

DIGEST

SENATE AND HOUSE BILLS ENACTED BY THE SIXTY-THIRD GENERAL ASSEMBLY OF THE STATE OF COLORADO

(2001 - First Regular Session)

| |
|---|
| NOTE: The Digest is available on the Official Colorado State Legislative Home Page at: http://www.state.co.us/gov_dir/stateleg.html |
|---|

TABLE OF CONTENTS

| | PAGE |
|--|------|
| Preface - How to use the Digest..... | v |
| Legislative Statistical Summary..... | vii |
| Table A -- Bills Vetoed by the Governor..... | viii |
| Table B -- Bills Becoming Law without the Governor's Signature. | viii |
| Table C -- Bills with Portions Vetoed by the Governor. | viii |
| Table D -- Bills Enacted without a Safety Clause..... | ix |
| Table E -- Bills Recommended by Interim Committees which were enacted..... | x |
| Conversion Table: Bill Numbers to Session Law Chapters -- Effective Dates..... | xv |
| Acts with July 1 and Later Effective Dates..... | xii |
| Summaries of Bills: | |
| Administrative Rule Review..... | 1 |
| Agriculture. | 2 |
| Appropriations. | 6 |
| Children and Domestic Matters. | 11 |
| Consumer and Commercial Transactions..... | 18 |
| Corrections. | 32 |
| Courts. | 35 |
| Criminal Law and Procedure. | 38 |
| Education - Public Schools..... | 47 |
| Education - Universities and Colleges. | 64 |
| Elections. | 68 |
| Financial Institutions..... | 73 |
| General Assembly..... | 75 |
| Government - County. | 77 |

| | |
|--|-----|
| Government - Local. | 81 |
| Government - Municipal.. . . . | 86 |
| Government - Special Districts.. . . . | 89 |
| Government - State.. . . . | 90 |
| Health and Environment.. . . . | 108 |
| Health Care Policy and Financing. | 116 |
| Human Services - Social Services. | 121 |
| Insurance.. . . . | 133 |
| Labor and Industry. | 143 |
| Military and Veterans. | 146 |
| Motor Vehicles and Traffic Regulation. | 147 |
| Natural Resources.. . . . | 154 |
| Probate, Trusts, and Fiduciaries. | 158 |
| Professions and Occupations. | 159 |
| Property.. . . . | 166 |
| Public Utilities. | 169 |
| Statutes. | 170 |
| Taxation. | 171 |
| Transportation.. . . . | 184 |
| United States.. . . . | 186 |
| Water and Irrigation. | 187 |
| Proposed Constitutional Amendments. | 190 |
| Index | 191 |

PREFACE

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 Sixty-third General Assembly at its Second Regular Session ending May 9, 2001. The summaries include the dates bills are approved and the effective dates of the bills. The Digest also includes an alphabetical subject index and several reference tables. The Digest is not a substitute for the text of the bills or for provisions of the Colorado Revised Statutes, but gives the user notice of and summary information on recent changes to the statutes.

HOW TO USE THE DIGEST

1. The summaries of bills and proposed state constitutional amendments begin on page 1.
1. To determine the page on which the summary of a particular bill may be found, refer to the Conversion Table, beginning on page xv.
2. To identify bills by subject area, refer to the bill summaries section for that subject area or the subject index, beginning on page 191.
3. To determine the approval date and the effective date of a particular bill, refer to the information immediately following the bill summary. To determine the effective date, you may also refer to the Conversion Table, beginning on page xv.
4. To convert a particular bill number to a chapter number in the Session Laws, refer to the Conversion Table, beginning on page xv.
5. To identify bills that were vetoed by the Governor or that became law without the Governor's signature, refer to page viii.
6. To identify bills that were enacted without a safety clause, refer to page ix.
7. To identify bills that were originally recommended by a 2000 interim committee, refer to page x.
8. For statistics concerning the number of bills and concurrent resolutions introduced and passed in the 2001 session compared to the two prior sessions, see the Legislative Statistical Summary, page vii.
9. To identify bills that have effective dates of July 1 and later, see the listings beginning on page xii.

10. The effective date for a bill enacted without a safety clause and without an effective date indicated in the bill is August 8, 2001, the day following the expiration of the ninety-day period after final adjournment of the General Assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state Constitution unless a referendum petition is filed against the act within such time period. If a referendum petition is filed, the act, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the Governor.

Individual copies of enacted bills and concurrent resolutions may be obtained from the House Services Office (for House material) and the Senate Services Office (for Senate material) in the State Capitol Building and will also be published in the Session Laws of Colorado 2002.

Doug Brown, Director
Office of Legislative Legal Services
Room 091
State Capitol Building
Denver, CO 80203-1782
(303) 866-2045

LEGISLATIVE STATISTICAL SUMMARY

| | 2001 | | 2000 | | 1999 | |
|---|-------|--------|-------|--------|-------|--------|
| | Intro | Passed | Intro | Passed | Intro | Passed |
| Senate Bills | 243 | 147 | 232 | 130 | 239 | 146 |
| House Bills | 409 | 230 | 493 | 297 | 385 | 223 |
| Concurrent Resolutions | 10 | 1 | 14 | 4 | 7 | 0 |
| Bills signed by Governor | 357 | | 407 | | 360 | |
| Bills becoming law without Governor's signature | 6 | | 5 | | 4 | |
| Bills vetoed by the Governor | 14 | | 13 | | 5 | |
| Bills referred to the People | 0 | | 2 | | 0 | |

BILLS VETOED BY THE GOVERNOR:

| | |
|---------------------|--------------------|
| H.B. 01-1030 | S.B. 01-043 |
| H.B. 01-1073 | S.B. 01-089 |
| H.B. 01-1096 | S.B. 01-219 |
| H.B. 01-1191 | S.B. 01-235 |
| H.B. 01-1209 | |
| H.B. 01-1341 | |
| H.B. 01-1363 | |
| H.B. 01-1367 | |
| H.B. 01-1385 | |
| H.B. 01-1386 | |

BILLS BECOMING LAW WITHOUT GOVERNOR'S SIGNATURE:

| | |
|---------------------|---------------------|
| H.B. 01-1007 | H.B. 01-1223 |
| H.B. 01-1097 | H.B. 01-1404 |
| H.B. 01-1153 | H.B. 01-1406 |

BILLS WITH PORTIONS VETOED BY THE GOVERNOR:

S.B. 01-212

BILLS ENACTED WITHOUT A SAFETY CLAUSE:*

| | | | | |
|---------------------|---------------------|---------------------|--------------------|--------------------|
| H.B. 01-1001 | H.B. 01-1133 | H.B. 01-1271 | S.B. 01-003 | S.B. 01-120 |
| H.B. 01-1005 | H.B. 01-1134 | H.B. 01-1274 | S.B. 01-006 | S.B. 01-128 |
| H.B. 01-1006 | H.B. 01-1146 | H.B. 01-1275 | S.B. 01-022 | S.B. 01-132 |
| H.B. 01-1007 | H.B. 01-1153 | H.B. 01-1282 | S.B. 01-025 | S.B. 01-135 |
| H.B. 01-1008 | H.B. 01-1154 | H.B. 01-1284 | S.B. 01-027 | S.B. 01-141 |
| H.B. 01-1009 | H.B. 01-1156 | H.B. 01-1288 | S.B. 01-029 | S.B. 01-142 |
| H.B. 01-1010 | H.B. 01-1160 | H.B. 01-1289 | S.B. 01-034 | S.B. 01-144 |
| H.B. 01-1020 | H.B. 01-1164 | H.B. 01-1304 | S.B. 01-037 | S.B. 01-155 |
| H.B. 01-1023 | H.B. 01-1166 | H.B. 01-1312 | S.B. 01-038 | S.B. 01-169 |
| H.B. 01-1024 | H.B. 01-1167 | H.B. 01-1321 | S.B. 01-040 | S.B. 01-203 |
| H.B. 01-1025 | H.B. 01-1172 | H.B. 01-1325 | S.B. 01-052 | S.B. 01-206 |
| H.B. 01-1027 | H.B. 01-1174 | H.B. 01-1331 | S.B. 01-054 | S.B. 01-208 |
| H.B. 01-1043 | H.B. 01-1179 | H.B. 01-1334 | S.B. 01-066 | S.B. 01-209 |
| H.B. 01-1056 | H.B. 01-1184 | H.B. 01-1337 | S.B. 01-076 | S.B. 01-211 |
| H.B. 01-1061 | H.B. 01-1185 | H.B. 01-1340 | S.B. 01-080 | S.B. 01-226 |
| H.B. 01-1063 | H.B. 01-1203 | H.B. 01-1343 | S.B. 01-099 | S.B. 01-231 |
| H.B. 01-1070 | H.B. 01-1211 | H.B. 01-1358 | S.B. 01-100 | S.B. 01-239 |
| H.B. 01-1081 | H.B. 01-1212 | H.B. 01-1359 | S.B. 01-115 | |
| H.B. 01-1082 | H.B. 01-1220 | H.B. 01-1364 | | |
| H.B. 01-1084 | H.B. 01-1228 | H.B. 01-1368 | | |
| H.B. 01-1085 | H.B. 01-1230 | H.B. 01-1369 | | |
| H.B. 01-1090 | H.B. 01-1234 | H.B. 01-1381 | | |
| H.B. 01-1095 | H.B. 01-1236 | H.B. 01-1383 | | |
| H.B. 01-1113 | H.B. 01-1241 | H.B. 01-1388 | | |
| H.B. 01-1115 | H.B. 01-1250 | H.B. 01-1390 | | |
| H.B. 01-1118 | H.B. 01-1251 | H.B. 01-1396 | | |
| H.B. 01-1124 | H.B. 01-1252 | H.B. 01-1397 | | |
| H.B. 01-1128 | H.B. 01-1254 | H.B. 01-1405 | | |
| H.B. 01-1132 | H.B. 01-1257 | | | |

*These bills become effective on August 8, 2001, or on the date otherwise specified in the bill. For further explanation concerning the effective date, see page vi of this digest.

**BILLS RECOMMENDED BY 2000 INTERIM AND STATUTORY
COMMITTEES THAT WERE ENACTED:**

**CAPITAL DEVELOPMENT
COMMITTEE**

H.B. 01-1340 S.B. 01-203
H.B. 01-1408 S.B. 01-209
H.B. 01-1409

DIVISION OF WILDLIFE

H.B. 01-1012 S.B. 01-006
H.B. 01-1013
H.B. 01-1024

FIRE AND POLICE PENSION

H.B. 01-1008
H.B. 01-1011
H.B. 01-1027

FOSTER CARE COMMITTEE

S.B. 01-012
S.B. 01-014

**JOINT BUDGET COMMITTEE
(OTHER THAN SUPPLEMENTALS)**

H.B. 01-1267 S.B. 01-204
H.B. 01-1400 S.B. 01-232
H.B. 01-1401 S.B. 01-234

**JOINT LEGISLATIVE
SUNRISE/SUNSET REVIEW
COMMITTEE**

S.B. 01-109
S.B. 01-110
S.B. 01-111
S.B. 01-112
S.B. 01-113
S.B. 01-116
S.B. 01-117
S.B. 01-118
S.B. 01-121
S.B. 01-172
S.B. 01-201

**LEGAL SERVICES
COMMITTEE**

S.B. 01-058
S.B. 01-108
S.B. 01-138

**LEGISLATIVE AUDIT
COMMITTEE**

H.B. 01-1031 S.B. 01-020
H.B. 01-1032 S.B. 01-049
H.B. 01-1040 S.B. 01-052
H.B. 01-1041 S.B. 01-123
H.B. 01-1212 S.B. 01-171

**BILLS RECOMMENDED BY 2000 INTERIM AND STATUTORY COMMITTEES
THAT WERE ENACTED (cont):**

**STATE RECORDS - STUDY OF
MANAGEMENT, STORAGE,
RETRIEVAL, AND ARCHIVING**

H.B. 01-1006

H.B. 01-1009

H.B. 01-1010

**TERM LIMITS, REFORMS TO THE
GENERAL ASSEMBLY**

S.B. 01-021

**TRANSPORTATION
LEGISLATION REVIEW
COMMITTEE**

H.B. 01-1007 S.B. 01-005

H.B. 01-1017

**WELFARE REFORM
OVERSIGHT COMMITTEE**

H.B. 01-1004

H.B. 01-1022

ACTS WITH JULY 1, 2001, AND LATER EFFECTIVE DATES:

JULY 1, 2001

HOUSE BILLS

| | | | |
|---------------------|----------------------|---------------------|----------------------|
| H.B. 01-1012 | H.B. 01-1088 | H.B. 01-1204 | H.B. 01-1281 |
| H.B. 01-1015 | H.B. 01-1100 | H.B. 01-1221 | H.B. 01-1286 |
| H.B. 01-1022 | H.B. 01-1102 | H.B. 01-1223 | H.B. 01-1293 |
| H.B. 01-1031 | H.B. 01-1125 | H.B. 01-1226 | H.B. 01-1297 |
| H.B. 01-1032 | H.B. 01-1130* | H.B. 01-1227 | H.B. 01-1319* |
| H.B. 01-1034 | H.B. 01-1161 | H.B. 01-1240 | H.B. 01-1323 |
| H.B. 01-1040 | H.B. 01-1168 | H.B. 01-1242 | H.B. 01-1335 |
| H.B. 01-1057 | H.B. 01-1186 | H.B. 01-1256 | H.B. 01-1344 |
| H.B. 01-1069 | H.B. 01-1187 | H.B. 01-1279 | H.B. 01-1387 |
| H.B. 01-1075 | | | |

SENATE BILLS

| | | | | |
|---------------------|---------------------|---------------------|---------------------|---------------------|
| S.B. 01-015 | S.B. 01-047 | S.B. 01-077 | S.B. 01-145 | S.B. 01-214 |
| S.B. 01-016 | S.B. 01-048 | S.B. 01-113 | S.B. 01-158 | S.B. 01-221 |
| S.B. 01-021* | S.B. 01-055 | S.B. 01-114 | S.B. 01-168* | S.B. 01-240* |
| S.B. 01-036 | S.B. 01-057 | S.B. 01-116 | S.B. 01-201 | |
| S.B. 01-046 | S.B. 01-073* | S.B. 01-129* | S.B. 01-205 | |

*Portions only

ACTS WITH JULY 1, 2001 AND LATER EFFECTIVE DATES (cont):

AUGUST 8, 2001*

HOUSE BILLS

| | | | | |
|---------------------|---------------------|---------------------|---------------------|---------------------|
| H.B. 01-1001 | H.B. 01-1070 | H.B. 01-1160 | H.B. 01-1236 | H.B. 01-1312 |
| H.B. 01-1005 | H.B. 01-1081 | H.B. 01-1164 | H.B. 01-1241 | H.B. 01-1321 |
| H.B. 01-1006 | H.B. 01-1082 | H.B. 01-1166 | H.B. 01-1250 | H.B. 01-1325 |
| H.B. 01-1007 | H.B. 01-1084 | H.B. 01-1167 | H.B. 01-1251 | H.B. 01-1331 |
| H.B. 01-1008 | H.B. 01-1085 | H.B. 01-1172 | H.B. 01-1252 | H.B. 01-1334 |
| H.B. 01-1009 | H.B. 01-1095 | H.B. 01-1174 | H.B. 01-1254 | H.B. 01-1337 |
| H.B. 01-1010 | H.B. 01-1113 | H.B. 01-1179 | H.B. 01-1257 | H.B. 01-1340 |
| H.B. 01-1020 | H.B. 01-1115 | H.B. 01-1184 | H.B. 01-1271 | H.B. 01-1343 |
| H.B. 01-1023 | H.B. 01-1118 | H.B. 01-1185 | H.B. 01-1274 | H.B. 01-1359 |
| H.B. 01-1024 | H.B. 01-1124 | H.B. 01-1203 | H.B. 01-1275 | H.B. 01-1364 |
| H.B. 01-1025 | H.B. 01-1128 | H.B. 01-1211 | H.B. 01-1282 | H.B. 01-1368 |
| H.B. 01-1043 | H.B. 01-1132 | H.B. 01-1212 | H.B. 01-1284 | H.B. 01-1369 |
| H.B. 01-1056 | H.B. 01-1133 | H.B. 01-1220 | H.B. 01-1288 | H.B. 01-1381 |
| H.B. 01-1061 | H.B. 01-1134 | H.B. 01-1230 | H.B. 01-1289 | H.B. 01-1383 |
| H.B. 01-1063 | H.B. 01-1146 | H.B. 01-1234 | H.B. 01-1304 | H.B. 01-1397 |
| | | | | H.B. 01-1405 |

SENATE BILLS

| | | | | |
|--------------------|----------------------|--------------------|--------------------|--------------------|
| S.B. 01-003 | S.B. 01-054 | S.B. 01-115 | S.B. 01-142 | S.B. 01-208 |
| S.B. 01-025 | S.B. 01-066 | S.B. 01-120 | S.B. 01-144 | S.B. 01-209 |
| S.B. 01-037 | S.B. 01-076 | S.B. 01-128 | S.B. 01-155 | S.B. 01-211 |
| S.B. 01-038 | S.B. 01-080 | S.B. 01-132 | S.B. 01-169 | S.B. 01-226 |
| S.B. 01-040 | S.B. 01-099 | S.B. 01-135 | S.B. 01-203 | S.B. 01-231 |
| S.B. 01-052 | S.B. 01-100** | S.B. 01-141 | S.B. 01-206 | |

*These bills do not have a safety clause and do not have an effective date specified in the bill. For further explanation concerning the effective date, see page vi of this digest.

** Portions only

AUGUST 15, 2001

| HOUSE BILL | SENATE BILL |
|--------------|-------------|
| H.B. 01-1388 | S.B. 01-022 |

MARCH 1, 2002

| HOUSE BILLS | SENATE BILLS |
|--------------|--------------|
| H.B. 01-1269 | |

SEPTEMBER 1, 2001

| HOUSE BILLS | SENATE BILLS |
|---------------|--------------|
| H.B. 01-1228 | S.B. 01-029 |
| H.B. 01-1358* | S.B. 01-140 |
| H.B. 01-1390 | |

MARCH 31, 2002

| HOUSE BILLS | SENATE BILLS |
|---------------|--------------|
| H.B. 01-1130* | |

MAY 9, 2002

| HOUSE BILLS | SENATE BILLS |
|-------------|--------------|
| | S.B. 01-100* |

OCTOBER 1, 2001

| HOUSE BILLS | SENATE BILLS |
|--------------|--------------|
| H.B. 01-1154 | |

JULY 1, 2002

| HOUSE BILLS | SENATE BILLS |
|-------------|--------------|
| | S.B. 01-006 |
| | S.B. 01-098* |

NOVEMBER 15, 2001

| HOUSE BILLS | SENATE BILLS |
|---------------|--------------|
| H.B. 01-1358* | S.B. 01-102* |

JANUARY 1, 2003

| HOUSE BILLS | SENATE BILLS |
|---------------|--------------|
| H.B. 01-1090 | |
| H.B. 01-1358* | |

JANUARY 1, 2002

| HOUSE BILLS | SENATE BILLS |
|---------------|--------------|
| H.B. 01-1027 | S.B. 01-021* |
| H.B. 01-1153 | S.B. 01-027 |
| H.B. 01-1156 | S.B. 01-034 |
| H.B. 01-1307* | S.B. 01-224* |
| H.B. 01-1394* | S.B. 01-239 |
| H.B. 01-1396 | |

JULY 1, 2003

| HOUSE BILLS | SENATE BILLS |
|-------------|--------------|
| | S.B. 01-240* |

*Portions only

ADMINISTRATIVE RULE REVIEW

S.B. 01-108 Continuation of 2000 rules of executive agencies - exceptions - graduated levels of review by committee staff. Provides for the continuation of the rules and regulations of state agencies that were adopted or amended on or after November 1, 1999, and before November 1, 2000; except that certain rules and regulations shall expire as scheduled on May 15, 2001.

Postpones the expiration of the rules and regulations of the public employees' retirement association scheduled to expire on May 15, 2001.

Amends the "Administrative Procedure Act" to require the committee on legal services to direct the committee's staff to review executive branch agency rules using graduated levels of review based on criteria established by the committee. Specifies that the criteria shall provide for full legal review of rules upon request of any member of the committee or of the general assembly.

APPROVED by Governor April 12, 2001

EFFECTIVE April 12, 2001

AGRICULTURE

S.B. 01-112 Livestock - public livestock markets - continuation of licensing under sunset law. Extends the automatic termination date of the licensing of public livestock markets by the state board of stock inspection commissioners in the department of agriculture to July 1, 2010, pursuant to the provisions of the sunset law.

APPROVED by Governor March 28, 2001

EFFECTIVE March 28, 2001

S.B. 01-131 Animals - pet animal care and facilities - feline hobby breeders - animal shelter - holding periods. Clarifies that an owner, breeder, handler, or trainer while transporting a pet animal to or from a sanctioned exhibition or competition need not be licensed. Clarifies that a feline hobby breeder may breed up to 3 litters of kittens or 24 cats per year.

Allows an animal shelter to be the steward of stray animals for the purposes of providing prophylactic veterinary care. Allows the supervisor of an animal shelter to determine if an animal is suffering or experiencing extreme pain for the purposes of euthanasia. Reduces the minimum time an animal may be held in an animal shelter from 5 days to 3 days if the animal is without identification and the shelter supervisor determines the shelter has no additional resources for such pet animal or that such pet animal is dangerous.

APPROVED by Governor June 5, 2001

EFFECTIVE June 5, 2001

H.B. 01-1020 Crops produced outside of state - market orders - assessments. Authorizes the commissioner to amend a marketing order to require a handler to pay, or collect and pay, an assessment if the commissioner determines that wheat, corn, or dry edible beans produced in another state prevent the effectuation of the policy of the "Colorado Agricultural Marketing Act of 1939" (Act), and that the effectuation of the Act would be furthered by the collection of assessments on such products shipped into this state.

Subjects wheat, corn, and dry edible beans sold or marketed in this state that are produced outside of this state to an assessment. Requires persons engaged in the business of agricultural products to collect and pay assessments for those products produced, sold, or marketed in this state. Adds those commodities distributed or processed to those handled when determining the gross dollar volume on which the assessment is calculated.

Amends the definition of "handler" to include those producers, owners, and agents who ship products outside the area covered by marketing agreements or orders as well as any governmental entity that obtains an interest in an agricultural commodity covered by a marketing agreement or marketing order. Authorizes the commissioner of agriculture to determine who is a handler.

APPROVED by Governor February 12, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 01-1086 Department of agriculture - agriculture value-added development board - tax credit, grant, loan, loan guarantee, and equity investment program - appropriation. For tax years commencing on or after January, 1, 2001, creates the agriculture value-added development fund program to be implemented by a newly created entity known as the Colorado agricultural value-added development board ("board") in the department of agriculture. Authorizes the board to make grants, loans and loan guarantees, and equity investments and to offer tax credits to eligible agricultural value-added cooperatives for new or ongoing rural agricultural business projects or for the purchase of existing, established agricultural business projects that add value to agricultural products and aid the economy of a rural community. Also allows the board to offer tax credits to agricultural businesses other than eligible agriculture value-added cooperatives so long as such agricultural businesses comply with the criteria established by the board, add value to agricultural products, and aid the economy of a rural community.

Sets out the criteria the board shall use and requires the board to establish additional criteria to determine eligibility for agriculture value-added cooperatives to receive a grant, loan, loan guarantee, equity investment, or tax credit. Creates a temporary income tax credit for members of eligible agriculture value-added cooperatives in an amount equal to the lesser of 50% of such member's investment or \$15,000, up to a maximum amount per project of \$1,500,000. Requires the member to apply for the income tax credit through the board.

