

DIGEST OF BILLS ENACTED BY THE SIXTIETH GENERAL ASSEMBLY

1995 FIRST REGULAR SESSION
JUNE 1995

Publication of 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 section 2-3-504, C.R.S. The Digest consists of summaries of all bills and concurrent resolutions enacted by the Sixtieth General Assembly at its First Regular Session ending May 8, 1995. The summaries include the dates bills are approved and the effective dates of the bills. The Digest is not a substitute for the text of the bills or for provisions of Colorado Revised Statutes, but gives the user notice of and summary information on recent changes to the statutes.

ADMINISTRATIVE RULE REVIEW

H.B. 95-1189 Continuation of 1994 rules of executive agencies - exceptions. Provides for the continuation of the rules and regulations of state agencies that were adopted or amended on or after November 1, 1993, and before November 1, 1994; except that certain rules and regulations shall expire as scheduled on May 15, 1995.

Postpones indefinitely the expiration of the rules and regulations of the public employees' retirement association scheduled to expire on May 15, 1995.

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

Repeals specified instructions to assessors of the division of property tax relating to minor structures on vacant land.

APPROVED by Governor May 15, 1995

EFFECTIVE May 15, 1995

AGRICULTURE

S.B. 95-5 Agriculture - "Measurement Standards Act" - continuation under sunset law. Extends the automatic termination date of the licensing functions of the commissioner of agriculture under the "Measurement Standards Act of 1983" to July 1, 2010.

Adopts the standards for evaluation and inspection of the National Institute of Standards and Technology ("Institute") weighing and measuring devices, and eliminates the statutory provisions that apply to moisture-testing devices. Requires that all commercial devices have a certificate of conformance issued by the Institute.

Eliminates, as conditions for qualification as a certified weigher, the current requirements that a person be a U.S. citizen and have good moral character. Grants the commissioner of agriculture authority to deny applications for licensure and certification and to discipline holders of licenses and certificates.

Replaces provisions for the licensure of weighing and measuring device salesmen with certification provisions.

APPROVED by Governor May 25, 1995

EFFECTIVE July 1, 1995

S.B. 95-6 Handlers of farm products - regulation - continuation under sunset law - eggs - apple storage - peach inspections - adjustment to long bill - appropriation. Deregulates transporters of farm products. Adds having a license revoked, suspended, or not renewed or having been placed on probation in another jurisdiction to the list of grounds on which a licensee or applicant may be disciplined in this state.

Adds new definitions to the "Farm Products Act" and the "Commodity Warehouse Act" so that certain key terms used in those acts are defined.

Requires persons who act as agents for commodity handlers to be licensed. Allows a person who is bonded pursuant to the "Farm Products Act" to use that bond to fulfill the bonding requirements of the "Commodity Warehouse Act".

Extends the automatic termination date of the licensing of farm products dealers or agents, commodity handlers, and persons handling poultry eggs by the commissioner of agriculture to July 1, 2010, pursuant to the provisions of the sunset law.

Amends certain definitions in the statutes regulating egg production including amending the definition of "edible egg" so that it conforms with the United States Department of Agriculture definition. Excludes gasoline sales from the definition of what is included in sales figures for an establishment selling eggs for purposes of annual license fees or otherwise. Removes certain

invoicing and documenting requirements for the sale and transportation of eggs. Changes licensure requirements so that licenses are continued to be required for sales and are now also required for resales. Removes current provisions on candling eggs, receiving eggs on consignment, and commercially removing eggs from their shells for preparation of egg mixtures.

Requires the commissioner to promulgate rules for all aspects of egg production rather than having such requirements in statute. Requires the commissioner to enforce the egg production statutes. Allows the commissioner to deny an application for licensure, place a licensee on probation, restrict a license, or refuse to renew a license in addition to suspending or revoking a license for violation of the article. Grants the commissioner the power to impose civil penalties for violation of the statutes after a hearing.

Repeals the requirement for inspection of peach shipments in excess of 1,000 pounds.

Eliminates licensing requirements for apple storage. Allows the commissioner of agriculture to adopt rules for the voluntary inspection of apples stored in compliance with the "Controlled Atmosphere Storage of Apples Act". Conforms the penalty provisions so that they reflect the voluntary nature of apple inspections.

Changes the appropriation to the department of agriculture by reducing the general fund appropriation by \$9,806 and 0.4 FTE for the implementation of the act.

Appropriates \$153,356 and 1.8 FTE to the department of revenue and ports of entry division for the implementation of the act.

APPROVED by Governor May 23, 1995

EFFECTIVE May 23, 1995

S.B. 95-18 Farm equipment sales - dealer agreements - cancellation - buy-back requirements. Repeals and reenacts the "Colorado Farm Equipment Fair Dealership Act" (act).

Defines and regulates the agreement between a manufacturer, assembler, or wholesaler of farm equipment and the party selling such equipment at retail as a "dealer agreement".

Sets forth what conduct constitutes a violation of the act by a farm equipment supplier towards a farm equipment dealer, including:

- Coercing a dealer into a supplementary agreement, aside from the dealer agreement, unless uniformly imposed on all of the supplier's dealers in the state;
- Refusing to deliver equipment when it is reasonably available, except under certain specified circumstances;
- Terminating, cancelling, failing to renew, or substantially changing a dealer agreement without cause;
- Requiring substantial renovation of a dealer's place of business without adequate notice

and reason;

- Discriminating in pricing;
- Preventing a dealer from changing the capital structure of the dealership, except under certain circumstances;
- Preventing an interest holder in a dealership from transferring such interest holder's interest;
- Requiring a dealer to agree not to bind the supplier to this act; and
- Unreasonably withholding consent to the transfer of an equipment dealer's interest to such dealer's family.

Specifies what "cause" is for purposes of terminating, cancelling, not renewing, or changing the circumstances of a dealer agreement.

Requires a 180-day notice prior to termination, cancellation, nonrenewal, or change of circumstances of a dealer agreement, unless certain circumstances exist. Allows a dealer to correct the reason for the supplier's action within the 180-day period. Requires the supplier to continue the agreement under existing terms if the dealer takes corrective actions.

Absent an agreement otherwise, requires a supplier to periodically repurchase a portion of a dealer's surplus parts inventory for credit. Limits the types of items in inventory that may be returned for credit.

Requires a supplier to repurchase a dealer's remaining inventory, any data processing hardware and software required by the supplier, and any specialized repair tools unique to the product line upon termination of a dealer agreement. Specifies how the price that the dealer will be reimbursed for repurchased goods is determined. Exempts certain items from the repurchase requirement, including items that are damaged or that were ordered after the dealer was notified of the cancellation. Perfects title in the repurchased items in the supplier, without filing a financing statement, when the dealer is paid.

Provides a mechanism for repurchase of inventory when a dealer dies or becomes incapacitated.

Allows a dealer to seek legal or equitable relief from a supplier, if the supplier violates the act.

Requires the supplier to warranty new equipment and to compensate a dealer for parts and labor in fulfilling a warranty agreement. Allows a supplier to disallow or adjust a warranty claim under certain circumstances.

Applies to new agreements or to old agreements after such agreements are extended, revised, modified, or changed, on or after July 1, 1995.

BECAME LAW without Governor's signature May 1

EFFECTIVE July 1, 1995

S.B. 95-120 Soil conservation districts - voting - board of supervisors - withdrawal of land. Permits a landowner to have a family member who is a registered voter and a renter or manager of the land vote for them in soil conservation district elections.

Authorizes local soil conservation districts to provide in bylaws for the election of a governing board of 5 to 11 supervisors. Changes the requirements for the composition of such boards.

Modifies procedures for local soil conservation districts to amend district bylaws, allowing such changes upon the petition of 50 qualified voters if the current 3% requirement would exceed 50, and requires passage of such an amendment only by a 2/3 vote rather than the current simple majority.

Where a landowner withdraws from a soil conservation district, requires the district's board of supervisors to file a statement of withdrawal with the county clerk and recorder of the applicable county. Makes the owner of the withdrawn land responsible for payment of the filing fee.

APPROVED by Governor April 21, 1995

EFFECTIVE July 1, 1995

H.B. 95-1005 Slaughter, processing, and sale of meat - continuation under sunset law. Removes temperature requirements from statute and specifies that the department of agriculture will set temperature requirements by rule. Authorizes the department to adopt rules concerning the sale of meat or meat products and for food plan operators. Specifies that persons who are otherwise exempt from the laws governing the sale of meat are subject to provisions regarding the sale of adulterated or diseased meat. Makes the sale of adulterated meat a class 2 misdemeanor.

Extends the automatic termination date of the licensing function of the department with respect to the slaughter, processing, and sale of meat to July 1, 2010, pursuant to the sunset law.

APPROVED by Governor March 17, 1995

EFFECTIVE July 1, 1995

H.B. 95-1054 Department of agriculture - enforcement authority - civil penalties - cease and desist orders - injunctions. Increases the authority of the state agricultural commission and the commissioner of agriculture to enforce laws related to the "Colorado Agricultural Marketing Act of 1939", prevention of disease in livestock, the manufacture and sale of animal biological products, and the feeding of garbage to hogs. Authorizes the assessment of civil penalties for violations, allows the issuance of cease and desist orders, and empowers courts to issue injunctions in aid of enforcement.

APPROVED by Governor March 23, 1995

EFFECTIVE March 23, 1995

H.B. 95-1129 Accredited zoological parks - exemption from certain regulations. Exempts zoological parks that are accredited by the American zoo and aquarium association from: (1) The state licensing requirement for zoological parks; (2) The wildlife commission's movement and testing requirements for intrastate movement of animals; (3) The certification requirements pertaining to the control of infectious diseases and parasites in alternative livestock; (4) The provisions of the "Alternative Livestock Act"; and (5) The assessment levied on each head of alternative livestock cervidae or captive wildlife cervidae.

Provides that certain rules of the wildlife commission, the state board of stock inspection commissioners, and the state agricultural commission shall continue to apply to intrastate transfers of alternative livestock between accredited zoological parks and any persons or entities that are not accredited. Specifies that a zoological park that does not pay into the cervidae disease revolving fund is not eligible for indemnification under the fund.

APPROVED by Governor March 9, 1995

EFFECTIVE March 9, 1995

H.B. 95-1206 Colorado horse development board created - appropriation. Creates the Colorado horse development board, consisting of 14 members appointed by the commissioner of agriculture. Provides that the board is a body corporate and a political subdivision of the state but is not a state agency and is not subject to administrative direction by any state agency except as provided in the act and for purposes of governmental immunity, risk management, and self-insurance. States that the board is not a local government for purposes of the local government budget and audit laws.

Specifies the qualifications and the powers and duties of the board relating to development and promotion of the horse industry in Colorado. Specifies that board members serve without compensation except for payment of actual and necessary travel and other expenses. Authorizes board employees to receive actual and necessary travel and other expenses. Requires the board to adopt rules governing payment of expenses.

Authorizes the board to accept grants and donations to fund the activities and expenses of the board. Creates a horse development fund in the office of the state treasurer in which such grants and donations are deposited. Specifies that fund moneys are subject to annual appropriation and do not revert to the general fund at the end of the fiscal year.

Appropriates \$100,000 from the Colorado horse development fund to the board for implementation of the act.

APPROVED by Governor May 25, 1995

EFFECTIVE July 1, 1995

APPROPRIATIONS

S.B. 95-175 Supplemental appropriation - department of administration. Amends the 1994 general appropriation act to increase the total appropriation to the department of administration. Increases the general fund and cash funds exempt portions of the appropriation.

APPROVED by Governor March 29, 1995

EFFECTIVE March 29, 1995

S.B. 95-176 Supplemental appropriation - department of agriculture. Amends the 1994 general appropriation act to increase the total appropriation to the department of agriculture. Increases the cash funds portion of the appropriation.

APPROVED by Governor March 29, 1995

EFFECTIVE March 29, 1995

S.B. 95-177 Supplemental appropriation - department of education. Amends the 1994 general appropriation act to decrease the total appropriation to the department of education. Decreases the general fund, cash funds, and cash funds exempt portions of the appropriation. Repeals a section of a 1994 act that adjusted the appropriation to the department in the 1994 general appropriation act.

APPROVED by Governor March 29, 1995

EFFECTIVE March 29, 1995

S.B. 95-178 Supplemental appropriation - office of the governor. Amends the 1994 general appropriation act to increase the cash funds portion and decrease the cash funds exempt portion of the appropriation to the office of the governor.

APPROVED by Governor March 29, 1995

EFFECTIVE March 29, 1995

S.B. 95-179 Supplemental appropriation - department of health care policy and financing. Amends the 1994 general appropriation act to increase the total appropriation to the department of health care policy and financing. Increases the general fund, cash funds exempt, and federal funds portions of the appropriation and decreases the cash funds portion. Amends the 1993 general appropriation act to increase the total appropriation to the department. Increases the general fund and federal funds portions of the appropriation. Lifts restrictions on funds attributable to overexpenditures for the 1993-1994 fiscal year.

APPROVED by Governor March 29, 1995

EFFECTIVE March 29, 1995

S.B. 95-180 Supplemental appropriation - department of higher education. Amends the 1994 general

appropriation act to increase the total appropriation to the department of higher education. Decreases the general fund portion of the appropriation and increases the cash funds and cash funds exempt portions.

APPROVED by Governor March 29, 1995

EFFECTIVE March 29, 1995

S.B. 95-181 Supplemental appropriation - department of human services. Amends the 1994 general appropriation act to increase the total appropriation to the department of human services. Increases the cash funds exempt portion and decreases the general fund, cash funds, and federal funds portions. Adds footnotes to the 1994 general appropriation act. Amends a section of a 1994 act that made appropriations to the department of human services. Amends sections of 1994 acts that made appropriations to the department of human services by changing one of the sources of the appropriations from cash funds to cash funds exempt. Amends a section of a 1994 act to adjust the appropriations made to the department in the 1994 general appropriation act to decrease the general fund and cash funds portions.

APPROVED by Governor March 29, 1995

EFFECTIVE March 29, 1995

S.B. 95-182 Supplemental appropriation - judicial department. Amends the 1994 general appropriation act to increase the total appropriation to the judicial department. Increases the general fund, cash funds, and cash funds exempt portions of the appropriation. Adds a footnote to the 1994 general appropriation act.

APPROVED by Governor March 29, 1995

EFFECTIVE March 29, 1995

S.B. 95-183 Supplemental appropriation - department of labor and employment. Amends the 1994 general appropriation act to increase the appropriation to the department of labor and employment. Increases the cash funds exempt and federal funds portions of the appropriation and decreases the cash funds portion.

APPROVED by Governor March 29, 1995

EFFECTIVE March 29, 1995

S.B. 95-184 Supplemental appropriation - department of law. Amends the 1994 general appropriation act to increase the total appropriation to the department of law. Decreases the general fund and cash funds portions of the appropriation and increases the cash funds exempt and federal funds portions.

APPROVED by Governor March 29, 1995

EFFECTIVE March 29, 1995

S.B. 95-185 Supplemental appropriation - legislative department. Amends a section of a 1994 act to increase an appropriation to the general assembly for allocation to the legislative service agencies for the provision of staff assistance for the recodification of the "Colorado Children's Code". Amends the 1994 legislative department appropriation to decrease the appropriation to the house of representatives and senate and to increase the appropriation to the legislative council. Adds a footnote to the legislative council appropriation to provide for the use of money for a study relating to workers' compensation medical care fees.

APPROVED by Governor March 29, 1995

EFFECTIVE March 29, 1995

S.B. 95-186 Supplemental appropriation - department of local affairs. Amends the 1994 general appropriation act to decrease the total appropriation to the department of local affairs. Decreases the cash funds portion of the appropriation and increases the cash funds exempt portion.

APPROVED by Governor March 29, 1995

EFFECTIVE March 29, 1995

S.B. 95-187 Supplemental appropriation - department of natural resources. Amends the 1994 general appropriation act to increase the total appropriation to the department of natural resources. Increases the general fund, cash funds, cash funds exempt, and federal funds portions of the appropriation.

APPROVED by Governor March 29, 1995

EFFECTIVE March 29, 1995

S.B. 95-188 Supplemental appropriation - department of personnel. Amends the 1994 general appropriation act to increase the cash funds portion and decrease the cash funds exempt portion of the appropriation to the department of personnel. Deletes a footnote to the 1994 general appropriation act.

APPROVED by Governor March 29, 1995

EFFECTIVE March 29, 1995

S.B. 95-189 Supplemental appropriation - department of public health and environment. Amends the 1994 general appropriation act to increase the total appropriation to the department of public health and environment. Increases the general fund portion of the appropriation and decreases the cash funds portion.

APPROVED by Governor March 29, 1995

EFFECTIVE March 29, 1995

S.B. 95-190 Supplemental appropriation - department of public safety. Amends the 1994 general appropriation act to increase the total appropriation to the department of public safety. Increases the

cash funds and cash funds exempt portions of the appropriation. Deletes a footnote to the 1994 general appropriation act.

APPROVED by Governor March 29, 1995

EFFECTIVE March 29, 1995

S.B. 95-191 Supplemental appropriation - department of regulatory agencies. Amends the 1994 general appropriation act to increase the total appropriation to the department of regulatory agencies. Increases the cash funds portion of the

appropriation and decreases the cash funds exempt portion.

APPROVED by Governor April 12, 1995

EFFECTIVE April 12, 1995

S.B. 95-192 Supplemental appropriation - department of revenue. Amends the 1994 general appropriation act to increase the total appropriation to the department of revenue. Increases the cash funds portion of the appropriation and decreases the general fund and cash funds exempt portions.

APPROVED by Governor March 29, 1995

EFFECTIVE March 29, 1995

S.B. 95-193 Supplemental appropriation - department of the treasury. Amends the 1994 general appropriation act to decrease the total appropriation to the department of the treasury. Decreases the general fund portion of the appropriation.

APPROVED by Governor March 29, 1995

EFFECTIVE March 29, 1995

S.B. 95-197 Supplemental appropriation - department of corrections. Amends the 1994 general appropriation act to increase the total appropriation to the department of corrections. Increases the general fund and cash funds exempt portions of the appropriation. Amends the 1993 general appropriation act to increase the total appropriation to the department of corrections. Increases the general fund portion of the appropriation.

APPROVED by Governor March 29, 1995

EFFECTIVE March 29, 1995

S.B. 95-214 General appropriation act - long bill. Makes appropriations for the payment of the expenses of the executive, legislative, and judicial departments of state government for the fiscal year beginning July 1, 1995. Sets the grand total of the operating budget at \$8,238,397,396, of which \$3,843,750,741 is from the general fund, \$2,519,840,898 is from cash funds, and \$1,874,805,757 is from federal funds.

Appropriates \$302,244,599 for capital construction, of which \$94,425,953 is from the capital construction fund, \$104,244,486 is from cash funds, and \$103,574,160 is from federal funds.

For the 1993-94 fiscal year, decreases the general fund appropriation to the department of health care policy and financing for outstate programs under indigent care program and increases the general fund appropriation to the department of the treasury for industrial banks under the unclaimed property program to repay depositors of industrial banks.

APPROVED by Governor April 28, 1995
PORTION VETOED April 28, 1995

EFFECTIVE April 28, 1995

H.B. 95-1205 Legislative appropriation. Appropriates \$19,489,002 to the general assembly and the legislative service agencies for the 1995-96 fiscal year. Specifies that \$100,000 of this sum is from cash funds and the remainder is from the general fund. Projects that the statutory tax levy on civil actions in 1995-96 will return \$235,000 to the general fund to offset expenses of the revision of statutes by the office of legislative legal services.

APPROVED by Governor April 20, 1995

EFFECTIVE April 20, 1995

H.B. 95-1363 Supplemental appropriation - capital construction. Amends the 1992 general appropriation act to decrease the total appropriation for capital construction. Decreases the capital construction fund, cash funds, and federal funds portions of the appropriation. Amends the 1992 general appropriation act to increase a capital construction appropriation in the department of higher education to Fort Lewis college by increasing the cash funds portion of the appropriation. Decreases the capital construction fund portion and increases the cash funds portion of the capital construction appropriation. Amends the 1993 general appropriation act to increase the total appropriation for capital construction. Increases the cash funds exempt portion of the appropriation. Amends the 1994 general appropriation act to increase the total appropriation for capital construction. Decreases the capital construction fund exempt portion of the appropriation and increases the cash funds and cash funds exempt portions.

For the 1994-95 fiscal year, appropriates \$1,655,000 out of the capital construction fund for hazardous waste cleanup on the campus of the Colorado school of mines.

Appropriates \$2,081,000 from the general fund to the capital construction fund for the 1994-95 fiscal year.

APPROVED by Governor June 5, 1995

EFFECTIVE June 5, 1995

CHILDREN AND DOMESTIC MATTERS

S.B. 95-152 Juvenile sentencing - parental involvement. Authorizes a sentencing court to require a juvenile's parent or guardian to assist the juvenile in a supervised work program as a condition of probation, to perform volunteer community service with the juvenile, or to attend a parental responsibility training program with the juvenile. Allows the court to require the juvenile or both the juvenile and the parent or guardian to perform services for the victim if the victim consents.

Applies to sentences imposed on or after July 1, 1995.

APPROVED by Governor April 17, 1995

EFFECTIVE July 1, 1995

S.B. 95-171 Juvenile sentencing - regimented juvenile training program. Prohibits a court from imposing any other sentence when it sentences a juvenile to the department of human services with a recommendation that the juvenile be required to participate in the regimented juvenile training program.

Applies to sentences imposed on or after July 1, 1995.

APPROVED by Governor April 7, 1995

EFFECTIVE July 1, 1995

H.B. 95-1043 Juvenile sentencing - restitution - liability cap for parents. Raises the maximum amount of damages recoverable against parents for the acts of their minor children from \$3,500 to \$5,000.

APPROVED by Governor May 22, 1995

EFFECTIVE July 1, 1995

H.B. 95-1153 Domestic abuse - disclosure of prior restraining orders. Requires a party filing a petition for dissolution of marriage or legal separation or filing a proceeding for child custody or a proceeding involving determination of paternity to disclose to the court the existence of any prior temporary or permanent restraining orders issued against either party within 90 days prior to the filing of the petition or proceeding.

APPROVED by Governor March 23, 1995

EFFECTIVE July 1, 1995

H.B. 95-1334 Actions against juveniles - miscellaneous changes - mediation pilot program costs. Provides that a restraining order to prevent domestic abuse may be issued against a juvenile. Authorizes service of a "promise to appear" for juvenile proceedings based upon an act constituting a felony as well as a misdemeanor or petty offense. Requires a juvenile judge or magistrate setting

bail to consider the same criteria a court considers for adult offenders in determining the amount of bail and type of bond to be furnished. Requires a juvenile to pay the victims and witnesses assistance and law enforcement surcharge as a condition of probation.

Removes a district court's authority to order a juvenile to be held in custody pending proceedings in district court after an order waiving the jurisdiction of the juvenile court. Allows a juvenile magistrate to issue a warrant in a situation where it is believed that a juvenile has violated conditions of the juvenile's bail bond. Establishes that juvenile and county courts shall have concurrent jurisdiction over a juvenile under 18 charged with underage drinking; except that, if the juvenile court accepts jurisdiction, the county court jurisdiction shall terminate. Requires the full juvenile parole board to conduct the parole hearings concerning aggravated as well as violent juvenile offenders.

Clarifies that counties participating in the mediation pilot program are not responsible for any costs of mediation services.

APPROVED by Governor May 16, 1995

EFFECTIVE July 1, 1995

CONSUMER AND COMMERCIAL TRANSACTIONS

S.B. 95-91 Security interests - filing requirements - central indexing system - appropriation. Creates a central system ("system") for the indexing of all filings made pursuant to the "Uniform Commercial Code - Secured Transactions". Creates the central indexing system board to oversee and implement the system, study its future expansion, establish filing fees, and determine which filings to perfect security interests and notices of other agricultural liens shall be indexed in the system.

Establishes the central indexing system cash fund to fund the system. Imposes a \$1 surcharge on all filings and recordings, except those for which there is no charge, to fund computer and related expenses needed for the electronic filing and retrieval of lien index data. Repeals the surcharge, effective December 31, 2000.

Effective July 1, 1996, requires the office of the secretary of state and any county clerk and recorder receiving a filing to perfect a security interest or agricultural lien to transmit a copy of the filing to the central indexing system in a timely manner.

Before July 1, 1996, current law concerning the proper place to file in order to perfect a security interest is retained, except that:

- A defect in the description of collateral in an effective financing statement shall not affect the validity of a financing statement filed with the county clerk and recorder pursuant to the Uniform Commercial Code; and

- When an effective financing statement is filed within 45 days after the filing with the county clerk and recorder, the priority of the filing shall be determined by the date and time of the earlier filing, but if the effective financing statement is not filed within 45 days, the priority shall be determined by the date and time of the filing of the effective financing statement.

Effective July 1, 1996, the proper place to file in order to perfect a security interest is:

- When the collateral is timber or other substances to be extracted or goods which are to become fixtures, then in the real estate records in the office of the county clerk and recorder where the real estate is located; or, in all other cases,

- In the office of the secretary of state or the office of the county clerk and recorder of any county.

Eliminates a provision stating that a filing made in good faith but in the wrong place or not in all of the required places is effective to the extent it does comply with requirements. Eliminates the requirement that a financing statement be signed by the debtor. Eliminates the requirement that both spouses sign a financing statement for a security interest in consumer goods to be enforceable.

Eliminates a provision stating that a financing statement is sufficient to perfect a security interest in certain types of collateral when signed only by the secured party. Eliminates the

requirement that a continuation statement be signed by the secured party when filed. Eliminates the requirement that a continuation statement signed by a person other than the secured party of record must be accompanied by a separate written statement of assignment signed by the secured party of record. Eliminates requirements that filings with the secretary of state be typed.

Enables a secured party of record to release the collateral described in the financing statement by using an unsigned statement of release. Increases filing, indexing, and other fees to \$15.

Extends until December 31, 1996, the repeal date for the central filing system committee; except that if the members of the central indexing system board are appointed before that date, then the committee shall cease to exist on the final date of such appointment.

States that a financing or continuation statement filed before July 1, 1996, which has not lapsed by December 31, 1997, shall lose its priority rights unless a new continuation statement is filed after July 1, 1996, but on or before December 31, 1997. The new statement must identify the original statement and state that such original statement is still effective. The priority of the original filing shall be preserved for five years after the date of filing of the new statement. Provides that if a statement filed before July 1, 1996, lapses after that date but before December 31, 1997, it may be continued by filing a new continuation statement.

For the fiscal year beginning July 1, 1995, appropriates \$1,915,584 to the department of state if the central indexing system board contracts for the purpose of implementing the central indexing system for the implementation of this act, of which \$802,889 shall be appropriated to the department of state, \$14,421 shall be appropriated to the department of law, and \$410,595 shall be appropriated to the department of revenue.

For the fiscal year beginning July 1, 1995, appropriates \$702,100 to the department of state if such department is selected to operate the central indexing system for the implementation of the act.

APPROVED by Governor May 31, 1995

EFFECTIVE July 1, 1996

H.B. 95-1039 Unsolicited goods - magazine subscription cancellation. Requires that the sender of a magazine or periodical cancel a subscription if the recipient returns the invoice marked "cancel" or otherwise notes that he or she wishes to terminate the subscription. Requires the sender to refund the price of the remainder of the cancelled prepaid subscription.

APPROVED by Governor May 4, 1995

EFFECTIVE July 1, 1995

H.B. 95-1076 Consumer credit transactions - delinquency charge limitation. Amends the "Uniform Consumer Credit Code" to limit the delinquency charge on an instalment not paid within ten days after the due date to not more than \$15 with respect to a consumer loan, refinancing, or consolidation

that is not precomputed and that is not secured by real property. Deletes current language limiting such charges to 5% of the unpaid amount or \$10, whichever is less.

APPROVED by Governor April 7, 1995

EFFECTIVE April 7, 1995

H.B. 95-1242 Music copyrights - contracts for the payment of royalties - enforcement. Establishes requirements for contracts that require a proprietor to pay royalties to a copyright owner or performing rights society when certain nondramatic musical works are performed in public. Exempts contracts entered into between a performing rights society and a broadcaster licensed by the FCC.

Requires that certain information be provided to a proprietor at least 72 hours before the execution of a contract, but allows a proprietor to waive the 72-hour review period if there is no coercion or undue influence.

Requires that royalty contracts be in a certain form and include certain provisions, including a list of the copyrighted works licensed under the contract and notice of a 72-hour rescission period.

Prohibits a copyright owner, performing rights society, or an agent or employee of such an owner or society from:

- Entering the property of a proprietor for the purpose of discussing the payment of royalties or the use of copyrighted works without first identifying himself or herself and making known the purpose of the investigation;
- Collecting a royalty payment or other fee pursuant to a contract that does not meet stated requirements;
- Engaging in coercive conduct or an unfair or deceptive trade practice that substantially disrupts a proprietor's business;
- Using an unfair or deceptive act or practice in negotiating with a proprietor.

States that nothing in the Act shall prohibit a performing rights society from conducting investigations concerning the use of music or informing a proprietor of his or her obligations under federal copyright laws.

Grants proprietors the authority to sue or bring a counterclaim against a copyright owner or performing rights society to enjoin a violation and recover damages sustained as a result of a violation. Grants reasonable attorney fees to the prevailing party. If the prevailing party is a proprietor, he or she may also recover reasonable costs and treble damages, but in no event less than \$1,000. Prohibits a proprietor from bringing a counterclaim against a party other than the original complainant.

APPROVED by Governor June 3, 1995

EFFECTIVE July 1, 1995

CORPORATIONS AND ASSOCIATIONS

H.B. 95-1061 Limited liability partnerships - limited partnership associations - formation - powers - officers - dissolution - conversion. Allows the formation of, and the conversion of other entities into, registered limited liability partnerships (LLPs) and limited partnership associations (LPAs).

Immunizes each partner in a registered LLP from liability for partnership debts and liabilities except:

- As otherwise provided in the partnership agreement;
- As otherwise provided in a writing signed by the partner; or
- To the extent the debt or liability arises from the partner's own conduct.

Upon the death or dissociation of an original member or the association of a new member of a registered LLP, allows the resulting new entity to continue as a registered LLP.

Establishes requirements for filing documents with the secretary of state and procedures for withdrawing a registration statement. Requires use of the words "registered limited liability partnership" or "limited liability partnership", or the abbreviation "LLP", "L.L.P.", "RLLP", or "R.L.L.P.", in the organization's name. Requires LLPs to pay fees and file reports, subject to loss of limited-liability status in case of noncompliance.

Limits distribution of partnership assets to partners while there are outstanding partnership obligations. Allows the partnership 6 years in which to assert claims for members' contributions wrongfully returned. Allows a party to hold the partners of an LLP personally responsible for alleged improper actions of the LLP by applying available case law regarding piercing of the corporate veil, but precludes such individual responsibility solely on the basis that the LLP failed to observe the formalities or requirements relating to management of its business and affairs.

Adopts the "Colorado Limited Partnership Association Act" governing LPAs. Requires registration of a trade name containing the word "limited" or the abbreviation "Ltd." or LPA" for such entities. Gives managers, officers, and members of an LPA limited liability, subject to modification in the bylaws and interpretation under case law dealing with the doctrine of piercing the corporate veil. Incorporates by reference many provisions of existing corporation statutes, allowing the association's bylaws to override those provisions in certain cases.

Requires at least one meeting of the members each year. Prohibits distributions (termed "dividends") to members that would leave the association insolvent, holding the managers liable to the association for any such dividends they approve. Provides for the conversion of other entities into LPAs and of LPAs into other entities.

Allows formation of, and conversion of a limited partnership into, a limited liability limited partnership (LLLLP).

Contains detailed provisions for conversion of a limited liability company (LLC) into a partnership, limited partnership, LLP, or LLLP, including a requirement of unanimous consent of members unless otherwise provided in the LLC's operating agreement. Limits the liability of members of an LLC thus converted, preventing them from being personally liable for obligations incurred before the conversion took effect and availing them of the benefits given partners in the new entity. Allows property of the converted entity to vest automatically in the new entity and provides that obligations and pending actions continue uninterrupted.

Amends the professional occupational licensing laws to allow such professions to practice in the form of limited liability companies or LLPs. Amends statutes governing registration of trade names with the secretary of state to simplify and consolidate provisions pertaining to corporations and the business entities dealt with in this act.

APPROVED by Governor May 24, 1995

EFFECTIVE May 24, 1995

CORRECTIONS

S.B. 95-100 Denial of privileges - filing of lawsuits without justification. Requires the department of corrections or its agent to deny privileges for up to 120 days to any person convicted of a crime and confined in a state correctional facility or a facility housing adult offenders if such person files a lawsuit against the state or any state government official, officer, employee, or agent and a state or federal court finds that the action or any part thereof lacked substantial justification, was baseless or malicious, or was interposed for harassment. Authorizes a county to deny privileges under similar circumstances for a period of up to 120 days to any person convicted of a crime and confined in any county jail.

Prohibits the denial of privileges to a person if the court determines a lawsuit was asserted in a good faith attempt to establish a new theory of law in Colorado. Authorizes the department of corrections or its agent or a county to determine not to deny privileges to a person if a voluntary dismissal of the action is filed within a reasonable time after the person filing the dismissal knew or reasonably should have known that he or she would not prevail in the action.

APPROVED by Governor April 21, 1995

EFFECTIVE July 1, 1995

H.B. 95-1047 Action for reimbursement of cost of care - financial considerations. Allows a plaintiff in an action to recover the cost of an offender's care to bring the action based upon a showing that the offender's financial condition has changed since sentencing.

APPROVED by Governor March 9, 1995

EFFECTIVE July 1, 1995

H.B. 95-1064 Regimented inmate training program - transitional programs for graduates. Requires that a motion for reduction of sentence filed by a graduate of the regimented inmate training program ("boot camp") shall be given priority by the sentencing court. Makes offenders with sentences of 6 years or less who successfully complete boot camp eligible for placement in a community corrections program and participation in a structured, transitional discipline program in such community corrections program. Authorizes placement in the intensive supervision program of an offender who successfully completes the community corrections program and whose sentence has not been completely served.

Applies to offenders sentenced on or after the effective date.

APPROVED by Governor April 7, 1995

EFFECTIVE April 7, 1995

H.B. 95-1131 Community corrections programs - reporting requirements. Requires program administrators of community corrections programs to report on offenders who have escaped from

such programs. Directs community corrections boards to monitor and evaluate community corrections programs based on audit reports and reported escape rates for community corrections facilities involved in the programs.

Requires the division of criminal justice to make recommendations to the program administrators and the community corrections boards concerning programs in the jurisdiction of such boards that are not in compliance with standards. Authorizes the division of criminal justice to notify appropriate law enforcement agencies about offenders who have escaped from custody.

APPROVED by Governor March 23, 1995

EFFECTIVE March 23, 1995

H.B. 95-1352 Privatization of state correctional facilities and services - review of inmate classification instrument - waiver of program plan review - parole revisions - alternative sentencing - expansion and construction of facilities - appropriation. Directs the department of corrections to adopt rules and procedures for the issuance of requests for proposals for the privatization of correctional facilities. Requires the executive director of the department of corrections to report annually to the speaker of the house and the president of the senate regarding privatization, including a comparison of recidivism rates at state and private facilities. Describes the principles governing any contract for privatization. Precludes the public and inmates from attaining third-party beneficiary status under a privatization contract. Specifies that inmates in private facilities are in the legal custody of the department of corrections. Provides that a contract shall not be construed to authorize contractors to take certain actions, including classifying, transferring, or disciplining inmates or making decisions that impact earned time. Incorporates safeguards in the event of contract violations and terminations, including arrangements for the department of corrections to operate a private correctional facility in the event of a contract termination or other such circumstances. Authorizes background checks of potential employees of a private correctional facility. Expressly states that these provisions do not apply to contracts with counties for housing backlogged state inmates. Directs the executive director of the department of human services to adopt rules and implement a process to issue requests for proposals and privatization contracts for juvenile facilities, which contracts are consistent with the provisions applicable to the department of corrections.

Requires the division of criminal justice in the department of public safety to contract with an independent evaluator to analyze the department of corrections' inmate classification instrument and to make recommendations to the department of corrections concerning adjustments to the instrument that ensure more appropriate classifications that will result in more accurate prison needs projections. Provides for a report on the analysis to be submitted to the joint budget committee, the capital development committee, and the judiciary committees no later than November 1, 1995.

Authorizes the state board of parole to contract with licensed attorneys to serve as administrative hearing officers to conduct parole revocation hearings. Permits parolees to waive the 5-day notice requirement for final decisions of the state board of parole.

Permits the capital development committee, with the consent of the joint budget committee, to waive the requirement, for a specified portion of a construction project, that the department not begin construction of any facility until after the review of the facilities program plans for the project by the joint committee (made up of the capital development committee and the joint budget committee). Provides that such waiver does not constitute a waiver of the joint committee's right to provide comments and suggestions concerning that portion of the project. Authorizes joint committee review of the facilities program plans for any juvenile facility, not just juvenile detention facilities.

Expands intensive supervision probation programs by 750 participants over a period of 3 years. Requires the executive director of the department of corrections to refer certain inmates for placement in community corrections programs. Authorizes the placement of certain inmates who have been approved for community corrections programs in an intensive supervision parole program.

Authorizes the department of corrections to commence planning for the construction of a multiple-custody level facility at Sterling. Subject to review by a joint committee of the joint budget committee and the capital development committee, directs the department to commence planning for the renovation of the Pueblo minimum center, renovation and expansion of the Arrowhead correctional center, expansion of the Fremont correctional facility, expansion of the Colorado Territorial correctional facility, expansion of the Four Mile correctional center, expansion of the Rifle correctional center, expansion of the San Carlos correctional facility, and for the construction of a multiple-custody level facility at Trinidad. Authorizes the department to perform certain health and life safety projects. Permits the department of corrections to alter the custody levels of no more than 5% of the beds at any facility.

Requires a court to consider sentencing certain nonviolent offenders to community corrections, home detention, or a specialized restitution and community service program.

Makes appropriations for such renovations and expansions and for the specified health and life safety projects. Makes appropriations for the consultant hired to review facilities program plans, for the independent evaluator hired to review the department of corrections' inmate classification instrument, and for certain increases in operational costs associated with the expansions. Declares the intent of the general assembly to make the future appropriations required for the intensive supervision probation program expansion, the Sterling expansion, and the San Carlos expansion if such projects meet the statutory requirements and are approved pursuant to the established joint committee review process. Makes appropriations for the construction of additional juvenile detention and commitment beds.

APPROVED by Governor June 5, 1995

EFFECTIVE June 5, 1995

H.B. 95-1353 Agreements for housing state prisoners - multiple-year financial obligations authorized. Refers to the voters a provision that authorizes the state to enter into financial obligations as part of contracts or agreements for the placement of juvenile or adult state prisoners

in nonstate facilities for up to but not more than 10 years. Exempts contracts with local jails for backlogged state prisoners from the provision. Provides for the question to be submitted to the voters and to take effect only if approved by the voters. Provides that such vote is sufficient to comply with the requirements of the constitution concerning the creation of multiple-fiscal year financial obligations.

REFERENDUM submitted to the voters **EFFECTIVE** upon the Governor's proclamation or thirty days after a canvas of the votes is completed, whichever occurs earlier.

COURTS

S.B. 95-34 Landlord and tenant law - unlawful detention - termination of tenancy for subsequent violation. Establishes that a tenant or lessee is guilty of unlawful detention of real property when the tenant or lessee holds over, without permission and contrary to a condition or covenant of the lease, subsequent to receiving a notice requiring compliance with the condition or covenant. Specifies that the tenancy may be terminated at any time on the basis of a subsequent violation and that such termination be effective 3 days after service of written notice to quit.

APPROVED by Governor April 20, 1995

EFFECTIVE July 1, 1995

S.B. 95-66 County court judges - increase in El Paso and Douglas counties - appropriation. Increases the number of county court judges in El Paso County from 6 to 8 and in Douglas County from 1 to 2. Appropriates \$447,411 out of the general fund, including \$60,792 for the office of public defender, to implement the act in fiscal year 1995-96.

APPROVED by Governor May 16, 1995

EFFECTIVE May 16, 1995

S.B. 95-165 Medical malpractice - limitations on liability - prejudgment interest. Provides that any prejudgment interest on medical malpractice damages that accrues prior to the date of filing of a civil action is deemed to be a part of the damages awarded in the action. Includes such interest in the limitations on liability applicable to medical malpractice claims.

APPROVED by Governor April 21, 1995

EFFECTIVE July 1, 1995

S.B. 95-217 Offers of settlement - time deadlines. Clarifies the time deadlines for making and accepting offers of settlement in lawsuits.

APPROVED by Governor

EFFECTIVE July 1, 1995

H.B. 95-1090 Repeal of unconstitutional provisions - exemplary damages - body execution. Repeals the following provisions that have been declared unconstitutional: (1) Provisions requiring that 1/3 of any collected exemplary damages be paid into the general fund; and (2) Provisions allowing body execution in actions founded upon tort.

APPROVED by Governor March 9, 1995

EFFECTIVE March 9, 1995

H.B. 95-1170 Transfer of venue - actions involving related persons. In addition to the authority of

a court to transfer venue in delinquency and dependency and neglect cases, authorizes a court to transfer certain family law actions and actions brought under the "Colorado Children's Code" to a court in another county where an action is pending that names the parent, guardian, or legal custodian of a child who is the subject of the action. Specifies that the action may be transferred for good cause on motion of a court, party, or guardian ad litem. Specifies that venue must be proper in the county to which the action is transferred. Requires the transferring court to notify all parties of the transfer and transmit all documents to the receiving court. Specifies that the transferred action shall continue in the court to which it is transferred with the same force and effect as though originally docketed in the receiving court.

