each month of each fiscal year, to transfer 1/12th of the amount certified by the board for that fiscal year for state funding of death and disability benefits, not to exceed \$7,500,000 in any fiscal year, to the fire and police members' benefit fund for allocation to the death and disability account in that fund.

APPROVED by Governor February 25

EFFECTIVE February 25

H.B. 92-1164 Fire and police pension plans - eligibility. Eliminates imposed retirement, in connection with eligibility for the fire and police pension association's normal retirement pension, of certain pension members who are employees of municipalities, fire protection districts, and county improvement districts. Removes the 65-year-old age limit in calculating an employee's years of service for the annual normal retirement pension.

APPROVED by Governor April 10

EFFECTIVE April 10

GOVERNMENT - SPECIAL DISTRICTS

S.B. 92-107 Regional transportation district - incorporation of properties within boundaries. Incorporates Arapahoe Park and the Aurora Reservoir subdivision within the boundaries of the regional transportation district.

APPROVED by Governor April 9

EFFECTIVE July 1

S.B. 92-119 Scientific and cultural facilities districts - formation in counties outside the Denver metropolitan area. Defines "scientific facility" with respect to scientific and cultural facilities districts other than the Denver metropolitan scientific and cultural facilities district to include any agency of local government charged with the advancement and preservation of zoology, botany, anthropology, cultural history, or natural history. Defines "cultural history" to mean the history of development of the American west and its subregions found in the state of Colorado. Allows a scientific and cultural facilities district to be formed in any county outside the Denver metropolitan area without regard to population. Authorizes the governing board of a district to levy a uniform sales tax throughout the geographical area of such district at a rate not to exceed .30 of one percent.

APPROVED by Governor April 24

EFFECTIVE April 24

S.B. 92-143 General obligation indebtedness - taxes - disclosure. Repeals statutory provisions relating to relief of residential taxpayers from special district tax liens for general obligation indebtedness and provides that certain claims for relief under such provisions be commenced on or before January 1, 1993.

Enacts new statutory provisions requiring special districts which levy taxes for the payment of general obligation debts to certify separate mill levies to the board of county commissioners for each of such debts and a separate mill levy for the remainder of the budget of said district. Requires such special districts to record a notice of incurring a general obligation debt in each county where the district is located.

Requires a title insurance agent or company to provide, along with each title commitment issued for the sale of residential real property, a statement disclosing that a certificate of taxes shall be obtained and subjects such agent or company to certain penalties for failure to do so. Requires every contract for the purchase and sale of residential real property to contain a disclosure statement regarding special taxing districts general obligation indebtedness and the potential risk for increased mill levies and excessive tax burdens to support the servicing of such indebtedness. Provides the purchaser a claim for relief against the seller for failure to provide such written disclosure.

APPROVED by Governor May 21

EFFECTIVE July 1

GOVERNMENT - STATE

S.B. 92-26 State treasurer - management fee for investment of funds. Imposes a monthly management fee in the amount of 15% of the investment earnings during the preceding month on every fund or account consisting of state moneys invested by the state treasurer. Credits the fee to the general fund. Exempts from the management fee any fund or account whose investment earnings are credited to the general fund. Also exempts the highway users tax fund, any other fund which cannot be subjected to such a fee under the state constitution, the wildlife cash fund, the brand assessment account in the brand inspection fund (under limited circumstances), and any fund or account where, in the opinion of the attorney general, the imposition of the fee would result in the loss of federal funds pursuant to federal statute or regulation.

Clarifies that the state board of agriculture may deposit enterprise funds in approved depositories outside the state treasury in the same manner as other agencies and institutions.

APPROVED by Governor April 9

EFFECTIVE July 1

S.B. 92-30 Central state motor fleet - creation - use of state vehicles for commuting purposes - vanpool - creation of division of motor fleet management fund and vanpool program revolving account - appropriation. Directs the division of central services to fully implement, by January 1, 1993, a central state motor vehicle fleet system and such subsidiary-related facilities as are necessary for the efficient and economical use of state-owned motor vehicles by state officers and employees. Charges the division with the following functions: Establishing and operating central facilities for the maintenance, repair, and storage of state-owned passenger motor vehicles; utilizing any available state facilities for such purpose; entering into contracts for such facilities as are necessary to carry out the purposes of the act; assigning suitable transportation on a permanent or temporary basis to any state agency; establishing and maintaining a record-keeping system for the assignment and use of each vehicle and requiring state agencies, officers, and employees to keep records and file reports; establishing and operating a vanpool; and adopting and enforcing uniform rules and regulations for the purposes of the act.

Grants the division of central services, rather than the state purchasing director, the exclusive authority to purchase, lease, and otherwise acquire motor vehicles for the state, except for any vehicles donated to specific state agencies. Mandates division ownership of all vehicles purchased after July 1, 1992, and requires the division to lease and permanently assign such vehicles to state agencies. Stipulates that the acquisition of state-owned motor vehicles shall be based on specifications requested by state agencies in cooperation and consultation with the division and the motor vehicle advisory council. Requires all state agencies, including institutions of higher education, but excluding the state board of stock commissioners, to transfer certificates of title to all state-owned vehicles to the division. Requires that all such motor vehicles be entered into the state fleet management maintenance and insurance programs. Authorizes the division to allocate and charge against each state agency to which

transportation is furnished a proportionate part of the cost of maintenance and operation of the motor vehicle fleet.

Directs the division to conduct an analysis of all state-owned motor vehicles to determine the appropriate number of vehicles that should be owned by the state as of January 1, 1993, and to make a recommendation concerning the appropriate fleet size for each state agency to the office of state planning and budgeting and the joint budget committee by December 1, 1992. Directs the division, in consultation with all state agencies, to reduce the total number of all state-owned motor vehicles by a minimum of 10% or a maximum total of 4,967 vehicles, whichever is less, by June 30, 1993. If the recommended reduction is more than 10%, requires the number of vehicles over 10% to be taken by June 30, 1994. Requires the state auditor to perform an audit on the cost effectiveness of the fleet management program by June 30, 1995.

Directs the division to maintain, store, repair, dispose of, and replace state-owned motor vehicles under its control and to ensure that no such vehicle is routinely replaced until driven a minimum of 75,600 miles.

Establishes minimum mileage criteria of 12,000 miles per year for permanent assignment and provides for annual verification of such mileage. Authorizes revocation if such criteria are not met on verification. Excludes state officers and employees whose duties are routinely related to public safety when such duties are likely to expose the officer or employee routinely to life-threatening situations. Establishes grounds for mandatory revocation of assignment when: A state-owned vehicle has been used without approval for nonofficial business; required reports have not been filed or deficient reports have not been cured within 30 days; false information is knowingly and willfully supplied on an application for permanent assignment; a state-owned motor vehicle has been abused; or a violation of the division's rules and regulations has occurred which warrants revocation of assignment.

Prohibits the assignment of any state-owned motor vehicle for any reason other than as necessitated by the conduct of official state business. Permits the use of state-owned motor vehicles only when approved by the executive director of the state agency to which the vehicle is assigned. Sets forth criteria for the approval of commuting authorization. Requires any individual who uses a state-owned motor vehicle for commuting purposes to reimburse the state at a rate computed by the division.

Prohibits the assignment or reassignment of state-owned motor vehicles when the purpose of such assignment is to provide a newer or lower mileage vehicle on the basis of rank, position, management authority, length, or other nonessential purpose. Precludes the assignment of special use vehicles, including 4-wheel drive vehicles, to agencies other than those authorized or designated to operate such vehicles.

Requires the division to operate a state vanpool program consisting of state-owned motor vehicles to be used in carrying state officers and employees to and from work. Allows persons who are not state officers and employees to participate on a space-available basis. Mandates that vans in the state vanpool

program have a seating capacity of 8 or more. Requires program participants to pay a monthly fee, which fee shall be established by the division, to recover that portion of the purchase cost and operating expense of the van attributable to the use of the van in carrying such persons to and from work. Authorizes the division to permit the use of such vans for personal use during nonwork hours by the individual state officer or employee who regularly drives the van and requires such state officer or employee to reimburse the state for such use. Creates the division motor fleet management fund and the vanpool program revolving account fund to be administered by the division.

Appropriates \$3,335,487 and 4.0 FTE to the department of administration for allocation to central services for the implementation of the act, which sum shall be derived from users fees, and further appropriates \$9,040,882 to the department of administration for allocation to central services for the acquisition of vehicles, which sum shall be from a loan from the state treasurer.

APPROVED by Governor June 1

EFFECTIVE July 1

S.B. 92-31 Secretary of state - surcharges on fees. Repeals the requirement that the secretary of state increase the fees charged by the secretary of state by 25%. Requires the secretary of state to impose surcharges on such fees in amounts that are sufficient to generate \$1,000,000 during fiscal year 1992-93. Directs that the moneys collected for such surcharges be credited to the general fund. Directs that the amount of revenues that are required to be generated by such surcharges shall be adjusted biennially in accordance with the consumer price index.

APPROVED by Governor June 1

EFFECTIVE July 1

S.B. 92-36 Disaster emergency services - abolishment of division of disaster emergency services - transfer of functions and property - appropriation. Abolishes the division of disaster emergency services in the department of public safety. Creates the office of emergency management in the division of local government in the department of local affairs. Transfers functions and property of the division of disaster emergency services to the office of emergency management. Creates the office of the director of the office of emergency management. Transfers the statutory provisions concerning compensation benefits for volunteer civil defense workers, civil defense liability, evacuation of school buildings for civil defense, and disaster relief from the article governing the department of public safety to the article governing the department of local affairs. Abolishes the Colorado emergency planning commission in the department of public safety and creates such commission in the department of local affairs. Transfers the functions of the abolished Colorado emergency planning commission to the newly created commission. Authorizes appropriations from the highway users tax fund to the department of local affairs for the provision of disaster emergency services.

Reduces the appropriation from the general fund made to the department of public safety in the 1991 general appropriation act by \$108,000.

APPROVED by Governor March 12

EFFECTIVE March 12

S.B. 92-68 State employees - suspension of annual salary and benefit increases for fiscal year 1992-93. Suspends periodic salary increases for satisfactory performance for state employees for the fiscal year beginning July 1, 1992. Removes the fiscal year beginning July 1, 1992, from being used to calculate the timing or amount of all subsequent periodic increases for satisfactory performance for any employee.

APPROVED by Governor February 25

EFFECTIVE July 1

S.B. 92-79 State agencies - budget requests - requirements - exception. Requires the budget requests of all state agencies, departments, and institutions, other than budget requests relating to higher education, to include specified information for all programs, notwithstanding the source of funds.

APPROVED by Governor April 16

EFFECTIVE April 16

S.B. 92-113 Bills vetoed following legislative adjournment - requirements for filing of governor's objections - acceptance by secretary of state. Sets forth conditions under which the secretary of state may accept a legislative bill disapproved by the governor when such bill is filed with the secretary of state because the general assembly has adjourned. Requires that the disapproved bill must be accompanied by the governor's objections and that such objections must be in the form of a letter which is a separate document from the bill stating reasons for the governor's disapproval. States that failure to comply with the constitutional requirements governing the exercise of the governor's power shall result in the disapproved legislative bill becoming law.

VETOED by Governor April 16

S.B. 92-115 Public employees' retirement association - elected municipal officials - optional membership. Authorizes any elected official of a municipality to elect to be exempt from membership in the public employees' retirement association. Allows any such elected official to elect to be retroactively exempted from membership during the time period beginning July 1, 1991, and continuing until the day of such election.

APPROVED by Governor April 16

EFFECTIVE July 1

S.B. 92-150 Public employees' retirement association - investments in stocks. Increases the maximum percentage of the public employees' retirement association fund that may be invested in corporate stocks, in securities which are convertible into corporate stocks, or in investment trust shares from 50% to 65% of the then book value of the fund.

APPROVED by Governor April 9

EFFECTIVE April 9

S.B. 92-170 State treasurer - assessment of management fee on brand assessment account. Removes the ability of the department of the treasury to charge a management fee on the brand assessment account if the state board of stock inspection commissioners requires and collects one payment of all assessments on brands for an entire 5-year period.

APPROVED by Governor June 2

EFFECTIVE July 1

S.B. 92-192 Publication of legal notices - authorized rates - minimum type size - requirements imposed on local governments. Increases the rate which may be charged by newspapers for the publication of legal notices paid for by governmental entities. Permits local governments to adjust statutory fees if the fees are set too low to cover the costs of publishing certain notices. For legal notices paid for by private entities, provides that the rate charged shall not exceed the newspaper's commercial rate. Establishes a minimum size of type which must be used for legal publications. Allows certain cities and towns to decide by regular or special election whether to publish new ordinances in full or by title only and whether to publish bill payment and contract matters.

APPROVED by Governor June 2

EFFECTIVE January 1, 1993

S.B. 92-206 State employees - review of grievances involving overtime work. Eliminates the authority of the controller to prescribe a procedure for the review of grievances of state employees involving overtime eligibility, overtime work, and compensation for overtime. Makes overtime matters in the state personnel system appealable to the state personnel director, and requires the state personnel director or the director's designee to review the appeal in a summary fashion and issue a written decision within 120 days. Allows an aggrieved party to seek judicial review of such decision by a trial de novo in district court. Requires an employee in the state personnel system to exhaust available administrative remedies before filing a civil action in any state court concerning overtime eligibility, overtime work, or compensation therefor, and prohibits an employee in the state personnel system from pursuing state administrative remedies if the employee has filed a civil action in a federal court concerning overtime eligibility, overtime work, or compensation therefor.

APPROVED by Governor May 21

EFFECTIVE May 21

S.B. 92-213 State capitol building advisory committee - creation of special fund for republishing and reissuing historic publications - procedure for evaluating proposals for the placement of art and memorials. Creates a special account within the public buildings trust fund and requires that moneys received from the sale of publications on the history of the state capitol building and from the sale of other state capitol building memorabilia shall be credited to such account, rather than to the public buildings trust fund. Allows such moneys to be expended for republishing and reissuing such publications and memorabilia and for enhancing the state capitol building, the legislative services building, and the grounds of said buildings, in addition to restoring and repairing said buildings.

Requires the state capitol building advisory committee to evaluate proposals involving the gift or loan of objects of art and memorials to be placed in the capitol building or on its surrounding grounds. Requires the advisory committee to develop criteria and a procedure for such evaluations. Requires the advisory committee to submit its recommendations to the capital development committee for its approval, in the case of proposals pertaining to the public areas of the capitol building, and to the capital development committee and the governor for their approval, in the case of proposals pertaining to the surrounding grounds of the capitol building. Excludes the executive offices on the first floor of the capitol building from the evaluation process.

APPROVED by Governor June 1

EFFECTIVE June 1

S.B. 92-216 Congressional redistricting - effect on boards and commissions. Provides that members of boards and commissions who were appointed or elected as residents of particular congressional districts, and who no longer reside in the district from which they were appointed or elected solely because of a change in the boundaries of such district pursuant to the 1990 federal census, may continue in office until the expiration of the term to which they were appointed or elected.

APPROVED by Governor June 1

EFFECTIVE June 1

S.B. 92-218 Real property - acquisition by division of correctional industries - acquisition of 700 Kipling by department of administration - appropriations. Requires the division of correctional industries to file a written report with the capital development committee before it acquires or disposes of real property by sale, purchase, lease-purchase, trade, or exchange when such property has a market value between \$50,000 and \$250,000 if such property is to be used or has been used in support of existing correctional industry business enterprises or programs. Requires the capital development committee to review any such report and provide recommendations to the division within thirty days after receipt of the report. Prohibits the director of correctional industries from completing any such transaction without first considering such recommendations.

Requires the division to file a written report with the capital development committee prior to the acquisition or disposal of real property by sale, purchase, lease-purchase, trade, or exchange when such property has a market value exceeding \$250,000 or \$50,000 in the case of real property to be used in support of new correctional industries business enterprises or programs. Requires the capital development committee to review any such report and provide recommendations to the general assembly within 30 days after the date of receipt of such report. Prohibits any such transaction from taking place unless approved by the general assembly acting by bill.

Authorizes the department of administration to execute a lease-purchase agreement for the acquisition of an office building located at 700 Kipling Street in Lakewood, Colorado, and to enter into such ancillary agreements and

instruments as are deemed necessary in connection with such lease-purchase. Authorizes the inclusion of other agencies of state or local government as lessees.

Appropriates to the department of administration the sum of \$5,700,000 or the appraised market value of the facility located at 700 Kipling Street, Lakewood, Colorado, whichever is greater, plus reasonable and necessary closing costs for the lease-purchase of the facility located at 700 Kipling Street. Appropriates to the department of administration, division of capitol complex, the sum of \$247,321 for the purpose of implementing the lease-purchase of 700 Kipling Street.

Appropriates to the department of agriculture, commissioner's office and administrative services, the sum of \$184,490 from the general fund and from cash funds generated by cash-funded agencies within the department for the lease-purchase of 700 Kipling Street. Adjusts the long bill by decreasing the appropriation made to the department by the sum of \$184,490.

Appropriates to the department of public safety, executive director's office, the sum of \$658,865 cash funds from fees and the highway users tax fund for participation in the lease-purchase of 700 Kipling Street. Adjusts the long bill by decreasing the appropriation made to the department by a sum of \$658,865.

APPROVED by Governor June 1

EFFECTIVE June 1

H.B. 92-1011 State treasurer - authority concerning federal moneys. Clarifies the authority of the state treasurer to receive and deposit moneys from the United States government. Requires that such moneys be transmitted to and deposited by the state treasurer. Authorizes the state treasurer to make payments of interest on such moneys in compliance with the federal "Cash Management Improvement Act of 1990", at the federal discount rate or such other rate established by federal law.

APPROVED by Governor March 16

EFFECTIVE March 16

H.B. 92-1017 State treasurer - cash fund administration costs. Eliminates unnecessary language authorizing payment of the state treasurer's costs in administering a cash fund from the cash fund itself.

APPROVED by Governor March 16

EFFECTIVE March 16

H.B. 92-1056 Division of housing - creation of the home investment trust fund. Abolishes the revolving loan fund under the division of housing and replaces such fund with the newly created home investment trust fund for the purpose of meeting federal matching fund requirements. Transfers funds from the revolving loan fund to the home investment trust fund. Provides for loans previously funded by the revolving loan fund to be funded through the home investment trust fund.

APPROVED by Governor March 25

EFFECTIVE July 1

H.B. 92-1058 Colorado state folk dance - square dancing. Declares square dancing to be the state folk dance.

APPROVED by Governor March 16

EFFECTIVE March 16

H.B. 92-1061 General fund reserve - amount. Reduces the required year-end general fund reserve for fiscal year 1992-93 from 4% to 3% of general fund appropriations. Allows the additional amount of general fund moneys available as a result of such reduction in the reserve to be appropriated for any lawful purpose. Requires the governor to reduce expenditures if the revenue estimate prepared for fiscal year 1992-93 indicates that expenditures for such fiscal year will use 1/3 or more of the general fund reserve.

APPROVED by Governor February 25

EFFECTIVE February 25

NOTE: This bill is further amended by HB 92-1344.

H.B. 92-1066 Procurement code - local public procurement units - certification by state purchasing director. Authorizes the state purchasing director to certify any nonprofit community mental health center, nonprofit community mental health clinic, nonprofit community centered board, or nonprofit service agency as a local public procurement unit under the "Procurement Code" if the supplies, services, or construction procured by such entity are utilized for the public mental health system or the public developmentally disabled system. Directs the state purchasing director to adopt regulations to implement such certification process.

APPROVED by Governor May 26

EFFECTIVE July 1

H.B. 92-1084 State employees - supplemental salary and fringe benefit surveys. Authorizes the state personnel director to conduct supplemental salary and fringe benefit surveys for purposes of confirming market job pay rates and to develop class pay grade recommendations for those jobs if the director determines, with the approval of the total compensation advisory council, that there is a lack of competition for certain jobs within the state personnel system.

APPROVED by Governor April 10

EFFECTIVE July 1

H.B. 92-1088 State agencies - quarterly financial reporting. For fiscal years commencing on or after July 1, 1992, requires all state departments, institutions, and agencies to submit quarterly reports of financial information to the controller. Specifies certain financial information to be included in such reports. Sets forth when such quarterly reports are due. Requires the state's integrated system of accounts to be based upon the accrual system of accounting as established by the governmental accounting standards board rather than the national committee on governmental accounting.

APPROVED by Governor March 4

EFFECTIVE March 4

H.B. 92-1142 Risk management - state claims board - authority to settle claims brought under federal law. Authorizes the state claims board to settle and direct payments in settlement of claims brought against the state under federal law.

APPROVED by Governor April 10

EFFECTIVE July 1

H.B. 92-1153 Division of state archives and public records - cash funding - appropriation. Requires the state archivist to establish fees to pay for the direct and indirect costs of responding to requests for information from nonstate agencies, including requests which are processed through other state agencies. Creates a cash fund for the deposit of such fees.

Amends the appropriation made to the division of state archives and public records in the general appropriation act for the 1991-92 fiscal year by adding an appropriation of fees collected during such fiscal year and by reducing the amount of the division's general fund appropriation by the same amount.

APPROVED by Governor March 4

EFFECTIVE March 4

H.B. 92-1160 Public works contracts - appropriations for contract payments - civil actions. Prohibits any public entity from entering into a contract for a public works project unless such public entity has made a full and lawful appropriation for such project. Requires that any public work contract include a statement that the amount of money appropriated for the project equals or exceeds the contract amount and a clause prohibiting the issuance of any change order unless sufficient appropriations to cover the costs of the additional work have been made or unless such work is covered by a remedy-granting provision in such contract.

Establishes a civil action for any contractor to recover moneys due under a public works contract with a public entity if a full appropriation for such contract has not been made or if such contract does not contain the required provisions. Provides that the failure to appropriate moneys shall not be a defense to a civil action for compensation under a remedy-granting provision of a public works contract if the contractor has complied with the contract and has submitted a sworn statement to the public entity concerning the claim. Requires any public entity against whom a judgment is entered because of inadequate appropriations for a public works contract to make such appropriations as are necessary to satisfy such judgment.

Exempts any contract from a provision of the act if such provision is in conflict with the terms of a federal grant that funds such contract in whole or in part.

APPROVED by Governor April 10

EFFECTIVE July 1

H.B. 92-1186 Procurement code - debarment of contractors who are under debarment by other entities. Amends the provision that authorizes the state purchasing director to preclude a person from consideration for a state contract if the person has been debarred by another governmental entity for any cause listed in the procurement code rules, by requiring that the person to be debarred must still be under debarment by the other governmental entity and that the earlier debarment must be based upon a settlement agreement or a final administrative or judicial determination issued by a federal, state, or local governmental entity.

APPROVED by Governor April 23

EFFECTIVE July 1

H.B. 92-1192 Peace officers standards and training board - relocation from department of public safety to department of law - certification by board required - duties of board - appropriation. Transfers the peace officers standards and training board (the "P.O.S.T. board") from the department of public safety to the department of law. Increases the membership of the P.O.S.T. board from 15 to 17. Imposes additional duties upon the board, including the evaluation, and certification and revocation of certification of training programs, training academies, and instructors. Allows the board to make grants to local governments or to any college or university to fund training programs. Requires that applicants for training programs submit such information as is necessary for a background investigation to be conducted. Provides that, after January 1, 1995, no person is eligible to be employed as a peace officer unless such person is certified by the P.O.S.T. board.

Amends the 1991 general appropriation act to decrease the general fund appropriation to the department of public safety for the Colorado law enforcement training academy. Transfers the general fund appropriation made to the department of public safety for reimbursements to local governments and community colleges to the department of law and increases the amount of such appropriation. Provides a general fund line item for P.O.S.T. board support in the department of law budget.

APPROVED by Governor March 6

EFFECTIVE March 6

H.B. 92-1195 Public records - access - fees - protection of privacy - computer software - trademark and copyright protection. Makes changes relating to access, protection of privacy, computer technology, and fees for access in the laws governing inspection, copying, or photographing of public records as follows: Defines the meaning of "personnel files" to protect personal information but allow access to public expenditures and performance ratings; protects personal information of the customers of public enterprises but allows publication of statistical information which is not personally identifiable; modifies fee structures to allow greater discretion in setting fees for production of copies of customized information and public records which are the result of computer output other than word processing; clarifies that computer software is not a writing and therefore not a public record; and authorizes trademark or copyright

of public records except for lists or compilations but permits fair use and forbids restriction of public access.

Redefines the conditions for release of a government-obtained real estate property appraisal to the owner of the property.

Changes criminal justice records laws to require deletion of the name of a victim of sexual assault but provides that records pertaining to a sexual assault charge where a no-contest plea, a plea agreement, or a deferred judgment resulted shall not be sealed.

Allows a coroner investigating child abuse or neglect access to the central registry of child protection and provides for the repeal in 1995 of the authority of a county clerk and recorder to charge a fee of \$5 for each mining claim named in an affidavit of labor.

APPROVED by Governor June 1

EFFECTIVE July 1

H.B. 92-1205 Public employees' retirement association - benefit provisions. Includes any service credit purchased by a public employees' retirement association (PERA) member in the calculation of the initial benefit of such member for cost of living stabilization fund increases. Provides an exception to the requirement that PERA service credit purchases be initiated and paid in full during membership for any PERA member who purchases service credit using moneys distributed from the PERA voluntary investment program within 150 days after termination of membership and who agreed prior to termination of membership to make such purchase. Allows any judge who becomes disabled to apply for PERA disability retirement without regard to eligibility for service retirement. Eliminates the requirement that the qualified children's survivor benefits of a child of a PERA member be terminated upon the adoption of such child subsequent to the death of the member. Increases the number of hours of salaried employment that a PERA service retiree may work in a position subject to PERA membership or in a position as city manager or key city management staff without any reduction in PERA benefits.

APPROVED by Governor May 14

EFFECTIVE May 14

H.B. 92-1213 Government-supported officials or employees - post-employment compensation - employment contracts and settlement agreements - public records. Prohibits the payment of post-employment compensation by any governmental unit or government-financed entity to any official or employee. Excludes earned retirement benefits, earned deferred compensation payments, workers compensation payments, and unemployment compensation payments from such prohibition. Requires that any employment contract or employment contract extension that a governmental unit or government-financed entity enters into with an official or employee shall state that such contract is subject to termination by either party at any time during the term of such contract and that compensation shall not be paid to such official or employee after the termination of such contract. Excludes any municipality, city and county, county, school

district, or special district that has an elected governing body from such prohibition against post-employment compensation and from such requirements for employment contracts and contract extensions; except that such prohibition and such contract requirements shall apply to the regional transportation district.