Limits the aggregate amount of income tax credits certified by the authority to no more than \$4,000,000 per fiscal year. Requires the authority to certify at least 10% of the tax credits in any fiscal year to projects with capital costs of no more than \$1,000,000. Creates a temporary income tax credit for persons who contribute moneys to the board, in an amount of up to 100% of the contribution, as determined by the board.

Specifies that tax credits are only available in tax years where the amount of state revenues for the state fiscal year ending in that income tax year exceeds the limitation of state fiscal year spending imposed in the portion of the state constitution known as the Taxpayers Bill of Rights by more than \$400,000,000.

Creates the agriculture value-added cash fund to be used for grants, loans and loan guarantees, equity investments, tax credits, and financial or technical assistance to rural agricultural projects or project concepts as approved by the board.

Mandates that at least 10% of the funds granted to rural agricultural business concepts shall be awarded in response to grant requests of \$50,000 or less. Prohibits any single rural agricultural project or project concept from receiving more than \$200,000 in grant awards from the board.

Appropriates \$74,837 to the department of agriculture for the implementation of the act.

APPROVED by Governor May 30, 2001

EFFECTIVE May 30, 2001

H.B. 01-1337 Pet animals - overpopulation - creation of authority - income tax form voluntary contribution - appropriation. Creates the Colorado pet overpopulation authority as a corporate body and a political subdivision of the state, but not a state agency. Creates a board of directors for such authority, appointed and removed by the commissioner of

agriculture and consisting of the following representatives:

- One representative of the animal assistance foundation or its successor organization;
- One representative of the Colorado federation of animal welfare agencies or its successor organization;
- One representative of a state veterinary medical association;
- One representative of an association organized for Colorado animal control officers;
- One representative from the department of agriculture;
- One representative from an animal rescue organization; and
- One representative of the general public with an interest in animal welfare.

Defines the directors' terms as staggered, 3-year terms. Requires a board member to be a resident of Colorado and to have an active interest in the education of the community regarding the benefits of pet overpopulation control. Prohibits the board members from receiving compensation for serving on the board of directors.

Authorizes the board to:

- Adopt an education program concerning pet overpopulation with emphasis on the importance of spaying and neutering to control pet overpopulation;
- Develop, adopt, and implement a process to fund and expend moneys for the activities and responsibilities of the board;
- Accept gifts, grants, and donations; and
- Develop, adopt, and implement a cooperative process to work with local veterinarians, licensed animal shelters, and local communities concerning animal sheltering and pet overpopulation control in this state.

Creates the pet overpopulation fund and continually appropriates the funds therein and all return from investment of the funds for the use of the Colorado pet overpopulation authority. Requires the funds in the pet overpopulation fund to be used for the purposes of this act. Instructs the Colorado pet overpopulation authority to give priority to the areas that have an insufficient number of pet animal veterinary resources to adequately meet local needs when expending funds. Prohibits state agencies from funding the Colorado pet overpopulation authority.

Creates a voluntary contribution line on the Colorado income tax form in order to provide funds for the Colorado pet overpopulation authority. Repeals such voluntary contribution line on January 1, 2004. Applies the statutory 10% threshold for retaining a voluntary contribution line on the income tax form to such voluntary contribution line.

Appropriates \$34,098 and 0.6 FTE to the department of revenue for the implementation of this act.

APPROVED by Governor June 5, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 01-1378 State agricultural commission - authority to prevent livestock diseases.
Clarifies that the state agricultural commission has the authority to prevent infectious or contagious livestock diseases.

APPROVED by Governor June 5, 2001

EFFECTIVE June 5, 2001

APPROPRIATIONS

S.B. 01-179 Supplemental appropriation - department of agriculture. Amends the 2000 general appropriation act to increase the total appropriation to the department of agriculture. Increases the cash funds portion of the appropriation. Relocates appropriations for the soil conservation board from the department of natural resources to the department of agriculture. Amends the 1999 general appropriation act, as amended by the department of agriculture 2000 supplemental appropriation act, to increase the total appropriation to the department by increasing the cash funds portion of the appropriation for brand board, brand inspection.

APPROVED by Governor March 5, 2001

EFFECTIVE March 5, 2001

S.B. 01-180 Supplemental appropriation - department of corrections. Amends the 2000 general appropriations act to increase the total appropriation to the department of corrections. Increases the general fund, cash funds, and cash funds exempt portions of the appropriation and decreases the federal funds portion.

APPROVED by Governor March 5, 2001

EFFECTIVE March 5, 2001

S.B. 01-181 Supplemental appropriation - department of education. Amends the 2000 general appropriation act to decrease the total appropriation to the department of education. Increases the general fund, cash funds, and federal funds portions of the appropriation and decreases the cash funds exempt portion.

APPROVED by Governor March 5, 2001

EFFECTIVE March 5, 2001

S.B. 01-182 Supplemental appropriation - offices of the governor, lt. governor, and state planning and budgeting. Amends the 2000 general appropriations act to increase the total appropriation to the offices of the governor, lt. governor, and state planning and budgeting. Increases the general fund and cash funds exempt portions of the appropriation. Relocates appropriations for specified economic development programs from the department of local affairs to the offices of the governor, lieutenant governor, and state planning and budgeting. Relocates a related footnote for the Colorado first customized job training and existing industry training.

APPROVED by Governor March 5, 2001

EFFECTIVE March 5, 2001

S.B. 01-183 Supplemental appropriation - department of health care policy and financing. Amends the 2000 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 decrease the cash funds portion.

APPROVED by Governor March 5, 2001

EFFECTIVE March 5, 2001

S.B. 01-184 Supplemental appropriation - department of higher education. Amends the 2000 general appropriation act to decrease the total appropriation to the department of higher education. Increases the general fund portion of the appropriation and decreases the cash

funds, cash funds exempt, and federal funds portions. Relocates a footnote for the Colorado first customized job training and existing industry training. Amends the 1999 general appropriation act, as amended by the department of higher education 2000 supplemental appropriation act, to increase the total appropriation to the department by increasing the cash funds portion.

APPROVED by Governor March 5, 2001

EFFECTIVE March 5, 2001

S.B. 01-185 Supplemental appropriation - department of human services. Amends the 2000 general appropriation act to increase the total appropriation to the department of human services. Decreases the general fund appropriation portion of the appropriation and increases the cash funds, cash funds exempt, and the federal funds portions. Amends the 1999 general appropriation act, as amended by the department of human services 2000 supplemental appropriation act and by the 2000 general appropriation act, to increase the cash funds exempt portion of the appropriation made to self-sufficiency, adult assistance programs, aid to the needy disabled. Decreases the capital construction appropriation for the Wheat Ridge regional main campus, Kipling Village parcel.

APPROVED by Governor March 5, 2001

EFFECTIVE March 5, 2001

S.B. 01-186 Supplemental appropriation - judicial department. Amends the 2000 general appropriation act to increase the total appropriation to the judicial department. Increases the general fund and cash funds exempt portions of the appropriation and decreases the cash funds portion. Amends the 1999 general appropriation act, as amended by the judicial department 2000 supplemental appropriation act and by the 2000 general appropriation act, to adjust the general fund portion of the appropriation for courts administration and alternate defense counsel.

APPROVED by Governor March 5, 2001

EFFECTIVE March 5, 2001

S.B. 01-187 Supplemental appropriation - department of labor and employment. Amends the 2000 general appropriation act to increase the total appropriation to the department of labor and employment. Increases the cash funds, cash funds exempt, and federal funds portion of the appropriation.

APPROVED by Governor March 5, 2001

EFFECTIVE March 5, 2001

S.B. 01-188 Supplemental appropriation - department of law. Amends the 2000 general appropriation act to decrease the total appropriation to the department of law. Decreases the general fund and federal funds portions of the appropriation and increases the cash funds and cash funds exempt portions.

APPROVED by Governor March 5, 2001

EFFECTIVE March 5, 2001

S.B. 01-189 Supplemental appropriation - department of local affairs. Amends the 2000 general appropriation act to decrease the total appropriation to the department of local affairs. Decreases the general fund, cash funds exempt, and federal funds portions of the

appropriation.

APPROVED by Governor March 5, 2001

EFFECTIVE March 5, 2001

S.B. 01-190 Supplemental appropriation - department of military affairs. Amends the 2000 general appropriation act to decrease the total appropriation to the department of military affairs. Decreases the general fund and federal funds portions of the appropriation.

APPROVED by Governor March 5, 2001

EFFECTIVE March 5, 2001

S.B. 01-191 Supplemental appropriation - department of natural resources. Amends the 2000 general appropriation act to decrease the total appropriation to the department of natural resources. Decreases the general fund, cash funds, and federal funds portions of the appropriation and increases the cash funds exempt portion. Adds a new footnote under minerals and geology for the mine safety training outreach project. Amends the 2000 general appropriation act to include the Republican river compact and the Sportsman Ranch litigation in the operating expenses of the water resources division.

APPROVED by Governor March 5, 2001

EFFECTIVE March 5, 2001

S.B. 01-192 Supplemental appropriation - department of personnel. Amends the 2000 general appropriation act to increase the total appropriation to the department of personnel. Decreases the general fund portion of the appropriation and increases the cash funds exempt portion. Amends the 1999 general appropriation act, as amended by department of personnel 2000 supplemental appropriation act, to increase the cash funds exempt portion of the appropriation for central services, fleet management program expense.

APPROVED by Governor March 5, 2001

EFFECTIVE March 5, 2001

S.B. 01-193 Supplemental appropriation - department of public health and environment. Amends the 2000 general appropriation act to increase the total appropriation to the department of public health and environment. Increases the general fund, cash funds, cash funds exempt, and federal funds portions of the appropriation. Relocates appropriations for prevention and intervention services for children and youth from the departments of higher education and local affairs to increase the total appropriation to the department of public health and environment.

APPROVED by Governor March 5, 2001

EFFECTIVE March 5, 2001

S.B. 01-194 Supplemental appropriation - department of public safety. Amends the 2000 general appropriation act to increase total appropriation to the department of public safety. Increases the general fund, cash funds, cash funds exempt, and federal funds portions of the appropriation. Amends the 1999 general appropriation act, as amended by the department of public safety 2000 supplemental appropriation act, to increase the total appropriation to the Colorado state patrol by increasing the cash funds and cash funds exempt portions.

APPROVED by Governor March 5, 2001

EFFECTIVE March 5, 2001

S.B. 01-195 Supplemental appropriation - department of regulatory agencies. Amends the 2000 general appropriation act to increase the total appropriation to the department of regulatory agencies. Increases the general fund and cash funds exempt portions of the appropriation and decreases the cash funds portion.

APPROVED by Governor March 5, 2001

EFFECTIVE March 5, 2001

S.B. 01-196 Supplemental appropriation - department of revenue. Amends the 2000 general appropriation act to increase the total appropriation to the department of revenue. Increases the general fund and cash funds portions of the appropriation and decreases the cash funds exempt portion.

APPROVED by Governor March 5, 2001

EFFECTIVE March 5, 2001

S.B. 01-197 Supplemental appropriation - department of state. Amends the general appropriation act to decrease the total appropriation to the department of state. Decreases the cash funds portion of the appropriation.

APPROVED by Governor March 5, 2001

EFFECTIVE March 5, 2001

S.B. 01-198 Supplemental appropriation - department of transportation. Amends the 2000 general appropriation act to increase the total appropriation to the department of transportation. Increases the cash funds and cash funds exempt portions of the appropriation.

APPROVED by Governor March 5, 2001

EFFECTIVE March 5, 2001

S.B. 01-199 Supplemental appropriation - department of the treasury. Amends the 2000 general appropriation act to increase the total appropriation to the department of the treasury. Increases the general fund portion of the appropriation.

APPROVED by Governor March 5, 2001

EFFECTIVE March 5, 2001

S.B. 01-202 Legislative appropriation - appropriation for reapportionment commission. Appropriates \$28,490,184 for matters related to the legislative department for the 2001-02 fiscal year. Appropriates \$802,792 for the reapportionment commission for the 2001-02 fiscal year. Reduces the appropriations made for the 2000-2001 fiscal year by \$9,054 to more accurately reflect the personal services expense for legislative staff who will work for the reapportionment commission during the 2001 interim.

APPROVED by Governor May 4, 2001

EFFECTIVE May 4, 2001

S.B. 01-212 General appropriation act - long bill. Makes appropriations for the payment of expenses of the executive, legislative, and judicial departments of the state of Colorado, and of its agencies and institutions, for and during the fiscal year beginning July 1, 2001. Sets the grand total for the operating budget at \$12,907,978,335, of which \$5,703,694,497 is from the general fund, \$1,257,560,443 is from cash funds, \$3,183,930,010 is from cash funds

exempt, and \$2,762,793,385 is from federal funds.

Appropriates \$578,470,502 for capital construction, of which \$346,773,365 is capital construction fund exempt funds, \$53,358,735 is from cash funds, \$157,326,670 is from cash funds exempt, and \$21,011,732 is from federal funds.

Makes additional changes in appropriations for the 1993-94, 1997-98, 1998-99, 1999-2000, and 2000-01 fiscal years.

APPROVED by Governor May 3, 2001

EFFECTIVE May 3, 2001
PORTIONS VETOED May 3, 2001

S.B. 01-217 Supplemental appropriation - capital construction - transportation - aviation account. Transfers \$3 million of the \$10 million in capital construction funds originally appropriated for highway construction projects for the 1999-2000 fiscal year to the aviation account of the transportation infrastructure revolving fund.

APPROVED by Governor May 30, 2001

EFFECTIVE May 30, 2001

H.B. 01-1408 Supplemental appropriation - capital construction - division of youth corrections - state historical society - redesignation of state historical society project. Makes capital construction funds available for the division of youth corrections Mount View, Lathrop Park, Lookout Mountain, and Adams project until completion or until June 30, 2002, whichever comes first.

Increases the capital construction appropriation for the school for the deaf and the blind exterior door replacement project.

Changes the designation of the "El Pueblo Museum, Education Facility Renovation" Colorado historical society project to the "El Pueblo Museum Development, New Construction" project.

APPROVED by Governor June 5, 2001

EFFECTIVE June 5, 2001

CHILDREN AND DOMESTIC MATTERS

S.B. 01-29 Domestic relations proceedings - modification of parenting time - relocation of child's primary residence. Establishes a process by which a parent in a domestic relations proceeding may seek to modify parenting time when one parent is proposing to relocate the child's residence in such a way as to substantially change the geographical ties between the child and the other parent. In such cases, requires the court to determine whether the modification is in the best interests of the child by taking into account all relevant factors, including whether a parent has been a perpetrator of spouse abuse, the statutory factors defining the best interests of a child, and additional specified factors. Specifies that court hearings on any modification of parenting time due to an intent to relocate shall be given priority on the court's docket.

Makes the act applicable to motions concerning modification of parenting time filed on or after the applicable effective date of the act.

APPROVED by Governor June 1, 2001

EFFECTIVE September 1, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 01-47 Mandatory reporting - child abuse. Adds licensed professional counselors, licensed marriage and family therapists, and unlicensed psychotherapists to the list of persons required to report child abuse or suspected child abuse.

APPROVED by Governor March 28, 2001

EFFECTIVE July 1, 2001

S.B. 01-77 Juvenile justice - juvenile parole - length appropriation - adjustment to 2001 annual appropriation act. Reduces the mandatory period of juvenile parole from one year to 9 months; except that, for specified offenses, allows for extension of the period of parole by: An additional 90 days if the juvenile parole hearing panel determines it is in the best interests of the juvenile and the public; an additional 15 months if the juvenile parole hearing panel makes a finding of special circumstances.

Reduces by \$328,693 and 1.7 FTE the appropriation made in the annual general appropriation act to the division of youth corrections in the department of human services.

APPROVED by Governor May 30, 2001

EFFECTIVE July 1, 2001

S.B. 01-158 Temporary spousal maintenance - formula. In every dissolution of marriage or legal separation in which a party seeks temporary maintenance, establishes a rebuttable presumption in favor of a specific award of temporary maintenance in cases in which the parties' combined annual gross income is \$75,000 or less. Authorizes the court to award temporary maintenance in all other cases based upon the traditional factors set forth in law.

Sets forth the formula to be used for the presumptive amount of temporary maintenance, taking into account amounts actually paid pursuant to a separate court order for maintenance or child support of children who are not the joint responsibility of the parties. Directs courts to deviate from the presumptive amount where its application would be

inequitable or unjust. Allows the parties to agree to waive or deviate from the presumptive temporary maintenance.

Specifies that the temporary maintenance formula shall not be used to determine maintenance orders entered at permanent orders, and further specifies that temporary maintenance orders shall not prejudice the rights of either party at permanent orders. Directs the court to consider the financial resources of each party and determine the temporary payment of marital debt and the temporary allocation of marital property after temporary maintenance and temporary child support have been determined.

Specifies that, upon request, temporary orders based upon the formula shall begin at the time of the parties' physical separation or filing of the petition or service upon the respondent, whichever occurs last, taking into consideration payments already made.

APPROVED by Governor April 30, 2001

EFFECTIVE July 1, 2001

H.B. 01-1168 Juvenile justice - mandatory sentences - speedy trial - reporting juvenile delinquency petitions to schools. Clarifies that the court shall impose a mandatory minimum 5-day detention for any juvenile charged with certain felony or misdemeanor weapons offenses. Clarifies the timing of the trial when a juvenile is held without bail or when a juvenile's bail is revoked or increased. Narrows the reporting of juvenile delinquency petitions to petitions involving felonies, first degree misdemeanors, and other selected misdemeanors. Requires reasonable good faith reporting to the juvenile's principal within 3 working days after the petition is filed. If the prosecuting attorney, in good faith, is not able to contact the principal, directs the prosecuting attorney to contact the superintendent of the juvenile's school district.

APPROVED by Governor March 23, 2001

EFFECTIVE July 1, 2001

H.B. 01-1184 Domestic violence - notice of restraining orders and advisement of services in domestic relations proceedings - payment of domestic violence treatment programs - peace officer duties - Colorado works program domestic violence training material- appropriations. Requires parties to a domestic relations proceeding to disclose all temporary or permanent restraining orders to prevent domestic abuse and emergency protection orders entered against a party to the proceeding in the preceding 2 years, rather than just those entered in the 90 days preceding the filing of the proceeding. Directs the court to advise the parties about domestic violence services and potential financial resources that may be available. Specifies that parties to such cases shall receive information concerning such services and potential resources that may be available. Directs the court to encourage the parties to obtain such services for their children, in appropriate cases. Directs the court to apportion the costs of such services between the parties, as appropriate.

Restores the statutory provision authorizing a court to order a person convicted of a crime, the underlying factual basis of which includes an act of domestic violence, to pay for his or her mental health evaluation and treatment, specifying that such order for payment shall be based upon a sliding scale.

Directs a peace officer who responds to a call or is otherwise responding to a report of an alleged offense involving domestic violence or domestic abuse, to include in his or her written or oral report whether children may have seen or heard the alleged offense. Specifies

that the failure to include such information in a report shall not be grounds to dismiss the matter.

Directs the state board of human services to promulgate rules that require the state department of human services ("state department") to provide ongoing domestic violence training and appropriate domestic violence training materials to the staff of county departments of social services. Authorizes the state department to contract with an individual or entity with demonstrated expertise in the area of domestic violence to provide such services. Conditions these requirements on the availability of appropriations from the Colorado long-term works reserve fund.

Appropriates \$122,788 and 1.0 FTE to the department of human services, office of self sufficiency, Colorado works program for the implementation of the act. Appropriates \$26,776 to the judicial department for allocation to the family violence justice fund and to appropriate \$26,776 to the department of human services for allocation to the Colorado domestic abuse program, which appropriations are taken from savings generated by the implementation of the provisions of Senate Bill No. 01-077. Identifies the need for future appropriations to the judicial department for allocation to the family violence justice fund in the amount of \$100,000 and to the department of human services for allocation to the Colorado domestic abuse program in the amount of \$100,000 from savings generated by the implementation of the provisions of Senate Bill No. 01-077.

APPROVED by Governor June 5, 2001

EFFECTIVE August 8, 2001

NOTE: (1) This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

(2) Senate Bill 01-077 was signed by the Governor on May 30, 2001, and the fiscal estimate shows sufficient general fund savings.

H.B. 01-1193 Children's Code - federal law - modifications - appropriation. Modifies the definition of "administrative review" to state that it is a review conducted by an administrative reviewer instead of a panel of appropriate persons. Adds a definition for "permanency hearing". Modifies the definition of "reasonable efforts" to state that the child's health and safety shall be the paramount concern in determining whether it is appropriate to provide, purchase, or develop supportive and rehabilitative services for a family to prevent unnecessary placement of a child or to foster the safe reunification of a child with a child's family or whether it is appropriate to find and finalize an alternative permanent plan for a child.

Clarifies that the court shall make certain findings at any time the court enters an order removing a child from the home, even if the removal is temporary. Modifies the requirement for reasonable efforts that the court is required to find prior to removing a child from a home or continuing a child in a placement out of the home, as follows:

- When an emergency situation exists requiring the immediate temporary removal of the child from the home so that it is reasonable that preventative efforts need not be provided;
- When the court finds that the parent has subjected the child to certain aggravated circumstances;
- When the parental rights of the parent with respect to a sibling of a child have been involuntarily terminated; or

- When the court finds that the parent has been convicted of any of the following crimes:
 - Murder of another child of the parent;
 - Voluntary manslaughter of another child of the parent;
 - Aiding, abetting, or attempting the commission of or conspiring or soliciting to commit murder of another child of the parent or voluntary manslaughter of another child of the parent; or
 - A felony assault that resulted in serious bodily injury to the child or to another child of the parent.

Modifies provisions concerning the placement of a juvenile taken into custody and placed in a detention or shelter facility or a temporary holding facility. Requires a court that orders further detention of the juvenile to make specific findings about the following:

- Whether placement of the juvenile out of his or her home is in the juvenile's and the community's best interests; and
- Whether it is reasonable that efforts to prevent or eliminate the need to remove the juvenile are not provided due to certain circumstances.

Modifies provisions concerning sentencing of a juvenile. Requires a court that orders a juvenile to a community placement to make specific findings about the following:

- Whether placement of the juvenile out of his or her home is in the juvenile's and the community's best interests; and
- Whether it is reasonable that efforts to prevent or eliminate the need for the juvenile's removal are not provided due to certain circumstances.

Requires the entity scheduling, rather than the entity conducting, a review of community placement to provide notice to certain parties. Requires a permanency hearing to take place every 12 months for as long as a juvenile remains under an order of community placement. Modifies the permanency hearing conducted to require the entity conducting the review to make determinations as to whether reasonable efforts have been made to finalize the juvenile's permanency plan.

Eliminates the court's ability to grant legal custody of an aggravated juvenile offender to a child placement agency for placement in a family child care home, foster care home, or a child care center.

States that a child's guardian ad litem shall seek to assure that reasonable efforts are being made to find another safe and permanent living arrangement for the child when reunification is not possible.

Requires the court, at the temporary custody hearing, to make certain findings if the court enters an order removing a child from the home or continuing a child in a placement out of the home, if such findings are warranted by the evidence.

Clarifies that before certain dispositions are made, it must be established by a preponderance of the evidence that a separation of the child from the parents or guardian is in the best interests of the child.

Adds torture of or extreme cruelty to the child, a sibling of the child, or another child of either parent, to the criteria for termination of the parent-child legal relationship when no

appropriate treatment plan can be devised due to the unfitness of the parent or parents.