APPROVED by Governor March 17, 1995

EFFECTIVE January 1, 1996*

***NOTE:** This act was passed without a safety clause. Section 2 of the act establishes an effective date of January 1, 1996. The act will take effect on that date unless a referendum petition is filed pursuant to article V, section 1 (3) of the state constitution. In that event, the act will take effect on the date of the official declaration of the vote by proclamation of the governor or January 1, 1996, whichever is later, if it is approved by the voters at the 1996 election.

H.B. 95-1181 Frivolous inmate lawsuits. Requires that any inmate who seeks to proceed as a poor person in any state civil action against a public defendant file a release of the records of the inmate's account held by the detaining facility against whom the action is brought. Provides that, if the inmate's account for an 11-month period before the inmate filed the action indicates that the inmate has or had sufficient funds for filing an action, the court shall deny the motion.

Defines "inmate" as any person sentenced or awaiting sentencing to a detaining facility and defines a detaining facility as a correctional facility or local jail. Defines "public defendant" as any state, county, or municipal agency, official, or employee acting within the scope of employment, or agent acting on behalf of the agency. Excludes juvenile detention facilities.

Requires the court to stay proceedings if the court determines that the inmate is involved in any federal proceeding that raises the same issues that are raised in the state action. Authorizes district and county court magistrates to hear any motions to proceed as a poor person and any motions to dismiss that are filed in state civil actions brought by inmates against a public defendant.

Allows the court to award costs and to award attorney fees if it determines that the action is substantially frivolous. Authorizes the court to award costs in the amount the inmate would have paid if he or she had not proceeded as a poor person. Permits the court to issue a writ of continuing garnishment against the inmate's account with the detaining facility.

Specifies that the statutory provisions concerning inmate lawsuits shall not be construed to impede an inmate's constitutional right of access to courts.

Requires the department of law, the department of corrections, and the state judicial

department to determine the cost of and to pursue federal funding for the development of a teleconferencing system for conducting proceedings in an inmate's civil action against a public defendant. Requires the state judicial department to submit to the judiciary committees of the general assembly a plan for the implementation of a teleconferencing system for all proceedings for which an inmate is a witness or a party.

APPROVED by Governor May 16, 1995

EFFECTIVE July 1, 1995

H.B. 95-1226 Life insurance proceeds - exemption from judicial execution. Increases from \$5,000 to \$25,000 the limitation on policies or certificates of life insurance that are exempt from levy and sale under writ of attachment or writ of execution. Clarifies that the limitation applies to the cash value of policies or certificates of life insurance and to writs issued against the insured. Specifies that the exemption does not apply to increases in cash value from moneys contributed to a policy or certificate during the 24 months prior to the issuance of any such writ. Determines that the death benefit of such policies or certificates are exempt from levy and sale without limitation as to amount. Specifies that the proceeds of any policy or certificate are not exempt from levy and sale if attached or executed to pay the debts of the beneficiary of such policy or certificate or if the beneficiary is the estate of the insured.

Applies to debts incurred on or after July 1, 1995.

APPROVED by Governor May 23, 1995

EFFECTIVE July 1, 1995

H.B. 95-1293 Small claims court - jurisdictional limit increase - filing fees - appropriation. Increases the jurisdictional limit of the small claims court from \$3,500 to \$5,000. Sets the docket fees for any small claims court action containing a claim that exceeds \$3,500 but that is no more than \$5,000 at \$42 for a plaintiff, third-party plaintiff, or party filing a cross claim or counterclaim and \$38 for a defendant.

Clarifies that, if a person files a counterclaim in small claims court, the filing fee is either the fee based upon the amount of the money judgment sought in the action or the fee based upon the amount of the counterclaim, whichever fee is greater.

Appropriates \$20,870 to the judicial department from the general fund for the implementation of the act.

APPROVED by Governor May 23, 1995

EFFECTIVE January 1, 1996

H.B. 95-1356 Justices and judges - salary and court fee increases. Increases the annual salaries for justices and judges by:

- \$4,000, effective July 1, 1995;
- \$3,000, effective July 1, 1996; and
- \$3,000, effective July 1, 1997.

Current salaries of justices and judges range from \$63,000 to \$74,500.

Increases specified court fees to generate revenue to pay for the salary increases.

APPROVED by Governor May 23, 1995

EFFECTIVE May 23, 1995

CRIMINAL LAW AND PROCEDURE

S.B. 95-54 Death penalty - determination by panel of judges. Provides that a panel of 3 judges in a death penalty case, not the jury, shall determine whether to sentence a defendant to death or to life imprisonment, using the same procedures required of a jury under current law. Describes the composition and the selection of the panel of judges. Requires that the sentencing hearing be held not later than 60 days after the trial verdict. Specifies that, if a death sentence is overturned on grounds other than unconstitutionality or insufficiency of evidence, the case is remanded to the trial court for a new sentencing hearing. States that, if a death sentence is declared invalid based on unconstitutionality or insufficiency of evidence or if the prosecutor on remand informs the court that the death penalty would no longer serve the interest of justice, the defendant is sentenced to life imprisonment.

APPROVED by Governor June 5, 1995

EFFECTIVE July 1, 1995

S.B. 95-153 Sex offenders - victim protection - information about sexual offenders - lie detector examination - victims' advocates. Declares the general assembly's intent to revise statutory law governing sexual offenses for the purpose of providing greater sensitivity to the victims of such offenses.

Reorganizes statutory provisions regarding information about sexual offenders.

Prohibits law enforcement agencies from making the investigation or prosecution of a sexual offense case contingent upon a victim's submission to a polygraph or other electronic lie detector examination. Prohibits law enforcement agencies from administering such examinations without the informed consent of the victim. Makes a law enforcement agency responsible for the direct cost of collecting forensic evidence from a sexual offense victim.

Changes the term "private victim's advocate" to "victim's advocate", excludes advocates employed by any law enforcement agency from the definition of "victim's advocate", and incorporates advocacy on behalf of sexual assault victims as one of the functions served by a victim's advocate. Adds victims' advocates to the list of persons required to report child abuse or neglect.

Applies to offenses committed on or after July 1, 1995.

APPROVED by Governor May 25, 1995

EFFECTIVE July 1, 1995

S.B. 95-230 Livestock exhibition - livestock tampering or drugging prohibition - criminal penalty. Makes it a class 1 misdemeanor to tamper with or sabotage any livestock entered in a livestock exhibition in this state. Provides that, in lieu of the fine imposed for a class 1 misdemeanor, the court may impose a fine of not less than \$1000 nor more than \$100,000. Specifies that the name and

photograph of any person convicted of violating this act shall be made available

for publication in newspapers of general circulation and trade journals.

APPROVED by Governor May 31, 1995

EFFECTIVE May 31, 1995

H.B. 95-1044 Criminal procedures - miscellaneous changes. **Section 1.** Amends the criminal statute of limitations to clarify that the time limits on all crimes are tolled while the offender is absent from the state.

Section 2. Adds the costs of obtaining a governor's warrant, photocopying reports, developing film, videotaping, and making undercover drug buys to obtain evidence used against the defendant to the costs that are recoverable from a person convicted of a crime.

Section 3. Allows the affidavit supporting probable cause for an arrest warrant to be sworn to either before a judge or a notary.

Section 4. Strikes the repeal of the subsection that allows emergency 24-hour wiretaps.

Section 5. Amends a portion of the public nuisance statute to refer to the appropriate section in defining "controlled substance".

Section 6. Amends a portion of the public nuisance statute to reflect that the drinking age has been raised to 21 years.

Section 7. Specifies that a prisoner who requests disposition of an untried complaint or information can waive the right to a speedy trial of said complaint or information and the time for trying said complaint or information is thereafter governed by the statutory speedy trial provisions.

Section 8. Upon filing an indictment, information, or felony complaint, requires the prosecutor to file a list of the names and address of the witnesses to be called upon at the preliminary hearing. Within 20 days after the defendant's first appearance, requires the prosecutor to give to the defendant a list of the names and addresses of the witnesses to be called at trial. Specifies that, if the prosecutor requests an order to require the defense attorney to withhold witnesses' names and addresses from the defendant, the prosecutor may withhold such information from the defense attorney until the court rules on the order, but the defense attorney must receive written notice that information is being withheld.

Section 9. Authorizes the state board of parole to enter into contracts with private laboratories for chemical urine testing of parolees.

Sections 10. Clarifies that treatment of sex offenders includes monitoring of the offender.

Sections 11 to 13. Extends the date by which the sex offender treatment board shall adopt a standardized procedure for evaluating and identifying sex offenders and guidelines and standards

for the treatment of sex offenders. Extends the date by which the sex offender treatment board shall report to the general assembly.

Section 14. Requires the trial judge or a replacement judge, rather than the jury, to determine whether a convicted defendant should be sentenced as a habitual offender.

Section 15. Requires the department of corrections, the judicial department, the division of criminal justice, and the department of human services to prohibit a convicted sex offender from contracting for sex offender treatment services, unless the person providing the services meets established standards.

Section 16. Requires sex offenders to annually reregister with the local law enforcement agency of the city, town, county, or city and county in which the sex offender resides.

Section 17. Specifies that, if a person commits the offense of failure to register as a sex offender, that person may be tried either in the county in which the offender resides or in the county in which the offender is apprehended.

APPROVED by Governor May 16, 1995

EFFECTIVE July 1, 1995

H.B. 95-1070 Criminal code - amendments. Amends the Colorado Criminal Code and other provisions of law governing substantive criminal law in the state as follows:

Sections 1 and 2. Specifies that physicians who make reports of injuries that appear to be related to the commission of a crime are not subject to the rule of evidence concerning the physician-patient relationship and that such physicians may be examined as witnesses within specified limits.

Section 3. Deletes a provision of the crime of violence statute to conform with amendments made to the statute by House Bill 94-1126.

Sections 4 and 5. Specifies in the statutory provisions governing criminal attempt and criminal conspiracy that the attempt or conspiracy to commit a crime of violence is itself a crime of violence.

Sections 6 and 7. Repeals the element of 1st degree assault under which a person acts alone or with another in committing or attempting to commit certain crimes, during the course of which a person other than a participant suffered serious bodily injury. Makes 2nd degree assault a class 3 felony if committed without the heat of passion and if the victim, who is a person other than a participant in the crime, suffered serious bodily injury during the commission or attempted commission of certain crimes committed by a person acting alone or with another.

Section 8. Repeals the statute concerning assault on the elderly so that there is no duplication

with the offense of crime against at-risk adults and at-risk juveniles.

Section 9. Provides that a sentence for a conviction of a 1st degree sexual assault will be consecutive to any sentence for conviction of a crime of violence.

Section 10. Excepts from the crime of violence sentencing requirements 3rd degree assault that is committed by treatment or examination of a victim for other than bona fide medical purposes, which crime is otherwise a class 4 felony.

Section 11. Amends the sexual assault on a child statute by redefining the elements of the crime regarding the situations under which children are made to submit to a perpetrator.

Section 12. Includes prior adjudications for motor vehicle theft, in addition to prior convictions, as elements for class 3 felony and class 5 felony aggravated motor vehicle theft.

Section 13. Repeals the automatic sunset date for the statutory part governing domestic violence offenses.

Section 14. Amends the penalties for the crimes of 1st, 2nd, and 3rd degree assaults against at-risk adults and at-risk juveniles to eliminate duplicate assault crimes and penalties.

Section 15. Restores the crime and penalty for the crime of indecent exposure to persons 15 years of age and older, and amends the statute so that the enhanced penalties apply only to subsequent offenses of indecent exposure to children under the age of 15 years.

Section 16. Requires that the minimum sentence for a person convicted of escape be mandatory, and prohibits the court from granting probation or suspending the sentence.

Section 17. Creates the crime of retaliation against a juror, and makes it a class 3 felony.

Section 18. Reduces from 5 to 3 the number of persons required under the definition of "riot" for purposes of the riot statutes.

Section 19. Amends the definition of "civil disorder" for the purposes of the civil disobedience statutes to include damage to any property or to another person rather than damage to the property or person of another individual.

Section 20. Expands the definition of "drug offender" for the purposes of the drug offender surcharge statutes to include a person convicted of an attempt to commit a drug offense.

Sections 23 and 24. Establishes procedures for examining a defendant who alleges mental retardation as a basis for not being subject to the imposition of the death penalty.

Section 25. Creates the crime of violation of a restraining order relating to travel in or on

a specified public conveyance, and makes it a class 3 misdemeanor.

Section 26. Changes classifications for the crime of stalking from a class 1 misdemeanor to a class 6 felony for a first offense and from a class 1 misdemeanor with a mandatory jail sentence to a class 5 felony for a second or subsequent conviction for an offense that occurs within 7 years of the first conviction. Makes the violation of a restraining order in connection with the commission of stalking a class 6 felony rather than a class 1 misdemeanor with a mandatory jail sentence.

Section 28. Makes the crime of indecent exposure apply to crimes committed on or after the passage of this act and makes other amendments apply to crimes committed on or after July 1, 1995.

APPROVED by Governor June 3, 1995

EFFECTIVE June 3, 1995

H.B. 95-1087 Department of corrections - operations. Revises the body of law related to the administration of the department of corrections as follows:

Section 1. Restores parole officers to and makes community program agents peace officers, level Ia.

Sections 2 and 3. Authorizes medical treatment without parental consent for juvenile offenders placed in the youthful offender system in the department of corrections. In addition, deletes the requirement that the executive director review the department's decision to revoke a juvenile's sentence to the youthful offender system in accordance with the "State Administrative Procedure Act".

Sections 4, 5, and 6. Amends definitions of "seizing agency" for the purposes of the forfeiture laws to include the department of corrections and specifies that the department of corrections will participate in the disposition of seized property under the "Colorado Contraband Forfeiture Act".

Section 7. Adds the Pueblo minimum center and the San Carlos facility to the statutory list of correctional facilities. States that the security description of facilities listed under the correctional facilities statutes is not to be construed to define or restrict the custody level of inmates in the facilities. Requires the department to use an accounting system that assures a complete and separate accounting of construction costs and the direct operating costs associated with maintaining each level of inmates at each correctional facility that maintains mixed custody levels of inmates. (But see HB95-1352 that amends language to require an accounting of the direct and indirect operating costs of maintaining inmates.) Requires the department to submit an annual report to the general assembly comparing the construction and operating costs for correctional facilities that do not mix levels of inmates with those that mix levels of inmates.

Section 8. Repeals the statute requiring that inmates be assigned to county or municipal roadwork.

Section 9. Restores the statute authorizing the department of corrections to enter into venture agreements with the private sector.

Section 10. Repeals an obsolete provision concerning the conditions and compensation for offenders in work programs.

Section 11. Authorizes the department of corrections to establish an off-grounds work program for inmates in minimum security facilities. Defines the criteria for the program and the duties and responsibilities of the department and the contracting agency.

Sections 12, 13, 14, and 15. Allows a nonviolent offender to accrue earned time during a mandatory period of parole and for the earned time to be considered toward the inmate's discharge date upon the revocation of parole and reincarceration of the inmate. Specifies that the offender may not receive earned time during reincarceration.

Section 16. Adds oral surgeons to the panel of medical consultants appointed by the executive director and requires that such consultants be licensed by the state board of dental examiners.

Section 17. Specifies that if the department is responsible for reimbursing a local entity, the reimbursement is to be made to the general fund of the entity or any other fund specified by the local entity.

Sections 18. Requires the department to obtain blood and saliva samples from an inmate convicted of certain sexual offenses to determine an inmate's genetic markers. Directs the department to obtain the samples before an inmate is discharged or released for parole and to forward test results to the Colorado bureau of investigation. Requires the department to release test results to a law enforcement agency upon the agency's request.

APPROVED by Governor May 24, 1995

PORTIONS EFFECTIVE July 1, 1995

H.B. 95-1101 Criminal justice - integrated criminal justice information system. Creates a planning team for developing a strategic plan for the implementation of an integrated criminal justice information system. Provides that the planning team consist of the executive directors of the departments of public safety, corrections, and human services and the state court administrator or designees for such persons. Requires the chief justice of the Colorado supreme court and the governor to appoint a chief officer to coordinate the development of the strategic plan. Describes the required features of the plan, and lists the goals to be accomplished under the plan. Requires the departments to submit the plan to the commission on information management, and requires the commission to submit a final plan to the general assembly for development of an implementation proposal. Requires the Colorado bureau of investigation to adopt a form and reporting standards consistent with the plan and applicable federal and state law.

APPROVED by Governor May 22, 1995

EFFECTIVE May 22, 1995

H.B. 95-1109 Criminal offenses - knowingly causing the death of a child - appropriation. Establishes that a person in a position of trust who knowingly causes the death of a child commits the crime of murder in the first degree. Eliminates the statutory privilege between doctor and patient and husband and wife in any prosecution for such crime.

Appropriates \$31,935 to the judicial department for allocation to the state public defender and \$20,446 to the judicial department for the implementation of the act.

APPROVED by Governor May 31, 1995

EFFECTIVE July 1, 1995

H.B. 95-1120 Affirmative defenses - insanity and impaired mental state merged - procedural changes. Revises the definition of "insanity" to incorporate impaired mental condition. Eliminates the separate hearing in connection with a plea of not guilty by reason of insanity. Requires that the revised insanity defense be treated as other defenses that are raised at trial.

Applies to offenses committed on or after July 1, 1995.

APPROVED by Governor March 23, 1995

EFFECTIVE July 1, 1995

H.B. 95-1179 Domestic violence - inclusion of property crimes - procedures - restraining orders against juveniles - venue - extension of domestic violence statutes - sunrise and sunset review of certification of and standards for domestic violence intervention program providers. Amends the definition of "domestic violence" to include all crimes against property instead of including only felony crimes against property.

Provides that a court shall not accept a plea of guilty or nolo contendere to an offense that does not include a domestic violence designation when the facts of the case indicate that the underlying factual basis includes an act of domestic violence, unless there is a good faith representation by the prosecuting attorney that he or she would be unable to establish a prima facie case if the defendant were brought to trial on the original offense.

Makes it a violation of a restraining order if a person performs conduct that is prohibited in a restraining order and the person has acquired actual knowledge of the contents of the restraining order.

Eliminates a requirement that a peace officer arresting a person for a crime or offense involving domestic violence take the arrested person to the nearest jail or detention facility and replaces it with a requirement that the peace officer remove the arrested person from the scene of the arrest and take the person to the station for booking. Directs that the arrested person be held or

released in accordance with the adopted bonding schedule for the jurisdiction where the arrest is made.

Transfers the responsibility to inform the protected party when an arrest for violation of a restraining order takes place from the prosecuting attorney to the law enforcement agency or any other locally designated agency. Deletes the provision that allows a prior conviction for violating a restraining order to be established during the sentencing phase rather than at trial.

Amends the "Colorado Children's Code" to authorize issuance of a restraining order to prevent domestic abuse against any juvenile based upon the standards set forth in the statutes governing restraining orders to prevent domestic abuse.

States that venue for filing a complaint for a restraining order is proper in any county where the domestic abuse occurs, where one of the parties resides, or where one of the parties is employed. Clarifies that a person who has been convicted of a crime involving domestic violence shall not be eligible for home detention in the home of the victim.

Provides for the repeal, effective July 1, 1998, of 2 statutes governing the certification of and setting of standards for domestic violence intervention program providers by local boards and the commission on domestic violence. Directs that such functions be reviewed prior to such repeal by the sunrise and sunset review committee.

Eliminates a scheduled July 1, 1995, repeal of the statutory provisions governing domestic violence offenses.

APPROVED by Governor May 22, 1995

EFFECTIVE July 1, 1995

H.B. 95-1202 Sex offender registration - information - release to public - immunity. Authorizes a local law enforcement agency, when necessary for public safety, to release basic identification and criminal history information regarding a registered sex offender within the agency's jurisdiction to any person living within the agency's jurisdiction. Authorizes the agency, when necessary for public safety, to release information regarding a registered sex offender to any person living outside the agency's jurisdiction who can show a need to know. Specifies the minimum considerations for demonstrating a need to know.

Grants state agencies, their employees, local law enforcement agencies, and their employees immunity from civil and criminal liability for the good faith implementation of the sex offender registry statute.

APPROVED by Governor June 5, 1995

EFFECTIVE June 5, 1995

H.B. 95-1280 Fire arson investigators - classification. Allows a fire arson investigator to be

classified as a peace officer, level II, if appointed by the fire department chief and approved by the sheriff or the chief of police of the jurisdictions in which such investigator performs duties.

APPROVED by Governor March 30, 1995

EFFECTIVE July 1, 1995

H.B. 95-1291 Probation - supervision fees for administrative and personnel costs. Adds a \$5 monthly fee for the length of ordered probation to the initial probation supervision fee that may be ordered by the court as a condition of probation if the charge is a misdemeanor or petty offense. Imposes such initial supervision fee regardless of the level of supervision. Adds associated administrative and personnel costs to the list of adjunct probation services for which appropriations may be made out of the offender services fund.

APPROVED by Governor April 7, 1995

EFFECTIVE July 1, 1995

H.B. 95-1338 Criminal offenses - bringing alcohol, bottles, or cans into the major league baseball stadium. Makes it a class 1 petty offense for any person to carry or bring into the Denver metropolitan major league baseball stadium any alcoholic beverage or alcoholic liquor or any bottle or can.

APPROVED by Governor May 23, 1995

EFFECTIVE May 23, 1995

H.B. 95-1347 Location of persons with outstanding felony warrants - state agency assistance to law enforcement. Directs the division of workers' compensation, the division of employment and training, the state personnel director, and the department of human services to assist law enforcement agencies in locating persons who have outstanding arrest warrants in connection with felony offenses. Requires the state agencies to provide location information to the Colorado bureau of investigation, if not otherwise prohibited by federal law. Requires the state agencies and the bureau to develop and use cost-efficient methods for the exchange of information.

APPROVED by Governor May 31, 1995

EFFECTIVE July 1, 1995

DISTRICT ATTORNEYS

H.B. 95-1215 Office and salary funding - counties' responsibilities based on annual population estimate - modification of allocation by county commissioners. Requires use of annual population estimates prepared by the division of planning in the state department of local affairs, instead of the decennial census population figures, to determine the proportion of the office expenses of district attorneys that counties must pay. Gives the boards of county commissioners in each judicial district the option of changing the statutory funding formula for the office expenses of district attorneys. Clarifies that local governments are not prohibited from funding programs, projects, personnel, or salaries in addition to the funding of the reasonable and necessary office expenses of district attorneys, if the relevant board of county commissioners agrees. Requires counties to pay a proportion of district attorneys' salaries based on population estimates rather than the number of cases filed in the judicial district.

APPROVED by Governor April 13, 1995

EFFECTIVE April 13, 1995

H.B. 95-1340 Salary - increase. Effective January 1, 1997, increases the base salary for district attorneys to \$67,000 per year.

APPROVED by Governor May 22, 1995

EFFECTIVE May 22, 1995

EDUCATION - PUBLIC SCHOOLS

S.B. 95-9 Standards-based education - content standards - economics. Requires the state standards and assessments development and implementation council, the state board of education, and school district boards of education to adopt content standards in economics as a second priority subject. Identifies economics as a second priority subject to be included in the state assessment program and in school district assessments.

APPROVED by Governor April 13, 1995

EFFECTIVE April 13, 1995

S.B. 95-75 Educator licensing - adjunct teachers - temporary authorization - occasional teaching. Allows a person to obtain a type I adjunct authorization to teach as an adjunct teacher without completing any postsecondary education, but requires that any person who does not have at least a baccalaureate degree must have been successfully employed for at least 5 years in the area of specialization. Specifies that a type I authorization is valid for 3 years and may be renewed indefinitely.

Creates a type VI temporary authorization to enable a school district to hire a person who has an educator's license issued by another state but has not successfully completed the assessment of professional competencies to obtain a license in this state. Limits the validity of a type VI authorization to 2 years, and prohibits renewal of the authorization. Allows a school district to credit the time spent teaching under a type VI authorization toward the 3-year continuous employment requirement for the teacher to cease being a probationary teacher.

Authorizes the state board of education to waive the requirement that a school district establish an educator induction program if the induction program would cause extreme hardship to the school district. Requires any school district that applies for a waiver of the induction program to show that it has a plan for the support, assistance, and training of provisionally licensed educators.

Allows an administrator who holds a valid provisional or professional administrator's license and who has taught for at least 3 years to teach on an occasional basis without holding a teacher's license. Instructs the state board of education to specify by rule what constitutes occasional teaching.

APPROVED by Governor April 20, 1995

EFFECTIVE July 1, 1995

S.B. 95-103 Boards of education - fees. Allows the board of education of each school district to provide textbooks to all school-age pupils enrolled in the public schools for a reasonable rental fee based on the purchase price and normal life expectancy of each textbook rented. Prohibits a board from requiring a pupil who has not completed the 12th grade to pay any fees for any course of study,

instruction, or class that satisfies the requirements for credit, promotion, or graduation.

APPROVED

EFFECTIVE January 1, 1996*

***NOTE:** This act was passed without a safety clause. Section 5 of the act establishes an effective date of January 1, 1996. The act will take effect on that date unless a referendum petition is filed pursuant to article V, section 1 (3) of the state constitution. In that event, the act will take effect on the date of the official declaration of the vote by proclamation of the governor or January 1, 1996, whichever is later, if it is approved by the voters at the 1996 election.

S.B. 95-210 Colorado student assessment program - administration of student assessments at 11th grade level. Requires the department of education to administer student assessments under the Colorado student assessment program at the 11th rather than the 10th grade level.

APPROVED by Governor May 22, 1995

EFFECTIVE May 22, 1995

S.B. 95-211 Colorado student assessment program - administration of student assessments - 3-year phased schedule. Requires the timeline adopted by the state board of education specifying when school districts are required to begin administering student assessments to provide that assessments will be phased in over 3 years.

APPROVED by Governor May 25, 1995

EFFECTIVE May 25, 1995

S.B. 95-213 Standards-based education - deadlines. Delays the state board of education deadlines for adoption of state model content standards and for setting timelines for school districts to adopt and implement content standards from June 1, 1995, to September 15, 1995.

APPROVED by Governor May 31, 1995

EFFECTIVE May 31, 1995

H.B. 95-1014 School districts - salary policy. Requires school districts to adopt a salary schedule, a teacher salary policy based on the teacher's level of performance, or a combination salary schedule and policy. Repeals the "Alternative Salary Policies for Teachers Act".

APPROVED by Governor May 25, 1995

EFFECTIVE July 1, 1995

H.B. 95-1046 Excellent schools program - repeal. Extends the repeal date for the excellent schools program from June 30, 1995, to June 30, 1999.

APPROVED by Governor May 22, 1995

EFFECTIVE May 22, 1995

H.B. 95-1190 Supervision of student teachers - payment for supervision services - amount. Repeals the maximum dollar amount authorized to be paid for the services of public school personnel who supervise student teachers. Authorizes the governing boards of state colleges and universities to set the dollar amount. Requires payment directly to teachers.

APPROVED by Governor May 22, 1995

EFFECTIVE May 22, 1995

H.B. 95-1194 Teacher salary policies - creation of plans - grants to school districts - appropriation. Authorizes any school district to apply to the state board of education for a grant to be used to create a teacher salary policy plan that is based upon teacher performance. Authorizes the state board of education to consider grant applications and award grants to school districts. Creates the teacher salary policy planning fund.

Requires any school district that has been awarded a grant to expend the grant moneys for the creation and implementation of a teacher salary policy plan. Allows expenditure of such moneys solely for planning purposes and prohibits expenditure of such moneys to provide teacher performance pay.

Requires a school district to return any grant moneys that are not expended within 3 years. Requires any school district that has not prepared and begun implementation of a plan within 3 years to return the grant moneys.

Repeals the program effective July 1, 2001.

For the fiscal year beginning July 1, 1994, appropriates \$300,000 out of the general fund to the teacher salary policy planning fund. For the fiscal year beginning July 1, 1995, appropriates \$300,000 out of the teacher salary policy planning fund to the department of education.

APPROVED by Governor May 25, 1995

EFFECTIVE May 25, 1995

H.B. 95-1289 School districts - weakening of statutorily imposed debt limitations - voter approval. States that the General Assembly is not required to seek statewide voter approval to amend any statutorily imposed limitation on school district debt when the voters of a school district are required by law to approve any change in debt subject to the limitation. For purposes of section 20 (1) of article X of the state constitution, specifies that any weakening of the limitation on school district bonded indebtedness shall occur only when voter approval is obtained at the school district level and that such school district voter approval shall satisfy any voter approval requirement of said constitutional provision. Provides that a ballot question to weaken a limitation on school district debt may be presented to the eligible electors of a school district as a separate ballot question or as part of a ballot question including other ballot issues, such as authorization for bonded indebtedness.

H.B. 95-1327 School finance - additional 1994-95 funding - at-risk pupils -special education - preschool program - public school fund - bonded indebtedness - property tax carried forward - transportation aid - capital reserve fund - instructional supplies and materials - appropriation. Establishes public school funding under the "Public School Finance Act of 1994" for the 1995-96 budget year by increasing the minimum per pupil funding amount from \$3,975 to \$4,200 and establishing the statewide base per pupil funding as \$3,390 plus \$73 to account for inflation.

Calculates a school district's at-risk pupils as the greater of its percentage of students eligible for the federal free lunch program in grades one through 8 multiplied by the district's enrollment or the actual number of students eligible for the free lunch program.

Limits a school district's increase in total program to the spending limit percentage allowed under article X, section 20, of the state constitution. Allows a district to certify for the 1995-96 budget year the amount it can receive within the limitations on fiscal year spending. Requires each school district's audit report to include a calculation of the district's fiscal year spending under article X, section 20, of the state constitution.

Eliminates the total program provision holding school districts harmless for the 1995-96 budget year. In all districts that were held harmless, includes the 1994-95 hold harmless dollar amount as part of the amount of additional property tax revenue for fiscal year 1995-96 and fiscal years thereafter in excess of the district's total program. Reduces the 1995-96 fiscal year school finance levy by the number of mills required to generate that dollar amount and reduces it before a maximum mill levy is imposed. If a hold harmless district had a levy greater than 40.080 mills for the 1994-95 fiscal year and the mills greater than 40.080 mills generated more revenue in the 1994-95 fiscal year than the hold harmless amount, considers the mill levy greater than the maximum levy as additional property tax revenue. Sets a maximum mill levy of 41.75 mills.

For any school district that received an additional increase in 1993-94 equalization program funding and whose 1994-95 fiscal year spending, as adjusted for inflation plus the percentage change in enrollment, is less than 1995-96 allowable spending, provides an additional increase in 1994-95 total program that must be spent during the 1994-95 fiscal year. Requires each eligible district to certify to the department of education (the department) the exact dollar amount that the district can accept under the limitations of article X, section 20, of the state constitution.

Establishes a base amount of state funding for special education equal to the state base amount received for the 1994-95 budget year. Distributes any increase in the appropriation made to the department over the base to school districts in proportion to the number of children with disabilities residing in the district to the total number of children with disabilities in the state.

Increases the number of children that may participate in the state preschool program by 150 in the 1995-96 budget year. Establishes a full-day kindergarten pilot program for the 1995-96 budget

year. Requires the department to set criteria for selecting school districts to participate in the pilot program.

Allows the public school fund to receive moneys appropriated or transferred by the general assembly. Transfers \$6,600,000 for the 1994-95 fiscal year and \$4,200,000 for the 1995-96 fiscal year from the state public school fund to the public school fund.

Requires the state to pay the principal and interest on school district refunding bonds if the paying agent has not received the moneys from the district in a timely manner. Eliminates the requirement that school district bonds be redeemed in either direct or inverse numerical order. Requires that tax anticipation notes issued by school districts mature by August 31 of the fiscal year immediately following the fiscal year in which they were issued. Extends to July 31, 2000, the repeal date for the provision allowing the state treasurer to issue tax anticipation notes for school districts.

For debt elections approved between July 1, 1994, and July 1, 1996, in districts that meet specific enrollment criteria, allows the limitation of school district bonded indebtedness to be 25% instead of 20% of assessed valuation.

Offsets a school district's property tax carried forward against any state aid and state categorical support for the 1995-96 fiscal year. After the offset is made, allows districts to use the revenue carried forward for capital projects or up to 10% for any lawful purpose. Reduces the amount carried forward by the amount spent on capital projects or by 10% each year. Requires districts to certify to the department by January 30 of each fiscal year the amount spent on capital projects.

Repeals the 55% minimum transportation reimbursement for any school district subject to a court-ordered desegregation order but provides such a district with \$1.5 million of transportation funding in addition to the funding received through the mileage and excess cost formula for the 1993-94 entitlement period only.

Raises the amount of the per unit cost of buses or other equipment that may be spent from the capital reserve fund from \$250 to \$750.

Increases the amount budgeted per pupil for instructional supplies and materials from \$111 to \$120.

Appropriates \$11,186,721 for the increase in 1994-95 total program funding and \$927,023 for the 1994-95 transportation costs for any school district subject to a court-ordered desegregation order. Adjusts the appropriation for state aid school finance payments for the 1995-96 budget year to decrease the appropriation for total program by \$9,783,305 and increase the appropriation for comprehensive health education, for public schools of choice, and for education of exceptional children. Sets aside \$1,800,000 of the 1995-96 appropriation for total program to be used to make additional state aid payments that may be required following the certification of pupil enrollments

and valuations for assessments.

APPROVED by Governor May 22, 1995

EFFECTIVE May 22, 1995

H.B. 95-1351 School districts - organization - detachment and annexation. Allows existing adjoining school districts, without complying with the school district organization planning process, to detach and annex territory where the territory has been unintentionally and erroneously included on the property tax rolls of the annexing school district for at least one year. Specifies the procedures for detaching and annexing the territory, including a special election at which only the eligible electors who reside within the territory may vote.

APPROVED by Governor May 22, 1995

EFFECTIVE May 22, 1995

EDUCATION - UNIVERSITIES AND COLLEGES

S.B. 95-49 Nursing scholarship program - continuation. Continues the Colorado nursing scholarship program for 5 additional years to July 1, 2000.

APPROVED by Governor March 31, 1995

EFFECTIVE March 31, 1995

S.B. 95-107 Auraria higher education center - board of directors - membership. Allows the chief executive officers of the governing bodies of the institutions located at the Auraria higher education center to appoint the chief executive officers of the institutions to sit as their designees on the Auraria higher education center board of directors.

APPROVED by Governor April 21, 1995

EFFECTIVE April 21, 1995

S.B. 95-229 Student loan division - enterprise designation. Extends the enterprise designation of the student loan division in the department of higher education to June 30, 2000.

APPROVED by Governor May 23, 1995

EFFECTIVE May 23, 1995

H.B. 95-1098 Colorado commission on higher education - reporting and rule requirements. Requires the Colorado commission on higher education to report to the governor and the general assembly each even-numbered year, rather than annually, on interstate agreements allowing waivers of nonresident tuition for postgraduate or professional students.

Directs the Colorado commission on higher education to report to the general assembly on changes in the specific admission requirements for first-time freshmen and transfer students as the changes occur, rather than in annual reports, for each campus and institution of higher education.

Requires the state controller to consult with the Colorado commission on higher education before adopting, amending, or repealing rules that affect or create reporting requirements for state-supported institutions of higher education.

Requires each state-supported institution of higher education to submit a list of endowments, gifts, and bequests the institution receives to the governor and the general assembly each odd-numbered year, rather than annually.

APPROVED by Governor March 17, 1995

EFFECTIVE January 1, 1996

H.B. 95-1196 Institutions of higher education - 5 policy areas for additional funding -

reconsideration of policy areas - admission criteria - addition of community college - exemption of faculty from post-employment compensation limits. Establishes the following 5 higher education policy areas for additional funding for fiscal year 1995-96:

- Linking K-12 and higher education: Continued from fiscal year 1994-95 with the following changes:
 - Replaces the parameter concerning programs to develop content standards at the postsecondary level with consideration of programs to support systemic reform in K-12 education;
 - Adds consideration of faculty-to-faculty exchanges and coordination of curriculum between secondary and postsecondary schools;
 - Adds consideration of resident freshman tuition incentives to encourage secondary students to complete postsecondary-level work;
 - Deletes consideration of programs to develop or improve the quality of teachers, principals, and administrators in K-12 education.

- Increasing productivity: Continued from fiscal year 1994-95 with the following changes:
 - Specifies that in developing the distribution formula for this policy area, the commission must give equal consideration to each of the specified parameters, rather than tailoring the formula to include consideration of an institution's role and mission;
 - Adds consideration of whether an institution demonstrates a high number of graduate teaching hours, graduate student contact hours, and graduate advising hours by full-time faculty;
 - Adds consideration of whether an institution demonstrates a high number of faculty who teach graduate students;
 - Deletes consideration of curriculum improvement through analysis of performance rates on licensing exams;
 - Deletes consideration of decreasing noneducational faculty and administrator leaves to reflect current law regarding sabbatical policies;
 - Deletes consideration of demonstrating a high degree of personal efficiency;
 - Deletes consideration of reducing administrative paperwork for students and faculty;
 - Adds consideration of whether an institution participates in joint ventures to enable students to begin their post-secondary education at community colleges and finish at 4-year colleges or universities;
 - Adds consideration of whether an institution demonstrates a high number of students who graduate within 5 years of matriculation;
 - Adds consideration of whether an institution demonstrates a high student retention rate.

- Work force training: Continued from fiscal year 1994-95 with the following changes:
 - Adds consideration of programs to provide increased access to training or professional

graduate programs in each area of the state;

- Adds consideration of apprenticeship and intern programs;
- Adds consideration of vocational-technical and professional development programs at off-campus facilities, with rent subsidization;

- Increasing enrollment: Continued from fiscal year 1994-95 with the following changes:

- Focuses distributions in this area on increased enrollment, with special consideration to enrollment at lower-cost institutions;
- Deletes the required demonstration of increased unfunded resident enrollment;
- Deletes the required demonstration of capping undergraduate resident enrollment in response to limited revenues;
- Authorizes a governing board to show increased enrollment of all resident students, rather than just under-represented resident students.

- Development and use of technology: Replaces financial aid as a policy area, and specifies the parameters for programs that receive funds in this area.

Requires allocations of funds appropriated for the 5 policy areas to be made by a distribution formula for each policy area; except that allocations for the K-12 linkages and the technology policy areas may be made through grant programs.

Allows any institution that admitted, for fall semester 1994, more than 20% of its freshmen or transfer students using criteria other than standardized test scores, high school and college grade point averages, and high school class rank to use said other criteria to admit the same greater percentage for fall semester 1995. By October 1, 1995, requires the Colorado commission on higher education to submit a proposal regarding statutory admission criteria and the percentage of students that may be admitted at each institution based on additional criteria.

Extends reconsideration of the 5 policy areas to every 2 years. Allows the Colorado commission on higher education to adjust the policy area distribution formulas, if necessary, during the years in which the policy areas are not reconsidered.

Includes the Colorado community college and occupational education system college in the state system of community and technical colleges.

Exempts from the limitations on post-employment compensation any specialty track faculty member whose primary job assignment is clinical care and who is employed at a state institution of higher education.

APPROVED by Governor March 20, 1995

EFFECTIVE March 20, 1995

H.B. 95-1354 State board for community colleges and occupational education - power to lease

facility - higher education and advanced technology center at Lowry. Authorizes the state board for community colleges and occupational education to lease facilities at the higher education and advanced technology center at Lowry to institutions of higher education that are not in the state system of community and technical colleges.

APPROVED by Governor May 22, 1995

EFFECTIVE May 22, 1995

H.B. 95-1364 Capital construction projects at higher education institutions - appropriation - student fees reporting requirement - course scheduling requirements. Appropriates \$60,097,027 from the general fund to the capital construction fund for capital projects related to higher education. Appropriates specified amounts to certain governing boards of institutions of higher education and to the department of public health and environment for capital projects that will benefit institutions of higher education.

Requires each state-supported institution of higher education to itemize in its billing statements each fee charged to students. Also requires the billing statement and the catalog or schedule of courses to describe each fee charged to students, the purposes of the fee, and whether costs of collection are reimbursed from the fees collected. Requires that billing statements identify any optional fees and have a means for students to choose not to pay the fee. Provides that any optional fees are refundable during the semester in which the student paid the fee. Directs the capital development committee to consider each institution's implementation of these provisions in making capital construction recommendations.

Requires each state-supported institution of higher education: To schedule classes so that students can complete their degree programs in specified time frames; to increase the capacity of core classes by increasing the frequency in which they are offered; to ensure that students who are unable to take a core class because it is full will have priority the next time the class is offered; and to increase the capacity of required and prerequisite courses by increasing the frequency with which they are offered so that at least 95% of student demand for the course is met. Directs the capital development committee to consider each institution's implementation of these provisions in making capital construction recommendations. Directs the Colorado commission on higher education to adopt policies to ensure that these scheduling policies are met by each institution.

APPROVED by Governor June 5, 1995
PORTION VETOED June 5, 1995

EFFECTIVE June 5, 1995

ELECTIONS

S.B. 95-202 Elective offices - vacancies - appointment - political affiliation. Requires the governor to appoint a person of the same political affiliation as the vacating officer when filling a vacancy in any state office or in the office of district attorney. If the vacant office was held by an unaffiliated person, requires the governor to appoint an unaffiliated successor within 10 days after the vacancy occurs. Requires the board of county commissioners to appoint a person of the same political affiliation as the vacating officer when filling a vacancy in any county office or, if the officer was unaffiliated, to appoint an unaffiliated person.

VETOED by Governor May 31, 1995

H.B. 95-1017 Campaign reform act - contribution limitations on state and political subdivisions - ballot measures. Under the "Campaign Reform Act of 1974", specifies that a statewide ballot issue, a local ballot issue, a legislatively referred measure, and a measure for the recall of an officer may not be supported or opposed by governmental expenditures of public money or contributions in kind. Replaces the prohibition on such support of or opposition to an "issue before the electorate" with these specific issues and measures. Makes conforming amendments to those provisions containing certain exceptions to this prohibition that apply to government agencies, members or employees of government agencies, and elected officials.