Requires that any employment contract or employment contract extension that a governmental unit or government-financed entity enters into with an official or employee shall be available for public inspection and copying. Requires that information regarding any amounts paid or benefits provided under any settlement agreement that a governmental unit or government-financed entity enters into with an official or employee shall be available for public inspection and copying if such settlement agreement settles an employment dispute and involves the payment of compensation after the end of such official or employee's term of employment. Provides that such employment contracts and such information regarding settlement agreements shall be deemed to be public records under the state open records statutes.

Exempts the following from the provisions of the act: Any government employee who is employed under civil service, classified service, or any other similar employment system classification; any tenured or tenure track faculty member who is employed at a state institution of higher education and whose primary job assignment is teaching or research; and any nonprobationary teacher employed pursuant to the "Teacher Employment, Compensation, and Dismissal Act of 1990".

VETOED by Governor June 5

H.B. 92-1259 Procurement of goods and services by state agencies - centralized supplier database - inclusion of suppliers - access by state purchasing agents - appropriation. Requires the state purchasing director to develop and maintain a central database containing information relating to businesses which supply goods and services to state government, which database is to be accessible to authorized state purchasing agencies through the department of administration. Entitles such purchasing agencies to reimbursement for actual expenses incurred in the use and maintenance of the database. Authorizes the state purchasing director to impose a registration fee on all businesses that wish to be listed in the database. Requires the state purchasing director to notify those suppliers included in the database whenever the state issues requests for proposals or invitations for bids for goods or services provided by the appropriate supplier. Excludes contractors required to be approved by the department of administration as qualified to bid on construction projects from inclusion in the central database. Creates a cash fund for the purpose of paying the costs incurred by the state purchasing director in maintaining the database. Requires the state purchasing director to develop standard forms and procedures to be used by all state purchasing agencies.

Appropriates \$380,000 from the supplier database cash fund to the department of administration for allocation to the division of purchasing for the implementation of the act.

APPROVED by Governor June 2

EFFECTIVE July 1

H.B. 92-1277 State treasurer - investment of state moneys in additional types of securities. Authorizes the state treasurer to invest state moneys from the Colorado compensation insurance authority fund, the public school fund, and the state treasury in additional types of securities. Allows state moneys to be invested in bank notes in addition to corporate notes and permits state moneys to be invested in corporate or bank notes from institutions which are rated at a minimum of "A" by one or more national rating organizations, rather than continuing to require a minimum rating of "AA". Allows state moneys to be invested in asset-backed securities and certain other types of securities which receive one of the 2 highest rating categories from such rating organizations, rather than continuing to require a minimum rating of at least "AA". Permits investment of state moneys in asset-backed securities with an expected average life of less than 5 years from the date of purchase rather than only in such securities which mature within 3 years. Eliminates the 5% limitation on the amount of state moneys which may be invested in the commercial paper of a single corporation and the 25% aggregate limitation on all investments of state moneys in commercial paper.

APPROVED by Governor April 16

EFFECTIVE July 1

H.B. 92-1291 Governmental immunity act - procedural requirements - snow accumulations on sidewalks - increase in maximum limits - judgments in excess of limits - immunity for board members, witnesses, and consultants. Amends "dangerous condition" under the "Colorado Governmental Immunity Act" by stating that maintenance does not include a duty to modernize or improve the design or construction of a facility. Defines "sidewalk". Expands the definition of "public entity" to include any separate entity created by intergovernmental contract or cooperation between or among public entities and makes it clear that all cities and towns are included by changing "incorporated city or town" to "municipality".

Waives immunity for dangerous conditions caused by accumulations of snow and ice which physically interfere with public access on walks to a public building open for public business.

Removes the requirement that immunity be raised immediately by the public entity after discovery commences in order for discovery to be suspended. Allows for suspension of discovery when the public employee raises the issue of immunity. Makes the court's decision on a motion deciding immunity of a public entity or a public employee a final judgment subject to interlocutory appeal.

Requires a statement of the specific factual basis of allegations in the complaint where allegations are made that a public employee acted willfully and wantonly. Mandates dismissal of the claim based upon failure to plead such factual basis.

Allows attorney fees to be awarded against the plaintiff's attorney or against both the plaintiff and attorney in any action against a public employee in which exemplary damages are sought based on allegations of willful and wanton conduct if the plaintiff does not prevail on such claim that said conduct was

willful and wanton.

Increases the maximum limit for injury to 2 or more persons in a single occurrence occurring on or after January 1, 1993, from \$400,000 to \$600,000. Permits the general assembly to authorize payments out of the general fund for judgments against the state in excess of the statutory maximum limits on recovery. Immunizes members of state boards, commissions, or advisory boards, and persons acting as consultants or witnesses to such bodies from civil liability if such persons acted in good faith, made reasonable efforts to obtain the facts, and acted in reasonable belief that their actions were warranted by the facts.

APPROVED by Governor June 5

PORTIONS EFFECTIVE: July 1
January 1, 1993

H.B. 92-1315 Fair housing - statutory modifications - compliance with federal law. Modifies various fair housing statutes to comply with federal law: Excludes persons who are currently involved in the illegal use of or addiction to a controlled substance from the definition of handicap as such definition applies to persons with a mental impairment. Eliminates the limitation in the definition of the term "housing" that only buildings which are advertised, listed, or publicly offered for sale are subject to the provisions of the fair housing act. Limits the types of entities which are excluded from the provisions of the fair housing laws by changing the definition of the term "person". Eliminates the limitation that only persons with certain rights with respect to housing property are subject to the requirements of the fair housing laws. Prohibits discriminatory notices which are made orally.

Specifies that it is an unfair housing practice for any person to: Fix the terms or conditions of certain real estate transactions in such a way as to discriminate against another person; induce any person to sell or rent any dwelling by making representations regarding the entry into the neighborhood of persons of a particular race; or to represent that a dwelling is not available for sale or rent when such dwelling is in fact available, when such representation is made to discriminate against another person. Establishes limitations on the exemption of religious organizations from the provisions of the fair housing act.

Changes the definition of the term "housing for older persons" so that such definition is consistent with federal fair housing laws. Eliminates the requirement that an aggrieved party provide security before such party may seek injunctive relief. Repeals a provision which authorizes the leasing of premises only to members of one sex.

Requires the director of the civil rights division to commence an investigation of charges related to unfair housing practices within 30 days of the filing of such charge. Allows persons involved in charges related to unfair housing practices to elect to have the charges adjudicated in a civil action in lieu of an administrative hearing. Eliminates the authority of operators of mobile home parks to designate certain portions of such parks as for adults only.

Repeals a provision relating to remedies which is in conflict with another provision regarding remedies.

APPROVED by Governor April 29

EFFECTIVE July 1

H.B. 92-1334 State employees - reduction in salary costs. Postpones the July 1, 1992, effective date for increasing the maximum monthly salary of certain classified employees to January 1, 1993, and lowers the maximum monthly salary ceiling. Specifies that employees who are classified at grade 100 or medical level 1 or higher on or after June 30, 1991, shall not be eligible for annual salary adjustments for fiscal year 1992-93. Postpones the July 1, 1992, effective date for the implementation of the senior executive service within the classified personnel system to July 1, 1993. Specifies that the number of positions allocated to the separate pay plan established for persons appointed to the senior executive service shall not exceed .04% of the total number of positions in the state personnel system. Provides that 50% of the cost of implementing the senior executive service for the 1993-94 fiscal year shall be paid with savings from appropriations for personal services in the 1993-94 general appropriation act. Provides that the salary range for any person appointed to a class requiring licensure as a physician or dentist shall not provide for step or longevity increases and shall not exceed a specified maximum monthly salary. Provides for the actual salary of each such person to be established annually in a negotiated contract.

APPROVED by Governor April 29

EFFECTIVE April 29

H.B. 92-1335 Public employees' retirement association - contributions - calculation of benefits - change in cobeneficiaries - appropriation. Effective May 1, 1992, reduces the state employer contribution rate for public employees' retirement association (PERA) contributions for all state employees, except state troopers, to 5.6% and for state troopers to 7.2%. Effective July 1, 1992, raises the state employer contribution rate for PERA contributions for state troopers to 12.2% and for all other state employees to 10.6%, and lowers the school employer contribution rate to 11.6%. Also effective July 1, 1992, lowers the member contribution rate for state troopers to 11.5%. Effective July 1, 1993, raises the state employer contribution rate for state troopers to 13.2% and for all other state employees to 11.6%. Includes any service credit which is purchased and which relates to noncovered employment in the calculation of cost of living stabilization fund increases.

Increases the benefit for service and reduced service retirement earned for each year of service over 20 years. Increases the maximum retirement benefit as a percentage of highest average salary. Requires recalculation of benefits pursuant to the amended formula for all current benefit recipients who have more than 20 years of service.

Eliminates the requirement that benefits shall not have been reduced or suspended within the 12-month period prior to the benefit increase date for such benefits to qualify for the annual increase. Increases the maximum annual

increase for PERA benefits. Requires a study and report concerning cost of living increases and the actuarial soundness of the cost of living stabilization fund. Increases the cost of living increases paid from the cost of living stabilization fund for all benefit recipients whose benefits became effective in 1990 or earlier.

Changes the calculation of equalization program funding for hold harmless school districts for the 1992-93 budget year to reflect the decrease in the school district contribution rate. Reduces the money allocated to the first instructional unit funding component of the "Public School Finance Act of 1988" for the 1992-93 budget year for all categories except core city (Denver) to reflect the decrease in the school district contribution rate.

Enables a retiree obtaining a divorce to change the cobeneficiary named by such retiree at retirement.

Reduces prior appropriations as necessary to implement the act.

APPROVED by Governor May 19

PORTIONS EFFECTIVE: May 1
July 1

Note: (1) Sections 13 to 15 of this act which amend the "Public School Finance Act of 1988" are superseded by sections 5, 8, and 9 of HB 92-1344 while section 1 of this act concerning the reduction in the school district PERA contribution rate supersedes section 4 of HB 92-1344.

(2) Although portions of this act were to take effect May 1, 1992, the governor did not sign the act until May 19, 1992.

HEALTH

S.B. 92-78 Local emergency medical services - training - grants. Authorizes the department of health to issue emergency medical technician certificates to emergency medical technicians and to issue certificates of successful course completion to individuals who successfully complete other emergency medical services training programs of the department, including training for emergency medical dispatchers, emergency medical services instructors, emergency medical services coordinators, and other personnel. States that the receipt of a certificate of course completion shall not be deemed state licensure, approval or a determination of competency.

Requires that of the 60% of grant moneys appropriated to the department a minimum of \$150,000 be awarded to offset training costs of emergency medical dispatchers, emergency medical services instructors, emergency medical services coordinators, and other personnel, with no less than 80% of the \$150,000 being used to offset training costs of emergency medical technicians.

Requires that at least 20% of moneys appropriated to the department for distribution to counties for improvement of county emergency medical services be used for coordination of emergency medical services in and between counties when it would provide for better service geographically.

Includes as a cost of planning, developing, implementing, maintaining, and improving the statewide emergency medical services system the certificate of successful completion of a training program for persons other than emergency medical technicians.

Requires state advisory council rules to give priority to applicants which have underdeveloped or aged emergency medical services systems.

Permits the department, with advice from the council, to establish priorities for the EMS grant program and to allocate moneys for the purpose of implementing statewide projects to improve all local systems.

Requires that a county's plan to qualify for moneys for improvement of services identify the existing system and its deficiencies, and provide for goals and objectives and the estimated costs for improving or upgrading the existing system. Requires counties to ensure that moneys received for improvement of county emergency medical services be expended on training and certification of emergency medical technicians and improving the emergency medical services system on a county-wide or regional basis and on implementing the county emergency medical services plan.

Prohibits funds for improvement of existing EMS programs to supplant moneys already allocated by the county for emergency medical services. Requires the department, in cooperation with the council to submit a report to the general assembly containing a listing of the grant recipients and proposed projects.

APPROVED by Governor May 29

EFFECTIVE May 29

S.B. 92-84 Medication - administration and monitoring by nonmedical personnel - training - appropriation. Expands the program operated by the department of health for the administration and monitoring of medications by nonmedical personnel to include facilities in which the provision of physical health care is not the primary purpose, such as certain adult and juvenile correctional facilities, certain adult and child care facilities, and certain facilities which provide treatment for mentally ill persons. Changes all references to such facilities from "residential care facilities" to "facilities". Empowers the executive directors or other statutory heads of such referenced facilities, if created pursuant to statute, to direct the administration or monitoring of medications to persons in such facilities under their supervision. Restricts the areas of any such facility in which medications may be administered to those areas in which a licensed medical provider is present. Provides that any facility that employs nonmedical personnel who administer and monitor medications may require that such personnel be supervised by or be accountable to a registered nurse. Continues the exemption of such nonmedical personnel from the medical practice act and the nurse practice act.

Allows self-administration of medications as an exception to the requirements of the medications administration and monitoring program. Mandates that the department of health develop or approve training curricula and competency evaluation procedures for persons who administer medications. Requires the department of health to keep a record of all persons who are trained to administer medications. Mandates that a fee be collected for each training session given, whether by the department of health or another approved test provider, to cover the costs of the department in carrying out this program. Allows the department to contract with private providers to administer training and competency evaluations subject to department approval. Requires the department to maintain a list of approved providers. Allows medication reminder boxes to be used if filled and labelled by a licensed pharmacist or nurse or by a member of the family of the person to whom the medication is being administered or monitored. Allows physical assistance in the administration of medications if the person being assisted is physically impaired and cannot take the medication without such assistance. Modifies the definitions of "administration" and "monitoring".

Requires the department of health to report to the sunrise and sunset committee by July 1, 1993, concerning its progress in implementing the medication administration and monitoring program. Extends the automatic termination date of the program to July 1, 1998, pursuant to the sunset law.

Appropriates \$69,600 to the department of health out of the medication administration cash fund for implementation of the act.

Applies to the administration and monitoring of medications by nonmedical persons in facilities in which the provision of health care is not the primary statutory purpose and to the administration of nutrition or fluids through gastrostomy tubes on or after July 1, 1992.

APPROVED by Governor June 1

EFFECTIVE July 1

S.B. 92-97 Air pollution - federal "Clean Air Act Amendments of 1990" - office of regulatory reform - duties - compliance advisory panel - creation - sunset review. Designates the office of regulatory reform in the department of regulatory agencies to act as ombudsman and to provide assistance to small businesses in the implementation of the federal "Clean Air Act Amendments of 1990". Delineates the responsibilities of the office of regulatory reform in such activities. Creates the small business stationary source technical and environmental compliance assistance program in the department of health. Creates the compliance advisory panel for said program. Specifies the membership and duties of such panel. Sets July 1, 1998, as the automatic termination date of the compliance advisory panel pursuant to the provisions of the sunset law.

APPROVED by Governor June 1

EFFECTIVE July 1

S.B. 92-105 Air pollution - air pollution control and prevention - update of air pollution laws - appropriations. Changes the short title of the law to the "Colorado Air Pollution Prevention and Control Act". Declares the intent of the general assembly to provide incentives to achieve the most accurate and complete inventory of actual emissions of air pollutants from all sources in the state.

Makes changes to definitions in said act and adds other definitions for purposes of compliance with federal law and the provisions of Colorado air pollution laws.

Specifies that 2/3rds of the air quality control commission shall constitute a quorum for purposes of conducting business. Repeals obsolete statutory language related to the commission.

Makes changes in the duties of the commission to comply with changes made in federal law and the provisions of Colorado air pollution laws.

Clarifies the federal enforceability of Colorado air pollution laws and specifies that provisions of state law not required by the federal "Clean Air Act" shall be enforced solely by the department of health. Enacts the Colorado clean vehicle fleet program and makes changes to the alternative fuels financial incentive program. Requires the department of health to take expeditious action to redesignate an area as an attainment area whenever monitoring data for any pollutant demonstrate that the national ambient air quality standard for that pollutant has been attained. Exempts certain agricultural sources from regulation by the air quality control commission unless such sources are required to be regulated by the federal "Clean Air Act". Authorizes the commission to adopt interim emission control regulations to comply with federal law on an emergency basis. Creates the small business stationary source technical and environmental compliance assistance program and the compliance advisory panel, and designates the office of regulatory reform in the department of regulatory agencies to serve as ombudsman for small business stationary sources of air pollution.

Establishes the Colorado hazardous air pollutant control and reduction program. Designates certain substances as hazardous air pollutants and

authorizes the air quality control commission to amend such list by adding or deleting substances. Creates the air quality science advisory board and requires the air quality control commission to obtain advice from the air quality science advisory board prior to making changes in the list of regulated hazardous air pollutants. Establishes the accidental release prevention program and specifies that implementation of such program is conditioned upon receipt of federal funding to defray the total costs of the operation of the program.

Grants limited subpoena power to the division of administration in the department of health in the enforcement of the air pollution laws. Requires the division to assure that information entitled to protection as a trade secret is kept confidential except as required by federal law. Clarifies that the division's authority with respect to air pollution emergencies extends to pollution problems which pose a danger to the environment as well as public health.

Makes extensive revisions to the air quality control commission's air pollution permit program to implement the requirements of the federal "Clean Air Act Amendments of 1990", and delineates the terms of specific types of permits required of emission sources. Makes extensive changes to the requirements for filing air pollutant emission notices and provides amnesty from certain penalties for sources providing pollutant emission information within a certain period of time. Continues to require construction permits for certain sources. Requires operating permits of certain sources. Enacts requirements for permit applications and the contents thereof as well as provisions for public review and participation in the permitting process. Specifies fees per each ton of regulated pollutant emitted by a source for operators of air pollution sources and additional fees to be paid by sources emitting hazardous air pollutants. Specifies that in no event shall an operator of a major source pay more than a fee based upon 4,000 tons of regulated pollutant per source. Also permits the division of administration to charge processing fees of \$50 per hour for up to 30 hours. Specifies that if such processing will require more than 30 hours of work, the division shall inform the operator of the source and provide an estimate of the total amount of processing fee to be charged. Specifies that such fees shall be credited to the stationary sources control fund in the state treasury. Requires the general assembly by bill to adjust the fees established in this act annually to adequately fund the program. Requires the air quality control commission to adopt a permit fee credit program for permittees that reduce their baseline regulated pollutants. Such program shall provide economic incentives for participation and verification of actual reductions.

Makes changes in the procedures of the air quality control commission and the division of administration to enforce the air pollution laws. Clarifies the division's authority with respect to conferences with potential violators, compliance orders, and delayed compliance orders and the authority of the division and the commission with respect to injunctions to prevent violation of orders. Specifies that injunctive relief and the enforcement of civil penalties may not be sought if the source has obtained a renewable operating permit and is in compliance with permit terms. Modifies civil penalties which may be collected by the air quality control commission and the division of administration upon action instituted in district court and provides for penalties in an amount not

to exceed \$15,000 per day for each day of violation. Provides an exception for violation of odor regulations and requires that civil penalties not be assessed until a compliance order has first been issued with respect to any such odor regulation. Establishes factors to be considered by a court in assessing civil penalties.

For open burning regulations, clarifies that such regulations shall not apply to incinerator burning. Establishes a civil penalty for violation of such regulations at not more than \$10,000 per day for each day of violation.

Establishes criminal penalties for violation of the air pollution laws. Enacts provisions with respect to administrative and judicial stays of orders of the air quality control commission and the division of administration under certain circumstances. Imposes a general statute of limitation for violation of the air pollution laws at 5 years with the exception of operating permit violations which are time-barred if not commenced within 18 months of discovery by the division of administration. Specifies that the 5-year period does not apply where information was knowingly or willfully concealed by the violator.

With certain exceptions, restricts local government authority to enact air pollution programs which are more stringent than the state program.

Makes changes in the statutes for the prevention of significant deterioration program and the attainment program to bring such statutes into compliance with requirements of the federal "Clean Air Act Amendments of 1990". Makes changes in the statutes for the asbestos control program to bring such statutes into compliance with federal law regulating such activities.

Appropriates from the stationary sources control fund \$843,343 and 14.6 FTE to the division of administration in the department of health for the fiscal year beginning July 1, 1992, for the implementation of the act. From such moneys, appropriates \$56,461 and 1.0 FTE to the department of law for the provision of legal services to the department of health. Appropriates from the AIR account in the highway users tax fund \$220,314 and 1.0 FTE to the division of administration in the department of health for implementation of the alternative fuels financial incentive program. Specifies that the 1.0 FTE in such appropriation may only be funded through moneys received as gifts, donations, or grants. Appropriates from the stationary sources control fund \$97,986 and 1.5 FTE to the office of regulatory reform in the department of regulatory agencies for the fiscal year beginning July 1, 1992, for the implementation of the small business stationary source technical and environmental compliance assistance program. Appropriates from the stationary sources control fund \$40,000 to the division of administration in the department of health for the fiscal year beginning July 1, 1992, for implementation of the responsibilities of the air quality science advisory board. Appropriates from the stationary sources control fund to the division of administration in the department of health \$43,093 and 1.0 FTE for the fiscal year beginning July 1, 1992, for implementation of the Colorado hazardous air pollutant control and reduction program.

APPROVED by Governor May 27

EFFECTIVE July 1

S.B. 92-116 Hazardous waste - regulation - committee on hazardous waste regulation - hazardous waste commission - administrative, civil, and criminal penalties - administrative and judicial review - appropriation. Directs the committee on hazardous waste regulation to prepare a report on or before July 31, 1992, containing the recommendations of the committee for regulations addressing boilers and industrial furnaces.

Effective August 1, 1992, creates the hazardous waste commission in the department of health and abolishes the committee on hazardous waste regulation. Authorizes the hazardous waste commission to promulgate rules pertaining to hazardous wastes to protect public health and the environment. Transfers functions of the committee on hazardous waste regulation to the hazardous waste commission. Transfers functions of the state board of health regarding hazardous waste to the hazardous waste commission. Establishes the composition of the membership of the hazardous waste commission. Provides the procedures to be followed by the hazardous waste commission in the promulgation of rules, the conduct of hearings, and the conduct of administrative review. Requires the commission to hold an annual public meeting to hear public comment on hazardous waste issues.

Provides that the hazardous waste commission's rules may be more stringent than corresponding federal regulations if such rules are approved by at least 5 of the 9 members of the commission; except that rules regarding regulation of mining and mineral processing wastes shall be identical to federal regulations and except that promulgation of any rule defining as hazardous waste any waste or other material that is not regulated as a hazardous waste under federal law requires the affirmative vote of at least 6 of the 9 commission members.

Repeals a provision requiring that any permit for a hazardous waste treatment, storage, or disposal site or facility specify whether the site covered thereby may be used for the disposal of hazardous waste requiring long-term care. Repeals provisions requiring that any site proposed to contain hazardous waste requiring long-term care not be eligible for a permit unless such site is state-owned property or unless the permit application contains procedures to transfer that portion of the site used for disposal of hazardous waste to the state or the federal government upon closure and to transfer liability pursuant to federal law.

Provides procedures for judicial review of regulations promulgated by the hazardous waste commission and of final determinations of the department of health concerning hazardous waste management.

Requires that any action under the state hazardous waste management program be commenced within 2 years after the department discovers the alleged violation or within 5 years after the alleged violation occurred, whichever occurs earlier. Tolls such limitation period during any period that an alleged violation is intentionally concealed. Allows the department to issue an order concerning the disposal of hazardous waste without authority within 2 years after discovery of such disposal even though no action was commenced within the limitation period, but prohibits the department from seeking any administrative, civil, or criminal penalties for such disposal under such circumstances.

Establishes that an administrative penalty for violations under the hazardous waste management program shall be no more than \$15,000 per day for each violation and that a civil penalty shall be no more than \$25,000 per day for each violation. Prohibits the imposition of both a civil penalty and an administrative penalty for any single violation. Modifies the standards for criminal offenses concerning hazardous waste. Provides that the criminal penalty for a violation by any person acting with criminal negligence is a misdemeanor punishable by a fine of no more than \$25,000 per day, with the maximum fine being doubled if there has been a previous conviction. Requires that certain factors be considered in determining the amount of any administrative, civil, or criminal penalty.

Authorizes the hazardous waste commission to establish fees on generators and transporters of hazardous wastes to offset costs of the commission and to establish a filing fee of not more than \$100 to defray costs associated with processing petitions for interpretive rulings. Creates the hazardous waste commission fund and directs that such fees be credited to such fund.

Amends the definition of "hazardous waste" to exclude indigenous waste from prospecting and mining operations which is disposed of in accordance with an approved reclamation plan and to exclude waste from oil and gas activities which is disposed of in accordance with the requirements of the oil and gas commission. Amends the definition of "hazardous waste disposal site" to exclude any site that is in compliance with an approved reclamation plan contained in a permit issued under the "Colorado Mined Land Reclamation Act" or the "Colorado Surface Coal Mining Reclamation Act".

Directs the board of health to form an advisory committee to address multi-media environmental issues.

Appropriates \$103,404 from the hazardous waste commission fund to the department of health for allocation to the hazardous waste commission for the implementation of the act. Appropriates \$36,023 of said appropriation to the department of law for the provision of legal services to the department of health.

APPROVED by Governor June 1

PORTIONS EFFECTIVE: June 1
August 1

S.B. 92-117 Hazardous waste - incinerator sites - regulation - mandatory certification - annual fee - criminal and civil penalties. Requires any person who desires to own or operate a hazardous waste incinerator to obtain a certificate of designation from the governing body which has jurisdiction over the area in which the proposed hazardous waste incinerator site is located. Exempts existing hazardous waste incinerators from such requirement. Prohibits hazardous waste from being incinerated except on or at an existing hazardous waste incinerator site or a hazardous waste incinerator site for which a certificate of designation has been obtained. Establishes application, revocation, suspension, and judicial review procedures for certificates of designation. Requires certificates of designation to be displayed in a

prominent place at hazardous waste incineration sites. Mandates that approval be obtained from the governing body having jurisdiction before any substantial change in ownership, design, or operation of a hazardous waste incinerator becomes effective. Requires the operator of any hazardous waste incinerator site to maintain a list of hazardous wastes accepted at such site and to prepare a final inventory of hazardous wastes upon the closure of such site. Establishes an annual fee to be paid by the owner or operator of any hazardous waste incinerator for which a certificate of designation has been issued. Creates civil and criminal penalties for violations of the act.

BECAME LAW without Governor's signature May 2

EFFECTIVE July 1

H.B. 92-122 Immunization - presentation of evidence of immunization prior to attending college - exemption of certain students. Excludes students enrolled in college or university courses of study which are offered off-campus, or are offered to nontraditional adult students, or are offered at colleges or universities which do not have residence halls from the requirement of presenting evidence of immunization prior to attending school. Provides for the forwarding of the official certificate of immunization as specified by a college or university student.