Requires a permanency hearing every 12 months after a child is considered to have entered foster care. States that if the court finds that reasonable efforts to reunify the child and the parent are unnecessary pursuant to certain factors, a permanency hearing shall be held within 30 days of that finding. States that a child shall be considered to have entered foster care on the date that the child is placed out of his or her home.

Clarifies that any hearing or action that is not open to the participation of certain interested parties is not a permanency hearing. Clarifies notice requirements when the court schedules a permanency hearing.

Requires the court, at the permanency hearing, to make findings that reasonable efforts have been made to finalize the permanency plan of the child. Specifies that such findings shall include a determination of what the placement goal for the child is, including placement in a planned permanent living arrangement. Directs a court to require documentation of compelling reasons to establish a permanency plan with a goal other than reunification, adoption, legal guardianship, or placement with a fit and willing relative. Eliminates the requirement for a copy of the findings from periodic or subsequent reviews to be forwarded to the appropriate judicial district.

Clarifies that a child placed out of the home who is under 6 years old shall have a review at least every 6 months while the child remains in foster care.

Requires the county department of social services, the designated qualified individual, or the child placement agency to report to the court any criminal record check for any prospective adoptive parent that reveals that the prospective adoptive parent was convicted of any felony physical assault or battery or felony drug-related offense within, at a minimum, the previous 5 years. Prohibits a person convicted of specified felony offenses from being allowed to adopt a child.

Appropriates \$81,713 to the department of human services for implementation of the act.

APPROVED by Governor June 1, 2001

EFFECTIVE June 1, 2001

H.B. 01-1227 Reports of child abuse - procedures - appropriation. On and after July 1, 2001, requires investigators of reports of child abuse to consider accepted work-related practices of agricultural communities. Clarifies that a confirmed report of child abuse means a report that a county department of social services ("county department"), law enforcement agency, or entity authorized to investigate institutional abuse has found to be supported by a preponderance of the evidence.

Clarifies that after a county department reviews a local law enforcement investigative report, it shall determine whether the report contains information that constitutes a case of confirmed child abuse and is therefore required to be filed with the state central registry of child protection ("central registry").

On and after July 1, 2001, allows the director of the central registry to expunge from the central registry the name of a subject if a petition in dependency and neglect naming the subject as respondent is not filed within 6 months. On and after July 1, 2001, requires the

director of the central registry to expunge the name of a subject who has been listed on the registry for 6 months as a result of a report based on a minor offense if neither criminal charges nor a petition in dependency or neglect has been filed against the subject. Authorizes the state department of human services to define "minor offense" by rule.

States that if the director of the central registry requests a hearing to reinstate a subject's name on the central registry on and after July 1, 2001, then the subject's name shall be designated "status pending" pending the outcome of a hearing and any judicial review, after which the subject's name shall be reinstated or expunged, as determined at the hearing and any judicial review. On and after July 1, 2001, prior to the date that is 6 months after a subject of a minor offense was reported to the director for placement on the central registry, requires the director to determine whether any criminal charge or petition in dependency or neglect has been filed against such subject related to the actions that supported the report of the subject's name to the central registry.

Appropriates \$16,390 from the central registry fund to the department of human services, division of child welfare, for allocation to the central registry of child protection, for implementation of the act.

APPROVED by Governor June 1, 2001

EFFECTIVE July 1, 2001

H.B. 01-1260 School Attendance Law of 1963 - access to records - court enforcement. Allows a criminal justice agency investigating a matter under the "School Attendance Law of 1963" to seek, prior to adjudication, disciplinary and truancy information from the juvenile's school. Clarifies the juvenile court has enforcement power for violations of any orders it makes under the "School Attendance Law of 1963".

APPROVED by Governor June 1, 2001

EFFECTIVE June 1, 2001

H.B. 01-1268 Children's code - termination of parent-child legal relationship - finding of unfitness. Adds the following 2 new criteria for consideration by the court in determining whether a parent is unfit for purposes of terminating that parent's parent-child legal relationship: Whether, on 2 or more occasions, a child in the physical custody of the parent has been adjudicated dependent or neglected and whether, on one or more prior occasions, the parent has had his or her parent-child legal relationship terminated.

APPROVED by Governor May 4, 2001

EFFECTIVE May 4, 2001

H.B. 01-1357 Juvenile corrections - community accountability program - appropriations. Establishes the community accountability program ("program"), providing a sentencing option for adjudicated male and female juveniles from ages 14 to 17. Directs the division of youth corrections in the department of human services to contract with one or more private entities for implementation of the program. Allows the program to be established regionally. Designs the program to consist of a residential component and a community reintegration component. Requires community involvement in the reintegration phase, including the possibility of community advisory boards. Specifies the residential component lasts 60 days and may be extended by court order for 15 days if the juvenile would substantially benefit. Specifies the second component shall not exceed 120 days and the juvenile's participation in the program cannot extend beyond the length of the juvenile's probation sentence. Makes

failure to progress through the program a probation violation.

Creates a community accountability program advisory board ("board"), consisting of 13 members appointed jointly by the executive director of the department of human services and the state court administrator. Directs the board to implement selection criteria, oversee the program, report to the general assembly, and recommend support services. Repeals the board, effective July 1, 2011.

Instructs the department of human services to conduct ongoing evaluations of the program. On or before January 15, 2003, and annually thereafter, requires the division of youth corrections to submit a report of the evaluation results to the general assembly.

Appropriates \$2,129,020 from the general fund to the department of human services, division of youth services for implementation of the program. Makes the following adjustments to the 2001 long bill: general fund appropriation to the department of human services decreased by \$7,540; general fund appropriation to the department of human services, division of youth corrections decreased by \$2,243,978, of which \$194,996 is transferred from the department of health care policy and financing medicaid cash fund; appropriation to the department of health care policy and financing, the department of human services medicaid-funded programs, division of youth corrections - medicaid funding decreased by \$194,996, half from general funds and half from federal funds.

APPROVED by Governor May 31, 2001

EFFECTIVE May 31, 2001

CONSUMER AND COMMERCIAL TRANSACTIONS

S.B. 01-100 Consumer protection - charitable solicitations - registration of solicitors - required information - appropriation. Adds to existing registration and disclosure provisions of the "Colorado Charitable Solicitations Act" by:

- Requiring identification of each charitable organization on whose behalf solicitations are to be made, the person having custody of its financial records, and the charitable organization's year of establishment, form of organization, tax-exempt status, and financial information;
- Separately registering charitable organizations, professional fundraising consultants, and paid solicitors;
- Exempting federally regulated political action committees, political parties, and charities that do not solicit or receive contributions totaling more than \$25,000 per year or from more than 10 persons per year;
- Prohibiting the use of false names or statements or any implication, in the course of a solicitation, that the police or fire protection services available to the person solicited will be affected by the person's contribution or refusal to contribute to organizations affiliated with such services; and
- Requiring disclosure of the registration number of the organization on whose behalf a solicitation is made, together with a statement that registration information is available from the secretary of state.

Allows the secretary of state to deny, suspend, or revoke the registration of any registrant for providing false information in registration materials or for a prior felony conviction involving fraud, theft, or similar crimes. Directs the secretary of state to publish and keep available all information filed by registrants and the provisions of the charitable solicitations law. Provides criminal penalties for violation of the new registration and disclosure requirements that are commensurate with existing penalties for violation of current requirements.

Appropriates \$229,423 and 0.9 FTE to the department of state, and \$2,791 of such appropriation to the department of law for legal services, for the implementation of this act.

APPROVED by Governor June 5, 2001

PORTIONS EFFECTIVE August 8, 2001
May 9, 2002

S.B. 01-240 Uniform commercial code - secured transactions - repeal and reenactment with amendments. 1. **Source.** This article supersedes former Uniform Commercial Code (UCC) article 9. As did its predecessor, it provides a comprehensive scheme for the regulation of security interests in personal property and fixtures. For the most part this article follows the general approach and retains much of the terminology of former article 9. In addition to describing many aspects of the operation and interpretation of this article, this summary explains the material changes that this article makes to former article 9. Former article 9 superseded the wide variety of pre-UCC security devices.

2. **Reorganization and Renumbering; captions; style.** This article reflects a substantial reorganization of former article 9 and renumbering of most sections. New part 4 deals with several aspects of third-party rights and duties that are unrelated to perfection and priority. Some of these were covered by part 3 of former article 9. Part 5 deals with filing (covered by former part 4) and part 6 deals with default and enforcement (covered by

former part 5).

3. Summary of Revisions. Following is a brief summary of some of the more significant revisions of article 9 that are included in this article.

a. **Scope of Article 9.** This article expands the scope of article 9 in several respects. Section number citations have had the reference to title 4 ("section 4-9-xxx") omitted for brevity.

Deposit accounts. Section 9-109 includes within this article's scope deposit accounts as original collateral only in limited circumstances. It precludes a consumer deposit account (as defined in section 9-102 (a) (22.5)) from being article 9 collateral, and also precludes any deposit account from being article 9 collateral if the principal of the debt or maximum line of credit on a revolving loan account is under \$100,000. It also precludes the assignment of certain retirement plans and accounts. Section 9-109 (e) (13) through (15). Former article 9 dealt with deposit accounts only as proceeds of other collateral.

Sales of payment intangibles and promissory notes. Section 9-109 also includes within the scope of this article most sales of "payment intangibles" (defined in section 9-102 as general intangibles under which an account debtor's principal obligation is monetary) and "promissory notes" (also defined in section 9-102). Former article 9 included sales of accounts and chattel paper, but not sales of payment intangibles or promissory notes. In its inclusion of sales of payment intangibles and promissory notes, this article continues the drafting convention found in former article 9; it provides that the sale of accounts, chattel paper, payment intangibles, or promissory notes creates a "security interest". The definition of "account" in section 9-102 also has been expanded to include various rights to payment that were general intangibles under former article 9.

Health-care-insurance receivables. Section 9-109 narrows article 9's exclusion of transfers of interests in insurance policies by carving out of the exclusion "health-care-insurance receivables" (defined in section 9-102). A health-care-insurance receivable is included within the definition of "account" in section 9-102.

Nonpossessory statutory agricultural liens. Section 9-109 also brings nonpossessory statutory agricultural liens within the scope of article 9.

Consignments. Section 9-109 provides that "true" consignments-bailments for the purpose of sale by the bailee are security interests covered by article 9, with certain exceptions. See section 9-102 (defining "consignment"). Currently, many consignments are subject to article 9's filing requirements by operation of former section 2-326.

Supporting obligations and property securing rights to payment. This article also addresses explicitly (i) obligations, such as guaranties and letters of credit, that support payment or performance of collateral such as accounts, chattel paper, and payment intangibles, and (ii) any property (including real property) that secures a right to payment or performance that is subject to an article 9 security interest. See sections 9-203, 9-308.

Commercial tort claims. Section 9-109 expands the scope of article 9 to include the assignment of commercial tort claims by narrowing the exclusion of tort claims generally. However, this article continues to exclude tort claims for bodily injury and other non-business tort claims of a natural person. See section 9-102 (defining "commercial tort claim").

Nonassignable general intangibles, promissory notes, health-care-insurance receivables, and letter-of-credit rights. This article enables a security interest to attach to letter-of-credit rights, health-care-insurance receivables, promissory notes, and general intangibles, including contracts, permits, licenses, and franchises, notwithstanding a contractual or statutory prohibition against or limitation on assignment. This article explicitly protects third parties against any adverse effect of the creation or attempted enforcement of the security interest. See sections 9-408, 9-409.

Subject to sections 9-408 and 9-409 and two other exceptions (sections 9-406, concerning accounts, chattel paper, and payment intangibles, and 9-407, concerning interests in leased goods), section 9-401 establishes a baseline rule that the inclusion of transactions and collateral within the scope of article 9 has no effect on non-article 9 law dealing with the alienability or inalienability of property. For example, if a commercial tort claim is nonassignable under other applicable law, the fact that a security interest in the claim is within the scope of article 9 does not override the other applicable law's effective prohibition of assignment.

b. Duties of Secured Party. This article provides for expanded duties of secured parties, as follows:

Release of control. Section 9-208 imposes upon a secured party having control of a deposit account, investment property, or a letter-of-credit right the duty to release control when there is no secured obligation and no commitment to give value. Section 9-209 contains analogous provisions when an account debtor has been notified to pay a secured party.

Information. Section 9-210 expands a secured party's duties to provide the debtor with information concerning collateral and the obligations that it secures.

Default and enforcement. Part 6 also includes some additional duties of secured parties in connection with default and enforcement. See, e.g., section 9-616 (duty to explain calculation of deficiency or surplus in a consumer-goods transaction).

c. Choice of Law. The choice-of-law rules for the law governing perfection, the effect of perfection or nonperfection, and priority are found in part 3, Subpart 1 (sections 9-301 through 9-307). See also section 9-316.

Where to file: Location of debtor. This article changes the choice-of-law rule governing perfection (i.e., where to file) for most collateral to the law of the jurisdiction where the debtor is located. See section 9-301. Under former article 9, the jurisdiction of the debtor's location governed only perfection and priority of a security interest in accounts, general intangibles, mobile goods, and, for purposes of perfection by filing, chattel paper and investment property.

Determining debtor's location. As a baseline rule, section 9-307 follows former section 9-103, under which the location of the debtor is the debtor's place of business (or chief executive office, if the debtor has more than one place of business). Section 9-307 contains three major exceptions. First, a "registered organization", such as a corporation or limited liability company, is located in the state under whose law the debtor is organized, e.g., a corporate debtor's state of incorporation. Second, an individual debtor is located at his or her principal residence. Third, there are special rules for determining the location of the United States and registered organizations organized under the law of the United States.

Location of non-U.S. debtors. If, applying the foregoing rules, a debtor is located in a jurisdiction whose law does not require public notice as a condition of perfection of a nonpossessory security interest, the entity is deemed located in the District of Columbia. See section 9-307. Thus, to the extent that this article applies to non-U.S. debtors, perfection could be accomplished in many cases by a domestic filing.

Priority. For tangible collateral such as goods and instruments, section 9-301 provides that the law applicable to priority and the effect of perfection or nonperfection will remain the law of the jurisdiction where the collateral is located, as under former section 9-103 (but without the confusing "last event" test). For intangible collateral, such as accounts, the applicable law for priority will be that of the jurisdiction in which the debtor is located.

Possessory security interests; agricultural liens. Perfection, the effect of perfection or nonperfection, and priority of a possessory security interest or an agricultural lien are governed by the law of the jurisdiction where the collateral subject to the security interest or lien is located. See sections 9-301, 9-302.

Goods covered by certificates of title; deposit accounts; letter-of-credit rights; investment property. This article includes several refinements to the treatment of choice-of-law matters for goods covered by certificates of title. See section 9-303. It also provides special choice-of-law rules, similar to those for investment property under current articles 8 and 9, for deposit accounts (section 9-304), investment property (section 9-305), and letter-of-credit rights (section 9-306).

Change in applicable law. Section 9-316 addresses perfection following a change in applicable law.

d. Perfection. The rules governing perfection of security interests and agricultural liens are found in part 3, Subpart 2 (sections 9-308 through 9-316).

Deposit accounts; letter-of-credit rights. With certain exceptions, this article provides that a security interest in a deposit account or a letter-of-credit right may be perfected only by the secured party's acquiring "control" of the deposit account or letter-of-credit right. See sections 9-312, 9-314. Under section 9-104, a secured party has "control" of a deposit account when, with the consent of the debtor, the secured party obtains the depository bank's agreement to act on the secured party's instructions (including when the secured party becomes the account holder) or when the secured party is itself the depository bank. The control requirements are patterned on section 8-106, which specifies the requirements for control of investment property. Under section 9-107, "control" of a letter-of-credit right occurs when the issuer or nominated person consents to an assignment of proceeds under section 5-114.

Electronic chattel paper. Section 9-102 includes a new defined term: "electronic chattel paper". Electronic chattel paper is a record or records consisting of information stored in an electronic medium (i.e., it is not written). Perfection of a security interest in electronic chattel paper may be by control or filing. See sections 9-105 (sui generis definition of control of electronic chattel paper), 9-312 (perfection by filing), 9-314 (perfection by control).

Investment property. The perfection requirements for "investment property" (defined in section 9-102), including perfection by control under section 9-106, remain substantially unchanged. However, a new provision in section 9-314 is designed to ensure that a secured

party retains control in "repledge" transactions that are typical in the securities markets.

Instruments, agricultural liens, and commercial tort claims. This article expands the types of collateral in which a security interest may be perfected by filing to include instruments. See section 9-312. Agricultural liens and security interests in commercial tort claims also are perfected by filing, under this article. See sections 9-308, 9-310.

Sales of payment intangibles and promissory notes. Although former article 9 covered the outright sale of accounts and chattel paper, sales of most other types of receivables also are financing transactions to which article 9 should apply. Accordingly, section 9-102 expands the definition of "account" to include many types of receivables (including "health-care-insurance receivables", defined in section 9-102) that former article 9 classified as "general intangibles". It thereby subjects to article 9's filing system sales of more types of receivables than did former article 9. Certain sales of payment intangibles--primarily bank loan participation transactions--should not be subject to the article 9 filing rules. These transactions fall in a residual category of collateral, "payment intangibles" (general intangibles under which the account debtor's principal obligation is monetary), the sale of which is exempt from the filing requirements of article 9. See sections 9-102, 9-109, 9-309 (perfection upon attachment). The perfection rules for sales of promissory notes are the same as those for sales of payment intangibles.

Possessory security interests. Several provisions of this article address aspects of security interests involving a secured party or a third party who is in possession of the collateral. In particular, section 9-313 resolves a number of uncertainties under former section 9-305. It provides that a security interest in collateral in the possession of a third party is perfected when the third party acknowledges in an authenticated record that it holds for the secured party's benefit. section 9-313 also provides that a third party need not so acknowledge and that its acknowledgment does not impose any duties on it, unless it otherwise agrees. A special rule in section 9-313 provides that if a secured party already is in possession of collateral, its security interest remains perfected by possession if it delivers the collateral to a third party and the collateral is accompanied by instructions to hold it for the secured party or to redeliver it to the secured party. Section 9-313 also clarifies the limited circumstances under which a security interest in goods covered by a certificate of title may be perfected by the secured party's taking possession.

Automatic perfection. Section 9-309 lists various types of security interests as to which no public-notice step is required for perfection (e.g., purchase-money security interests in consumer goods other than automobiles). This automatic perfection also extends to a transfer of a health-care-insurance receivable to a health-care provider. Those transfers normally will be made by natural persons who receive health-care services; there is little value in requiring filing for perfection in that context. Automatic perfection also applies to security interests created by sales of payment intangibles and promissory notes. Section 9-308 provides that a perfected security interest in collateral supported by a "supporting obligation" (such as an account supported by a guaranty) also is a perfected security interest in the supporting obligation, and that a perfected security interest in an obligation secured by a security interest or lien on property (e.g., a real-property mortgage) also is a perfected security interest in the security interest or lien.

e. Priority; Special Rules for Banks and Deposit Accounts. The rules governing priority of security interests and agricultural liens are found in part 3, subpart 3 (sections 9-317 through 9-342). This article includes several new priority rules and some special rules relating to banks and deposit accounts (sections 9-340 through 9-342).

Purchase-money security interests: General; consumer-goods transactions; inventory. Section 9-103 substantially rewrites the definition of purchase-money security interest (PMSI), although the term is not formally "defined". The substantive changes, however, apply only to non-consumer-goods transactions. (Consumer transactions and consumer-goods transactions are discussed below in paragraph 4.j.) For non-consumer-goods transactions, section 9-103 makes clear that a security interest in collateral may be to some extent both a PMSI as well as a non-PMSI, in accord with the "dual status" rule applied by some courts under former article 9 (thereby rejecting the "transformation" rule). The definition provides an even broader conception of a PMSI in inventory, yielding a result that accords with private agreements entered into in response to the uncertainty under former article 9. It also treats consignments as purchase-money security interests in inventory. Section 9-324 revises the PMSI priority rules, but for the most part without material change in substance. Section 9-324 also clarifies the priority rules for competing PMSIs in the same collateral.

Purchase-money security interests in livestock; agricultural liens. Section 9-324 provides a special PMSI priority, similar to the inventory PMSI priority rule, for livestock. Section 9-322 (which contains the baseline first-to-file-or-perfect priority rule) also recognizes special non-article 9 priority rules for agricultural liens, which can override the baseline first-in-time rule.

Purchase-money security interests in software. Section 9-324 contains a new priority rule for a software purchase-money security interest. (Section 9-102 includes a definition of "software".) Under section 9-103, a software PMSI includes a PMSI in software that is used in goods that are also subject to a PMSI. (Note also that the definition of "chattel paper" has been expanded to include records that evidence a monetary obligation and a security interest in specific goods and software used in the goods.)

Investment property. The priority rules for investment property are substantially similar to the priority rules found in former section 9-115, which was added in conjunction with the 1994 revisions to UCC article 8. Under section 9-328, if a secured party has control of investment property (sections 8-106, 9-106), its security interest is senior to a security interest perfected in another manner (e.g., by filing). Also under section 9-328, security interests perfected by control generally rank according to the time that control is obtained or, in the case of a security entitlement or a commodity contract carried in a commodity account, the time when the control arrangement is entered into. This is a change from former section 9-115, under which the security interests ranked equally. However, as between a securities intermediary's security interest in a security entitlement that it maintains for the debtor and a security interest held by another secured party, the securities intermediary's security interest is senior.

Deposit accounts. This article's priority rules applicable to deposit accounts are found in section 9-327. They are patterned on and are similar to those for investment property in former section 9-115 and section 9-328 of this article. Under section 9-327, if a secured party has control of a deposit account, its security interest is senior to a security interest perfected in another manner (i.e., as cash proceeds). Also under section 9-327, security interests perfected by control rank according to the time that control is obtained, but as between a depository bank's security interest and one held by another secured party, the depository bank's security interest is senior. A corresponding rule in section 9-340 makes a depository bank's right of set-off generally senior to a security interest held by another secured party. However, if the other secured party becomes the depository bank's customer with respect to the deposit account, then its security interest is senior to the depository bank's

security interest and right of set-off. Sections 9-327, 9-340.

Letter-of-credit rights. The priority rules for security interests in letter-of-credit rights are found in section 9-329. They are somewhat analogous to those for deposit accounts. A security interest perfected by control has priority over one perfected in another manner (i.e., as a supporting obligation for the collateral in which a security interest is perfected). Security interests in a letter-of-credit right perfected by control rank according to the time that control is obtained. However, the rights of a transferee beneficiary or a nominated person are independent and superior to the extent provided in section 5-114. See section 9-109 (c) (4).

Chattel paper and instruments. Section 9-330 is the successor to former section 9-308. As under former section 9-308, differing priority rules apply to purchasers of chattel paper who give new value and take possession (or, in the case of electronic chattel paper, obtain control) of the collateral depending on whether a conflicting security interest in the collateral is claimed merely as proceeds. The principal change relates to the role of knowledge and the effect of an indication of a previous assignment of the collateral. Section 9-330 also affords priority to purchasers of instruments who take possession in good faith and without knowledge that the purchase violates the rights of the competing secured party. In addition, to qualify for priority, purchasers of chattel paper, but not of instruments, must purchase in the ordinary course of business.

Proceeds. Section 9-322 contains new priority rules that clarify when a special priority of a security interest in collateral continues or does not continue with respect to proceeds of the collateral. Other refinements to the priority rules for proceeds are included in sections 9-324 (purchase-money security interest priority) and 9-330 (priority of certain purchasers of chattel paper and instruments).