Allows governmental agencies to report the passage of or distribute a resolution relating to such a ballot issue or measure.

APPROVED by Governor March 9, 1995

EFFECTIVE March 9, 1995

H.B. 95-1022 Nomination of unaffiliated candidates by petition - signature requirements - verification - cure. In the "Uniform Election Code of 1992", changes reference to candidates who do not wish to affiliate with a political party from "independent" candidates to "unaffiliated" candidates. Permits nomination for the primary election of unaffiliated candidates for the offices of president and vice president of the U.S. by filing a statement of intent and a \$500 filing fee in addition to the existing petition procedure.

Changes the signature requirements on petitions for nominating unaffiliated candidates and specifies references to certain offices of such candidates as follows: For any statewide office, from at least 1000 to the lesser of 1000 or 2% of the votes cast at the last general election for that statewide office; for member of the U.S. House of Representatives, from at least 500 for "congressional office" to the lesser of 800 or 2% of the votes cast in the congressional district at last election for that office; for member of the state board of education or CU regent from a congressional district, from the lesser of 1000 or 20% of the votes cast in the district for a "district office greater than county office" to the lesser of 800 or 2% of the votes cast in the congressional

district at the last general election for that office; for any member of the general assembly, from the lesser of 1000 or 20% of the votes cast in the district for that office to the lesser of 600 or 2% of the votes cast in the senate district for the office of member of the state senate and the lesser of 400 or 2% of the votes cast in the house district for the office of member of the state house of representatives; for district attorney, from the lesser of 1000 or 20% of the votes cast in the district for that office to the lesser of 650 or 2% of the votes cast in the district at the last general election for the office of district attorney; and, for county office, from the lesser of 600 or 20% of the votes cast in the county for county office to the lesser of 750 or 2% of the votes cast for all candidates for that office at the last general election for county office.

Increases the time period prior to a primary election during which such petitions may be circulated from 49 days to 84 days. Changes the date such petitions must be filed from the Tuesday preceding the primary election to the 28th day preceding such election.

Requires the designated election official to provide the notice of such a petition's sufficiency or insufficiency to the candidate on or before the primary election date. Allows such a candidate 7 days after that election date to cure the petition and requires the election official to provide notice of that amendment's sufficiency or insufficiency no later than 14 days following that election date.

APPROVED by Governor May 25, 1995

EFFECTIVE July 1, 1995

H.B. 95-1113 Voter registration - county clerk and recorder - computer records. Authorizes each county clerk and recorder to maintain voter registration records on a computer system chosen and operated by the county. Requires that voter registration records transmitted from the county clerk and recorder to the secretary of state be transmitted in a media format acceptable to the secretary of state. Requires each county clerk and recorder to maintain voter registration information on such county-owned system or by utilizing the department of revenue's consolidated data processing system to access the master list of registered electors. Eliminates the option for the county clerk and recorder to submit a tape or card deck, instead of a list, when furnishing to the secretary of state the required information on county electors.

APPROVED by Governor April 7, 1995

EFFECTIVE April 7, 1995

H.B. 95-1241 Election laws - revisions, corrections, and clarifications. Makes various revisions, corrections, and clarifications to the "Uniform Election Code of 1992" (the "Code") and other laws relating to elections. Amends various sections throughout the code to use consistent terminology regarding periods of time, such as "prior to", "during", and "after".

Adds the following definitions to the Code: "Nonpartisan election" and "partisan election". Harmonizes the definition of "property owners list" with the Code's requirement on the provision of such lists. Provides that, except for the voter registration deadline, the last day shall be included in computing any period of days prescribed by the Code and emphasizes certain terms under the

computation of time provision.

Revises the requirements imposed on the secretary of state and division of local government for providing copies of election laws and the manual of election procedures.

Changes the voter registration deadline in pertinent provisions of the Code from 30 days before an election to 29 days before an election and specifies that if the 29th day is a Saturday, Sunday, or holiday, electors shall be permitted to register on the next day that is not a Saturday, Sunday, or holiday. Conforms the definition of "registration list" to the revised voter registration deadline.

Changes the prohibition on voting or registering to vote by persons confined as prisoners to apply to persons serving a sentence in a correctional facility, jail, or other location or serving a sentence of parole. Allows certain confined prisoners who are awaiting trial to register to vote by mail registration instead of affidavit registration.

Requires persons registering to vote to give a mailing address instead of a post office address. Changes the period during which an elector may file a change of address form from 29 days to 28 days before the election. Allows an elector who appears in person on election day in the office of the county clerk and recorder, and who receives a certificate of registration after filing a change of address form or who registers by emergency registration, to vote in the office of the county clerk and recorder, in the discretion of the county clerk and recorder. Requires the county clerk and recorder to make notification of an address change received from a driver's license examination facility and deletes the motor vehicle division from those entities providing such information.

Provides that an elector loses party affiliation unless the elector "continues", instead of "transfers", the affiliation.

Changes the period of time prior to a primary election in which the county clerk and recorder must commence mailing elector information cards from 30 days to 29 days. Deletes outdated references to registered electors whose registration was marked "inactive" as of May 15, 1987. Changes the time period during which an elector may discover cancellation of their registration record and obtain a certificate of reinstatement from 29 days to 28 days prior to an election. Allows an elector who has been issued a "certificate of reinstatement" to vote at the office of the county clerk and recorder if the clerk so authorizes.

Requires that a request for a change of polling place to one that is accessible to persons with disabilities be made 12 days, instead of 10 days, before an election. Allows cancellation of duplicate registrations when there is a match of name and birth date. Permits cancellation of voter registration when the county clerk and recorder receives notice from another county clerk and recorder, from the secretary of state, or from an election official in another state that the elector has registered to vote in another county.

Changes the period when voter registration must be received, accepted, or postmarked to

ensure registration from 25 days to 29 days before an election. Establishes the effective date for a voter registration application or change of registration as the date received. Establishes a 10-day hold on voter registration applications received as mail registration and registration at voter registration agencies to see if the verification notice is returned as undeliverable, instead of registering applicants immediately upon receipt of the application.

Modifies the procedure for acceptance of a nomination by a candidate. Eliminates proof of qualification for office by a candidate other than registration, residence, and property ownership. Qualifies the prohibition on candidacy for more than one office at a time by allowing a candidate or elected official to be a candidate or member of the board of certain special districts. Provides a procedure for challenging the qualification of any candidate.

Specifies that a petition for nominating an independent candidate may designate one or more unaffiliated registered electors as a vacancy committee. Requires such petitions for the office of state senator and state representative to designate at least 3 unaffiliated electors. Requires that an independent candidate to be placed in nomination by petition must be registered as unaffiliated for at least 12 months prior to the last date the petition may be filed, instead of 12 months prior to the date of filing of the petition. Requires that candidates for municipal office in a mail ballot election comply with the nominating petition procedure in the municipal election code.

Separates the statutes governing petitions for recall from the statutes governing petitions for candidacy and relocates the recall provisions under the law on recall from office. Requires that petitions for a "district office of state concern", instead of a "district office greater than a county office", be filed with the secretary of state. Provides that a protest concerning an election official's determination that a petition or certificate of designation or nomination is sufficient must be filed within 5 days after the determination of sufficiency, instead of 5 days after the petition is filed. Adds "resignation" to the list of events causing a vacancy in nomination. Clarifies that a vacancy in a "statewide or county office" with a term of 4 years applies to a vacancy in the office of district attorney and to a vacancy in the office of state senator. Specifies that vacancy committees for the state, county, judicial district, or state senate district, instead of for the "political subdivision", designate candidates or make nominations when a vacancy occurs. Requires that an affidavit of intent of a write-in candidate in any election must be filed more than 30 days, rather than more than 8 days, before the election. Provides that write-in votes for governor and lieutenant governor in a primary election shall be counted individually.

Limits elections for which a governing body may designate polling places to elections other than coordinated elections. Changes the date when boundaries of precincts or the creation of precincts must be completed from 30 days to 29 days prior to precinct caucus day. Defines "building" when polling places are established within certain multi-use buildings such as a shopping mall. Requires posting of the sign designating the polling place 12 days, instead of 10 days, before the election.

Changes the time when voter information cards must be mailed from 30 days to 29 days before the primary election. Changes the time prior to an election for determining cancellation of

an election from the 30th day to the 29th day before the election. Revises the requirements for publication and posting of an election cancellation notice. Eliminates the required transfer of the ballot number and date to the elector's registration record and requires recordation of the date of the election for registration record purposes. Gives a designated election official the discretion, in connection with a nonpartisan election, to order a single registration list, instead of an initial and a supplementary registration list. Provides a deadline for determining the certified eligible electors on the registration list certified prior to the election.

Permits election judges to take a self-affirming oath, rather than having to administer the oath to each other, and modifies the content of that oath. Increases the maximum compensation of election judges from \$75 per day to \$100 per day. Allows filing of a petition for the removal of an election judge up to 12 days, instead of 10 days, before any election.

Requires that affidavits of eligibility to vote in coordinated elections shall be available at the office of the designated election official for each political subdivision, rather than the office of county clerk and recorder. Reduces the number of test ballots required for coordinated elections from 100 per political subdivision to 100 for all political subdivisions. Changes the language appearing in the ballot issue notice when petition representatives fail to file a summary of written comments. Exempts statewide ballot issues for which an analysis is prepared for a ballot information booklet from the provision requiring preparation of written comments.

Requires a designated election official conducting a mail ballot election to notify the secretary of state 55 days before the election, instead of 60 days before the election. Requires that ballots be mailed to each eligible elector at the last mailing address appearing in the registration records. Allows a designated election official to provide a replacement ballot to an eligible elector when the eligibility of the elector could not be determined at the time mail ballot packets were mailed to other electors. Prohibits an election official from transmitting a replacement ballot unless a sworn statement requesting, instead of an application for, the ballot is received before election day. Changes certain duties of the election judge when a mail ballot is returned. Specifies what must be marked on an envelope when an absentee ballot is mailed.

Requires the early voters' polling place be opened 21 days, instead of 24 days preceding any election in November, and to be open for purposes of voting 21 days, instead of 29 days before the election, before any presidential primary, primary, general, or other November election.

Eliminates the requirement that the board of canvassers meet or be notified in the event of a cancelled election. Requires a recount in a nonpartisan election no later than the 15th day after a regular or special election or no later than the 30th day after a coordinated election, instead of the 15th day after the election. Requires completion of that recount no later than the 20th day after such election or the 35th day after a coordinated election, instead of the 20th day after the election.

Allows a losing political party or organization to pay for the cost of conducting a recount requested by the losing candidate. Requires that a candidate or losing political party or organization requesting a recount pay the cost of a recount for county office to the county clerk and recorder,

instead of the county treasurer or manager of revenue, and pay the cost of a recount for congressional, state, or district office to the secretary of state, instead of the state treasurer. Specifies when a recount requested by a candidate shall take place.

Requires a person or group requesting a recount on a county ballot issue to pay the cost of a recount to the county clerk and recorder, instead of the county treasurer or manager of revenue. Requires a person or group requesting a recount of a ballot issue for a district greater than a county to pay the cost of the recount to the secretary of state, instead of the state treasurer. Provides when such recounts shall take place.

Clarifies that, when there is a tie vote on a ballot issue or question, the issue or question loses.

Extends from 10 days to 30 days the time during which absentee ballots for recall elections must be available. Makes the date for filing write-in affidavits for candidacy in a recall election and the date for filing nominating petitions for that election the same, 15 days after the date that the recall petition is found to be sufficient. Deletes certain recall petition requirements for the office of county commissioner. Provides that the election of a successor shall occur at the same time as the recall election for all offices not just state elections and deletes requirements for all other elections. Permits hand delivery of the certified survey of returns in a recall election to the secretary of state or the governing body. Permits the designated election official to issue a certificate of election instead of the secretary of state. In the case of recall elections other than state elections, requires that the governing body receive the election results from the designated election official. Subjects recall elections to the Campaign Reform Act.

In the case of a vacancy due to the resignation of a member of the general assembly, authorizes the vacancy committee to meet prior to the effective date of the vacancy. In the case of the death of a general assembly member-elect, authorizes the vacancy committee to meet no more than 10 days after the death of that member-elect. In the case of a member of the General Assembly who was unaffiliated with a political party, authorizes the appointment of a successor by the vacancy committee designated on the nomination petition.

Deletes the provision on disposition of affidavit forms in conformance with the prior repeal of the section governing affidavit registration. Increases the penalty from a fine of not more than \$1000 or imprisonment for not more than 12 months, or both, to a fine of not more than \$5000 or imprisonment for not more than 18 months, or both, for the following election offenses: Offenses related to mail ballots; procuring false registration; personating an elector; voting twice; and offenses relating to absentee voting. Increases the penalty for voting in the wrong precinct from a fine of not more than \$200 or imprisonment for not more 3 months to a fine of not more than \$5000 or imprisonment for not more than 18 months, or both. Relocates the prohibition on defacing petitions to the provisions on election offenses.

Requires that political committees in support of or in opposition to municipal candidates or municipal issues shall make filings with the municipal clerk. Clarifies that the disqualification of

a person who fails to file a disclosure statement is for the office for which the candidate has filed and failed to file the statement. Provides that notices from the secretary of state or other election official may be mailed by certified mail, return receipt requested, instead of by registered mail. Conforms the provisions on notice of disqualification, of a deficient report, and of a penalty to the certified mail requirement. Requires that reports of independent expenditures be filed 11 days before and 30 days after any election rather than 11 days before the primary and general elections and 30 days after the general election.

Changes the voter registration deadline in the municipal election code for an incorporation election and organizational election from the 30th day to the 29th day prior to the election. Corrects internal references in the municipal election code to the following provisions: The definition of "electronic voting system"; questions answered by a person making application for registration; and change of address. Requires the secretary of state to provide a copy of the municipal election laws to municipal clerks 60 days, instead of 30 days, before an election. Deletes the requirement that the secretary of state provide a simplified manual of election procedures to municipalities. In the case of a special municipal election, gives municipalities the option to either participate in a coordinated election or to conduct a mail ballot election. Changes the time period for determining who is on the municipal election precinct registration list from the 30th day to the 29th day preceding the election. Requires that nomination petitions for municipal officers to be elected at a coordinated election or mail ballot election under the state election code be circulated within the same time frames as other nomination petitions under the state election code.

Increases the penalty from a fine of not more than \$1000 or imprisonment for not more than 12 months, or both, to a fine of not more than \$5000 or imprisonment for not more than 18 months, or both, for the following municipal election offenses: Personating an elector; voting in the wrong precinct; voting twice; and offenses relating to absentee voting.

Clarifies that special district elections pursuant to article X, section 20 of the state constitution may be held at the biennial local district election as well as at the state general election and on the 1st Tuesday in November of odd-numbered years. For persons voting in a special district election by absentee ballot or mail ballot, allows the affidavit on the envelope required by the state election code to substitute for the affidavit required under the special district law that the person is an eligible elector of the special district. For purposes of complying with article X, section 20, allows the board of directors of the scientific and cultural facilities district to submit to the voters of the district, at a general election or at an election held on the 1st Tuesday in November of an odd-numbered year the question of whether the district is authorized to collect, retain, and spend excess revenues until the date specified in the question.

Changes all references to "independent" candidates in the Code and the Campaign Reform Act to "unaffiliated" candidates. Creates a definition for "unaffiliated".

APPROVED by Governor May 24, 1995

EFFECTIVE July 1, 1995

FINANCIAL INSTITUTIONS

H.B. 95-1035 Depository institutions - compliance review committees - confidentiality. Declares that documents prepared for or by a depository institution compliance review committee, including documents delivered to a federal or state agency, are confidential and not discoverable or admissible in evidence in any civil action that arises out of a matter evaluated by the committee. States that a person's testimony in a civil proceeding about a matter that concerns his or her participation in a compliance review activity or about compliance review documents shall be inadmissible.

States that a governmental agency is not limited in its ability to use compliance review documents, but that such documents shall remain confidential and not discoverable or admissible in evidence in any civil action brought by other than a governmental agency.

APPROVED by Governor April 13, 1995

EFFECTIVE April 13, 1995

H.B. 95-1111 Banking - interstate branch banking - prohibition - "opt out" under federal Riegle-Neal law. A provision in the federal "Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994" allows states acting prior to June 1, 1997, to prohibit interstate branch banking by state and national banks into and out of such states' borders, thereby "opting out" of provisions of the federal law authorizing interstate branch banking. This legislation exercises Colorado's authority under the federal law by prohibiting interstate branch banking either through the acquisition of existing branches or through the formation of new branches.

VETOED by Governor March 10, 1995

H.B. 95-1200 Credit unions - rate schedules - member account verification. With regard to credit unions, authorizes the commissioner of the division of financial services to:

- Set a separate fee schedule for assessments against corporate and central credit unions; and
- Specify how members' accounts are verified, in addition to current methods.

Allows the supervisory committee of a credit union to verify member accounts through random sampling, in addition to current methods.

APPROVED by Governor March 23, 1995

EFFECTIVE March 23, 1995

H.B. 95-1355 Banking - interstate branch banking - conformity of state banking statutes with federal law. Conforms the "Colorado Banking Code of 1957" and related statutes with the "Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994" and the "Riegle Community Development and Regulatory Improvement Act of 1994". Repeals or amends provisions of the "Colorado Banking

Code of 1957" and related statutes which have been either superseded by or require conformity to federal law, including those provisions which are no longer applicable as a result of expired statutory time periods.

APPROVED by Governor May 24, 1995

EFFECTIVE July 1, 1995

GENERAL ASSEMBLY

S.B. 95-2 Advisory bodies scheduled for repeal. Continues the following advisory bodies scheduled for repeal July 1, 1995: The private occupational school policy advisory committee; the pollution prevention advisory board; the underground storage tank advisory committee; and the homeless prevention advisory committee.

APPROVED by Governor March 31, 1995

EFFECTIVE March 31, 1995

GOVERNMENT - COUNTY

S.B. 95-15 Emergency telephone service funds - payment of personnel expenses. Out of amounts collected under current law through the imposition of emergency telephone charges, allows local governing bodies in certain counties with fifty thousand or fewer residents to pay salaries and other personnel costs necessarily incurred in addition to the installation and equipment costs and monthly telephone company charges for which expenditures currently may be made.

APPROVED by Governor April 17, 1995

EFFECTIVE April 17, 1995

S.B. 95-17 Oil and gas conservation commission - exclusive jurisdiction - noncommercial disposal of oil and gas exploration and production wastes. Grants exclusive jurisdiction over the noncommercial handling and disposal of oil and gas exploration and production wastes to the oil and gas conservation commission by excluding such wastes from the definition of "solid waste" in the laws governing solid waste disposal sites and facilities, which are administered by the state board of health and local jurisdictions.

APPROVED by Governor March 31, 1995

EFFECTIVE March 31, 1995

S.B. 95-218 Ordinance authority - fires. Relocates existing provisions concerning county authority to ban open fires in order to provide enforcement powers for such bans. Provides that open fires may be banned to a degree and in a manner the board of county commissioners deems necessary to reduce the danger of wildfires in unincorporated areas of the county where the danger of forest or grass fires is found to be high, based on competent evidence. Provides that such bans shall not affect the sale of fireworks.

APPROVED by Governor May 22, 1995

EFFECTIVE May 22, 1995

H.B. 95-1023 Cemetery districts - increase in tax levy limit - voter approval. Increases the limit from 2 mills to 4 mills that any cemetery district can levy upon taxable property in the district. Requires voter approval of any amount of property tax levy not previously established by a cemetery district or previously approved by the electors of the cemetery district.

Applies to property tax years beginning on or after January 1, 1995.

APPROVED by Governor March 23, 1995

EFFECTIVE March 23, 1995

H.B. 95-1273 County treasurers - qualification for office - surety bonds - deposits of moneys or securities. Prior to a county treasurer being sworn into office, requires the board of county

commissioners, by written resolution adopted by a majority vote, to set the amount of a surety bond to be executed by the treasurer and to authorize the purchase of the bond by the board. Repeals the requirements that the bond have at least 3 sureties, be endorsed with the official approval of the board or approved by the clerk of the board if the board is not in session, and be twice the amount of all moneys levied in the county if the board does not fix the penal sum of the bond.

For deposits of moneys or securities made by a county treasurer in a bank or savings and loan association, eliminates the requirement that the bank or savings and loan have its principal office within the state.

APPROVED by Governor May 16, 1995

EFFECTIVE May 16, 1995

GOVERNMENT - MUNICIPAL

S.B. 95-12 Fire and police pensions - statewide money purchase plan - application for coverage in lieu of local money purchase plan - requirements - rules. Authorizes employers who have established local money purchase plans to apply for coverage of their fire and police members under the statewide money purchase plan. Requires the employer to initiate an application for coverage by filing a resolution, adopted by the employer's governing body, with the board of directors of the fire and police pension association no less than 6 months prior to the effective date of coverage. Requires approval of the application for coverage by at least 65% of the employer's active members who are participating in the local money purchase plan. Authorizes the board of directors of the fire and police pension association to promulgate rules and regulations relating to member approval, standards for granting an employer's application, and submission of information by an employer to the board. As part of the application process, requires an employer to make certain certifications to the board concerning covered employees and the local money purchase plan.

APPROVED by Governor March 31, 1995

EFFECTIVE March 31, 1995

S.B. 95-228 Fire and police pensions - funding standards - state contribution. Increases the funding standards and annual state contribution for state-assisted policemen's and firemen's pension plans in order to eliminate the unfunded accrued liabilities in such plans by the year 2009.

Requires a lump-sum state contribution in 1995, as certified by the fire and police pension association but not to exceed \$25,500,000, to the fire and police members' benefit fund to fund the supplemental unfunded liability of state-assisted policemen's or firemen's pension plans attributable to the reduction of the state's contribution in 1987.

Increases the annual amount of the state contribution to the fire and police members' benefit fund beginning September 30, 1995. Specifies that state contributions cease when the unfunded accrued liabilities of the state-assisted pension plans are eliminated, but no later than December 31, 2009.

As of July 1, 1995, requires employers to make annual contributions to state-assisted pension funds in an amount at least equal to the total 1993 contribution amount less 1993 member contributions and less state contributions received in 1994. Reduces such annual employer contributions if required annual member contributions are made, if annual state contributions based on the 1994 amount are made, and if fewer contributions are needed to pay current service costs and to eliminate all unfunded accrued liabilities of the state-assisted pension plans no later than December 31, 2009. Specifies that such employer contributions shall continue after the year 2009 if necessary to eliminate unfunded accrued liability in such funds and if the state makes the higher contributions through the year 2009. Reverts to the employer funding requirements in effect before July 1, 1995, if state contributions are less than the amount contributed on September 30, 1995. Clarifies that employers must also continue to pay for additional plan benefits that they adopt.

From 1995 through 2009, requires distributions from the fire and police members' benefit fund to employers' plan funds having unfunded accrued liabilities equal to the amount of state contributions such plan funds received in 1994 to assist in retiring such plan funds' unfunded liabilities no later than December 31, 2009, plus additional amounts to those plan funds with employers who contribute a certain percentage more under this act than what was required under the former law. Requires distribution of any remaining state contributions to such plan funds to ensure elimination of unfunded liabilities no later than December 31, 2009. If any annual state contribution is less than the September 30, 1995, contribution, requires proportional distribution of state contributions to such plan funds.

Adjusts the 1995 long bill to increase the amount included for informational purposes for the department of the treasury to allocate to the fire and police pension association for the implementation of the act by \$32,100,000.

APPROVED by Governor May 25, 1995

EFFECTIVE July 1, 1995

H.B. 95-1004 Fire and police pensions - timing of allocation of earnings to member accounts. Changes the allocation of earnings to separate retirement accounts of police and fire members under the statewide defined benefit plan from a quarterly to at least a monthly basis.

APPROVED by Governor March 23, 1995

EFFECTIVE March 23, 1995

H.B. 95-1010 Fire and police pensions - volunteer firefighter pensions. Separates volunteer firefighter pension provisions from paid firefighter pension provisions. Clarifies volunteer firefighter pension provisions and repeals obsolete provisions.

Defines "volunteer firefighter" to include a firefighter who has another designation or title so long as the firefighter meets the volunteer firefighter requirements.

Includes provisions that: (1) Authorize optional survivor benefits for active volunteer firefighters; (2) require the governing body or board of a district offering fire protection services to determine whether the optional survivor benefits are available only if the volunteer firefighters die while on duty and the benefit amount, up to a maximum amount; (3) allow volunteer firefighters to designate certain beneficiaries of the optional survivor benefits; (4) prescribe when the optional survivor benefits are discontinued; (5) require the board to insure the volunteer firefighters; (6) prohibit additional state contributions to the fund to pay the insurance premiums or as a result of additional local contributions made to pay such premiums; (7) allow firefighters to buy the insurance policies or the board to surrender the policies if the volunteer firefighters terminate active service; and (8) specify the procedures to terminate the optional survivor benefits.

Prescribes a maximum benefit amount of \$450 that is allowed under any volunteer firefighter pension fund, except for the funeral benefit that has an increased limit of twice the amount of the

retirement pension. Increases the maximum total pension amount allowed to a volunteer firefighter if the firefighter served in more than one municipality, fire protection district, or county improvement district. Authorizes the board in any municipality or district to increase short-term disability benefits, retirement pension benefits, and survivor benefits up to the specified maximum, allowable amount only if the governing body approves the increase and if the higher amount is actuarially sound. Restricts any such increases in these benefits from increasing the amount of the state contribution.

Adds one person to the membership of the volunteer firefighter pension fund board in municipalities. Clarifies that the board in a fire protection district elects a president and secretary from the board's membership. Eliminates a municipality's and fire protection district's authority to create, by ordinance or resolution, a board to administer the volunteer firefighter's pension fund that is distinct from the board authorized by statute. Allows a governing body of any municipality to continue its existing board that was created by ordinance.

Authorizes the governing body of a municipality or district to contribute all of the moneys in a volunteer firefighter pension fund for fire-related purposes in situations where no person is eligible or can become eligible for all of the moneys in the fund. Increases the number of active and retired volunteer firefighters required to concur with the purchase of insurance.

States that board members of the boards of trustees who administer volunteer firefighter pension funds in any municipality, fire protection district, or county improvement district in this state before the effective date of the act shall continue their terms and duties on the applicable boards of trustees of the volunteer firefighter pension funds under the new provisions. Specifies that moneys from volunteer firemen's pension funds established before the effective date of this act remain in effect and are governed by the new provisions.

APPROVED by Governor June 5, 1995

EFFECTIVE June 5, 1995

H.B. 95-1012 Fire and police pensions - disability benefits - time period for investigation of members. Increases from 3 to 5 years the time period during which the fire and police pension association is authorized to investigate members who have been awarded disability benefits by the association.

APPROVED by Governor March 23, 1995

EFFECTIVE March 23, 1995

H.B. 95-1128 Volunteer firefighters - optional survivor benefits. Authorizes optional survivor benefits for active volunteer firefighters if 65% of the firefighters consent, if the option is actuarially sound and will not impair the ability to pay annuities or pensions, and, if provided by a municipality, the governing board of the municipality consents. Requires the governing body of the municipality or the board of a fire protection district or county improvement district with a volunteer fire department that provides such optional benefits to determine the benefit amount, not to exceed the

amount of the retirement pension that would have been available to the firefighter had the firefighter not died, and to determine whether the benefits are available only if the volunteer firefighter dies while on duty. Authorizes a volunteer firefighter to designate certain beneficiaries to receive the optional survivor benefits. Discontinues such survivor benefits: (1) when the beneficiary dies; (2) if the beneficiary is a child, when the child is 18 or upon the child's death; (3) if the beneficiary is a full-time student, when the beneficiary is 23; (4) if the beneficiary is the surviving spouse, when the spouse remarries; or (5) when the insurance proceeds and accrued interest thereon are exhausted.

Requires the board to insure the volunteer firefighter, pay the insurance premiums from the firefighter's pension fund and from additional local contributions made to the fund, and collect the proceeds of the insurance policies to pay the cost of the optional survivor benefits. Prohibits additional state contributions to the fund to pay the insurance premiums or as a result of additional local contributions made to pay such premiums. Allows the volunteer firefighter to buy the insurance policy and the board to surrender the policy if the firefighter terminates active service. Specifies how the optional survivor benefits can be terminated.

APPROVED by Governor April 17, 1995

EFFECTIVE April 17, 1995

H.B. 95-1211 Municipal initiatives, referenda, and referred measures - procedures. Separates the law governing the procedures of municipal initiatives, referenda, and referred measures from the state procedures and places it in a separate article 11 of title 31, with amendments, and renames the law "Municipal Initiatives, Referenda, and Referred Measures". Repeals provisions in article 40 of title 1 that are moved to article 11 of title 31.

Specifies that the time period during which a legislative body must refer a proposed ordinance to the electors will run from the date of final determination of petition sufficiency rather than the date of petition filing.

Eliminates the 15-day extension for petitioners to gather signatures. Requires that protests be handled through an administrative hearing process rather than a district court procedure. Specifies that grounds for such protest may include the deficiency of any portion of a petition or a circulator affidavit.

Requires that each petition contain a summary followed by the full text of the proposed ordinance or initiative that is the subject of a referendum petition. Specifies the format for signature pages of a petition. Requires petition circulators to be registered electors. Eliminates the requirement that circulators wear badges identifying themselves as either paid or volunteer and that paid circulators display their names and the names of their employers. Eliminates the required disclosure by petition proponents of the names, addresses, and voter registration of and amount paid to paid circulators.

Specifies the appropriate methods for signature verification and the procedures and time frames for the clerk's issuance of a statement of petition sufficiency.

Requires a legislative body to fix a ballot title for an initiative or referendum once an election has been ordered. Requires that the district attorney be charged with the enforcement of the provisions of article 11 of title 31.

APPROVED by Governor May 8, 1995

EFFECTIVE May 8, 1995

GOVERNMENT - SPECIAL DISTRICTS

S.B. 95-57 Special district debt - quinquennial review. Grants the board of county commissioners or the governing body of the municipality discretion to determine whether or not to require special districts within its jurisdiction to file an application for a quinquennial finding of reasonable diligence and imposes administrative requirements for the review.

Requires special districts to certify to the appropriate boards of county commissioners or governing bodies of municipalities and to the division of securities: (1) The results of special district ballot issue elections to incur general obligation debt; and (2) If the special districts have authorized but unissued debt that was approved before July 1, 1995, a statement before January 1, 1996, of the amount of any issued, authorized debt.

Requires a special district that incurs debt to file a notice describing the debt with the board of county commissioners or the governing body of the municipality having jurisdiction.

If an application for quinquennial review is required, requires the board of county commissioners or the governing body of the municipality to either accept the application without any further action or conduct a public hearing with prior notice and make its determinations within a specified period. Specifies that the quinquennial review determinations are subject to judicial review. Specifies that actions to enforce the quinquennial review provisions may only be filed by the board of county commissioners or the municipality's governing body and must be filed before any bonds are issued.

Validates quinquennial review determinations made before July 1, 1995, and provides that the changes made to the quinquennial review law apply to applications pending on and filed after July 1, 1995.

APPROVED by Governor March 31, 1995

EFFECTIVE July 1, 1995

GOVERNMENT - STATE

S.B. 95-29 Civil rights - persons with assistance dogs - classification. Establishes the rights of a person with a disability to be accompanied by an assistance dog in or on public places, places of public accommodation, public transportation services, or housing accommodations. Establishes the rights of a trainer of an assistance dog to be accompanied by the dog being trained. Prohibits employment discrimination against a person with a disability based on that person's being accompanied by an assistance dog in the workplace.

Exempts persons with a disability from state or local licensing fees or charges otherwise applicable in connection with owning an assistance dog. Establishes that the owner or person having control of an assistance dog is liable for damages caused by that person's assistance dog.

Prohibits any person or entity from infringing upon the rights of persons with assistance dogs and trainers of assistance dogs. Makes violation of the provisions of the act a class 3 misdemeanor. Allows a person with a disability or a trainer whose rights were affected to recover civil damages for economic loss.

APPROVED by Governor April 21, 1995

EFFECTIVE See Note

NOTE: This act was passed without a safety clause. See section 6 of the act for the possible effective dates.

S.B. 95-31 Witness protection program - witness protection board - witness protection fund - appropriation. Creates the witness protection board in the department of public safety for the purpose of creating a witness protection program. Specifies that the board is a **type 1** board, made up of the attorney general, the executive director of the department of public safety, and the executive director of the Colorado district attorneys council or their designees.

Makes the board responsible for creating a witness protection program to fund or provide for the security and protection of a prosecution witness or potential prosecution witness in an official proceeding or investigation where the board determines that a criminal offense relating to intimidating a witness, tampering with a witness, or retaliating against a witness is about to be committed or that great public interest is involved. Permits the board to protect the immediate family or a close personal associate of a witness or potential witness. Immunizes the state, the board, and its members from civil liability for injury or damages in any civil action brought by or on behalf of a person who was provided or denied security and protection.

Allows any district attorney or the attorney general to request funding from the board to provide witness security and protection. Provides that funds shall be distributed by the board from the witness protection fund which shall be made up of appropriations from the general assembly and gifts and donations from private sources. States that the general assembly may make appropriations

from the general fund to the witness protection fund for purposes of the witness protection program when the board demonstrates that there is a need to replenish the fund. Authorizes an individual board member to distribute up to \$500 in an emergency situation.

Appropriates \$250,000 to the department of public safety for allocation to the witness protection fund for the implementation of the act.

APPROVED by Governor June 5, 1995

EFFECTIVE June 5, 1995

S.B. 95-33 Public employees' retirement association - benefit provisions - earned service credit - contribution and benefit limits - life insurance. Changes the definition of "highest average salary" for purposes of public employees' retirement association benefits from 1/12th of the average of the highest annual salaries associated with calendar year periods totaling 3 years of service credit to 1/12th of the average of the highest salaries associated with 3 periods of 12 consecutive months of service credit.

Specifies a federal income tax limitation that applies to members contributions on and after December 31, 1995. Changes the provision for earning one year of service credit from 1 year of full-time employment at full salary for which contributions are made to 12 calendar months of employment with such contributions in which the member earns a salary greater than or equal to 80 times the federal minimum wage in effect during that service. Replaces the determination of earned service credit for less than full-time employment, or for full-time employment for which less than full salary is received, with a determination of earned service credit for periods of employment that do not meet the requirements for earning one year of service credit. Changes recordation of earned service credit on a calendar year basis to recordation on an annual basis.

Eliminates the requirement that members who purchase service credit associated with a refunded member contribution account purchase all of the service credit associated with that account.

Makes the following changes to provisions on member purchase of service credit relating to noncovered employment: Deletes the requirement that such members must provide certification from the previous employer of the full-time salary for the noncovered position; qualifies the certification required from noncovered employment retirement programs that the service credit to be purchased has not vested with that program, by requiring such certification except to the extent otherwise required by federal law; changes the provision permitting the purchase of 1 year of service credit for each year of full-time, full salary noncovered employment to one permitting the purchase of 1 year of service credit determined pursuant to the provisions on earned service credit; deletes the calculation for determining service credit for periods of noncovered employment which are less than full-time; and makes a conforming amendment by eliminating a required calculation involving the cost of living stabilization fund since that fund no longer exists.

Eliminates the time period for making installment payments for service credit purchases.

Changes the military service credit to the uniformed service credit and makes conforming amendments. Replaces the grant to members of additional service credit for active service in any branch of the U.S. military with a grant of such credit for uniformed service as defined for reemployment right purposes under federal law. Among the requirements for granting such credit, changes the requirement that the period of service be verified and proven to be not vested in another retirement system to a requirement of verification and a showing that such service is not already covered by association service credit upon return from uniformed service to membership. Changes the reference to a military leave of absence to a leave of absence for uniformed service.

Replaces the maximum option 1 benefit of 80% of the member's highest average salary with the maximum permitted under federal income tax law. Provides for a July 1, 1995, recalculation of the base benefit for certain benefit recipients. Requires, on and after July 1, 1995, the inclusion of service credit in excess of 40 years in the computation of the option 1 base benefit. Requires the association to provide benefits based on that recalculation effective from July 1, 1995, forward. Specifies an additional federal income tax limitation that applies to the maximum benefits payable to benefit recipients on and after December 31, 1995.

Authorizes the association to self-fund group life insurance coverage. Eliminates the prohibition on retirees who return to work in a position requiring membership from subscribing to life insurance coverage. Replaces the requirement that life insurance premiums be submitted through payroll deduction with the requirement that such premiums be received by the association in order for an individual to be covered. Requires members, in order to continue life insurance coverage, to authorize life insurance premiums to be deducted from benefits prior to retirement instead of at retirement. Provides that members may continue life insurance coverage after termination of membership under certain conditions, and allows inactive members to assign policies. Adds inactive members and retirees to those who may name a beneficiary other than the named beneficiary for life insurance purposes. Allows the association to self-fund the life insurance coverage for certain retired state employees for whom the association undertook coverage in 1986.

APPROVED by Governor April 20, 1995

EFFECTIVE July 1, 1995

S.B. 95-35 Public employees' retirement association - judicial division retirees - temporary employment - benefit increase - appropriation. Establishes a minimum period of 60 days for which retirees of the judicial division may agree to perform temporary judicial duties and increases the amount of time each year that such duties may be performed to 90 days. Specifies the minimum amount of benefit increase retirees may receive for such service and raises the maximum amount of such increase. Eliminates the requirement that the benefit increase be made only once for each retiree. Permits a retiree to take a leave of absence from such duties with a cessation of the benefit increase. Within 30 days prior to each anniversary date of retirement, and upon written request to and approval by the chief justice, allows a retiree, who has taken a leave of absence, to reenter into an agreement to perform assigned duties and to receive the benefit increase.

Appropriates \$12,825 for the fiscal year beginning July 1, 1995, to the judicial department

and \$110,800, for the fiscal year beginning July 1, 1996, to the department of the treasury for the implementation of the act.

APPROVED by Governor May 16, 1995

EFFECTIVE May 16, 1995

S.B. 95-37 Federal mandates - executive committee of the legislative council - direction of efforts undertaken by legislative staff. Requires the executive committee of the legislative council to provide direction to the staff of the legislative council and the office of legislative legal services regarding any federal mandates efforts to be undertaken by the legislative staff. Repeals existing deadlines applicable to contracts to provide services regarding federal mandates.

APPROVED by Governor April 7, 1995

EFFECTIVE April 7, 1995

S.B. 95-39 Department of law employees - victims' services coordinator - appropriation. Creates the position of victims' services coordinator in the department of law to assure that the constitutional and statutory rights of victims are preserved in criminal cases being prosecuted or defended by the office of the attorney general.

Appropriates \$38,875 from the victims assistance and law enforcement fund to the department of law for the implementation of the act.

APPROVED by Governor May 16, 1995

EFFECTIVE May 16, 1995

S.B. 95-55 Capital construction - appropriations - six-month encumbrance deadline. Makes the 6-month encumbrance deadline for capital construction appropriations applicable to projects that are included in a lump-sum appropriation. In the event that an appropriation is made to one agency for allocation to other agencies, specifies that the 6-month period applies to the execution of contracts by the agency receiving the allocation and begins to run from the date of the allocation by the agency that received the appropriation.

APPROVED by Governor April 7, 1995

EFFECTIVE April 7, 1995

S.B. 95-56 Sale of certain state real property in Denver. Authorizes the sale of certain state real property in the city and county of Denver currently used by the department of revenue. Provides for the proceeds of the sale to be deposited in the state capital construction fund.

APPROVED by Governor May 16, 1995

EFFECTIVE May 16, 1995

S.B. 95-95 Economic development central information system. Creates an economic development

central information system coordinated by the state library and adult education office of the department of education to allow access to information provided by certain state government departments and agencies for general public use. Includes information provided by any department or agency in the system and distributes it through the access Colorado library and information network. Requires each department or agency to keep its information current. Allows any department or agency to charge a fee for information included in the system if the department or agency charged a fee for the information prior to the effective date of the act.

APPROVED by Governor May 31, 1995

EFFECTIVE October 1, 1995*

***NOTE:** This act was passed without a safety clause. Section 3 of the act establishes an effective date of October 1, 1995. The act will take effect on that date unless a referendum petition is filed pursuant to article V, section 1 (3) of the state constitution. In that event, the act will take effect on the date of the official declaration of the vote by proclamation of the governor if it is approved by the voters at the 1996 election.

S.B. 95-126 Vested property rights - moratorium on development restrictions - just compensation.

Once a vested property right is established, forbids zoning or land use action by a local government or pursuant to an initiated measure that imposes a moratorium on development, unless certain conditions are met. Allows such zoning or land use action once a vested property right exists if the landowner receives just compensation for certain costs, including the cost of preparing the site for development consistent with the site specific development plan. Clarifies that the costs for which just compensation is required are costs incurred by the landowner after approval of the site specific development plan by the governmental entity.

APPROVED by Governor May 31, 1995

EFFECTIVE May 31, 1995

S.B. 95-133 Lottery commission - lottery prizes - assignment. Declares the intent of the general assembly to allow lottery winners increased discretion concerning the manner in which their prizes are paid, to enhance the present value of lottery prizes to winners, and to protect the state from liability and litigation.

Provides that a lottery winner may assign the prize, in whole or in part, to any person pursuant to a voluntary assignment of the right to receive future prize payments if the assignment is made pursuant to an order of an appropriate district court. Requires that a copy of the petition for such an order and any notices of hearings in the matter be served on the lottery commission at least 10 days prior to the hearing or entry of any order. Authorizes the commission to intervene in the action solely to protect its own interests but specifies that the commission is not a necessary party.