APPROVED by Governor April 9

EFFECTIVE April 9

S.B. 92-130 Solid waste disposal - cost estimates - financial assurance - appropriation. Amends statutory provisions governing solid wastes disposal sites and facilities as follows: Provides that the term "solid wastes disposal" does not include the collection of solid wastes. Directs the department of health to promulgate regulations defining what materials may be processed, reclaimed, or recycled by a site and facility in order for such site and facility to qualify for an exemption from regulation as a solid wastes disposal site and facility. Eliminates the requirement that sites and facilities not be located on the site of a landfill or incineration operation in order to qualify for such exemption. Provides that a certificate of designation as a solid wastes disposal site and facility shall not be required for a transfer station. Directs the department of health to promulgate regulations establishing health and safety standards for transfer stations.

Directs the state board of health to promulgate regulations requiring: The owner or operator of any solid wastes disposal site and facility to maintain current estimates of the cost of hiring a third party to close such site and facility and to conduct post-closure care of such site and facility; the owner or operator of any solid wastes disposal site and facility which is required to undertake a corrective action program because of the migration of contaminants into ground water to maintain a current estimate of the cost of hiring a third party to perform such corrective action; and the owner or operator of any solid wastes disposal site and facility to establish financial assurance sufficient to ensure payment of such cost estimates. Provides for review of financial assurance requirements. Prohibits any governing body having jurisdiction from requiring any applicant for a solid wastes disposal site and facility certificate

of designation to establish financial assurance in addition to the financial assurance required by the regulations of the state board of health.

Authorizes any governing body having jurisdiction, rather than any county or municipality, to establish a solid wastes disposal site and facility fund and to impose service charges on users of solid wastes disposal sites and facilities or transfer stations.

Appropriates \$31,653 to the department of health from the solid waste management cash fund for the implementation of the act.

APPROVED by Governor June 3

EFFECTIVE July 1

S.B. 92-137 Air pollution - fireplace standards for reducing wood-burning pollution - repeal of fireplace certification. Amends an existing statutory provision that sets forth building code requirements for fireplace installations by requiring that on and after January 1, 1993, all new or remodeled fireplaces installed in households in the AIR program area be gas or electric or fireplace inserts that meet stringent emissions standards established by the air quality control commission. Prohibits the sale or installation of used noncertified wood-burning devices on and after January 1, 1993. Repeals a provision concerning certification of fireplaces, effective January 1, 1993.

APPROVED by Governor May 27

EFFECTIVE May 27

H.B. 92-1169 Artificial tanning devices - registration - artificial tanning device education fund - rules and regulations - owner responsibilities - enforcement - penalties - appropriation. Creates the "Artificial Tanning Device Operation Act". Requires an owner of an artificial tanning facility to register the facility with the department of health. Sets an annual registration fee of \$120. Creates the artificial tanning device education fund. Exempts artificial tanning devices used exclusively for personal, noncommercial purposes, phototherapy devices, and devices in transit or storage from the registration requirements.

Adopts the U.S. Food and Drug Administration standards as the minimum standards for exposure to radiation and authorizes the department to adopt further safety standards as are necessary to protect the public. Requires the department to promulgate rules and regulations regarding on-site inspections of artificial tanning facilities and to conduct such inspections. Authorizes the department to investigate complaints regarding any injury, accident, or unsafe operation of an artificial tanning device.

Requires the owner of an artificial tanning device to: Provide information to the department of health as required by the department; post a sign which notifies users and the public of potential risks of use of artificial tanning devices; provide each user with an informational handout; provide safety equipment to the user; and provide general sanitation and cleaning. Requires the owner to inform the department of any accidents or adverse reactions to use of

an artificial tanning device. Prohibits the owner or operator of a device or facility from advertising its use as safe or advertising that registration of the device with the department constitutes approval by the department.

Authorizes the department to assess a penalty of up to \$200 per day, to issue a cease and desist order, or to apply to the court for an injunction against any person who is in violation of the provisions of the act. Makes it a violation for any person to knowingly operate a tanning facility without having registered the facility or to refuse entry for inspection. Creates a presumption that the statutory assumption of risk standard is inapplicable if the owner fails to provide the required handout and the safety equipment or fails to provide a safe artificial tanning device.

Appropriates \$34,748 from the artificial tanning device education fund and 0.7 FTE to the department of health for the implementation of the act.

APPROVED by Governor June 2

EFFECTIVE July 1

H.B. 92-1178 Stratospheric ozone layer preservation - recycling of ozone depleting compounds during repair or servicing of a motor vehicle air conditioner - sale of motor vehicles - fee - ozone protection fund - appropriation. Requires the air quality control commission to promulgate regulations requiring the use of approved motor vehicle refrigerant recycling equipment and requiring that motor vehicle air conditioner repair or servicing be done by a person certified in accordance with federal regulations. Directs the commission to promulgate regulations establishing recycling requirements and use and disposal requirements for class I and class II ozone depleting compounds during the service, repair, or disposal of appliances and industrial process refrigeration. Requires the commission to adopt regulations on training and certification requirements substantially similar to federal training and certification requirements under the "Federal Clean Air Act of 1990", only if federal training and certification requirements are not adopted under section 609 of the "Federal Clean Air Act of 1990" as of January 1, 1993.

Instructs the division of administration of the department of health to submit a report to the general assembly by January 1, 1994, analyzing the use of ozone depleting compounds and measures to control the use of such compounds.

Prohibits local governments from instituting any measures to preserve the stratospheric ozone layer which are more stringent than corresponding state provisions.

Assesses a \$2 fee on and after January 1, 1993, on the sale of every new motor vehicle with an air conditioner which uses as a refrigerant any class I or class II ozone depleting compound for the purpose of covering the direct and indirect costs of adopting, implementing, and enforcing regulations. Requires the motor vehicle dealer to collect such fee at the time of sale of the motor vehicle. Creates the ozone protection fund.

Sets July 1, 1996, as the automatic termination date of the regulatory functions of the division of administration concerning training and certification requirements pursuant to the sunset law.

Appropriates \$323,965 and 2.0 FTE from the ozone protection fund to the department of health for allocation to the air quality control commission and \$3,731 from such fund to the department of revenue for the implementation of the act.

APPROVED by Governor May 27

EFFECTIVE July 1

H.B. 92-1182 Breast cancer screening - continuation of program - appropriation. Eliminates the scheduled repeal of the program which provides breast cancer screening.

Requires interest income in the breast cancer screening fund to be credited to the general fund rather than to the breast cancer screening fund. Directs that moneys credited to the breast cancer screening fund which are not expended during the fiscal year remain in the fund for its future use.

Appropriates \$50,000 from the breast cancer screening fund to the department of health for the implementation of the act.

APPROVED by Governor May 29

EFFECTIVE May 29

H.B. 92-1200 Water quality programs - federal "Safe Drinking Water Act" - water quality designations - storm water point source discharge permits - appropriation. Declares the intent of the general assembly to transfer the enforcement duties under the federal "Clean Drinking Water Act" back to the federal environmental protection agency if concerns relating to the escalating costs for small communities and to the burdens borne by municipal water systems are not adequately addressed.

Directs the office of the governor, the department of health, and the department of natural resources to jointly conduct a study concerning the organizational placement and efficient conduct of the water quality control program of the state.

Authorizes the water quality control commission to adopt water quality designations for outstanding waters and use-protected waters. Sets criteria for such designations. Provides that waters not designated as outstanding or use-protected waters shall be referred to as reviewable waters. Provides water quality standards for outstanding, use-protected, and reviewable waters.

Establishes categories and fees for storm water point source discharge permits.

Appropriates \$406,060 and 6.0 FTE from the water pollution control revolving fund to the department of health for allocation to the water quality control division for the implementation of the act.

APPROVED by Governor June 1

EFFECTIVE July 1

H.B. 92-1208 Immunization - infant immunization program - rules and regulations - infant immunization fund - liability - infant immunization advisory committee - adjustments to long bill - appropriations. Establishes a program which is to be implemented on and after January 1, 1993, to immunize infants up to 24 months of age and vaccine-eligible children enrolled in medicaid, against vaccine-preventable disease at public expense, subject to available appropriations. Makes every parent, legal guardian, or person vested with legal custody of an infant responsible for having such infant vaccinated in compliance with the board of health's schedule of immunization, and prohibits an insurance company from denying a claim for a vaccine-preventable disease when a child has not been vaccinated.

Directs the department of health to negotiate for and purchase vaccines, to secure and maintain adequate vaccine storage facilities, to distribute vaccines without charge to practitioners who agree to charge only an administrative fee, as set by the board of health, and who agree not to charge for the vaccine, to collect epidemiological information, and to establish a comprehensive immunization tracking system.

Requires the board of health, in consultation with the department of social services and others, to promulgate rules governing the implementation and operation of the infant immunization program.

Allows the department to accept funds from federal and private sources, and authorizes the department to enter into contracts which are necessary for the implementation and operation of the program.

Requires the state and local health departments to use an infant's birth certificate to enroll the infant in an immunization tracking system, but for the fiscal year 1992-93, only infants born on or after January 1, 1993, will be eligible for participation in the tracking program.

Requires the department of social services to reimburse the department of health for the costs of vaccinating infants who are medicaid eligible. Creates the infant immunization fund, which is credited with state appropriations, gifts, grants, or funds from the federal government or private sources, and moneys received from the department of social services as reimbursement.

Limits the liability of a person who administers a vaccine if the vaccine was administered according to the board of health's schedule, there were no medical contraindications, and the vaccine was administered using generally accepted clinical methods. Requires plaintiffs to exhaust their remedies under the "National Childhood Vaccine Injury Act of 1986" prior to maintaining an

action for a vaccine-related injury or death, if the federal act applies to the particular vaccine administered. Employs a rebuttable presumption that the injury or death was not related to the vaccine if the injury or death does not fall within the parameters of the vaccine injury table in the "National Childhood Vaccine Injury Act of 1986", and requires a preponderance of the evidence to overcome this presumption. Provides that where a claim arises from the handling, storage, or distribution of a vaccine, a hospital, clinic, or provider will not be liable unless the injuries result from the negligent failure of an employee to conform to recognized standards of practice which are necessary to protect public health.

Requires the department of health to make an annual report to the general assembly beginning January 1, 1994.

Creates a 12 member infant immunization advisory committee to assist the department with educational outreach for the program and in the preparation of the report to the general assembly. Repeals the functions of the advisory committee July 1, 1995.

Appropriates \$1,565,000 from the infant immunization fund to the department of health for the implementation of the infant immunization program. Adjusts the appropriation to the department of social services made in the 1992-93 long bill by decreasing the appropriation for the medical assistance division, medical programs, medical services by \$1,100,000 of which amount \$500,390 is from the general fund and \$599,610 is from federal funds, and by increasing the appropriation for the medical assistance division, medical programs, for payments to the department of health by \$1,100,000 of which \$500,390 is from the general fund, and \$599,610 is from federal funds.

APPROVED by Governor May 26

EFFECTIVE July 1

H.B. 92-1305 Alternative fuels financial incentive program - rebate limitation - rules and regulations - alternative fuels financial incentive subaccount - appropriation. Limits any rebate granted under the alternative fuels financial incentive program to 50% of the cost of vehicle conversion or of an original equipment manufacturer's fuel system option which results in the conversion to the use of clean-burning alternative fuels. Directs the air quality control commission to promulgate rules and regulations which are necessary to implement the alternative fuels financial incentive program. Requires such rules and regulations to provide for the distribution of financial incentives to eligible individuals and motor fleet owners. Authorizes the owner of any new or converted motor vehicle to apply for financial incentives when such vehicle operates on sulfur-free diesel fuel derived from natural gas. Creates the alternative fuels financial incentive program as a subaccount within the AIR account of the highway users tax fund. Provides that all gifts, donations, and grants accepted by the department of health for any purpose connected with the alternative fuels financial incentive program shall be deposited in such subaccount and dedicated for the exclusive purpose of funding the alternative fuels financial incentive program. Prohibits any other funds of the AIR account from being utilized for such purpose. In the event no funds are available to finance the program,

requires the commission to report such fact to the senate transportation committee and to the house transportation and energy committee by February 1 of the year in which such finding is made. Repeals the alternative fuels financial incentive program effective July 1, 1997. Establishes certain definitions under the Colorado clean vehicle fleet program.

Appropriates \$3,000,000 from the alternative fuels financial incentive subaccount to the department of health for the implementation of the alternative fuels financial incentive program.

APPROVED by Governor May 27

EFFECTIVE July 1

H.B. 92-1321 Air pollution - reduction of wood-burning pollution - conversions - fee - wood smoke reduction fund - creation - appropriation. Authorizes the implementation of measures for reducing wood-burning pollution in the AIR program area of the state. Specifies that the lead air quality planning agency for the Denver metropolitan area is to work with other organizations to promote conversions to cleaner wood-burning devices through educational programs and to establish a program that provides financial incentives to persons who convert to such devices.

Sets forth goals for a specified number of conversions to cleaner burning devices by December 31, 1994, and goals for further conversions by December 31, 1997. Authorizes the implementation of a contingency plan in the event the conversion goals are not met or it is necessary to attain or maintain the reduction of wood smoke emissions. Requires the air quality control commission, prior to the development and implementation of a contingency plan, to contract with an independent contractor to conduct a random survey to determine public preferences for wood smoke reduction strategies, to hold a public hearing, and to submit recommendations for a contingency plan to the general assembly for action. Specifies that the survey on wood smoke reduction strategies shall address the payment of a fee by persons wishing to burn wood using conventional wood-burning devices, the required conversion to a cleaner burning device upon the sale of any unit containing a conventional device, removal of the exemption for primary heat sources on no-burn days, and a permit-to-burn program. Prescribes the method for verifying conversions, including pledges from consumers not to use conventional wood-burning devices.

Requires retailers to obtain from consumers who purchase cleaner burning devices a conversion form which verifies the purchase and indicates whether the purchase is in connection with a conversion to a cleaner burning device. Requires the retailer to submit to the department of revenue one dollar for each sale of a clean-burning device as well as semi-annual reports. Requires the moneys collected by the department of revenue to be credited to the wood smoke reduction fund. Makes the moneys in the fund subject to annual appropriation by the general assembly. Specifies that moneys in the fund shall not be used for conducting the survey in connection with the contingency plan without specific approval by the joint budget committee.

Requires the executive director of the department of health to provide to

the general assembly data supporting the effectiveness of wood-burning bans.

Amends an existing statutory provision that sets forth building code requirements for fireplace installations by requiring that, on and after January 1, 1993, all new or remodeled fireplaces installed in households in the AIR program area be gas or electric or Phase III fireplace inserts. Prohibits the sale or installation of used non-certified wood-burning devices on and after January 1, 1993. Repeals a provision concerning certification of fireplaces, effective January 1, 1993.

Appropriates \$3,572 from the wood smoke reduction fund to the department of revenue for the implementation of the act.

APPROVED by Governor May 27

EFFECTIVE May 27

H.B. 92-1327 Pollution prevention - hazardous or toxic substances - advisory board - creation - sunset review - appropriation. Enacts a state policy on pollution prevention that states that pollution prevention is the environmental management tool of first choice. Defines pollution prevention as toxics use reduction or waste reduction prior to recycling, treatment, or disposal.

Creates a pollution prevention advisory board appointed by the governor to provide overall policy guidance on pollution prevention. Sets July 1, 1995, as the automatic termination date of the pollution prevention advisory board pursuant to the provisions of the sunset law.

Authorizes the advisory board to contract with a provider or providers, which may include the department of health, to conduct a pollution prevention activities program consisting of education and training on pollution prevention and evaluation of pollution prevention methods. Authorizes the advisory board to award grants to provide technical assistance under a technical assistance program to small and medium-sized businesses and other generators or users of toxic substances. States that the technical assistance program shall not be used in enforcement of state laws or regulations or to document violations thereof. Authorizes the department of health to collect pollution prevention fees from generators of hazardous substances who are required to report under the federal "Superfund Amendments and Reauthorization Act of 1986" (SARA Title III) to fund the technical assistance program and the pollution prevention activities program, and directs that such fees be placed in a pollution prevention fund. Exempts agricultural businesses from such fees.

Requires the advisory board to submit a report based on the department's evaluation of the pollution prevention activities and technical assistance programs to the general assembly on or before December 1, 1994.

Appropriates \$164,500 out of the pollution prevention fund to the department of health for allocation to the pollution prevention advisory board for the implementation of the act.

APPROVED by Governor May 27

EFFECTIVE July 1

HIGHWAYS AND ROADS

S.B. 92-125 Department of transportation - contracts with - external audits. Requires the department of transportation's internal auditor to conduct external audits on persons entering into contracts with the department whenever such audits are deemed advisable by the transportation commission.

APPROVED by Governor April 9

EFFECTIVE April 9

S.B. 92-211 Department of transportation - small business assistance - emerging small business program. Authorizes the transportation commission to establish an emerging small business program to assist small businesses in participating in the performance of highway construction work, professional services work, and practice of research work for the department of transportation. Provides that such program may include certain specified types of assistance to small businesses.

APPROVED by Governor June 1

EFFECTIVE June 1

H.B. 92-1002 Transport of hazardous materials - hazardous substance incidents - nuclear materials. Expands the statutory provisions that govern hazardous substance incidents to include any incident occurring during transportation of hazardous substances if a spill does not occur during such incident but is threatened prior to or during the cleanup period.

Clarifies that inspections of vehicles carrying nuclear materials shall be conducted in accordance with regulations promulgated by the chief of the Colorado state patrol in addition to regulations promulgated by the public utilities commission and the department of public safety. Transfers the authority to designate routes for the transport of nuclear materials on state highways from the executive director of the department of transportation to the chief of the Colorado state patrol.

Changes the penalty for violations of regulations of the chief of the Colorado state patrol governing transportation of hazardous materials from unclassified misdemeanor, which was punishable by a fine of not less than \$25 nor more than \$1,000 or by a jail sentence of not more than one year, or both, to a class 3 misdemeanor.

Excludes fuel within a vehicle's fuel tank from the prohibition against abandoning any vehicle containing any hazardous material. Requires the driver of any motor vehicle transporting hazardous materials that is involved in a hazardous materials spill to immediately provide notice to the nearest law enforcement agency. Provides that the failure to comply with such notice requirement shall be a class 3 misdemeanor.

Repeals an obsolete section concerning the transportation of explosives or hazardous materials and an obsolete provision governing the disposition of unspent moneys in the hazardous materials safety fund at the end of the 1989-90 fiscal year.

APPROVED by Governor May 29

EFFECTIVE May 29

H.B. 92-1162 Highway users tax fund - bridge account - termination date - extension. Extends the automatic termination date for the special account within the highways users tax fund set aside for highway bridge repair, replacement, or posting, from June 30, 1992, to July 1, 1997.

APPROVED by Governor March 24

EFFECTIVE March 24

H.B. 92-1354 Roadside advertising - permit requirements - limitation on rule-making authority - prohibition on erecting new advertising devices along state highways designated as scenic byways. Exempts from permit requirements for roadside advertising all directional advertising devices which are 8 square feet or smaller and which advertise farms, ranches, or nonprofit educational, veterans', religious, charitable, or civic organizations. Requires nonprofit educational, veterans', religious, charitable, and civic organizations to pay fees for permits for advertising devices larger than 8 square feet. Exempts from permit requirements directory signs which are not more than 32 square feet and which are made up of individual farm or ranch directional advertising devices, each of which is no larger than 8 square feet. Strikes obsolete language pertaining to issuance of permits in 1981 and 1982. Voids all permits for advertising devices which have not been erected within one year after the permit was issued.

Prohibits the department of transportation from adopting rules and regulations imposing any additional or stricter requirements than those imposed by the roadside advertising law.

Prohibits erecting new advertising devices which are visible from the roadway along state highways which have been designated as scenic byways, except for official advertising devices, on-premises advertising devices, or directional advertising devices. Allows existing advertising devices along scenic byways to be maintained so long as they remain in compliance with all applicable statutes and rules.

APPROVED by Governor June 3

EFFECTIVE July 1

H.B. 92-1355 Federal highway funds - statutory modifications to conform with federal law. Makes various statutory changes in conformance with the federal "Intermodal Surface Transportation Efficiency Act of 1991". Designates public bodies as eligible recipients of Federal Transit Administration (FTA) grants authorized to provide highway transportation service for the elderly and the handicapped. Eliminates the availability of section 16 (b) (2) FTA grant funds

for technical studies. Authorizes the department of transportation to administer section 26 (a) (2) FTA funding for transit planning in areas throughout the state without regard to population size. Requires the department to develop a procedure for the distribution of section 26 (a) (2) FTA funds in conjunction with public bodies rather than metropolitan planning organizations. Requires the department to develop a procedure for the fair distribution of section 8 FTA funds in cooperation with affected metropolitan planning organizations. Authorizes the department to promulgate rules and regulations necessary for the administration of funds under the federal "Urban Mass Transportation Act of 1964". Redesignates the "urban mass transportation administration" as the "federal transit administration".

APPROVED by Governor May 26

EFFECTIVE July 1

INSTITUTIONS

S.B. 92-37 Colorado mental health institute at Pueblo - treatment of persons under the control of the federal government. Authorizes contracts between the Colorado mental health institute at Pueblo and the federal government to allow persons in the custody or control of a federal agency to receive psychiatric, medical, or surgical services at the institute. Requires such contracts to cover the full direct and indirect costs of such contracts, including a fee for replacement of existing equipment which will receive additional use because of the contract. Creates an equipment replacement fund in the state treasury into which the equipment replacement fees are to be paid, subject to annual appropriation by the legislature.

APPROVED by Governor April 10

EFFECTIVE April 10

S.B. 92-133 Developmental disabilities - services and supports - rights - sterilization - state planning council - community-supported living arrangement services - adjustments to long bill - appropriations. Amends the statutes concerning persons with developmental disabilities. Requires the executive director of the department of institutions to coordinate with agencies serving persons with developmental disabilities. Authorizes the department of institutions to provide early intervention services to infants and toddlers with developmental delay.

Increases the mill which county boards may levy for the purpose of purchasing services for persons with developmental disabilities from 1/2 mill to 1 mill. Allows the executive director to purchase services directly from service agencies if a community centered board has declined to purchase the services and the services may lead to cost savings. Clarifies that the department is not required to provide services directly.

Allows the department to use a percentage of its appropriation for training in early intervention services. Requires an incorporated service agency which is registered in Colorado as a foreign corporation to organize a local advisory board. Requires the community centered board meetings to be open to the public unless an executive session is called to consider specified issues. Requires community centered boards to provide early intervention services for infants and toddlers. Requires the department to adopt rules and regulations requiring notice and an opportunity to use the resolution process before implementing a decision that is under dispute. Allows the department to adopt a resolution process which differs from the process required in the "State Administrative Procedure Act".

Sets out requirements for review of an individualized plan. Requires a physician to review prescriptions and orders for medications at least annually. Prohibits the administration of behavior development programs using aversive or noxious stimuli or "time out rooms". Allows the physical and mechanical restraint of a person with a developmental disability in emergency situations only. Requires the human rights committee established in each community centered board to review the use of physical and mechanical restraint.

Provides that a person with a developmental disability has a right to be sterilized if the person has given informed consent and is competent to give informed consent to sterilization. Requires a court to hold a hearing regarding competency to consent to sterilization if a developmental disabilities professional or a physician challenges the competency of the person giving consent. Authorizes the court to order sterilization after a hearing if the court makes specific findings regarding the person's capacity to decide on sterilization.

Increases the number of persons on the state planning council and establishes its composition. Requires the state planning council to hire a director.

Removes the statutory right of nonresidents of the state of Colorado to be admitted to a regional center for persons with developmental disabilities. Adds Grand Junction and Pueblo to the group of regional centers which may lease property. Creates the regional center enterprise fund. Authorizes the executive director of the department of institutions to expend moneys from the fund for use at the regional centers.

Establishes that a developmental disability care provider has no duty to warn or protect a third party against possible violent behavior by a person with a developmental disability, unless the person with a developmental disability indicates the intent to injure a specific person.

Creates the "Community-supported Living Arrangement Services for Persons with Developmental Disabilities Act". Establishes a program to provide community-supported living arrangement services to persons with developmental disabilities pursuant to the federal "Social Security Act". Sets forth the obligations of the department of social services and the department of institutions in implementing the program.

Increases the appropriation in the 1992 general appropriation act to the department of social services, medical assistance division for department of institutions programs for the mentally ill and the developmentally disabled by \$816,971. Reduces the general fund appropriation in the 1992 general appropriation act to the department of institutions, division of developmental disabilities by \$371,885, and increases the cash fund appropriation to the department by \$816,971.

APPROVED by Governor May 29

PORTIONS EFFECTIVE: May 29
July 1

H.B. 92-1351 Abandoned buildings - authority to demolish. Authorizes the department of institutions to demolish certain abandoned buildings at the Colorado mental health institute at Pueblo and at the Wheat Ridge regional center and to employ correctional industries inmates to accomplish such demolition where practical.

APPROVED by Governor May 19

EFFECTIVE May 19

INSURANCE

S.B. 92-4 Health insurance - "Colorado Care" - universal health care for Colorado residents. Provides for the study of a universal health insurance program called "Colorado Care", and authorizes voluntary county participation in a demonstration program to test the features of Colorado Care. Requires the department of regulatory agencies, in consultation with other state agencies and the Colorado health policy council, to study the feasibility of and the cost savings associated with the program. Describes the features of the program and enumerates the issues to be evaluated under the study.

Requires the department, as part of the study, to assist counties that participate in the demonstration program under which counties may develop and implement a countywide health care program for citizens within their respective counties to test some or all of the features of the Colorado Care Program.

Requires that an interim report of findings and a recommendation concerning the implementation of the demonstration program be submitted to the general assembly on or before December 1, 1992. Specifies that the demonstration program may not be implemented unless authorized by the general assembly. Requires a final report to be submitted to the general assembly no later than July 31, 1993. Requires the department to consult with and obtain recommendations from the Colorado health policy council in making its reports.

Allows the department to accept grants and donations, to contract with other entities, and to seek the assistance of other principal departments in conducting the study and demonstration project. Requires that the actuarial analyses and the analyses of the economic impact in connection with the study of Colorado Care be conducted by independent research and consulting firms or their subcontractors.

Exempts any county participating in the demonstration project from any state law or regulation that would otherwise prohibit the county from adopting and implementing a health care program for its citizens and requires the state department of social services to seek any necessary federal waivers for a county wishing to participate in the demonstration project.

Makes implementation of the study and demonstration program contingent upon the receipt of grants, donations, or appropriated public moneys.

APPROVED by Governor April 29

EFFECTIVE April 29

S.B. 92-12 Solvency of insurers - insolvent insurers - rehabilitation and liquidation - powers of commissioner. Permits suspension or revocation of an insurance company's certificate of authority based upon practices or conditions which render the company's financial position unsound, in addition to other bases set forth in existing law. Grants the insurance commissioner authority to issue cease-and-desist orders against a company committing any act justifying revocation or suspension of its certificate.