Miscellaneous priority provisions. This article also includes (i) clarifications of selected good-faith-purchase and similar issues (sections 9-317, 9-331); (ii) new priority rules to deal with the "double debtor" problem arising when a debtor creates a security interest in collateral acquired by the debtor subject to a security interest created by another person (section 9-325); (iii) new priority rules to deal with the problems created when a change in corporate structure or the like results in a new entity that has become bound by the original debtor's after-acquired property agreement (section 9-326); (iv) a provision enabling most transferees of funds from a deposit account or money to take free of a security interest (section 9-332); (v) substantially rewritten and refined priority rules dealing with accessions and commingled goods (sections 9-335, 9-336); (vi) revised priority rules for security interests in goods covered by a certificate of title (section 9-337); and (vii) provisions designed to ensure that security interests in deposit accounts will not extend to most transferees of funds on deposit or payees from deposit accounts and will not otherwise "clog" the payments system (sections 9-341, 9-342).

f. **Proceeds.** Section 9-102 contains an expanded definition of "proceeds" of collateral which includes additional rights and property that arise out of collateral, such as distributions on account of collateral and claims arising out of the loss or nonconformity of, defects in, or damage to collateral. The term also includes collections on account of "supporting obligations", such as guarantees.

g. **Part 4: Additional Provisions Relating to Third-Party Rights.** New part 4 contains several provisions relating to the relationships between certain third parties and the parties to secured transactions. It contains new sections 9-401 (replacing former section 9-311) (alienability of debtor's rights), 9-402 (replacing former section 9-317) (secured party

not obligated on debtor's contracts), 9-403 (replacing former section 9-206) (agreement not to assert defenses against assignee), 9-404, 9-405, and 9-406 (replacing former section 9-318) (rights acquired by assignee, modification of assigned contract, discharge of account debtor, restrictions on assignment of account, chattel paper, promissory note, or payment intangible ineffective), 9-407 (replacing some provisions of former section 2A-303) (restrictions on creation or enforcement of security interest in leasehold interest or lessor's residual interest ineffective). It also contains new sections 9-408 (restrictions on assignment of promissory notes, health-care-insurance receivables ineffective, and certain general intangibles ineffective) and 9-409 (restrictions on assignment of letter-of-credit rights ineffective), which are discussed above.

h. **Filing.** Part 5 (formerly part 4) of article 9 has been substantially rewritten to simplify the statutory text and to deal with numerous problems of interpretation and implementation that have arisen over the years.

Medium-neutrality. This article is "medium-neutral"; that is, it makes clear that parties may file and otherwise communicate with a filing office by means of records communicated and stored in media other than on paper.

Identity of person who files a record; authorization. Part 5 is largely indifferent as to the person who effects a filing. Instead, it addresses whose authorization is necessary for a person to file a record with a filing office. The filing scheme does not contemplate that the identity of a "filer" will be a part of the searchable records. This approach is consistent with, and a necessary aspect of, eliminating signatures or other evidence of authorization from the system (except to the extent that filing offices may choose to employ authentication procedures in connection with electronic communications). As long as the appropriate person authorizes the filing, or, in the case of a termination statement, the debtor is entitled to the termination, it is largely insignificant whether the secured party or another person files any given record.

Section 9-509 collects in one place most of the rules that determine when a record may be filed. In general, the debtor's authorization is required for the filing of an initial financing statement or an amendment that adds collateral. With one further exception, a secured party of record's authorization is required for the filing of other amendments. The exception arises if a secured party has failed to provide a termination statement that is required because there is no outstanding secured obligation or commitment to give value. In that situation, a debtor is authorized to file a termination statement indicating that it has been filed by the debtor.

Financing statement formal requisites. The formal requisites for a financing statement are set out in section 9-502. A financing statement must provide the name of the debtor and the secured party and an indication of the collateral that it covers. Sections 9-503 and 9-506 address the sufficiency of a name provided on a financing statement and clarify when a debtor's name is correct and when an incorrect name is insufficient. Section 9-504 addresses the indication of collateral covered. Under section 9-504, a super-generic description (e.g., "all assets" or "all personal property") in a financing statement is a sufficient indication of the collateral. (Note, however, that a super-generic description is inadequate for purposes of a security agreement. See sections 9-108, 9-203.) To facilitate electronic filing, this article does not require that the debtor's signature or other authorization appear on a financing statement. Instead, it prohibits the filing of unauthorized financing statements and imposes liability upon those who violate the prohibition. See sections 9-509, 9-626.

Filing-office operations. Part 5 contains several provisions governing filing operations. First, it prohibits the filing office from rejecting an initial financing statement or other record for a reason other than one of the few that are specified. See sections 9-520, 9-516. Second, the filing office is obliged to link all subsequent records (e.g., assignments, continuation statements, etc.) to the initial financing statement to which they relate. See section 9-519. Third, the filing office may delete a financing statement and related records from the files no earlier than one year after lapse (lapse normally is five years after the filing date), and then only if a continuation statement has not been filed. See sections 9-515, 9-519, 9-522. Thus, a financing statement and related records would be discovered by a search of the files even after the filing of a termination statement. This approach helps eliminate filing-office discretion and also eases problems associated with multiple secured parties and multiple partial assignments. Fourth, part 5 mandates performance standards for filing offices. See sections 9-519, 9-520, 9-523. Fifth, it provides for the promulgation of filing-office rules to deal with details best left out of the statute and requires the filing office to submit periodic reports. See sections 9-526, 9-527.

Correction of records: Defaulting or missing secured parties and fraudulent filings. In some areas of the country, serious problems have arisen from fraudulent financing statements that are filed against public officials and other persons. This article addresses the fraud problem by providing the opportunity for a debtor to file a termination statement when a secured party wrongfully refuses or fails to provide a termination statement. See section 9-509. This opportunity also addresses the problem of secured parties that simply disappear through mergers or liquidations. In addition, section 9-518 affords a statutory method by which a debtor who believes that a filed record is inaccurate or was wrongfully filed may indicate that fact in the files by filing a correction statement, albeit without affecting the efficacy, if any, of the challenged record.

Extended period of effectiveness for certain financing statements. Section 9-515 contains an exception to the usual rule that financing statements are effective for five years unless a continuation statement is filed to continue the effectiveness for another five years. Under that section, an initial financing statement filed in connection with a "manufactured-home transaction" (defined in section 9-102) is effective for 30 years.

National form of financing statement and related forms. Section 9-521 provides for uniform, national written forms of financing statements and related written records that must be accepted by a filing office that accepts written records. Colorado law contains modest revisions to the national written forms tracking other revisions of the Colorado version of article 8.

i. **Default and Enforcement.** Part 6 of article 9 extensively revises former part 5. Provisions relating to enforcement of consumer-goods transactions and consumer transactions are discussed in paragraph 4.j.

Debtor, secondary obligor; waiver. Section 9-602 clarifies the identity of persons who have rights and persons to whom a secured party owes specified duties under part 6. Under that section, the rights and duties are enjoyed by and run to the "debtor", defined in section 9-102 to mean any person with a non-lien property interest in collateral, and to any "obligor". However, with one exception (section 9-616, as it relates to a consumer obligor), the rights and duties concerned affect non-debtor obligors only if they are "secondary obligors". "Secondary obligor" is defined in section 9-102 to include one who is secondarily obligated on the secured obligation, e.g., a guarantor, or one who has a right of recourse against the debtor or another obligor with respect to an obligation secured by collateral. However, under

section 9-628, the secured party is relieved from any duty or liability to any person unless the secured party knows that the person is a debtor or obligor. Resolving an issue on which courts disagreed under former article 9, this article generally prohibits waiver by a secondary obligor of its rights and a secured party's duties under part 6. See section 9-602. However, section 9-624 permits a secondary obligor or debtor to waive the right to notification of disposition of collateral and, in a non-consumer transaction, the right to redeem collateral, if the secondary obligor or debtor agrees to do so after default.

Rights of collection and enforcement of collateral. Section 9-607 explains in greater detail than former 9-502 the rights of a secured party who seeks to collect or enforce collateral, including accounts, chattel paper, and payment intangibles. It also sets forth the enforcement rights of a depositary bank holding a security interest in a deposit account maintained with the depositary bank. Section 9-607 relates solely to the rights of a secured party vis-a-vis a debtor with respect to collections and enforcement. It does not affect the rights or duties of third parties, such as account debtors on collateral, which are addressed elsewhere (e.g., section 9-406). Section 9-608 clarifies the manner in which proceeds of collection or enforcement are to be applied.

Disposition of collateral: Warranties of title. Section 9-610 imposes on a secured party who disposes of collateral the warranties of title, quiet possession, and the like that are otherwise applicable under other law. It also provides rules for the exclusion or modification of those warranties.

Disposition of collateral: Notification, application of proceeds, surplus and deficiency, other effects. Section 9-611 requires a secured party to give notification of a disposition of collateral to other secured parties and lienholders who have filed financing statements against the debtor covering the collateral. (That duty was eliminated by the 1972 revisions to article 9.) However, that section relieves the secured party from that duty when the secured party undertakes a search of the records and a report of the results is unreasonably delayed. Section 9-613, which applies only to non-consumer transactions, specifies the contents of a sufficient notification of disposition and provides that a notification sent 10 days or more before the earliest time for disposition is sent within a reasonable time. Section 9-615 addresses the application of proceeds of disposition, the entitlement of a debtor to any surplus, and the liability of an obligor for any deficiency. Section 9-619 clarifies the effects of a disposition by a secured party, including the rights of transferees of the collateral.

Rights and duties of secondary obligor. Section 9-618 provides that a secondary obligor obtains the rights and assumes the duties of a secured party if the secondary obligor receives an assignment of a secured obligation, agrees to assume the secured party's rights and duties upon a transfer to it of collateral, or becomes subrogated to the rights of the secured party with respect to the collateral. The assumption, transfer, or subrogation is not a disposition of collateral under section 9-610, but it does relieve the former secured party of further duties. Former section 9-504 (5) did not address whether a secured party was relieved of its duties in this situation.

Transfer of record or legal title. Section 9-619 contains a new provision making clear that a transfer of record or legal title to a secured party is not of itself a disposition under part 6. This rule applies regardless of the circumstances under which the transfer of title occurs.

Strict foreclosure. Section 9-620, unlike former section 9-505, permits a secured party to accept collateral in partial satisfaction, as well as full satisfaction, of the obligations secured. This right of strict foreclosure extends to intangible as well as tangible property.

Section 9-622 clarifies the effects of an acceptance of collateral on the rights of junior claimants.

Effect of noncompliance: "Rebuttable presumption" test. Section 9-626 adopts the "rebuttable presumption" test for the failure of a secured party to proceed in accordance with certain provisions of part 6. (As discussed in paragraph 4.j., the test does not necessarily apply to consumer transactions.) Under this approach, the deficiency claim of a noncomplying secured party is calculated by crediting the obligor with the greater of the actual net proceeds of a disposition and the amount of net proceeds that would have been realized if the disposition had been conducted in accordance with part 6 (e.g., in a commercially reasonable manner). For non-consumer transactions, section 9-626 rejects the "absolute bar" test that some courts have imposed; that approach bars a noncomplying secured party from recovering any deficiency, regardless of the loss (if any) the debtor suffered as a consequence of the noncompliance.

"Low-price" dispositions: Calculation of deficiency and surplus. Section 9-615 (f) addresses the problem of procedurally regular dispositions that fetch a low price. Subsection (f) provides a special method for calculating a deficiency if the proceeds of a disposition of collateral to a secured party, a person related to the secured party, or a secondary obligor are "significantly below the range of proceeds that a complying disposition to a person other than the secured party, a person related to the secured party, or a secondary obligor would have brought". ("Person related to" is defined in section 9-102.) In these situations there is reason to suspect that there may be inadequate incentives to obtain a better price. Consequently, instead of calculating a deficiency (or surplus) based on the actual net proceeds, the deficiency (or surplus) would be calculated based on the proceeds that would have been received in a disposition to a person other than the secured party, a person related to the secured party, or a secondary obligor.

j. Consumer Goods, Consumer-Goods Transactions, and Consumer Transactions. This article (including the accompanying conforming revisions) includes several special rules for "consumer deposit accounts", "consumer goods", "consumer transactions", and "consumer-goods transactions". Each term is defined in section 9-102.

(i) Revised sections 2-502 and 2-716 provide a buyer of consumer goods with enhanced rights to possession of the goods, thereby accelerating the opportunity to achieve "buyer in ordinary course of business" status under section 1-201.

(ii) Section 9-103 (e) (allocation of payments for determining extent of purchase-money status), (f) (purchase-money status not affected by cross-collateralization, refinancing, restructuring, or the like), and (g) (secured party has burden of establishing extent of purchase-money status) do not apply to consumer-goods transactions. Section 9-103 also provides that the limitation of those provisions to transactions other than consumer-goods transactions leaves to the courts the proper rules for consumer-goods transactions and prohibits the courts from drawing inferences from that limitation.

(iii) Section 9-108 provides that in a consumer transaction a description of consumer goods, a security entitlement, securities account, or commodity account "only by [UCC-defined] type of collateral" is not a sufficient collateral description in a security agreement.

(iv) Section 9-203 provides that a husband and wife both have to sign a security agreement when the collateral is consumer goods, other than a PMSI.

(v) Sections 9-403 and 9-404 make effective the Federal Trade Commission's anti-holder-in-due-course rule (when applicable), 16 C.F.R. part 433, even in the absence of the required legend.

(vi) The 10-day safe-harbor for notification of a disposition provided by section 9-612 does not apply in a consumer transaction.

(vii) Section 9-613 (contents and form of notice of disposition) does not apply to a consumer-goods transaction.

(viii) Section 9-614 contains special requirements for the contents of a notification of disposition and a safe-harbor, "plain English" form of notification, for consumer-goods transactions.

(ix) Section 9-616 requires a secured party in a consumer-goods transaction to provide a debtor with a notification of how it calculated a deficiency at the time it first undertakes to collect a deficiency.

(x) Section 9-620 prohibits partial strict foreclosure with respect to consumer goods collateral and, unless the debtor agrees to waive the requirement in an authenticated record after default, in certain cases requires the secured party to dispose of consumer goods collateral that has been repossessed.

(xi) Section 9-626 ("rebuttable presumption" rule) does not apply to a consumer transaction. Section 9-626 references Colorado's Uniform Consumer Credit Code, which provides that creditors do not have a right to a deficiency in certain transactions. Section 9-626 further leaves to the courts in transactions not governed by the Uniform Consumer Credit Code the proper rules for consumer transactions and prohibits the courts from drawing inferences from that limitation.

k. Breach of the Peace; Self-help. Section 9-601 defines conduct constituting breach of the peace. Section 9-625 provides damages for that conduct. Section 9-609 further provides mechanisms for creditors to exercise repossession rights electronically.

l. Good Faith. Section 9-102 contains a new definition of "good faith" that includes not only "honesty in fact" but also "the observance of reasonable commercial standards of fair dealing". The definition is similar to the ones adopted in connection with other, recently completed revisions of the UCC.

m. Transition Provisions. Part 7 (sections 9-701 through 9-707) contains transition provisions. Transition from former article 9 to this article will be particularly challenging in view of its expanded scope, its modification of choice-of-law rules for perfection and priority, and its expansion of the methods of perfection.

n. Conforming and Related Amendments to Other UCC Articles. This Act contains several revisions to the provisions of other UCC articles. Cross-references in other UCC articles to sections of article 9 also have been revised.

Article 1. Revised section 1-201 contains revisions to the definitions of "buyer in ordinary course of business", "purchaser", and "security interest".

Articles 2 and 2.5. Sections 2-210, 2-326, 2-502, 2-716, 2.5-303, 2.5-307, and

2.5-309 have been revised to address the intersection between articles 2 and 2.5 and article 9.

Article 5. New section 5-117.5 is patterned on section 4-210. It provides for a security interest in documents presented under a letter of credit in favor of the issuer and a nominated person on the letter of credit.

Article 8. Revisions to section 8-106, which deals with "control" of securities and security entitlements, conform it to section 8-302, which deals with "delivery". Revisions to section 8-110, which deals with a "securities intermediary's jurisdiction", conform it to the revised treatment of a "commodity intermediary's jurisdiction" in section 9-305. Sections 8-301 and 8-302 have been revised for clarification. Section 8-510 has been revised to conform it to the revised priority rules of section 9-328.

APPROVED by Governor June 5, 2001

PORTIONS EFFECTIVE July 1, 2001
July 1, 2003

H.B. 01-1099 Uniform Consumer Credit Code - technical corrections. Amends or repeals various statutory provisions of the "Uniform Consumer Credit Code" that are obsolete, inconsistent, or in conflict with other law and clarifies the language to more accurately reflect the legislative intent of the laws.

APPROVED by Governor March 9, 2001

EFFECTIVE March 9, 2001

H.B. 01-1252 Uniform commercial code - negotiable instruments - demand drafts. Makes legislative findings. Defines "demand draft". Creates a new form of payment instrument that is drawn on a bank customer's account without an authorized signature. Clarifies that a demand draft is not intended to impair the rights of a drawer against the drawee. Shifts the risk of loss for the processing of a demand draft to the depository-collection bank.

APPROVED by Governor June 1, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 01-1405 Consumer protection - telephone solicitations - no-call list. Enacts the "Colorado No-Call List Act" as part of the "Colorado Consumer Protection Act". Declares that the use of the telephone and telefacsimile (fax) to market goods and services is pervasive. Declares that many Colorado citizens view telemarketing as an invasion of privacy and that individual privacy rights and commercial freedom of speech can be balanced in a way that accommodates both privacy and legitimate telemarketing practices. Determines that it is in the public interest to establish a mechanism under which individual citizens can decide whether or not to receive telephone solicitations via phone or fax.

Defines special terminology used in this act. Prohibits any person or entity from making any telephone solicitation to the telephone line of any residential subscriber of telephone service in this state who has added his or her telephone number and zip code to the Colorado no-call list. Sets forth other requirements for making telephone solicitations in this state.

Creates the Colorado no-call list program for the purpose of establishing a database for verifying residential subscribers of telephone service that have given notice of objection to receiving telephone solicitations. Specifies that the public utilities commission (commission) shall administer the Colorado no-call list program. Requires that, by January 1, 2002, the commission shall contract with a designated agent to maintain the designated state website and database containing the Colorado no-call list with information provided by residential subscribers of telephone service.

Requires the commission to establish rules for the development and maintenance of the Colorado no-call list. Requires the following provisions, among others:

- Free, on-line or touch-tone registration of the subscriber's area code, telephone number, and ZIP code;
- Periodic updates of the information on the no-call list, including purging of reassigned and disconnected numbers;
- An on-line complaint system for reporting of violations; and
- Limitations on the use and distribution of information on the no-call list.

Specifies that a person desiring to make telephone solicitations shall be given unlimited access to the list at an annual fee on a sliding scale set by the commission of not more than \$500, with certain businesses completely exempted from paying such fee.

Makes violating the provisions of this act a deceptive trade practice under the "Colorado Consumer Protection Act". Authorizes enforcement by the state attorney general and local district attorneys. Relieves a telemarketer of liability for technical errors that occurred through no fault of the telemarketer or based on the telemarketer's adoption of internal policies to prevent violations.

APPROVED by Governor June 6, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

CORRECTIONS

S.B. 01-15 Youthful offender system - phase III community placement review. For persons in phase III of the youthful offender system ("YOS"), requires the department of corrections to give notice of community supervision placement to the local law enforcement agency for the jurisdiction in which the YOS offender is placed. Describes the notice contents, including the name of the offender, the crime committed, disposition of the case, and basis for placement. Allows the local law enforcement to appeal the placement to the executive director of the department of corrections if the placement is in a jurisdiction other than the offender's home community and other than the jurisdiction where the offender was convicted. Specifies that the executive director of the department of corrections makes the final determination of placement.

APPROVED by Governor March 28, 2001

EFFECTIVE March 28, 2001

S.B. 01-84 Inmate disaster relief program - time earned - general fund revenues. Requires an inmate to receive an additional amount of time earned in the amount of one day of earned time for every day spent at a disaster site pursuant to the inmate disaster relief program. Authorizes the use of general fund revenues to pay for the inmate disaster relief program.

APPROVED by Governor June 5, 2001

EFFECTIVE June 5, 2001

H.B. 01-1074 Receipt of Fort Lyon medical center - public access. Authorizes the state to receive, by and through the department of corrections and its executive director, title to the Fort Lyon department of veterans affairs medical center for purposes of converting the property to a correctional facility. Requires the executive director of the department of corrections to provide appropriate public access, as provided by federal law, to Kit Carson chapel and the cemetery adjacent to the Fort Lyon property.

APPROVED by Governor May 3, 2001

EFFECTIVE May 3, 2001

H.B. 01-1102 Juvenile parole board - membership - consideration of parole - appropriation. Increases from 2 to 4 the number of juvenile parole board ("board") members selected from the public at large. Clarifies that the governor may appoint members to the board with the advice and consent of the senate, but that the governor may fill any vacancy which occurs when the general assembly is not in session on a temporary basis until the next meeting of the general assembly.

Clarifies the responsibility of the board with regard to juveniles who have been or will be placed in a department of corrections facility, adult community corrections facility, or county jail pursuant to an adult sentence.

Appropriates \$7,879 to the department of human services, juvenile parole board, for the implementation of the act. States the general assembly's intent that the appropriation come from general fund savings resulting from passage of Senate Bill 01-077.

APPROVED by Governor June 1, 2001

EFFECTIVE June 1, 2001

NOTE: Senate Bill 01-077 was signed by the Governor May 30, 2001, and the fiscal

estimate shows sufficient general fund savings.

H.B. 01-1113 Division of adult parole - branch parole offices - notice of office site selection. Creates a duty on the part of the department of corrections, division of adult parole ("division"), to notify a municipality or county concerning a site within such municipality or county that the division has selected to operate as a branch parole office. Permits a municipality or county notified by the division to notify its residents and invite public review and comment on the site selection. Clarifies that the division is authorized to engage in the selection and acquisition of any branch parole office site that the division determines will best enable it to perform and exercise its duties and powers.

APPROVED by Governor May 30, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 01-1185 Probation - modification district attorney request for hearing. Allows a district attorney to request a hearing when there is a motion to modify terms of probation.

APPROVED by Governor March 9, 2001

EFFECTIVE March 9, 2001

H.B. 01-1205 Community corrections - earned time credit forfeiture - appropriations. Deletes the repeal of provisions requiring community corrections escapees to forfeit earned time credits and reductions in sentence.

Makes a statutory appropriation for fiscal year 2002-03 in the amount of \$1,768,225 from the capital construction fund to the corrections expansion reserve fund for implementation of the act. Makes a statutory appropriation for fiscal year 2003-04 in the amount of \$679,346 from the general fund to the department of corrections for implementation of the act.

APPROVED by Governor May 22, 2001

EFFECTIVE May 22, 2001

H.B. 01-1370 Preparole and revocation facility - release hearing officers - pilot program. Requires the department of corrections, on or before December 1, 2001, to issue a request for proposals for the construction and operation of a private contract prison to serve as a preparole and revocation center. Sets the minimum size of the prison at 300 beds. Limits the prison's inmates to those:

- Convicted of nonviolent crimes who are within 19 months of their parole eligibility dates;
- Convicted of violent crimes who are within 9 months of their parole eligibility dates; and
- Offenders whose parole has been revoked; except that such incarceration shall be for no more than 180 days.

Authorizes the state board of parole ("parole board") to revoke an offender's parole and transport the offender to the private prison for a period not to exceed 180 days. Permits

the chairperson of the parole board to contract with release hearing officers to conduct hearings for inmates convicted of certain nonviolent felonies and to set parole conditions for inmates eligible for mandatory parole. Creates a release hearing officers pilot program. Requires a report on the results of the pilot program to the general assembly by November 1, 2002.