Authorizes the district court to issue an order approving the assignment if: The assignment is in writing, signed by the assignor, and subject to Colorado law; the assignor provides a declaration that the assignor has had the opportunity to be represented by independent legal counsel, has received

financial and tax advice concerning the assignment, and is of sound mind and not acting under duress; and the assignment does not include payments or portions thereof that are subject to offsets for child support, unless the assignment includes provisions for satisfying such obligations.

Requires the lottery commission to acknowledge to both the assignor and the assignee its agreement to make the payments as specified in a district court's order within 10 days of receipt of a copy of such order. Directs the commission to make payments pursuant to such an order. Prohibits the commission from adopting rules and regulations implementing this act that are more restrictive, impose additional requirements, or are otherwise inconsistent with the intent of the general assembly. Authorizes the commission to establish a reasonable fee to defray the administrative expenses of the commission associated with voluntary assignments.

Provides that no voluntary assignment shall be effective unless and until the Internal Revenue Service advises the chairman of the commission that the voluntary assignment of prizes pursuant to judicial order will not affect the federal income tax treatment of prizewinners who do not assign their prizes.

APPROVED by Governor May 24, 1995

EFFECTIVE May 24, 1995

S.B. 95-157 Attorney general - general assembly as client - settlement agreements. Removes the language that indicated that the attorney general is not counsel for the legislative branch of state government. Continues the authority of the committee on legal services to retain counsel when the exclusive prerogatives of the legislature are involved. Provides that, upon the general assembly's request and the concurrence of the governor, the attorney general may act as legal counsel for the general assembly or its houses, committees, members, agencies, or employees in all other cases.

Allows the attorney general, upon approval of the governor or of an affected client agency, to provide a confidential report regarding the state's legal interests to the members of the general assembly. Unless there is a conflict, requires the attorney general to make a confidential report to the legislative council before approving any settlement that will have a major fiscal or policy impact, or both. Specifies that the provision of confidential reports shall not be deemed a waiver of the attorney-client privilege.

Changes the title of the deputy attorney general to the chief deputy attorney general.

VETOED by Governor May 31, 1995

H.B. 95-1001 Nonprofit entities created or supported by state departments or agencies - report - legislative audit committee review. Sets forth the finding of the general assembly that the expenditure of state revenues through nonprofit entities created by state agencies without authorization to do so hampers the ability of the general assembly to carry out its budgetary responsibilities. Requires the head of each principal department of state government to submit a

report to the legislative audit committee no later than November 1, 1995, that lists: All nonprofit entities created by the department or an agency thereof; and all nonprofit entities to which the department or an agency thereof has provided more than \$25,000 in support during fiscal year 1993-94 or 1994-95, excluding amounts paid for the purchase of services from the nonprofit entity. Requires that the report include the name of each entity and a copy of the most recent annual report, audit report, or Internal Revenue Service Form 990 for the entity. Directs the legislative audit committee to perform a review of the entities listed and report its findings to the general assembly no later than March 1, 1996.

APPROVED by Governor May 16, 1995

EFFECTIVE May 16, 1995

H.B. 95-1032 State contracts - low tie bids - resident bidder preference - applicability to procurement code. On and after July 1, 1995, requires state contracts for the purchase of commodities, including supplies, that result in a low tie bid to be awarded to the resident bidder rather than a nonresident bidder. Establishes a mechanism for awarding contracts in low tie bid situations. Suspends implementation of the low tie bid mechanism to the extent it causes denial of federal moneys or is inconsistent with federal law. Clarifies that the preference for state residents in granting state contracts applies to contracts awarded under the "Procurement Code".

APPROVED by Governor March 17, 1995

EFFECTIVE July 1, 1995

H.B. 95-1048 Public employees' retirement association - benefit provisions - employer and employee contributions - payment of delinquent contributions. Specifies that matching employer contributions are paid when a public employees' retirement association member contribution account is refunded. Establishes the amount of matching employer contributions for payments made in the case of death of a member prior to retirement and for members who receive a retirement benefit or a refund after becoming eligible for a benefit. Designates the amount of matching employer contributions paid to members who receive a refund prior to age 65 and prior to becoming eligible for retirement benefits.

Changes the rate of interest earned on member contributions. Establishes that member contributions earn interest from the date of the first contribution through the date the member contribution account is refunded, or through other specified dates that may occur first.

Allows members and vested inactive members who meet the age and service requirements for certain retirement benefits to receive the greater of an option 1 benefit or a money purchase retirement benefit. Establishes how a money purchase retirement benefit is determined. Allows certain members with less than 5 years of service credit to be eligible for such benefit.

Changes the amount of payment that certain retirees of the judicial division may elect to receive. Specifies the benefit calculation for indexation of benefits for vested inactive members. Modifies the calculation of option 3 benefits.

Authorizes the board of trustees of the association to settle disputes on behalf of the association and specifies that the settlement of any dispute by the board is not a per se violation of its fiduciary duties.

Modifies the calculation of amounts and interest required to be paid to the association when an employer fails to provide membership in the association to individuals entitled to membership and when an employer fails to pay the required level of employer contributions for an individual. Establishes the amount to be paid by an employer to the association for persons who are not members or inactive members. Specifies the total amount to be paid for persons who are members or inactive members and apportions such amount between the employer and employee. Specifies the procedures for the association to notify members and inactive members concerning their rights to pay any unpaid employee contributions. Requires the association to reduce the employer contribution rate for an employer to a level that will offset additional damages paid if a court finds that the employer is obligated to pay to the association damages for unpaid contributions that are greater than the amounts specified by this act.

Establishes that actions by the association to collect from employers unpaid contributions for persons who are not members or inactive members are subject to a 6-year statute of limitations. Specifies that such actions for unpaid contributions for persons who are members or inactive members are not subject to any limitation. Specifies that a cause of action accrues on the date nonpayment of contributions is discovered or should have been discovered.

APPROVED by Governor May 22, 1995

PORTIONS EFFECTIVE July 1, 1995

H.B. 95-1092 Conditions of federal aid - budget requests - statutory authority for state programs. Requires any state agency requesting state appropriations for a state program established as a condition of federal aid to provide information to the joint budget committee regarding the amount of federal moneys received for the state program and the percentage of the cost of the program paid by federal moneys. Directs the committees of reference in the senate and house of representatives to review the information provided by a state agency and determine whether there are requirements for in-kind contributions or maintenance of efforts.

If any federal program mandates a state match for state participation, prohibits the establishment of any state program to participate in the federal program unless specific statutory authority for the state program has been enacted.

Applies to appropriations for the fiscal year beginning July 1, 1996, and fiscal years thereafter.

VETOED by Governor May 31, 1995

H.B. 95-1105 State employees - privatization - contracts for personal services - state employees.

Repeals the provision that would repeal, effective July 1, 1995, the privatization law enacted in 1993 governing the use of personal services contracts by state government. Corrects a statutory cross-reference. Establishes that the authority of the state personnel director to approve types of contracts without reviewing every individual contract is not limited to "personal services" contracts for a "program", but extends to any contracts under the privatization law, including contracts for purchased services. Specifies that the authority to enter into contracts for less than 6 months without regard to the requirements of the privatization law is not limited to "personal services" contracts, but extends to any contracts, including contracts for purchased services.

APPROVED by Governor April 7, 1995

EFFECTIVE April 7, 1995

H.B. 95-1115 Public funds - investment - restrictions. Requires that securities which are the subject of a repurchase agreement be securities that can otherwise be purchased with public funds pursuant to law. Deletes language limiting the application of this provision to only written repurchase agreements that provide for the simultaneous sale by the investing public entity and future repurchase by another person.

With respect to investments in money market funds, clarifies that public funds may be invested in money market funds that have assets in excess of \$1,000,000,000 or that have the highest credit rating. Repeals the provision that placed this requirement on the investments made by money market funds.

Prohibits investment of public funds in securities on which the interest rate is not fixed, other than money market mutual funds, unless the rate is established by reference to the rate on a United States treasury security with one year or less maturity, to the United States dollar London Interbank Offer Rate with one year or less maturity, or to the cost of funds index or the prime rate as published by the Federal Reserve and the rate is expressed as a positive value of the referenced index plus or minus a fixed number of basis points. Permits use of a municipal index for the investment of bond or note accounts from issues with coupons linked to the same index. Defines "maturity date" for purposes of these restrictions.

Provides that any firm which sells to a public entity a security that the public entity cannot purchase under the law may, upon demand of the public entity through the state treasurer, be compelled to repurchase the security for the greater of the original purchase principal amount or the original face value, plus interest, within one day of the demand.

Authorizes the securities commissioner to revoke, suspend, or impose conditions upon the license exemptions available to a broker-dealer or sales representative if such person is found to have offered or sold to a public entity, other than in an unsolicited transaction, a financial instrument that such person knew or should have known does not qualify for sale to the public entity and if such action by the securities commissioner would be in the public interest.

Includes the offer or sale of a financial instrument to a public entity that a broker-dealer,

licensed person, or license applicant knew or should have known does not qualify for sale to the public entity as grounds for the securities commissioner to take disciplinary action against the broker-dealer, licensed person, or license applicant.

APPROVED by Governor May 24, 1995

EFFECTIVE May 24, 1995

H.B. 95-1137 State board of agriculture fund - exemption from management fee. Exempts the state board of agriculture fund from the management fee imposed by law on every fund or account consisting of state moneys invested by the state treasurer.

APPROVED by Governor May 22, 1995

EFFECTIVE July 1, 1995

H.B. 95-1145 Department of revenue - sales tax exemption - beer and liquor licenses - limited winery license - motor vehicle registration exemption. Exempts occasional sales by charitable organizations from the state sales tax. Defines "occasional sales" as retail sales of tangible personal property, including concessions, for fund-raising purposes if the sales occur on no more than 12 days per year, if the revenue from the sales do not exceed \$25,000 in a calendar year, and if the funds raised from the sales are used in the course of the organization's charitable service. Allows local governments to continue to impose local sales tax on such sales.

Defines "good cause" for purposes of refusing or denying a beer or liquor license renewal or initial application issuance as any one of the following: Violation of or failure to comply with provisions of the beer or liquor code or applicable rules and regulations; failure to comply with special terms or conditions of a licensee's license; in the case of a new license, failure to establish the requirements of the neighborhood or its adult inhabitants; or evidence that the conduct of the licensed premises adversely affects the health, welfare, or safety of the neighborhood where it is located.

Authorizes wineries that have manufacturer's licenses to conduct tastings and sell wine, food, general merchandise, and nonalcoholic beverages on the licensed premises of the winery and one other licensed location.

Repeals the requirement that a license applicant certify that it will produce not more than 100,000 gallons of vinous liquors per year in order to qualify for a limited winery license.

Permits the holder of an interest in any license issued under the liquor code to also have an interest in an airline public transportation system license.

For purposes of motor vehicle registration exemptions, adds a requirement that the motor vehicle be a private passenger vehicle weighing less than 6500 pounds.

APPROVED by Governor April 27, 1995

EFFECTIVE April 27, 1995

H.B. 95-1178 State employees - personnel system - agency-based personnel pilot program. Creates the agency-based personnel pilot program. Provides for the assistance of the state personnel director in implementing and coordinating the pilot program. Authorizes state agency participation in the pilot program by applying to the governor and submitting a plan with that application by January 1, 1996. Describes the criteria a plan must adhere to. Requires final approval of a plan by the state personnel board.

Requires periodic reporting by participating state agencies and a performance review of the program by the state auditor. Sunsets the program on December 31, 1999.

APPROVED by Governor May 25, 1995

EFFECTIVE May 25, 1995

H.B. 95-1224 Risk management fund - assessment of risks attributable to institutions of higher education. Requires the state risk manager to assess the risks attributable to institutions of higher education based upon fair and actuarially sound analyses for purposes of making recommendations to the joint budget committee on the amount of appropriations necessary to reflect the risks attributable to such institutions for the risk management fund and the state employee workers' compensation account in the risk management fund.

APPROVED by Governor March 30, 1995

EFFECTIVE March 30, 1995

H.B. 95-1281 Public employees' retirement association - erroneous member contributions - refunds. Requires PERA to refund any contribution, plus interest, made to a member contribution account in error based on compensation that is not salary. Indicates the amount of interest to be refunded. Specifies that the amount of interest earned on erroneous contributions is calculated from the date of the contribution to the date of the refund. Allows the association to withhold the refund of interest to a member who was intentionally and actively involved in the erroneous contribution.

APPROVED by Governor May 16, 1995

EFFECTIVE May 16, 1995

H.B. 95-1301 Criminal history records - access by charitable organizations. Allows any public or private nonprofit, not-for-profit, or volunteer organization to use fingerprints to access state and national criminal records for the purpose of screening any employees or volunteers who have or may have unsupervised access to children through the organization.

APPROVED by Governor March 30, 1995

EFFECTIVE March 30, 1995

H.B. 95-1346 Victims' rights - miscellaneous changes. **Section 1:** Amends the definitions included in the "Colorado Crime Victim Compensation Act" as follows:

- Redefines "injury" to mean impairment of a person's physical or mental condition;
- Broadens the definition of "relative" to include any person who has a family-type relationship with a victim;
- Redefines "victim" to include the primary victim and persons who suffer property damage, economic loss, injury, or death as a result of helping or being related to the primary victim. Also defines "victim" to include persons who suffer injury from witnessing the crime and persons who are residents of the state and are not compensated for a crime committed against them in another state.

Section 2: Authorizes a local victim compensation board to adopt policies to ensure that the board compensates primary victims and does not exceed available moneys in granting compensation.

Section 3: Broadens the specifications of who may serve on the standards subcommittee of the victims compensation and assistance coordinating committee.

Section 4: Amends the definitions included in the statutes governing crime victim rights as follows:

- Specifies that the definition of "crime" includes offenses committed by juveniles and attempt, conspiracy, and solicitation to commit a crime;
- Specifies additional situations included in the definition of "critical stages";
- Clarifies the definition of "victim" to specify that, for purposes of notice under the statutes, anyone under 18 years of age may receive notice through a representative, unless the person is legally emancipated.

Section 5: Clarifies the rights afforded to crime victims as follows:

- Allows the victim, upon request, to receive notice of the perpetrator's release, parole, or escape;
- Limits the amount of restitution that may be ordered to the amount of actual pecuniary damages suffered by the victim;
- Clarifies the victim's right to notice, upon request, of:
 - Any hearing to reconsider sentence or to consider commutation of sentence or any parole hearing;
 - Placement of the perpetrator in a less secure facility;
 - The perpetrator's escape from any state hospital.
- Requires the victims' and witnesses' waiting area to be separate in proximity and sight from the waiting area for the defendant's family;
- Grants victims the right to provide a written statement to be included in any referral of the perpetrator to community corrections.

Section 6: Amends the procedures for assuring the rights of victims as follows:

- If a victim objects to a delay in the trial, requires the court to state, prior to granting the

delay, that it has considered the victim's objection;

- Requires the district attorney to consult with the victim regarding seeking the death penalty;
- Clarifies that the consultation requirement does not limit the authority of the district attorney;
- Requires the victims' waiting area to be separate in proximity and sight from the waiting area for the defendant's family;
- Specifies that any state hospital must also provide the victim with information regarding the perpetrator;
- Expands the information regarding a perpetrator that must be provided to the victim to include notice of:
 - Transfer or release of the perpetrator from any state hospital or a detention facility;
 - Placement of the perpetrator in an unsecured facility;
 - Death of the perpetrator while in custody.
- Requires the court, at specified proceedings, to inquire whether the victim is present and wishes to address the court and to inform the victim of his or her right to address the court.

Sections 7 and 8: Makes the implementation of victims' rights and the provision of victims' services and programs priorities for the use of funds in the victims and witnesses assistance and law enforcement fund and the victims assistance and law enforcement fund.

Section 9: Expands the victims assistance and law enforcement advisory board by 2 members.

APPROVED by Governor June 5, 1995

EFFECTIVE July 1, 1995

H.B. 95-1359 Controlled maintenance trust fund - expenditure of principal and interest - transfer of general fund moneys to trust fund. For the 1996-97 fiscal year and fiscal years thereafter, provides that the principal of the controlled maintenance trust fund may constitute all or some portion of the state's Amendment #1 3% emergency reserve. Allows the principal to be expended for state emergencies in accordance with law but for no other purpose.

Provides for the transfer of \$176 million from the general fund to the controlled maintenance trust fund on June 30, 1996. Beginning with the 1996-97 fiscal year, allows the interest earned on the principal of the trust fund to be appropriated for controlled maintenance projects. Eliminates the current requirement of a \$300 million principal in the trust fund prior to the appropriation of any of the interest earned on moneys in the fund.

APPROVED by Governor June 3, 1995

EFFECTIVE June 3, 1995

H.B. 95-1362 Department of administration - transfer of duties, functions, and divisions to the department of personnel - appropriation. On and after July 1, 1995, abolishes the department of

administration and transfers the duties, functions, and divisions of the department to the department of personnel. Transfers the duties of the executive director of the department of administration to the executive director of the department of personnel.

Requires the executive director of the department of personnel to create a plan for reorganization of state support services and provide monthly status reports to the joint budget committee and the chairpersons of the house and senate committees on state, veterans, and military affairs, delivering the final plan to such committees on or before October 1, 1995. Requires the executive director of the department of personnel to submit a budget request for fiscal year 1996-97 to the office of state planning and budgeting on or before October 1, 1995, and to the joint budget committee on or before November 15, 1995, for the implementation of the plan.

Establishes the state support services advisory committee. Directs the committee to review, advise, and comment on the plan for reorganizing the department of personnel as requested by the executive director of the department of personnel or the joint budget committee. Repeals the committee on July 1, 1996.

Repeals the appropriation made to the department of administration and repeals and reenacts the appropriation made to the department of personnel to include the amounts formerly appropriated to the department of administration in the 1995 general appropriation act. Appropriates \$123,618,854 to the department of personnel for fiscal year 1995-96.

APPROVED by Governor May 23, 1995
PORTION VETOED May 23, 1995

EFFECTIVE May 23, 1995

HEALTH AND ENVIRONMENT

S.B. 95-19 Alcohol and drug abuse treatment facilities - fees - transfer - collections. Requires that the fees fixed by the division of alcohol and drug abuse within the department of human services for inspections of certain approved alcohol and drug treatment facilities be deposited in the alcohol and drug driving safety program fund. Allows approved alcohol treatment facilities to keep patient fees and third-party payments for services rendered by the facilities. Requires adoption of rules establishing a standardized ability-to-pay schedule for patients of such facilities.

APPROVED by Governor April 17, 1995

EFFECTIVE July 1, 1995

S.B. 95-76 Emergency medical-trauma care - statewide system created - appropriation. The bill contains the following:

- **State trauma advisory council (trauma council) created** - Creates a fifteen-member state advisory council on trauma services in the department of public health and environment. Describes the membership of the trauma council, 11 of whom are to be appointed by the governor and 4 of whom are to be ex officio nonvoting members. Describes the powers and duties of the council with respect to the development and implementation of a statewide trauma care system. Reimburses council members for travel expenses.

- **Joint EMS-trauma advisory council (joint council) created** - Establishes a joint council consisting of 3 representatives from the emergency medical services (EMS) council and 3 representatives from the trauma council. Requires the joint council to coordinate issues arising between the EMS council and the trauma council and to develop a plan for consolidating the EMS and trauma councils by November 1, 1996.

- **Statewide trauma care system** - Requires the state board of health to adopt rules for the development, implementation, and maintenance of a statewide trauma care system. Requires the department of public health and environment to implement the system. Defines "trauma care system" as an organized approach to providing quality and coordinated care to trauma victims throughout the state by transporting a trauma victim to the appropriate trauma designated facility.

Requires all licensed hospitals to participate in the system, regardless of the level of designation.

- **System components** - States that the state board of health is required to adopt rules relating directly to the following components of the system:

- Minimum services in rendering care for trauma patients;
- Transport protocols that require the transfer of patients to the most appropriate

trauma facility;

- Area trauma advisory councils (ATAC's) that are established by county governing bodies and that advise the counties in establishing "area trauma plans" for providing quality care to all trauma victims who are injured in any geographic area of the state;

- Designation process for assigning an appropriate status to health care facilities that receive trauma patients. Authorizes designation of facilities as nondesignated or level I, II, III, or IV based on a facility's capabilities in and commitment to providing trauma care.

- Communications system;

- Statewide trauma registry;

- Public information, education, and injury prevention services;

- Quality assurance system;

- Trauma care for pediatric patients.

- **Financing** - States that financing for the system will be contingent upon the availability of highway safety seed moneys from the department of transportation, surplus moneys appropriated to the department of public health and environment from the emergency medical services account that are unexpended administrative moneys, moneys from the statewide trauma care system cash fund, and other funds that the department is authorized to accept. Prohibits other emergency medical account moneys to be used for financing the administration of the statewide trauma system. Creates a statewide trauma care system cash fund. Allows the state board of health to establish a schedule of fees related to the direct and indirect costs of designating facilities. Authorizes the department of public health and environment to collect the fees from facilities applying for designation.

- **Miscellaneous provisions** - Establishes immunity from liability for specified cities and persons acting in compliance with the Act. Specifies that immunity does not extend to the provision of medical care and that the provision of care is governed by the medical malpractice act. Penalizes any facility misrepresenting its trauma facility status and any facility or person violating board rules. Allows the state board of health to adopt rules for regulatory sanctions against facilities. Imposes reporting requirements. Changes statutory references from "council" to "EMS council".

- **Appropriation** - Makes the following appropriations for the implementation of the act:

- \$137,667 and 2.0 FTE to the department of public health and environment, of which \$77,667 is from the emergency medical services account of the highway users tax fund and \$60,000 is from the department of transportation

- \$50,554 and 1.0 FTE to the department of administration from the emergency medical services account of the highway users tax fund.

APPROVED by Governor June 5, 1995

EFFECTIVE July 1, 1995

S.B. 95-110 Air pollution - state implementation plans (SIP) - legislative review and approval. Amends the Denver element of the particulate matter 10 (PM-10) SIP to provide that the mobile source emissions budget of 60 tons per day until 1998, with a reversion to 44 tons per day thereafter,

will not be a part of the SIP and will only apply as a regulation adopted under reserved state authority pursuant to the federal "Clean Air Act". Specifies that the 60 tons per day emissions budget, until modified by action of the air quality control commission (AQCC), will be included in the SIP and will apply for purposes of transportation conformity under the federal "Clean Air Act". States that any entity with authority to adopt a transportation plan under state law shall consider any mobile source emissions budget in effect under state law.

Specifies that the AQCC may only submit a SIP, any rule which is a part thereof, or any revision thereto, to the administrator of the federal environmental protection agency (EPA) for conditional or temporary approval. No such SIP, rule, or revision may take effect for purposes of federal enforceability or enforcement of any kind at the state level against any person or entity unless expiration of the SIP, rule, or revision has been postponed by the general assembly acting by bill in the same manner as for other administrative rules under the "State Administrative Procedure Act". Specifies that this act shall not apply to control measures adopted and implemented by a local unit of government if the measure does not result in mandatory direct costs on an entity other than the enacting jurisdiction.

Requires the legislative council to conduct a review of the SIP, rule, or revision to determine whether it accomplishes the results intended by enactment of the statutory provisions under which the SIP, rule, or revision was adopted. After allowing a public hearing preceded by adequate notice to the public and the AQCC, the legislative council may make such recommendations as it deems appropriate. Specifies that this act applies to actions of the AQCC taken after January 1, 1995.

Requires regulations not required by the federal "Clean Air Act" to be identified by the AQCC and notice thereof to be provided to the public.

Requires the AQCC to submit certain information related to SIP development to the legislative council by November 15 of each year in the form and manner required by the legislative council. Requires the AQCC to communicate regularly with the legislative council on matters regarding SIPs and SIP developments.

Repeals the provisions of this act on July 1, 2000. States that no separate appropriation of state moneys is required for implementation of this act.

APPROVED by Governor May 31, 1995

EFFECTIVE May 31, 1995

S.B. 95-140 Medication reminder boxes - adult day care. Allows facilities that provide adult day care to use medication reminder boxes for dispensing medication to the persons for whom such facilities care.

APPROVED by Governor May 22, 1995

EFFECTIVE May 22, 1995

S.B. 95-207 Air quality - alternative fuels for clean vehicle fleet program. Amends the definition of "alternative fuels" for purposes of the Colorado clean vehicle fleet program to include fuels such as clean diesel and reformulated gasoline, so long as those fuels are determined by the air quality control commission to make comparable reductions in carbon monoxide emissions and brown cloud pollutants.

APPROVED by Governor May 31, 1995

EFFECTIVE May 31, 1995

S.B. 95-212 Hospitals - employment of health care professionals. Expresses legislative intent with respect to ethical guidelines for the corporate practice of medicine. Deletes the restriction that only hospitals located in a county with a population of less than one hundred thousand may employ certain health care professionals. Provides for an internal due process procedure and provides for remedies for when a health care professional believes he or she has been aggrieved by a hospital's acts that control or attempt to control the professional's independent professional judgment. Changes the standard of conduct that constitutes a violation.

APPROVED by Governor May 25, 1995

EFFECTIVE July 1, 1995

S.B. 95-226 Air quality related values - protection from impairment - Class I federal areas. Requires the air quality control commission to maintain a program to address claims by federal land managers that an air quality related value is being impaired in a Class I federal area in Colorado. Defines air quality related values and specifies that they include certain categories including odor, flora, fauna, soil, water, geologic features, and cultural resources, but not visibility.

Requires the program to address claims of impairment to be structured so that:

- The division of administration (division) in the department of public health and environment is primarily responsible for overseeing the provisions of the program;
- The air quality control commission holds necessary and appropriate hearings and promulgates necessary and appropriate rules;
- The federal government has certain primary responsibilities in the program including initiating the assertion of impairment and funding the collection of baseline data;
- Local and affected parties are encouraged to participate in the program;
- Baseline data is collected by the federal land manager in coordination with interested parties;
- The division evaluates information submitted to substantiate the assertion;
- Impairment is verified by scientific sources as expeditiously as possible, with primary funding from sources other than the division and information or studies concerning other areas used as relevant and beneficial to the program;
- Scientific and citizen advisory bodies are utilized to evaluate elements of the impairment assertion including the significance of the impairment, sources of the impairment, and control strategies;

As necessary and appropriate based upon data provided:

- Informal negotiations are conducted with the source or source categories of impairment concerning control strategies and the voluntary implementation thereof;
- A public rulemaking hearing is conducted to address implementation of control strategies if voluntary implementation is not possible;
- Implementation of control strategies is required pursuant to a rule by the commission if warranted as a result of the rulemaking hearing;
- The commission reports to the general assembly concerning the rule adopted to enforce control strategies; and
- The general assembly, allowing for a public hearing, determines whether the rule implementing the control accomplishes the goals of the program.

VETOED by Governor June 5, 1995

H.B. 95-1016 Asbestos certification - renewal - recertification - project managers - continuation under sunset law. Continues the authority of the air quality control commission and the air pollution control division in the department of public health and environment to regulate asbestos abatement certification until July 1, 2001, pursuant to the provisions of the sunset law.

Changes the minimum scope of asbestos abatement to which the asbestos abatement laws apply from not less than 50 linear feet to not less than 260 feet on pipes and from not less than 32 square feet to not less than 160 feet on other materials. Allows the commission to adopt rules requiring certain training for persons seeking certification, recertification, or renewal of a certificate. Requires annual refresher courses. Authorizes the commission to adopt rules concerning the manner in which an abatement project is conducted to avoid conflicts of interest between identifying asbestos-containing materials and the abatement of such materials. Specifies that rules adopted may include requirements for using project managers on projects of a certain size. Requires fees paid for notifications to demolish, renovate, or perform asbestos abatement be paid annually for large contiguous facility complexes and on an individual notification basis for small noncontiguous facilities. Requires notification requirements to be consistent with federal law.

Reduces the time within which a certificate holder may reinstate a certificate after it expires. Sets out requirements for the renewal of a certificate. Expands the time periods for which a certificate may be renewed.

Adds the plea of nolo contendere to a violation of an asbestos abatement law or regulation in another jurisdiction as a basis for taking disciplinary action against a certificate holder. Changes the basis for issuance of a letter of admonition from conduct that does not warrant formal action to conduct that does not warrant suspension or revocation. Lengthens the waiting period for reapplication after a certificate is revoked.

APPROVED by Governor March 17, 1995

EFFECTIVE July 1, 1995

H.B. 95-1030 Food sales - nonprofit or charitable organizations - exempt locations. Exempts the sale of food by nonprofit or charitable organizations from the licensure requirement if the food is sold at an event or celebration in the county in which the organization is principally located. Limits the duration of qualifying events or celebrations to a maximum of 52 days within a calendar year.

APPROVED by Governor April 13, 1995

EFFECTIVE April 13, 1995

H.B. 95-1147 Solid waste disposal - disposal sites - annual registration fees. Increases the maximum annual registration fee that may be charged by the department of public health and environment for a solid waste site and facility from \$5,000 to \$6,000.

APPROVED by Governor April 7, 1995

EFFECTIVE July 1, 1995

H.B. 95-1161 Pollution prevention advisory board - extended - purposes. Continues the pollution prevention advisory board. Extends the authority of the department of public health and environment to charge and collect pollution prevention fees from reporting agencies. Revises the powers and duties of the board to include support of efforts that prevent pollution. Clarifies that pollution prevention fees shall be paid annually by reporting facilities. States that federal agencies with pollution prevention operations in Colorado shall also pay pollution prevention fees.

APPROVED by Governor April 7, 1995

EFFECTIVE April 7, 1995

H.B. 95-1220 Health facilities authority - definitions. Adds pharmacies and tangible and intangible assets relating to a health care professional's medical practices to the definition of "health facility" in the "Colorado Health Facilities Authority Act". Adds new entities to the definition of "health institution", including networks or joint ventures of health care providers, integrated health care delivery systems, health care purchasing alliances, and related participants and entities.

APPROVED by Governor May 22, 1995

EFFECTIVE July 1, 1995

H.B. 95-1228 Environmental requirements - small communities - integrated environmental compliance agreements. Authorizes a small community, defined as a municipality, county, or special district with a population of 2,500 or less or a combination of such governments, to enter into an integrated environmental compliance agreement with the department of public health and environment. Requires a small community wishing to enter into an agreement to submit an environmental priorities plan to the department. Requires that plans be submitted on or before July 1, 1998, unless a small community did not become aware of and could not have anticipated the environmental concerns in time to meet the deadline. Requires that a small community provide a meaningful opportunity for the public to participate in the preparation of a plan. Authorizes the

multimedia environmental advisory committee to develop guidance documents that provide criteria for the preparation of plans.

Provides that the environmental requirements that may be addressed in an integrated environmental compliance agreement are the state statutory requirements concerning air quality, water quality, radiation control, hazardous waste, underground storage tanks, and solid waste disposal. Directs that an agreement shall identify actions to be taken by a small community that will result in compliance with the environmental requirements as soon as practicable within 10 years. Directs that an agreement is enforceable pursuant to the statutes governing the environmental requirements addressed in the agreement. Allows amendment of agreements to address unanticipated compliance concerns.

Directs the department of local affairs to provide assistance to small communities in the preparation of environmental priorities plans upon request. Authorizes the department of public health and environment, in cooperation with the department of local affairs, to identify opportunities for small communities to share information or to work with larger communities with regard to preparation of plans.

APPROVED by Governor May 25, 1995

EFFECTIVE July 1, 1995

H.B. 95-1238 Waste tires - cleanup - use of moneys in cash fund - grants to counties - reports. Declares that an additional purpose of the statutory provisions concerning strategies for motor vehicle waste tires is to provide for the cleanup of tires that have been disposed of illegally. Establishes the maximum percentage of moneys appropriated from the waste tire recycling development cash fund that may be allocated to the division of local government for cleanup purposes beginning with the fiscal year commencing July 1, 1996, at 30%, less administrative expenses. Allocates such moneys until the executive director of the department of local affairs certifies to the general assembly and the Colorado housing and finance authority (CHAFSA) that all illegal waste tire dumps or storage facilities have been closed and that tires stored at such facilities have been properly disposed of or recycled.

Delays the repeal of the statutory provisions concerning strategies for motor vehicle waste tires, including imposition of the recycling development fee, until July 1, 2000.

Authorizes the director of the division of local government, in consultation with the executive director of the department of local affairs, to expend money allocated to the division of local government for cleanup purposes to provide for disposal or recycling of illegally dumped or stored waste tires. Allows the director to make such expenditures in the form of grants to counties. Requires that moneys appropriated from the waste tire recycling development cash fund to the division of local government for cleanup purposes be deposited in and expended from the waste tire cleanup fund. Declares that the waste tire cleanup program is a new program and that its administration requires services of a specialized nature which justify authorizing the director to contract out for administration of the program, if such contract is otherwise in accordance with law.

Requires the director of the division of local government, in providing assistance to counties for cleanup purposes, to give primary consideration to the number of illegal facilities in each county and to whether recycling facilities are available.

Provides that counties may use cleanup grants for cleanup purposes only but may use county personnel or contract with other entities for such services. Sets forth a state policy that prefers recycling over storage or disposal of waste tires and permits counties to give preferential bidding treatment to recycling proposals.

Requires each county receiving cleanup funds to submit to the director of the division of local government and to the General Assembly a biennial report, commencing January 1, 1997, concerning the quantity of tires removed from illegal dumps or storage facilities in the county, the method of disposal or recycling, and the quantity of tires remaining to be properly disposed of or recycled in future years.

Requires the director of the division of local government to submit a report to the General Assembly no later than January 1, 1999, concerning expenditures made for cleanup purposes, the status of cleanup activities, the status of illegal dumping or storage facilities in each county, the amount of waste tires recycled, and the cost-effectiveness of making the grants authorized by the act.

Instructs the executive director of the department of local affairs to make a certification to the General Assembly and CHAFA when the executive director determines that all illegal waste tire dumps and storage facilities in the state have been closed and the tires held by such facilities have been properly disposed of or recycled. Repeals the section creating the waste tire cleanup fund and authorizing expenditures therefrom on receipt of such certification from the executive director.

Repeals the following provisions pertaining to CHAFA's economic development fund: The limitations on the percentage of economic development funds that may be used for waste diversion or recycling programs, for new businesses' startup costs, and for a single individual or entity; the specific items to be included in CHAFA's biennial report concerning expenditures from the economic development fund; and the percentage limitation on the amount of costs that may be charged to the economic development fund. Delays the repeal date of provisions concerning CHAFA's economic development fund to July 1, 2005.

APPROVED by Governor May 31, 1995

EFFECTIVE May 31, 1995

H.B. 95-1249 Health care facilities - regulation - increase in fees - creation of cash fund - study of licensing and fee structure - appropriation. Increases the license fee for hospitals and health care facilities from \$30 to \$150. Increases the fee for a provisional license from \$10 to \$150. Directs the department of public health and environment to conduct a study of the feasibility of restructuring its licensure program and identifying an appropriate funding structure for such program. Requires a report on the study to be submitted to the general assembly on or before December 15, 1995.

Creates the health facilities general licensure cash fund for the collection of license fees and directs that appropriations be made from such fund to the department of public health and environment to partially reimburse the department for the direct and indirect costs of licensure, inspection, and enforcement of standards. States that such license fees are not applicable to facilities wholly owned and operated by a governmental unit or agency and that appropriations for regulating those entities shall not be made out of the cash fund.

Requires the department of public health and environment to annually file a report of its fees, revenues, and the costs of regulating health facilities with the state auditor, the joint budget committee, and the house and senate health, environment, welfare, and institutions committees.

Updates the terminology for health facilities regulated by the department of public health and environment.

States that the department of public health and environment has primary responsibility for the licensure of community mental health centers and the department of human services has primary responsibility for program approval. Clarifies that a community residential home shall apply for a license pursuant to the statute providing for joint licensure by the department of public health and environment and the department of human services.

Changes a reporting requirement for hospitals so that reporting is upon request of the department of public health and environment rather than quarterly. Authorizes the department of public health and environment to subpoena documents relating to issuing or taking disciplinary action against a license.

Appropriates \$96,750 to the department of public health and environment out of the health facilities general licensure cash fund for the implementation of the act. Decreases the appropriation to the department of public health and environment in the 1995 long bill by \$19,010.

APPROVED by Governor May 25, 1995

EFFECTIVE July 1, 1995

H.B. 95-1326 Air pollution - air quality rules - adoption - required analysis. For all rules applicable to stationary sources of air pollution, provides that at the time of publication of notice for public rule-making, the technical secretary of the air quality control commission (AQCC) must provide at cost to the public upon request a proposed rule-making packet containing:

- A memorandum of notice;
- The actual language of the proposed rule;
- A statement describing the fiscal and economic impact of the proposed rule;
- A statement describing the potential justification for terms differing from federal requirements;
- On or before July 1, 1997, a statement describing the risk analysis if required pursuant to action of the general assembly;

- The range of regulatory alternatives to be considered in adopting the proposed rule; and
- Any other concise background material that would assist the interested and affected public in understanding the impact of the proposed rule.

Specifies that the technical secretary may omit certain required items from the proposed rule-making packet if a rule adopts by reference applicable federal rules or implements prescriptive state statutory requirements where the AQCC has no significant policy-making options, or where the rule will have no regulatory impact on any person, facility, or activity.

Requires the technical secretary, in cooperation with proponents of any rule related to stationary sources, to provide a memorandum of notice containing:

- An explanation of the proposed rule;
- A disclosure of materials contained in the proposed rule;
- A preliminary plan for meetings with the commission staff on the proposed rule;
- An explanation of the problem sought to be remedied by the proposed rule;
- An analysis of how the proposed rule solves the problem sought to be remedied;
- An explanation of the process used to develop the proposed rule;
- An initial analysis of the economic effects of the proposed rule;
- An explanation of the substantive differences with federal requirements and requirements of Utah, Arizona, and New Mexico, where relevant;
- An explanation of how the proposed rule may be implemented;
- Whether there will be any time constraints on the regulated community and state agencies as a result of implementation or a delay in implementation of the proposed rule;
- A contact person or persons who may provide additional information on the proposed rule to interested parties; and
- A no-action analysis.

Sets forth the requirements for an initial economic impact analysis. Specifies that any person may request a regulatory analysis under the "State Administrative Procedure Act", which analysis must be made available at least 5 working days before the hearing unless there is an imminent and serious hazard to health, welfare, or the environment. Specifies that the air pollution control division in the department of public health and environment may request affected industry to submit information regarding the cost of compliance with a proposed rule. States that the required economic impact analysis shall be based upon reasonably available data and shall consist of cost-effectiveness analyses or industry studies examining the direct costs of the proposal directly on affected entities. Requires the office of regulatory reform in the department of regulatory agencies, in coordination with the air pollution control division, to conduct cumulative economic analyses of all air pollution control measures on stationary sources every 5 years beginning in 2000.

Requires the AQCC to make available in writing a copy of any proposed rule which is not required by federal law, exceeds requirements of federal law, or differs from federal requirements and also to make available a detailed, footnoted explanation of the differences between the rule and the federal requirements.

Requires the executive director of the department of public health and environment to appoint a task force to study how the AQCC should use risk cost-benefit analyses as part of its procedures for adopting some or all of its rules. Specifies requirements for members of the task force and outlines its duties. Requires a final report to be submitted to the governor, the committees of reference of the general assembly, the executive director of the department of public health and environment, and the AQCC no later than August 1, 1996. States that the general assembly shall provide guidance to the AQCC to incorporate, prior to July 1, 1997, the task force's recommendations into the AQCC's procedural rules. Also states that the general assembly shall consider any additional appropriations required for implementing the recommendations of the task force. Repeals the statutory authority for the task force on July 1, 1997.

Sets forth certain specific findings required by the AQCC prior to adoption of certain nondiscretionary final rules with respect to stationary sources of air pollution.

With respect to permitted sand and gravel operations or stone quarry or oil and gas well operations, if a breakdown of equipment or changes in market conditions requires any additional crusher or screen or skid-mounted compressor or glycol dehydrator to be brought onto a site, the air pollution emission notice filed under state law shall also serve as an application for a permit to continue operations at such a site with alternative or additional equipment until a permit is issued stating emission limitations.

Encourages the federal EPA to appear early and often in hearings before the AQCC so that federal positions and interpretations are heard. Provides that if the federal EPA does not comply and appear, the AQCC may not receive evidence from the EPA and that opinions of the EPA shall carry no weight before the AQCC or in any judicial proceeding.

Appropriates \$81,646 to the department of public health and environment for allocation to the air quality control division for the fiscal year beginning July 1, 1995.

APPROVED by Governor June 5, 1995

EFFECTIVE June 5, 1995

H.B. 95-1345 Air pollution - northern front range air pollution data collection and technical evaluation. Directs the general assembly and the governor to solicit the participation and the financial support of private sector organizations to conduct a study to identify and apportion the sources of air pollution that contribute to Denver urban visibility reduction. Provides that the study shall be jointly funded by the public and private sectors. Establishes parameters for the study and establishes a technical advisory panel to assist in determining specifications for the study. Provides that the governor, president of the senate, and speaker of the house of representatives shall contract with Colorado state university to oversee the study.

APPROVED by Governor May 31, 1995

EFFECTIVE May 31, 1995

HEALTH CARE POLICY AND FINANCING

S.B. 95-78 Services administered by the department of health care policy and financing - revision to statutes - appropriation. Makes the following revisions to the Colorado medical assistance program:

Sections 1, 2, and 3. Amends statutory sections concerning final agency action of the department of health care policy and financing with respect to agency decisions.

Section 4. Makes changes in the home care allowance program by requiring the medical services board to adopt a method for determining the amount of an award for home care allowance that corresponds to a person's unmet need for paid care. Authorizes the department of health care policy and financing to implement pilot programs to test the feasibility of using alternative methods for determining a person's unmet need for paid care and the amount of an award based on such need.

Sections 5, 6, and 25 through 50. Changes the term used to describe service providers under the medical assistance program from "vendor" to enrolled "provider". In addition, defines "false representation" for the purposes of determining whether the state has made an overpayment to a provider and whether the state may recover the overpayment.