Adopts the "Model Law on Examinations" suggested by the National Association of Insurance Commissioners ("NAIC"). Requires financial examination of companies at the commissioner's discretion or on request of policyholders, and in any event at least once every 5 years. Provides for examination of persons and entities related to a company, in addition to the company itself, and for consideration of the company's activities and affairs. Allows adoption of examination reports from other states and imposes a requirement, effective as of January 1, 1994, that reports may be so adopted only if produced by states accredited by the NAIC or by NAIC-accredited examiners. Vests the commissioner and examiners appointed by the commissioner with subpoena power in connection with examinations and sets forth penalties for noncompliance by a company or its agents. Specifies contents of examination reports and procedures for administrative and judicial review. Permits sharing of information with enforcement authorities in other states, subject to confidentiality rules. Prohibits conflicts of interest on the part of examiners. Grants qualified immunity from liability to those conducting or assisting in examinations.

Changes the statutory standard for reinsurance of excess risk from reinsurance with a "good and responsible company" to reinsurance with a company licensed or accredited in Colorado or otherwise acceptable to the commissioner.

Adopts the NAIC "Insurers' Rehabilitation and Liquidation Model Act" in place of the existing "Uniform Insurers Liquidation Act". Vests the commissioner with exclusive power to commence or authorize delinquency proceedings under the statute. Vests the district court in and for the city and county of Denver with jurisdiction over all such proceedings and any related proceedings. Authorizes injunctions and seizure orders against companies in the course of or prior to the formal institution of delinquency proceedings. Names the commissioner as the rehabilitator in rehabilitation proceedings and as the liquidator in liquidation proceedings, granting the commissioner defined powers and duties including the power to take all steps necessary to preserve, protect, and recover an insurance company's assets during the pendency of proceedings and the power to appoint persons to carry out the commissioner's powers and duties. Requires cooperation in such proceedings by the subject company and its agents and sets forth penalties for failure to do so. Specifies the grounds on which rehabilitation or liquidation proceedings may be instituted and the conditions under which they may be terminated. Subjects all such proceedings to supervision by the court.

Stays all pending litigation involving a company for a time sufficient to allow the rehabilitator to assume control of the company's representation. Tolls the running of limitation periods during the stay. In the event of appeal from an order of liquidation, requires filing of a plan for payment of certain of the company's obligations pending appeal. Sets forth rules for the collection and listing of assets and the avoidance of preferences and liens in the course of liquidation. Requires filing of a plan of distribution of assets and, in lieu of sale of assets, permits sale of the company as a going concern. Lists categories of claims and assigns them priorities for purposes of payment from the company's assets. Provides that unclaimed funds will escheat to the state. Allows for interstate cooperation in proceedings involving companies doing business in more than one state. Establishes choice-of-law rules and other governing principles for such cases.

Adopts statutory standards for the transaction of business with producer-controlled property and casualty insurers. Applies where the aggregate amount of gross written premium on business placed with a controlled insurer by a controlling producer equals or exceeds 5% of the insurer's admitted assets during any calendar year, with specified exceptions. Requires all such business to be subject to a written contract containing specified terms including provisions for separate recordkeeping, disclosure of the insurer's underwriting standards, rules, and procedures, and limits on the producer's writings in relation to the insurer's surplus and total writings for all or specified lines of business. Imposes periodic audit and reporting requirements, including the annual reporting of loss ratios for each line of business. Authorizes the commissioner to issue cease-and-desist orders and specifies penalties for noncompliance.

Eliminates the current requirement that the commissioner promulgate rules on the export of classes of coverage or risk for which no reasonable or adequate in-state market exists and, instead, makes the promulgation of such rules permissive. Amends statutory requirements for placement of surplus line insurance with nonadmitted insurers, setting forth detailed financial standards to be met by such nonadmitted insurers. Repeals statutory specifications for disclosure of terms of claims-made policies by surplus line brokers or insurers, granting the commissioner power to prescribe the details of such disclosures.

Requires life insurance companies annually to submit actuarial opinions as to the sufficiency of their reserves and sets out requirements for the contents of such opinions.

Authorizes the commissioner to promulgate rules, conforming to NAIC standards, prescribing minimum standards for the valuation of sickness and accident plans and any plans or products not specifically included in existing statutes relating to such valuation.

Expands existing requirements for low-dose mammography coverage to include all group health care coverage provided to Colorado residents.

APPROVED by Governor May 19

PORTIONS EFFECTIVE: July 1
October 30, 1993

S.B. 92-22 Proof of insurance - methods - feasibility study. Directs the commissioner of insurance and the department of revenue jointly to study the technology required to permit the display of proof of current insurance coverage on a driver's license or other identification card. Requires a report to the general assembly on or before January 1, 1993.

APPROVED by Governor June 3

EFFECTIVE June 3

S.B. 92-42 Health insurance - uninsurable health insurance plan. Makes it an unfair method of competition to arrange for an employee or the employee's dependent to apply to a plan developed by the "Colorado Uninsurable Health

Insurance Plan Act" for the purpose of separating the employee or the dependent from group health coverage provided through the employee's employer. Provides that the state shall not be liable for the debts and liabilities of the Colorado uninsurable health insurance plan. Changes the lengths of the terms of the board members initially appointed from 4 members serving 2 years to 2 members serving 2 years and 2 members serving 3 years.

Stipulates that the cost-containment measures utilized by the board in any benefits plan shall not be the basis for any cause of action unless the underlying injury results from willful and wanton misconduct. Eliminates the board's authority to develop a list of medical or health conditions the presence of which would exempt a person from having to apply to another health insurance carrier before being eligible for a policy under the plan. Broadens the immunity for board members provided under the act. Mandates that persons with grievances exhaust administrative remedies set forth in the operating plan developed by the board before any such grievance may be the basis for further legal action.

Broadens the eligibility criteria for participation by adults in the program to include legal immigrants who have resided in the United States for at least 6 months. Changes eligibility criteria to exclude persons who owe Colorado income tax rather than to exclude persons who have failed to pay or who have willfully evaded the payment of Colorado income tax. Removes exceptions to the exclusions for preexisting conditions. Requires all other sources of benefits to be utilized before the plan is utilized. Changes the requirement that all physicians offering services under the plan be licensed in Colorado to a requirement of licensure in the jurisdiction in which they provided services to a person covered under the plan. Alters the collection procedure for premiums.

APPROVED by Governor April 16

EFFECTIVE April 16

S.B. 92-90 Division of insurance - regulatory authority. Enacts the provisions of the following model acts of the national association of insurance commissioners: Managing general agents act; reinsurance intermediary model act; and model law on credit for reinsurance.

Deletes obsolete provisions requiring the insurance commissioner and the actuary to give bonds before commencing the duties of their offices and directing the insurance commissioner to file certain obsolete reports with the general assembly.

Creates the division of insurance cash fund and makes changes to the insurance laws to effectuate the cash funding of the activities of the division of insurance. Repeals provisions for the division of insurance consumer protection cash fund and the division of insurance education cash fund.

Provides for the automatic revocation of a suspended license or certificate of authority of any insurance entity which does not remedy such suspension within one year. Provides for the automatic revocation of the licenses of the agents of any entity whose license or certificate of authority is automatically suspended. Makes final agency actions of the insurance commissioner subject to

judicial review by the court of appeals as provided in the "State Administrative Procedure Act".

Requires the division of insurance to set the passing score on licensing examinations given by the division at the minimum acceptable level of competency standard.

Authorizes the commissioner of insurance to assess financial penalties on entities which fail to file annual statements and other reports and documents by statutory deadlines or deadlines imposed by rules and regulations of the commissioner. Deletes a provision requiring a license to sell stock of an insurance company not formed under the laws of this state prior to any such sale. Authorizes the commissioner of insurance to impose a monetary penalty against insurers who delay benefit payments beyond 60 days after receipt of a complete filing of the claim.

With respect to the rehabilitation and liquidation of insurers, clarifies exclusions of certain types of life insurance and annuity policies and deposits which do not constitute class 3 claims for purposes of priority of distribution.

Augments the authority of the insurance commissioner with respect to the regulation of transactions of insurance holding company systems.

Makes it an unfair method of competition and an unfair or deceptive act or practice in the business of insurance to use a claims-made policy form or an automobile policy form that does not comply with statutory mandates.

Alters provisions required in summary disclosure forms from insurers.

Expands and clarifies the authority of the insurance commissioner with respect to insurance provided on a claims-made basis.

Authorizes certain property and casualty insurers to certify that policy forms comply with all requirements of Colorado law rather than requiring approval of such forms by the insurance commissioner. Clarifies that provisions of law requiring automobile insurers to allow coverage for wage loss to be declined if an insured does not receive wages apply to policies issued on and after July 1, 1992.

Authorizes the insurance commissioner to promulgate rules concerning the establishment and nature of loss reserves for captive insurance companies.

Specifies a minimum 8% rate of interest to accrue on any life insurance policy or contract benefits when such benefits are not paid more than 30 days after a complete request therefor from an insured. Requires life insurers to allow policyholders 15 days to reject the policy if dissatisfied for any reason and receive a refund of any premium paid.

Provides the commissioner with authority to examine health insurers and to hold hearings on complaints caused by increases in health insurance rates. Amends provisions of law which recodify Colorado's health care coverage statutes to

conform with these substantive changes.

Expands the provisions of the statutes regulating credit life and credit accident and health insurance to allow the commissioner to regulate all forms of credit insurance. Clarifies the risks against which mutual protective associations are authorized to insure.

Reorganizes and updates the commissioner's authority with respect to the sale of preneed funeral contracts.

Updates the regulatory authority of the insurance commissioner so that such authority applies more consistently to all insurance companies, agents, and programs regulated by the division of insurance. Authorizes the commissioner to issue a single certificate of authority or license to all entities regulated by the division and to renew such certificate or license automatically without the issuance of a new certificate or license each year.

Repeals provisions requiring the licensing of all insurance adjusters and replaces such provisions with authority for the insurance commissioner to license public insurance adjusters. Repeals the regulation of motor clubs. Removes the requirement that cemetery authorities obtain a license from the commissioner of insurance, but continues certain statutory requirements for such authorities. Makes the state commissioner of financial services responsible for the regulation of life care institutions instead of the insurance commissioner and makes changes to the regulatory authority over such institutions to be consistent with the authority of the division of financial services.

Makes adjustments in the FY 1992-93 long bill appropriation to the division of insurance to account for the funding of the division through the division of insurance cash fund rather than the general fund.

Extends the automatic termination date of the regulatory functions of the division of insurance to July 1, 1997, pursuant to the provisions of the sunset law.

APPROVED by Governor May 20

PORTIONS EFFECTIVE: May 20
July 1

S.B. 92-104 Health insurance - recodification of health care coverage laws. Restructures the health care coverage laws to improve the organization thereof without making any substantive changes to the provisions.

APPROVED by Governor April 29

EFFECTIVE July 1

S.B. 92-114 Health insurance - availability to small employers - cost containment and guaranteed access commission - creation - recommendations by commission - reinsurance program and board - advisory committee. Creates an 18-member Colorado cost containment and guaranteed access commission to prepare cost containment recommendations to the governor, insurance commissioner, and the

general assembly on how the cost of health insurance, including that provided by small employers, may best be contained. Sets forth the composition of the commission and how the commissioners will be appointed. Sets forth the powers, duties, and goals of the commission. Lists the approaches the commission must consider in making its cost containment recommendations. Mandates public hearings in each congressional district by the commission to gather information and suggestions on cost containment measures.

Enacts the "Small Employer Health Insurance Availability Act". Requires carriers offering health benefit plans to small employers to elect, by February 1, 1994, whether to operate as a "risk assuming carrier" or a "reinsuring carrier". Makes such a decision binding for 5 years. Provides for an application process by which a small employer carrier may become a risk assuming carrier. Allows for public comment on whether an insurer may become a risk assuming carrier.

Creates the Colorado small employer health reinsurance program. Creates a board for the control and supervision of the program. Grants powers and authority to the board. Sets forth the procedure by which the board members shall be chosen and how long such members shall serve. Places restrictions on who may serve on the board. Mandates that the board design a plan of operation and submit such plan to the commissioner of insurance for approval. Places parameters on how an insurer may reinsure with the program. Specifies how the board will assess the costs of the program to the participating carriers. Specifies how the board will determine what premiums the carriers may charge. Mandates that the board design a plan which will be reviewed by the general assembly in conjunction with the recommendations of the Colorado cost containment and guaranteed access commission so that the general assembly may determine whether to enact further legislation which would create a guaranteed access to health insurance for small employers program. Provides for the repeal of the program on June 30, 1996, if no affirmative action is taken by the general assembly.

Creates a health benefit plan advisory committee. Provides for appointment of committee members by the commissioner of insurance. Provides that the committee shall recommend the form and level of coverages to be made available through small employer carriers to small employers. Mandates that the committee provide the Colorado cost containment and guaranteed access commission with a report concerning its recommendations. Abolishes the committee on June 30, 1996.

Provides that it is an unfair business practice in the business of insurance to certify, issue, solicit, or use a health policy form that does not comply with statutory mandates. Changes how an insurance policy may be approved by the commissioner. Adds requirements to the process by which health insurance policies are approved by the commissioner of insurance through certification by the insurer. Extends from 90 to 180 days the period after termination of employment during which an insured may continue coverage of health insurance by an employer who had formerly provided such insurance coverage.

APPROVED by Governor June 2

PORTIONS EFFECTIVE: June 2
January 1, 1993

S.B. 92-171 Title insurance - issuance of - remuneration. Prohibits remuneration for the mere referral of title insurance business and the giving or receiving of any portion of a charge for services not actually rendered in conjunction with the issuance of title insurance. Allows title insurance companies to pay fees to their agents or to Colorado attorneys, or both, for services rendered in conjunction with the issuance of title insurance policies. Provides that a Colorado attorney may represent a client in a real estate transaction and also issue a title insurance policy for the same transaction, if such attorney makes full disclosure of the dual role prior to the transaction. Specifies that a title insurance company may pay a salary or compensation to persons who provide services or goods and facilities.

APPROVED by Governor April 24

EFFECTIVE April 24

S.B. 92-179 Health insurance - mammography coverage - exclusionary riders. Requires medical insurers, including health maintenance organizations, to provide a minimum benefit of the lesser of \$60 or the actual charge for the screening to all enrollees for mammography screening. Provides that such benefit may not be reduced by the application of a deductible and that the minimum shall be adjusted to reflect changes in the consumer price index. Requires that medical insurance policies issued out-of-state that cover Colorado residents must provide the minimum mammography benefit or be subject to Colorado insurance regulations. Prohibits the minimum benefit from limiting diagnostic benefits otherwise allowable under a policy. Provides that a physician chosen by the insured shall determine the frequency of screening required, not a physician chosen by the insurance company or health organization.

Amends the deceptive trade practice provisions to provide that it is unlawful to reduce benefits under a health insurance policy through the addition of a rider unless the excluded condition has been documented in the original underwriting application, the original underwriting medical examination, or the insured's medical history, or can be shown with clear and convincing evidence to have been caused by the medically documented condition.

APPROVED by Governor May 29

PORTIONS EFFECTIVE: May 29
July 1

S.B. 92-209 State employees and officials group health and life insurance plan - state contribution - appropriation. Increases the state contribution for group health and life insurance for state employees and officials and their covered dependents as follows: From \$114 per month to \$133 per month for a single employee; from \$139 per month to \$180 per month for an employee with one covered dependent; and from \$190 per month to \$237 per month for an employee with 2 or more covered dependents.

Appropriates \$3,550,033 from the general fund, cash funds, the highway users tax fund, and federal funds to the department of personnel for allocation to the departments of state government for the implementation of the act.

APPROVED by Governor June 2

PORTIONS EFFECTIVE: December 1
January 1, 1993

S.B. 92-217 Automobile insurance - uninsured motorist coverage - state policy on prohibition against stacking policy limits. Provides that an automobile insurance policy which contains a restriction on stacking policy limits for uninsured and underinsured motorist coverage is in conformity with the public policy of the state in specified instances. Allows such policies to contain prohibitions on stacking if such provisions are included in a single policy covering multiple vehicles or in multiple policies issued by one insurer or an affiliated insurer, under common ownership or management, to an insured or to a resident relative of such insured. Defines stacking.

APPROVED by Governor June 5

EFFECTIVE June 5

H.B. 92-1031 Insurable interest - charitable organizations. Clarifies that charitable organizations that meet the requirements of section 170 (c) of the federal internal revenue code may have an insurable interest in the life of any insured who gives written consent to the ownership or purchase of insurance on his or her life.

APPROVED by Governor March 20

EFFECTIVE March 20

H.B. 92-1062 Surplus line insurance - premiums - rate of tax. Increases from 2% to 3% the rate of tax on insurance premiums for surplus line insurance.

APPROVED by Governor February 28

EFFECTIVE February 28

H.B. 92-1076 Licensed insurance agents and brokers - continuing education requirements. Establishes minimum continuing education requirements for certain licensed insurance agents and brokers and provides for enforcement procedures to assure compliance. Requires 24 hours of approved instruction during each 24-month period, beginning with renewal dates of licenses occurring on or after January 1, 1993. Directs the insurance commissioner to administer the requirements and establishes an advisory committee to assist the commissioner. Provides for the repeal and sunset review of the advisory committee, effective January 1, 1999. Requires agents and brokers to pay a fee to be used to administer the program.

APPROVED by Governor May 29

EFFECTIVE May 29

H.B. 92-1090 Solvency of insurers - surplus - permissible investments. Authorizes the commissioner of insurance to promulgate standards for insurers' levels of surplus (in the form of cash or marketable securities) which exceed the existing statutory minimums and which conform to the standards of the national association of insurance commissioners. Requires insurers to diversify their investments and allows the commissioner to promulgate rules for such diversification in accordance with national standards. Allows insurers to invest in obligations of "institutions", defined to include entities other than corporations. Specifies the levels, expressed in terms of a percentage of the insurer's admitted assets, at which an insurer may invest in lower-grade and

medium-grade obligations of institutions. Defines lower-grade and medium-grade obligations according to current national standards.

APPROVED by Governor March 20

EFFECTIVE March 20

H.B. 92-1135 Health insurance - health care coverage - assignment of benefits. Specifies that no individual or group nonprofit hospital or medical service contract shall prohibit a subscriber from assigning benefits to a licensed hospital or health care provider for services provided to the subscriber. Makes the provider to which benefits are assigned responsible for billing the contract issuer for payment and for mailing a copy of the bill to the subscriber for informational purposes only. Requires nonprofit hospital, medical-surgical, and health care service corporations to honor such assignments of benefits. Provides that if the assignment is not honored and payment of benefits is made directly to the subscriber, and if the subscriber does not make timely payment to the provider, the contract issuer remains liable to the provider. Makes it the responsibility of the provider to notify the issuer if timely payment of charges has not been made.

Specifies that nothing in the act shall prevent a nonprofit hospital, medical-surgical, and health care service corporation from negotiating contracts with licensed providers, from limiting covered benefits to services provided by providers contracting with such corporation, and from determining the scope of its benefits or terms of its subscriber contracts.

Applies to subscriber benefits for services provided on or after January 1, 1993.

BECAME LAW without Governor's signature May 1

EFFECTIVE May 1

H.B. 92-1141 Health insurance - rates - loss ratio guarantees. Makes legislative findings with respect to the availability of affordable major medical insurance for individuals not covered by group policies in this state, the continued regulation of individual health insurance rates and the monitoring of the solvency of individual health insurance companies in this state by the commissioner of insurance, and the intent of the general assembly with respect to encouraging an increase in the supply and competition in this state's individual health insurance market by establishing more predictable standards for rate regulation.

Provides that rates on particular individual policy forms will not be deemed excessive, inadequate, or unfairly discriminatory in relation to benefits if the insurer has filed a loss ratio guarantee with the commissioner. Specifies the requirements of the loss ratio guarantee, including, among other things, provision for proportional refunds to be made to all policyholders in this state if the actual loss ratio during an experience period is less than the anticipated loss ratio for that period in the loss ratio guarantee.

APPROVED by Governor June 3

EFFECTIVE July 1

H.B. 92-1175 Automobile insurance - options in coverage. Provides that certain mandatory coverages for lost income under the "Colorado Auto Accident Reparations Act" become optional at the request of the covered insured if the insured represents in writing that neither the insured nor the insured's resident spouse has received any income from wages for the past 31 days and does not expect any for the next 180 days. Requires that insurers offer, as part of every complying policy, an option for complete medical coverage without regard to dollar or time limitations and an option for 85% of lost income without regard to dollar or time limitations. Removes the requirement that disability coverage be offered as an option. Changes the deductible required to be offered on collision coverage for damage to insured vehicles from \$50 to \$100 or other reasonable deductibles as insurers deem appropriate.

APPROVED by Governor April 10

EFFECTIVE April 10

H.B. 92-1176 Automobile insurance - income-sensitive no-fault policies - required coverages - reduced rates. Creates an income-sensitive no-fault automobile insurance policy. Establishes \$20,000 as the maximum combined annual income for a person and his or her resident spouse to qualify for such policy. Specifies policy amounts for personal injury at \$25,000 per person, loss of income at a graduated rate for up to 52 weeks, and death at \$5,000. Sets forth the payment mechanisms for all coverages. Allows persons who have been unemployed for the 31 previous days and who do not expect to be employed within the next 180 days to opt out of the loss of income benefit. Specifies to whom such policy limits will apply and specifies that to all other persons traditional coverages shall be provided. Mandates that any person opting for such policy maintain traditional liability coverage. Provides that once an insurer has provided a written explanation of available coverages and the insured has chosen a policy, the insurer does not have to update the insured as to new or different coverages which become available. Provides for the repeal of the provisions allowing income sensitive policies in 1997.

APPROVED by Governor May 14

EFFECTIVE May 14

H.B. 92-1224 Health maintenance organizations - availability of 9-1-1. Requires that all health maintenance organizations (HMOs) include a statement in their printed materials that enrollees have the option of using the 9-1-1 emergency medical assistance telephone number or the local equivalent in the event of a life or limb threatening emergency. Defines a life or limb threatening emergency as any event which the enrollee believes threatens his or her life or limb such that immediate medical care is needed to prevent death or serious impairment of health. Provides that no HMO shall discourage any enrollee from using, nor deny coverage for the medical and transportation expenses of any enrollee who has used, the local prehospital emergency medical service system in such an emergency.

APPROVED by Governor April 10

EFFECTIVE January 1, 1993

H.B. 92-1275 Automobile insurance - glass repair - choice of repair facility. Requires automobile insurance policies delivered, issued for delivery, or renewed in this state to allow insureds the right to use the glass repair company of their choice. Allows insurance companies to limit payments to a fair competitive price. Prohibits an insurance company from failing to pay an insured's claim for glass repair or replacement if the chosen vendor's price is a fair competitive price. Prohibits the use of coercion, threats, or intimidation against any insured person or entity to force use of a particular vendor. Prohibits insurance companies from using refunds or rebates of deductibles as an inducement or incentive to any insured to use a particular vendor or location for repair work. Allows insurance companies to agree to pay the full cost of glass repair work, notwithstanding any applicable deductible.

APPROVED by Governor April 16

EFFECTIVE April 16

LABOR AND INDUSTRY

S.B. 92-70 Unemployment compensation - administration - eligibility. Repeals an obsolete provision of the "Colorado Employment Security Act" referring to the approval of an unemployment compensation law in the Virgin Islands.

Clarifies language in the following areas: Employer protests of employee eligibility for unemployment compensation benefits; medical information in claims based on separations from employment due to the health of the worker; the prohibition on reducing an individual's weekly unemployment compensation benefit amount when he or she receives a lump-sum retirement payment; and the unemployment insurance tax provisions.

Provides that the legal doctrine of collateral estoppel (issue preclusion) shall not be applicable in unemployment compensation proceedings or to issues determined in unemployment compensation proceedings.

Clarifies that if an appropriation is made for distribution of federal "Reed Act" moneys the department of labor and employment shall reduce the funds available to the employment support fund by an amount equal to the funds so appropriated. Clarifies the distinction between the division of employment and training writing off all or part of uncollectible overpayments as opposed to waiving or forgiving overpayments based on equitability.

APPROVED by Governor April 10

EFFECTIVE April 10

S.B. 92-75 Independent contractors - drivers of taxis and limousines. Excepts independent contractors working as drivers for common or contract carriers from the definitions of the terms "employee" and "employment" for purposes of Colorado workers' compensation and unemployment insurance laws. Mandates that any persons deemed to be independent contractors because such persons are drivers must be offered workers' compensation coverage. Sets forth what provisions may be in a lease or contract between a driver and a common carrier without such lease or contract being deemed an employment contract. Specifies what evidentiary weight shall be given to the contract or lease provisions in determining whether a person is an employee or an independent contractor.

Mandates that persons who are deemed to be independent contractors under the public utilities law who are working as drivers for common or contract carriers shall be offered workers' compensation coverage or similar coverage. Defines similar coverage. Specifies how payment for the premiums for such coverage shall be made.

BECAME LAW without Governor's signature June 6

EFFECTIVE June 6

S.B. 92-148 Workers' compensation - utilization review process - appeal deadline. Changes the deadline for appeals from decisions of the director of the

division of workers' compensation in the utilization review process from within 30 days of the receipt of the director's order to within 40 days from the date of the certificate of mailing of the director's order.

BECAME LAW without Governor's signature April 11

EFFECTIVE April 11

S.B. 92-190 Workers' compensation - review orders - filing by mail. Clarifies that a petition to review an order in a workers' compensation case may be filed by mail and shall be deemed to be filed on the date indicated on the certificate of mailing, if such certificate indicates that the petition to review was mailed to the appropriate administrative law judge or to the director of the division of workers' compensation, if appropriate.

APPROVED by Governor April 16

EFFECTIVE April 16

S.B. 92-191 Workers' compensation - hearings - orders reduced to writing. Increases from 10 days to 15 days the period of time in which administrative law judges in workers' compensation cases shall reduce orders to writing after the conclusion of any hearing.

APPROVED by Governor April 16

EFFECTIVE April 16

H.B. 92-1022 Blacklisting - immunity for certain employer disclosures. Allows employers, upon request, to disclose fair and unbiased information about a current or former employee's job performance to a prospective employer. Specifies that an employer who makes such a disclosure is presumed to be acting in good faith unless there is a showing by a preponderance of the evidence that the information disclosed was knowingly false, deliberately misleading, disclosed for a malicious purpose, or violative of a civil right of the employee. Immunizes employers acting in good faith from civil liability for the disclosure and the consequences of the disclosure. Requires the employer to send a copy of any written information given to an employer to the employee's last known address. Authorizes any person who is the subject of such a written reference to obtain a copy of the reference information by appearing at the employer's or former employer's place of business during working hours and, if multiple copies are requested, paying a fair and reasonable amount for reproduction costs.