APPROVED by Governor May 16, 2001

EFFECTIVE May 16, 2001

COURTS

S.B. 01-48 County court judge - city and county of Broomfield - appropriation. Classifies the city and county of Broomfield as a class B county. Authorizes one county judge for the city and county of Broomfield.

Appropriates \$415,582 and 6.1 FTE to the state judicial department for the city and county of Broomfield.

APPROVED by Governor March 11, 2001

EFFECTIVE July 1, 2001

S.B. 01-140 Small claims court - expanded jurisdiction - timely objection to magistrate - persons authorized to commence action - persons authorized to represent plaintiff - procedure for cases subject to Soldiers' and Sailors' Act - procedures for attorney appearances - removal of counterclaims exceeding monetary jurisdiction - record required in all proceedings - venue - docket fees - county court - increase in monetary jurisdiction. Increases the monetary jurisdiction of the small claims court from \$5,000 to \$7,500. Empowers the small claims court to hear injunctive claims for replevin, specific performance, and the disaffirmance, avoidance, or rescission of a contract. Requires any objection to a magistrate conducting a small claims case to be timely.

Expands the category of persons who may commence an action in small claims court on behalf of the real party in interest. Clarifies that no attorney may appear or participate in the filing, prosecution, or defense of a small claims case, except under certain circumstances, including but not limited to those circumstances permitted by supreme court rule. Permits a property manager in security deposit or rental property damage cases to represent the owner of the property that is the subject of the case.

Permits the small claims court, in cases subject to the federal "Soldiers' and Sailors' Civil Relief Act of 1940", to enter a default, without entering a judgment, against a defendant who is in the military and to appoint an attorney to represent such defendant prior to entering judgment. Specifies the procedures to be followed if an attorney appears in a small claims case.

Requires counterclaims that exceed the jurisdiction of the small claims court to be removed to the county or district court of appropriate jurisdiction pursuant to court rule. Requires a record to be made in all small claims court proceedings. Expands the choices of venue for certain small claims court actions. Modifies the docket fees for small claims court actions.

Increases the monetary jurisdiction of county courts from \$10,000 to \$15,000.

Makes the changes to small claims court jurisdiction and procedures and the changes to county court jurisdiction applicable to causes of action filed on or after September 1, 2001.

APPROVED by Governor June 8, 2001

EFFECTIVE September 1, 2001

H.B. 01-1075 District courts - judges - appropriation. Effective July 1, 2001, increases the number of district court judges in the first, fourth, eighth, seventeenth, eighteenth, and twentieth judicial districts. Subject to available appropriations, effective July 1, 2002,

increases the number of district court judges in the fourth, fifth, sixth, seventeenth, eighteenth, and nineteenth judicial districts. Subject to available appropriations, effective July 1, 2003, increases the number of district court judges in the fourth, seventh, seventeenth, eighteenth, nineteenth, and twentieth judicial districts. Subject to available appropriations, effective July 1, 2004, increases the number of district court judges in the first, fourth, fifth, eighteenth, and twentieth judicial districts.

Appropriates to the state judicial department \$2,235,252 for the implementation of this act.

APPROVED by Governor March 23, 2001

EFFECTIVE July 1, 2001

H.B. 01-1167 Wrongful death actions - exemplary damages. Permits the trier of fact in a wrongful death action to award exemplary damages in certain circumstances. Specifies that the amount of the exemplary damages is not to exceed the amount of actual damages awarded. Permits an exemplary damages claim to be asserted only by amended pleading. Prevents an exemplary damages claim from being time barred so long as it arises from a wrongful death claim that is not time barred. Permits a court to reduce, disallow, or increase an exemplary damages award in certain circumstances. Clarifies that exemplary damages are not available in certain wrongful death actions involving peace officers or firefighters. Clarifies that the provisions authorizing exemplary damages in wrongful death actions do not affect the provisions of other statutes concerning exemplary damages in medical malpractice actions or in actions brought under the Colorado Governmental Immunity Act.

APPROVED by Governor April 16, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 01-1226 Inmate lawsuits - exhaustion of remedies - successive lawsuits - filing fees. Clarifies that an inmate's lawsuit based upon prison conditions shall be dismissed unless the lawsuit alleges the exhaustion of available administrative remedies. Prevents inmates who repeatedly file certain defective lawsuits based upon prison conditions from being granted poor person status concerning the filing of successive prison conditions lawsuits. Requires the court clerk to provide the attorney general with copies of orders dismissing certain inmate prison conditions lawsuits. Requires the attorney general to monitor such orders and to notify judicial authorities when an inmate has 3 or more dismissals. Requires each judicial district to keep a registry of such inmates. Clarifies the circumstances under which an inmate's motion to proceed as a poor person shall be denied. Clarifies that an inmate who proceeds as a poor person must make installment payments and fully reimburse the court for filing and service of process fees. Requires the court in such case to forward its installment payment order to the detaining facility so that the facility can forward moneys from the inmate's account to reimburse the court.

APPROVED by Governor March 30, 2001

EFFECTIVE July 1, 2001

H.B. 01-1241 Continuing garnishment - period extended for continuing levy. Extends from

90 days to 180 days the period for which garnishments are permitted to be a continuing levy.

APPROVED by Governor March 9, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

CRIMINAL LAW AND PROCEDURE

S.B. 01-46 Licensed gaming establishments - unlawful acts - penalty - appropriations. Raises from a class 1 misdemeanor to a class 6 felony the level of offense committed by an unlicensed person convicted of using or possessing an unlawful device at a licensed gaming establishment or operating a cheating game or device.

Makes a statutory appropriation for implementation of the act as follows: For fiscal year 2001-02, appropriates \$69,467 from the capital construction fund to the corrections expansion reserve fund; and for fiscal years 2002-03 and 2004-05, appropriates \$23,833 to the department of corrections from the general fund for the implementation of the act.

APPROVED by Governor May 30, 2001

EFFECTIVE July 1, 2001

S.B. 01-73 Tobacco products - prevention of sales to minors - licensing - appropriation. Directs the division of liquor enforcement within the department of revenue ("division") to perform at least the minimum number of random inspections of businesses that sell cigarettes and tobacco products at retail as required by federal regulations. Instructs the division to apply for a grant from the tobacco education, prevention, and cessation program to fund the inspections.

In determining the penalty for violations of statutes prohibiting the sale of cigarettes and tobacco products to minors, expands from 12 months to 24 months the applicable period for determining subsequent violations. Increases the penalty from a written warning to a \$25 fine for a first offense of selling cigarettes or tobacco products through a vending machine. Extends to 2011 the division's authority to enforce laws prohibiting the sale of cigarettes and tobacco products to minors.

Requires wholesalers of cigarettes and distributors of tobacco products to include in their renewal applications specified information concerning persons who purchased cigarettes or tobacco products for resale from the wholesaler or distributor during the 12-month period preceding the application. Allows the department of revenue to share certain items of the specified information with the department of public health and environment and county and district health departments. To determine the accuracy and completeness of the information provided, directs the state auditor, by July 1, 2004, to audit the procedures used by wholesalers and distributors to provide the specified information.

For juveniles convicted of or adjudicated for a first offense of purchasing or attempting to purchase cigarettes or other tobacco products, allows the court, in lieu of a fine, to sentence the juvenile to participate in a tobacco education program. For any juvenile who is fined for purchasing or attempting to purchase cigarettes or other tobacco products, limits the amount of credit the minor may receive for performing community service to 50% of the fine and fees.

Appropriates, out of any moneys the department of revenue may receive from a grant from the tobacco education, prevention, and cessation program, \$321,630, and 5.0 FTE, to the division for costs incurred in conducting random inspections of businesses that sell cigarettes and tobacco products, and further appropriates \$5,860 and 0.1 FTE, from said moneys to the department of law for the provision of legal services. Appropriates out of the

general fund \$150,971 and 2.5 FTE, to the division for costs incurred in implementing the remaining portions of the act.

APPROVED by Governor May 30, 2001

PORTIONS EFFECTIVE May 30, 2001
July 1, 2001

S.B. 01-95 Offender services fund - probation administrative and personnel costs - appropriation. Authorizes the general assembly to make annual appropriations from the offender services fund for administrative and personnel costs for adult and juvenile probation services as well as for adjunct adult and juvenile probation services in the judicial department.

Appropriates \$1,432,923 and 30.0 FTE to the judicial department for the implementation of the act.

APPROVED by Governor May 18, 2001

EFFECTIVE May 18, 2001

S.B. 01-99 Offenses involving fraud - trademark counterfeiting. Declares that counterfeit and substandard or untested copies of legitimate products such as toys, medicines, and vehicle parts pose a serious and growing threat to the public and that existing law does not sufficiently deter the production and sale of such products to unsuspecting consumers. Criminalizes the unauthorized use of a trademark, trade name, logo, or other recognized indication of source in connection with the sale of goods or services. Punishes a first or less serious offense as a class 2 misdemeanor and a subsequent or more serious offense as a class 1 misdemeanor.

Adds trademark counterfeiting tools and devices to the existing list of forgery devices. Includes trademark counterfeiting as a predicate act under racketeering laws.

APPROVED by Governor June 1, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 01-104 Death penalty - mental competency to be executed - procedures. Prohibits a person who is sentenced to death from being executed so long as the person, because of a mental disease or defect, is unaware that he or she is to be punished for the crime of murder or that the impending punishment for that crime is death. Establishes a presumption that a convicted person who is sentenced to death is mentally competent to be executed, unless a party shows by clear and convincing evidence that the convicted person is mentally incompetent to be executed.

Establishes protocols and procedures by which the issue of mental competency to be executed may be raised on behalf of a person convicted of a class 1 felony and sentenced to death. Specifies:

- Who may file the motion raising the issue and the requirements for the motion;
- Standards and procedures to be applied by the district court in determining the motion;

- Procedures for examining the convicted person, if an examination is ordered;
- The effects of court findings that the convicted person is or is not mentally incompetent to be executed;
- Procedures for appealing the district court's determination; and
- Procedures by which the convicted person may subsequently be found competent to be executed.

Establishes specific procedures applicable when the motion is filed within 30 days prior to a scheduled execution. Prohibits successive motions, except in specified circumstances.

APPROVED by Governor April 19, 2001

EFFECTIVE April 19, 2001

S.B. 01-117 Sexual offenders - sex offender management board. Continues the sex offender management board (the board) until July 1, 2010.

Encourages equal representation, to the extent possible, of urban and rural members on the board. Requires the board to report to the general assembly no later than December 1, 2003, regarding an evaluation of the containment of sex offenders and other policies of the board.

APPROVED by Governor March 28, 2001

EFFECTIVE March 28, 2001

S.B. 01-210 Failure to register as a sex offender - penalty - appropriations. For any adult sex offender convicted of or adjudicated for a felony sex offense, increases the penalty for the first offense of failure to register as a sex offender from a class 2 misdemeanor to a class 6 felony and increases the penalty for any second or subsequent offense from a class 6 felony to a class 5 felony. Requires said sex offender, if sentenced to probation, to participate in the intensive supervision probation program for sex offenders or, if sentenced to incarceration and subsequently released on parole, to participate in the intensive supervision parole program for sex offenders.

For any adult sex offender convicted of or adjudicated for a misdemeanor sex offense, raises the penalty for the offense of failure to register as a sex offender to a class 1 misdemeanor. Identifies misdemeanor failure to register as a sex offender as a misdemeanor that presents an extraordinary risk of harm to society.

For any juvenile adjudicated for felony failure to register as a sex offender, clarifies that the penalty for a first offense is a 45-day mandatory detention sentence and the penalty for any second or subsequent offense is one year out-of-home placement or commitment. For any juvenile adjudicated for misdemeanor failure to register as a sex offender, makes the penalty for a first offense a 30-day mandatory detention sentence and makes the penalty for any second or subsequent offense a mandatory 45-day detention sentence.

Makes a 5-year statutory appropriation for implementation of the act as follows: For the 2001-02 fiscal year, appropriates \$466,008 from the capital construction fund to the corrections expansion reserve fund; and for fiscal year 2002-03 through 2005-06, makes annual appropriations of \$176,013 to the department of corrections. Appropriates, from the

offender services fund, \$36,060 and 0.5 FTE to the sex offender intensive supervision program in the judicial department for implementation of the act.

APPROVED by Governor May 29, 2001

EFFECTIVE May 29, 2001

H.B. 01-1069 Animal cruelty - impoundment - bonding requirements - forfeiture. Extends the bonding requirements for the impoundment of animals to the owner or custodian of an animal that has been impounded because of investigation of charges of animal fighting. Allows the court, upon its own motion or the motion of the prosecuting attorney, after the defendant's conviction for cruelty to animals or for animal fighting, to order the forfeiture of an animal under certain circumstances.

APPROVED by Governor March 20, 2001

EFFECTIVE July 1, 2001

H.B. 01-1114 Law enforcement - traffic stops - profiling prohibited - policies - training - public information - repeal - appropriation. Requires the Colorado state patrol and law enforcement agencies serving the city and county of Denver to collect specified information regarding traffic stops, but generally exempts roadblocks. Requires those agencies to annually compile the information and make it available to the public. Repeals these requirements, effective January 1, 2004.

Prohibits profiling by any peace officer certified by the peace officers standards and training board ("P.O.S.T. board"). Requires all certified peace officers to provide business cards to persons detained at traffic stops who are not cited or arrested, but exempts undercover operations. Directs each law enforcement agency in the state to annually compile any complaints received due to distribution of the business cards. Directs each agency to make the information public, without revealing the identities of the officers or the detainees, and allows the agency to specify the cost of reporting the information.

Requires P.O.S.T. board training curriculum to include practices that prevent profiling. Directs all law enforcement agencies in the state, within 6 months after the effective date of the act, to have policies and training in place to address profiling. Requires each peace officer to have such training and requires the agencies to make their policies regarding profiling the public.

Appropriates \$21,448 to the department of public safety to implement the act.

APPROVED by Governor June 5, 2001

EFFECTIVE June 5, 2001

H.B. 01-1117 Juvenile sex offenders - treatment - facilities. Requires any governmental entity to seek the advice of the sex offender management board if it is constructing, operating, or contracting for any facility for the housing, care, and treatment of juvenile sex offenders or implementing new treatment modalities prior to July 1, 2002, or prior to the development and implementation of guidelines and standards for juvenile sex offender treatment.

APPROVED by Governor March 11, 2001

EFFECTIVE March 11, 2001

H.B. 01-1118 Aggravated motor vehicle theft - aggravating factors - property damage. Clarifies that the aggravating factor for first degree aggravated motor vehicle theft involving property damage of \$500 or more includes damage to the motor vehicle.

APPROVED by Governor March 12, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 01-1130 DNA testing - felons in custody of department of corrections - appropriations. Beginning March 31, 2002, expands DNA testing to all felons sentenced to the custody of the department of corrections. Expands previous testing requirements from only those convicted of certain offenses to include those who plead guilty to those offenses. Requires DNA testing of all offenders released from prison after July 1, 2001, who are not placed on parole.

Appropriates to the department of corrections from the general fund \$15,921 for implementation of the act. Appropriates to the department of public safety, Colorado bureau of investigation, from the general fund \$94,008 for implementation of the act. Recognizes the department of public safety will receive \$192,625 in federal funds for implementation of the act.

Section 8 provides that the act shall take effect only if the fiscal estimate for Senate Bill 01-077 is equal to or greater than the final fiscal estimate for this act and becomes law.

APPROVED by Governor June 5, 2001

PORTIONS EFFECTIVE July 1, 2001
March 31, 2002

NOTE: Senate Bill 01-077 was signed by the Governor May 30, 2001, and the fiscal estimate shows sufficient general fund savings.

H.B. 01-1155 Sex offenders - Internet posting - request for information on registered offenders - appropriation. Adds the following persons to the list of persons convicted of unlawful sexual behavior whose identifying information and picture are required to be posted on the Internet:

- Persons who were convicted as adults of 2 or more offenses involving a felony offense involving unlawful sexual behavior or crimes of violence; and
- Persons who are required to register as sexual offenders because they were convicted of a felony as adults and who fail to register as sexual offenders.

For sex offenders who fail to register, requires the Colorado bureau of investigation ("CBI") to notify local law enforcement of the failure and to post the sex offender's information on the Internet after receiving written confirmation of the failure to register from the local law enforcement agency. Allows the department of corrections to obtain a recent photograph or image of the sex offender prior to the sex offender's release.

Authorizes a sex offender whose information and picture are required to be posted on the Internet to petition the court to remove his or her information and picture on the same schedule that the sex offender may petition for release from the registration requirement.

Also, authorizes a sex offender whose information and picture were required to be posted only because of a failure to register to petition a court to remove his or her information and picture after the sex offender has been in compliance with the registration requirements for a period of one year.

Directs a local law enforcement agency to request on behalf of a person residing within the local law enforcement agency's jurisdiction information from the CBI on registered sex offenders residing within the boundaries of another law enforcement agency contiguous to the agency's boundaries. Authorizes a local law enforcement agency to request information on behalf of a person residing within the local law enforcement agency's jurisdiction information concerning other registered sex offenders when necessary for public protection.

Directs the CBI to mail the requested information to the person making the request requested or allows the local law enforcement agency to have the CBI forward the information back to the law enforcement agency, which may release such information to the person making the request. Specifies that the information include at least the registered sex offender's name, address, and aliases and that it not include information about victims.

Appropriates \$138,200 and 2.6 FTE, which is from savings due to the passage of Senate Bill No. 01-077, to the department of public safety, Colorado bureau of investigation, for implementation of the act.

APPROVED by Governor June 5, 2001

EFFECTIVE June 5, 2001

NOTE: Senate Bill 01-077 was signed by the Governor May 30, 2001, and the fiscal estimate shows sufficient general fund savings.

H.B. 01-1187 Procedural changes in criminal laws - admissibility of similar transactions evidence in domestic violence cases - application of statutes of limitation - coroners' records. Expands the admissibility of evidence of similar transactions in domestic violence cases. Extends the application of the statute of limitations for criminal prosecutions to juvenile delinquency proceedings. Extends the limitation for collateral attack upon previous criminal convictions to juvenile delinquency adjudications. Requires a coroner on request to release to the district attorney or attorney general any autopsy report or medical information relevant to the coroner's inquest or investigation. Prohibits a coroner from releasing certain records obtained during an inquest or investigation. Specifies that a coroner who possesses relevant medical records obtained during an inquest or investigation and any district attorney or attorney general who receives a copy of such records has proper authorization to possess such records under the statute concerning theft of medical records.

APPROVED by Governor May 31, 2001

EFFECTIVE July 1, 2001

H.B. 01-1204 Sentencing - presumptive penalty - offenses against pregnant women - appropriation. For any defendant who is convicted of a homicide or assault offense against a pregnant woman who the defendant knows or reasonably should know is pregnant, requires the judge, if he or she sentences the defendant to incarceration, to sentence the defendant to a term of at least the midpoint, but not more than twice the maximum, of the presumptive range authorized for the offense committed.

For any defendant who is convicted of a misdemeanor third degree assault against a pregnant woman who the defendant knows or should have known is pregnant, requires the judge, after making findings on the record, to sentence the defendant to at least six months imprisonment, but not longer than the maximum sentence authorized for the offense committed.

Makes a statutory appropriation for the implementation of the act as follows: For the fiscal year beginning July 1, 2003, appropriates \$26,629 from the capital construction fund to the corrections expansion reserve fund; for the fiscal year beginning July 1, 2004 appropriates \$10,058 from the general fund to the department of corrections; for the fiscal year July 1, 2005, appropriates \$7,215 from the general fund to the department of corrections.

APPROVED by Governor June 5, 2001

EFFECTIVE July 1, 2001

H.B. 01-1221 Theft detection devices - illegal acts - immunity for detention and questioning of persons. Makes it a class 1 misdemeanor to sell or possess, manufacture, distribute a theft detection shielding device or a theft detection deactivation device under certain circumstances. Makes it a class 1 misdemeanor to deactivate or remove a theft detection device under certain circumstances. Provides immunity for the detention and questioning of persons who trigger theft detection device alarms under certain circumstances.

APPROVED by Governor May 18, 2001

EFFECTIVE July 1, 2001

H.B. 01-1229 Sex offenders - lifetime registration - intensive supervision probation - sexually violent predator - counseling or treatment - appropriation. Requires an offender convicted as an adult of sexual assault, first or second degree sexual assault as they existed prior to July 1, 2000, sexual assault on a child, sexual assault on a child by one in a position of trust, sexual assault on a client by a psychotherapist, incest, or aggravated incest to register quarterly as a sex offender for the remainder of the offender's life. Sets forth the registration procedure. Changes the permissive condition of an intensive supervision probation program to a requirement, and subjects those convicted of specified offenses involving unlawful sexual behavior and sentenced to probation to an intensive supervision probation program. Charges the probation department, in coordination with the evaluator completing the mental health sex offense specific evaluation, to complete the sexually violent predator risk assessment.

Eliminates the court's option of making a specific finding that treatment with another facility or person, other than those specified by statute, is warranted in connection with a sex offender's probation or alcohol and drug treatment. Eliminates the state board of parole's option to determine that treatment with another facility or person, other than those specified by statute, is warranted as a condition of parole for a sex offender.

Appropriates \$358,497 from the offender services fund to the division of probation and related services in the judicial department for the sex offender intensive supervision program.

APPROVED by Governor May 30, 2001

EFFECTIVE May 30, 2001

H.B. 01-1242 Mailing of explosive device - kidnapping - schedule I controlled substances

- criminality of conduct dependent on age - elimination right to trial by jury for certain county ordinance violations - appropriations. Makes it a class 4 felony to manufacture, give, mail, send, or cause to be sent an explosive or incendiary device. Clarifies the crime of second degree kidnapping.

Adds gamma hydroxybutyrate (GHB) as a schedule I controlled substance. Adds to the list of schedule I controlled substances analogs of a controlled substance if the chemical structure of the substance is substantially similar to a schedule I controlled substance or if the substance is designed to produce an effect similar to or greater than a schedule I controlled substance.

Clarifies that, where the criminality of conduct depends on a child being younger than 18 years of age and the child is actually younger than 15 years of age, there is no defense that the defendant believed the child was at least 18 years of age. Eliminates the right to trial by jury for county ordinance violations that are neither criminal nor punishable by imprisonment.

Makes a 5-year statutory appropriation for implementation of the act as follows: For fiscal year 2001-02, appropriates \$277,868 from the capital construction fund to the corrections expansion reserve fund; for fiscal year 2002-03, appropriates \$138,934 from the capital construction fund to the corrections expansion reserve fund and appropriates \$106,756 in general fund moneys to the department of corrections; for fiscal year 2003-04, appropriates \$138,934 from the capital construction fund to the corrections expansion reserve fund and appropriates \$160,134 in general fund moneys to the department of corrections; for fiscal year 2004-05, appropriates \$79,887 from the capital construction fund to the corrections expansion reserve fund and appropriates \$213,512 in general fund moneys to the department of corrections; for fiscal year 2005-06, appropriates \$244,204 in general fund moneys to the department of corrections.

APPROVED by Governor June 1, 2001

EFFECTIVE July 1, 2001

H.B. 01-1269 Criminal street gang recruitment - penalty. Criminalizes gang recruitment of an individual younger than 18 years of age by an individual 18 years of age or older. Criminalizes the prevention of an individual younger than 18 years of age from leaving a gang by an individual 18 years of age or older. Makes the crime a class 1 misdemeanor.