Section 7. Gives managed care providers similar recovery rights as the department of health care policy and financing, including the right to recover from third parties. Specifies that the recovery rights of the state take precedence over the right of a managed care provider.

Section 8. Authorizes the department of health care policy and financing to pass payments through to nursing facility providers in advance of the providers' implementation of the automated minimum data-set system, in accordance with the federal "Omnibus Budget Reconciliation Act of 1987".

Section 9. Separates statutory language concerning co-payments required from medical assistance recipients from language concerning third-party payments.

Section 10. Eliminates the July 1, 1995, repeal of the program of all-inclusive care for the elderly (PACE), which program is based on medicare and medicaid waivers under which public or nonprofit private community-based organizations provide comprehensive health care services on a capitated basis to frail elderly who are at risk of institutionalization.

Section 11. Eliminates the July 1, 1995, repeal of the child statutory provisions concerning medical assistance reimbursement to residential care facilities for the provision of medically necessary services.

Sections 12 and 13. Eliminates intensive supervision of foster care children as a medical assistance service for persons eligible for the home and community-based services program for

persons living with AIDS (HCBS-PLWA) and deletes the definition of hospice services under HCBS-PLWA, which services had been previously eliminated. Includes electronic monitoring and nonmedical transportation as services under HCBS-PLWA.

Sections 14 and 15. Transfers responsibility for ensuring that school entry immunization requirements are met from the department of public health and environment to the department of health care policy and financing. Authorizes the department of health care policy and financing to contract with the department of public health and environment to enforce the school entry immunization requirements. Provides that the communicable diseases specified by the state board of health for child immunization are to be based on recommendations from the U.S. department of health and human services or the American academy of pediatrics.

Section 16. Deletes the term "single entry point" in reference to the managed mental health care pilot program and continues the study of the prepaid capitated system. Extends the automatic sunset date for the pilot program from July 1, 1996, to July 1, 1997. Requires the department of health care policy and financing and the department of human services to submit a final report to the general assembly by January 1, 1997, addressing the outcome of the pilot program and making various recommendations with respect to the implementation of a prepaid capitated system of comprehensive mental health services on a statewide basis. Requires the department of health care policy and financing to begin a statewide prepaid capitated system by July 1, 1997, or within 90 days of receipt of necessary federal waivers, whichever occurs later, but conditions the implementation of the statewide system upon receipt of the necessary federal waivers.

Section 17. Requires the executive director of the department of health care policy and financing to reimburse certified family planning clinics for medical or diagnostic services that are covered under the "Colorado Medical Assistance Act".

Section 18. Changes the method for determining the protection of income and resources for a community spouse by eliminating the current statutory limit and replacing the limit with the federal maximum resource allowance under the federal medicaid program.

Sections 19 through 24. Authorizes the department of health care policy and financing to implement a private-public partnership to finance long-term health care in the state. Requires the department to work with the division of insurance to create a private-public partnership through the availability of long-term care insurance policies that result in reducing the state's dependence on the medical assistance program to finance such care. Encourages the department of health care policy and financing to implement a public education and awareness program with respect to the availability of such long-term care plans and authorizes the department to finance the program with private contributions and grants or fees imposed in connection with conducting any public education-awareness training program or seminar. Includes certain evaluation and reporting requirements based on the availability of funds for an independent evaluation. Requires the department of health care policy and financing to seek necessary federal waivers in connection with any requirement that long-term care policies be counted as resources in determining eligibility for medical assistance. Allows the department of health care policy and financing to pay the required premium for a person

who allowed their long-term care policy to lapse if the person is otherwise eligible for medical assistance.

Lists certain mandated provisions to be included in long-term health care insurance plans. Requires that on or after January 1, 1997, all insurance carriers that offer long-term care insurance coverage to Colorado residents actively offer the choice of a basic long-term care plan or a standard long-term care plan in addition to any other plan. Creates a long-term care benefit plan advisory committee that is responsible for making recommendations to the commissioner of insurance concerning long-term care policies.

Section 51. Appropriates \$206,902 to the department of health care policy and financing; decreases the appropriation made to the department in the annual general appropriation act by \$21,498; and appropriates \$43,669 to the department of regulatory agencies, for allocation to the division of insurance, for the implementation of this act.

APPROVED by Governor May 25, 1995

EFFECTIVE May 25, 1995

H.B. 95-1287 Birth-related cost recovery program - liability of noncustodial parents - collection of debts - appropriation. Creates the birth-related cost recovery program to be administered by the department of health care policy and financing. Requires the department to obtain any necessary federal waivers. If no federal waivers are necessary, requires the program to be implemented on or before January 1, 1996. If federal waivers are necessary, requires the program to be implemented on or before 6 months after the earliest date allowed under the waiver. Directs the department of health care policy and financing and the department of human services to work cooperatively to obtain any necessary waivers and to implement the program.

Under the program, makes each noncustodial parent jointly and severally liable for reimbursement to the state for birth-related medical costs for the birth of a noncustodial parent's natural child expended under the "Colorado Medical Assistance Act" or the "Reform Act for the Provision of Health Care for the Medically Indigent". Recoverable birth-related medical costs shall constitute a continuing debt owed to the state in the base amount of \$3,800. Requires the base amount to be adjusted annually for inflation and specifies that the debt shall also include collection costs and interests. Specifies that liability for the debt shall be in effect whenever the noncustodial parent's income, property, and resources are sufficient to meet the cost of covering the debt, regardless of any intervening period of insufficiency. Exempts noncustodial parents who voluntarily acknowledge paternity and are current in the payment of child support obligations from the requirement to repay the debt. Requires the department to adopt an appellate procedure for any person who wishes to contest the assessment of a debt under the program.

Authorizes the department of health care policy and financing to utilize all debt collection methods statutorily available to the department of human services for the collection of child support and public assistance debts. Directs the department of health care policy and financing to adopt rules and regulations that include: A method for determining when a debt has been incurred; criteria for

determining when it is cost-effective to pursue collection; and, when a debt is deemed reasonably collectible, a requirement that a liable noncustodial parent enter into a repayment agreement that amortizes the debt over a period not to exceed 7 years. Requires the department to annually reassess a noncustodial parent's ability to pay if such agreement reflects a reduced payback amount. Directs the department to amend the agreement to reflect an increased payback amount up to the full amount of the debt based on a noncustodial parent's improved financial circumstances. Authorizes the department to enter into contracts with public and private entities to facilitate the collection of debts under the program. Authorizes the department to institute or intervene in legal proceedings against a noncustodial parent in the event of refusal to pay or default under a repayment agreement. Specifies that court costs shall be assessed against a noncustodial parent if the court finds in favor of the state. Provides for subrogation of the state's interest to any rights that a liable noncustodial parent may have to obtain reimbursement from a third party for birth-related costs that constitute a debt under the program. Specifies obligations that take priority over a debt incurred under the program. Authorizes the department of human services to adopt rules and regulations. Repeals the program on June 30, 1999.

Appropriates \$164,086 and 1.0 FTE to the department of health care policy and financing, of which \$15,594 and 0.2 FTE is appropriated to the department of law for the implementation of the act.

APPROVED by Governor June 5, 1995

EFFECTIVE July 1, 1995

H.B. 95-1312 Hospital efficiency and cooperation act - department transfer. Transfers the responsibility for the functions and duties of the cooperative health care agreements board pursuant to the "Hospital Efficiency and Cooperation Act" from the department of local affairs to the department of health care policy and financing.

APPROVED by Governor May 16, 1995

EFFECTIVE May 16, 1995

HUMAN SERVICES - INSTITUTIONS

H.B. 95-1074 Sale of land - authorization to department of human services. Authorizes the executive director of the department of human services to sell specified land to the city of Golden for parks, recreation, or flood control.

APPROVED by Governor April 7, 1995

EFFECTIVE April 7, 1995

HUMAN SERVICES - SOCIAL SERVICES

S.B. 95-65 Home and community-based services - eligible persons - terminology for HIV infection or AIDS. Changes the terminology used to designate persons who are eligible for services under the "Home and Community-based Services for Persons with Health Complexes Related to Acquired Immune Deficiency Syndrome Act" from persons with AIDS or ARC to persons with HIV/AIDS. Defines "HIV/AIDS" to mean a symptomatic HIV infection or AIDS.

APPROVED by Governor April 21, 1995

EFFECTIVE April 21, 1995

S.B. 95-101 Teen pregnancy and dropout prevention program - report - repeal.

Authorizes the department of health care policy and financing to implement a statewide pilot program for teen pregnancy and dropout prevention to serve teenagers who are medicaid recipients. Directs that the program be designed to reduce the incidences of teen pregnancy and school dropouts by providing support services to at-risk teenagers and to teen parents, including intensive individual or group counseling, vocational, health, and educational guidance, and public health services such as home visits or visiting nurse services. Allows the department to develop incentives for teen parents who receive public assistance to become self-sufficient and delay further parenting choices.

Finances the teen pregnancy and dropout prevention program with federal funds, local contributions, and grants or donations from private entities. Specifies that no general fund moneys shall be used to finance the program. Directs the department of health care policy and financing to submit a report to the general assembly demonstrating the effectiveness of the pilot program. Repeals the statutes authorizing the program, effective July 1, 2000.

APPROVED by Governor May 22, 1995

EFFECTIVE May 22, 1995

S.B. 95-205 County turnbacks of public assistance programs pursuant to section 20 (9) of article X of Colorado constitution - procedures - program administration - incentives for counties to not turn back programs - appropriation. Establishes procedures for counties that, pursuant to section 20 (9) of article X of the Colorado constitution, reduce or terminate their subsidies to public assistance programs and provides for the administration of public assistance programs once such subsidies have been reduced or terminated. Applies to public assistance programs for which county expenditures are required (social services programs, veterans services, services to older Americans, and home care allowance and adult foster care services).

Specifies the manner in which reductions or terminations of subsidies for programs occur. Provides that a county's notice of its intent to reduce or terminate its subsidy: 1) To a public assistance program other than social services constitutes notice of its intent to terminate all duties and responsibilities with respect to that program; and 2) to any social services program constitutes notice of its intent to terminate all duties and responsibilities for all social services programs.

Specifies that a county's subsidy reduction or termination for a current program (one enacted prior to January 1, 1993) occurs during a 3-year period and that the amount by which the subsidy is reduced is a specified percentage of the costs that the county would otherwise be responsible for in each year. Permits counties to rescind their notice or their subsidy reduction or termination under certain circumstances. Limits and eventually eliminates the authority of turnback counties to enter into contracts, incur liabilities, or obligate equipment authorized by the state department or financed with state moneys with respect to public assistance programs for which county subsidies are reduced or terminated. Requires counties that have reduced or terminated their subsidies to current programs to prioritize their remaining appropriations in a specific order during the 3-year phase-out period.

Provides that turnback counties are ineligible to receive certain financial incentives and cost recoveries relating to public assistance programs and discretionary state grants related to human services such as child support incentive payments, fraud recoveries, and child support and maintenance recoveries; except that turnback counties continue to receive such incentives and cost recoveries during the 3-year phase-out period unless the state assumes duties and responsibilities related to such moneys.

Prohibits a county's social services mill levy from generating more revenue than needed for a county's adjusted amount of social services subsidy during the 3-year phase-out period, if applicable, and once its social services subsidy reduction is fully effective. Prohibits a turnback county from imposing any social services mill levy after its social services subsidy termination is fully effective.

Provides that the department of human services will take over the administration of public assistance programs that counties have turned back. Allows the department to contract with one or more counties (other than the turnback county) or private entities to ensure the most cost-efficient and effective provision of services and programs in a turnback county. Prohibits the department of human services from delegating any duties and responsibilities to counties that have turned back public assistance programs other than counties that gave notice prior to April 15, 1995. Directs that contracts with the department of human services specify that the entity contracting with the state is not required to provide any moneys to fund such duties and responsibilities in addition to state moneys appropriated for this purpose.

Authorizes the department of human services to obtain legal services and to purchase, lease, or lease-purchase real and personal property for the purposes of administering programs in turnback counties. Provides for certain employees of county departments to become employees of the department of human services in the discretion of the department.

As incentives to encourage counties to continue their subsidies for public assistance programs:

- 1) Changes the ratio between the state and county shares of the costs of providing assistance payments, food stamps, and social services activities from the current 80/20% share to a 90/10% share over a 3-year period commencing on October 1, 1995. Specifies that the county share

provision does not apply to a county that turns back social services programs once the turnback becomes fully effective.

2) Extends to July 1, 2000, the "1317 cap" that contains limitations on county appropriation increases for a county's share of costs of providing assistance payments, food stamps, and social services activities. Imposes a cap so that county appropriations for these purposes do not exceed the county share of costs. Provides that the 1317 cap statute does not apply to a county that turns back social services programs once the turnback becomes fully effective.

3) Increases the amount of the advance for a county shortfall out of the county contingency fund from 50% to 75%. Commences the increase in the county contingency amount on October 1, 1995. Provides that the county contingency statute does not apply to a county that turns back social services programs once the turnback becomes fully effective.

4) Requires the department of human services to study and report to the joint budget committee on the feasibility and merits of financing social services programs through block grants to county departments.

As additional incentives to encourage counties not to "turn back" public assistance programs, enacts the following measures designed to increase the efficiency of services provided by the counties:

1) Allows a county to transfer employees of the county department of social services out of the state merit system into the county's own merit system if such merit system complies with the federal requirements regarding the personnel system for such social services employees. Authorizes the state board of human services to promulgate rules governing minimum qualifications, limits on state reimbursement of salaries, and a salary survey for employees covered by a county merit system.

2) Directs the department of human services to develop a system of centralized purchasing, to consolidate and restructure its procedures for conducting audits of county departments, to consolidate, streamline, or eliminate unnecessary monitoring functions conducted by the state or county departments, and to work with county departments and county financial officers to create more efficient accounting and financial systems;

3) Authorizes the funding of a design phase for a computer benefits management system;

4) Directs the department of human services to provide increased training and technical assistance to county departments of social services relating to child welfare services;

5) Requires that a county redetermine eligibility for persons receiving assistance payments, social services programs, and medicaid any time it is aware of a change in circumstances; except that the regularly scheduled redetermination of eligibility shall be conducted no more frequently than the maximum time frame allowed in federal regulation;

6) Creates a pilot program for counties to demonstrate ways to improve administration and delivery of services and programs. Directs that the joint budget committee oversee such pilot program.

7) Establishes a grant program for self-sufficiency enhancements to the JOBS program.

Requires the department of human services to annually report on the effectiveness of and progress in implementing the incentives and efficiency measures and the impact on county decisions regarding the turnback of social services programs.

Modifies the membership of local planning committees and the procedures regarding the development and adoption of local human services delivery plans when counties have reduced or terminated their program subsidies.

Makes the following appropriations to the department of human services for the implementation of the act:

1) \$6,649,458 for the state's share of the costs of providing assistance payments, food stamps, and social services activities and the increase in the payments made to counties;

2) \$2,577,758 for the design phase of the Colorado benefits management system;

3) \$148,284 and 3.0 FTE for the implementation of the county block grant study;

4) \$50,000 for the state and county fiscal systems study;

5) \$115,526 and 0.3 FTE for the pilot project to improve service delivery;

6) \$1,362,500 for the grant program for self-sufficiency enhancements to the JOBS program.

VETOED by Governor June 5, 1995

H.B. 95-1081 Medicaid - medical care of state inmates and infants born to females in the custody of the executive director of department of corrections - waivers. Requires the department of health care policy and financing to seek waivers from the federal government to allow medicaid coverage for infants born to females in the custody of the executive director of the department of corrections.

Permits the department of health care policy and financing to seek waivers from the federal government to allow medicaid coverage for inmates confined in a state correctional facility. Directs that an inmate's estate shall not be counted as income for purposes of determining medicaid eligibility of an inmate or a female inmate's infant. States that any moneys recovered pursuant to an order to reimburse the department of corrections for costs that are attributable to medical care shall be used to reimburse the state for the state's

financial participation for medicaid.

APPROVED by Governor April 27, 1995

EFFECTIVE April 27, 1995

H.B. 95-1093 Child support enforcement - suspension of drivers' licenses - rules - repeal. Authorizes the suspension of an obligor's driver's license for failure to pay child support. Requires, at least on an annual basis, the state child support enforcement agency to issue a written notice of noncompliance to any obligor who is not in compliance with a child support order. Allows an obligor 30 days after the date of the notice to request administrative review by the delegate child support enforcement unit. Allows an obligor another 30 days after the delegate child support enforcement unit's decision to request an administrative review by the state child support enforcement agency. Limits the scope of the administrative review to a mistake in the obligor's identity, a disagreement with the amount of the debt, or a showing that all payments were made when due.

Requires the state child support enforcement agency to issue a written notice of failure to comply to the department of revenue after an obligor's rights of review have been exhausted. Requires the department of revenue to send such obligor a notice that the obligor's license will be suspended unless the department receives within 30 days a notice of compliance from the delegate child support enforcement unit showing that the obligor is in compliance with the child support obligation. Allows the department of revenue to issue a probationary license for up to 90 days to an obligor whose license has been suspended for failure to pay child support.

Authorizes the department of revenue and requires the state board of human services to promulgate rules and regulations.

Provides for the repeal of the provisions concerning suspension of drivers' licenses for failure to pay child support, effective July 1, 1998.

Estimates that \$335,845 will have to be appropriated to the department of human services and \$22,213 to the department of revenue for the implementation of the act during the fiscal year beginning July 1, 1996.

APPROVED by Governor May 22, 1995

EFFECTIVE July 1, 1995

H.B. 95-1144 Electronic benefits transfer service - appropriation. Authorizes the state department of human services to implement an electronic benefits transfer service to deliver food stamp benefits through the use of point of sale terminals at retail outlets and to deliver public assistance benefits through automated teller machines or similar electronic technology. Authorizes the department to contract with a private entity to develop and operate the service. Directs that the system use security measures such as individual personal identification numbers, photo identification, or fingerprint identification to ensure the integrity of the system. Requires the state department to establish by rule

a policy and procedure to limit losses to a client after the client reports that the electronic benefits transfer card or benefits have been lost or stolen.

Amends the statute on state and county financing to allow for the county share of the program costs and administrative costs to either be billed to the county or deducted from advances made to the county. Provides that the cost of administering the service shall not exceed the proportional cost per client that would have been paid by counties to issue benefits through the nonelectronic system for the same fiscal year. Directs that any savings that result from the use of the electronic benefits transfer service shall be shared among the state and local governments in proportion to such entities' contribution to the service.

Appropriates \$238,838 and 4.0 FTE to the department of human services for the implementation of the act.

APPROVED by Governor May 22, 1995

EFFECTIVE May 22, 1995

INSURANCE

S.B. 95-038 Preneed funeral contracts - requirements - appropriation. Amends the regulatory framework for persons selling preneed funeral contracts. Establishes a separate license application procedure for initial applicants. Permits initial and renewal applicants to evidence their financial responsibility by posting a surety bond. Prohibits an insurance company from holding a license. Requires contract sellers to keep copies of all annual reports and other statutorily required records.

States that licenses shall be automatically renewed each June 30, upon a licensee's demonstration of compliance with initial application requirements and payment of an annual renewal fee based on the aggregate price of all contracts outstanding on the prior December 31. Requires contract sellers to file an annual report by March 31 of each year or pay a late fee.

Requires that a copy of any agreement between a contract seller and a general provider of funeral services be provided to the contract buyer and that a general provider hold the contract buyer harmless for any funds due from the contract seller. In lieu of these requirements, the contract seller may include a statement of guarantee in its preneed contract, signed by the general provider.

States that when the consideration for a preneed contract is an assignment of life insurance benefits, the unpaid balance shall not exceed the value of the assignment. Payment of the unpaid balance cannot be required after the third anniversary of the issue date of the contract. Requires that such a contract identify the insurance policy and the name of the issuing company. Provides that an assignment of life insurance benefits may be irrevocable.

Requires a preneed contract to authorize the contract seller to perform under the contract if, prior to the expiration of 168 hours following the death of the contract beneficiary, either it has received authorization or the contract beneficiary's legal representative has not cancelled the contract.

Requires preneed contracts to include certain representations, including the following:

- That if full payment has been made and a final resting place is not developed at the time of need, the contract seller shall provide a comparable alternative or refund the contract price;
- That the contract seller shall perform under the contract unless the buyer is in default or another stated event has occurred; and
- That the buyer may receive a full refund in lieu of performance by the seller.

Limits the use of preneed contract forms to those which have been approved under the new requirements.

Authorizes the use of common trusts by contract sellers. Establishes new quarterly reporting requirements for contract sellers with respect to trusted funds. Requires that excess trust assets be valued annually and that a trustee obtain an affidavit from the contract seller acknowledging its performance before releasing any trust funds.

Authorizes the commissioner of insurance to take action against a contract seller convicted of certain crimes involving fraud or the misappropriation of funds. States that all rules of the division of insurance concerning preneed funeral contracts that are in effect on July 1, 1995, are repealed.

Prohibits an insurance company from issuing a policy that is advertised as covering burial expenses unless the policy states that the proceeds may not be sufficient at the time of need.

States that a person shall not be prosecuted for testifying or producing evidence if such person asked to be excused from such action and was directed otherwise by the commissioner of insurance, unless such person waived his or her immunity. Includes the requirements for such a waiver.

Appropriates \$6,256 to the department of regulatory agencies for the implementation of this act.

APPROVED by Governor May 25, 1995

EFFECTIVE May 25, 1995

S.B. 95-116 Health insurance - prostate cancer screening expenses. Requires individual and group sickness and accident policies and health maintenance organization contracts to provide coverage for prostate cancer screening expenses, effective January 1, 1996.

APPROVED by Governor June 5, 1995

EFFECTIVE July 1, 1995

S.B. 95-174 Automobile insurance - references to personal injury protection provisions - "No fault" act. Places statutory references to personal injury protection "PIP" coverage provisions where needed in the "Colorado Auto Accident Reparations Act" to make it clear when the PIP provisions apply.

APPROVED by Governor April 7, 1995

EFFECTIVE April 7, 1995

S.B. 95-232 Domestic stock insurance - recreation and reenactment of laws. Recreates and reenacts the following laws: (1) A law requiring principal owners, directors, and officers of domestic stock insurance companies to file statements with the insurance commissioner indicating the extent and status of their ownership of such companies; and (2) a law regulating the solicitation of proxies, consents, or authorizations by certain domestic stock insurers having 100 or more stockholders of record. Repeals these laws on July 1, 1996.

APPROVED by Governor May 23, 1995

EFFECTIVE May 23, 1995

H.B. 95-1052 Division of insurance - records - confidentiality. Declares that records of the division of insurance are confidential and not subject to disclosure if such records are provided by another state and that state's laws treat the records as confidential.

Allows the division to share otherwise confidential information with insurance regulators in other states if they agree to maintain the same level of confidentiality as applies in Colorado.

APPROVED by Governor April 13, 1995

EFFECTIVE April 13, 1995

H.B. 95-1077 Health insurance - required coverage - preventive child health supervision services. Requires health benefit plans delivered, issued for delivery, renewed, extended, or modified in this state to provide coverage for child health supervision services for children up to age 13. Defines the services which must be covered. States that the required coverage shall be exempt from deductible and dollar limit provisions and that any copayment shall not exceed that which is applicable to a physician visit. Exempts health benefit plans made available to employees of a local government or political subdivision.

APPROVED by Governor May 22, 1995

EFFECTIVE July 1, 1995

H.B. 95-1106 Uninsurable health insurance plan - preexisting condition - repeals employer contribution relating to preexisting condition. Changes the definition of a preexisting condition for purposes of the "Colorado Uninsurable Health Insurance Plan Act" to be not more restrictive than an injury, sickness, or pregnancy for which a person incurred charges, received medical treatment, consulted a health care professional, or took prescription drugs within the 6-month period before the coverage effective date. Repeals the requirement that an employer contribute to the plan on behalf of an employee denied coverage because of a preexisting condition.

APPROVED by Governor March 17, 1995

EFFECTIVE March 17, 1995

H.B. 95-1201 Charitable gift annuities - exempt from regulation. Exempts the issuance of a charitable gift annuity from the definition of transacting insurance business and from regulation by the division of insurance. Makes the exemption apply to any annuity: In compliance with the definition of "charitable gift annuity" for federal income tax purposes; containing a statement that it is not issued by an insurance company, regulated by the division of insurance, or protected by a state guaranty fund; and issued or guaranteed by an organization that, for the three years prior to issuance, was qualified to receive charitable contributions.

APPROVED by Governor April 17, 1995

EFFECTIVE April 17, 1995

H.B. 95-1230 Insurance producers - commissions - licensing - fees. Restores a provision requiring

licensing of public adjusters, which provision was inadvertently omitted from the "Colorado Single Insurance Producer Licensing Act" adopted in 1993 and effective January 1, 1995.

Renews the prohibition on paying or accepting commissions or other remuneration for services for which a license is required unless the person performing such services was actually licensed when the services were performed.

Restores the insurance commissioner's authority to approve continuing education courses.

Reestablishes the requirement that certain persons otherwise exempt from the written examination for licensure nonetheless be tested on the relevant Colorado law and rules.

APPROVED by Governor March 30, 1995

EFFECTIVE March 30, 1995

H.B. 95-1252 Mammography screening expenses - reimbursement. Requires health care contracts and policies which are required to reimburse beneficiaries for mammography screening expenses to cover routine and certain diagnostic screening expenses and to state whether such expenses are covered on a calendar year or a contract year basis.

States that one routine mammography screening shall be covered each calendar or contract year and, if not used, such benefit may be used for one diagnostic screening for such year.

States that moneys in the breast cancer screening fund shall be used for such diagnostic screening services as may be indicated.

APPROVED by Governor May 16, 1995

EFFECTIVE July 1, 1995

H.B. 95-1254 Health insurance - small employers - disability - claims - preexisting conditions. Makes articles 8 and 16 of title 10, C.R.S., applicable to small employers if stated conditions are met. Requires the provisions concerning small employer carriers and small group plans not to apply to an individual health benefit plan issued to a business group of one before January 1, 1996, if continuous coverage is maintained and plan benefits are not changed.

Prohibits group disability income insurance policies from defining "preexisting condition" more restrictively than an injury or sickness for which charges were incurred within the 12-month period preceding the effective date of coverage. Requires individual disability income insurance benefits not to be reduced or denied for claims commencing after 2 years from the date of issuance of the policy, on the ground that a condition or disease not specifically excluded from coverage on the date of loss existed before the date of coverage.

APPROVED by Governor May 23, 1995

EFFECTIVE May 23, 1995

H.B. 95-1271 Approved nonadmitted insurers - surplus lines insurance - financial regulation. Increases the amount of security required of applicants for surplus line producer licenses from \$1,500 to \$25,000. Imposes additional financial requirements for nonadmitted reinsurers.

Clarifies that surplus lines insurance brokers are required to pay a premium tax separate from and in lieu of the premium tax paid by insurance companies generally. Changes the name of the "Surplus Lines Insurance Act" to the "Nonadmitted Insurance Act" and certain terms used in the act. Provides that the regulation of nonadmitted insurers is in regard to property and casualty insurance transactions. Adds a definition of "surplus lines insurance" in such act.

Requires each surplus line coverage contract to state that the insurer is not licensed in Colorado but is an approved nonadmitted insurer and that protection is not provided to the insured under the guaranty association law. Deletes language authorizing the insurance commissioner to approve placement of surplus lines insurance in insurance pools, underwriting associations, or other programs on a case-by-case basis.

Increases the requirements for inclusion on the list of approved nonadmitted insurers, including providing information on the insurer's financial status, maintaining additional capital and surplus, trust accounts, and funds and providing proof of the insurer's solvency.

Increases the maximum penalty for placing insurance with a nonadmitted insurer that has not been approved from \$250 to \$10,000. Changes the revocation of a surplus line broker's license for certain acts from a mandatory act of the insurance commissioner to a permissive act.

Clarifies that the insurance commissioner may examine the records of the broker's association that performs functions or duties on behalf of the commissioner. Deletes the prohibition of compelling surplus lines insurance brokers to join such association as a condition of licensure. Requires such brokers to cooperate with such association and the insurance commissioner. Eliminates the authority of such association to submit reports and recommendations to the insurance commissioner on the financial condition of any nonadmitted insurer. Modifies the immunity provisions granted to such association and the insurance commissioner's representatives for actions taken or omitted in connection with the examination of surplus line coverages.

Increases the maximum fine from \$500 to \$10,000 for persons refusing to obey the insurance commissioner's order to produce documents and disclose gross premiums associated with the placement of insurance with nonadmitted insurers.

Tightens the requirements to qualify as an industrial insured in order to secure insurance from nonadmitted insurers.

APPROVED by Governor May 16, 1995

EFFECTIVE May 16, 1995

H.B. 95-1282 Rental vehicles - exclusion for certain motor vehicle insurance provisions. Excludes

a commercial motor vehicle rental agreement from the definition of "policy" of auto insurance. Excludes commercial motor vehicle rental agreements from the definition of "policy of motor vehicle insurance". Specifies that commercial motor vehicle rental agreements are not subject to the requirement that a policy of motor vehicle insurance offered in this state must offer uninsured motorist coverage.

APPROVED by Governor April 7, 1995

EFFECTIVE April 7, 1995

H.B. 95-1284 Professional malpractice coverage - exclusions - sexual misconduct. Declares that certain exclusions in professional malpractice policies, applicable to claims of professional malpractice where there is also an allegation or proof of sexual misconduct, are void and unenforceable as against public policy. Does not apply to approved nonadmitted insurers.

APPROVED by Governor May 24, 1995

EFFECTIVE May 24, 1995

H.B. 95-1319 Black lung coverage - availability - joint underwriting association. Creates a temporary joint underwriting association, consisting of all workers' compensation insurers in the state, to provide black lung coverage for employers that are entitled to such coverage but are unable to purchase it through the voluntary market. Directs the commissioner of insurance to authorize the association to commence underwriting operations upon finding that black lung insurance is unavailable or available only at unreasonably high rates.

Provides for the payment of startup costs and elimination of deficits, if any, through uniform assessments based on members' share of the workers' compensation insurance market. Assigns supervisory duties to a board of 6 directors appointed by the commissioner. Requires the board to submit its plan of operation to the commissioner for initial approval, to file annual statements, to submit to annual examinations, and to make annual reports to the general assembly.

Directs the commissioner to adopt emergency rules immediately and to issue all necessary orders, subject to judicial review, to implement the act as soon as is practicable. Immunizes the commissioner, the association, and other persons for all acts taken in good faith to carry out the act. Exempts the association from payment of all fees and taxes except property taxes.

APPROVED by Governor May 23, 1995

EFFECTIVE May 23, 1995

LABOR AND INDUSTRY

S.B. 95-27 Automotive lubricants - labelling requirements penalties. Requires that containers of recycled motor oil, used motor oil, and automotive lubricants containing recycled or used motor oil meet labelling requirements. Prohibits a person from packaging and selling such products unless:

- The American Petroleum Institute (API) service classification, API certification mark, and Society of Automotive Engineers (SAE) viscosity grade are prominently displayed on the container; and
- Used or recycled oil is labeled and advertised as such.

Requires labels on recycled oil containers to accurately reflect the kind of oil stored in the container. States that a person may represent a product made from re-refined oil as being equal to or better than a similar product made from virgin oil if it conforms with applicable API classifications, API certification mark, and SAE viscosity grades.

Sets penalties for violations, including a fine up to \$500 for a first offense and injunctions for subsequent offenses. States that the state inspector of oils shall enforce the new labelling requirements.

APPROVED by Governor April 27, 1995

EFFECTIVE April 27, 1995

S.B. 95-72 Workers' compensation - determination of independent contractor status. Modifies the legislative declaration to state that: (1) A finding of independent contractor status shall be based on the nine criteria provided under current law; (2) The common law basis for such a finding is superseded; and (3) The fact an individual performs services exclusively or primarily for another is not conclusive evidence of an employer-employee relationship.

Changes the application of the nine statutory criteria for determining independent contractor status so that the criteria apply to all cases, not just to cases where a written document is used to prove independence.

Requires both parties to a work arrangement to sign a document that is used to prove independent contractor status. Creates a rebuttable presumption of independent contractor status when such a document contains a disclosure that the independent contractor is not entitled to workers' compensation benefits and must pay income taxes on money earned.

Specifies that those who lease or contract out work are not employers liable under the workers' compensation laws if they comply with the statutory requirements for proving independent contractor status.

Makes clear that a person who is excluded from the definition of "employee" or who doesn't

purchase workers' compensation coverage does not have a cause of action under the workers' compensation laws.

APPROVED by Governor April 27, 1995

EFFECTIVE July 1, 1995

S.B. 95-98 Workers' compensation - procedure - orders - judicial review. Current procedure allows for the review of an order of the industrial claim appeals office or a revocation of the workers' compensation accreditation of a physician only by writ of certiorari in the court of appeals. The Colorado Supreme Court has held the current procedure unconstitutional. This act, in response to the court's ruling, replaces the current procedure with a procedure allowing review as a matter of right.

APPROVED by Governor April 17, 1995

EFFECTIVE April 17, 1995

S.B. 95-199 Workers' compensation - administrative law judges - transfer. Repeals statutory language that would transfer workers' compensation administrative law judges on July 1, 1997, from the division of administrative hearings in the department of administration to the division of workers' compensation in the department of labor and employment.

APPROVED by Governor **May 16, 1995**

EFFECTIVE May 16, 1995

H.B. 95-1025 Aircraft fueling facilities - exemption from aboveground storage tank restrictions. Exempts aircraft fueling facilities from restrictions on aboveground storage tanks.

APPROVED by Governor March 17, 1995

EFFECTIVE March 17, 1995

H.B. 95-1038 Workers' compensation - insurance policy - cancellation by Colorado compensation insurance authority - required notice. Changes the notification procedure the Colorado compensation insurance authority must follow before cancelling an insurance policy it issued. Removes the requirement that a policy be automatically cancelled if the insured is in arrears on payment or wage reports. Removes the ability of the authority to seek reimbursement from an employer if the authority has to pay out due to an accident involving an employee during the default period.

APPROVED by Governor March 23, 1995

EFFECTIVE March 23, 1995

H.B. 95-1057 Workers' compensation - extension of repeal dates. Extends the scheduled repeal date to July 1, 1996, for the definitions of "adverse action" and "commission" in statutes relating to the workers' compensation medical care accreditation commission.

APPROVED by Governor March 9, 1995

EFFECTIVE March 9, 1995

H.B. 95-1158 Colorado compensation insurance authority - cooperative arrangements - disbursements. Authorizes the Colorado Compensation Insurance Authority ("CCIA") to enter into arrangements with other entities for the purpose of carrying out CCIA powers, duties, and functions.

Authorizes the CCIA manager to pay reinsurance premiums out of the CCIA fund. Requires disbursements made at the direction of the CCIA manager to be approved by the state treasurer if they are not to be made on a warrant drawn upon a voucher issued by the CCIA board. States that payments not presented for payment within 6 months of issuance may be cancelled pursuant to the same provisions as warrants.

APPROVED by Governor May 25, 1995

EFFECTIVE May 25, 1995

H.B. 95-1183 Petroleum storage tanks - regulation. Transfers responsibilities for the administration of underground and aboveground storage tanks from the department of public health and environment to the department of labor and employment. Consolidates the laws concerning petroleum storage tanks that are currently in separate areas of the statutes. Requires the petroleum storage tank advisory committee to contract for services to reduce the backlog of claims.

Changes the names of the underground storage tank fund and the underground storage tank advisory committee to the petroleum storage tank fund and the petroleum storage tank advisory committee, respectively, to reflect the participation of owners and operators of aboveground storage tanks.

Provides that if a certificate of eligibility is transferred to a purchaser of foreclosed property, such purchaser shall be eligible to receive moneys from the petroleum storage tank fund.

Repeals provisions concerning aboveground storage tanks which have been made obsolete by federal requirements.

Adds requirements for the timely processing of applications for reimbursement. Requires the fund to reimburse a person whose application is not processed in a timely manner, by paying interest at a stated rate. Defines "timely manner" for this purpose.

Permits the fund to be subrogated to the rights of an owner or operator at the time a claim is filed with the petroleum storage tank fund, with respect to a claimed amount.

APPROVED by Governor May 8, 1995

EFFECTIVE July 1, 1995

H.B. 95-1213 Unemployment compensation - temporary employees hired on an as-needed or on-call

basis. Defines a temporary employee as an individual employed on an irregular schedule who agrees to work on an as-needed or on-call basis. Requires an employer to give written notice, at the time of hire, to a temporary employee that the employee must contact the employer upon completion of an assignment and be available to work at certain agreed times or on an as-needed basis. Provides that a temporary employee is deemed to have voluntarily terminated employment for purposes of determining unemployment compensation benefits if the employee receives the notice and if: (1) The employee fails to comply with the requirements contained in such notice; or (2) The employee agreed to work on an as-needed basis and refuses all work within three separate pay periods when contacted by the employer.

Specifies that if the division of employment and training receives notice from the federal department of labor that the law created by the act (which provides that a temporary employee is deemed to voluntarily terminate employment when such employee refuses all work within three pay periods when contacted by the employer) does not conform to federal law, such law shall not be administered and the law regarding the unemployment compensation treatment of temporary help contracting firm employees applies to such employee. Requires the division to submit a copy of such nonconformance notice to the general assembly and the revisor of statutes.

APPROVED by Governor May 24, 1995

EFFECTIVE July 1, 1995

H.B. 95-1217 Unemployment compensation - land professionals' services relating to minerals - excluded from definition of employment. Excludes services performed by land professionals who perform services related to the purchase, exploration, and ownership of minerals from the unemployment compensation law's definition of "employment", if compensation is related to task completion not hours worked and if a contract provides that the land professional is an independent contractor.

APPROVED by Governor April 7, 1995

EFFECTIVE April 7, 1995

H.B. 95-1265 Unemployment compensation - wages - exclusion from definition - weekend duty for national guard or military reserve - limitations. Excludes national guard and military reserve weekend duty pay from the definition of wages for purposes of calculating such wages for unemployment benefits. Limits the amount of weekend duty that may be excluded to a maximum of 72 hours in any one month. As part of the exclusion, excludes annual training for weekend national guard or military reserve from the definition of wages if the time-period for the training is approximately 2 weeks.

APPROVED by Governor May 16, 1995

EFFECTIVE May 16, 1995

H.B. 95-1275 Unemployment compensation - benefits - requirements - conditions - disqualification. Establishes that a worker seeking unemployment benefits due to general health reasons must: (1) Be

unable to work for a period of time that exceeds the employer's medical leave of absence policy or the provisions of the federal "Family and Medical Leave Act of 1993", whichever is greater; (2) Inform the employer in writing of the health condition of the worker or the worker's spouse or dependent child before separation, if the employer gave notice of the written notice requirement; and (3) Allow the employer the opportunity to make reasonable accommodations for the worker's condition. States that, for purposes of providing a medical statement or submitting to an examination for an employer "within a reasonable period" after leaving work, the reasonable period includes the time before adjudication of the claim. In cases of injury or sudden illness where notification to the employer is subsequently given, requires that the notification be given no later than 2 working days after the injury or illness unless a physician provides a substantiating statement within one week of the employer's request.

To receive a full award when terminated for off-the-job or on-the-job use of intoxicating beverages or controlled substances: (1) Requires that the worker's substantiation of completion or enrollment in an approved treatment facility be in writing and signed by the approved treatment program's authorized representative; or (2) Requires the worker to submit written substantiation of registration in a program of corrective action that is signed by the approved treatment program's authorized representative; and (3) Clarifies that the division of employment and training is to verify that no prior award has been made to the same claimant within the preceding 5 years with regard to the use of intoxicating beverages or controlled substances.

States that a worker's loss of a shift differential or overtime pay shall not be considered by the division of employment and training to be an unreasonable reduction in a worker's rate of pay unless the employer guaranteed it. Restricts "good cause" for refusing to work overtime to cases of "reasonable", compelling personal reasons "as determined by the division".

Concerning the list of available grounds for disqualification of benefits: (1) Adds the refusal or failure to maintain unrestricted licenses or other professional designations that are necessary to perform the worker's job; (2) Adds endangering the life of other persons; (3) Deletes the use of profane language; (4) Specifies that the intentional falsification of certain records is grounds for disqualification, whether or not substantial harm or injury was incurred; (5) Includes on-the-job distribution of not medically prescribed intoxicating beverages or controlled substances; and (6) Clarifies that any loss of a license or other professional designation that is essential to job performance is grounds for disqualification.

APPROVED by Governor April 20, 1995

EFFECTIVE July 1, 1995

MILITARY AND VETERANS

S.B. 95-58 Enlistment of women in state military forces - appointment and term of adjutant general and property and fiscal officer - communications between military personnel and general assembly.

Permits the governor to authorize the appointment or enlistment of women in the state military forces to the extent authorized by federal law. Makes the appointment of the adjutant general subject to the advice and consent of the senate. Repeals the 5-year term for the adjutant general and provides that the adjutant general serves at the pleasure of the governor. Prohibits adverse personnel actions against any military member for communicating with a member of the general assembly. Provides that the United States property and fiscal officer serves at the pleasure of the governor.

APPROVED by Governor April 21, 1995

EFFECTIVE April 21, 1995

MOTOR VEHICLES AND TRAFFIC REGULATION

S.B. 95-1 Vehicle registration fees - trucks and truck tractors - appropriation. Modifies the vehicle registration fees for trucks and truck tractors with an empty weight in excess of 16,000 pounds. Imposes higher fees for trucks and truck tractors operated by common or contract carriers than for other trucks and truck tractors. Eliminates a schedule of reduced fees for trucks and truck tractors operated less than 30,000 miles annually in all jurisdictions and prescribes a new schedule of reduced fees for trucks and truck tractors operated less than 10,000 miles annually in all jurisdictions. Authorizes the department of revenue to adopt rules allowing vehicle owners who apportion their vehicle registrations to register directly with the department those vehicles that qualify for the reduced fees due to low mileage.