APPROVED by Governor April 29

EFFECTIVE April 29

H.B. 92-1040 Workers' compensation - self-insured employers - immediate payment fund and guaranty fund - continuous appropriation. Changes the appropriation of moneys for the payment of benefits in the immediate payment fund and the guaranty fund from an annual appropriation to a continuous appropriation.

APPROVED by Governor March 19

EFFECTIVE March 19

H.B. 92-1050 Workers' compensation - cost containment - repeal. Continues the "Workers' Compensation Cost Containment Act" by deleting the repeal section for this article.

APPROVED by Governor March 16

EFFECTIVE March 16

H.B. 92-1079 Workers' compensation - industrial claim appeals panel. Extends current procedures of the industrial claim appeals panel in deciding unemployment compensation cases to workers' compensation cases. Provides that both unemployment compensation cases and workers' compensation cases may be decided by 2 of the 5 appeals examiners on the industrial claim appeals panel and that, should those 2 examiners disagree, a third examiner shall review the case, and the panel's decision and final order must reflect the collective decision of all 3 examiners.

Modifies the statutes so that the industrial claim appeals office, rather than the division of employment and training, processes appeals of unemployment insurance cases from decisions of the division. Authorizes the industrial claim appeals panel to issue procedural orders, including but not limited to the acceptance of appeals before the panel and orders granting or denying requests for extension of time.

APPROVED by Governor March 19

EFFECTIVE March 19

H.B. 92-1117 Boilers and pressure vessels - inspection fees. Replaces the current statutory fee schedule for boiler and pressure vessel inspections with an authorization to the director of the division of labor to establish such fees by rule, subject to a \$40 maximum. Requires the state treasurer to report annually to the joint budget committee and to the state auditor the amount remaining in the boiler inspection fund.

Specifies that the inspection fees shall be paid to the department of labor and employment rather than to the department of revenue.

APPROVED by Governor March 20

EFFECTIVE March 20

H.B. 92-1118 Workers' compensation - cost containment measures. Increases the amount of the deductible allowed to employers in workers' compensation insurance policies from \$1,500 to \$5,000. Requires insurance carriers and the Colorado compensation insurance authority to inform policyholders of the availability of the deductible option. Requires the commissioner of insurance to require insurance carriers to clearly inform policyholders of the availability of cost containment certification by the workers' compensation cost containment board.

APPROVED by Governor April 16

EFFECTIVE July 1

H.B. 92-1134 Underground and aboveground storage tanks - financial responsibility and liability - petroleum storage - use of fund moneys - appropriation. Allows moneys in the underground storage tank fund to be used by certain qualified owners of petroleum underground and aboveground storage tanks to demonstrate their compliance with federal financial responsibility requirements. Specifies how nonqualified owners may seek financial assistance for federal compliance requirements. Allows nonagricultural petroleum storage tank owners to participate in the program if their tanks have a capacity of at least 660 but less than 40,000 gallons. Requires tank owners to repay the fund for any remediation expenses in amounts up to \$10,000. Requires tank owners to repay the aggregate settlement payment amount to the fund for personal injury or property damage expenses up to \$25,000. Excludes any tank site covered by the federal "Comprehensive Environmental Response, Compensation, and Liability Act of 1980". Caps availability of the fund during any fiscal year at \$1,000,000 per occurrence and \$2,000,000 aggregate. Specifies how amounts in excess of the moneys available in the fund shall be paid and by whom. Specifies when an owner may be excused by the department of health from repayment. Allows fund moneys to be used for orphan tank cleanup. Excludes tanks owned or operated by the federal government, or which are on federal property, from access to the fund. Raises the minimum amount in the fund from \$1,500,000 to \$3,000,000 and increases to \$10,000,000 the amount that must be raised if the fund balance falls to \$3,000,000. Requires the registration of aboveground storage tanks with the state inspector of oils. Raises the registration and renewal fee from \$30 to \$35 per tank per year.

Appropriates \$95,000 and 1.0 FTE to the department of health from the underground storage tank fund for carrying out the provisions of the act concerning aboveground storage tanks. Appropriates \$10,000 to the department of labor and employment from the underground storage tank fund for administration of the provisions concerning aboveground storage tanks. Limits all funds used to those generated through aboveground storage tank registration fees.

APPROVED by Governor June 3

EFFECTIVE June 3

H.B. 92-1216 Unemployment compensation - continuation of unemployment support fund - payment of benefits to those discharged due to return of Gulf War veterans. Adds, to the circumstances under which full unemployment compensation benefits are payable to an employee, the circumstance in which an employee is discharged because of the rehiring or reinstatement of another employee who was a member of the United States military reserves or the national guard and returned from service in the war in the Persian Gulf. Continues the existence of the unemployment support fund through calendar year 1997 or until specified conditions are met.

APPROVED by Governor April 10

EFFECTIVE April 10

H.B. 92-1237 Workers' compensation - temporary total disability benefits. Increases from 14 to 20 days the period of time after an employer has notice or knowledge of a workers' compensation claim that the first installment

of compensation for temporary total disability must be paid to a claimant by a self-insured employer or insurer to coincide with the period of time when an employer or insurer is required to admit or deny liability in workers' compensation cases. Specifies that if liability is denied, the director of the division of workers' compensation shall set the matter for an expedited hearing within 40 days of the date of application by the claimant for an expedited hearing on the issue of compensability. Specifies that notice of injury shall be given to the insurance carrier as well as the division of workers' compensation within 10 days after the injury, unless the employer is self-insured. Deletes a provision allowing a self-insured employer or insurer additional time before requiring notification in writing to the division of workers' compensation and the claimant of the final position of a self-insured employer or insurer as to the admission or denial of a workers' compensation claim if the employer or insurer had contested liability due to the need for further investigation of the claim.

APPROVED by Governor April 29

EFFECTIVE April 29

H.B. 92-1238 Workers' compensation - permanent partial disability benefits - payment in lump sum. Clarifies that upon written request a claimant shall receive up to \$10,000 of the total amount of an award of permanent partial disability medical impairment benefits in a lump sum less a discount calculated as provided by law. Any remaining periodic payments of any such award, after subtracting the total amount of the lump sum requested but not subtracting the discount, shall be paid at the temporary total disability rate, but not less than \$150 per week and not more than 50% of the state average weekly wage, beginning on the date of maximum medical improvement.

APPROVED by Governor April 29

EFFECTIVE April 29

H.B. 92-1280 Workers' compensation - subsequent injury fund - measures to enhance solvency - closure of fund - appropriation. Provides that penalties collected against employers and insurers under the "Workers' Compensation Act of Colorado" shall be divided between the aggrieved party and the subsequent injury fund with 75% of such penalties going to the aggrieved party and 25% going to the subsequent injury fund.

Specifies that no investment earnings or other moneys in the subsequent injury fund, the workers' compensation cash fund, or the major medical insurance fund shall be subject to any management fee imposed by law for the benefit of the general fund.

Provides that the amount paid to the subsequent injury fund for compensable workers' compensation injuries resulting in death where there are no persons wholly or partially dependent upon the deceased shall not exceed 100% of the death benefit.

Specifies that the premium tax levied for the subsequent injury fund shall be 0.4% until June 30, 1992, and on and after July 1, 1992, such tax shall

increase to not more than 1% of premiums. Additionally, requires all entities paying the premium tax for the subsequent injury fund to pay a surcharge until January, 1995, of 0.23% to repay general fund advances made to the subsequent injury fund in February and March, 1992.

Specifies that no cases shall be accepted into the subsequent injury fund for injuries, other than certain occupational diseases, occurring on and after July 1, 1993. Provides that when all payments have been made for all cases accepted into the fund, any remaining balance shall revert to the general fund.

Requires the department of labor and employment to provide an actuarial study on the current status and future impact of the subsequent injury fund by January 1, 1993. Requires the director of the division of workers' compensation to report on or before March 10, 1993, and annually thereafter until the subsequent injury fund ceases to pay benefits, to the general assembly and to the governor on the number of persons receiving benefits from such fund and the total amount of benefits paid as of December 31 of the preceding year. Requires a statement as to the reserves in the fund and the adequacy of such reserves from an independent actuary retained by the division for such purpose to accompany each such report. Requires the legislative council to contract for an independent study of the subsequent injury fund. Requires such report to be completed no later than February 10, 1993.

Makes a reduction of \$50,000 in moneys appropriated from the subsequent injury fund to the division of workers' compensation for the administration of the subsequent injury fund in the fiscal year 1992-93 long bill and appropriates such moneys to the legislative council to complete the study required by the act.

APPROVED by Governor May 19

EFFECTIVE May 19

H.B. 92-1340 Workers' compensation - access to claim files by consumer reporting agency. Requires the division of workers' compensation to make information in workers' compensation claim files available to any consumer reporting agency that is subject to the federal "Fair Credit Reporting Act". Limits information which may be obtained to that which is available through electronic means at the time of the request. Requires the division to provide the workers' compensation claim number, claimant's name, social security number, and date of birth with each request. Provides that the information shall be transmitted electronically, and requires the requesting party to pay the division's direct cost of producing the copies.

VETOED by Governor June 1

H.B. 92-1365 Workers' compensation - permanent partial disability benefits - change in method used to calculate benefits for loss or total loss of use of certain major body parts. Specifies that if a work-related injury results in the total loss or total loss of use of a leg, foot, arm, hand, or eye, the benefits for such loss shall be determined based on the formula used for determining permanent partial disability medical impairment benefits rather than the schedule

of permanent partial disability benefits in the "Workers' Compensation Act of Colorado".

Applies to injuries occurring on or after July 1, 1991.

APPROVED by Governor May 26

EFFECTIVE May 26

MOTOR VEHICLES AND TRAFFIC REGULATION

S.B. 92-17 Sales of motor vehicles - deceptive trade practices. Provides that the following acts by motor vehicle salespersons or motor vehicle dealers are violations of the "Colorado Consumer Protection Act": Representing to a consumer that a consumer loan or consumer credit sale has been approved for the consumer when the approval is not final; selling a vehicle traded in on a newly purchased vehicle before a consumer loan or consumer credit sale is finally approved for the consumer's new vehicle; and failing to return any collateral or down payment tendered by a consumer based upon a guarantee that a consumer loan or consumer credit sale has been approved for such consumer when such financing is not approved and the subsequent return of the purchased vehicle is required. If financing is guaranteed, states that a dealer shall not retain any portion of a down payment or a trade-in vehicle as payment of rent pending approval of financing even if an agreement between the purchaser and the seller to waive the purchaser's right to return the vehicle or to pay rent exists.

APPROVED by Governor April 29

EFFECTIVE April 29

S.B. 92-34 Air pollution - automobile inspection and readjustment program - AIR account in highway users tax fund. Establishes 2 separate subaccounts within the AIR account of the highway users tax fund, one for revenues made available by law for appropriation to the department of health for motor vehicle emissions activities and for administration and enforcement of the automobile inspection and readjustment program, and one for revenues made available by law for appropriation to the department of revenue for administration and enforcement of the automobile inspection and readjustment program. Requires that any unspent moneys in either subaccount at the end of any fiscal year shall be appropriated by the general assembly for other purposes, subject to the constitutional limitation that motor vehicle revenues shall be expended only for highway purposes.

APPROVED by Governor March 12

EFFECTIVE April 1

S.B. 92-56 School buses - operation in mountainous terrain. Exempts any passenger of a school bus who is adequately restrained in a fixed position from the prohibition against seating passengers of a school bus in the front row of seats or in seats located next to any emergency exit when such school bus is operated in mountainous terrain.

APPROVED by Governor March 19

EFFECTIVE March 19

S.B. 92-88 Motor vehicle industry - regulation by motor vehicle dealer board and executive director of department of revenue - appropriation. Changes the name of the "motor vehicle dealer licensing board" to the "motor vehicle dealer board". Declares consumer education concerning the rules and regulations of the motor vehicle industry necessary for the protection of consumers. Changes all

references to the "administrator" to the "executive director" for purposes of substituting the executive director of the department of revenue. Changes all references to "motor vehicle agents" to "buyer agents". Includes "wholesale motor vehicle auction dealers" as a class of persons who must be licensed. Subjects such persons to all requirements of licensure. Mandates certain disclosure requirements for buyer agents. Removes motor vehicle auctioneer as a class of persons from those who must be licensed by the board.

Redistributes the membership of the motor vehicle dealer board to reduce one of the 4 members representing licensed motor vehicle dealers and to increase one member representing the public. Prohibits members representing the public from having a past or present interest in a motor vehicle dealership. Grants the board the power to issue subpoenas and to delegate such power to the executive director in connection with investigations. Allows the board to order a hearing following an investigation to be conducted either by the board or by an administrative law judge. Allows the board to review the findings of an administrative law judge and to order the issuance, reinstatement, or revocation of a license. Provides that the board may review and modify any civil penalty imposed by an administrative law judge or impose a fine upon its own motion up to \$10,000 for each separate offense. Grants summary cease and desist power to the board and allows the board to issue temporary motor vehicle dealer licenses.

Grants the executive director of the department of revenue the power to employ an executive secretary for the board. Provides that the executive director may delegate power to issue subpoenas or summonses to investigators during investigations. Empowers the executive director to summarily issue cease and desist orders. Mandates that the executive director mail renewal notifications to all licensees.

Mandates that fees collected by the executive director cover the costs of administering this article. Changes certain bonding requirements. Declares that the purpose of requiring bonds from all persons licensed by the board is to provide for the reimbursement of any loss or damage suffered by any retail consumer or wholesaler with the retail consumer maintaining priority over the wholesaler for collection purposes. Adds the following acts to the grounds for denying, suspending, or revoking certain classes of licenses: Willful failure to comply with the article or any rule or regulation promulgated pursuant thereto; engaging, in the past or present, in any illegal business practice; committing a fraudulent insurance act; pleading nolo contendere to any felony; or unfitness of character. Specifies that the court of appeals shall have initial jurisdiction to review all final actions and orders. Makes certain acts by a buyer agent illegal as well as being violations of this article. Changes the classification for committing unlawful acts pursuant to this article from class 2 petty offenses to class 3 misdemeanors and changes the fine from \$2500 to no less than \$100 and no more than \$1000 for the first conviction and \$2500 for a second conviction; and for corporations no less than \$500 and no more than \$2000 for the first conviction and \$2500 for a second conviction.

Repeals the article on July 1, 1998, and mandates that, prior to such repeal, the functions of the board and the executive director shall be reviewed by the sunrise and sunset committee.

Appropriates \$5,594 to the department of revenue from the auto dealers license fund for the implementation of the act.

APPROVED by Governor June 4

EFFECTIVE July 1

S.B. 92-89 Motor vehicle dimensions - maximum allowable length. Increases the maximum allowable length for single motor vehicles from 40 feet to 45 feet. Sets the maximum allowable length for saddlemount combinations at 75 feet.

APPROVED by Governor April 24

EFFECTIVE July 1

S.B. 92-138 Motor vehicle information - physical inspections of vehicles. Directs the department of revenue to promulgate regulations requiring those vehicle-related entities that are specified in such regulations to verify certain vehicle information through the physical inspection of such vehicles.

APPROVED by Governor April 6

EFFECTIVE July 1

H.B. 92-1019 Interstate commercial carriers - tax - classification - registration fees - definitions. Limits the application of the Class A personal property classification to those vehicles which are used in interstate commercial carrier operations and for which an application for apportioned registration has been made, for purposes of determining appropriate registration fees and taxes.

Defines "apportioned registration", "base jurisdiction", "commercial carrier", and "reciprocal agreement".

APPROVED by Governor April 10

EFFECTIVE April 10

H.B. 92-1042 License plates for vehicles owned by manufacturers - issuance. Revises the limitations on the use of manufacturer motor vehicle license plates so that a vehicle may be operated by persons representing the manufacturer or authorized by the manufacturer and may be incidentally operated for use not directly related to the manufacturer's business. Distinguishes the license fees that manufacturers pay for license plates from those paid by dealers. Permits representatives of manufacturers to license motor vehicles for manufacturers.

APPROVED by Governor March 24

EFFECTIVE March 24

H.B. 92-1073 Driver's license - revocation - drug-related offenses. Requires a driver's license to be revoked for attempt, conspiracy, or solicitation to commit certain drug-related offenses. Requires a person whose license is being revoked for violation of a drug- or alcohol-related offense to immediately surrender the license to the court upon acceptance of a plea of guilty or nolo

contendere or entry of a verdict of guilty by a court or jury. Establishes that any person who does not immediately surrender such license or permit commits a class 2 misdemeanor traffic offense. Requires the court to transmit the license of any person whose license has been revoked due to a plea or verdict to a drug- or alcohol-related offense to the department of revenue within 10 days of the surrender of the license to the court.

APPROVED by Governor June 1

EFFECTIVE July 1

H.B. 92-1085 License plates - special plates for honorably discharged veterans of the United States armed services - appropriation. On or after January 1, 1993, directs the department of motor vehicles to issue one set of special motor vehicle license plates to honorably discharged veterans of the armed forces of the United States. Directs the executive director of the department to designate the color and design to be used on such plates. Creates an additional one-time \$10.00 fee for the issuance of such special license plates and provides for \$7.85 of such fee to be credited to the highway users tax fund, \$1.15 to be credited to the special purpose account in the highway users tax fund, and \$1.00 to be retained by the authorized agent. Authorizes the department of motor vehicles to accept applications for issuance of such special license plates and authorizes that department to promulgate such rules and regulations as may be necessary to implement the provisions of the act.

Appropriates \$20,480 and authorizes 0.6 FTE from the special purpose account in the highway users tax fund and an additional \$101 from the highway users tax fund to the department of revenue for the implementation of the act.

APPROVED by Governor June 1

EFFECTIVE January 1, 1993

H.B. 92-1154 Penalty assessments - acceptance of late payments - appropriation. Directs the motor vehicle division of the department of revenue to accept late payment of any penalty assessment up to 20 days after such payment becomes due. Provides that a penalty assessment shall not constitute a complaint or a summons and complaint after the payment for such penalty assessment has become due if the motor vehicle division has accepted payment for such penalty assessment as evidenced by a receipt.

Appropriates \$1,300 from the highway users tax fund to the department of revenue for allocation to the motor vehicle division for implementation of the act.

APPROVED by Governor June 1

EFFECTIVE July 1

H.B. 92-1218 Driver's license - revocation - underage driver - use of alcohol - appropriation. Mandates that the driving privilege of any driver under 21 years of age be revoked after a finding by administrative hearing that such underage driver drove a vehicle in the state of Colorado with 0.02 or more grams of alcohol in such underage driver's blood or breath, as determined by a test of

the person's blood or breath. Exempts from such revocation any person using alcohol for medical reasons or in the course of recognized religious services. Establishes the periods of revocation which apply and the procedures for revocation proceedings.

Appropriates \$3,787 out of the highway users tax fund to the department of revenue for the implementation of the act.

VETOED by Governor June 5

H.B. 92-1244 Heavy duty diesel fleet inspection and maintenance program - program continuance - opacity meter inspection. Eliminates a provision that would have repealed the heavy duty fleet inspection and maintenance program, including the imposition of registration fees and self-certification inspection procedures, on December 31, 1993. Requires the accuracy of opacity meters located at licensed diesel emissions inspection stations to be inspected at least once every 60 rather than 30 days.

APPROVED by Governor June 1

EFFECTIVE June 1

H.B. 92-1352 Motor vehicle registration requirements - government vehicles - optional license plates. Effective January 1, 1993, eliminates the exemption from motor vehicle registration requirements allowed for motor vehicles owned by the state or any agency or institution thereof. Allows state motor vehicles to be assigned special registration numbers in lieu of normal registration of such motor vehicles. Allows the state to apply for special registration of motor vehicles only through the department of revenue and allows any local government to apply for special registration of motor vehicles only through the authorized agent of the department of revenue in the county within which the local government is located. Requires that special registrations be renewed annually.

Eliminates the repeal of the optional license plate program.

APPROVED by Governor June 1

PORTIONS EFFECTIVE: July 1
January 1, 1993

NATURAL RESOURCES

S.B. 92-81 Wildlife habitat - committees to resolve game problems. Creates a 9-member habitat partnership council in the division of wildlife. Specifies duties for the council, including the dissemination of information concerning the program which created the council and regional committees, monitoring the program for effectiveness, and certification that payments from the cash fund for habitat management fall within the approved plan of the wildlife commission. Specifies who shall serve as members of the council. Grants authority to the director of the division of wildlife to appoint the members of the council.

Grants authority to the director of the division of wildlife to create habitat partnership committees, as needed, to serve regional areas and to provide input and information to the council. States who shall serve as members on any committee created. Specifies the jurisdiction of any committee created. Specifies duties for any committee created, including the resolution of big game rangeland forage and fencing problems, land acquisition, and reporting to the council on committee activities.

Creates the habitat partnership cash fund. Specifies what moneys will constitute the fund. Specifies how the moneys in the fund may be expended.

Repeals the program, including abolition of the council, on July 1, 1996.

APPROVED by Governor June 2

EFFECTIVE June 2

S.B. 92-163 Surface coal mining - reclamation and permit requirements. Amends the "Colorado Surface Coal Mining Reclamation Act" to conform its provisions to federal standards.

Revises the definition of "operator" so that individuals who remove coal from facilities that store waste from coal processing plants are included within the permit and reclamation requirements. Revises the definition of "surface coal mining operation" to include the removal of coal from such facilities, thus requiring a permit for such operations. Changes the definition of "person" so that Indian tribes conducting surface coal mining operations outside Indian lands are subject to the requirements.

Requires that federal entities be subject to the permit requirements if they engage in coal mining operations, and eliminates a current exemption for coal mining operations that involve the removal of coal from less than 2 acres.

Allows individuals to file their applications for mining permits with any public office and not just the office of a county clerk and recorder, subject to regulations of the mined land reclamation board.

Expands from 30 to 60 days the time period within which the division of mined land reclamation of the department of natural resources must issue its decisions concerning the release of performance bonds and deposits. Mandates

that conferences to resolve comments and objections to a request for release be concluded within 60 days following the inspection and evaluation.

Expands the authority of the division of mined land reclamation so that it has the power to use and obtain funds for the administration of, and not just the development of, the abandoned mine reclamation program. Authorizes the board to develop the Colorado mine subsidence protection program and trust to provide protection for owners of private residential structures against damages caused by land subsidence from underground coal mines.

APPROVED by Governor May 29

EFFECTIVE May 29

S.B. 92-167 Wildlife commission - acquisition of interests in real property - appropriation. Authorizes the wildlife commission to acquire fee title interests in real property and requires the commission to solicit bid proposals from interested parties before purchasing any such fee title interest. Requires the commission to publish notice of any such request for proposals and specifies the information that must be contained in such notice. Authorizes the commission to conduct discussions with persons who submit proposals for the purpose of clarifying the requirements of the solicitation. Establishes criteria for evaluating proposals which are submitted. Requires boards of commissioners of counties with lands included in the proposals to review the proposals before they may be accepted by the commission. Provides that the commission may decide not to use the bid process in certain circumstances, so long as property purchases are approved by the general assembly acting by bill. Requires the commission to include information about real property acquired through the bid process in its annual report, and requires that the annual report be submitted to the capital development committee, the agriculture, livestock, and natural resources committee of the house of representatives, and the agriculture, natural resources, and energy committee of the senate. Allows the commission to adopt rules for the purpose of implementing the acquisition process.

Appropriates \$7,650,000 to the wildlife commission for land and water acquisitions, and specifies that \$2,000,000 of the appropriation is for implementation of a plan approved by the executive director of the department of natural resources and the wildlife commission addressing water-based public recreation on the lower Arkansas river.

APPROVED by Governor June 2

EFFECTIVE July 1

S.B. 92-201 Division of wildlife - acquisition of land in Grand county - appropriation. Authorizes the division of wildlife to purchase several parcels of land in Grand County totalling approximately 1,666 acres. Appropriates \$2,655,000 to the division for purposes of the acquisition.

APPROVED by Governor June 1

EFFECTIVE June 1

H.B. 92-1121 Search and rescue operations - fees - distribution of funds - appropriation. Creates a 25¢ surcharge on boat, snowmobile, and off-highway vehicle registrations and requires that the money collected be deposited in the search and rescue fund. Allows counties to claim reimbursement for all search and rescue operations involving persons holding hunting or fishing licenses or boat, snowmobile, or off-highway vehicle registrations. Appoints the division of wildlife as the administrative agency for the fund rather than the wildlife commission but continues to provide that the commission must promulgate rules and regulations for the submission and payment of claims. Requires claims arising from search and rescue operations to be considered for payment immediately. Specifies that all reimbursement claims which are certified by the sheriff of the county wherein the search and rescue activity occurred are automatically eligible for payment. Specifies that the parks and outdoor recreation cash fund shall not be used for reimbursement of search and rescue costs. Requires any amount remaining in the fund at the close of any fiscal year after reimbursement of search and rescue expenses be divided among counties applying for year-end grants. Authorizes the division to distribute such moneys first for uncompensated family-member searches, next for search and rescue-related training and equipment, and finally for other uncompensated searches and rescues. Authorizes the commission to promulgate rules and regulations for the allocation of such moneys.

Appropriates \$300,000 to the division of wildlife for implementation of the act.

APPROVED by Governor June 1

EFFECTIVE June 1

H.B. 92-1126 State board of land commissioners - fees - disposition of fees. Deletes the specific amounts of fees to be charged by the state board of land commissioners, and grants authority to the board to set fees as necessary to recover direct and indirect costs. Specifies that, if the balance remaining in the fund into which such fees are paid at the end of each fiscal year is in excess of \$75,000, the board shall reduce its fees accordingly.

APPROVED by Governor March 4

EFFECTIVE March 4

H.B. 92-1129 Weather modification - ground-based winter cloud seeding - license. Defines the phrase "ground-based winter cloud seeding" as cloud seeding between November through May using ground generation equipment. Specifies that an applicant for a ground-based winter cloud seeding license must have at least 8 years' experience as a professional in the field of weather modification research or operations, with at least 2 of those years as a project director. Authorizes the director to issue permits for such seeding operations which are valid for 5 years.

Specifies that ground-based winter cloud seeding licenses may be issued to a political subdivision of the state, even if it does not hold a weather modification license. States that the executive director of the department of natural resources shall not require proof of financial responsibility in excess

of the limitations imposed by the provisions of the "Colorado Governmental Immunity Act" from any such licensee.

Imposes separate reporting requirements for ground-based winter cloud seeding projects by requiring the operator to keep a record of all operations conducted showing the equipment used, methods, types, amounts, times, and places of seeding agents employed, a statement of the estimated effect of the operation, and the name and address of each participant. Requires that a report be filed with the director within one year of the termination of the project, or every 2 years in the case of an ongoing project. Exempts ground-based winter cloud seeding projects from other reporting requirements.

Applies to licenses and permits issued or renewed on or after July 1, 1992.