APPROVED by Governor June 5, 2001

EFFECTIVE March 1, 2002

H.B. 01-1286 Child abuse - faith healing. Repeals the faith healing exception to the crime of child abuse.

APPROVED by Governor April 16, 2001

EFFECTIVE July 1, 2001

H.B. 01-1323 Allowable costs assessed against defendants. Adds to the list of costs that may be assessed against a person convicted of a crime:

- The costs of transcripts of preliminary hearings;
- The actual costs paid to expert witnesses;
- Lodging and transportation expenses incurred by a person required to travel

- more than 50 miles; and
Lodging and travel expenses incurred by a parent of a juvenile required to appear.

APPROVED by Governor March 28, 2001

EFFECTIVE July 1, 2001

H.B. 01-1344 Criminal prosecutions - commencement - no limitation for certain sex crimes - appropriations. Under certain circumstances, removes the 10-year limitation period and imposes no time limit on the institution of criminal prosecutions for most sexual assault crimes, aggravated incest, and related inchoate offenses. Specifies that the change to the statute of limitations for said crimes applies to offenses committed after July 1, 1991.

Makes a 5-year statutory appropriation as follows: For fiscal year 2001-02, appropriates \$69,467 from the capital construction fund to the corrections expansion reserve fund for implementation of the act; for fiscal years 2002-03 through 2005-06, makes annual appropriations of \$26,689 to the department of corrections for implementation of the act.

APPROVED by Governor June 5, 2001

EFFECTIVE July 1, 2001

H.B. 01-1371 Medical use of marijuana - unlawful acts - penalty - department of public health and environment - implementation of medical marijuana program - medical marijuana program cash fund. Acknowledges that section 14 of article XVIII of the state constitution ("constitutional provision") was approved by voters at the 2000 general election. Explains that, under certain circumstances, the constitutional provision authorizes the medical use of marijuana by persons diagnosed with debilitating medical conditions, and requires a state health agency designated by the governor to administer a program for use. Identifies the department of public health and environment ("department") as the designated state health agency. Requires the department, in conjunction with the administration of the medical marijuana program, to administer a confidential registry of qualified patients who are issued identification cards and authorized to engage in the medical use of marijuana.

Recognizes that the constitutional provision requires the general assembly to determine and enact criminal penalties for specific acts described in such provision. Criminalizes certain acts concerning the procurement, use, theft, and production of a marijuana registry identification card. Makes it a crime to publicize any confidential record contained in the department's marijuana registry.

Authorizes the department to promulgate rules for administration of the medical marijuana program. Creates the medical marijuana program cash fund ("fund"). Requires that all registry application fees collected be credited to the fund, and be used to offset the direct and indirect costs of administering the medical marijuana program.

Clarifies that the medical use of marijuana shall not constitute a defense to any charge of driving under the influence or driving while impaired.

APPROVED by Governor April 27, 2001

EFFECTIVE April 27, 2001

EDUCATION - PUBLIC SCHOOLS

S.B. 01-49 Colorado preschool program - district council - community providers. Requires school district preschool program councils to assess, at least once every 5 years, whether alternative community providers are available and to ensure the highest quality service at the lowest cost.

APPROVED by Governor March 28, 2001

EFFECTIVE March 28, 2001

S.B. 01-76 School district collective bargaining agreements - public disclosure. Requires each school district board of education ("school board") to provide copies of all collective bargaining agreements entered into by the school board to the state board of education ("state board") and the largest public library in the school district. Requires each school board to post copies of all current collective bargaining agreements on its website, if available. Instructs the state board and libraries receiving the collective bargaining agreements to make copies available for public inspection. Compels each school board to make copies of the collective bargaining agreements available for public inspection at its main offices.

APPROVED by Governor March 28, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 01-80 Safe schools - bullying policy. Requires each school district to consult with student councils, where available, when adopting and implementing a safe school plan or when revising existing plans or policies concerning safe schools. Requires each school district to include a specific policy in the school district conduct and discipline code concerning bullying prevention and education. Defines bullying to mean any written or verbal expression, or physical act or gesture, or a pattern thereof, that is intended to cause distress upon one or more students in the school, on school grounds, in school vehicles, at a designated school bus stop, or at school activities or sanctioned events.

Requires each school to submit, in the annual report to the state board of education, information concerning the school's policy on bullying prevention and education, including information related to the development and implementation of any bullying prevention programs.

APPROVED by Governor May 2, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 01-82 Public school funding - requirements of amendment 23 - accountability. Establishes state policies relating to section 17 of article IX of the state constitution (amendment 23) as follows:

- Explains that for school district budget years 2001-02 through 2010-11, the general assembly is required to annually increase the statewide base per pupil funding for public education from preschool through 12th grade and the total

- state funding for all categorical programs by the rate of inflation plus one percentage point;
- Explains that for the school district budget year 2011-12 and each school district budget year thereafter, the general assembly is required to annually increase the statewide base per pupil funding for public education from preschool through 12th grade and the total state funding for all categorical programs by the rate of inflation;
- Requires each public school district (district) to include in its accreditation contract with the state board of education (state board) a continuous plan explaining how the district will use the additional education funding received pursuant to the requirements of amendment 23. Requires each district to annually update the plan to reflect any changes in the use of amendment 23 funding. Specifies that the plan is to include a statement concerning the need for increased funding for textbooks and whether said need will be addressed in the plan. For districts with total enrollment or more than 6,000 pupils, requires the plan to include a statement concerning the need for lower class sizes and whether said need will be addressed by the plan. When submitting data concerning student assessments, requires districts to include an accounting of the impact of additional amendment 23 funding on student achievement; and
- Makes legislative findings regarding the implementation of amendment 23.

APPROVED by Governor May 30, 2001

EFFECTIVE May 30, 2001

S.B. 01-89 Class size - data collection. Commissions the state board of education ("state board") to annually collect from each public school and each school district class size data for classes in kindergarten through twelfth grade. For the school year 2001-02, requires collection of data pertaining to classes in the first priority state model content standard areas, and for each year thereafter, requires collection of data pertaining to classes in the first and second priority state model content standard areas. Directs the department of education, on or before July 1, 2002, to submit to the governor and the education committees of the senate and the house of representatives a report on class size in the first priority state model content standard area classes. Requires the commissioner of education to maintain the class size information collected by the state board and to make the information available upon request.

VETOED by Governor June 5, 2001

S.B. 01-91 Full-day kindergarten - pilot program - authority to contract - report - funding - appropriation. Permits school districts to offer kindergarten educational programs on a full-day basis as a pilot program, between the effective date of the act and July 1, 2006. Sets the minimum number of hours of instruction and contact for any full-day kindergarten at 900 hours, which can be reduced to no fewer than 870 hours for parent-teacher conferences, staff in-service programs, and closings. Specifies that such full-day kindergarten programs are in addition to any existing programs and are to serve those students attending a school that received an academic performance grade of "F" in the prior year. Permits a school district board of education to contract with any other public or private entity, including but not limited to a child care center or a head start agency, to provide the full-day kindergarten program and to place a teacher with such provider.

On or after July 1, 2005, directs the department of education ("department") to

contract for a review and analysis of the effectiveness of full-day kindergarten in raising student achievement. Directs the department to present the results of such review and analysis to the general assembly on or before December 1, 2005. States that the full-day kindergarten pilot program moneys should come from the state education fund.

Appropriates \$2,853,075 from the state education fund to the department of education for implementation of the act.

APPROVED by Governor May 29, 2001

EFFECTIVE May 29, 2001

S.B. 01-98 Academic performance - school accountability reports - terminology - school improvement plans - non-English statewide assessments - study - non-public home-based educational programs - teacher pay incentive program - teacher loan forgiveness pilot program - curriculum-based, achievement college entrance exam - study - appropriations. Changes terminology in existing education statutes as follows:

- Changes "school report card" to "school accountability report";
- Changes school "grades" to school "ratings";
- Changes the school ratings of "A", "B", "C", "D", and "F" to "excellent", "high", "average", "low", and "unsatisfactory", respectively; and
- Changes the school improvement ratings of "A", "B", "C", "D", and "F" to "significant improvement", "improvement", "stable", "decline", and "significant decline", respectively.

Delays until the 2001-02 school year the use of the results of the curriculum-based, achievement college entrance exam ("ACT exam") in the calculation of a public high school's overall academic performance rating. Permits a student to show a need to take the ACT exam on the national testing date rather than the statewide testing date, and requires the department of education ("department") to pay for the test.

Deletes the separate school improvement designations for schools with academic performance grades of "A" and "B". Directs that the terms and data elements in school accountability reports are to be defined in the chart of accounts and personnel classification system. Clarifies that school accountability reports reflect the results in reading, writing, and math for all students tested. Clarifies that test scores are used in the calculation of the school's overall academic performance rating. Directs the department to print on the school accountability report a notation if a school failed to report data. Permits a school district, at its own expense, to include additional information with the school accountability report that does not refute the report. Requires the key for the pie charts showing student performance on the school accountability reports to include the label "no score". Extends the date for delivery of the accountability reports from August 15 to September 15.

Requires the number of librarians employed at the school to be included in the school accountability reports. For school accountability reports issued on or after July 1, 2002, deletes the notation of "Classroom Suspensions" and "Other Felonies as Defined by Statute". Requires school accountability reports, on and after July 1, 2002, to include the following information:

- Substance abuse incidents segregated by drugs, alcohol, and tobacco;
- Student enrollment stability, defined as the percentage of students enrolled in the school on October 1 who are still enrolled on February 1 of the same

- academic year; and
Students eligible for free lunch.

Deletes the 45-day deadline for the department to return comments and suggestions on a school improvement plan. Permits the state board of education ("state board") to remove a school district's accreditation, pursuant to a plan adopted by rule of the state board, after no significant improvement over 3 years in the assessment scores of a school operating under a school improvement plan.

Exempts from the calculation of a school's rating the score of any student who enrolls in the public school after February 1, rather than after October 1, of the school year in which the assessment is administered. Clarifies that the provision explaining which scores of students whose dominant language is not English are included in a school's rating shall apply regardless of the language in which the assessment is administered. Requires the academic performance ratings calculated for the 2000-01 school year to include all scores of non-English assessments.

Clarifies that a student attending a nonpublic school or nonpublic home-based educational program is not required to take a statewide assessment, even though the student may be attending a public school for part of the day and included in that public school's pupil count.

Allows parents of an habitually truant student who intend to begin home-schooling to notify any school district within the state instead of specifically notifying the school district superintendent. Clarifies that a home-school student who subsequently enrolls in a public school may be tested by that school district for placement purposes. Requires a public school to accept home-school transcripts for credit, except when testing does not verify their accuracy. Clarifies that a home-schooled child has the same rights as a public school student of the school district in which the child resides or is enrolled and may participate on an equal basis in extracurricular or interscholastic activities.

Establishes in the department a teacher pay incentive program to assist poorly-performing school districts in recruiting and maintaining quality teachers. Awards grants through the program to public schools with a "low" or "unsatisfactory" rating for the 2000-01 school year through a formula based on the number of students enrolled in the school. Awards bonuses to those schools that subsequently receive school improvement ratings of "significant improvement" or "improvement". Requires the department to report in February, 2005, to the governor and the education committees of the senate and the house of representatives on the effectiveness of the program and whether the program should continue. Specifies the minimum amount of the yearly bonuses and limitations on who may receive a bonus.

Directs the department, in conjunction with an appointed study committee, to conduct a study regarding student assessments administered to students whose dominant language is not English. Requires the department to submit a report of the study's findings and recommendations to the state board and the education committees of the senate and the house of representatives no later than December 31, 2001. Describes the appointment of members to the study committee. Specifies the study topics.

Includes in the list of accreditation indicators the percentage of students in each school district whose dominant language is not English. Requires annual assessment and certification of students whose dominant language is not English and inclusion of the

information in the annual report of achievement of accreditation indicators.

Authorizes the Colorado commission on higher education ("CCHE") to develop and maintain a teacher loan forgiveness pilot program for the academic years 2001-02 through 2007-08. Directs that the program provide payment for all or part of the principal and interest of the education loans of first-year teachers employed in Colorado public schools or facility schools in the areas of math, science, special education, or linguistically diverse education. Authorizes the CCHE to receive gifts, grants, and donations and to expend those private moneys or moneys from the Colorado student obligation bond authority for the program. Creates the teacher loan forgiveness fund. Requires the CCHE to report to the education committees of the senate and the house of representatives on the program on or before each December 15 from 2002 through 2007. Permits each qualified teacher to receive up to \$2000 in loan forgiveness for each of the first 4 years of teaching. Sets forth the qualifications for teachers to participate in the program.

Requires the department to contract with an independent, third-party expert for a study of the use of the ACT exam. Directs the department to report the results of the study to the governor, the state board, and the education committees of the senate and the house of representatives before December 1, 2001. Specifies the study contents.

Requires the department to review and update all statewide assessments, including non-English assessments, as necessary to maintain the integrity of the assessments.

Appropriates \$12,630,000 from the state education fund to the department for the implementation of the teacher incentive pay program. Appropriates \$50,000 from the state education fund to the department for the study of non-English statewide assessments. Appropriates \$50,000 from the state education fund to the department for the study of the ACT exams. Appropriates \$411,953 from the state education fund to the department for the review and update of statewide assessments. Appropriates \$25,000 from the state education fund to the department to include non-English scores in school ratings for one year. Appropriates \$50,000 from the state education fund to the department to reconfigure the school accountability reports to accommodate two new items.

APPROVED by Governor June 8, 2001

PORTIONS EFFECTIVE June 8, 2001
July 1, 2002

S.B. 01-120 Preschool program - eligibility - significant family risk factors - definition - district council - criteria. Defines "significant family risk factors" for purposes of the Colorado preschool program. Clarifies that a school district preschool program council may define eligibility criteria that is in addition to such criteria established in statute.

APPROVED by Governor March 28, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 01-123 Preschool program - required budgeting for program costs - allocation of moneys to preschool program fund. For any school district participating in the state preschool program, requires a portion of the district's per pupil operating revenues to be budgeted and allocated to the district's preschool program fund. Creates the preschool

program fund for school districts. Limits expenditures from the fund to payment of costs of providing preschool program services to children enrolled in the district's preschool program. Provides that any unexpended funds at the end of a budget year shall remain in the fund.

APPROVED by Governor May 23, 2001

EFFECTIVE May 23, 2001

S.B. 01-129 School finance - preschool program - charter schools - capital construction funding - "National School Lunch Act" funding - summer school grant program - school improvement - student assessments - drug testing of district personnel - appropriations. Increases the statewide base per pupil fund for the 2001-02 budget year from \$4,001.70 to \$4,202. Beginning in the 2001-02 budget year, increases the minimum funding for districts to \$5,100 per pupil. Specifies that, in complying with the maintenance of effort requirement in section 17 of article IX of the state constitution, the general assembly shall appropriate an amount of moneys from the general fund equal to the maintenance of effort base plus an amount equal to:

- 5.92% of the maintenance of effort base if Senate Bill 01-119 becomes law;
- 5.80% of the maintenance of effort base if Senate Bill 01-119 does not become law.

Defines "at-risk funded pupil count" as the greater of the number of at-risk pupils for the applicable budget year, the number of at-risk pupils averaged over 2 years, or the number of at-risk pupils averaged over 3 years. Expands the definition of "at-risk pupil" to include students who are not eligible for free lunch, whose dominant language is not English, and whose CSAP scores are not included in calculating a school's performance grade or who took the CSAP in a language other than English. Increases the at-risk factor for districts with a funded pupil count of greater than 50,000. Requires a district to use any additional at-risk funding it receives due to the expansion of the definition or increase in the at-risk factor to implement the district's English language proficiency program. Requires each district with over 6,000 students that receives at-risk funding to annually submit a report to the department of education specifying how the at-risk funding was used. Directs the department to annually submit a summary of the district reports to the general assembly.

Effective July 1, 2001, authorizes districts to submit a ballot question seeking authorization to collect and spend additional property tax revenue to provide a supplemental cost of living adjustment for the district. Allows such question to be placed on the ballot by initiative petition. Limits the amount of property tax revenue that a district can generate for this purpose for any given budget year. Requires additional voter approval for any subsequent mill levy increases to generate the maximum allowable amount of property tax revenue for this purpose.

Increases the maximum number of children that can participate in the state preschool program from 9,050 to 10,050 for the 2001-02 budget year and budget years thereafter. Reauthorizes the full-day kindergarten component of the preschool program for the 2001-02 budget year and increases the maximum number of children that can participate in the full-day kindergarten component from 500 to 1,000. Prohibits the department of education from granting waivers that allow more than 1,000 full-day kindergarten children.

For the 2001-02 budget year and budget years thereafter, allows a school district to retain the actual amount of a charter school's per pupil share of the central administrative overhead costs for services actually provided to the charter school; except that this amount

shall not exceed 5% of the district per pupil revenues for each pupil enrolled in the charter school. Requires school districts, within 90 days after end of the fiscal year, to provide an itemized accounting of its central administrative overhead costs and an itemized accounting of all actual costs of the district services the charter school chose to purchase from the district. Calls for a reconciliation between the charges to the charter school and the actual costs with payment to the owed party. Allows any dispute between the district and charter school to be reviewed by the department of education with the cost being the responsibility of the requesting party. For any charter school that includes provision of transportation services by the school district in its charter, requires the charter school and the district to develop a transportation plan.

Requires the general assembly to appropriate state education fund moneys for the 2001-2002 budget year and subsequent budget years for the purpose of assisting qualified charter schools that expend a specified percentage of their operating revenues for capital construction with their capital construction needs. Requires those state education fund moneys to be appropriated to the department of education, distributed to districts, and allocated to qualified charter schools in amounts equal to 130% of the minimum amount of moneys per pupil that a school district must budget as a capital or risk management reserve multiplied by the number of qualified charter school pupils in a charter school or school district.

Requires an amount of state education fund moneys to be appropriated to the school capital construction expenditures reserve equal to the amount of state education fund moneys appropriated to the department of education for allocation to school districts and qualified charter schools. Directs the state auditor to review and annually report to the general assembly on the amount of state education fund moneys spent on school district and charter school capital construction. Requires bond proceeds from bonds issued by a school district pursuant to voter approval obtained on or after July 1, 2001, to be allocated to qualified charter schools within the district in proportion to the ratio of the qualified charter school's pupil enrollment at grade levels that are also served by one or more similarly situated noncharter public schools that will benefit from bond proceeds to the total pupil enrollment of all schools in the district that will receive bond proceeds.

Requires the general assembly to make annual appropriations for the state's match for the federal "National School Lunch Act". Directs the department of education to develop procedures to allocate and disburse those state moneys among participating school districts consistent with the Act. Imposes limitations on the use of these state moneys. In calculating the amount of tuition paid by a school district in educating a child with a disability, specifies that the costs incurred by a community centered board or facility in providing the special education program shall not be reduced by the amount of any revenues received by that community centered board or facility as donations or special education grants.

Creates the summer school grant program in the department of education to provide funding to school districts for the operation of summer school reading programs for students between 3rd and 4th grade and 4th and 5th grade who score unsatisfactory on the reading CSAPs. Sets the amount of the program grants at \$100 per student enrolled in the summer school program. Creates the summer school grant program fund. Requires each district that participates in the summer school grant program to submit an annual report to the department, specifying the number of eligible students enrolled in the district and the program, the reading and writing performance levels of students in the program, and any other information the state board of education may require.

Establishes a 2-year grant program for schools that receive an academic performance grade of "F" on the school report card prepared for the 2000-01 school year. Grants are only available for the 2001-02 and 2002-03 school years and are awarded in the following amounts:

- For eligible elementary schools, \$75,000 per year;
- For eligible middle or junior high schools, \$100,000 per year; and
- For eligible high schools, \$125,000 per year.

Authorizes an additional award of \$25,000 if the school has made "adequate progress" by improving by 0.5 or greater from the standard deviation over the immediately preceding year's overall standardized, weighted total score on the school report card. By January 1, 2002, and January 1, 2003, requires the department of education to submit a report on the grant program to the governor, the senate and house education committees, and the local board of education for each school district that received a school improvement grant.

Modifies provisions concerning existing school improvement plans to:

- Eliminate the option of "F" schools to convert immediately to an independent charter school, thereby requiring all "F" schools to file a school improvement plan;
- Beginning in 2003, for schools that received an "F" on the school report card prepared for the immediately preceding academic year, require the state board of education to notify those schools no later than May 1 if the school will receive an "F" on the report card prepared for that academic year;
- Eliminate the specific elements of the school improvement plan that are listed in statute and authorize the state board to adopt rules specifying the elements of that plan, including, where possible, the incorporation of requirements of federal programs related to student achievement;
- Extend the operation of "F" schools under a school improvement plan from 1 year to 2 years prior to being required to convert to an independent charter school if the school receives an "F" after the second year of operation under the plan.

Beginning in 2003, modifies the notification of student assessment results for schools that received an "F" on the school report card for the immediately preceding academic year to require notification of results by May 1 to allow for earlier conversion to an independent charter school if required. States that the department of education shall release the results of assessments administered in languages other than English at the same time it releases the English language test results.

Modifies the timeline for the conversion of "F" schools to independent charter schools as follows:

- By May 1, notification of "F" sent to local board;
- By May 10, state board issues requests for proposals (RFPs) for independent charter school;
- Between May 10 & August 15, pursuant to state board rules, responses to RFPs are due, review committees are formed, applicants are selected, and local boards are notified of selected applicants;
- By August 15, negotiations between selected applicant and local board conclude and application accepted by local board;

- After August 15, independent charter school opens.

Requires the existing state data reporting system for collecting and reporting performance indicators from each public school to be capable, no later than June 1, 2002, of:

- Storing all CSAP scores from CSAP assessments administered during the 2001-02 school year and each succeeding school year;
- Performing longitudinal analyses of individual student assessment results, classroom assessment results, and entire school assessment results with respect to those CSAP assessments; and
- Longitudinally tracking the CSAP assessment results of students who transfer from one school district to another and whose annual assessments are administered by different districts.

Increases from 17 to 22 the maximum number of boards of cooperative services (BOCES) that can receive state moneys if approved by the state board of education. Clarifies that tobacco moneys in the read-to-achieve fund remain in the fund and do not revert to the tobacco litigation settlement trust fund at the end of any fiscal year. Allows all categorical programs to be listed together in the general appropriations bill for purposes of complying with section 17 of article IX of the state constitution. Specifies how the pupil enrollment of districts involved in a deconsolidation approved by voters at the 2000 general election is to be determined for budget years prior to the deconsolidation that are used in determining pupil count.

Specifies that any unexpended moneys remaining in the contingency reserve at the end of a fiscal year shall remain in the contingency reserve and shall not be transferred to the general fund or any other fund. Requires any district's repayment of supplemental assistance made from the contingency reserve to be credited to the contingency reserve. Allows a school district to notify the state board of education to transfer a portion of the school district's monthly allocation of the state's share of total program to the division of vocational rehabilitation for the school district's participation in school-to-work alliance programs.

Authorizes school districts to create school safety programs, which may include drug testing of all personnel who apply for, transfer to, or are promoted to safety-sensitive positions and of personnel who are in safety-sensitive positions if there is probable cause to believe the person is using illegal drugs. Requires future collective bargaining agreements entered into with unions representing personnel in safety-sensitive positions to contain drug testing policies for said personnel.

Provides additional moneys to fund the school finance program for the 2001-02 fiscal year by appropriating \$846,638 from the state public school fund and \$8,868,480 from the state education fund. Appropriates the additional following amounts for the 2001-02 fiscal year:

- \$2,472,644 from the state public school fund for the federal "National School Lunch Act";
- \$50,000 from the state public school fund for grants to BOCES;
- \$2,900,000 from the state education fund for the school improvement grant program;
- \$5,308,961 for charter school capital construction;
- \$5,308,961 to the school capital construction expenditures reserve;
- \$945,800 for the summer school grant program; and

- \$388,000 and 2.0 FTE for the state data reporting system to longitudinally track CSAP scores.