Appropriates \$27,229, of which \$8,338 is from the highway users tax fund and \$18,891 is from cash exempt funds, to the department of revenue for the implementation of the act.

APPROVED by Governor May 31, 1995

EFFECTIVE January 1, 1996

S.B. 95-11 Driver's licenses - period of revocation - probationary licenses - ignition interlock devices - appropriation. Imposes a 2 year period of license revocation for a person's second refusal to take a test to determine the alcoholic content of the person's breath or blood and a 3 year revocation for a third or subsequent refusal.

Establishes an ignition interlock device pilot program. Authorizes issuance of a probationary license to any person whose driver's license or provisional driver's license has been revoked because of any alcohol-related administrative proceeding if the person leases an approved ignition interlock device. Specifies the conditions under which an ignition interlock probationary license may be issued. Requires that any person obtaining such a probationary license lease the device at the person's own expense. Imposes a fee on ignition interlock device leasing agencies for each person leasing a device to cover program start-up and operational costs. Creates the interlock fund for the deposit of such fees and for any federal grant money received. Authorizes the department of public health and environment and the department of revenue to promulgate rules and regulations. Requires the office of transportation safety in the department of transportation to assess the ignition interlock program and include the results in a report to the general assembly by January 1, 1998. Provides for the repeal of the ignition interlock device pilot program on July 1, 1998.

Makes it a class 1 misdemeanor for any person to intercept, bypass, or interfere with an ignition interlock device or to drive a motor vehicle with knowledge that any person has tampered with the ignition interlock device.

Prohibits suspending the license of a driver if the same offense or conviction that caused the driver to obtain the number of points required for suspension also subjected the driver to a license restraint with a determined reinstatement date; except that the license may be suspended despite the

restraint for the same offense or conviction if the person's license or driving privilege was revoked for refusal to submit to testing for alcohol or drugs. Directs that the points that were accumulated shall be utilized by the department of revenue to determine whether to impose any future license suspension if the driver accumulates any additional points against his or her license.

Appropriates from the interlock fund \$67,698 to the department of revenue and \$10,867 to the department of public health and environment for the implementation of the act.

APPROVED by Governor June 5, 1995

EFFECTIVE July 1, 1995

S.B. 95-127 Traffic offenses - sealing of records of alcohol- or drug-related traffic offenses - mandatory license revocation for underage possession or consumption of ethyl alcohol - proof of prior alcohol- or drug-related convictions - community service for insurance violations. Prohibits a court from sealing any court record pertaining to an alcohol- or drug-related traffic offense.

Requires the department of revenue to immediately revoke the driver's license or permit of any driver upon receipt of a record showing that such driver has been convicted of illegal possession or consumption of ethyl alcohol by an underage person.

States that an authenticated copy of the record of a previous conviction or judgment for an alcohol- or drug-related traffic offense is prima facie proof of the prior conviction for the purposes of sentencing a person for a second or subsequent offense. Eliminates the requirement that a person convicted of a driving violation involving the use of drugs or alcohol appear before the sheriff in order that photographs and fingerprints be taken.

Makes the penalty of community service for any person convicted of a motor vehicle insurance violation a matter of discretion for the court rather than a mandatory sentence.

APPROVED by Governor April 21, 1995

EFFECTIVE July 1, 1995

S.B. 95-164 Motor vehicle restraint systems - mandatory use of safety belts by children - use of child restraint systems. Requires that the following children be provided with and fastened into a safety belt system if transported in a privately owned noncommercial vehicle or a vehicle operated by a child care center: (1) Any child at least 4 years of age but not yet 16 years of age; or (2) Any child under 4 years of age and weighing at least 40 pounds.

Eliminates the provision limiting child restraint system requirements to state residents. Requires that any child under 4 years of age and under 40 pounds transported in any vehicle operated by a child care center, in addition to any such child transported in a privately owned noncommercial vehicle, be provided with and fastened into a child restraint system.

Provides that the existing exemptions from the child restraint system requirements for any

child transported in a vehicle in which all seating positions with safety belts or child restraint systems are occupied or for any child transported as the result of a medical emergency also apply to the safety belt requirements. Limits the exemption allowed when all seating positions in a vehicle with safety belts or child restraint systems are occupied to children transported in privately owned noncommercial vehicles.

Prohibits the use of a child restraint or safety belt system for a child under 16 years of age unless the system conforms to federal requirements.

Authorizes a court to waive the fine for failure to comply with child restraint system requirements if a driver provides evidence that the driver has acquired, purchased, or rented an approved child restraint system, rather than mandating the waiver of the fine in such circumstances.

APPROVED by Governor April 21, 1995

EFFECTIVE July 1, 1995

S.B. 95-167 License plates - automobile dealers and wholesalers - full-use dealer plates - transfer and assignment - annual fee - appropriation. Authorizes the department of revenue to issue full-use dealer plates to be used in lieu of, in the same manner as, and to the same extent as license plates issued for privately-owned motor vehicles. Specifies that such plates may be issued to a motor vehicle dealer or wholesaler who: Has sold more than 25 motor vehicles in the 12 months preceding application; purchases an existing motor vehicle dealership or wholesale business that has sold more than 25 vehicles during the 12 months preceding application; or obtains a license to operate a new or used motor vehicle dealership or wholesale business with an inventory of 50 or more motor vehicles.

Specifies that full-use dealer plates may be used only for vehicles owned and offered for sale by the dealer or wholesaler. Prohibits such plates from being used on vehicles that are commonly used for towing or to pick up or deliver parts. Authorizes the dealer or wholesaler to transfer such plates from one motor vehicle to another without being required to report the transfer. Authorizes the motor vehicle dealer or wholesaler to assign the use of full-use dealer plates to persons authorized to utilize dealer plates under existing law and to the motor vehicle dealer's or wholesaler's employees, customers, and family members.

Specifies that the annual fee for full-use dealer plates shall be established and adjusted annually by the department of revenue based on the average of specific ownership taxes and registration fees paid for passenger vehicles and light duty trucks that are 7 model years old or newer and that were registered during the one-year period preceding January 1 of each year. Specifies that such plates are valid for a period not to exceed one year, and requires each such plate to expire on June 30 in the year of expiration.

Requires the return of such plates within 10 days upon closure of a motor vehicle dealership or wholesale business.

Appropriates \$10,277 out of the distributive data processing fund to the department of revenue for the implementation of the act.

APPROVED by Governor May 23, 1995

EFFECTIVE January 1, 1996

S.B. 95-172 Motor vehicle insurance - uninsured motorists - study. Directs the transportation legislation review committee to examine the problem of uninsured motorists and to propose legislation to alleviate the problem. Directs the committee to examine the current compulsory motor vehicle insurance system and other enforcement mechanisms, including uninsured motorist identification database programs adopted in other states, which help law enforcement verify owner compliance with motor vehicle financial security requirements.

APPROVED by Governor May 23, 1995

EFFECTIVE May 23, 1995

S.B. 95-173 Traffic laws - 1994 recodification - correction of errors and omissions. Corrects internal statutory references in the 1994 traffic code recodification. In addition to the authority granted to issue special license plates to members of the general assembly for passenger cars, authorizes the department of revenue to issue such plates for members' trucks weighing less than 16,000 lbs. Classifies certain windshield and windshield wiper-related violations as Class B traffic infractions and sets a fine for such violations. Specifies that the unlawful installation, coverage, or treatment of a windshield is a misdemeanor. Clarifies that school buses with a seating capacity of 15, rather than 9, are not required to use signal lights. Repeals obsolete language.

APPROVED by Governor May 25, 1995

EFFECTIVE May 25, 1995

H.B. 95-1003 Motor vehicle registration materials - unlawful acts. Adds language to clarify that it is unlawful for any person to offer for sale any certificate of title, validation tab or sticker, or registration number plate that the person knows is stolen.

APPROVED by Governor March 23, 1995

EFFECTIVE July 1, 1995

H.B. 95-1021 Specific ownership tax - rental vehicles - submission of taxes to county where vehicles are rented. Requires any rental vehicle owner who is authorized to collect specific ownership taxes from the users of such vehicles to submit such taxes and the monthly report regarding such taxes to the county clerk in the county where the vehicles are rented rather than the county where the owner's principal place of business is located.

APPROVED by Governor March 17, 1995

EFFECTIVE July 1, 1995

H.B. 95-1085 Truck tractors - "laden" and "unladen" - commercial vehicle combinations - height and length limitations - transportation of automobiles and boats - foreign commercial semitractors - registration pursuant to reciprocal agreement. Changes the definition of the term "truck tractor" by making a distinction between "laden" and "unladen" truck tractors. Specifies that exclusions applicable to the 75-foot length limitation for specialized equipment used in combination to transport automobiles and boats include the automobiles or boats being transported and any extension device used for loading; except that the projected load, including such extension devices, may not extend more than 4 feet from the front of the vehicle or more than 6 feet from the rear.

When a reciprocal registration agreement exists between Colorado and a foreign entity, includes foreign commercial semitractors operated within this state among the vehicles to be registered and reregistered only in accordance with such reciprocal agreement.

APPROVED by Governor May 16, 1995

EFFECTIVE July 1, 1995

H.B. 95-1156 Mandatory automobile insurance - proof of financial responsibility - evidence of insurance - satisfaction of judgment. Makes the following changes to the motor vehicle financial responsibility law:

- Allows the parties to a dispute arising from an accident involving an uninsured motorist to use a contract as security for repayment to the injured party;
- Authorizes the executive director of the department of revenue to approve the form of a contract used as security;
- Requires notice if the obligor on the contract is in default;
- Requires the executive director to suspend the license of any obligor who does not cure a default on a contract used as security and specifies that such suspensions shall be for a period of time of at least 3 years rather than the current 1-year period;
- Changes the period of time after a judgment is entered that such judgment is deemed satisfied from 3 years to 6 years; and
- Defines "evidence of insurance" as proof of a complying policy to differentiate that term from "proof of financial responsibility" and the requirements associated with furnishing proof of financial responsibility.

APPROVED by Governor May 31, 1995

EFFECTIVE July 1, 1995

H.B. 95-1219 Drivers' licenses - applicants under 18 years of age - outstanding judgment or warrant - administrative processing fee. Extends the prohibition against issuing a driver's license to an applicant who has an outstanding judgment or warrant to include applicants under 18 years of age.

Authorizes the issuance of a driver's, minor driver's, or provisional driver's license if there is no outstanding judgment or warrant. Prohibits issuance if there is an outstanding judgment or warrant. Requires any person who satisfies an outstanding judgment or warrant to pay a \$30 administrative processing fee for each such judgment or warrant in addition to all other penalties,

costs, or forfeitures. Directs the court to remit half of the fee to the department of revenue and to retain the remainder.

APPROVED by Governor May 25, 1995

EFFECTIVE July 1, 1995

H.B. 95-1222 Used motor vehicle sales - certificates of title - time of delivery for out-of-state certificates - monthly report - repeal. Requires motor vehicle dealers to deliver or facilitate the delivery of an out-of-state certificate of title to the purchaser or transferee within 30 days after the date of sale rather than requiring delivery of the certificate immediately upon sale.

Repeals the requirement that used motor vehicle dealers submit a monthly report to the auto theft division of the Colorado state patrol that describes certain out-of-state vehicles held by such dealers.

APPROVED by Governor April 7, 1995

EFFECTIVE July 1, 1995

H.B. 95-1236 Motor vehicle registration - exemption for certain nonresidents. Exempts the following nonresident motor vehicle owners from provisions of Colorado law that require a motor vehicle to be registered in this state:

- A nonresident gainfully employed in Colorado using his or her own motor vehicle in commuting daily from such person's home state to such person's place of employment within this state; and
- A nonresident student enrolled in an institution of higher education in this state when such student displays a valid nonresident student identification tag issued by the institution where the student is enrolled.

Specifies that the exemption is applicable only if the state in which such nonresident owner resides extends the same privileges to Colorado residents gainfully employed or enrolled in an institution of higher education within the boundaries of that state.

APPROVED by Governor March 31, 1995

EFFECTIVE March 31, 1995

H.B. 95-1285 Motor vehicle repair garages - consent for repairs - storage charges - repair estimates - warranties - penalties. Clarifies that the requirement that written consent be obtained before repairs may be performed by a motor vehicle repair garage is waived if a motor vehicle is towed to the garage or left by the customer outside of normal business hours or if a waiver is signed. Limits the waiver of written consent when a vehicle is towed to a garage or left by the customer outside of normal business hours to a maximum of \$100 in labor and parts.

Sets the maximum amount that may be charged for storage if a customer fails to remove a

motor vehicle within 3 days after completion of repairs at \$10 per day. Requires that the amounts that may be charged for storage be conspicuously printed on the written estimate provided to the customer and provides a notice that is required to be printed on the estimate. Requires that a garage provide a record on the invoice regarding the notice that is given to the customer about the completion of motor vehicle repairs. Requires that storage charges be assessed in accordance with the statutory provisions regarding mechanics liens if a garage chooses to sell a customer's property in accordance with such provisions.

Shortens the time period during which a garage is required to notify a customer if there is a change in the expected date of completion of motor vehicle repairs from 3 days to 24 hours. If a repair contract is cancelled because of the failure of the garage to provide notice of a change in completion date or because of the customer's refusal to consent to a change in the completion date, provides that the garage is not required to reassemble the motor vehicle without cost if the customer has previously been notified regarding the impracticality of such reassembly.

Requires a garage to specify in the original estimate whether parts to be installed are new, used, reconditioned, or rebuilt.

If a motor vehicle is returned to a repair garage that issued a warranty, requires the garage to provide a notice to the customer that specifies that the repair work is under warranty and that provides the customer with a completion date for the repair.

Modifies the criminal penalties for conviction of specified violations of the "Motor Vehicle Repair Act of 1977". Establishes a new criminal penalty for violations of other provisions of the act. Increases the minimum penalty awarded in a successful civil action to enforce the act. Requires that a demand to a garage for damages under the act be in writing and be sent by certified mail. Provides that a garage convicted of a third violation under the act may be subject to the provisions of the "Colorado Consumer Protection Act".

APPROVED by Governor May 22, 1995

EFFECTIVE January 1, 1996

H.B. 95-1349 Substitute license plates - surrender of plate - issuance of identical substitute personalized plates - 12-month waiting period when plate not surrendered. If a license plate to be replaced is in the possession of an applicant for a substitute plate, requires the applicant to surrender the plate to the department of revenue at the time of application.

When an application for a substitute personalized plate is accompanied by the personalized plate to be replaced, requires the department to issue a substitute personalized plate bearing the identical sequential combination of letters and numbers that appeared on the plate to be replaced.

If a number or personalized license plate is lost, stolen, or otherwise not surrendered to the department at the time an application for a substitute plate is made, requires a 12-month waiting period prior to the reissuance of a license plate bearing the identical sequential combination of letters

and numbers that appeared on the plate to be replaced.

APPROVED by Governor May 25, 1995

EFFECTIVE July 1, 1995

NATURAL RESOURCES

S.B. 95-44 Recreational trails system - board of parks and outdoor recreation members' term limits deleted - recreational trails committee membership - snowmobiles and off-highway vehicles. Deletes the limitation on the number of terms members of the board of parks and outdoor recreation may serve. Adds that such board may grant funds to nonprofit organizations for recreational trail purposes. Adds one member to the Colorado recreational trails committee to be appointed from the public at large.

Modifies snowmobile and off-highway vehicle registration fees for registration periods beginning on and after July 1, 1995. Removes the authority to issue special snowmobile registrations. Requires snowmobile dealers to have purchasers complete a registration application and pay the registration fee at the time a snowmobile is purchased and provides for a class 2 petty offense, including a fine of \$50, upon the dealer's noncompliance.

Changes the penalty from a misdemeanor to a class 2 petty offense and increases the fine from \$25 to \$35 for violating the snowmobile and off-highway vehicle registration laws. Requires the reporting of off-highway vehicle accidents, limits the circumstances under which a snowmobile accident must be reported, and changes the penalty for failing to report a snowmobile or off-highway vehicle accident from a misdemeanor to a class 2 petty offense.

Clarifies that the federal government determines which routes on federal lands are authorized for off-highway vehicle use.

APPROVED by Governor April 27, 1995

EFFECTIVE July 1, 1995

S.B. 95-119 Moose hunting license raffle - appropriation. Allows the division of wildlife annually to issue 2 licenses for hunting shiras moose by auction or raffle in the same manner and pursuant to the same criteria for issuing rocky mountain big horn sheep and rocky mountain goat licenses. Requires all proceeds from the auction or raffle to be used for shiras moose special projects, research, habitat development, or educational projects.

Appropriates \$10,000 to the department of natural resources for allocation to the division of wildlife for the implementation of the act.

APPROVED by Governor May 16, 1995

EFFECTIVE May 16, 1995

S.B. 95-156 Mined land reclamation - construction materials - appropriation. Creates the "Colorado Land Reclamation Act for the Extraction of Construction Materials". Requires the costs of land reclamation to bear a reasonable relationship to the environmental benefits derived from the reclamation efforts.

Grants the board of mined land reclamation (the "board") and the office of mined land reclamation (the "office") the authority to approve reclamation permits for construction material mining. Requires a mine operator to obtain a permit from the board or the office prior to extracting construction material. Allows operators to continue extracting materials under permits issued prior to and valid as of July 1, 1995.

Specifies the procedure for obtaining reclamation permits, including:

- Requirements for the application, the reclamation plan, and the map of affected lands;
- The time for completing the reclamation plan; and
- Procedures for amending the permit.

Establishes an expedited application process for limited-impact operations, procedures for broadening a limited-impact permit, and composite applications for mines operated by a local government. Creates an expedited process for operations that extract highway materials under a government contract.

Specifies procedures for conducting exploration operations, including:

- Providing notice to the board of intent and completion;
- Providing financial warranties;
- Abandoning exploratory drill holes.

Establishes procedures for persons to file objections to and statements in support of permit requests and to petition for a hearing on any permit request. Sets the procedures and timelines for board action on permit requests and grounds for denying permit requests.

Specifies the duties of an operator in performing reclamation under the reclamation plan, including submittal of annual fees, reports, and maps. States the requirements for reclamation plans. Establishes the required performance and financial warranties that each operator must submit, the procedures for release of said warranties, and the notice requirements for financial warrantors. Specifies the grounds and procedures for forfeiture of financial warranties and procedures by the attorney general to recover secured amounts.

Authorizes the board and the office to enter and inspect lands of an operator to ensure compliance with the act. Requires operators to notify the office of any situation that poses a danger to persons or property.

Requires that fees, assessments, and 5% of forfeited financial warranties be deposited in the mined land reclamation fund, that civil penalties be deposited into the general fund, and that 95% of forfeited financial warranties be deposited into a special fund for reclaiming lands.

Authorizes the office or board to issue a cease and desist order to any person who operates without a valid permit or violates the act and to impose a civil penalty on such person. Establishes

procedures for notifying persons of violations of the act. Authorizes the board or office to request the attorney general to bring suit for permanent relief if a person violating the act fails to comply with imposed sanctions. Authorizes the board, after a hearing, to suspend, modify, or revoke a permit. Establishes the permit fee amounts.

Makes an appropriation of \$6,012 to the department of natural resources for legal services relating to the implementation of the act.

APPROVED by Governor May 31, 1995

EFFECTIVE July 1, 1995

S.B. 95-194 State land board administration fund - continuation - appropriation. Revises the formula by which moneys are allocated to the state land board administration fund. Effective July 1, 1995, such allocations are limited to 106% of the aggregate amount appropriated to the state land board administration fund and the land and water management fund during the 1994-95 fiscal year. For years beginning after July 1, 1995, the allocation shall be limited to 106% of the immediately preceding year's allocation.

Extends the automatic termination date of the appropriation provisions for the state land board administration fund until June 30, 2000. Repeals the sunset date for the state board of land commissioners land and water management fund.

Appropriates \$75,000 to the state board of land commissioners for the implementation of the act.

APPROVED by Governor May 16, 1995

EFFECTIVE May 16, 1995

S.B. 95-196 Parks and outdoor recreation laws - enforcement powers - penalty changes. Clarifies that the functions and powers of the division of parks and outdoor recreation ("division") and the board of parks and outdoor recreation include the enforcement of laws concerning river outfitters. Adds that a person who violates any river outfitter law that does not have a specific penalty is guilty of a class 2 petty offense. Specifies that the procedures for prosecuting persons who violate parks and outdoor recreation laws apply to petty offenses as well as misdemeanors and to violations of river outfitter laws. Applies the procedures for disposition of fines for violating parks and outdoor recreation laws to fines for violating the river outfitter laws.

Adds that a person who violates park and recreation area rules may be required to leave the area for a 24-hour period. Extends the time period in which an offender must pay a fine for parks and outdoor recreation violations from 15 to 20 days. Increases the fine for eluding a parks and recreation officer or other division officer from \$100 to \$300.

Changes the penalty for the following violations from a misdemeanor to a class 2 petty offense:

- Operating an unregistered vessel;
- Refusing to allow use of a vehicle or any other means of transportation by an officer enforcing parks and outdoor recreation laws;
- Violating any parks and outdoor recreation law that does not have a specific penalty;
- Leaving a fire unattended;
- Damaging property under the control of the division;
- Operating a motorized vehicle on a designated nonmotorized trail;
- Transferring, giving false information in connection with the purchase of, or failing to allow inspection of any parks and outdoor recreation pass or registration;
- Failing to display a vessel registration number;
- Failing to keep a vessel's registration documentation on board the vessel for inspection;
- Renting vessels that are not registered or lawfully equipped;
- Operating a vessel in violation of equipment requirements, noise restrictions, or speed restrictions or in a careless or imprudent manner without due regard for the safety of persons, property, or wildlife;
- Failing to take the required actions when involved in a vessel accident;
- Operating and using devices towed behind a vessel in an unlawful manner;
- Failing to obey an order to cease operation of a vessel when such operation is a safety hazard;
- Violating snowmobile or off-highway vehicle registration requirements;
- Operating a snowmobile in violation of the age restrictions, use of road and railroad rights-of-way restrictions and requirements, road crossing requirements and prohibitions, equipment requirements, and provisions that restrict hunting, carrying weapons, and disturbing wildlife;
- Operating a snowmobile on private property without permission, in a careless or imprudent manner without due regard for the attendant circumstances, or in violation of any snowmobile law;
- Operating an off-highway vehicle without the required equipment or without the required off-highway use permit;
- Camping on land or water under the control of the division that is not posted for camping;
- Operating vehicles or vessels on property under the control of the division where or when such operation is not authorized; and
- Operating vehicles on property under the control of the division in a careless or imprudent manner without due regard for the attendant circumstances.

Increases the penalty for starting or maintaining an unlawful fire from \$50 to \$100. Adds a misdemeanor violation and \$1,000 penalty for starting or maintaining a fire in a careless or reckless manner with a lack of due regard for the fire hazard or with a wanton and willful disregard for the safety of persons and property. Eliminates the violation for reckless operation of a motor vehicle on property under the control of the division, which violation is also provided in the "Uniform Safety Code of 1935". Applies to acts committed on or after July 1, 1995.

APPROVED May 25, 1995

EFFECTIVE July 1, 1995

H.B. 95-1080 Search and rescue fund - transfer of duties - rules - board membership increase - appropriations. Transfers from the division of wildlife and the wildlife commission to the

department of local affairs the search and rescue fund duties and responsibilities relating to claim submittal, claim reimbursement, rules for claim procedures and year-end grant applications, and distribution of moneys remaining at the close of the fiscal year. Transfers personal property of the division of wildlife and the wildlife commission relating to the transferred duties to the department of local affairs.

Validates and continues, under the jurisdiction of the department of local affairs, existing rules and orders adopted by the wildlife commission relating to the search and rescue fund until they are amended, nullified, or replaced. Requires the department of local affairs to adopt rules replacing the wildlife commission rules relating to the search and rescue fund.

Increases the number of members on the search and rescue advisory board from 9 to 11. Requires that one member represent the department of local affairs and one member represent outdoor recreationists.

Transfers \$433,846 and 0.3 FTE from the department of natural resources, division of wildlife, to the department of local affairs, for allocation to the search and rescue fund, for the implementation of the act.

Appropriates \$1,000 to the department of law for the provision of legal services to the search and rescue fund for the purposes of the act.

APPROVED by Governor May 16, 1995

EFFECTIVE July 1, 1995

H.B. 95-1157 Reintroduction of threatened or endangered species - bill required. Requires the general assembly to specifically name a species in a bill before any such species, that has been declared threatened or endangered pursuant to the federal "Endangered Species Act of 1973" and that is currently extinct in Colorado, may be reintroduced into the state.

VETOED by Governor March 23, 1995

H.B. 95-1245 Colorado Surface Coal Mining Reclamation Act - conformance with federal law. Amends the "Colorado Surface Coal Mining Reclamation Act" to conform to federal law. Amends the definition of "person" to include: (1) An Indian tribe conducting reclamation operations as well as surface coal mining operations outside Indian land; and (2) Governmental entities. Amends the definition of "surface coal mining operations" to delete the exemption of the incidental extraction of coal. Replaces references to "coal waste" with "coal mine waste".

Extends the effective date of the repeal of a rule that is required by federal law from sixty to ninety days after publication of the required repeal in the federal register. Specifies that the repeal of such a rule is subject to a rule-making hearing only if requested.

Allows for revision of a permit to perform surface coal mining and reclamation operations to extend the area covered by the permit. Requires the operator under such a permit to mitigate or compensate for the effects of subsidence-caused material damage to any occupied residential dwelling and related structures or any noncommercial building. Requires implementation of remedial measures if such a permit was issued improvidently.

APPROVED by Governor April 7, 1995

EFFECTIVE April 7, 1995

H.B. 95-1286 Wildlife legislative interim committee created - review of the division of wildlife and wildlife commission - requirements for acquisition of real property by the wildlife commission - cervidae disease revolving fund - appropriation - loan authorization - severability. Establishes the wildlife legislative interim committee to review and make recommendations to the general assembly concerning the operations of the division of wildlife, the division's director, and the wildlife commission. Imposes membership, meeting, reporting, and administrative requirements. Specifies that the committee shall be treated as other legislative interim committees. Repeals the statutory authorization for the committee on January 31, 1996.

Recreates and reenacts, with amendments, a law that was repealed on March 15, 1995, concerning restrictions and requirements, including a bid process requirement, on the purchase of any interest in real property by the wildlife commission. Adds that the purchase of any interest in water is also subject to such restrictions and requirements. Grants an exception for the bid process requirement. Authorizes rules regarding the acquisition process. Requires certain information in an annual report by the commission relating to property and water interest acquisitions. Repeals the law imposing such restrictions and requirements on July 1, 2000. Repeals the laws empowering the wildlife commission to acquire interests in land and water and requiring the commission to submit a report to the capital development committee concerning proposed real property transactions on July 1, 2000.

Authorizes the agricultural commission, upon the recommendation of the captive wildlife and alternative livestock board, to set an assessment fee, not to exceed \$8 per head of cervidae per year, to fund the cervidae disease revolving fund. Provides that the captive wildlife and alternative livestock board, with the approval of the agricultural commission, shall determine the amount of indemnification payments to owners of cervidae whose animals are destroyed for the control of contagious and infectious disease. Specifies that the combined state and federal indemnity shall not exceed 80% of market value, as determined by the alternative livestock and captive wildlife board, as opposed to actual appraised value.

Appropriates \$120,000 from the cervidae disease revolving fund to the department of agriculture, agricultural services division, for the implementation of the act. Authorizes loans of not more than \$60,000 by the department of agriculture from the wildlife cash fund and the controlled maintenance trust fund to the cervidae disease revolving fund. Provides for the severability of certain provisions of the act.

APPROVED by Governor May 25, 1995

EFFECTIVE May 25, 1995

H.B. 95-1314 Colorado avalanche information center - establishment in Colorado geological survey.
Formally establishes the Colorado avalanche information center in the Colorado geological survey to forecast and educate the public concerning

avalanches.

APPROVED by Governor April 7, 1995

EFFECTIVE April 7, 1995

PROBATE, TRUSTS, AND FIDUCIARIES

S.B. 95-43 Probate Code - share of spouse - share of heirs - augmented estate - written memorandums - revocation upon divorce - trusts for pets - reliance on agency instrument. Amends the revisions to the "Colorado Probate Code", based upon the "Uniform Probate Code", that were enacted during the 1994 session of the general assembly and are scheduled to take effect July 1, 1995, to clarify intent and make changes and corrections to those revisions.

Amends the "by representation" method of property distribution so that no change would actually occur in this method of property distribution and unintended distributions of property would be avoided. Adopts the new "Uniform Probate Code II" method of distribution of property known as "per capita at each generation". Clarifies that there will be 3 distinct statutorily defined methods of distribution: By representation, per capita at each generation, and per stirpes.

Clarifies the intent that the surviving spouse shall have the largest share rather than the smallest share. Clarifies the language relating to adult and minor children under the share of spouse section. Defines the terms "birth parent" and "birth child" relating to heirs.

Clarifies that the rules of construction themselves do not apply to a finding of a contrary intention.

Clarifies the exemptions concerning joint tenancy interests in real estate under the augmented estate provisions so that the language is consistent with existing law. Clarifies that property that was subject to a testamentary general power is excluded under the augmented estate provisions. Changes the augmented estate provisions to conform with current Colorado law that provides that a signature by a spouse on a gift tax return, consenting to split a gift, is not by itself written consent to a transfer for purposes of excluding it from the augmented estate.

Clarifies that a written memorandum identifying the disposition of tangible personal property can be in the handwriting of the testator. Corrects the language relating to a beneficiary designation. Corrects the language relating to construction of wills and trusts containing formula marital clauses. Amends the section on revocation of probate and nonprobate transfers by divorce to include nomination in a governing instrument nominating a divorced individual's spouse or former spouse's relative.

Sets forth the time for determining an animal's offspring in gestation for purposes of a trust for pets.

Changes the definition of "descendent" in the "Colorado Probate Code" to refer to lineal descendants to eliminate the possibility of referring to collateral descendants.

Exempts title insurance transactions relating to the sale, transfer, encumbrance, or conveyance of real property from a statute that provides for costs and attorney fees when a person

fails to comply with a direction made by an agent. Gives discretion to the third party rather than the agent about whether the agent shall provide the original agency instrument or a certified facsimile.

Applies to decedents dying on or after July 1, 1995.

APPROVED by Governor April 27, 1995

EFFECTIVE July 1, 1995

S.B. 95-121 Trustees - standards of conduct - adoption of Uniform Prudent Investor Act. Adopts a standard of prudent investing based on modern portfolio theory. The standard differs in the following key areas from traditional statements of the duty of trustees who oversee the investment of their beneficiaries' funds:

- Focuses on the total portfolio of investments held on behalf of a beneficiary rather than focusing on each investment in isolation. Identifies the tradeoff between risk and return, considering the investment portfolio as a whole, as the trustee's prime consideration.
- Abandons prior attempts to restrict permissible investments by category or type. Allows investment in any vehicle that is appropriate considering the risk/return objectives of the portfolio.
- Formalizes the generally accepted requirement that trustees diversify their investments.
- Allows a trustee to delegate investment and management duties, subject to safeguards.

APPROVED by Governor April 21, 1995

EFFECTIVE July 1, 1995

PROFESSIONS AND OCCUPATIONS

S.B. 95-3 Limited gaming - fund transfers to other funds - clarification. Clarifies the amount of the annual transfers from the limited gaming fund to the tourism promotion fund, the municipal limited gaming impact fund, and the state highway fund. Transfers moneys to the tourism promotion fund that should have been transferred at the close of the 1993-94 fiscal year.

APPROVED by Governor April 17, 1995

EFFECTIVE April 17, 1995

S.B. 95-4 Psychiatric technicians - regulation by state board of nursing - continuation under sunset law. Empowers the state board of nursing to limit the scope of a licensee's practice within specified limitations. Removes the requirement that a psychiatric technician practice only in a state-run institution if the technician performs certain duties. Clarifies the grounds for which disciplinary action may be taken against a licensee. Restricts how a licensee may be disciplined while the licensee is in a program to end an alcohol or drug dependency.

Removes the specific subject areas which must be covered by a licensing examination, allowing the state board of nursing to specify such subject areas by rule. Changes certain educational requirements for accreditation of a psychiatric technician educational program. Changes the procedure for license renewal.

Allows mental or physical examinations of licensees to be conducted by a psychologist or other qualified professional, who may or may not be a physician, rather than requiring such examination to be done only by a physician.

Modifies how medical records of a licensee may be released, used, or obtained by the state board of nursing.

Extends until July 1, 2010, the regulatory and licensing authority of the state board of nursing over psychiatric technicians.

APPROVED by Governor April 21, 1995

EFFECTIVE July 1, 1995

S.B. 95-7 Podiatrists - regulation - financial responsibility requirements - continuation under sunset law. Extends to 2010 the regulatory authority of the Colorado podiatry board. Requires licensed podiatrists who perform surgical procedures to maintain professional liability insurance of at least \$500,000 per claim and \$1,500,000 per year for all claims. Authorizes the board to promulgate rules establishing the financial responsibility requirements for podiatrists who do not perform surgical procedures and who sign an affidavit attesting to such fact. Such rules shall not include requirements that exceed those imposed on podiatrists who do perform surgical procedures and may provide that no financial responsibility requirements apply to such podiatrists.

Expands the definition of "unprofessional conduct" to include a misleading omission or material deception in renewing or seeking the reinstatement of a license, engaging in a sexual act with a patient during the period of treatment or for six months immediately thereafter, and conviction of any crime that would constitute a violation of the laws governing podiatrists and the practice of podiatry. Includes within the definition of "conviction" the imposition of a deferred sentence.

Makes letters of concern confidential. Eliminates provisions that empower the executive director of the department of regulatory agencies to order the podiatry board to investigate any complaint received by the department.

Empowers the board to establish by rule the requirements for license reinstatement when an applicant has been delinquent for more than two years.

APPROVED by Governor April 17, 1995

EFFECTIVE July 1, 1995

S.B. 95-10 Health - state board of chiropractic examiners - continuation under sunset law - appropriation. Extends the automatic termination date of the state board of chiropractic examiners to July 1, 2010, pursuant to the provisions of the sunset law. Requires chiropractors to display their licenses. States that a license shall automatically expire if not renewed prior to the expiration date. Prohibits the board from refunding any renewal fee. Requires a licensee to furnish the board with a new address within 30 days.

Authorizes the board to issue a temporary license to any applicant who lawfully practices in another state and has been invited by the United States Olympic Committee to provide services at the Colorado Springs training center or at an event sanctioned by the Committee. Includes restrictions on such licenses and makes licensees subject to discipline for unprofessional conduct.

Authorizes the board to issue a letter of admonition or impose conditions on a person's license, in addition to the other disciplinary actions already authorized. Makes the following actions grounds for discipline: fee-splitting; failing to report the surrender of a license to an agency in another state for acts that would constitute grounds for discipline in this state; engaging in a sexual act with a patient during the course of care or within 6 months following the termination of the professional relationship; abandoning a patient; and failing to provide adequate supervision when employing unlicensed persons in chiropractic practice. Provides that disciplinary action taken against a practitioner's license to practice in another state shall constitute prima facie evidence of a violation in this state.

Requires licensed chiropractors to maintain professional liability insurance of at least \$100,000 per claim and \$300,000 for all claims each year. Authorizes the board to exempt or establish lesser amounts for any chiropractor who practices as an employee of the federal government, renders limited services, is retired, provides only uncompensated care to patients, or practices in such a manner as to make the required amounts unreasonable.

Authorizes the board to order a chiropractor who has been proven to be incompetent or negligent to take an examination. Requires that any such order include the board's reasons for believing a licensee is unable to practice with reasonable skill and safety. Authorizes the board to require a licensee to take a mental or physical examination if reasonable cause exists to believe the licensee is unable to practice with reasonable skill and safety. States that a licensee shall be deemed to have waived any claim of privilege with respect to an examining physician's testimony. Authorizes the board to suspend a licensee's license for failure to undergo an examination unless the failure is due to circumstances beyond his or her control. States that the results of examinations shall not be used as evidence in other proceedings or made available to the public.

Prohibits the disclosure of communications between a chiropractor and his or her patient unless the patient gives consent before the disclosure, subject to limited exceptions.

Increases to 30 days the period of time during which a recipient of a letter of admonition may request that formal disciplinary proceedings be initiated. Authorizes the board to issue cease and desist orders and establishes requirements for the issuance of such orders. Requires licensed chiropractors to report to the board any chiropractor known or believed to have violated statutory provisions.

Appropriates \$60,869 to the department of regulatory agencies, \$30,812 to the department of law, and \$15,265 to the department of administration for the implementation of the act.

APPROVED by Governor June 5, 1995

EFFECTIVE July 1, 1995

S.B. 95-50 Pharmacists - practical experience - credit for - rules. Directs the state board of pharmacy to promulgate rules regulating how a person may gain credit for practical experience with a drug manufacturer or school of pharmacy for licensure purposes.

APPROVED by Governor April 17, 1995

EFFECTIVE April 17, 1995

S.B. 95-97 Bail bonding agents - licensure and bonding requirements - continuing education. Changes the term by which licensed bonding agents shall be known from "professional bonding agent" to "bail bonding agent". Makes their qualifications for licensure the same as those for insurance producers. Repeals the requirement that applicants for licensure disclose whether they have been convicted of a crime involving moral turpitude and requires instead that they disclose whether they have committed an act for which their license could have been denied, suspended or revoked.

Establishes prelicensure and continuing education requirements for bail bonding agents. Provides for course certification by the commissioner of insurance. Requires the completion of 6 clock hours of continuing education every 2 years and 8 clock hours of prelicensure education. Requires the advisory committee to make recommendations to the commissioner concerning such requirements. Exempts from the continuing education requirements any agent licensed as a cash

bonding agent as of January 1, 1992. Repeals the continuing education requirements, effective January 1, 2000.

Changes the expiration date for bail bonding agent licenses from January 31 to January 1.

Adds to the requirements for bonding agreements, including a requirement that any such agreement be in writing and, if appropriate, translated for the principal.

Clarifies that semiannual reports shall be filed on or before January 31 and July 31 of each year. Limits the amount that may be charged for writing a bond. Prohibits a bail bonding agent from writing a bond after receiving notice that the surety has withdrawn authorization.

Makes the failure to pay a judgment which arose from the failure to return collateral a basis for the denial, suspension, or revocation of a license. Authorizes the commissioner of insurance to forfeit an agent's surety bond to satisfy any such judgment. States that if a bond is not posted within 24 hours after the bail bonding agent's receipt of full payment, such agent shall refund all payments and release all collateral within 48 hours of such receipt.

APPROVED by Governor April 20, 1995

EFFECTIVE July 1, 1995

S.B. 95-122 Consumer credit - disclosure - credit reports - penalties. Limits the disclosure requirements of Colorado's "Uniform Consumer Credit Code" (UCCC) in the following ways:

- Limits the circumstances in which certain disclosures must be made to those in which a credit card is issued in connection with a revolving charge account or revolving loan account;
- Exempts revolving loan accounts secured by interests in land, overdraft lines of credit tied to deposit accounts, and lines of credit for which check guarantee or debit cards are issued that may be used only at automatic teller machines.

Enacts the "Colorado Consumer Credit Reporting Act". Defines terms. Describes permissible purposes for which a consumer reporting agency may furnish a consumer credit report. Requires that certain notices and information be given to consumers. Regulates the charges that may be imposed for certain disclosures. Includes procedures for resolving credit information disputes, including binding arbitration. Provides penalties for violations of the Act.

APPROVED by Governor May 22, 1995

EFFECTIVE See note

NOTE: This act was passed without a safety clause. See section 5 of the act for the possible effective dates. Section 3 of the act takes effect January 1, 1996.

S.B. 95-206 Private occupational schools fund - collection of fees. Specifies that any amount remaining in the private occupational schools fund at the end of the fiscal year shall remain in the

fund. Requires the private occupational school division to review its fees annually and adjust the fee amounts according to the direct and indirect costs of administering the division. Specifies the procedure for fee adjustments in years following a year in which the private occupational school division received an excess in fees over expenditures and following a year for which the private occupational school division received a supplemental appropriation. Specifies that funds appropriated to the private occupational school division shall be designated as cash funds and shall not exceed the amount anticipated to be raised in fees.

APPROVED by Governor May 22, 1995

EFFECTIVE May 22, 1995

H.B. 95-1002 Board of medical examiners - continuation under sunset law - medical practice act. Extends the automatic termination date of the functions of the board of medical examiners to July 1, 2010, pursuant to the provisions of the sunset law.

Eliminates board members' immunity from prosecution for criminal actions based upon acts performed in good faith as a member of the board.

Allows qualified athletic trainers to assess the physical limitations that may pose a risk of injury to an athlete, including those previously diagnosed by a physician.

Eliminates the procedure for licensing applicants who have completed their academic curriculum at a foreign medical school, known as a degree equivalence program. Requires applicants for licensure to file their applications 90 days, rather than 30 days, in advance of the required examination. Eliminates the special procedure for applicants who fail their second and subsequent examinations.

Empowers the board to grant licenses subject to probation if the board determines that an applicant has engaged in unprofessional conduct, has had a license suspended or revoked for disciplinary reasons in another jurisdiction, or has not actively practiced medicine for 2 years immediately preceding the filing of the application or otherwise maintained competency during that period. Defines "discipline" for this purpose. States that if an application is denied or granted subject to probation, the applicant may seek review pursuant to the state administrative procedure act unless the applicant elects to accept the license subject to probation.