APPROVED by Governor April 29

EFFECTIVE July 1

H.B. 92-1223 Department of natural resources - mineral functions - reorganization. Creates the division of minerals and geology in the department of natural resources. Transfers the functions, personnel, and property of the division of mines, the division of mined land reclamation, and the Colorado joint review process into the new division of minerals and geology. Allocates the functions, personnel, and property of such divisions to the office of active and inactive mines, office of mined land reclamation, and the Colorado joint review process within the new division of minerals and geology.

Creates the mineral, energy, and geology policy advisory board and specifies that, by February 15, 1993, it shall recommend that the Colorado geological survey remain a division in the department of natural resources and/or be physically located at a public institution of higher education in the state, be administratively moved to a public institution of higher education as a part thereof, or become an office in the division of minerals and geology. Details the organizational effects on state government based on such recommendation and makes contingent transfers of employees and property in anticipation of such action.

Locates the mined land reclamation board in the division of minerals and geology. Requires the minerals, energy, and geology policy advisory board to advise the executive director of the department of natural resources on administrative and policy issues within the department's mineral, energy, and geology programs. Locates the office of commissioner of mines within the office of the executive director of the department of natural resources.

APPROVED by Governor June 4

EFFECTIVE July 1

H.B. 92-1252 State park and recreation areas - free entrance for disabled veterans. Delays a repeal provision until July 1, 1997, for the purpose of continuing beyond July 1, 1992, the provisions entitling persons displaying vehicle license plates identifying them as disabled veterans to enter state parks and recreation areas free of charge.

APPROVED by Governor April 23

EFFECTIVE April 23

H.B. 92-1338 Division of wildlife - acquisition of lands in Las Animas county - appropriation. Authorizes the division of wildlife to purchase several parcels of land in Las Animas county totalling approximately 8,500 acres.

Appropriates \$500,000 from the wildlife cash fund to the division for purposes of the acquisition. Specifies that such moneys shall become available immediately and shall remain available until June 30, 1993, except that the moneys shall not become available until the division is able to acquire clear title to the lands authorized to be acquired. Specifies that such appropriation shall be reduced by the amount of any moneys received from federal sources.

APPROVED by Governor June 1

EFFECTIVE June 1

H.B. 92-1356 Parks and outdoor recreation emergency reserve cash fund - maintenance of funds. Requires that a portion of the parks and outdoor recreation cash fund year-end balances continue to be credited each fiscal year to the parks and outdoor recreation emergency reserve cash fund so that the latter fund totals \$500,000 by fiscal year 1996 rather than fiscal year 1993.

APPROVED by Governor June 1

EFFECTIVE July 1

PROBATE, TRUSTS, AND FIDUCIARIES

S.B. 92-3 Advance medical directives - medical durable power of attorney - proxy decision-makers - do not resuscitate directives. Recognizes the right of adult individuals to accept or reject medical treatment, to make advance directives concerning medical treatment in the event the person lacks decisional capacity, and to appoint an agent or have a proxy decision-maker designated to make medical treatment decisions on behalf of the individual who lacks decisional capacity. Recognizes the right of an adult person to make advance medical directives concerning the administrations of cardiopulmonary resuscitation.

Clarifies that nothing in the act shall be construed to condone or authorize euthanasia, mercy killing, or any affirmative or deliberate act to end a person's life, except to permit a person's natural death, as provided by the act.

Defines "advance medical directives" as any written instructions concerning the making of medical treatment decisions on behalf of the person who provides the instructions, including durable powers of attorney that address medical care and are executed before the effective date of this act, "living wills", and a cardiopulmonary resuscitation declaration (CPR declaration) executed pursuant to this act. Specifies that medical treatment includes artificial nourishment and hydration and cardiopulmonary resuscitation.

Allows a person to execute a medical durable power of attorney under which the person may appoint an agent to make medical treatment decisions on behalf of the person when the person lacks decisional capacity to make such decisions. Describes the duties and powers of agents in making medical treatment decisions. Requires the agent to follow limitations and directives in the medical durable power of attorney and the wishes of the person that are known to the agent or, if there are no limitations or directives or the wishes of the patient are not known to the agent, to act in the best interest of the person. Specifies the rights and duties of health care providers, health care facilities, and other affected persons and entities in regard to the making of medical treatment decisions pursuant to a medical durable power of attorney.

States that, if a spouse is the appointed agent under a medical durable power of attorney, a subsequent divorce, annulment, or legal separation revokes the appointment but not the remaining provisions of the medical durable power of attorney. Specifies that, if the appointment of any agent is revoked or the agent is unable or unwilling to act, the provisions of the medical durable power of attorney shall remain in effect.

Allows health care providers and facilities to rely on the medical treatment decisions of a designated proxy decision-maker acting on behalf of an adult patient who lacks decisional capacity and who does not have a guardian, agent, or any other person with legal authority to make medical treatment decisions for the patient. Allows for a court or the attending physician to determine whether a patient lacks decisional capacity. Describes the procedure for designating a proxy decision-maker. Describes the rights and duties of the

proxy decision-maker, health care providers and facilities, and other affected persons or entities in regard to the making of medical treatment decisions on behalf of a patient who lacks decisional capacity. Authorizes the proxy decision-maker to make medical treatment decisions to the same extent and subject to the same requirements as an agent appointed under a medical durable power of attorney, with one exception: A proxy decision-maker may authorize the withholding or withdrawal of artificial nourishment and hydration only when the attending physician and one other physician who is trained in neurology or neurosurgery certify that the medical treatment is merely to prolong the act of dying and is unlikely to restore independent neurological functioning.

Describes the circumstances under which a health care provider or facility may refuse to comply with the medical treatment decision of an agent or proxy decision-maker and describes the requirements of the health care provider or facility and the right of the agent or decision-maker for transferring the patient to another provider or facility.

Allows a person to make a CPR directive, including a directive to refuse the administration of cardiopulmonary resuscitation. Requires the state board of health to create a procedure, no later than January 1, 1993, for adult persons to make such directives. Sets forth the required information to be included in a protocol adopted by the state board. Describes the rights and duties of emergency medical personnel in regard to CPR directives.

Allows a person to revoke an advance medical directive, including a CPR directive at any time.

APPROVED by Governor June 4

EFFECTIVE June 4

S.B. 92-20 Bank acting as corporate fiduciary - authority regarding fiduciary funds. Authorizes a bank acting as a corporate fiduciary to invest fiduciary funds awaiting investment or distribution in short-term investments. Authorizes such banks to deposit said funds in the commercial department of the bank or in an affiliate bank.

APPROVED by Governor April 16

EFFECTIVE April 16

PROFESSIONS AND OCCUPATIONS

S.B. 92-6 Acupuncturists - registration - disclosure - unlawful acts. Continues until July 1, 2002, the registration of acupuncturists with the division of registrations. Requires an acupuncturist to provide new patients with specified written information about the practice of acupuncture and about the acupuncturist's professional status in other jurisdictions, and to keep a copy of such information, signed by the patient, for 3 years after treatment is over. Allows reinstatement of registrations which have lapsed due to nonpayment of annual registration fees. Imposes reporting requirements relating to judgments and administrative actions arising in Colorado and other jurisdictions. Adds insurance fraud, practicing while subject to disability or substance abuse, substandard care, false advertising, and criminal convictions to the list of acts and practices for which disciplinary action may be taken. Exempts persons in bona fide, supervised training programs from registration requirements.

Allows the director of the division of registrations to order physical and mental examinations of practitioners suspected of having significant disabilities and to accept evidence of disciplinary actions in other jurisdictions as prima facie evidence of prohibited acts and practices. Grants qualified immunity to persons making or participating in complaints or investigations of acupuncturists.

APPROVED by Governor April 29

EFFECTIVE July 1

S.B. 92-11 Notaries public - bonds - licensing - revocation - reappointment. Requires applicants for appointment as notaries public to submit a handwritten sample of the applicant's official signature, which contains the applicant's legal name. Abolishes the requirement that applicants for commissions as notaries public acquire surety bonds as a condition for appointment. Prohibits notaries public from notarizing blank documents. Allows a notary public whose commission has been revoked to apply for reappointment after 7 years have elapsed from the date of revocation. Allows a notary public to obtain liability coverage in the form of a surety bond or insurance on a voluntary basis.

Extends the automatic termination date of the regulatory authority of the secretary of state over notaries public until July 1, 1998, pursuant to the provisions of the sunset law.

APPROVED by Governor April 24

EFFECTIVE July 1

S.B. 92-72 Alcoholic beverages - licensing - violations - penalties - issuance of temporary licenses. Authorizes issuance of temporary fermented malt beverage licenses which are valid for no more than 120 days to licensees whose annual licenses have inadvertently expired and who have applied for renewal. Allows conversion of a liquor-licensed drugstore license in effect on July 1, 1992, to a retail liquor store license at the holder's option. Permits deviation from the

percentages of Colorado-grown grapes and other produce which must be used by limited winery licensees if the market price of such produce exceeds 120% of recognized standards or if all available Colorado-grown produce has been contracted for by other limited wineries.

Provides that a person found guilty of violating the Colorado beer or liquor codes commits a class 2 petty offense rather than a misdemeanor. Reduces the fine for each offense to a maximum of \$250 and eliminates imprisonment, license revocation, and permanent ineligibility for licensing from the sanctions which may be imposed.

APPROVED by Governor June 1

EFFECTIVE June 1

S.B. 92-82 Commercial driving schools - licensing of branch offices. Requires that a separate license be obtained for each branch office of a commercial driving school prior to commencing operations. Requires that a separate license application and license application fee be provided for each such branch office.

APPROVED by Governor April 6

EFFECTIVE July 1

S.B. 92-91 Fireworks - continuation of licensing functions. Extends the automatic termination date of the licensing functions of the executive director of the department of public safety relating to fireworks to July 1, 1995, pursuant to the provisions of the sunset law.

APPROVED by Governor April 3

EFFECTIVE April 3

S.B. 92-96 Professional nurses - power to delegate. Adds to the definition of "practice of professional nursing" the provision of treatment through the delegation to others. Allows any registered nurse to delegate any task included within the practice of professional nursing except, if the delegatee is not otherwise so authorized, the authority to select medications. Requires that delegated tasks be within the delegating nurse's area of responsibility, that the delegatee not be required to exercise the judgment required of a nurse, and that the nurse make a prior determination that the task can be properly and safely performed commensurate with the patient's safety and welfare. States that the delegating nurse shall be solely responsible for determining the degree of supervision required, and that such determination will take into account the stability of the patient's condition, the delegatee's training, the nature of the duty to be delegated, and whether the delegated task has a predictable outcome. Authorizes the state board of nursing to issue rules and regulations to carry out the provisions of the act. Repeals sunset review of provisions that allow unlicensed individuals to administer fluids through gastrostomy tubes.

APPROVED by Governor June 2

EFFECTIVE June 2

S.B. 92-98 Plumbing contractors - use of term. Mandates that persons who use the title of "plumbing contractor" be qualified as such pursuant to the statutes regulating plumbing.

APPROVED by Governor April 9

EFFECTIVE April 9

S.B. 92-99 Massage parlors - licensing by local governments. Extends the automatic termination date of the authority to license massage parlors that is granted to local authorities under the "Colorado Massage Parlor Code" to July 1, 2002.

APPROVED by Governor March 24

EFFECTIVE March 24

S.B. 92-141 Physician peer review committees - investigative powers. Authorizes physician peer review committees to investigate the qualifications of any licensed physician who is subject to the authority of any organization or professional society authorized by the board of medical examiners to establish such a review committee.

APPROVED by Governor April 2

EFFECTIVE April 2

S.B. 92-184 Gaming - enforcement - allocation of duties - payment of expenses. Specifies that personnel of the division of gaming are to be considered level II peace officers for purposes of enforcing the limited gaming statutes rather than for "all purposes". Allows payment of expenses of enforcement from the limited gaming fund upon presentation of vouchers from the Colorado bureau of investigation ("CBI") or the state patrol in addition to the limited gaming control commission ("LGCC"). Directs the CBI to investigate and oversee prosecutions of organized crime activity independently, without requiring participation by the LGCC.

Directs the state treasurer to make distributions from the contiguous county limited gaming impact fund to counties whose boundaries are contiguous with those of Indian lands on which gaming activities are being conducted pursuant to a tribal-state gaming compact, in addition to counties adjacent to Teller and Gilpin counties which qualify for such distributions under existing law.

VETOED by Governor June 2

S.B. 92-185 Alcoholic beverages - liquor licenses - retail gaming tavern licenses. Amends the Colorado liquor code to create the retail gaming tavern license.

States that a retail gaming tavern license shall be issued to any person who holds a retail gaming license, sells liquor by the drink for consumption on the premises, and sells food or is in a location where food is available within

the same building. Limits the number of such licenses a person can hold to 3, and the number of such licenses per building to one. Requires licensees to purchase from a licensed wholesaler; except that not more than \$500 worth of liquor can be purchased from a retail store each year, if such purchases are evidenced by a receipt showing the name of the liquor store, the date, the price paid, and a description of the liquor purchased.

Requires that a \$50 annual fee be paid to the department of revenue for each license and that a \$325 annual local license fee be paid in advance to the local treasurer where the property is located.

States that it is legal to sell liquor at retail at a place where it is to be consumed if such place is a retail gaming tavern, and that it is legal for any owner or person interested in such a license to conduct or be interested in another such license or establishment. States that it is illegal for an owner of an interest in a retail liquor store, retail license, or liquor-licensed drugstore to conduct or own an interest in a retail gaming tavern license. Requires the disclosure of all persons having an interest and the extent of such interest in a retail gaming tavern license. Makes failure to make such disclosure grounds for having the license revoked or suspended. Prohibits any owner of an interest in a licensed brewery from having an interest in a retail gaming tavern license.

APPROVED by Governor May 20

EFFECTIVE May 20

H.B. 92-1030 Optometrists - regulation - continuation under sunset law - appropriation. States that the practice of optometry should be limited to qualified persons who have been examined and who meet the state's minimum acceptable level of competence to practice the profession. States that the priority of such regulatory provisions shall be to protect consumers of optometric services through appropriate disciplinary procedures.

Requires any member of the state board of optometric examiners having a personal or private interest in any matter before the board to disclose such conflict to the board and not participate in board deliberations related to such matter or vote thereon.

Permits the state board of optometric examiners to accept scores from tests administered by any approved or accredited national testing organization. Requires the board to set the passing score of examinations at a minimum level of competence. Specifies that if the board does not accept the scores of a national clinical optometry examination by the fiscal year beginning July 1, 1994, the board shall conduct a joint study with the psychometrician in the division of registrations to revise the state clinical examination so that the test is psychometrically sound. Requires the board to report the results of such study to the joint legislative sunrise and sunset review committee by July 1, 1995.

Authorizes the board to grant licenses by endorsement to applicants who possess credentials and qualifications substantially equivalent to Colorado

requirements for licensing by examination. Authorizes the board to establish by rule and regulation what constitutes substantially equivalent credentials and qualifications.

Requires the board to adopt a license renewal questionnaire designed to determine if licensees have violated regulatory provisions. Requires that applicants for the renewal of an expired optometry license pay a penalty and pay the renewal fee for each year the license was expired. Requires an optometrist who is not currently licensed in another state or territory and any applicant for the renewal of an optometry license that has been expired for longer than 2 years to take and pass a board-approved clinical examination. After April 1, 1993, establishes a continuing education requirement for license renewal for optometrists.

Authorizes the board to subpoena witnesses, administer oaths, and compel the testimony of witnesses and the production of books, papers, and records relevant to any inquiry or hearing.

Authorizes the board to take disciplinary action against certification of an optometrist to use pharmaceutical agents. Authorizes the board to suspend a certificate in addition to a license and to order a physical or mental examination if there is reasonable cause to believe an optometrist cannot render optometric services with reasonable skill and safety. Authorizes the board to temporarily suspend a license pending the results of the examination. Provides a procedure for a hearing concerning the results of the examination and any action to be taken concerning the affected licensee. Permits the board to reconsider and reverse any action it has taken. Upon dismissal of a complaint which has gone to hearing, requires the board to notify the complainant that he or she may receive a copy of the investigation report and the response of the optometrist or other person alleged to have violated the provisions regulating the practice of optometry upon payment of the costs of copying and mailing such information.

Makes the following changes and additions to the grounds for disciplinary action against optometrists for unprofessional conduct: Obtaining or attempting to obtain, renew, or reinstate a license or certificate by use of fraud, misrepresentation, or deception; failure to refer a patient to the appropriate licensed health care practitioner when the services required by the patient are beyond the scope of competency of the optometrist or the scope of practice of optometry and repeal of a provision inconsistent with such standard; administering, dispensing, or prescribing any prescription drug other than in the course of legitimate professional practice; dispensing for a fee any prescription drug; failure to report to the board any optometrist known or believed to have violated any provision regulating the practice of optometry; failure to report to the board any surrender of a license to, or any adverse action taken against the licensee by, an optometry regulatory authority in another jurisdiction; any act or omission which fails to meet generally accepted standards of care, whether or not actual injury to a patient is established; having a physical or mental disability which renders a licensee unable to treat with reasonable skill and safety or which may endanger the health and safety of persons under the care of a licensee; any disciplinary action taken by another jurisdiction; failure to

provide a patient with a valid written contact lens prescription; engaging in a sexual act with a patient while a patient-optometrist relationship exists; and any violation of the law regulating optometrists.

Requires optometrists to release all medical records to the patient in accordance with general state law and to release prescriptions for contact lenses upon the written request of the patient at the time the optometrist would otherwise replace a contact lens without any additional preliminary examination or fitting. Requires the state board of optometric examiners to promulgate rules defining the components of a valid contact lens prescription.

Makes the authority of an optometrist to use prescription drugs in treating abnormal conditions of the eye coextensive with the authority of an optometrist to treat abnormal conditions of the eye in general.

Exempts from the requirement of licensure persons serving a post-doctorate residency or as an optometric student intern under the supervision of an optometrist licensed in Colorado. Restricts use of the title "optometrist", the initials "O.D.", and the term "doctor of optometry" to persons licensed as optometrists in this state. Prohibits a formerly licensed person whose license or certification has been revoked from reapplying for a new license or certification for at least 2 years after any such revocation.

Makes a second violation of the provisions regulating optometrists a class 1 misdemeanor and a subsequent offense a class 6 felony.

Deletes an obsolete provision requiring the board to submit an annual report to the general assembly and requires the board to prepare and distribute to consumers such written communication as is reasonably necessary providing information concerning the board and optometric regulation in Colorado.

Requires the state board of optometric examiners to report to the joint legislative sunrise and sunset review committee on the operation of the board's disciplinary activities prior to July 1, 1995, and requires such committee to review such activities in 1995. Extends the automatic termination date of the state board of optometric examiners to July 1, 2002, pursuant to the provisions of the sunset law. Repeals rules of the state board of optometric examiners related to the length of time an optometrist may use certain terms after taking over the practice of another optometrist.

Appropriates \$16,583 from the division of registrations cash fund to the state board of optometric examiners for the fiscal year beginning July 1, 1992, for the implementation of the act.

APPROVED by Governor June 6

EFFECTIVE July 1

H.B. 92-1034 Psychotherapists - regulation - continuation under sunset law - appropriation. Continues the licensing authority of the Colorado state board of psychologist examiners, the state board of social work examiners, the state board of licensed professional counselor examiners, and the state board of marriage and

family therapist examiners until July 1, 1998. Continues the disciplinary authority of the state grievance board over the practice of psychotherapy until July 1, 1998.

Defines the term "professional relationship" and clarifies the definition of "psychotherapy". States that the definition of "psychotherapy" should be interpreted narrowly to regulate only those persons specifically included in such definition.

Directs the four mental health licensing boards to hold periodic joint meetings to share policy information related to regulating the practice of psychotherapy. Requires each of such boards to delegate the preliminary review of applications for licensure to the staff of such boards while retaining final approval authority. Requires that fees paid by licensees of the four boards and fees paid by all psychotherapists be as uniform as possible.

Unless the client, parent, or guardian is unable to write or refuses or objects, requires such client, parent, or guardian to sign the mandatory disclosure of information provided by the psychotherapist no later than the second visit with the psychotherapist.

Provides that the statutes regulating psychotherapy do not apply to mediators resolving judicial disputes in the courts, custodial evaluations undertaken in domestic relations cases in the courts, and domestic and child abuse evaluations undertaken for purposes of legal proceedings in the courts. Specifies that the requirement to be listed in the statewide data base of psychotherapists does not apply to employees of community mental health centers unless practicing psychotherapy outside the scope of employment for any such mental health center.

Requires the grievance board to maintain a directory of licensed and unlicensed psychotherapists. Authorizes the grievance board to charge a uniform fee for information recorded in the directory. Specifies the information to be recorded by psychotherapists and requires that such information be updated periodically. Requires psychotherapists to record the required information for the directory by January 1, 1993, and provides that after such date no person may practice psychotherapy unless they are listed in the directory. Makes it a class 3 misdemeanor to practice psychotherapy if the person is not included in the directory. Requires the department of regulatory agencies to gather statistics about the numbers, types, and outcomes of complaints about psychotherapists and to report such information to the joint sunrise and sunset review committee so that a determination as to a higher level of protection for the public can be made by the general assembly.

Requires that the 8 regular members of the grievance board appointed by the governor be confirmed by the senate. Specifies that the public members of the grievance board not have any direct involvement or interest in the provision of psychotherapy except as consumers of such services. Provides that when disciplinary proceedings of the grievance board relate to an unlicensed psychotherapist, 3 additional unlicensed psychotherapist members shall be appointed to such board. Specifies that if a permanent member of the grievance

board is disqualified from sitting on any disciplinary case because of a conflict of interest, a member of the augmented panel from the same discipline as the disqualified member may make up part of the quorum of permanent members of the grievance board.

Updates language related to addiction or dependence on alcohol or drugs for purposes of violations of the psychotherapy statutes. Specifies that it is a violation of the psychotherapy statutes for a practitioner to fail to refer a client to an appropriate practitioner when the problem of the client is beyond the training, experience, or competence of the practitioner.

Specifies that for violations of the psychotherapy statutes the grievance board may permanently or temporarily strike the name of an unlicensed psychotherapist from the directory of psychotherapists, issue a letter of admonition to such an unlicensed psychotherapist, or place an unlicensed psychotherapist on probation. Authorizes the grievance board to issue cease and desist orders enforceable through the courts, and provides that the results of mental or physical examinations ordered by the grievance board may be used as evidence in any forum in any proceeding initiated by the board or within the board's jurisdiction.

Appropriates \$52,779 out of the division of registrations cash fund to the division of registrations for the fiscal year beginning July 1, 1992, for the implementation of the act. Appropriates \$738 out of cash funds received by the department of regulatory agencies from the division of registrations cash fund to the division of administrative hearings for the fiscal year beginning July 1, 1992, for the implementation of the act. Appropriates \$9,095 out of cash funds received by the department of regulatory agencies from the division of registrations cash fund to the department of law for the fiscal year beginning July 1, 1992, for the implementation of the act.

APPROVED by Governor June 1

EFFECTIVE July 1

H.B. 92-1037 Alcoholic beverages - liquor licenses - racetrack class license - simulcast races - exceptions. Defines "racetrack" to include any premises where simulcast races with pari-mutuel wagering are held. Allows any person who holds a valid liquor license pursuant to the "Colorado Liquor Code" to sell liquor on the licensed premises if simulcast races with pari-mutuel wagering are held on such licensed premises without obtaining a racetrack class license. Makes it clear that pari-mutuel racing, including simulcast races, may be conducted under racetrack liquor licenses.

APPROVED by Governor March 20

EFFECTIVE March 20

H.B. 92-1045 Pharmacy board - licensure of manufacturers and wholesalers - qualifications. Prescribes that the state board of pharmacy shall adopt rules and regulations necessary to ensure that persons who manufacture drugs and drug wholesalers meet the minimum qualifications required for wholesale drug distributors pursuant to the federal "Prescription Drug Marketing Act of 1987".

APPROVED by Governor March 16

EFFECTIVE March 16

H.B. 92-1046 Money order entities - licensing - surety bond. Defines the term "outstanding payment instrument" for purposes of the "Money Order Act". On and after July 1, 1992, requires the banking board to promulgate rules for financial standards by which to evaluate the financial condition or solvency of money order companies. Requires rules which permit the banking board to reduce the amount of the surety bond required of licensed money order companies to an amount no less than \$250,000 and to increase the amount of the bond required to no more than \$2,000,000. Permits the state bank commissioner to require a licensee to possess investments having an aggregate market value at least equal to the amount of outstanding payment instruments issued or sold by the licensee. Specifies that the commissioner may accept the audit of an independent certified public accountant or independent registered accountant rather than requiring that such commissioner accept such an audit in lieu of any required examination of a money order company.

APPROVED by Governor April 16

EFFECTIVE July 1

H.B. 92-1070 Dentists and dental hygienists - licenses - requirements. Requires applicants for new or renewed active dentists' or dental hygienists' licenses who have not graduated from an accredited dental school within the preceding 12 months, or who have not engaged in specified practice or teaching activities for at least one year of the preceding 5 years, to demonstrate professional ability and knowledge. Amends provisions relating to national dental examinations by substituting a successful-completion standard for the prior standard defined in terms of a numerical score of 70 or more. Allows the board to establish requirements for dental license applicants who fail all or a portion of the license examination and wish to retake the examination, including the maximum number of times and maximum time period for subsequent attempts, and allows the board to require applicants to take remedial measures if such requirements are not met. Authorizes the board to collect all fees in arrears, in addition to the renewal fee, upon renewal of a license.

APPROVED by Governor May 14

EFFECTIVE May 14

H.B. 92-1091 Physician assistants - delegation of authority to by a physician. Authorizes a physician to delegate to a certified physician assistant the authority to implement any act under a medical plan, including initiating medical directives to professional and practical nurses, when the delegation is made pursuant to written protocol or the oral or written directions of the physician.

Requires that delegated acts be performed under the personal and responsible direction and supervision of a licensed physician. Defines such direction to mean that the physician must be practicing in this state and not through intermediaries. States that in an acute care hospital setting the board of medical examiners shall allow direction and supervision to be performed without the physical presence of the physician if the delegated functions are performed where the physician regularly practices or in a designated health manpower shortage area, if the physician reviews the quality of services rendered

every 2 working days, and if the performance of the delegated function otherwise complies with the board's regulations and any restrictions of the physician and hospital.

States that whenever the board has a reasonable belief that additional supervision or direction is necessary it may issue a cease and desist order to a physician to require that delegations be made only on a case-by-case basis by that physician, or to require that such physician be present on the premises in certain types of cases in an acute care hospital setting. Allows any physician who receives such an order to request a hearing on the merits, and provides that any restriction imposed by such an order will not be deemed a disciplinary action or other limitation on the physician's license or the physician assistant's certification.