Amends the 2000-01 general appropriations act to reduce the general fund appropriation and increase the cash funds exempt appropriation to the department of education for public school transportation and reduce the general fund appropriation and increase the cash funds exempt appropriation to the department of human services, division of child welfare, for family and children's programs. Amends the 2001-02 general appropriations act to reduce the general fund appropriation and increase the cash funds exempt appropriation to the department of human services, division of child welfare, for family and children's programs and increase the general fund appropriation and decrease the cash funds exempt appropriation to the department of education for the state share of districts' total program funding.

APPROVED by Governor April 16, 2001 **PORTIONS EFFECTIVE** April 16, 2001
 July 1, 2001

S.B. 01-204 Public school funding - implementation of amendment 23 - annual joint resolution procedures - definitions. Establishes state policies relating to section 17 of article IX of the state constitution (amendment 23) as follows:

- Makes legislative declarations concerning the increased education funding requirements of amendment 23, the duty and intent of the general assembly to comply with said requirements, and the duty and intent of the general assembly to ensure the viability of the state education fund (fund) established by amendment 23 in order to meet the long-term requirements of the increased education funding requirements without adversely affecting the financial condition of the state and other state programs and services.
- Defines the terms "categorical programs", "inflation", and "total state funding for all categorical programs".
- Requires the general assembly, acting by joint resolution sponsored by the chair and vice-chair of the joint budget committee and prepared in cooperation with the education committees of the senate and house of representatives, to annually certify the amount of moneys in the fund that should be considered available for appropriation for the next state fiscal year after taking into consideration an analysis prepared by the staff of legislative council. Requires the joint resolution to contain certain information related to the amount of moneys that should be considered available from the fund, the general fund, and any other fund to meet the increased funding requirements of amendment 23 and to fund other programs consistent with amendment 23 while protecting the long-term solvency of the fund. Encourages the general assembly to appropriate from the fund no more than the amount certified in said joint resolution.
- Requires the staff of the legislative council, with the assistance of the state auditor, the office of state planning and budgeting, the state treasurer, the department of education, and the joint budget committee, to conduct a review of the model used to forecast revenues in and expenditures from the fund and the spending requirements of the "Public School Finance Act of 1994", including: A determination of the reasonableness of the assumptions used to forecast revenues and expenditures, a revision to said assumptions if necessary; information on the financial stability of the fund; projections of the

amount of total state moneys required to meet the increased funding requirements of amendment 23 and the availability of moneys in funds other than the general fund and the state education fund to meet said requirements; revenue projections for the fund; an estimate of the maximum amount of moneys that can be appropriated from the fund and the minimum amount of moneys that can be appropriated from the general fund to meet the funding requirements of amendment 23 without adversely impacting the solvency of the fund or the ability of the general assembly to comply with said funding requirements in future years; and estimates of the impact of various levels of general fund appropriations above the minimum level required by amendment 23 on the amount of moneys available in the fund for other programs authorized by amendment 23.

- Requires legislative council staff to transmit copies of the analysis to the joint budget committee, the office of state planning and budgeting, and the education committees of the senate and the house of representatives.
- Specifies that for state fiscal years 2001-02 through 2010-11, the general assembly is required to annually appropriate from the general fund an amount equal to the amount of general fund appropriations for total program pursuant to the "Public School Finance Act of 1994" for the immediately preceding state fiscal year, known as the maintenance of effort base, plus an amount annually determined by the general assembly that is equal to at least 5% of the maintenance of effort base, unless Colorado personal income grows less than 4½% between the 2 calendar years immediately preceding the state fiscal year in which an appropriation is made. Specifies that the maintenance of effort base includes any adjustments made pursuant to a supplemental appropriation bill or bills for that fiscal year and the general fund appropriation for business incentive agreements negotiated by school districts.
- Specifies that for school district budget years 2001-02 through 2010-11, the general assembly is required to annually increase the statewide base per pupil funding for public education from preschool through 12th grade and the total state funding for all categorical programs by at least the rate of inflation plus one percentage point.
- Specifies that for school district budget years 2011-12 and each school district budget year thereafter, the general assembly is required to annually increase the statewide base per pupil funding for public education from preschool through 12th grade and the total state funding for all categorical programs by at least the rate of inflation.

APPROVED by Governor May 30, 2001

EFFECTIVE May 30, 2001

S.B. 01-222 K-12 capital construction - state assistance in funding construction projects - exception to restriction on appropriation. Modifies the prohibition against the general assembly appropriating general fund moneys for public school capital construction in any fiscal year 2000-01 through 2010-11 if general fund revenues do not exceed a specified amount so that the prohibition is not applicable for fiscal year 2001-02.

APPROVED by Governor May 30, 2001

EFFECTIVE May 30, 2001

S.B. 01-237 Charter schools - funding capital construction needs. Makes a legislative

declaration regarding the development of methods to fund the capital construction needs of charter schools and encouraging interested persons to meet and develop a legislative proposal regarding capital construction funding for charter schools for consideration at the 2002 regular session. Delays the requirement that a portion of bond proceeds from bonds issued by a school district pursuant to voter approval obtained on or after July 1, 2001, be allocated to qualified charter schools within the district under certain circumstances so that the requirement applies to bond proceeds from district bonds issued pursuant to voter approval obtained on or after July 1, 2002.

APPROVED by Governor May 30, 2001

EFFECTIVE May 30, 2001

H.B. 01-1041 Colorado preschool program - assistance and training - on-site visits - compliance with state law. Requires the department of education ("department"), upon the request of a school district, to provide necessary technical assistance to the school district for the submission of a preschool program proposal and to provide ongoing training of personnel. Directs the department to select annually a reasonable number of school districts for on-site visits. Requires the department to determine whether the following comply with all applicable state laws:

- The screening process and the eligibility criteria;
- The district preschool program council; and
- The school district's quality assurance activities, evaluation efforts, and financial activities regarding the preschool program.

APPROVED by Governor March 20, 2001

EFFECTIVE March 20, 2001

H.B. 01-1129 Extracurricular athletic activities - reserved positions - fees. Allows a school district, for each athletic activity offered, to reserve for students enrolled in the district of the school of participation a certain number of positions on athletic teams at each level of competition. Allows the school of participation in certain circumstances to charge a nonenrolled student the actual cost of postseason participation in an individual athletic activity.

APPROVED by Governor February 22, 2001

EFFECTIVE February 22, 2001

H.B. 01-1146 Local boards of education - performance evaluation of superintendent. Authorizes and places exclusive responsibility with a local board of education to conduct the performance evaluation of the superintendent of the school district.

APPROVED by Governor March 11, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 01-1163 Colorado information technology education grant program - rules - fund. Creates the Colorado information technology education grant program ("grant program") to provide moneys to applying school districts, charter schools, and facility schools to use in integrating information technology education into the ninth-grade through twelfth-grade

curriculum in public schools. Instructs the department of education ("department") to implement the grant program, including making recommendations concerning grant recipients to the state board of education ("state board"). Instructs the state board to award grants based on the department's recommendations, beginning with the 2002-03 school year, so long as appropriations are available.

Directs the state board to adopt rules for the implementation of the grant program. Specifies the information to be included in grant applications and the criteria to be applied in selecting grant recipients. If a facility school receives a grant and subsequently ceases operations, specifies that any hardware or software purchase by the facility school with grant moneys shall revert to the school district in which the facility school was operating. Clarifies that the grant program does not affect any school district's ability to enter into agreements with any private entity. Requires annual reports from grant recipients and from the department, and specifies the report contents.

Creates the information technology education fund ("fund"). Directs the department to seek any available moneys to use in implementing the grant program. Allows the department to retain a percentage of the moneys appropriated to the fund to cover the department's costs incurred in implementing the grant program.

APPROVED by Governor June 1, 2001

EFFECTIVE June 1, 2001

H.B. 01-1186 Retired employees - employment after retirement - reduction of PERA benefits. Subjects any PERA service retiree employed by a PERA employer during the month of the effective date of retirement to a daily 5 % reduction in retirement benefits for any part of a day that the retiree works during such month.

APPROVED by Governor March 11, 2001

EFFECTIVE July 1, 2001

H.B. 01-1196 Statewide assessments - return writing portion. If requested by a school district, requires a developer of a statewide assessment to return to the school district the student responses to the essay and appropriate paragraphs of the writing portion of the statewide assessment. Requires the school district making the request to pay for the actual cost of photocopying and mailing these portions of the tests.

APPROVED by Governor March 19, 2001

EFFECTIVE March 19, 2001

H.B. 01-1215 School report cards - elementary schools - teacher qualifications. For elementary schools only, eliminates information on school report cards concerning the percentage of teachers teaching in a subject in which the teacher received a degree.

APPROVED by Governor March 28, 2001

EFFECTIVE March 28, 2001

H.B. 01-1222 School report cards - elementary schools - attendance rates. For the school report cards for elementary schools only:

- Eliminates information on student drop out rates; and

- Replaces a chart on student drop out rates with a chart on attendance rates.

APPROVED by Governor March 28, 2001

EFFECTIVE March 28, 2001

H.B. 01-1232 Education funding - use of 1% increase in per pupil funding - statement - compilation. For any school district in which there are more than 6,000 pupils, requires the school district board of education ("district school board") to approve and submit to the department of education ("department") a statement concerning the use of the constitutionally required 1% increase in the statewide base per pupil funding. Establishes required elements for the statement. Requires the district school board to approve the statement as part of its budget process at a public meeting following specified, public notice. Directs the department to compile the statements and submit them to the governor, the state board of education, and the education committees of the general assembly.

Clarifies that school districts are to pass the 1% increase in per pupil funding on to all charter schools. For charter school contracts and renewals entered into between July 1, 2001, and July 1, 2010, requires the charter school to state how the school will use the increase in funding.

APPROVED by Governor April 16, 2001

EFFECTIVE April 16, 2001

H.B. 01-1262 Public school funding - implementation of amendment 23 - state education fund. Establishes state policies relating to the state education fund created by section 17 of article IX of the state constitution (amendment 23) as follows:

- Codifies the state education fund created by amendment 23.
- Requires the legislative council, in consultation with the office of state planning and budgeting, to calculate the amount of state income tax revenues that must be diverted to the state education fund during any state fiscal year no fewer than 4 times per year and to certify to the department of revenue the amount of state income tax revenues that the department must transfer to the state treasurer for deposit into the state education fund on the first business day of each month.
- Specifies circumstances under which the legislative council, in consultation with the office of state planning and budgeting, may adjust the amount of transfers to the state education fund to ensure that the correct amount is transferred to the fund in each state fiscal year.
- Specifies that, except as otherwise provided by law, all moneys in the state education fund are subject to annual appropriation by the general assembly to the department of education for the purpose of compliance with the requirements of amendment 23 and for any other purpose that is consistent with the requirements of amendment 23 and authorized by law.
- Specifies the manner in which moneys in the state education fund may be invested.
- Specifies that moneys credited to the state education fund, appropriated from the fund, or distributed from the fund and expended by any school district are exempt from constitutional limitations on state and local government fiscal year spending and the statutory limitation on general fund appropriations

growth.

APPROVED by Governor June 5, 2001

EFFECTIVE June 5, 2001

H.B. 01-1272 Textbooks - funding - district plan - appropriation. For the 2001-02 school year, increases state funding to school districts by an amount determined by multiplying \$20 by the school district's funded pupil count as of October 1, 2001. For the 2002-03 school year, increases state funding to school districts by an amount determined by multiplying \$21 by the school district's funded pupil count as of October 1, 2002. Requires each school district to adopt a plan for the use of such moneys. Requires the plan to:

- Specify which schools will receive what new textbooks;
- Use the moneys first to buy new textbooks in the subjects of mathematics, reading, writing, and science, unless the district makes a specific finding that all of the textbooks in those subjects are up-to-date; and
- Pass the increased funding per pupil through to charter schools.

Requires any moneys received by a school district and not expended by July 1, 2003, to be transferred back to the state education fund. Effective July 1, 2003, repeals the provisions of the act.

Appropriates \$14,095,340 from the state education fund to the department of education for the implementation of the act.

APPROVED by Governor May 29, 2001

EFFECTIVE May 29, 2001

H.B. 01-1292 Character education programs - development - reports - fund. Recognizes that core character qualities help give youth the basic interpersonal skills and attributes that are critical building blocks for successful relationships. Acknowledges each school district's authority to exercise control over the specific instruction of students, yet declares a significant statewide interest in providing direction to school districts with regard to character education for Colorado's youth. Encourages school districts to develop and strengthen character education instruction to students in Colorado's schools.

Strongly encourages each school district to establish a character education program designed to help students cultivate the qualities of character that will promote an upright, moral, and desirable citizenry and better prepare students to become positive contributors to society. Encourages the school district to work with the parents and legal guardians of students enrolled in the school district in the development of any character education program. Allows the department of education ("department") to collect information related to character education and requires the department to serve as a character education resource for parents, school districts, and boards of cooperative services. Allows the department to store electronically all information collected.

Allows each school district to submit to the department a report concerning any character education program developed. Allows each school district to submit such report electronically, consistent with rules promulgated by the state board of education. On or before January 15, 2002, and on or before each January 15 thereafter, requires the department to submit to the house of representatives and senate education committees an executive summary of any school district reports received.

Creates the character education fund, and authorizes the department to receive grants, gifts, donations, and contributions from any source, public or private, for the purpose of implementing this act.

APPROVED by Governor June 5, 2001

EFFECTIVE June 5, 2001

H.B. 01-1348 Student with disabilities - alternate exams - use of CSAP scores. Authorizes the state board of education ("state board"), by rule, to exempt a school from receiving an academic performance grade if more than 95% of the students at the school have individual educational programs. Requires a school to establish a public process to ensure accountability before an exemption may be granted. Clarifies that the scores achieved by a student who is eligible for the state's alternate assessment or another assessment approved by rule of the state board, as determined by an annual review of the student's individual educational program, will not be used to calculate a school's academic performance or academic improvement grade.

Specifies that any student who is not eligible for an alternate assessment for students with disabilities but who has an individual educational program shall be assessed at the grade level in which the student is enrolled.

In provisions describing the school report card, clarifies that the scores of students who are eligible for an alternate assessment for students with disabilities are not used to calculate a school's academic performance grade, and that the percentages of students whose scores are included and students whose scores are not included in calculating the grade are specified in a chart.

APPROVED by Governor May 30, 2001

EFFECTIVE May 30, 2001

H.B. 01-1365 Science and technology education center grant program - creation - appropriation. Recognizes the creation of a science and technology education center grant program as an approved use of moneys in the state education fund. Creates the science and technology education center grant program ("grant program") to provide start-up and operating moneys to science and technology education centers. Defines "science and technology education" as educational activities that stimulate learning through space flight simulations or through simulations related to astronomy or space exploration. Beginning on or before January 2, 2002, instructs the state board of education ("state board") to award annually science and technology education center grants to selected applying centers, subject to available appropriations. Specifies the application contents and the criteria to be applied in awarding grants.

Directs the state board to specify the amount to be awarded to each grant recipient and caps the amounts that may be awarded for start-up and operating costs. Requires grant recipients to obtain dollar-for-dollar matching funds.

Creates the science and technology education center grants advisory board ("advisory board"). Directs the advisory board to review grant applications and make recommendations to the state board for the issuance of grants, including the amount of each grant. Repeals the advisory board on July 1, 2011, subject to sunset review.

Instructs the state board to promulgate rules for the implementation of the grant

program. Directs the department to seek public and private funding for the grant program. Creates the science and technology education fund for the payment of science and technology education center grants.

Appropriates \$1,400,000 from the state education fund to the department of education for implementation of the grant program.

APPROVED by Governor June 5, 2001

EFFECTIVE June 5, 2001

EDUCATION - UNIVERSITIES AND COLLEGES

S.B. 01-71 Student loan guarantee fund - repealed and reenacted - compliance with federal requirements. Creates a new student loan guarantee fund ("fund") to replace the existing loan guarantee fund. Structures the new fund to better conform to federal law. Specifies that the new fund shall consist of a reserve account, an operating account, a loan servicing account, and such other accounts as the student loan division may require. Specifies the requirements for calculating and maintaining the minimum reserve for each account consistent with federal law. Delineates federal and state interests and responsibilities in the loan servicing account.

Clarifies how income may be deposited in the operating account. Transfers to the new fund any moneys remaining in the previously existing loan guarantee fund. Clarifies that the moneys in the new fund are to be apportioned and used only as permitted by applicable law.

APPROVED by Governor March 28, 2001

EFFECTIVE March 28, 2001

S.B. 01-229 Colorado school of mines - performance contract - terms - funding. Recognizes the Colorado school of mines ("CSM") as an exemplary institution, and authorizes the CSM to operate under a performance contract with the Colorado commission on higher education ("CCHE").

Beginning July 1, 2001, directs the board of trustees of the Colorado school of mines ("board of trustees") to negotiate performance goals with the CCHE as part of the performance contract. Clarifies that compliance with the performance goals is in lieu of compliance with the statutory quality indicator system. Directs the CCHE to submit the finalized performance contract for review at a joint meeting of the education committees of the senate and the house of representatives and the joint budget committee. Specifies that the performance contract shall take effect upon approval by the general assembly through passage of a joint resolution. Allows the CSM to operate pursuant to the performance contract from the date the contract is approved through June 30, 2011.

Specifies the powers of the board of trustees during the period that the CSM operates under the provisions of the performance contract, including authority to create, modify, or eliminate academic or vocational programs and set resident and nonresident tuition rates. Allows the governor to appoint additional, nonvoting members to the board of trustees for the period during which the CSM operates pursuant to the performance contract. Requires the CSM to report on or before February 15, 2003, and annually thereafter, to the general assembly and to the CCHE concerning its plan for increasing tuition rates, and directs the general assembly to take such information into account in setting tuition spending authority for all state-supported institutions of higher education.

Specifies that, while operating pursuant to the performance contract, the CSM shall remain eligible for state-funded capital construction and controlled maintenance projects and shall admit all qualified resident applicants.

Directs the general assembly, while the CSM operates under the performance contract, to appropriate annually general fund moneys as a block grant to the board of trustees to support resident student enrollment. Directs the CCHE and the CSM to negotiate annually the amount of the block grant, based on several factors. Directs the CSM to submit to the education committees of the senate and house of representatives, beginning February 15, 2003, and every 3 years thereafter, a report reviewing the institution's operations under the

performance contract.

APPROVED by Governor June 5, 2001

EFFECTIVE June 5, 2001

H.B. 01-1035 Higher education boards and commissions - Colorado commission on higher education - state board for community colleges and occupational education - appointments - conditions - requirements. Reduces from 2 years to one year the period of time prior to the time of appointment, that a member of the Colorado commission on higher education ("commission") cannot have been employed by or affiliated in an official capacity with a state-supported institution of higher education in the state. Repeals the requirement that the appointment of an unaffiliated member of the commission be counted as an appointment of a member of the governor's political party. Corrects the statutory reference to the total number of members on the commission to reflect the actual number. Makes a conforming change to the corresponding reference to the number of commission members of any one major political party. Allows an employee of a state institution of higher education to be an appointed member of the state board for community colleges and occupational education.

APPROVED by Governor March 23, 2001

EFFECTIVE March 23, 2001

H.B. 01-1263 Colorado commission on higher education - student bill of rights - general education course guidelines - core courses - competency testing - applicability. Establishes a student bill of rights. Establishes a standard of a 120-hour baccalaureate degree.

Requires the Colorado commission on higher education ("commission"), in consultation with each public institution of higher education, to outline a plan to implement a core course concept which will define the general education course guidelines for Colorado's public institutions of higher education. Specifies that the core courses will consist of 30 to 40 credit hours and shall be designed to ensure that students demonstrate competency in reading, critical thinking, written communication, mathematics, and technology. Requires individual public institutions of higher education to conform their own core course requirements with the guidelines developed and to identify the courses that meet the guidelines. Specifies that, if a statewide matrix of core courses is adopted, the courses identified by the individual institutions as meeting the general education course guidelines shall be included in the matrix. Requires the commission to establish a process for students to test out of core courses and receive credit for those courses.

Makes the act applicable to all students first enrolling as freshman for the academic year 2003-04 and subsequent academic years.

APPROVED by Governor June 6, 2001

EFFECTIVE June 6, 2001

H.B. 01-1275 Colorado institute of technology - number of trustees - elimination of chief operating officer. Eliminates the position of chief operating officer of the Colorado institute of technology. Increases the number of members of the board of trustees of the institute from 13 to 14. Requires that at least 1 board member appointed from institutions of higher education be a representative of a nonpublic institution.

APPROVED by Governor April 19, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 01-1293 Early childhood professional loan repayment program - conditional repeal - appropriation. Requires the Colorado commission on higher education to establish and maintain an early childhood professional loan repayment program ("program"). Specifies the qualifications for the program. Makes qualified early childhood professionals eligible for up to \$1,000 of loan repayment per year for 2 years.

Repeals the program, either July 1, 2007, or July 1 in the year following the year in which either the state fails to receive federal child care development fund moneys or the portion of federal child care development fund moneys used to fund the program become subject to a state participation requirement, whichever is earlier.

Appropriates \$130,000 from the federal child care development fund to the department of human services and subsequently to the department of higher education.

APPROVED by Governor June 1, 2001

EFFECTIVE July 1, 2001

H.B. 01-1298 Course numbering system - creation - review - fund. Directs the Colorado commission on higher education ("commission") to convene a council ("council") that includes representatives from all of the state-supported institutions of higher education ("higher education institutions") and their governing boards, representatives of students enrolled in each type of higher education institution, and a representative of the commission.

Instructs the council to recommend to the commission a statewide articulation matrix system of common course numbering ("course numbering system") to which general education courses offered by each higher education institution may be mapped. Establishes the procedure and time lines for developing the recommendations. Directs the council annually to review the course numbering system and make recommendations as necessary to maintain the integrity of the system.

Directs the commission to adopt a course numbering system for general education courses. Requires each higher education institution to review its general education course offerings and identify those courses that correspond to the courses included in the course numbering system. Directs the commission to review and approve each higher education institution's list of identified courses. Beginning in the fall semester of 2003, requires each higher education institution to publish a list of the identified courses.

Specifies that all credits earned by a student in a course that corresponds to a course included in the course numbering system shall transfer among all higher education institutions. Requires all higher education institutions to participate in the course numbering system. Directs the commission to adopt such necessary policies and procedures for implementation of the course numbering system.

Directs the council to devise and the commission to implement a statewide tracking system to track students' success in transferring among higher education institutions. Directs the commission to design and implement a statewide database for implementation of the act.

Specifies that the commission may accept any public or private gifts, grants, or donations for the implementation of the course numbering system.

APPROVED by Governor June 5, 2001

EFFECTIVE June 5, 2001

H.B. 01-1368 Modify composition of regents of the university of Colorado. To effectuate changes in the composition of the regents of the university of Colorado that are necessitated by the addition of a 7th congressional district in Colorado, replaces the at large regent of the university of Colorado to be elected at the 2002 general election and each 6 years thereafter with a regent to be elected from the 7th congressional district.