Defines the following actions as unprofessional conduct: Using fraud in practicing medicine or applying for liability coverage or privileges at a hospital, license to practice in any state, or professional liability insurance coverage; being convicted of an offense of mortal turpitude or a crime that would constitute a violation of the medical practice act; engaging in a sexual act with a patient within 6 months immediately following termination of the physician's professional relationship with the patient; failing to establish and maintain financial responsibility; failing to respond to a written complaint; and using deceptive advertising.

Eliminates the provision allowing a hearings panel to appoint an advisor to assist an

administrative law judge. Increases to 30 days the period during which a physician must respond to a written complaint. Empowers an inquiry panel to conduct a further investigation upon receiving a physician's answer to such a complaint. Requires that disciplinary actions taken as a result of a professional review proceeding be reported to the board. Eliminates the requirement that the board send a letter of admonition to any physician who commits subsequent actions of a similar nature. Eliminates the formal complaint procedure and replaces it with a requirement that the handling of complaints conform to the state administrative procedure act. Eliminates the procedure by which a complainant may seek review of an order dismissing a complaint.

Eliminates private or public censure as a means of discipline. Requires hearings panels to consider sanctions needed to protect the public before they consider measures to rehabilitate the licensee. Subjects physician assistants to mental and physical examination provisions. Eliminates the authority of the department of regulatory agencies to direct the board to investigate a licensee about whom the department has received a complaint.

Provides that review of board actions shall be governed by the state administrative procedure act. Eliminates obsolete continuing education provisions. Directs the board to determine whether applicants for renewal or reinstatement of medical licenses have complied with statutory and professional requirements, including continued competence. Authorizes physician assistants to prescribe medication. Requires physician assistants to pay the required amount to the board for participation in the physicians' peer health assistance program. Eliminates provisions concerning advertisements by physicians and instead makes advertising in a misleading, deceptive, or false manner an act of unprofessional conduct.

Requires professional review committees to forward a copy of their recommendations to the board.

APPROVED by Governor May 31, 1995

EFFECTIVE July 1, 1995

H.B. 95-1006 Manufacturers and distributors of drug precursors - persons working in coal mines - regulation - continuation under sunset law. Extends the termination date of the licensing authority of the department of public health and environment for persons who manufacture or distribute drug precursors to July 1, 1996, pursuant to the provisions of the sunset law.

Extends the termination date of the coal mine board of examiners to July 1, 1996, pursuant to the provisions of the sunset law.

APPROVED by Governor March 30, 1995

EFFECTIVE March 30, 1995

H.B. 95-1007 Nurses - regulation - continuation under sunset law - prescriptive authority - impaired professional diversion program - appropriation. Requires licensees to carry out nursing functions in accordance with accepted practice standards. Allows the board to adopt rules authorizing

advanced practice nurses to prescribe certain medications.

Changes the professional experience required of certain members of the state board of nursing, so that 2 rather than 3 members are engaged in practical nursing and 7 rather than 6 members are licensed professional nurses. Requires one of the professional nurses to be a registered advanced practice nurse. Specifies that statutory changes in the composition of the board are carried out at the end of existing member terms rather than when the changes occur.

Allows registered advanced practice nurses to be granted prescriptive authority subject to certain limitations. Makes the application for such authority voluntary on the part of any nurse. Limits prescriptive authority to prescription drugs for routine care and to prescription drugs and controlled substances for acute self-limiting conditions, stable chronic conditions, and terminal comfort care. Before prescriptive authority is granted, requires the advanced practice nurse to provide proof to the board of certain educational and work experience qualifications and the existence of a written collaborative agreement with a licensed physician. Specifies that prescriptive authority does not allow the independent practice of medicine by a nurse. Requires the board to track advanced practice nurses who have prescriptive authority. Specifies that prescriptive authority is not required to deliver anesthesia care.

Authorizes the state board of nursing to issue temporary permits to certain persons who are being supervised by licensees.

Creates a new mode of discipline that allows the state board of nursing to limit the scope of a license held by a licensee. Changes certain existing grounds for disciplinary action against a licensee and adds new grounds for disciplinary action, including improper dispensing of steroids or controlled or habit-forming substances or being disciplined in another jurisdiction for an act that would warrant discipline in this state. Requires the state board of nursing to consider enumerated factors before disciplining a licensee.

Allows physical or mental examinations of licensees to be conducted by a qualified professional, who may or may not be a physician, rather than requiring such examinations to be done by a physician. Empowers the state board of nursing to require a licensee to furnish certain medical records in conjunction with an investigation of such licensee.

Removes certain requirements for releasing medical records of a licensee.

Repeals and reenacts the nursing peer health assistance diversion program as the impaired professional diversion program with the following features:

- A licensed nurse may voluntarily join the program, subject to acceptance;
- The board may also identify licensees for participation in the program;
- The board creates a corporate entity to run the program with a committee to direct the running of the program;
- The committee is composed of individuals from specified categories of professions and is appointed by the board in a specified manner;

- The committee selects a director for the program;
- The committee sets general policies and procedures for admitting impaired licensees and running the program;
- Guidelines are set for admitting and terminating persons from the program;
- The records of a licensee's treatment are confidential, subject to certain exceptions;
- The program is paid for through nursing fees and the individuals seeking treatment;
- The entity running the program is a qualified nonprofit foundation with certain specified duties; and
- The board and its members, the committee and its members, and the state are held harmless for the good-faith actions of the board in making awards to the program.

Extends to July 1, 2010, the automatic termination date of licensing and regulating professional nurses through the state board of nursing and the division of registrations in the department of regulatory agencies pursuant to the provisions of the sunset law.

Appropriates \$40,946 and 0.7 FTE to the department of regulatory agencies for allocation to the division of registrations, and \$2,505 to the department of law, for implementation of the act.

APPROVED by Governor May 31, 1995

EFFECTIVE July 1, 1995

H.B. 95-1011 Audiologists and hearing aid dealers - registration - disciplinary procedures - appropriation. Requires the registration of audiologists and hearing aid dealers by the director of the division of registrations ("director") in the department of regulatory agencies. Describes registration filing requirements and defines terms. Exempts persons who are certified or licensed to work in the public schools. Allows a registered audiologist to practice as a hearing aid dealer. Requires hearing aid dealer applicants to submit proof they have obtained a surety bond. Requires audiologist applicants to maintain malpractice coverage in amount determined appropriate by the director. Allocates registration fees to the division of registrations cash fund.

Authorizes the director to grant a temporary registration certificate to any applicant who has an advanced degree in audiology and practices audiology in a year of clinical fellowship. Limits the period of validity of such certificates to 12 months.

Authorizes the director to discipline registered hearing aid dealers and audiologists after providing them with notice and a hearing.

Increases to 30 days the period during which a hearing aid dealer ("dealer") must refund the purchase price of a hearing aid returned by the buyer. Tolls such period for any time during which a dealer takes possession of a hearing aid. Requires dealers to include in sales contracts a statement that if the hearing aid is not delivered within a specified period of time the purchase price shall be fully refunded. Such statement may not be waived by the purchaser.

Appropriates \$36,393 to the department of regulatory agencies, \$2,505 to the department of

law, and \$1,221 to the department of administration for the implementation of the act.

States that the registration functions of the director shall terminate on July 1, 2000, pursuant to the sunset law.

Applies to audiologists and hearing aid dealers practicing on or after January 1, 1996, with exceptions noted.

APPROVED by Governor June 5, 1995

EFFECTIVE July 1, 1995

H.B. 95-1027 Education flight services - exemption from private occupational education regulations. Exempts from regulation under the "Private Occupational Education Act of 1981" both of the following: (1) Flight schools that are not certified by the United States veterans administration; and (2) Flight schools and flight instructors that do not collect advance tuition or fees.

APPROVED by Governor March 17, 1995

EFFECTIVE March 17, 1995

H.B. 95-1053 Consumer transactions - credit reporting - debt collection - disclosure requirements. Excludes from the scope of the Colorado Fair Debt Collection Practices Act (the "act") obligations incurred for business, investment, or agricultural purposes. Eliminates the requirement that branch offices of collection agencies be separately licensed and requires instead that a collection agency with branch offices notify the director in writing within 30 days after commencing business.

Exempts the following persons, among others, from the licensing requirements of the act:

- An employee of the state collecting debts in the performance of his or her official duties, unless debts are collected in the name of and for the state agency employing such employee;
- An attorney regularly engaged in debt collection;
- Any person located out-of-state whose activities are limited to collecting debts not incurred in Colorado from in-state persons.

Increases the amount of information an applicant for a license must file with respect to its collections manager. Eliminates the requirement that a collections manager be registered as a debt collector.

Requires collection agencies to notify consumer reporting agencies about disputed debts. Makes it an unfair practice for a collection agency to report credit information to a credit reporting agency within 30 days after the initial notice has been mailed to the consumer.

Effective January 1, 1996, requires collection agencies to disclose to debtors whether they are licensed by the Colorado collection agency board, and to notify them that payments should not

be sent to the board.

Revises the information a licensee is required to report to the administrator of the "Uniform Consumer Credit Code" in the department of law. Increases from \$8,000 to \$12,000 the bond required of an applicant and provides an alternative method of complying with the bonding requirements of the act.

Eliminates the requirement that debt collectors and solicitors obtain a certificate of registration.

Enacts the "Colorado Consumer Credit Reporting Act", effective January 1, 1996. Defines terms. Describes permissible purposes for which a consumer reporting agency may furnish a consumer credit report. Requires that certain notices and information be given to consumers. Regulates the charges that may be imposed for certain disclosures. Includes procedures for resolving credit information disputes, including binding arbitration. Provides penalties for violations of the act.

APPROVED by Governor June 3, 1995

EFFECTIVE July 1, 1995

H.B. 95-1060 Dentists - administration of anesthesia - appropriation. Directs the state board of dental examiners to issue permits valid for 5 years to licensed dentists to administer general anesthesia and deep-conscious sedation or only deep-conscious sedation, the administration of which did not previously require a permit. Directs the board to set and collect a fee for the issuance of a permit and to issue the permits. Requires the board to develop a program for office inspections of licensees. Makes administration of general anesthesia or deep-conscious sedation without a permit a basis for disciplinary action.

Appropriates \$2,334 to the department of regulatory agencies and \$501 to the department of law for implementation of the act.

APPROVED by Governor May 23, 1995

EFFECTIVE May 23, 1995

H.B. 95-1083 Lodging establishments - right to refuse accommodations. States that an innkeeper may refuse accommodations, facilities, and the privileges of a lodging establishment if a prospective guest is unwilling or unable to pay. The innkeeper may require the prospective guest to demonstrate ability to pay by cash, credit card, or validated check. In addition, if the prospective guest is a minor, the innkeeper may require a parent, legal guardian, or other responsible adult to: Agree to pay for the cost of the room, including taxes, charges incurred by the minor, and any damages caused by the minor or the minor's guests; or provide an advance cash payment to cover the total cost of the room and a cash deposit to be held toward payment of charges incurred or damages caused. The cash deposit is refundable after a joint inspection of the room by the guest and innkeeper to the extent it is not needed to cover charges or damages.

APPROVED by Governor April 17, 1995

EFFECTIVE July 1, 1995

H.B. 95-1094 Motor vehicle dealers - sale of custom trailers - place of business designation - exemption. Exempts from the requirement of maintaining a designated place of business separate from a residence motor vehicle dealers who are motor vehicle dealers only because they sell custom trailers and who have been residents of Colorado for the immediately preceding 12-month period who have less than 4 custom trailers in inventory at any time. Requires motor vehicle dealers who are issued vehicle plates because they sell custom trailers to use such plates only on custom trailers.

APPROVED by Governor April 17, 1995

EFFECTIVE April 17, 1995

H.B. 95-1114 Physicians - injuries to be reported - domestic violence. Clarifies that a physician's duty to report certain injuries to law enforcement officials includes injuries that result from domestic violence.

APPROVED by Governor May 31, 1995

EFFECTIVE July 1, 1995

H.B. 95-1132 Real estate brokers - real estate recovery fund - payment of claims - authority of real estate commission - appropriation. Replaces the current fixed, \$40 annual fee imposed on real estate licensees for the real estate recovery fund with a system under which the real estate commission only assesses a fee if the amount in the fund dips below \$350,000. Allows the commission to set the amount of the fee. If the fund exceeds \$500,000, requires the surplus to be transferred to the real estate cash fund.

Streamlines the procedure for handling uncontested claims against the fund by allowing a person with an unsatisfied judgment against a real estate licensee to file a form directly with the real estate commission rather than applying to the district court. The form must contain a notice to the licensee, and a copy of the form containing the notice must be served on the licensee. If all requirements are met, the commission is directed to authorize administrative payment from the fund and, at the same time, automatically revoke the licensee's license. If the licensee appears and objects, or if the applicant objects to the commission's denial of all or part of the claim, the matter is subject to review on the merits in court.

The act also raises the amount payable on a claim from \$15,000 to \$20,000 per transaction and the aggregate total of payouts attributable to one licensee from \$50,000 to \$60,000.

Decreases FY 1995-96 appropriations to the department of regulatory agencies and the department of law from the real estate cash fund and from exempt cash fund appropriations, respectively, by \$12,300.

Applies to claims on the real estate recovery fund made on or after July 1, 1995, and real

estate license renewal applications made on or after July 1, 1995.

APPROVED by Governor March 30, 1995

EFFECTIVE July 1, 1995

H.B. 95-1134 Gaming - scope of regulation - exemption for crane games. Exempts crane games from the statutory definitions of gambling, gambling devices, and slot machines. Defines "crane game" to include an amusement machine into which a player inserts a coin and then attempts to retrieve a prize or toy from inside the machine using a mechanical crane or claw.

APPROVED by Governor March 17, 1995

EFFECTIVE March 17, 1995

H.B. 95-1182 Acupuncture - regulation - exemptions - disclosure. Revises the definition of "acupuncture". Defines "practice of acupuncture", and exempts from such definition persons who perform osteopathic adjustment, chiropractic, or physical therapy. States that a person may practice in Colorado as a guest acupuncturist if:

- Such person is regulated as an acupuncturist in another state and is under the supervision of a registered acupuncturist or licensed chiropractor;
- The practice is limited to instruction for 7 or fewer days within a 3-month period.

Exempts from registration any person who:

- Is otherwise authorized to practice acupuncture under Colorado law;
- Administers family remedies in a domestic setting;
- Renders massage therapy; or
- Counsels about exercise, diet, nutrition, spiritual, or lifestyle matters.

Requires that acupuncturists maintain professional liability insurance in the amount of \$50,000, if practicing as a sole practitioner or general partnership, or \$300,000, if practicing as a limited liability company or corporation.

Requires that acupuncturists disclose their training and experience to patients. Makes it an unlawful act to practice acupuncture without having registered or to use certain titles and designations.

Requires attorneys who file actions for damages or indemnity based upon the professional negligence of an acupuncturist to meet certificate of review filing requirements.

APPROVED by Governor May 16, 1995

EFFECTIVE January 1, 1996

H.B. 95-1198 Beer wholesalers - limitations. Prohibits manufacturers, brewers, and importers of beer from contracting with more than one wholesaler to sell their products in the same territory. Requires brewers and importers of beer to have a written contract with a wholesaler before selling beer to such wholesaler. Requires such contract to specify the products to be sold by the wholesaler and the territory within which the wholesaler may sell such products.

BECAME LAW without Governor's signature March 24

EFFECTIVE July 1, 1995

H.B. 95-1214 Racing - taxes and fees - method of payment - graduated fee schedule - definition of "adjusted gross proceeds". In place of the current flat tax rates of 4-1/2% and 3/4%, respectively, on receipts from betting on greyhound and horse racing, adopts a graduated schedule of rates. The schedule is the same for horse and greyhound racing and yields rates from 2% to 18%, depending on the amount of adjusted gross proceeds. Defines "adjusted gross proceeds" as the gross receipts derived from pari-mutuel wagering, minus prizes paid to wagerers and amounts paid or retained under the racing statutes.

Increases the amount a horse track must pay as purses for a race meet by deleting the existing deduction for amounts paid in taxes from the calculation of the track's commission, of which a set percentage must be paid out in purses.

Replaces the current requirement for daily remittance of certain taxes and fees with a requirement for payment by the 15th of the month following the month in which revenues were received.

VETOED by Governor May 25, 1995

H.B. 95-1233 Social workers - exemption from disclosure of information requirement. Exempts social workers that practice in licensed or certified hospitals from the requirement that they disclose to clients information concerning their business location, their credentials, and other statements relating to their practice.

APPROVED by Governor March 30, 1995

EFFECTIVE July 1, 1995

H.B. 95-1247 Life care institutions - provider's reserve requirements. Modifies the method for determining the amount of reserves required of a provider of care pursuant to a life care contract. Amends the type of assets that are eligible to cover the reserve requirements.

APPROVED by Governor April 7, 1995

EFFECTIVE April 7, 1995

H.B. 95-1266 Nurse aides - criminal background check - appropriation. Requires all nurse aides to submit criminal background checks prior to initial certification whether by competency evaluation or endorsement. Authorizes the state board of nursing to approve the companies that nurse aides may use to conduct the background checks. Includes any criminal convictions that would bring into question a nurse aide's ability to practice as a nurse aide as a basis for suspension, denial, or revocation of a license.

Appropriates \$21,882 to the department of public health and environment, \$12,844 to the department of regulatory agencies, \$25,688 to the department of health care policy and financing, \$47,570 and 0.5 FTE to the department of regulatory agencies for allocation to the division of registrations, \$16,032 to the department of law, and \$6,106 to the department of administration for implementation of the act.

APPROVED by Governor May 25, 1995

EFFECTIVE October 1, 1995

PROPERTY

S.B. 95-8 Unclaimed property - remittance of property to the state. Makes the following changes to the "Unclaimed Property Act":

- Effective July 1, 1995, except under specified circumstances, provides that unclaimed property provisions preempt specific statutory provisions relating to state warrants that have not been presented to the state treasurer for payment.

- Defines "item" to mean each separate account or other form of intangible property, or the aggregate total of all tangible personal property, under the name of one apparent owner.

- Eliminates the requirement that reports of unclaimed property and other related documents be verified and makes conforming amendments resulting from such change.

- Exempts certain businesses and nonprofit organizations from the reporting and remittance requirements under specified circumstances. Includes only property acquired during the immediately preceding 5-year period for purposes of computing the applicability of the exemptions.

- Authorizes holders to deduct a certain amount or fraction of an item's value prior to payment or delivery of such an abandoned item.

- Repeals an obsolete provision regarding the initial report of unclaimed property that was required to be filed by the public employees' retirement system in 1992 and deletes other references to such obsolete provision.

- Effective July 1, 1995, reduces the reachback period for initial reports on all unclaimed property from 10 to 5 years.

APPROVED by Governor May 16, 1995

EFFECTIVE May 16, 1995

S.B. 95-198 Large planned communities - development - "Colorado Common Interest Ownership Act". Clarifies that a planned community, rather than a parcel of land, is exempt from the provisions of the "Colorado Common Interest Ownership Act" if certain requirements are met. Changes the requirements under which a planned community may be exempt from the provisions of the Act by requiring that the real estate upon which such community is created is approved, rather than zoned, for development of at least 500, rather than 200, residential units. Specifies that the exemption is not available to a planned community that no longer qualifies as a large planned community. Eliminates the requirement that, upon sale, conveyance, or transfer of any portion of the large planned community, such portion remains subject to any recorded declarations made prior to the sale, conveyance, or transfer. Requires that any common interest community that is partially within a large planned community be created pursuant to the provisions of the Act. Specifies that the real estate described in a recorded declaration creating a large planned community remain subject to such declaration. Requires an association of such community to retain in its principal office and make reasonably available to unit owners, unit owners' agents, and prospective unit purchasers a complete legal description of all common elements within the community.

Requires that the recorded declaration of a common interest community within a large

planned community contain a description of every common element that the declarant is legally obligated to construct within the community and the approximate date by which the element is to be completed, and the type of any common element that the declarant anticipates may be constructed, maintained, or operated by the association. Requires the declarant to complete each common element within a reasonable time after the date specified in the declaration but exempts the declarant from any obligation concerning any element that is not identified therein. Prohibits an association from assessing members for the construction, maintenance, or operation of any common element that is not contained in the declaration unless approved by vote. Specifies a limit on the amounts of assessments that may be included when allocating interests in such declaration.

Creates a separate provision for declarant control of an association in a large planned community. Specifies when a period of declarant control terminates and the consequences of such termination. Requires the declarant, after an election of a majority of the members of the board by unit owners, to deliver to the association in a large planned community copies of all recorded deeds and all recorded and unrecorded leases evidencing ownership or leasehold rights of the association in all common elements within the community.

APPROVED by Governor April 17, 1995

EFFECTIVE July 1, 1995

H.B. 95-1234 Common interest communities - executive boards - open meetings - notice requirements. Requires that meetings of the executive board of a homeowners' association be open to all members of the association or their representatives. Allows the board to go into executive session only for the purpose of discussing certain matters, including personnel matters, pending litigation, investigations of criminal conduct, and the like. Invalidates any rule adopted during an executive session. Requires that meeting minutes reflect the fact that an executive session was held and the general subject matter discussed.

Clarifies that the existing requirement for 10 to 50 days' advance written notice of an association's annual meeting applies to meetings of "unit owners, as members of the association".

APPROVED by Governor May 25, 1995

EFFECTIVE July 1, 1995

H.B. 95-1325 Dry cleaning and related service establishments - disposition of unclaimed personal property. Makes it clear that garments, clothing, wearing apparel, household goods, or any other items are subject to disposal or sale when left unclaimed with a service establishment or when placed in storage by agreement when left unclaimed and charges are left unpaid. Clarifies that certain services or labor must be performed on an item that is subject to disposal or sale. Requires that notice of the sale include the time and place of sale. Clarifies that no notice is required to dispose of property after 180 days whether or not an address was given to the establishment at the time the property was delivered. Changes the required notice posted in the receiving office of an establishment to indicate that any items not reclaimed within 90 days may be sold and any items not reclaimed within 180 days may be disposed of by the establishment.

APPROVED by Governor April 7, 1995

EFFECTIVE April 7, 1995

PUBLIC UTILITIES

S.B. 95-61 Public utilities commission - emergency rules. Allows the public utilities commission's temporary or emergency rules to be effective for not more than 210 days, as opposed to 3 months.

APPROVED by Governor April 17, 1995

EFFECTIVE April 17, 1995

H.B. 95-1068 Motor vehicles - carriers of property - deregulation - surrender of certificates - appropriation. Responds to the recent federal preemption of state regulation of the prices, routes, and service of intrastate carriers of property by motor vehicle by exempting such carriers from regulation as public utilities. Retains safety and insurance requirements as permitted by federal law as well as continuing the effectiveness of existing laws and rules on receipts and bills of lading, cargo liability, handling of C.O.D. shipments, cargo credit, and antitrust immunity for joint line rates or routes, classifications, and mileage guides.

Requires holders of common carrier certificates and contract carrier permits for the transportation of property to surrender them to the public utilities commission (PUC) in exchange for certificates of registration evidencing compliance with insurance requirements. Authorizes the issuance of such certificates to new carriers. Allows the issuance of temporary certificates through the state's ports of entry for carriers handling certain agricultural products. Gives carriers an additional tax deduction to reflect the loss of the value of state operating authority surrendered to the PUC.

Reduces the PUC's FY 1994 appropriation to reflect anticipated staff reductions.

APPROVED by Governor May 31, 1995

EFFECTIVE May 31, 1995

H.B. 95-1316 Telecommunications - rates - interactive video - contractual arrangements for non-cost-based rates - filing with commission. Allows providers of telecommunications services to enter into individualized contracts with customers for purposes of distance learning, video arraignment of defendants in criminal cases, and examination, diagnosis, and treatment of patients in the course of medical practice. Where contracts are subject to bid, requires providers to offer component elements of the service uniformly to all bidders. Exempts such contracts from regulatory controls normally applied to telecommunications service, but requires filing of contracts with the public utilities commission for informational purposes.

APPROVED by Governor April 17, 1995

EFFECTIVE April 17, 1995

H.B. 95-1335 Telecommunications - basic local exchange service - transition to regulated competition - rules - timetable - interim committee - appropriation. Opens local telephone exchanges

to competition, under conditions to be determined by the public utilities commission (PUC), on or before July 1, 1996. Provides for management of the transition from the current regulated monopoly in this market to a competitive environment by establishing an interim committee of the general assembly, an advisory committee consisting of the governor, legislators, and industry representatives, and a working group consisting of industry representatives, PUC and legislative staff, and other interested parties. Directs these groups to work together on proposed rules, which shall be considered for adoption by the PUC under its normal rule-making procedures, and to identify issues remaining to be resolved in future legislation.

Adopts an evolving definition of basic service, subject to triennial review by the PUC starting in 1999 and including any new or additional features the PUC finds appropriate in addition to the current dial tone, touchtone capability, access to toll and emergency services, etc. Authorizes the PUC to designate a carrier of last resort in every exchange. Requires the carrier of last resort and any other carrier certificated to provide basic service to keep up with the evolving definition of basic service.

Directs the PUC to establish financial support mechanisms, including but not limited to the existing "high cost fund", to help finance the provision of telecommunication services in areas of the state that are relatively costly to serve because of low population density, geography, and other factors.

Sets out subject matter to be covered or considered by the PUC in rule-making, including:

- The state's policy of encouraging competition, subject to controls as necessary to ensure just and reasonable rates and consistent quality and availability of service;
- Nondiscriminatory carrier interconnection to essential facilities and functions;
- Unbundling of essential facilities and functions;
- Number portability;
- Resale of services;
- Payments to and distributions from the high cost fund;
- Access to emergency 911 service;
- Alternatives to traditional rate-of-return regulation of prices.

Prohibits carriers from charging according to the volume of data or voice traffic received by a customer except after notice and the opportunity for hearing before the PUC. Imposes a limitation on rate increases for basic service, allowing the PUC to consider specified economic factors but capping any increase at 5% per year.

APPROVED by Governor May 24, 1995

EFFECTIVE May 24, 1995

STATE PUBLIC DEFENDER

H.B. 95-1360 Conflict of interest situations - appointment of attorney or investigator - contracts - reduction in appropriations. Requires the state public defender, no later than July 1, 1996, to contract, where feasible, without prior approval of the court, for attorney and investigative services when there is a conflict of interest in the public defender representing an indigent person. Authorizes the state public defender to establish a list of approved contract attorneys to serve as conflicts counsel and a list of approved investigators. Requires a contracting attorney or investigator to agree to provide services based on the terms established in any contract, subject to the rules on reimbursement negotiated between the state public defender and the contract attorney or investigator and, for contract attorneys, subject also to the Colorado rules of professional conduct. Requires judges to make appointments from the approved contract attorney list for that judicial district; except that, if the court and the state public defender agree that the approved contract attorney list does not include any suitable attorneys, the judge may appoint an attorney not on the approved list to serve as conflicts counsel, subject to the same rules on reimbursement negotiated with contract attorneys and the Colorado rules of professional conduct.

Mandates that the court and the office of the state public defender cooperate in developing a procedure to ensure notification of conflicts appointments and notification of the public defender's position in regard to whether there is a conflict of interest in a particular case.

Requires the state public defender to review and approve or deny the bills submitted for reimbursement by any contract attorney or investigator based upon the terms set forth in the contract rules negotiated between the state public defender and the contract attorney or investigator.

Reduces the appropriation in the 1995 long bill to the state public defender for conflict of interest costs by \$13,310. States that the act will require a future reduction in appropriations from the general fund to the state public defender for conflict of interest cases of \$636,373.

APPROVED by Governor June 5, 1995

EFFECTIVE July 1, 1995

STATUTES

H.B. 95-1020 Outdated provisions of law - repeal. Repeals outdated provisions of Colorado Revised Statutes relating to the following subjects:

- **Article 6 of title 2:** Authority of the general assembly to request economic impact statements by any agency affected by a legislative proposal;
- **6-15-102 (4):** Meaning of the value of a work of fine art on consignment by the artist to an art dealer for purposes of determining damages upon loss of the art;
- **Article 41 of title 7:** Regulation of telegraph companies and the construction of telegraph lines;
- **Article 46 of title 7:** Regulation of corporations formed to construct a bridge or establish a ferry over any stream in the state;
- **Article 72 of title 7:** Recordation of the name of a farm or ranch for its owner with the county clerk and recorder;
- **Article 8 of title 8:** Prohibition of use of the "truck system" in the payment of wages;
- **10-3-120 (1):** Requirement that directors, officers, and principal stockholders of insurance companies must file a statement with the insurance commissioner indicating their ownership of securities of such companies;
- **10-3-121:** Regulation of solicitation of proxies, consents, or authorizations by domestic stock insurers having 100 or more stockholders of record;
- **Article 9 of title 10:** Franchise insurance plans defined as certain life or accident and sickness insurance plans for businesses employing 4 or more employees and unions or associations with 10 or more members;
- **23-60-103 (1):** Designation of the Boulder valley, the Larimer county, and the San Luis valley area vocational schools within the definition of "area vocational schools" under the "Community College and Occupational Education Act of 1967";
- **24-11-103:** Designation of a public holiday on every Saturday during June, July, and August from 12 noon until 12 midnight in every city in the state having a population of 25,000 or more;
- **18-9-203:** Offense for sheepherder who abandons sheep without prior notice;
- **24-11-106 and 24-11-107:** Designation of the second Friday in May of each year as "Good Roads Day";
- **35-43-121:** Prohibition of keeping 10 or more sheep within 2 miles of any city, town, or village;
- **Article 8 of title 36:** Permits to float timber on state streams;
- **Part 9 of article 5 of title 25:** The dangerous drugs therapeutic research program at the university of Colorado health sciences center;
- **27-2-108 (1):** Requirement that the United States flag and the Colorado flag be displayed daily by state institutions.

APPROVED by Governor April 13, 1995

EFFECTIVE April 13, 1995

Note: See S.B. 95-232 that reenacts sections 10-3-120 (1) and 10-3-121.

H.B. 95-1079 Colorado Revised Statutes - enactment of 1994 supplements and replacement volumes - effective date. Establishes the effective date for the 1994 cumulative supplement and replacement volumes and enacts them as the positive statutory law of the state of Colorado.

APPROVED by Governor February 22, 1995

EFFECTIVE February 22, 1995

H.B. 95-1212 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. Sets forth the specific reasons for each amendment or repeal in the appendix to the act.

APPROVED by Governor May 31, 1995

EFFECTIVE May 31, 1995

TAXATION

S.B. 95-48 Income tax - nongame tax credit check-off. Continues to January 1, 2006, the state income tax voluntary contribution for the nongame and endangered wildlife program.

APPROVED by Governor March 31, 1995

EFFECTIVE March 31, 1995

S.B. 95-108 Income tax - individual state return form - deletion of school district designation. For tax years beginning January 1, 1995, and thereafter, deletes the requirement that the individual income tax return designate the school district in which the individual taxpayer resides.

APPROVED by Governor April 21, 1995

EFFECTIVE April 21, 1995

S.B. 95-123 Property tax - expansion of transitional housing facility exemption. Expands the property tax exemption for transitional housing facilities to facilities for individuals or families who have resided in a homeless shelter within the past 6 months. Allows for proration of the transitional housing facility property tax exemption if the transitional housing facility includes both qualified and unqualified occupants. Specifies that transitional housing facilities owned by qualified limited partnerships are eligible for the property tax exemption.

APPROVED by Governor June 5, 1995

EFFECTIVE June 5, 1995

S.B. 95-142 Special districts - personal property - subject to levy and distraint - limitation. Provides that, for delinquent special district personal property taxes of 100 mills or more in any one year, only the personal property that is the subject of the taxes and located within the special district at the time the taxes are assessed shall be subject to levy or distraint for the payment of such taxes.

APPROVED by Governor April 7, 1995

EFFECTIVE April 7, 1995

S.B. 95-169 Special fuel tax - exemptions for imported fuel - report. Allows any person operating a motor vehicle other than a qualified motor vehicle to bring into the state for the operation of that vehicle only the amount of special fuel contained in the ordinary fuel tank of the vehicle without being liable for payment of the state special fuel tax. Requires that such person who also is authorized by the executive director of the department of revenue to purchase special fuel ex-tax and who has obtained a passenger-mile tax permit shall file quarterly a report of the amount of special fuel consumed during the quarter and any other information required by the executive director.

APPROVED by Governor April 7, 1995

EFFECTIVE April 7, 1995

S.B. 95-209 Income tax - extension of credit for qualified equipment utilizing postconsumer waste. Continues the tax credit for the purchase of qualified equipment used in the manufacture of products from recyclable materials.

VETOED by Governor June 5, 1995

S.B. 95-221 Property tax - sales and use tax - business exemptions, credits, and refunds. For property tax years beginning on and after January 1, 1996, exempts business personal property from property taxation until such business personal property is first used. Changes the criteria for qualifying for the incentive payment or credit based on the taxpayer's property taxes and the sales tax refund for the taxpayer's equipment and supply purchases to include a taxpayer's establishment or expansion of a business facility within an enterprise zone. Adds steam to the industrial fuels that are exempt from the sales and use tax law.

APPROVED by Governor May 31, 1995

EFFECTIVE May 31, 1995

H.B. 95-1024 Property tax - limitation on collection - penalty increase for unpaid checks. Effective January 1, 1996, prohibits instituting an action for collection of property taxes more than 2 years after the taxes are due when the failure to collect the taxes is due to an error or omission of a governmental entity or at any time after a certificate of taxes due, showing payment of all taxes due and redemption of all outstanding tax sales, has been issued. Excepts oil and gas leaseholds and lands from this provision.

Increases the penalty county treasurers may charge for checks that are not paid upon presentment from \$15 to the amount otherwise authorized by law.

APPROVED by Governor March 17, 1995

EFFECTIVE March 17, 1995

H.B. 95-1028 Sales and use tax - exemption for purchases of items related to the manufacturing of tangible personal property - eligible purchasers. Eliminates the requirement that a purchase of machinery, machine tools, or parts thereof be made by "a person engaged in manufacturing" and used by the same person in manufacturing tangible personal property in order to qualify for the sales and use tax exemption. Eliminates the requirement that a purchase of machinery, machine tools, or parts thereof, and materials for the construction or repair of such items be made by "a person engaged in manufacturing" in order to qualify for the exemption from sales and use taxes imposed in enterprise zones. Adds a requirement that, in order to qualify for the enterprise zone exemption, the items purchased must be used in manufacturing tangible personal property for sale or profit.

Applies to sales and use taxes imposed or collected on or after July 1, 1995.

APPROVED by Governor April 7, 1995

EFFECTIVE April 7, 1995

H.B. 95-1034 Income tax - deductions from income - disabled taxpayer - disabled dependent. For income tax years commencing on and after January 1, 1996, allows a deduction from state taxable income for a taxpayer with a disability and for each individual with a disability who is a resident of Colorado and properly claimed as a dependent of a taxpayer in an amount equal to the amount of the federal exemption for a dependent. Provides that disability shall be determined in accordance with the federal definition used for social security purposes.

VETOED by Governor June 5, 1995

H.B. 95-1045 Property tax - repeal of annual reappraisal requirement. Repeals the law that provided for annual property tax reappraisals to commence in 1997.

APPROVED by Governor March 9, 1995

EFFECTIVE March 9, 1995

H.B. 95-1071 Property tax - increased valuation for assessment due to new construction definition - property acquired with GOCO funds - total actual value of residential property - notices of value - treatment of possessory interests in real property. Changes the cutoff date from September 1 to August 1 for certification of the amount of property tax revenue rebated or refunded by taxing entities. Defines "increased valuation for assessment attributable to new construction and personal property connected therewith". Changes the date by which county assessors must certify to each authority in the county the total valuation for assessment of all taxable property within the territorial limits of the authority from September 15 to August 25.

If a state agency acquires a property interest using money from the Great Outdoors Colorado (GOCO) trust fund and such property interest is no longer taxable as a result of the acquisition, provides that the state agency holding the interest shall make annual payments in lieu of taxes on the property. Directs such payments to be made from the GOCO trust fund to the extent trust fund money was used to fund the acquisition. Directs boards of county commissioners to provide to each state agency responsible for payments in lieu of taxes the assessed value of each parcel of land subject to payments, the amount of the payment in lieu of taxes for the parcel (at a rate which does not exceed the applicable rate if the land were taxable), and the due date for the payment in lieu of taxes. Requires the GOCO trust fund board to make timely payments to the responsible state agencies and requires the state agencies receiving such payments to transmit the appropriate portion of the payments to the county entitled to receive them. Directs each board of county commissioners to give each school district, special district, or political subdivision its appropriate share of the total payment received by the board as soon as practicable after the board receives a payment. Requires payments to school districts to be reported to the state board of education.

Deletes a statutory reference to consideration of the cost approach in valuing residential property. Includes consideration of sales by a lender or government in utilizing the market approach to appraisal. Allows for the existence of minor structures on vacant land and defines "minor

structures". Clarifies the applicability of the review and approval process used for manuals and associated data published by the administrator to assist assessors in the valuation of property.

Changes from May 1 to May 15 the date by which a notice of organization and intent to levy taxes must be received by the assessor and the board of county commissioners in order for a special district to levy taxes in the year in which it was organized. Changes from May 1 to May 15 the date by which a court order of inclusion must be filed with the county clerk and recorder in order for a special district to levy a tax against property in the year it was included in the special district. Changes from May 1 to May 15 the date by which a court order of exclusion must be filed with the county clerk and recorder to preclude the special district from levying a tax against property in the year that the exclusion becomes effective.

Specifies that the limits of section 20 (7) (c) of article X of the state constitution are applicable to the extension of levies from the previous year. Requires the notification of changes in valuation prepared by the assessor to include changes made after certification of valuation for assessment and notification of actual value. Also requires said notification to include changes in total actual value as well as in valuation for assessment. Requires that 2 copies of an application for an abatement or refund that is in excess of \$1,000 and that has been recommended by a board of county commissioners be submitted to the property tax administrator. Directs the property tax administrator to approve the form of petitions for abatement or refund. For purposes of determining the proportion of valuation that is taxable when exempt property becomes taxable or taxable property becomes exempt, deletes the requirement that the change in status occur between the assessment date and the date taxes are levied.

Provides that public utilities that do not file property schedules and that do not appeal the administrator's best information available assessment are deemed to have waived their right to file an abatement or refund petition. Requires statements of valuation of public utilities made by the property tax administrator to include the actual value of the utility. Changes statutory references from "valuation for assessment" to "valuation" and states that there shall be no presumption in favor of any pending valuation in the valuation appeals process. Clarifies that oil and gas drilling rigs are valued pursuant to certain procedures, even if brought into the state after the assessment date or removed from the state before the assessment date.

Provides that notices of valuation for residential property shall set forth the total value of land and improvements. Requires notices of valuation for both real and personal property to be mailed annually. Provides that a notice, included with the tax bill, that refers to the actual value of the property as set forth on the tax bill shall be sufficient to meet statutory and constitutional notice requirements in the intervening year of a reassessment cycle when there is no change in value for the property. Directs assessors to notify the department of education of the total valuation of land and improvements within taxing entities located in the county. Directs assessors to include the department of education in their certification of valuations for assessment. Changes the date by which assessors must annually report the amount of growth valuation for assessment in their counties from October 10 to August 25.

Changes from 30 to 45 days the period in which respondents may file their appeals from a decision of the board of assessment appeals to the court of appeals and states that there shall be no presumption in favor of any pending valuation in the valuation appeals process. Requires tax statements mailed to taxpayers to include the actual value of real and personal property upon which taxes were levied. Directs assessors to report to the board of county commissioners any erroneously or illegally collected taxes that assessors discover. Changes the date by which treasurers must make their annual report of abated, refunded, and uncollectible taxes to the administrator from March 1 to August 1.

Declares the finding of the General Assembly that the holding of the Colorado Supreme Court in Mesa Verde v. Montezuma County (April 24, 1995) is inconsistent with the intent of the General Assembly. Repeals this finding on January 1, 1999. States that, if the Colorado constitution is found to require that rights to use land, improvements, or personal property be subject to tax, certain valuation procedures be used in order to give appropriate consideration to the cost approach, the market approach, and the income approach to appraisal and to eliminate unjust and unequalized valuations that would result in the absence of such procedures. Sets forth a capitalization procedure for the valuation of lands used for ski area recreational purposes. In the using of the market or income approach to valuing other possessory interests, requires that there be a representative body of market or income data sufficient to set a reliable pattern. In the absence of sufficient data, provides for the use of capitalization methodologies established by the property tax administrator. Provides that these procedures are not applicable to the valuation of public utilities.

Deletes language that stated that taxes could not be collected at any time after a certificate of taxes due, showing payment of all taxes due and redemption of all outstanding tax sales, was issued for a property. Provides that no taxes shall be assessed or collected under the statute pertaining to possessory interests or under the Mesa Verde case, except for the property that was the subject of the case.

Repeals the requirement that property tax arbitrators be registered, licensed, or certificated real estate appraisers. Repeals the statutes pertaining to taxation of partial interests and to taxation of leasehold and other possessory interests.

Applies to property tax years commencing on and after January 1, 1995; except that the provisions pertaining to property tax appeals apply to petitions and claims filed on and after July 1, 1995, and the provisions concerning the collection of taxes under the authority of the Mesa Verde case and the qualifications of property tax arbitrators are applicable upon passage of the act.

VETOED by Governor June 5, 1995

H.B. 95-1108 Severance tax - oil and gas transportation costs deduction - allocation of severance tax revenue. Specifies that transportation costs that may be deducted from gross income for severance tax purposes include the cost of moving identifiable, measurable oil or gas from the point at which it is first identifiable and measurable to the point of sale or any other point where value is

established and the cost of compression downstream. Excludes gathering from being deductible as transportation.

Effective June 30, 1995, if the percentage change in net severance tax revenue for oil, gas, and carbon dioxide from the previous fiscal year is less than the percentage change in a production value index calculated by the Colorado oil and gas conservation commission from the state total production and price data in the previous calendar year, requires a percentage of the net severance tax revenue from oil, gas, and carbon dioxide to be deposited in the local government severance tax fund to bring the amount of revenue in the fund up to the previous fiscal year's level and requires an equivalent reduction in the percentage deposited in the state severance tax trust fund.