APPROVED by Governor April 23

EFFECTIVE April 23

H.B. 92-1127 Racing - greyhound racing - percentage of proceeds paid to state. Increases, until July 1, 1994, the percentage of gross receipts derived from pari-mutuel wagering on live and simulcast greyhound racing payable to the state from 4 1/2% to 5%.

APPROVED by Governor March 6

EFFECTIVE March 6

H.B. 92-1177 Real estate appraisers - registration, licensure, and certification requirements. Requires registration of real estate appraisers and establishes criteria for registration similar to those for licensing under prior law. Establishes criteria for licensing similar to those for certification under prior law. Establishes criteria for residential certification similar to those for general certification under prior law as well as continuing the prior requirements for general certification. Excludes from the definition of "real estate appraiser" any person licensed as a certified public accountant if such person's estimates of value are not represented as an appraisal.

Requires all county assessors and appraiser employees of county assessors to be registered, licensed, or certified. Provides that such persons' reasonable costs of maintaining a registration, license, or certification shall be paid by the county. Allows the board of real estate appraisers to provide for continuing education of appraisers as required under federal law and to recover from licensed or certified appraisers the amount of any increase in the federal registry fee which occurs during the period in which a license or certification is valid. Permits the board to recognize, in certain circumstances, a license or certification of an appraiser issued by another state and to issue such person a temporary practice permit.

Allows the board to determine, in addition to other qualifications, whether an applicant for registration, licensure, or certification is of good moral character.

APPROVED by Governor April 10

EFFECTIVE April 10

H.B. 92-1206 Racing - Colorado racing commission and division of racing events - transfer to department of revenue - organization - powers and duties. Transfers the existing division of racing events from the department of regulatory agencies to the department of revenue as if by a type 2 transfer but allows such division to retain exclusive rule-making authority, commensurate with that of the limited gaming control commission. Reconstitutes the current 3-member racing commission as a 5-member commission with a structure similar to that of the limited gaming control commission and the lottery commission.

Enumerates the powers and duties of the director of the division of racing events to parallel those of the directors of the division of gaming and the state lottery division. Directs the attorney general to assist the division of racing and the racing commission in their enforcement duties. Authorizes the division of racing events to share information with other law enforcement agencies. Increases the number of members of the advisory committee relative to the horse breeders' and owners' awards from 7 to 9, including at least one breeder of Arabians.

BECAME LAW without Governor's signature June 6

EFFECTIVE June 6

H.B. 92-1266 Barbers and cosmetologists - state board - termination of functions - repeal. Repeals a sunset provision terminating on July 1, 1992, the authority of the state board of barbers and cosmetologists to inspect places of business and transferring authority to the private occupational school division in the department of higher education to regulate barber and cosmetology schools.

APPROVED by Governor April 10

EFFECTIVE April 10

H.B. 92-1358 Commercial feed products - dealers and commodity handlers - definitions. Changes the date of applicability of provisions enacted in 1991 and pertaining to commercial feeding of livestock used in the definition of "dealer" and "commodity handler" from March 1, 1992, to June 30, 1993.

APPROVED by Governor June 1

EFFECTIVE June 1

H.B. 92-1360 Drug precursors - regulation - licensing - repeal of rule-making authority. Lists substances which are drug precursors and requires the department of health to license and regulate the manufacture, possession, transfer, and transportation of such substances. Repeals the authority of the department of health to list such substances by rule and regulation. Extends the authority of the department of health for such licensing and regulation to July 1, 1995.

APPROVED by Governor June 1

EFFECTIVE June 1

H.B. 92-1364 Real estate appraisers - registration, licensure, and certification - exceptions for employees of financial institutions. Exempts from the definition of "real estate appraisal" internal analyses and other documentation prepared by officers, directors, or regular employees of financial institutions relating to the value of real estate interests owned or held as collateral by such institutions if notice is given that the preparer is not registered, licensed, or certified as an appraiser. Exempts the preparers of such analyses and documentation from the definition of "real estate appraiser". In regard to real estate transactions or loans by financial institutions, limits the applicability of the real estate appraiser statutes to transactions over \$100,000 in value. Requires any savings realized by a financial institution as a result of using an inside appraiser to be passed on to the consumer.

APPROVED by Governor May 27

EFFECTIVE July 1

H.B. 92-1368 Bingo and raffles - definition - exception for "general admission" events at which giveaways are conducted. Declares that free product giveaways for purposes of advertisement, creation of goodwill, or promotion of new products should not be subject to regulation under the "Bingo and Raffles Law" if such giveaways are incidental to events conducted by nonprofit organizations in furtherance of primarily educational purposes and not to raise money through lotteries or games of chance. Exempts from the definition of a lottery or game of chance any allotment of prizes by chance where:

1. Tickets or chances are given away free without cost or obligation to the recipient, or, if general admission privileges are required for receipt of a ticket or chance, general admission entails admission to no fewer than 10 separate events not involving allotment of prizes by chance;

2. The owner or lessee of the premises does not participate, directly or indirectly, in the allotment of prizes by chance; and

3. The owner or lessee of the premises is a Colorado nonprofit organization whose primary purpose is educational, whose activities are directed toward children or young adults, and which has been in existence for at least 21 years.

APPROVED by Governor June 1

EFFECTIVE June 1

PROPERTY

S.B. 92-43 Interests in real property - procedures. Makes numerous changes in statutory provisions relating to procedures affecting interests in real property. Clarifies that a public trustee can act as a successor public trustee under a deed of trust only when the deed of trust named an incorrect public trustee in the first instance.

With respect to statutory provisions relating to foreclosures: Eliminates the current requirement that a notice of foreclosure sale be mailed to a person at the county seat of the county if the person's address is listed in the recorded instrument as only the county and state; clarifies the items included in the payment to cure a default and makes such payment mandatory; and reorganizes current provisions relating to reinstatement of debt and the deed of trust, mortgage, or lien securing that debt following a dismissal of a bankruptcy case and adds a form of endorsement for execution by the public trustee or sheriff confirming such reinstatement.

With respect to statutory provisions relating to mortgages, deeds of trust, and other liens: Conditions the execution of a release of a deed of trust on the payment of various fees; directs the public trustee to record the release; requires the public trustee to release a lien of any deed of trust under specified circumstances; clarifies that an indemnification agreement, together with a corporate resolution, or an indemnification agreement from a title insurance company may serve as a substitute for a lost promissory note; establishes a 6-year statute of limitations on claims against a public trustee for a wrongful release of a lien of any deed of trust; establishes the time period within which an indemnification agreement or a lost instrument bond (which may be substituted for a lost promissory note) are effective; and provides that a release of a lien of any deed of trust is void when the written request for the release was fraudulent.

Provides that a release or partial release of a lien of any deed of trust is effective upon a recital in the release either that the indebtedness secured by the deed has been fully or partially paid or that the purpose of the deed has been fully or partially satisfied.

APPROVED by Governor April 24

EFFECTIVE July 1

S.B. 92-100 Common interest communities - management - by-laws. If a common interest community with 30 or more units delegates powers relating to association funds to another person or to a managing agent, requires that person to maintain fidelity insurance or a bond for not less than \$50,000. Directs that an annual accounting for association funds and a financial statement be prepared by the managing agent, a public accountant, or a certified public accountant. Requires the managing agent of an association to maintain separate accounts for such association from any other association which such agent may manage.

APPROVED by Governor May 26

PORTIONS EFFECTIVE: May 26
July 1, 1996

S.B. 92-149 Contract for deed to real property - escrow agent - property tax payments. Requires parties entering into a contract for deed to real property to designate the public trustee of the county wherein the property is located as escrow agent for collection of property tax monies until delivery of deed. Requires the purchaser to make periodic property tax payments to the public trustee. Requires the public trustee to make yearly payments of property taxes on the real property which is the subject of the contract for deed to real property from the escrow account upon notice from the county treasurer. Requires the public trustee to release any moneys remaining in the escrow account to the purchaser upon delivery and recordation of deed to the real property.

Authorizes the public trustee to terminate the escrow account upon determining that such account is no longer necessary. Upon termination, requires the public trustee to transfer any funds remaining in the account to the county treasurer for payment of property taxes on the real property. Allows for the return of any moneys not accepted by the county treasurer to the person holding title to the real property.

Specifies the accounts in which the public trustee may deposit the escrowed property tax monies. Authorizes the public trustee to retain any interest earned by an escrow account. Authorizes the public trustee to designate an alternate to act as escrow agent so long as such alternate is not a party to the contract for deed.

Within 90 days of executing and delivering the contract for deed to real property, requires the seller to file a notice of transfer by contract for deed to real property with the county treasurer of the county wherein the real property is located and a real estate transfer declaration with the county assessor of the county wherein the property is located. Grants the buyer the option of voiding a contract for deed to real property if the public trustee is not designated as escrow agent in such contract for deed or if written notice of such contract for deed is not filed with the county treasurer's office. Establishes the annual fee payable to the public trustee or to the designated alternate for acting as escrow agent.

APPROVED by Governor April 16

EFFECTIVE July 1

H.B. 92-1032 Colorado coordinate system. Replaces international survey foot with U.S. Survey Foot and changes the conversion factor from one foot equals 0.3048 meter exactly to one meter equals 3937/1200 feet.

APPROVED by Governor March 16

EFFECTIVE March 16

H.B. 92-1038 Notice of lis pendens. Repeals the current language concerning filing of a notice of lis pendens. Authorizes any party to an action affecting title to real property to record a notice of lis pendens with the county clerk and recorder of the county or counties wherein the property is located. Requires such notice to include the name of the court in which the action is pending, the names of the parties to such action, and a legal description of the property;

except that failure to name a party or to describe a portion of the real property affected by such action shall not affect the sufficiency of such notice or of an extension of such notice. Provides that, from the date of recording, such notice of lis pendens is notice to any person thereafter obtaining an interest in the real property that such interest may be affected by the outcome of the action.

Provides that a notice of lis pendens shall remain in effect until dismissal of the action, or until 45 days after entry of an order stating that all or a portion of such real property will not be affected by a judgment in the action, or until 45 days after entry of a judgment in the action as to all or a portion of such real property, whichever occurs first; except that the notice shall remain in effect as to any portion of the real property which is not affected by such order or final judgment. Provides that, if an appeal is filed while the notice of lis pendens remains in effect, such notice shall remain in effect until it expires, or until the court enters an order determining the notice is no longer in effect, or until 30 days after issuance of a mandate by the appellate court, whichever occurs first; except that, if the appellate court remands the case to a lower court for further action, the notice shall remain in effect until the action is resolved or until such notice expires. Authorizes any person to request a certificate from the trial court clerk or the appellate court clerk concerning the status of the action.

Provides that a notice of lis pendens recorded prior to March 20, 1992, shall expire 6 years after its recording date or 2 years after March 20, 1992, whichever is later, unless it is extended. Provides that a notice of lis pendens recorded after March 20, 1992, which has not ceased to be in effect, shall expire 6 years after its recording date unless it is extended. Authorizes recording of a notice of extension of a notice of lis pendens with the county clerk and recorder which shall specify that it is an extension of a notice of lis pendens and shall include the information stated in the original notice of lis pendens and the recording date of the original notice of lis pendens. Provides that a notice of extension shall extend the effect of the notice of lis pendens for 6 years after the recording date of such extension or until the action affecting real property is resolved as stated in the act. Authorizes a new notice of lis pendens to be recorded any time during the pendency of an action affecting title to real property; except that such notice shall be notice only from the date of its recording.

APPROVED by Governor March 20

EFFECTIVE March 20

H.B. 92-1083 Real property - requirements for filing legal description. Requires any instrument which is executed and recorded on or after July 1, 1992, and which contains a newly created legal description of real property to state the name and address of the person who created such legal description. Provides that failure of an instrument to include the name and address of the creator of a legal description shall not affect the validity or recordability of the instrument or confer liability on the person who prepared the instrument.

APPROVED by Governor April 9

EFFECTIVE April 9

H.B. 92-1092 Unclaimed property - moneys held by public employees' retirement association. Provides that moneys held by the public employees' retirement association (PERA) for accounts left inactive, unclaimed benefits, and unclaimed member refunds shall be presumed to be abandoned for the purposes of the "Unclaimed Property Act" if such moneys remain unclaimed 5 years after such moneys become payable or distributable. Provides exceptions to such presumption if the owner of any unclaimed moneys has communicated in writing concerning such moneys or has otherwise expressed an interest in such moneys within the preceding 5 years. Establishes accelerated procedures that are applicable to the processing of any abandoned property that is included in PERA's initial report to the state treasurer under the provisions of the "Unclaimed Property Act". Directs PERA to file its initial abandoned property report with the state treasurer on or before June 1, 1992, and to make its initial payment or delivery of abandoned property to the state treasurer on or before September 1, 1992. Directs the state treasurer to pay the amount necessary to PERA to purchase the required amount of service credit if the owner of an account left inactive or an unclaimed member refund requests the restoration of any service credit that was forfeited when moneys were transferred to the abandoned property fund.

APPROVED by Governor March 4

EFFECTIVE March 4

H.B. 92-1152 Unclaimed property - additional property covered - payment or delivery requirements - appropriation. Expands the property covered by the "Unclaimed Property Act" to include deposits made to and held by utilities after January 1, 1992, refunds held by business associations, stock and other intangible interests in business associations, property of business associations held in the course of dissolution, property held by courts and public agencies, gift certificates and credit memos, and wages. Specifies when such property is presumed abandoned. Excludes property held by racetracks. Requires that payment or delivery of abandoned property to the administrator by a holder of such property be made at the time of filing a report of abandoned property instead of 6 months after such filing.

Eliminates the exemption of banking or financial organizations from charges and penalties for failure to maintain certain records. Changes what must be included in the initial report of abandoned property.

Appropriates \$91,638 and 3.0 FTE to the state treasurer for the implementation of the act.

APPROVED by Governor March 4

EFFECTIVE July 1

H.B. 92-1312 Trusts and joint ventures - dealings with real property. Authorizes a trust or joint venture holding any interest in real property to record an affidavit which includes the name of the trust or joint venture and the names and addresses of all the trustees or joint venturers. Authorizes inclusion of a statement designating fewer than all of the trustees or joint venturers who may act on behalf of the trust or joint venture and the limitations of such trustees' or joint venturers' authority. Requires any

dealing in real property by a trust or joint venture which has filed an affidavit to be accomplished only by an instrument signed by all of the trustees or joint venturers, or by the trustees or joint venturers specifically designated in the affidavit. If a joint venture has filed an affidavit, protects the real property of the joint venture from encumbrances arising from claims filed against one of the joint venturers. Provides that property of the joint venture may be subject to encumbrances arising from claims filed against the joint venture, individually, or against the joint venture and a joint venturer, jointly.

Exempts partnerships from the definition of a joint venture for the purposes of these provisions. Specifies that these provisions do not affect claims, rights, or duties between joint venturers. Grandfathers the ability of trustees named in an affidavit to deal with real property until July 1, 1993, if such affidavit is subscribed and sworn to by one or more trustees prior to July 1, 1992, is recorded prior to July 1, 1993, and is not expressly subject to these provisions, as amended.

APPROVED by Governor May 14

EFFECTIVE May 14

PUBLIC UTILITIES

S.B. 92-16 Public utilities commission - local exchange carriers - financial assistance. Authorizes the public utilities commission to establish the "Colorado High Cost Fund" so that financial assistance may be provided to certain small local exchange carriers to help make basic local telephone service affordable. States that the commission may disburse fund assets to small local exchange carriers with high loop costs, high local switching costs, or high exchange trunk costs. Authorizes the commission to receive annually reimbursement from the fund for reasonable expenses it incurs administering the fund. Provides for the continuous appropriation of the fund for the payment of benefits.

APPROVED by Governor April 16

EFFECTIVE April 16

S.B. 92-51 Consumer counsel - participation before federal entities - public utility issues. Expands the power of consumer counsel in the department of law to enable it to petition for, request, initiate, or seek to intervene in proceedings before a federal court when the matter before the court will affect a rate, charge, tariff, or term of service for a utility product or service for a residential, small business, or agricultural utility consumer. Authorizes consumer counsel to participate in any similar proceeding before a federal agency which regulates utility rates or service, if such agency is not a federal lending agency.

APPROVED by Governor April 10

EFFECTIVE April 10

S.B. 92-86 Certificates of public convenience and necessity for carriage of property by motor vehicle - standing to intervene - review of public utilities commission decisions. Establishes threshold standing requirements to be met by a motor vehicle carrier seeking to file an intervention in opposition to the issuance of a certificate of public convenience and necessity for carriage of property by motor vehicle. Requires such carrier to provide proof that it is duly authorized to provide and is currently engaged in or offering to provide, in whole or in part, the service proposed by the application at issue.

Authorizes parties to seek either commission or judicial review of any public utilities commission decision which reverses, changes, or modifies a commission decision made after rehearing, reargument, or reconsideration. Establishes that a suit to enforce, enjoin, suspend, modify, or set aside a final commission decision on an application for rehearing, reargument, or reconsideration may be brought in district court. For purposes of such judicial review, establishes that such decision is final on the date the decision is served on the parties to the proceeding. Eliminates the restriction that prevents parties from raising grounds on judicial review that were not set forth in the application for rehearing, reargument, or reconsideration. Eliminates the

requirement that an application for rehearing, reargument, or reconsideration be filed as a condition precedent to an action in district court in cases where exceptions have been filed.

APPROVED by Governor May 26

EFFECTIVE July 1

H.B. 92-1071 Telecommunications relay services for disabled telephone users - repeal of commission for disabled telephone users - Colorado disabled telephone users fund - report - appropriation. Makes revisions to the statutory article that governs the "Colorado Disabled Telephone Users Fund". Replaces existing statutes under the article to comply with the federal "Americans with Disabilities Act of 1990" and rules adopted by the federal communications commission for the implementation of such act. Abolishes the Colorado commission for disabled telephone users and repeals statutory sections allocating responsibilities to the division of telecommunications in the department of administration and the department of social services. Replaces such statutory sections with sections that require the public utilities commission to adopt and implement telecommunications relay services for persons who have hearing or speech disabilities and that allow for the continued imposition and collection of a surcharge on telephone access lines. Specifies the powers and duties of the public utilities commission.

Allows a certain portion of moneys collected to be retained by local exchange companies. Requires that remaining moneys be credited to the Colorado disabled telephone users fund. Requires that the general assembly annually appropriate moneys in the fund for the administration of the fund and provides that all other moneys in the fund be continuously appropriated to the public utilities commission to reimburse providers of telecommunications services authorized by the act.

Requires the public utilities commission to report annually to the general assembly concerning the operation and effectiveness of telecommunications relay services. Requires the commission to justify any monthly surcharge on a telephone access line that exceeds 15¢ to the legislative appropriation committees within 20 days.

Appropriates \$66,953 and 1.0 FTE to the department of regulatory agencies for allocation to the public utilities commission to cover the cost of administering the Colorado disabled telephone users fund.

APPROVED by Governor June 2

EFFECTIVE July 1

H.B. 92-1120 Public utilities commission - low-income energy assistance fund - payments by utilities. Increases the amount that the public utilities commission may require a gas or electric utility to pay up to 90%, rather than 20%, of the undistributed balance of a refund into the fund for low-income energy assistance.

APPROVED by Governor May 27

EFFECTIVE May 27

H.B. 92-1243 Flexible regulation. Authorizes public utilities providing electric, natural gas, or steam service to provide service pursuant to contract at rates, terms, and conditions different from the public utility's tariff rates to any customer which manifests an intention to discontinue service, to provide itself with the desired service or a substitutable service, or to obtain such service from a competing source. Allows the public utilities commission to authorize the public utility to provide utility services to such customers if the public utility's contract price for electric and steam service is not below its variable cost and the public utility's contract price for natural gas service is not below its marginal cost and is in the public interest.

Specifies that the commission shall approve or deny an application within 30 days following a notice period of 5 days after the filing of an application by a public utility. Allows the 30-day period to be extended for good cause shown. States that an application shall be deemed approved if the commission has not approved or denied the application within the set time period.

Requires the commission to specify a fully distributed cost methodology to segregate rate base, expenses, and revenues associated with this type of service at the time an electric and steam service utility's overall rate levels are determined. Prohibits the increase of other rates to cover situations where revenues are less than costs. Authorizes the commission to require the segregation of investments, expenses, and revenues in the case of a natural gas utility to ensure that flexibly regulated services are not subsidized by other services.

APPROVED by Governor April 23

EFFECTIVE April 23

SOCIAL SERVICES

S.B. 92-32 Public assistance - aid to families with dependent children - grant period. Reduces the period of time during which a family may receive aid to families with dependent children based on the unemployment of the principal wage earner from 9 months to 6 months in any 12-month period.

BECAME LAW without Governor's signature February 28

EFFECTIVE July 1

S.B. 92-38 Homeless prevention activities program - administration. Provides that the homeless prevention activities program shall be administered by a nongovernmental agency selected by the executive director of the department of social services with recommendations from the program advisory committee. Protects the nongovernmental agency from any liability to third parties with whom such nongovernmental agency may contract with in the course of administering the program. Authorizes the nongovernmental agency to spend up to 5% of all voluntary contributions to the homeless prevention activities program fund or \$15,000, whichever is greater, for costs incurred in administering the program.

APPROVED by Governor March 25

EFFECTIVE March 25

S.B. 92-65 Medical assistance - reform of methods for providing services - waivers - repeal of article - appropriation. Declares that the state is experiencing a "medicaid crisis" that is significantly impacting the state's budget and is due to increasing federal mandates, and that Colorado should study alternative plans for providing medical assistance to poor persons in this state and, on the basis of such study, adopt an alternative medical assistance program for the state.

Requires the state department of social services to contract with the office of state planning and budgeting (OSPB) for the development of an alternative plan for a nontraditional medical assistance program. Sets forth consultation, cooperation, and reporting requirements for the development of the plan, including a requirement that a preliminary status report on the plan and a federal waiver proposal be submitted to specified legislative committees no later than December 1, 1992. Creates a medical assistance reform advisory committee to meet regularly with OSPB and provide input on the development of the plan. Describes the membership of the committee.

Requires OSPB, no later than April 1, 1993, to submit to the general assembly for approval a proposed plan and a federal waiver proposal for an alternative nontraditional medical assistance program under which the state may continue to receive federal moneys. Requires that the final submittal include a preliminary assessment of the impact of a program operated solely with state funds and that the study of such a plan continue while the general assembly considers alternative plans. Requires the state department of social services and OSPB, upon approval of the federal waiver proposal by the general assembly, to submit such proposal no later than July 1, 1993.

Specifies that the general assembly is to consider and adopt an alternative medical assistance program before July 1, 1994. Clarifies that, if the general assembly adopts a plan other than the one included in the federal waiver proposal, the state department and OSPB shall amend the proposed waiver proposal. States that if the federal waiver proposal is rejected or has not been approved by January 1, 1995, the general assembly is to adopt an alternative medical assistance program that is operated solely with state funds.

Describes possible alternative effective dates for the alternative medical assistance program, depending on approval of the federal waiver proposal and action by the general assembly. Specifies that the medical assistance article in the "Colorado Social Services Code" shall be repealed on the date the alternative program takes effect. Clarifies that the medical assistance article will not be repealed unless both houses of the general assembly consider, fully debate, and take action on the plan. Provides for the ultimate repeal of the medical assistance article, effective July 1, 1996, in the event the general assembly fails to adopt an alternative program or for any reason the program enacted by the general assembly fails to become law.

Allows the state department to accept grants or donations from public or private sources for the development of an alternative medical assistance program.

Authorizes the state department to develop an implementation plan for specified cost-containment and utilization control measures for the medical assistance program. Requires the executive director of the state department to consult with specified legislative committees and representatives of medical care providers in the state in developing the plan. Requires the state department to seek, before October 1, 1992, any necessary federal waivers for the plan. Provides for the implementation of cost-containment and utilization control measures approved by federal waiver and the joint budget committee.

Appropriates \$350,000 to the state department of social services for payment to the office of state planning and budgeting for the development of the plan and federal waiver proposal for an alternative state medical assistance program. Appropriates said sum to the office of state planning and budgeting for the purpose stated herein.

VETOED by Governor June 2

S.B. 92-193 Medical assistance - residential child health care feasibility study - waiver - program - repeal. Authorizes the department of social services to conduct a feasibility study on the establishment of a residential child health care program under the "Colorado Medical Assistance Act". Adds the program for residential child health care to the list of optional programs with special state provisions under such act. Requires the department to submit a report on the cost-effectiveness, program design, and projected savings of the program to the general assembly. Authorizes the department to seek a waiver, if necessary, allowing the department to limit the number of recipients or providers participating in the program. Authorizes the department to establish the program if the department determines that a residential child health care program would

be cost-effective, and if all necessary federal waivers are obtained. Authorizes the department to promulgate rules for the implementation and administration of the program. Authorizes the department to use the 20% county contribution to obtain federal financial participation. Requires the department to submit a report on the cost-effectiveness of continuing the program, if the program is implemented. Requires the department to consult with the joint budget committee before submitting any waiver or amendment to an existing waiver.

Repeals the program on July 1, 1995.

APPROVED by Governor April 29

EFFECTIVE April 29

H.B. 92-1217 State nursing homes - central fund for state and veterans nursing homes - creation - state veterans nursing homes - procedures for proposed site selection. Creates a central fund for state and veterans nursing homes. Requires patient care payments to be credited to the central fund rather than to each respective state nursing home's cash fund.

Authorizes the department of social services to expend money from the central fund for costs incurred in the operation and administration of state and veterans nursing homes and for capital construction. States that requests for capital construction must be considered by the capital development committee. Limits the department's expenditures to amounts in the central fund, and repeals the provision requiring the general assembly to make adequate state appropriations on an annual basis. Requires that a separate balance of accounts be maintained within the central fund for the state department and for each of the state and veterans nursing homes.

Directs the department of social services to prepare and submit to the general assembly an annual report detailing the financial status of each of the state nursing homes.

Makes the Colorado board of veterans affairs, the capital development committee, and the joint budget committee responsible for proposing sites for future state veterans nursing homes. Enumerates criteria to be considered when evaluating a potential site for a proposed state veterans nursing home.

Sets the automatic termination of the regulatory functions of the department of social services relating to the expending of moneys from the central fund at July 1, 1997, subject to a review of such functions pursuant to sunset law.

APPROVED by Governor June 3

EFFECTIVE July 1

H.B. 92-1262 Medical assistance - psychologist services - doctor's referral - cost containment program. Requires that psychologist services which may be provided under the "Colorado Medical Assistance Act" must be provided by licensed psychologists. Eliminates the scheduled repeal of provisions which authorize licensed psychologists to provide services without a doctor's referral.

Eliminates the requirement that the state department provide an annual report to the general assembly on the effectiveness of the cost containment program. Continues the cost containment program which was scheduled to be repealed.

APPROVED by Governor April 16

EFFECTIVE April 16

H.B. 92-1302 Public assistance - self-sufficiency demonstration program - waivers - repeal - exclusion from birth certificate fee. Authorizes the implementation of a demonstration program for the purpose of promoting the self-sufficiency of recipients of aid to families with dependent children (AFDC), making more efficient and effective use of public assistance funds, and improving the living conditions and increasing the income of public assistance recipients. Makes the implementation of the program conditioned upon the receipt of federal waivers. Provides for the program to be implemented on a county pilot site basis and no later than 9 months after the receipt of federal waivers.

Includes as part of the program an education and training plan which provides financial incentives for persons who graduate from high school or obtain a GED; requires an assessment of AFDC recipients to determine whether a recipient will be required to participate in educational, job training, rehabilitation or mental health, prenatal care, parenting, or any other self-sufficiency programs; imposes financial sanctions for failure to participate in such programs without "good cause"; and finances the graduation incentive by reducing AFDC grants by 2%.

Includes as part of the program a work demonstration plan under which AFDC recipients, who would otherwise be required to participate in the state JOBS program, may be employed by a county division of human resources, be allowed to earn wages no less than, but in excess of, the AFDC grant, and be allowed to continue to receive medical assistance, child care, and, if authorized, child support services. Imposes sanctions for failure to enroll or participate in the plan without "good cause". Authorizes a one-time bonus to be given to a county when a participant is placed from the work demonstration plan to unsubsidized employment for 3 consecutive months.

Provides for an employment incentive and transitional benefits plan under which AFDC recipients are allowed to earn and retain a portion of their earnings in an amount established by the state board of social services, and the state board of social services is authorized to adjust current resource limitation rules for recipients participating in the plan, to adopt cost-efficient methods of providing transitional benefits for persons who become employed but continue to be eligible for public assistance, and to adopt rules extending transitional benefits for persons who become employed and ineligible for public assistance for up to 12 months.

Includes as part of the demonstration program the application of a requirement that the income and needs of a relative, including a spousal equivalent, be considered in determining the eligibility of an applicant and the amount of an AFDC grant for the household. Defines a "spousal equivalent" as a person living with the dependent child's parent in a family-type living

arrangement and who would be a stepparent if married to the parent. Specifies that a household in which there is a spousal equivalent be considered as an "aid to families with dependent children based on the unemployment of the principal wage earner" (AFDC-U) household, and therefore eligible for assistance for only 6 months.

Clarifies that the statutory provisions concerning the demonstration program supersede any other conflicting provisions of the "Colorado Social Services Code". Requires the state department of social services to annually evaluate the demonstration program and to submit a final report to the general assembly by a specified date with written findings and recommendations concerning the continuation of the program. Repeals the program by July 1, 1993, if federal waivers have not been granted by said date and repeals the program by July 1, 1996, unless the general assembly acts by legislation to continue the program.

Specifies that the state registrar of vital statistics in the department of health shall not charge a fee in connection with the preparation of a certified copy of a birth certificate based on a statement of paternity executed by the natural father of a child born out of wedlock.

VETOED by Governor May 29

H.B. 92-1306 Medical assistance - managed care system - vendor payments - managed mental health services - feasibility study, report, pilot program - adjustment to long bill - appropriation. Requires the state department of social services to promulgate rules and regulations which establish a managed care system. Defines a "managed care system" as a system which integrates the delivery and financing of health care services in an attempt to provide access to medical services while containing the cost and use of medical care.

Requires the department to establish rules and regulations which provide that medical services which are compensable under both Title XIX and Title XVIII of the federal "Social Security Act" shall be paid at the lower rate. Requires the general assembly to appropriate one-half of the amount which would have been paid to vendors if the services were compensated under both Title XIX and Title XVIII to the department for the purpose of meeting expenses of any managed care system established by the department.

Authorizes the department to enter into contracts with vendors to provide medical services under the "Colorado Medical Assistance Act" based on a fixed rate of reimbursement per recipient if the executive director determines that a capitated contract will reduce the cost of providing medical benefits. Authorizes the department to define groups of recipients and require the defined groups to obtain services through contracting vendors. Authorizes the department to require a recipient to select a managed care provider and allows the department to assign a recipient to a managed care provider if the recipient does not make a selection within a reasonable time. Requires the department to make good faith efforts to obtain a waiver from any federal requirements which would prohibit the implementation of the act.

Authorizes the department jointly with the department of institutions to conduct a feasibility study concerning the management of mental health services under the act, and to report the findings to the general assembly. Authorizes the department to seek a waiver of the federal requirements regarding "freedom of choice". Authorizes the department to establish a pilot program if the department determines that implementation would be cost-effective, and if all necessary federal waivers have been obtained.

Decreases the appropriation in the general appropriation act to the medical assistance division of the department of social services for medical services by \$1,042,250. Appropriates \$1,042,250 to the medical assistance division in the department of social services for the physician incentive pool.

APPROVED by Governor May 21

EFFECTIVE May 21

STATUTES

H.B. 92-1328 Colorado Revised Statutes - enactment of 1991 supplements and replacement volumes - effective date - status of vetoed bills. Establishes the effective date for the 1991 cumulative supplement, 1991 special supplement, and 1991 replacement volumes and enacts them as the positive statutory law of the state of Colorado. States that nothing in the act is intended to affect the outcome of litigation involving the validity of the vetoes of certain bills containing provisions that are included in the supplements or replacement volumes.

APPROVED by Governor May 20

EFFECTIVE May 20

H.B. 92-1359 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. The specific reasons for each amendment or repeal are set forth in the appendix to this bill.

APPROVED by Governor June 2

PORTIONS EFFECTIVE: June 2
July 1

TAXATION

S.B. 92-35 Income tax - special reserve fund and the Colorado legislative distinguished professor fund - abolishment. Eliminates the June 1992 transfer of moneys to the special reserve fund for the payment of refunds to members of the armed forces who overpaid income tax on pension income prior to 1989. Transfers all remaining moneys in such fund to a reserve account in the general fund. Repeals the statutory section relating to the fund on March 1, 1992, and also repeals the statutory section creating the Colorado legislative distinguished professor fund which was to have been funded from moneys transferred from the special reserve fund.

APPROVED by Governor February 25

EFFECTIVE February 25

S.B. 92-39 State lien for taxes - lessees - seizure of real or personal property - notification of owner. Requires lessees who are wholesalers or manufacturers of fermented malt and alcoholic beverages, distributors of gasoline and special fuel, employers, and retailers to provide to the department of revenue a copy of any lease pertaining to certain assets and property seized by the department and for the department to notify the owner of the property of receipt of the lease and that such property might be subject to the department's lien for excise, withholding, sales, use, gasoline, or special fuel tax. Extends the exemption from the state's lien to certain leases containing an option to purchase the leased property and to leases recorded with the county in which the property is located or filed with the department.

APPROVED by Governor April 16

EFFECTIVE April 16

S.B. 92-50 Property tax - abatement and refunds - notices of adjusted valuation - protests and appeals - unusual conditions. Upon authorization by boards of county commissioners, allows county assessors to review and settle by written mutual agreement petitions for abatement or refund of property taxes involving \$1,000 or less of taxable property and to order such abatements and refunds. Provides an exception to the requirement that boards of county commissioners hold hearings on every petition for abatement or refund. Requires petitions for abatement or refund to be acted upon by the board of county commissioners or the county assessor, as appropriate, within 6 months of the date of filing. Clarifies that a taxpayer may file a petition for abatement or refund for taxes levied on and after January 1, 1990, if the valuation of the property was submitted to arbitration and the arbitrator failed to issue a decision prior to a specified date.

On and after June 1, 1993, requires members of the board of assessment appeals and property tax arbitrators to be licensed or certified pursuant to part 7 of article 61 of title 12, C.R.S. Requires property tax appeals which are filed with the board of assessment appeals by persons other than taxpayers pro se to be accompanied by a filing fee of \$25. Requires the board of assessment appeals to collect such filing fees and to transmit them to the state treasurer.

Eliminates the requirement that notices of adjusted valuation include certain information informing taxpayers of protest and appeal rights and remedies. Changes the date by which assessors must respond to protests of valuation for assessment of personal property from July 5 to July 10. Allows as a reason for the objection and protest to an adjustment in valuation the installation and operation of surface equipment related to oil and gas wells on agricultural lands. Prohibits any person from serving as a property tax arbitrator or as an independent referee appointed by a county board of equalization during any property tax year in the same county in which such person represents or has represented any taxpayer in certain matters relating to property taxation.

Requires petitions for appeal relating to real property which are filed with county boards of equalization to contain the actual value of such real property, stated in a dollar amount, being offered as the correct value. Changes the date by which taxpayers are required to file appeals involving personal property with county boards of equalization from July 15 to July 20. Mandates that certain requests to assessors for data relating to valuation of taxable property include all data supporting the valuation asserted by the taxpayer making such request.

Requires decisions of county boards of equalization to include certain information relating to petitioners' rights to appeal to the board of assessment appeals or the appropriate district court and to submit to arbitration. Requires decisions of the board of assessment appeals to include certain information relating to the parties' right to appeal to the court of appeals. Specifies a period of time in which the taxpayer and the county board of equalization is required to select a property tax arbitrator. Includes the installation and operation of surface equipment related to oil and gas wells on agricultural lands as an unusual condition for which the actual value of real property may be adjusted.

APPROVED by Governor June 3

PORTIONS EFFECTIVE: June 3
January 1, 1993

S.B. 92-101 Property tax - actual value of vacant land - residential rate - exemption of residential security devices. In determining the actual value of vacant land using the market approach to appraisal, specifies that direct costs of development are to be considered by assessors. When using market absorption rates in the valuation of vacant land, specifies that direct costs of development shall be taken into account and indirect costs of development shall not be taken into account when discounting to determine the present worth of vacant land.

Changes the date by which the state board of equalization is required to review counties' abstracts of assessment and to change, if necessary, the ratio of valuation for assessment for residential real property from October 7 to September 20. Modifies the definition of "fixtures" to exclude security devices which are affixed to residential improvements. For purposes of exemption from property taxation, specifies that household furnishings include security devices.

APPROVED by Governor June 2

EFFECTIVE June 2

S.B. 92-159 Income tax - withholding - remittance by electronic funds transfer - annual statements - appropriation. Increases the minimum amount of annual estimated withheld tax liability for which a taxpayer may be required to remit withheld tax by electronic funds transfer from \$11,000 to \$50,000. Prohibits requiring any employer to submit annual income tax withholding statements to the department of revenue on magnetic tape, but allows employers to voluntarily submit such annual statements on magnetic tape.

Appropriates \$27,869 to the department of revenue for the implementation of this act.

APPROVED by Governor May 27

EFFECTIVE May 27

H.B. 92-1026 Income tax - elimination of refund for new employees of business facilities in enterprise zones. For income tax years commencing on and after January 1, 1993, eliminates the allowance of a Colorado income tax refund to taxpayers for new employees of business facilities located in enterprise zones. Provides for any unused portion of the amount of a Colorado income tax credit for such new employees to be carried forward for 5 years.

APPROVED by Governor May 29

EFFECTIVE May 29

H.B. 92-1036 Property tax - task force on valuation of producing mines. Creates a task force on the valuation of producing mines for property tax purposes and sets forth the membership of said task force. Requires the task force to study and make recommendations regarding the statutory provisions which relate to the valuation of producing mines and the policies and procedures utilized in implementing such statutory provisions. Directs the task force to submit a written report of such recommendations to the general assembly no later than November 1, 1992.

VETOED by Governor April 16

H.B. 92-1068 Property tax - statutory terms relating to interest. Changes the term penalty interest to delinquent interest and adds the term redemption interest to describe moneys assessed against taxpayers for failure to timely pay property taxes.

APPROVED by Governor April 9

EFFECTIVE April 9

H.B. 92-1077 Property tax - improvements valued and taxed separately - collection. Authorizes county treasurers to collect delinquent property taxes levied on improvements which have been valued and taxed separately from land in the same manner as the collection of delinquent property taxes levied on personal property. Provides exceptions for certain types of improvements. Requires county treasurers to comply with certain requirements prior to utilizing said manner for the collection of delinquent property taxes levied on commercial

property. Modifies the authority of county commissioners to cancel delinquent property taxes levied on personal property after a period of 6 years to after a period of one year.

APPROVED by Governor April 9

EFFECTIVE April 9

H.B. 92-1125 Severance tax - allocation of revenues. Extends through fiscal year 1992-93 the allocation to the state general fund of severance tax revenues which would otherwise be credited to the state severance tax trust fund.

APPROVED by Governor February 25

EFFECTIVE February 25

H.B. 92-1128 Property tax - omitted mines and oil and gas properties - interest. Imposes interest on property taxes levied upon additional assessments on mines and on oil and gas leaseholds and lands which had previously been omitted from the tax list and warrant due to the owner or operator's failure to file a statement. Requires calculation of such interest from the date such taxes were due. Requires that such taxes be subtracted from any overpayment of taxes due for such period that taxes and interest are due and owing on such properties as disclosed by an audit.

APPROVED by Governor April 10

EFFECTIVE April 10

H.B. 92-1145 Income tax - property exempt. Exempts all property of a debtor from attachment, execution, or garnishment where the judgment creditor is a state attempting to collect income tax on such debtor's pension or other retirement benefits earned while the debtor was not a resident of the creditor state.

BECAME LAW without Governor's signature June 6

EFFECTIVE June 6

H.B. 92-1146 Property tax - work-off program - issuance of checks. Requires resolutions or ordinances of taxing entities which create a property tax work-off program to include procedures for the issuance of checks to taxpayers participating in such program for the amount of taxes worked off. Specifies that checks issued pursuant to a property tax work-off program shall be made payable only to the appropriate county treasurer. Makes taxpayers who participate in such a program responsible for delivering the check or checks issued to such taxpayer to the county treasurer for such amount to be credited against property taxes due and owing on such taxpayer's homestead.

APPROVED by Governor March 16

EFFECTIVE March 16

H.B. 92-1191 Income tax - credits for alternative fuels and child care facilities. Effective July 1, 1992, creates an income tax credit in the amount of 5% of the purchase price of a car or truck used in connection with a business which uses or is converted to use clean-burning alternative fuels. Repeals such

credit on July 1, 1994. Effective July 1, 1994, creates an income tax credit in the amount of 5% of the purchase price of any car or truck which uses or is converted to use clean-burning alternative fuels. Repeals such credit on July 1, 1998. Effective January 1, 1992, creates an income tax credit for persons operating a child care center or family care home in the amount of 20% of the annual investment in tangible personal property used in the child care center or family care home. Effective July 1, 1992, creates an income tax credit for any type of business which provides child care facilities, incidental to its business, for its employees in the amount of 10% of the annual investment in tangible personal property for such child care facility.

APPROVED by Governor June 5

EFFECTIVE June 5

H.B. 92-1210 Estate tax - credits - filing requirements - installment payments - special lien - default - estimated estate tax payments - limitations on assessment. Exempts estate taxes from certain assessment and lien time limitations. Prohibits the allowance of a credit for taxes, other than the unified credit, in determining the federal credit for taxes on the transfer of the gross estate of domiciliaries, nondomiciliaries, and aliens. Imposes additional filing requirements on persons making a special use valuation in a federal return who file a federal additional estate tax return.

Requires persons electing to pay estate tax in installments to enter into an agreement consenting to a special lien for such taxes and makes the special lien subject to applicable internal revenue code provisions on the special lien. Describes certain requirements with regard to the value of the lien property, the duties of the personal representative filing the lien, and the enforcement of the lien. Provides for the acceleration of payments by the department of revenue in the event of a default.

Requires persons making an estimated federal estate tax payment to make an estimated Colorado estate tax payment. Prohibits persons paying Colorado estate tax in installments from deferring certain amounts. Imposes interest on Colorado additional estate tax from the due date of the federal additional estate tax return. Provides time requirements for filing a claim for refund.

Imposes time limitations for the assessment of estate taxes. Provides for an extension or suspension of time for assessment under certain circumstances. Provides for assessment and collection of estate tax for failure to file a return or the filing of a false or fraudulent return. Authorizes the department of revenue to apply to a court under specified circumstances to secure a tax refund in order to pay estate tax.

APPROVED by Governor April 29

EFFECTIVE July 1

H.B. 92-1248 Sales and use tax - pre-press printing materials. Includes sales of pre-press preparation printing materials in the definition of "wholesale sale" to clarify that sales of such materials to a printer are not subject to the

imposition of sales and use tax but are taxed only when sold to a customer as part of a completed product. Defines "pre-press preparation printing materials".

APPROVED by Governor May 27

EFFECTIVE May 27

H.B. 92-1249 Sales and use tax - railroad items. Exempts locomotives, freight cars, railroad work equipment, and railroad rolling stock and the component parts affixed or attached to such items from sales and use taxes. Requires any taxpayer benefiting from such exemption to submit a report, within 120 days of the end of such taxpayer's fiscal year, to the legislative audit committee stating the number of new jobs created during the fiscal year, the number of jobs retained during the fiscal year, and salary levels of such new and retained jobs.

APPROVED by Governor April 16

EFFECTIVE July 1

H.B. 92-1263 Income tax - "Colorado S Corporation Income Tax Act". Enacts the "Colorado S Corporation Income Tax Act". Distinguishes and defines a C corporation and an S corporation for the purposes of corporate income taxation in accordance with the federal "Internal Revenue Code of 1986". Requires only C corporations to pay corporate income tax. Provides that each resident shareholder of an S corporation shall include such shareholder's pro rata share of the S corporation's income in filing a personal income tax return in accordance with federal provisions. Allows each shareholder of an S corporation to claim a proportionate share of any tax credit earned by the S corporation. Requires nonresident shareholders of an S corporation to sign an agreement to file a return and pay their pro rata share of income tax due on the income of the S corporation or requires the S corporation to file a return and pay the income taxes due from nonresident shareholders. Requires an S corporation to file a return stating the federal taxable income of the S corporation and any modifications or credits thereto.

APPROVED by Governor April 16

EFFECTIVE April 16

H.B. 92-1270 Income tax - withholding on proceeds from Colorado real estate transfers by nonresidents. Upon the conveyance or transfer of any Colorado real property interest occurring on and after January 1, 1993, requires the person or entity responsible for closing the transaction to withhold 2% of the sales price of such real property interest or the net proceeds resulting from the conveyance, whichever is less, if the transferor is a nonresident of Colorado. Specifies criteria for determining if transferors are nonresidents for purposes of said withholding. Provides exceptions to said withholding requirement. Sets forth the liability for failure to comply with said withholding requirement. Requires amounts which are withheld to be remitted to the department of revenue. Limits the amount of fees which may be charged by title insurance companies or their agents for giving assistance regarding said withholding requirement.

APPROVED by Governor June 3

EFFECTIVE July 1

H.B. 92-1278 Income tax - ordinary and necessary business expenses - nondeductibility if incurred at clubs which discriminate. Specifies that ordinary and necessary business expenses incurred by taxpayers at clubs licensed to sell alcoholic beverages may not be deducted for purposes of determining Colorado income tax if such a club has a policy to restrict membership on the basis of sex, race, religion, color, ancestry, or national origin. Requires that any such club licensee which has a policy to restrict membership on the basis of sex, race, religion, color, ancestry, or national origin provide on each receipt furnished to a taxpayer a printed statement that expenditures covered by the receipt are nondeductible for Colorado income tax purposes.

Applies to receipts furnished to taxpayers on or after July 1, 1992, and to tax years commencing on or after January 1, 1992.

APPROVED by Governor June 1

EFFECTIVE June 1

WATER AND IRRIGATION

S.B. 92-87 Water conservation board - project authorization and deauthorization - appointments to board - protection of water allocations - water management - appropriation. Specifies that, to the extent possible, the governor shall make appointments of persons to the water conservation board to represent water resource management; water project financing; engineering, planning, and development of water projects; water law; and irrigated farming or ranching. Requires that no more than 5 appointees be from the same political party. Implements new appointment requirements over a 3-year period beginning February 12, 1993. Requires the governor to fill a vacancy created by death or resignation within 30 days.

Allows the water conservation board to expend funds for the development of river basin models, policy formulation, interstate negotiations, and water management within the state to further the protection of interstate river compact waters. Changes the interest rate the board may charge on loans for work on dams from no less than 5% to between 0% and 7%, and establishes criteria the board must consider when setting the interest rate. Allows the board to expend up to \$500,000 for demonstration grants to improve water management and reduce the costs associated therewith. Reemphasizes the need of the board to promote projects which promote the beneficial use of compact waters.

Authorizes the water conservation board to expend funds for certain dam construction and repair projects. Deauthorizes the use of certain funds for certain water related projects that were authorized by the general assembly in previous years.

Appropriates \$100,000 and 1.0 FTE to the water conservation board from the Colorado water conservation board construction fund for implementation of the act. Appropriates \$262,000 and 2.6 FTE to the department of natural resources for allocation to the state engineer from the Colorado water conservation board construction fund for the implementation of the Colorado river compact water study for purposes of establishing a decision support system.

APPROVED by Governor May 27

EFFECTIVE May 27

S.B. 92-92 Water rights - change of use - revegetation. Defines the term "revegetation". Specifies that terms and conditions applicable to changes of use of water rights from agricultural irrigation purposes to other beneficial uses include reasonable provisions to revegetate lands from which irrigation water is removed. Allows the applicant for the change of use to request a final determination that no further application of water will be necessary in order to satisfy the revegetation provisions. Specifies that dry land agriculture may not be subject to a revegetation order.

APPROVED by Governor April 16

EFFECTIVE April 16

S.B. 92-140 Water - capacity of works - allotments - administrative provisions. Emphasizes, within the legislative declaration, the development of "works" (defined in the "Water Conservancy Act" as dams, reservoirs, and other property and improvements necessary or convenient for supplying water) as a part of the public policy of the state relating to the conservation of water resources. Allows the board of directors of any water conservancy district to levy and collect special assessments for benefits accruing to property because of the capacity of works. Mandates that any such board of directors shall make an allotment of works for any municipality or public corporation within the district petitioning for such an allotment so that such municipality or public corporation has an adequate works capacity. Provides that each affected board of directors shall determine a rate to be paid for any such allotment. Requires each board to periodically review rates so that such rates are equitable for like classes of service within any such board's district.

APPROVED by Governor April 2

EFFECTIVE April 2

H.B. 92-1008 Water wells - permit requirements. Confirms authority of the state engineer to issue permits for wells used for monitoring and observation and places those wells in the small capacity and exempt well category. Provides that wells which are drilled only for monitoring purposes do not impact water rights determinations.

Changes procedural requirements for proving that a water resource has been put to beneficial use and for proving that a well has been constructed, for purposes of allowing a permit to remain in effect, by eliminating the filing and hearing of objections.

Provides an exemption to the hearing requirement for any well to be located less than 600 feet from another well if such well will be for an individual residential site and will not pump over 15 gallons of water per minute. Removes all references to "substitute wells". Defines "quarter-quarter" as used in this article to describe portions of a section of land which is equal to approximately 40 acres.

APPROVED by Governor March 19

EFFECTIVE March 19

H.B. 92-1089 Water conservation board - construction fund - delay in general fund transfers to fund. Delays for one year the transfers of general fund moneys to the Colorado water conservation board construction fund, the fish and wildlife resources account in such fund, and to the Colorado water resources and power development authority which were scheduled for July 1, 1992, July 1, 1993, and July 1, 1994.

APPROVED by Governor February 25

EFFECTIVE February 25

H.B. 92-1131 Dams - emergency repair by state engineer - applications for construction - priority - appropriation. Removes requirement that persons seeking approval for construction of a livestock water tank submit plans and specifications along with a statement to the state engineer and requires instead that they submit an application on a form specified by the state engineer. Repeals section on how priority numbers are assigned to livestock water tanks and specifies that priority numbers shall be assigned in concert with any erosion control dams. Removes time limitations on how long the state engineer has to inspect livestock water tanks after construction is complete. Repeals the requirement that the state engineer approve the plans and specifications for the construction of a livestock water tank prior to construction and substitutes the requirement that the state engineer approve an application prior to construction. Repeals the provision that the state engineer act as a consulting engineer on any such project.

Creates the emergency dam repair cash account in the water conservation board construction fund. Allows the state engineer to act to avert emergencies if the engineer determines that immediate action is necessary to repair any dam or reservoir in the state to avoid such emergency. Specifies that the state engineer shall retain control of any such dam until the emergency necessitating action has been averted. Provides that the owner of any dam upon which the state engineer has taken emergency measures must repay the state engineer for necessary and reasonable costs in conjunction with such measures. Allows the owner of such dam to seek judicial review of the propriety of the state engineer's actions.

Appropriates \$50,000 from the emergency dam repair cash account to the division of water resources under the department of natural resources for allocation to the state engineer for emergency dam repair.

APPROVED by Governor June 3

EFFECTIVE June 3

H.B. 92-1204 Water wells - construction outside designated basins - permits - prior notice to interested parties. Requires that applicants for permits to construct water wells which would be outside a designated ground water basin, which would draw water from specified aquifers, and which do not meet certain exemptions give advance notice of such applications to lienholders and other persons with recorded interests in the overlying land. Requires proof of such notice to be given to the water court where a decree is sought to allow the construction of a well following denial of a permit by the state engineer. Directs water judges to issue such a decree only upon the submission of evidence of compliance with notice provisions.

APPROVED by Governor March 20

EFFECTIVE March 20

PROPOSED STATE CONSTITUTIONAL AMENDMENTS

S.C.R. 92-3 Gaming - local control - election requirement for additional limited gaming - severability of state constitutional provisions. Submits to Colorado voters at the 1992 general election an amendment to article XVIII of the state constitution that would require a local election to be held (in addition to the statewide passage of an amendment conferring constitutional authority upon a city, town, or county to permit limited gaming) before limited gaming could take place outside of the currently authorized limited gaming communities of Central City, Black Hawk, and Cripple Creek. Specifies the form of the question to be submitted to the local electorate.

Specifies that if any provision of the state constitution is held invalid, all other provisions remain effective unless they are found to be inseparable from the invalid provision.

H.C.R. 92-1003 Obsolete state constitutional provisions - repeal. Submits to Colorado voters at the 1992 general election an amendment to delete the following obsolete provisions of the Colorado constitution: The requirement that general elections be held at specified times during 1876, 1877, and 1878; the requirement that the office of superintendent of public instruction be known as the office of commissioner of education; provisions pertaining to the expiration of terms for the state board of land commissioners during 1913, 1915, and 1917; and provisions pertaining to retired public debt. Changes the term "unremarried widow" in veterans' preference provisions to "surviving spouse".



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- SB** indicates a Senate Bill
- HB** indicates a House Bill
- SCR** indicates a Senate Concurrent Resolution
- HCR** indicates a House Concurrent Resolution
- V** indicates a bill which was vetoed by the Governor and not overridden by the General Assembly

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