APPROVED by Governor May 25, 1995

EFFECTIVE May 25, 1995

H.B. 95-1136 Property tax - valuation for assessment - residential real property. Establishes 10.36% of actual value as the ratio of valuation of assessment for residential real property for property tax years commencing on or after January 1, 1995, but before January 1, 1997.

APPROVED by Governor May 22, 1995

EFFECTIVE May 22, 1995

H.B. 95-1149 Income tax - voluntary contribution to older American volunteer program fund. Reestablishes the voluntary contribution designation on state income tax returns for the action older American volunteer program fund. Extends the repeal date of the program and fund until January 1, 2000.

APPROVED by Governor March 30, 1995

EFFECTIVE January 1, 1996

H.B. 95-1154 Gasoline tax - distributors - liability - amount of surety bond or deposit - electronic submission of itemized statements - appropriation. Allows no more than 3 tax-deferred transactions after gasoline has left the refinery. If more than 3 distributors acquire the gasoline, imposes liability for payment of the gasoline excise tax on the third distributor acquiring the gasoline. Provides that prior distributors may pay the tax.

Changes the definition of distributor to mean any person acquiring gasoline from a refiner or another distributor for storage and subsequent sale and distribution by the person or another distributor. Repeals the definition of "received". Defines refiner to include distributors who transfer gasoline between refineries for storage purposes only.

Increases the maximum amount of any additional surety bond or negotiable certificate of deposit required for any licensed distributor or refiner acquiring gasoline in a quantity that makes the distributor or refiner liable for an amount of excise tax greater than that of the preceding and current month from \$100,000 to \$200,000.

Requires that itemized distributor statements about the acquisition and disposition of gasoline be made under penalty of perjury in the second degree. Specifies that on or after a specified date, the required information be submitted electronically and in accordance with rules promulgated by the department of revenue.

Appropriates \$10,035 from the highway users tax fund to the department of revenue for the implementation of the act.

APPROVED by Governor May 25, 1995

EFFECTIVE July 1, 1995

H.B. 95-1251 Income tax - enterprise zones tax credit - activities involving agricultural commodities. For income tax years commencing on or after January 1, 1996, expands the enterprise zone tax credit for:

- New business facility employees to include any taxpayer who operates a business in the zone that adds value through the handling of agricultural commodities;
- Research and development activities that result in an alternative use of or added value to a common agricultural product; and
- The purchase of machinery or machine tools and materials for the construction or repair of machinery or machine tools to be used exclusively in the zone in agricultural commodity manufacturing, processing, or handling.

VETOED by Governor June 5, 1995

H.B. 95-1268 Property tax - agricultural land defined to include land subject to perpetual conservation easement. For property tax purposes, modifies the definition of "agricultural land" to include land that was agricultural but that becomes subject to a perpetual conservation easement if the easement is granted to a qualified organization exclusively for conservation purposes and if all current and future uses of the land are described in the easement. Requires that such land be a parcel of at least 80 acres unless the parcel contains no residential improvements. Excludes portions of such land that are actually used for nonagricultural commercial or residential purposes.

Defines "conservation purpose", "perpetual conservation easement", and "qualified organization" with reference to federal law.

Provides that any portion of agricultural land subject to a conservation easement shall continue to be valued as agricultural, except that portions of such land actually used for nonagricultural commercial or residential purposes shall be valued according to such use.

If a perpetual conservation easement on agricultural land is terminated, violated, or substantially modified so that it is no longer granted exclusively for conservation purposes, authorizes the assessor to reassess the land retroactively for 7 years and provides that the additional

taxes that would have been levied for such period shall become due.

Provides that these changes are applicable to property tax years commencing on and after January 1, 1996.

APPROVED by Governor April 7, 1995

EFFECTIVE April 7, 1995

H.B. 95-1279 Sales and use tax - seller-financed motor vehicle sales - deduction of unreceived sales tax payments - rules. In the case of a seller-financed motor vehicle sale in which the sales taxes due are included in the financed sales price and in which the purchaser has defaulted on the payments due, authorizes the seller to deduct all portions of the unreceived payments that are attributable to sales taxes due on the sale from the seller's next sales tax return. If the amount that can be deducted exceeds the seller's sales tax liability for the next reporting period, allows the seller to carry forward any unused deduction to future sales tax returns. Provides that such deductions do not create a right to refund or any other payment to the seller by the department of revenue. Defines seller-financed sale. Authorizes the department of revenue to promulgate rules and regulations for the implementation of these procedures.

APPROVED by Governor May 25, 1995

EFFECTIVE May 25, 1995

H.B. 95-1337 Property tax - filing deadlines for exemptions - waiver by state board of equalization. Authorizes the state board of equalization, acting by majority vote, to waive the July 1 filing deadline for annual reports for property tax exemptions when such action would serve the interests of justice and equity.

APPROVED by Governor May 22, 1995

EFFECTIVE May 22, 1995

H.B. 95-1361 Sales and use tax - exemption for sales of coins and precious metal bullion. Reestablishes the sales and use tax exemption for coins and precious metal bullion which expired on April 17, 1995.

VETOED by Governor June 5, 1995

TRANSPORTATION

S.B. 95-47 Highways and roads - funding - highway users tax fund. Beginning with the 1995-96 fiscal year, limits the annual appropriation or statutory distribution from the highway users tax fund to the department of public safety for the Colorado state patrol and to the department of revenue for the ports of entry division to 6% over the appropriation for the prior fiscal year. Limits any other appropriation from the highway users tax fund to the 1994-95 fiscal year level.

For the 1995-96 fiscal year, funds no more than 66 and 2/3% of the annual appropriation or statutory distribution for certain state agencies, excluding the state patrol and the ports of entry, from the highway users tax fund; for the 1996-97 fiscal year, funds no more than 33 and 1/3%; and for the 1997-98 fiscal year, eliminates the funding. Provides that agencies no longer funded through the highway users tax fund be funded through the general fund. Specifies that moneys in the highway users tax fund not appropriated for state agencies be allocated to the state, counties, and cities for highway improvements.

Requires that any interest earned on moneys in the highway crossing protection fund remain in the fund and not be credited or transferred to the state general fund.

Adjusts the 1995 long bill by appropriating money to certain state agencies from the general fund instead of the highway users tax fund.

Permits the department of transportation to recover damages to department property caused only by negligence and only in proportion to the amount of negligence not attributable to the department. Requires the department to send a bill to the person causing the damage. Allows any person disputing a bill to file an appeal with the department's chief engineer.

APPROVED by Governor June 5, 1995

EFFECTIVE June 5, 1995

S.B. 95-131 Driver's license - insurance policy premiums - provisional license after rehabilitative treatment - financial responsibility - release of proof - evidence of insurance. Prohibits an insurer from increasing the premium of an insured or a family member of the insured if it would result in an excessive or unfairly discriminatory premium.

Allows the department of revenue to issue a license to a person who had previously had his or her license revoked based upon a physical or mental limitation if such person is receiving certain care.

Specifies that a licensee who has proven that his or her license should not have been cancelled does not have to show proof of financial responsibility when getting the license reinstated.

Defines "evidence of insurance" as a document that shows a person is insured for purposes

of differentiating between such evidence and "proof of financial responsibility", which requires that a bond or other form of monetary indebtedness be posted with the director for a certain period of time. Allows the period of time that the proof of financial responsibility is required to be lessened from the standard 3-year period, if certain conditions are met including that it was the offender's first alcohol-related driving offense and no accident was involved. Allows the director to release the proof of financial responsibility prior to the end of the 3-year period if an offender's license is under restraint for a shorter period of time.

Grants credit toward the 3-year time period required for maintaining proof of financial responsibility for any time the licensee was not licensed after cancellation and before reinstatement.

APPROVED by Governor May 23, 1995

EFFECTIVE May 23, 1995

H.B. 95-1103 Awnings allowed on state highway rights-of-way - conditions. Allows awnings under certain conditions to extend over adjacent state highway rights-of-way located in cities. Provides that awnings shall not be so allowed if receipt of federal moneys is jeopardized or if such allowance is inconsistent with federal law.

APPROVED by Governor April 20, 1995

EFFECTIVE April 20, 1995

H.B. 95-1174 Highway reconstruction, repair, and maintenance - appropriation. Includes expenditures on state highways within the definition of capital construction. Authorizes the capital development committee to study the capital construction request from the transportation commission for state highway reconstruction and establishes a procedure for the committee's consideration of such request. On July 1, 1995, transfers \$75 million from the general fund to the capital construction fund for state highway reconstruction, repair, and maintenance and appropriates such moneys to the department of transportation.

Provides for the use of federal moneys appropriated for transportation purposes to be used first and foremost to maximize the surface condition of state highways.

APPROVED by Governor June 5, 1995

EFFECTIVE June 5, 1995

H.B. 95-1267 Transportation system projects - public-private initiatives. Authorizes the department of transportation to implement a public-private initiatives program to facilitate transportation system projects and to solicit, consider, and accept public-private initiative proposals. Allows the department to enter into agreements and accept private contributions for transportation system projects pursuant to a nontraditional arrangement in exchange for public benefits other than a money payment. Describes the types of proposals that may be considered. Restricts the types of agreements that may be entered into with telecommunications providers. Makes the public-private initiatives program subject to state and federal laws authorizing any public or private entity's use of public

highways.

Specifies requirements for and provisions concerning unsolicited and comparable proposals and public-private initiative agreements. Exempts unsolicited and comparable proposals from the procurement code. Provides for the deposit of revenues. Authorizes the transportation commission to adopt rules necessary to implement the program.

Repeals the public-private initiatives program on July 1, 2000. Specifies that the repeal does not affect existing agreements.

APPROVED by Governor April 17, 1995

EFFECTIVE April 17, 1995

UNITED STATES

H.B. 95-1358 Cession of concurrent legislative jurisdiction - air force academy property. Cedes concurrent legislative jurisdiction over the air force academy site in El Paso county to the United States government.

APPROVED by Governor May 23, 1995

EFFECTIVE May 23, 1995

WATER AND IRRIGATION

S.B. 95-83 Drinking water revolving fund created - depletion and transfer of domestic water supply project revolving fund moneys - transfer and appropriation. Creates the drinking water revolving fund ("drinking water fund") in the Colorado water resources and power development authority ("authority"). Allows expenditures from the drinking water fund for drinking water improvement projects that appear on a drinking water project eligibility list. Provides procedures for approval of the initial list and modifications to the list by the general assembly.

Allows the authority to make loans and purchase insurance from drinking water fund moneys and to issue bonds. Requires development of an intended use plan that complies with the federal "Safe Drinking Water Act".

Authorizes the transfer of moneys from the water pollution control revolving fund into or for the benefit of the drinking water revolving fund if allowed by federal law and any agreement relating to the water pollution control revolving fund. Requires assignment and transfer to the authority for deposit in the drinking water fund of loan principal and interest payments and any penalties connected with certain loans from the domestic water supply project revolving fund. Requires a portion of the moneys in the domestic water supply project revolving fund to be transferred to the drinking water fund over a period of years. Provides for the future repeal of the domestic water supply project revolving fund when all loans and moneys are transferred to the drinking water fund.

Provides for administration of the fund and reimbursement to the authority for its administrative services and for the provision of financial assistance.

Transfers \$1,615,140 on July 1, 1995, and January 1, 1996, from the domestic water supply project revolving fund to the drinking water revolving fund. Makes the following appropriations from the authority for implementation of the act if a state revolving fund is created and if moneys are received from the United States environmental protection agency as provided by federal law: (1) \$17,822 and 1.5 FTE to the department of local affairs for allocation to the division of local government; and (2) \$55,805 to the department of public health and environment for allocation to the division of administration.

APPROVED by Governor May 25, 1995

EFFECTIVE May 25, 1995

H.B. 95-1151 Springs - limited alterations - exempt from regulation as a "well". For purposes of the regulation of underground water, water well construction, and water rights determination, "well" is further defined to exclude a naturally flowing "spring" if such spring has had only limited alteration. Specifies that a spring may be altered to allow a place for the capture of spring water if it is less than 10 feet in depth and less than 50 feet from the source of the spring and if gravity is used to move the water into a separate sump or storage. Requires the owner to obtain a specific "spring" water right to allow any alteration.

Deletes the requirement for a hearing on a water well construction permit if all owners within 600 feet of the site are notified and do not respond within a specified period of time.

APPROVED by Governor April 7, 1995

EFFECTIVE April 7, 1995

H.B. 95-1155 Water conservation board - project authorization and deauthorization - litigation funding - small project loan account - Arkansas River augmentation loan account. Authorizes the Colorado water conservation board to make loans from the Colorado water conservation board construction fund for certain water resources projects. Deauthorizes certain other previously approved projects. Amends the amount approved on certain previously approved projects.

Authorizes the board to expend funds in connection with several programs including the Colorado river compact decision support system, the satellite monitoring system maintenance, the Purgatoire river transit loss investigation, the Rio Grande project operation assessment, and the small dam site reconnaissance program.

Authorizes the board to expend funds from a litigation account within the fund to oppose an application by a federal agency for an in-stream flow right if such application is not in compliance with Colorado law. Clarifies that moneys in the litigation account may be used in support of water users whose supply yield may be affected by by-pass flow requirements.

Specifies that certain moneys in the fish and wildlife resources account in the fund may be expended in conjunction with the Wolford mountain reservoir project.

Creates the small project loan account within the fund. Authorizes the board to make loans of no more than \$100,000 each for a total of \$1,000,000 in any fiscal year for projects the delay of which would cause undue hardship. Requires the board to notify annually the general assembly of any loans made from the account.

Creates the Arkansas river augmentation loan account in the fund. Authorizes the board to make loans from the account to entities for the purpose of purchasing augmentation water to offset depletions that could violate the Arkansas river compact. Sets forth criteria for a loan from the account. Requires the state engineer to curtail the use of a well by any person who is not paying for the use of water available because of loaned money.

APPROVED by Governor May 4, 1995

EFFECTIVE May 4, 1995

PROPOSED STATE CONSTITUTIONAL AMENDMENTS

S.C.R. 95-2 Ballot measures amending constitution - 60% of vote to adopt - exception - submittal at general election only - restrictions on amending initiated laws. Requires approval by 60% of the votes cast, rather than a simple majority, to adopt any initiated or referred amendment to the state constitution. Creates an exception to this requirement until January 1, 2003, by allowing approval by a simple majority vote of a proposed amendment to amend or repeal any provision that was adopted by a simple majority under former requirements.

Specifies that initiated and referred measures to amend the constitution must be submitted at a biennial regular election and prohibits submittal of such measures to the voters at an election in an odd-numbered year.

Prohibits the general assembly from amending any law enacted by the people by initiative within 4 years of its adoption unless the amendment is approved by 2/3 of each house of the general assembly.

EFFECTIVE upon the Governor's proclamation or thirty days after a canvas of the votes is completed, whichever occurs earlier.

S.C.R. 95-7 Taxpayer's bill of rights - election provisions - ballot information - mailing. Increases the time period during which local governments must mail the titled notice and ballot information required under section 20 of article X of the state constitution from 15-25 days to at least 30 days before a ballot issue election. Increases the time period from 30 days to 45 days before an election during which persons may file written comments to a ballot proposal which are included in such mailing. Allows state and local governments to coordinate the mailing of such notice and ballot information with the distribution of the ballot information booklet for state measures.

EFFECTIVE upon the Governor's proclamation or thirty days after a canvas of the votes is completed, whichever occurs earlier.

SUBJECT INDEX

- SB** indicates a Senate Bill
HB indicates a House Bill
SCR indicates a Senate Concurrent Resolution
HCR indicates a House Consurrent Resolution
V indicates a bill which was vetoed by the Governor
and not overridden by the General Assembly

	Bill No.	Page No.
Administrative Rule Review		
Continuation of 1994 rules of executive agencies - exceptions	HB 1189	1
Agriculture		
Accredited zoological parks - exemption from certain regulations.	HB 1129	5
Agriculture - "Measurement Standards Act" - continuation under sunset law. . .	SB 5	2
Colorado horse development board created - appropriation.	HB 1206	6
Department of agriculture - enforcement authority - civil penalties - cease and desist orders - injunctions.	HB 1054	5
Farm equipment sales - dealer agreements - cancellation - buy-back requirements	SB 18	3
Handlers of farm products - regulation - continuation under sunset law - eggs - apple storage - peach inspections - adjustment to long bill - appropriation. . .	SB 6	2
Slaughter, processing, and sale of meat - continuation under sunset law.	HB 1005	5
Soil conservation districts - voting - board of supervisors - withdrawal of land..	SB 120	4
Appropriations		
General appropriation act - long bill.	SB 214	10
Legislative appropriation.	HB 1205	11
Supplemental appropriations		
Capital construction.	HB 1363	11
Department of administration.	SB 175	7
Department of agriculture.	SB 176	7
Department of corrections.	SB 197	10
Department of education.	SB 177	7
Department of health care policy and financing.	SB 179	7
Department of higher education.. . . .	SB 180	7
Department of human services.. . . .	SB 181	8
Department of labor and employment.	SB 183	8
Department of law.	SB 184	8
Department of local affairs.	SB 186	9

	Bill No.	Page No.
Department of natural resources.	SB 187	9
Department of personnel.	SB 188	9
Department of public health and environment.. . . .	SB 189	9
Department of public safety.. . . .	SB 190	9
Department of regulatory agencies.. . . .	SB 191	9
Department of revenue.. . . .	SB 192	10
Department of the treasury.. . . .	SB 193	10
Judicial department.	SB 182	8
Legislative department.. . . .	SB 185	8
Office of the governor.	SB 178	7

Children and Domestic Matters

Actions against juveniles - miscellaneous changes - mediation pilot program costs .	HB 1334	12
Domestic abuse - disclosure of prior restraining orders..	HB 1153	12
Juvenile sentencing		
Parental involvement.	SB 152	12
Regimented juvenile training program.	SB 171	12
Restitution - liability cap for parents.	HB 1043	12

Constitutional Amendments

Ballot measures amending constitution - 60% of vote to adopt - exception - submittal at general election only - restrictions on amending initiated laws. . .	SCR 2	167
Taxpayer's bill of rights - election provisions - ballot information - mailing. . .	SCR 7	167

Consumer and Commercial Transactions

Consumer credit transactions - delinquency charge limitation.	HB 1076	15
Music copyrights - contracts for the payment of royalties - enforcement.	HB 1242	16
Security interests - filing requirements - central indexing system - appropriation.	SB 91	14
Unsolicited goods - magazine subscription cancellation.. . . .	HB 1039	15

Corporations and Associations

Limited liability partnerships - limited partnership associations - formation - powers - officers - dissolution - conversion.. . . .	HB 1061	17
---	---------	----

Corrections

Action for reimbursement of cost of care - financial considerations.. . . .	HB 1047	19
Agreements for housing state prisoners - multiple-year financial obligations authorized.. . . .	HB 1353	21
Community corrections programs - reporting requirements.	HB 1131	19
Denial of privileges - filing of lawsuits without justification	SB 100	19

	Bill No.	Page No.
Medicaid coverage of state inmates and infants born to females in the custody of the executive director of department of corrections - waivers.....	HB 1081	100
Privatization of state correctional facilities and services - review of inmate classification instrument - waiver of program plan review - parole revisions - alternative sentencing - expansion and construction of facilities - appropriation	HB 1352	20
Regimented inmate training program - transitional programs for graduates.....	HB 1064	19
Courts		
County court judges - increase in El Paso and Douglas counties - appropriation..	SB 66	23
Frivolous inmate lawsuits.	HB 1181	24
Justices and judges - salary and court fee increases.....	HB 1356	25
Landlord and tenant law - unlawful detention - termination of tenancy for subsequent violation.....	SB 34	23
Life insurance proceeds - exemption from judicial execution.....	HB 1226	25
Medical malpractice - limitations on liability - prejudgment interest.	SB 165	23
Offers of settlement - time deadlines.....	SB 217	23
Repeal of unconstitutional provisions - exemplary damages - body execution..	HB 1090	23
Small claims court - jurisdictional limit increase - filing fees - appropriation. .	HB 1293	25
Transfer of venue - actions involving related persons.....	HB 1170	23
Criminal Law and Procedure		
Affirmative defenses - insanity and impaired mental state merged - procedural changes.....	HB 1120	33
Criminal code - amendments.....	HB 1070	29
Criminal justice - integrated criminal justice information system	HB 1101	32
Criminal offenses		
Bringing alcohol, bottles, or cans into major league baseball stadium.	HB 1338	35
Knowingly causing the death of a child - appropriation.	HB 1109	33
Criminal procedures - miscellaneous changes.....	HB 1044	28
Death penalty - determination by panel of judges.	SB 54	27
Department of corrections - operations.	HB 1087	31
Domestic violence - inclusion of property crimes - procedures - restraining orders against juveniles - venue - extension of domestic violence statutes - sunrise and sunset review of certification of and standards for domestic violence intervention program providers.	HB 1179	33
Fire arson investigators - classification.	HB 1280	34
Livestock exhibition - livestock tampering or drugging prohibition - criminal penalty.	SB 230	27
Location of persons with outstanding felony warrants - state agency assistance to law enforcement.....	HB 1347	35

	Bill No.	Page No.
Probation - supervision fees for administrative and personnel costs.....	HB 1291	35
Sex offender registration - information - release to public - immunity.	HB 1202	34
Sex offenders - victim protection - information about sexual offenders - lie detector examination - victims' advocates.....	SB 153	27
 District Attorneys		
Office and salary funding - counties' responsibilities based on annual population estimate - modification of allocation by county commissioners.	HB 1215	36
Salary - increase.....	HB 1340	36
 Education - Public Schools		
Boards of education - fees.	SB 103	37
Colorado student assessment program - administration of student assessments - 3- year phased schedule.	SB 211	38
Colorado student assessment program - administration of student assessments at 11th grade level.	SB 210	38
Educator licensing - adjunct teachers - temporary authorization - occasional teaching.	SB 75	37
Excellent schools program - repeal.	HB 1046	38
School districts		
Organization - detachment and annexation.	HB 1351	42
Salary policy.....	HB 1014	38
Weakening of statutorily imposed debt limitations - voter approval.....	HB 1289	39
School finance - additional 1994-95 funding - at-risk pupils -.	HB 1327	40
Standards-based education		
Content standards - economics.	SB 9	37
Deadlines.	SB 213	38
Supervision of student teachers - payment for supervision services - amount. . .	HB 1190	39
Teacher salary policies - creation of plans - grants to school districts - appropriation	HB 1194	39
 Education - Universities and Colleges		
Auraria higher education center - board of directors - membership	SB 107	43
Capital construction projects at higher education institutions - appropriation - student fees reporting requirement - course scheduling requirements.....	HB 1364	46
Colorado commission on higher education - reporting and rule requirements. . .	HB 1098	43
Institutions of higher education - 5 policy areas for additional funding - reconsideration of policy areas - admission criteria - addition of community college - exemption of faculty from post-employment compensation limits.. .	HB 1196	43
Nursing scholarship program - continuation.	SB 49	43

	Bill No.	Page No.
State board for community colleges and occupational education - power to lease facility - higher education and advanced technology center at Lowry.....	HB 1354	45
Student loan division - enterprise designation.....	SB 229	43
Elections		
Campaign reform act - contribution limitations on state and political subdivisions - ballot measures.....	HB 1017	47
Election laws - revisions, corrections, and clarifications.....	HB 1241	48
Elective offices - vacancies - appointment - political affiliation	V SB 202	47
Nomination of unaffiliated candidates by petition - signature requirements - verification - cure.....	HB 1022	47
Voter registration - county clerk and recorder - computer records	HB 1113	48
Financial Institutions		
Banking - interstate branch banking		
Conformity of state banking statutes with federal law.....	HB 1355	55
Prohibition - "opt out" under federal Riegle-Neal law.	V HB 1111	55
Credit unions - rate schedules - member account verification.....	HB 1200	55
Depository institutions - compliance review committees - confidentiality.....	HB 1035	55
General Assembly		
Advisory bodies scheduled for repeal.	SB 2	57
Government - County		
Cemetery districts - increase in tax levy limit - voter approval	HB 1023	58
County treasurers - qualification for office - surety bonds - deposits of moneys or securities.	HB 1273	58
Emergency telephone service funds - payment of personnel expenses	SB 15	58
Oil and gas conservation commission - exclusive jurisdiction - noncommercial disposal of oil and gas exploration and production wastes.	SB 17	58
Ordinance authority - fires.....	SB 218	58
Government - Municipal		
Fire and police pensions		
Disability benefits - time for investigation of members.....	HB 1012	62
Funding standards - state contribution.....	SB 228	60
Statewide money purchase plan - application for coverage in lieu of local money purchase plan - requirements - rules.....	SB 12	60
Timing of allocation of earnings to member accounts.....	HB 1004	61
Volunteer firefighter pensions.	HB 1010	61
Municipal initiatives, referenda, and referred measures - procedures.....	HB 1211	63

	Bill No.	Page No.
Volunteer firefighters - optional survivor benefits.	HB 1128	62
Government - Special Districts		
Cemetery districts - increase in tax levy limit - voter approval	HB 1023	58
Personal property subject to levy and distraint - limitation.	SB 142	153
Soil conservation districts - voting - board of supervisors - withdrawal of land..	SB 120	4
Special district debt - quinquennial review	SB 57	65
Government - State		
Attorney general - general assembly as client - settlement agreements.	V SB 157	71
Capital construction - appropriations - six-month encumbrance deadline.	SB 55	69
Civil rights - persons with assistance dogs - classification.	SB 29	66
Conditions of federal aid - budget requests - statutory authority for state programs	V HB 1092	73
Controlled maintenance trust fund - expenditure of principal and interest - transfer of general fund moneys to trust fund.	HB 1359	78
Criminal history records - access by charitable organizations.	HB 1301	76
Department of administration - transfer of duties, functions, and divisions to the department of personnel - appropriation.	HB 1362	78
Department of law employees - victims' services coordinator - appropriation. . .	SB 39	69
Department of revenue - sales tax exemption - beer and liquor licenses - limited winery license - motor vehicle registration exemption.	HB 1145	75
Economic development central information system.	SB 95	69
Federal mandates - executive committee of the legislative council - direction of efforts undertaken by legislative staff.	SB 37	69
Lottery commission - lottery prizes - assignment.	SB 133	70
Nonprofit entities created or supported by state departments or agencies - report - legislative audit committee review.	HB 1001	71
Public employees' retirement association		
Benefit provisions - earned service credit - contribution and benefit limits - life insurance.	SB 33	67
Benefit provisions - employer and employee contributions - payment of delinquent contributions.	HB 1048	72
Erroneous member contributions - refunds.	HB 1281	76
Judicial division retirees.	SB 35	68
Public funds - investment - restrictions.	HB 1115	74
Risk management fund - assessment of risks attributable to institutions of higher education.	HB 1224	76
Sale of certain state real property in Denver.	SB 56	69
State board of agriculture fund - exemption from management fee.	HB 1137	75

State contracts - low tie bids - resident bidder preference - applicability to procurement code.....	HB 1032	72
State employees		
Personnel system - agency-based personnel pilot program.	HB 1178	76
Privatization - contracts for personal services - state employees.....	HB 1105	73
Vested property rights - moratorium on development restrictions - just compensation.....	SB 126	70
Victims' rights - miscellaneous changes.	HB 1346	76
Witness protection program - witness protection board - witness protection fund - appropriation.	SB 31	66

Health and Environment

Air pollution		
Air quality rules - adoption - required analysis.	HB 1326	88
Northern front range air pollution data collection and technical evaluation. . .	HB 1345	90
State implementation plans (SIP) - legislative review and approval.	SB 110	81
Air quality - alternative fuels for clean vehicle fleet program.....	SB 207	82
Air quality related values - protection from impairment - Class I federal areas. .	V SB 226	83
Alcohol and drug abuse treatment facilities - fees - transfer - collections.....	SB 19	80
Asbestos certification - renewal - recertification - project managers - continuation under sunset law.....	HB 1016	84
Emergency medical-trauma care - statewide system created - appropriation. . . .	SB 76	80
Environmental requirements - small communities - integrated environmental compliance agreements.	HB 1228	85
Food sales - nonprofit or charitable organizations - exempt locations.	HB 1030	84
Health care facilities - regulation - increase in fees - creation of cash fund - study of licensing and fee structure - appropriation.	HB 1249	87
Health facilities authority - definitions.....	HB 1220	85
Hospitals - employment of health care professionals.	SB 212	83
Medication reminder boxes - adult day care.	SB 140	82
Pollution prevention advisory board - extended - purposes..	HB 1161	85
Solid waste disposal - disposal sites - annual registration fees	HB 1147	85
Waste tires - cleanup - use of moneys in cash fund - grants to counties - reports.	HB 1238	86

Health Care Policy and Financing

Birth-related cost recovery program - liability of noncustodial parents - collection of debts - appropriation.	HB 1287	94
Hospital efficiency and cooperation act - department transfer.....	HB 1312	95
Medicaid - medical care of state inmates and infants born to females in the custody of the executive director of department of corrections - waivers.....	HB 1081	100

	Bill No.	Page No.
Services administered by the department of health care policy and financing - revision to statutes - appropriation.....	SB 78	92
Human Services - Institutions		
Sale of land - authorization to department of human services.....	HB 1074	96
Human Services - Social Services		
Child support enforcement - suspension of drivers' licenses - rules - repeal. . . .	HB 1093	101
County turnbacks of public assistance programs pursuant to section 20 (9) of article X of Colorado constitution - procedures - program administration - incentives for counties to not turn back programs - appropriation.	V SB 205	97
Electronic benefits transfer service - appropriation.....	HB 1144	101
Home and community-based services - eligible persons - terminology for HIV infection or AIDS.....	SB 65	97
Medicaid - medical care of state inmates and infants born to females in the custody of the executive director of department of corrections - waivers..	HB 1081	100
Teen pregnancy and dropout prevention program - report - repeal	SB 101	97
Insurance		
Approved nonadmitted insurers - surplus lines insurance - financial regulation..	HB 1271	106
Automobile insurance - references to personal injury protection provisions - "No fault" act.....	SB 174	104
Black lung coverage - availability - joint underwriting association.....	HB 1319	108
Charitable gift annuities - exempt from regulation.....	HB 1201	105
Division of insurance - records - confidentiality.	HB 1052	104
Domestic stock insurance - recreation and reenactment of laws.....	SB 232	104
Health insurance		
Prostate cancer screening expenses.	SB 116	104
Required coverage - preventive child health supervision services.....	HB 1077	105
Small employers - disability - claims - preexisting condition	HB 1254	106
Insurance producers - commissions - licensing - fees.	HB 1230	105
Mammography screening expenses - reimbursement.	HB 1252	106
Mandatory automobile insurance - proof of financial responsibility - evidence of insurance - satisfaction of judgment.	HB 1156	119
Motor vehicle insurance - uninsured motorists - study.	SB 172	118
Preneed funeral contracts - requirements - appropriation.	SB 038	103
Professional malpractice coverage - exclusions - sexual misconduct.	HB 1284	108
Rental vehicles - exclusion for certain motor vehicle insurance provisions.	HB 1282	107
Uninsurable health insurance plan - preexisting condition - repeals employer contribution relating to preexisting condition	HB 1106	105

	Bill No.	Page No.
Labor and Industry		
Aircraft fueling facilities - exemption from aboveground storage tank restrictions	HB 1025	110
Automotive lubricants - labelling requirements penalties.....	SB 27	109
Colorado compensation insurance authority - cooperative arrangements - disbursements.....	HB 1158	110
Petroleum storage tanks - regulation.	HB 1183	111
Unemployment compensation		
Benefits - requirements - conditions - disqualification.	HB 1275	112
Land professionals' services relating to minerals - excluded from definition of employment..	HB 1217	112
Temporary employees hired on an as-needed or on-call basis..	HB 1213	111
Wages - exclusion from definition - weekend duty for national guard or military reserve - limitations.	HB 1265	112
Workers' compensation		
Administrative law judges - transfer.	SB 199	110
Determination of independent contractor status.	SB 72	109
Extension of repeal dates.....	HB 1057	110
Insurance policy - cancellation by Colorado compensation insurance authority - required notice.	HB 1038	110
Procedure - orders - judicial review.....	SB 98	110
Military and Veterans		
Enlistment of women in state military forces - appointment and term of adjutant general and property and fiscal officer - communications between military personnel and general assembly	SB 58	114
Motor Vehicles and Traffic Regulation		
Child support enforcement - suspension of drivers' licenses - rules - repeal. ...	HB 1093	101
Drivers' licenses		
Applicants under 18 years of age - outstanding judgment or warrant - administrative processing fee.	HB 1219	119
Period of revocation - probationary licenses - ignition interlock devices - appropriation.....	SB 11	115
License plates - automobile dealers and wholesalers - full-use dealer plates - transfer and assignment - annual fee - appropriation.....	SB 167	117
Mandatory automobile insurance - proof of financial responsibility - evidence of insurance - satisfaction of judgment.	HB 1156	119
Motor vehicle insurance - uninsured motorists - study.	SB 172	118
Motor vehicle registration - exemption for certain nonresidents	HB 1236	120
Motor vehicle registration materials - unlawful acts.	HB 1003	118

	Bill No.	Page No.
Motor vehicle repair garages - consent for repairs - storage charges - repair estimates - warranties - penalties.	HB 1285	120
Motor vehicle restraint systems - mandatory use of safety belts by children - use of child restraint systems.	SB 164	116
Specific ownership tax - rental vehicles	HB 1021	118
Substitute license plates - surrender of plate - issuance of identical substitute personalized plates - 12-month waiting period when plate not surrendered. . .	HB 1349	121
Traffic laws - 1994 recodification - correction of errors and omissions.	SB 173	118
Traffic offenses - sealing of records of alcohol- or drug-related traffic offenses - mandatory license revocation for underage possession or consumption of ethyl alcohol - proof of prior alcohol- or drug-related convictions - community service for insurance violations.	SB 127	116
Truck tractors - "laden" and "unladen" - commercial vehicle combinations - height and length limitations - transportation of automobiles and boats - foreign commercial semitractors - registration pursuant to reciprocal agreement. . . .	HB 1085	119
Used motor vehicle sales - certificates of title - time of delivery for out-of-state certificates - monthly report - repeal	HB 1222	120
Vehicle registration fee.	SB 1	115

Natural Resources

Colorado avalanche information center - establishment in Colorado geological survey.	HB 1314	127
Colorado Surface Coal Mining Reclamation Act - conformance with federal law	HB 1245	126
Mined land reclamation - construction materials - appropriation	SB 156	122
Moose hunting license raffle - appropriation.	SB 119	122
Parks and outdoor recreation laws - enforcement powers - penalty changes. . . .	SB 196	124
Recreational trails system - board of parks and outdoor recreation members' term limits deleted - recreational trails committee membership - snowmobiles and off-highway vehicles.	SB 44	122
Reintroduction of threatened or endangered species - bill required	V HB 1157	126
Search and rescue fund - transfer of duties - rules - board membership increase - appropriations.	HB 1080	125
State land board administration fund - continuation - appropriation.	SB 194	124
Wildlife legislative interim committee created - review of the division of wildlife and wildlife commission - requirements for acquisition of real property by the wildlife commission - cervidae disease revolving fund - appropriation - loan authorization - severability.	HB 1286	127

Probate, Trusts, and Fiduciaries

Probate Code - share of spouse - share of heirs - augmented estate - written memorandums - revocation upon divorce - trusts for pets - reliance on agency instrument.	SB 43	129
Trustees - standards of conduct - adoption of Uniform Prudent Investor Act. . . .	SB 121	130
Professions and Occupations		
Acupuncture - regulation - exemptions - disclosure.	HB 1182	142
Audiologists and hearing aid dealers - registration - disciplinary procedures - appropriation.	HB 1011	138
Bail bonding agents - licensure and bonding requirements - continuing education .	SB 97	133
Beer wholesalers - limitations.	HB 1198	142
Board of medical examiners - continuation under sunset law - medical practice act .	HB 1002	135
Consumer credit - disclosure - credit reports - penalties.	SB 122	134
Consumer transactions - credit reporting - debt collection - disclosure requirements .	HB 1053	139
Dentists - administration of anesthesia - appropriation.	HB 1060	140
Education flight services - exemption from private occupational education regulations.	HB 1027	139
Gaming - scope of regulation - exemption for crane games.	HB 1134	141
Health - state board of chiropractic examiners - continuation under sunset law - appropriation.	SB 10	132
Life care institutions - provider's reserve requirements.	HB 1247	143
Limited gaming - fund transfers to other funds - clarification	SB 3	131
Lodging establishments - right to refuse accommodations.	HB 1083	140
Manufacturers and distributors of drug precursors - persons working in coal mines - regulation - continuation under sunset law.	HB 1006	136
Motor vehicle dealers - sale of custom trailers - place of business designation - exemption.	HB 1094	140
Nurse aides - criminal background check - appropriation.	HB 1266	143
Nurses - regulation - continuation under sunset law - prescriptive authority - impaired professional diversion program - appropriation.	HB 1007	136
Pharmacists - practical experience - credit for - rules.	SB 50	133
Physicians - injuries to be reported - domestic violence.	HB 1114	141
Podiatrists - regulation - financial responsibility requirements - continuation under sunset law.	SB 7	131
Private occupational schools fund - collection of fees.	SB 206	134
Psychiatric technicians - regulation by state board of nursing - continuation under sunset law.	SB 4	131

	Bill No.	Page No.
Racing - taxes and fees - method of payment - graduated fee schedule - definition of "adjusted gross proceeds"	V HB 1214	143
Real estate brokers - real estate recovery fund - payment of claims - authority of real estate commission - appropriation	HB 1132	141
Social workers - exemption from disclosure of information requirement.	HB 1233	143
 Property		
Common interest communities - executive boards - open meetings - notice requirements.	HB 1234	146
Dry cleaning and related service establishments - disposition of unclaimed personal property.	HB 1325	146
Large planned communities - development - "Colorado Common Interest Ownership Act".	SB 198	145
Unclaimed property - remittance of property to the state.	SB 8	145
 Public Utilities		
Motor vehicles - carriers of property - deregulation - surrender of certificates - appropriation.	HB 1068	148
Public utilities commission - emergency rules.	SB 61	148
Telecommunications		
Basic local exchange service - transition to regulated competition - rules - timetable - interim committee - appropriation.	HB 1335	148
Rates - interactive video - contractual arrangements for non-cost-based rates - filing with commission.	HB 1316	148
 State Public Defender		
Conflict of interest situations - appointment of attorney or investigator - contracts - reduction in appropriations.	HB 1360	150
 Statutes		
Colorado Revised Statutes - enactment of 1994 supplements and replacement volumes - effective date.	HB 1079	152
Outdated provisions of law - repeal.	HB 1020	151
Revisor's bill - revisions to conform, correct, and clarify statutes.	HB 1212	152

	Bill No.	Page No.
Taxation		
Gasoline tax - distributors - liability - amount of surety bond or deposit - electronic submission of itemized statements - appropriation.	HB 1154	158
Income tax		
Deductions from income - disabled taxpayer - disabled dependent.	V HB 1034	155
Enterprise zones tax credit - activities involving agricultural commodities. . .	V HB 1251	159
Extension of credit for qualified equipment utilizing postconsumer waste. . . .	V SB 209	154
Individual state return form - deletion of school district designation.	SB 108	153
Nongame tax credit check-off.	SB 48	153
Voluntary contribution to older American volunteer program fund.	HB 1149	158
Property tax		
Agricultural land defined to include land subject to perpetual conservation easement.	HB 1268	159
Expansion of transitional housing facility exemption.	SB 123	153
Filing deadlines for exemptions - waiver by state board of equalization. . . .	HB 1337	160
Increased valuation for assessment due to new construction definition - property acquired with GOCO funds - total actual value of residential property - notices of value - treatment of possessory interests in real property.	V HB 1071	155
Limitation on collection - penalty increase for unpaid checks	HB 1024	154
Repeal of annual reappraisal requirement.	HB 1045	155
Sales and use tax - business exemptions, credits, and refunds	SB 221	154
Valuation for assessment - residential real property.	HB 1136	158
Sales and use tax		
Exemption for purchases of items related to the manufacturing of tangible personal property - eligible purchasers.	HB 1028	154
Exemption for sales of coins and precious metal bullion.	V HB 1361	160
Seller-financed motor vehicle sales - deduction of unreceived sales tax payments - rules.	HB 1279	160
Severance tax - oil and gas transportation costs deduction - allocation of severance tax revenue.	HB 1108	158
Special districts - personal property - subject to levy and distraint - limitation. . .	SB 142	153
Special fuel tax - exemptions for imported fuel - report.	SB 169	153
Specific ownership tax - rental vehicles - submission of taxes to county where vehicles are rented.	HB 1021	118
Transportation		
Awnings allowed on state highway rights-of-way - conditions.	HB 1103	162
Driver's license - insurance policy premiums - provisional license after rehabilitative treatment - financial responsibility - release of proof - evidence of insurance.	SB 131	161
Highway reconstruction, repair, and maintenance - appropriation	HB 1174	162

	Bill No.	Page No.
Highways and roads - funding - highway users tax fund.....	SB 47	161
Transportation system projects.	HB 1267	162
 United States		
Cession of concurrent legislative jurisdiction - air force academy property.	HB 1358	164
 Water and Irrigation		
Drinking water revolving fund created - depletion and transfer of domestic water supply project revolving fund moneys - transfer and appropriation.	SB 83	165
Springs - limited alterations - exempt from regulation as a "well"	HB 1151	165
Water conservation board - project authorization and deauthorization - litigation funding - small project loan account - Arkansas River augmentation loan account	HB 1155	166