APPROVED by Governor June 5, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 01-1406 State board of agriculture - university of southern Colorado - report - assessment of name change - role and mission modifications - public meetings. Requires the state board of agriculture ("board") to work with the university of southern Colorado ("university") to prepare a report that assesses the value to the region served by the university of changing the name of the university and modifying the role and mission of the university. Requires the report to include a plan that details how the university will meet specified goals. If a committee or task force to study higher education during the 2001 interim is established or there is any joint meeting of the education committees, requires the board and the university to issue a status report to said committees or task force by September 15, 2001. Directs the board and the university to issue the report to the education committees of the house of representatives and the senate by December 15, 2001. Instructs the university, prior to issuing the report to the education committees, to hold at least 2 public meetings to discuss the report.

BECAME LAW June 9, 2001

EFFECTIVE June 9, 2001

ELECTIONS

S.B. 01-25 Initiatives and referendums - ballot information booklet - fiscal impact statements for all initiated and referred measures. Removes the provision that fiscal impact statements shall be provided for initiated or referred measures with significant fiscal impacts and states that the director of research of the legislative council of the general assembly shall prepare a fiscal impact statement for all initiated or referred measures. Specifies that fiscal impact statements for initiated or referred measures shall be similar in form and content to the fiscal notes provided by the legislative council of the general assembly for legislative measures. States that a complete copy of the fiscal impact statement for each initiated or referred measure shall be available through the legislative council of the general assembly.

States that the ballot information booklet shall indicate whether there is a fiscal impact for each initiated or referred measure and shall include an abstract of the fiscal impact statement for every measure. Requires that the abstract include an estimate of the effect the measure will have on state and local government revenues, expenditures, taxes, and fiscal liabilities if the measure is enacted. For any initiated or referred measure that modifies the state tax laws, requires the abstract of the fiscal impact statement to include an estimate of the impact to the average taxpayer, if feasible, if such measure is enacted.

APPROVED by Governor March 28, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 01-132 Election ballots - recount - time - procedure. Expands the period for completing a mandatory recount of election ballots from 21 days to 30 days, to match the period for completing a recount requested by an interested party, for the following elections:

- Congressional, state, and district offices, state ballot questions, and state ballot issues;
- Other offices, ballot issues, and ballot questions in an election coordinated by the county clerk and recorder;
- Nonpartisan elections not coordinated with the county clerk and recorder.

Specifies that when there is a recount of ballots cast, unless otherwise directed by the secretary of state, the ballots cast shall be recounted utilizing the identical procedures, methods, and processes that were utilized for the original count of the ballots cast.

APPROVED by Governor April 9, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 01-1070 Fair Campaign Practices Act - electronic filing - reports filed with county clerk and recorder. Requires a candidate committee, political committee, issue committee, and political party to include, when registering with the appropriate officer, a statement of any intent to electronically file reports required by the "Fair Campaign Practices Act" (FCPA) that may be filed electronically on a web site operated and maintained by the secretary of state. No later than January 1, 2002, requires the secretary of state to modify the

existing system that allows electronic filing of FCPA reports required to be filed with the secretary of state or create a new system to enable electronic filing, through utilization of the Internet, of reports required to be filed with a county clerk and recorder.

Before January 1, 2006, allows each county clerk and recorder who has the technology available to access the internet to use the electronic filing system to transmit any FCPA report filed with the clerk and recorder to the secretary of state. On and after January 1, 2006, requires each county clerk and recorder to use the electronic filing system to transmit any FCPA report filed with the clerk and recorder to the secretary of state. Requires a county clerk and recorder to convert any report that is not electronically filed into electronic format before transmitting the report to the secretary of state.

Before January 1, 2006, allows any person required to file an FCPA report with a county clerk and recorder to electronically file the report if the county clerk and recorder with whom the report must be filed has the technology available to access the Internet. On and after January 1, 2006, allows any person required to file an FCPA report with a county clerk and recorder to electronically file the report.

No later than January 1, 2002, requires the secretary of state to post on an existing or new web site, for free read-only access, campaign reports required to be filed under the FCPA with a county clerk and recorder that are electronically transmitted to the secretary of state or electronically filed on the electronic filing system. Requires the secretary of state to post any such report no later than 48 hours after receiving the report in electronic form. Authorizes the secretary of state to promulgate rules governing the posting and electronic filing of campaign reports.

Specifies that the new requirements relating to electronic filing and posting of campaign reports shall not be construed to require the secretary of the state to review reports electronically filed by persons required to file reports with a county clerk and recorder or to impose any new enforcement duties upon the secretary of state.

Makes an appropriation to the department of state from the department of state cash fund.

APPROVED by Governor June 1, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 01-1274 Uniform Election Code - miscellaneous revisions - clarifications. Makes the following miscellaneous revisions and clarifications to the election laws of the state:

- Clarifies that the regular terms of office of all nonpartisan officers elected at regular elections is to commence at the next meeting of the governing body following the date of the election. Further clarifies that, if the election is cancelled in whole or in part, the regular term of a nonpartisan officer shall commence at the next meeting of the governing body following the date of the regular election but no later than 30 days following the date of the regular election and upon the signing of an oath and posting of a bond, where required, unless otherwise provided by law.
- Clarifies that a precinct caucus may be held in a private home that is open to

the public during the caucus, and not just in a public place as provided under existing law. Specifies that any private home in which a precinct caucus is to be held shall be accessible to persons with disabilities in accordance with the rules of the county central committee or executive committee of each political party. Specifies that the rules shall specify guidelines for determining whether a private home is accessible to person with disabilities and for determining controversies regarding such disability.

- Clarifies that each presidential elector shall vote for presidential and vice presidential candidates by separate ballot in accordance with article XII of the United States constitution.
- Clarifies that one or more sheets of petitions for a candidate seeking to obtain ballot access by petition may be fastened together to form one petition section, and that each petition section is to contain one sworn affidavit of the petition circulator.
- Clarifies that, to circulate any petition for candidacy and recall, an eligible elector shall be entitled to vote in the voting district for the office for which the petition is being circulated.
- Clarifies that, in the case of a petition or certificate of designation, the statement used to calculate the end of the protest period is the election official's statement of sufficiency. Further clarifies that in the case of a certificate of designation the certificate is deemed sufficient unless a protest is made in writing within 5 days after the certificate is filed with the designated election official.
- Adds as a required element of the certificate of designation to be filed with the designated election official by the minor political party nominating candidates the date on which the assembly was held at which the candidate was designated.
- Requires election precincts to be numbered with a 10 digit, instead of an 8 digit, number. Specifies the digits of such number that indicate the county in which the precinct is located.
- Clarifies that the notification by a political subdivision that it has taken formal action to participate in a coordinated election shall be in writing.
- Specifies that the verification return envelope contained within the mail ballot packet to be used in the conduct of mail ballot elections is to be referred to as a return-verification envelope. Requires the return-verification envelope to have printed on its face a self-affirmation to be executed by the voter. Specifies the content of the self-affirmation.
- Requires the designated election official to appoint those electors certified by the county party chairpersons of the major political parties to the designated election official as absentee receiving judges and absentee counting judges. Specifies that, if an elector is not willing or able to serve, then the major political party that certifies the elector may certify a replacement judge to the designated election official. Specifies that, if the major political parties do not certify a sufficient number of absentee receiving and counting judges, the designated election official may appoint a sufficient number of qualified electors to serve as absentee receiving and counting judges.
- Clarifies that one or more sheets of petitions for the recall of an elected official may be fastened together to form one petition section, and that each petition section is to contain one sworn affidavit of the petition circulator.
- Clarifies that, when a special district director election is cancelled in whole or in part, each director who was declared elected shall take the required oath within 30 days after the date of the regular election, except for good cause

- shown.
- Conforms statutory provisions pertaining to the nomination of special district directors to procedures under the "Uniform Election Code of 1992".

APPROVED by Governor June 5, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 01-1307 Voter registration and election management system - appropriation. Directs the department of state to develop or acquire a computerized voter registration and election management system to replace the consolidated data processing system maintained by the department of revenue. Permits county clerks and recorders who currently use the consolidated data processing system to use the new system without charge. Permits other county clerks and recorders to use the new system for a fee. Authorizes the department of state to transfer ownership of any system hardware it provides to the county clerk, who is responsible for its maintenance.

Makes the department of state responsible for paying for the development or acquisition of the new system and the costs of maintenance and training and counties for paying for any hardware and Internet service costs.

Directs the department of state to provide Internet access to the master list of electors for counties that do not use the new system. Requires the department of revenue to provide access to the master list of electors on its telecommunications network for counties that do not use the new system and are unable to access the list by Internet. Requires the departments of state and revenue to enter into a memorandum of understanding under which the department of state will reimburse the department of revenue for the cost of providing this service.

Appropriates \$786,915 from the cash fund reserves in the department of state cash fund and \$511,320 from the department of state cash fund for the implementation of this act. Adjusts appropriations to the department of revenue and the department of state in the general appropriation act.

APPROVED by Governor May 18, 2001

PORTIONS EFFECTIVE May 18, 2001
January 1, 2002

H.B. 01-1390 Fair Campaign Practices Act - penalty for failure to file required information - appeal of imposition of penalty - repeal of provision allowing entities that utilize electronic filing system 2 additional days to file reports - acknowledgment of receipt of filing by electronic means. Increases the penalty imposed per day for failure to file certain statements or other information required to be filed under specified sections of the "Fair Campaign Practices Act" from \$10 to \$50, up to a limit of \$1,000 per reporting period. Clarifies that, upon imposition of the penalty, the appropriate officer is to send the person against whom the penalty is being imposed proper notification by mail of the imposition of the penalty. Requires the secretary of state to provide the notification by electronic mail where an electronic mail address is on file with the secretary.

Permits any person against whom a penalty has been imposed to appeal such

imposition by filing a written appeal with the secretary of state no later than 30 days after the date on which the notification of the imposition of the penalty was mailed to the person's last known address. Requires the secretary to refer any such appeal to an administrative law judge; except that, upon receipt of an appeal, the secretary is required to set aside or reduce the penalty upon a showing of good cause. Specifies certain procedures to be followed in connection with the appeal. Requires the administrative law judge to order the complainant to pay the reasonable and necessary attorney fees and costs of the secretary in connection with the appeal where the judge finds that the filing of the appeal was frivolous, groundless, or vexatious.

Clarifies that any unpaid debt owing to the state resulting from the imposition of such penalty shall be collected by the state in accordance with the requirements of existing statutory provisions governing the collection of debts owing to the state.

Repeals the statutory provision granting committees or political parties that utilize the electronic filing system for filing reports of contributor information 2 additional days after the prescribed due dates in which to file such reports, effective January 1, 2007.

Where a person uses the electronic filing system to meet the filing requirements of the "Fair Campaign Practices Act", requires the secretary of state to acknowledge by electronic means the receipt of such filing.

APPROVED by Governor June 5, 2001

EFFECTIVE September 1, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

FINANCIAL INSTITUTIONS

S.B. 01-20 Banks - public deposits - identification system. Requires the division of banking to establish the controls needed to properly identify public depository accounts.

APPROVED by Governor March 28, 2001

EFFECTIVE March 28, 2001

S.B. 01-125 Foreign capital depositories. Extends the protection of the appellation "foreign capital depository" to include any person, not corporations only.

Prohibits the sale or transfer of a charter issued to a foreign capital depository without prior approval of the banking board. Subjects the sale of control of an existing foreign capital depository to the provisions of the "Colorado Banking Code of 1957".

Reduces the semiannual fee paid by a foreign capital depository to the department of revenue from 3/4 of 1% to 1/4 of 1%.

Aligns the appeal process for assessments of the fee with the way other appeals are handled by the department of revenue. Allows the department of revenue to examine tax returns showing the tax or fee imposed pursuant to the provisions on fees and taxes for foreign capital depositories to determine if the correct fee has been remitted. Adds to the definition of "taxes" to ensure that no other states can gain access to tax information about the foreign capital depository.

APPROVED by Governor June 1, 2001

EFFECTIVE June 1, 2001

H.B. 01-1016 Investment adviser registration depository. Permits an applicant for a license as a broker-dealer, sales representative, investment adviser, or investment adviser representative to file an application with either the securities commissioner or the commissioner's designee.

Allows the license application requirement for an investment adviser or an investment adviser representative to be met by filing and maintaining current information with the existing investment adviser registration depository, operated by the national association of securities dealers, so long as the depository provides such information to the securities commissioner. Directs the commissioner not to require any additional information from an applicant unless such additional information is material to understanding the information provided by the investment adviser registration depository. Allows license fees to be paid through a designee of the securities commissioner.

Allows the securities commissioner to enter into an agreement or other working relationship with regulatory entities whereby public documents may be initially filed and maintained in the investment adviser registration depository.

APPROVED by Governor March 9, 2001

EFFECTIVE March 9, 2001

H.B. 01-1031 Securities regulation - securities commissioner - cease-and-desist authority. Amends the "Colorado Securities Act" by allowing the securities commissioner to issue an order to show cause and convene a hearing before the securities board concerning whether

to order a person to cease and desist from certain acts and practices involving the sale of securities. Provides for service by first-class mail, facsimile, or personal service. Requires hearings to be held before the securities board rather than an administrative law judge.

Inserts similar provisions by cross reference into the "Colorado Commodity Code".

APPROVED by Governor June 1, 2001

EFFECTIVE July 1, 2001

H.B. 01-1228 Credit unions - expulsion of members - grounds - procedure. Changes the reasons for which a credit union's board of directors may expel a member from the credit union. Allows the board to expel a member for failing to comply with the written rules and policies of the credit union as adopted and made available to the membership. Requires written notice of the grounds for the expulsion and an opportunity to be heard before expulsion.

APPROVED by Governor March 28, 2001

EFFECTIVE September 1, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 01-1230 Industrial banks - names. Deletes the current requirement that industrial banks use only names that contain the phrase "industrial bank" in their articles of incorporation and on all advertising and publicity.

APPROVED by Governor March 20, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

GENERAL ASSEMBLY

S.B. 01-226 Executive committee of legislative council. Requires a temporary executive committee of the legislative council (committee) to assume most of the duties of the outgoing committee for each period commencing after a general election and ending following the convening of the next general assembly when a new committee is formed. Specifies that the membership of the temporary committee shall be the legislators selected by their respective party caucuses as the speaker of the house of representatives, the president of the senate, and the majority and minority leaders of the senate and the house of representatives for the next general assembly.

Specifies that the outgoing committee retains all powers and duties relating to any special session of the general assembly called prior to and all legislative management functions pertaining to manners arising prior to the convening of the next general assembly. Gives each member of the temporary committee the same powers and duties with respect to the committee's business as all other members of the committee, whether the member is member of the then current general assembly, a member-elect of the next general assembly, or both.

APPROVED by Governor June 5, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 01-1009 State auditor - records management audits. Directs the state auditor or the auditor's designee to conduct records management audits on a periodic basis in every state agency, including educational institutions and the judicial and legislative branches. Directs the executive director of the department of personnel or the director's designee to provide the state auditor with guidelines for records management audits.

APPROVED by Governor March 20, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 01-1340 Capital development committee - joint budget committee - joint review of projects. Conforms current law to prior legislation that eliminated the duty of the capital development committee and joint budget committee to act as a joint committee for purposes of reviewing facilities program plans of the department of corrections and the department of human services. Clarifies that the capital development committee review and make recommendations regarding such plans to the joint budget committee.

APPROVED by Governor April 9, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 01-1388 Interim activities - compensation - attendance at committee meetings. Authorizes appointees to committees, whether members of the current general assembly or members-elect of the next general assembly, to be compensated for attending meetings of committees of reference or the joint budget committee during the interim. Specifies that when a member is appointed to serve on a committee during the next regular session of the general assembly, the member will only be entitled to compensation as a member of committees upon which he or she has been appointed to serve during the next regular session.

APPROVED by Governor June 5, 2001

EFFECTIVE August 15, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

GOVERNMENT - COUNTY

S.B. 01-38 County subdivision regulations - fair-share reimbursement. Authorizes counties to adopt subdivision regulations that entitle subdividers to fair-share reimbursement of the cost of required improvements to be paid, less any county reimbursement, by the owners of subsequently developed property that is adjacent to or has presumed use of the improvements.

Requires the regulations to set a period, not to exceed 15 years from the time of completion of the improvements, for seeking reimbursement.

Permits the regulations to entitle subdividers to interest on the amount to be reimbursed.

APPROVED by Governor March 29, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 01-102 City and county of Broomfield - statutory modifications necessary for operation. Makes modifications that are necessary for the operation of the city and county of Broomfield (Broomfield) on and after November 15, 2001.

Establishes classifications for county fee structures, clarifies that Broomfield is a member of certain special districts, and reiterates Broomfield's constitutional powers to appoint county officers and to delegate the duties of county commissioners to boards and commissions as follows:

Classification of Counties

- Classifies, based on population, Broomfield as a county of the fourth class for the purpose of fixing fees for treasurer, county clerk and recorder, and sheriff.
- Classifies, based on population, Broomfield as a Class 3 county for the purpose of setting fees and salaries for public trustee.
- Designates the city of Broomfield as the county seat for the city and county of Broomfield.

Special Districts

Regional Transportation District

- Includes Broomfield, with the exception of the portion of Weld county that was annexed by the city of Broomfield before May 25, 1994, in the regional transportation district. Allows the annexed area of Weld county, or any portion thereof, to be included in the regional transportation district.

Urban Drainage and Flood Control District

- Includes Broomfield in the definition of "county" for the purpose of the "Urban Drainage and Flood Control Act".
- Includes Broomfield in the area comprising the urban drainage and flood

- control district.
- Increases the number of directors on the board of directors of the district from 15 to 16.
- States that one person shall be appointed to the board of directors of the district by the city council of Broomfield.

Denver Metropolitan Scientific and Cultural Facilities District

- Modifies the definition of "county cultural council" for purposes of the "Scientific and Cultural Facilities District Act" to include a council comprised of members appointed by the Broomfield city council.
- Increases the number of directors on the board of directors of the Denver metropolitan scientific and cultural facilities district from 9 to 10. Specifies that one director to the board shall be appointed by the Broomfield city council.

Division of Authority Over Streets

- Adds Broomfield to those cities in which the department of transportation must install, operate, maintain, and control traffic control signals, signs, and traffic control devices.
- Requires the Broomfield city council to annually submit to the transportation commission its priorities for the construction of roads and streets within its jurisdiction on the state highway system and all proposed projects that are not a part of the highway system but that utilize federal funding.
- Specifies that Broomfield shall not be considered a county for the purpose of county allocation of the highway users tax fund.
- Specifies that Broomfield shall continue to be considered a city for the purpose of municipal allocation of the highway users tax fund.

City Council Performs Duties of County Commissioners

- Specifies that Broomfield shall have the duty of levying property taxes.

City Council - Appointment of Boards

- Specifies that the county or district board of social services shall be the Broomfield city council or a board or commission appointed by the city council.
- Specifies that the county board of equalization shall be the Broomfield city council or a board or commission appointed by the city council.

City Council Appoints County Officers

- States that the Broomfield public trustee shall be an equivalent officer as shall be provided by its charter or code.
- States that the annual salary of the Broomfield public trustee or such equivalent officer shall be set forth in Broomfield's annual budget.
- Specifies under the property tax laws that the Broomfield "assessor" and "treasurer" shall be such equivalent officers as shall be provided by its charter or code.
- States that the Broomfield clerk and recorder is designated as the "authorized

- agent" of the department of revenue for the administration of certain provisions relating to the registration and titling of motor vehicles and manufactured homes and makes conforming amendments.

Specifies that the ballot for the registered voters of the city of Broomfield for the odd-year election to be held on November 6, 2001, shall exclude any local ballot issue pertaining to Adams, Boulder, Jefferson and Weld counties that, by the terms of such ballot issue or as mandated by state law, takes effect on or after November 15, 2001. Specifies that the ballot for the registered voters of the city of Broomfield for such election may include any local ballot issue pertaining to the city and county of Broomfield that, by the terms of such ballot issue or as mandated by law, takes effect on or after November 15, 2001.

APPROVED by Governor March 30, 2001 **PORTIONS EFFECTIVE** March 30, 2001
November 15, 2001

S.B. 01-130 Classification of counties - Douglas county. Reclassifies Douglas county as a county of the second class from a county of the fourth class for purposes of fixing fees to be charged and collected by the county and other officers.

APPROVED by Governor April 12, 2001 **EFFECTIVE** April 12, 2001

S.B. 01-135 County officers - salaries. Increases salaries for county sheriffs, treasurers, and clerks for terms of office beginning on and after January 1, 2002. Moves Washington county from category V to category IV for purposes of establishing salaries of county officers.

APPROVED by Governor April 20, 2001 **EFFECTIVE** August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 01-1211 Planning - cluster development - land use requirements. Eliminates the requirement that open space be contiguous for a tract in a cluster development. Specifies that no rural land use process shall approve a cluster development that exceeds one residential unit for each 17½ acre increment instead of 2 units for each 35 acre increment.

APPROVED by Governor March 28, 2001 **EFFECTIVE** August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 01-1239 County officials - additional offices place of additional meetings of county commissioners. Authorizes county sheriffs, clerk and recorders, treasurers, and assessors to have additional offices outside the county seat, but within the same county. Allows a county assessor to keep his or her office at a location in the county seat provided by the board of county commissioners rather than in the county courthouse.

Allows meetings in addition to the regular monthly meeting of a board of county commissioners of a large county to be held outside the county seat.

APPROVED by Governor May 30, 2001

EFFECTIVE May 30, 2001

H.B. 01-1288 Fees of sheriffs - increase in civil fees collected. Increases certain civil fees collected by county sheriffs to specified amounts.

APPROVED by Governor April 20, 2001

EFFECTIVE July 1, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

GOVERNMENT - LOCAL

S.B. 01-36 Local improvement districts - conversion of overhead electric transmission facilities to underground locations. Adds overhead electric transmission facilities to those electric or communications facilities that the governing body of every county, city, and town may create local improvement districts for the purpose of converting such facilities to underground locations.

APPROVED by Governor March 29, 2001

EFFECTIVE July 1, 2001

S.B. 01-155 Capital improvement fund - use of revenues. Specifies the following purposes for which counties and municipalities may use sales and use tax revenues dedicated to a capital improvement fund:

- Paying the costs of acquiring or constructing any capital improvement;
- Acquiring land or equipment;
- The costs of issuing bonds;
- The costs of capitalized interest and reserves;
- The costs of operating and maintaining the capital improvements to be financed.

Requires that the fund contain sufficient revenues to pay the anticipated annual debt service on bonds payable from the fund prior to using the revenues for other purposes.

APPROVED by Governor March 29, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 01-1063 Drainage authorities - formation by intergovernmental agreement - development of drainage facilities. Authorizes any combination of municipalities, special districts, or political subdivisions of the state that are authorized to own and operate drainage facilities to establish, by contract, a drainage authority for the purpose of developing drainage facilities. Authorizes drainage authorities to:

- Develop drainage facilities;
- Acquire, construct, manage, maintain, or operate drainage facilities;
- Acquire, hold, lease, sell, or otherwise dispose of any real or personal property utilized only for drainage;
- Permit other municipalities, special districts, or political subdivisions of the state to join the drainage authority; and
- Provide for the rehabilitation of any surfaces adversely affected by the construction of drainage facilities.

APPROVED by Governor March 16, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 01-1084 Multi-line telephone system operators - disclosure requirements relating to 9-1-1 emergency service calls. If the method of dialing a local call from a multi-line telephone system (MLTS) telephone requires the customer to dial additional numbers to access the public switched network, requires MLTS operators to disclose to their customers written information describing how to dial 9-1-1 emergency service from an MLTS telephone. Requires the operators to notify their customers if the system does not provide the precise location or telephone number of the 9-1-1 caller to the public safety answering point. Authorizes the public utilities commission to adopt rules to implement this act and clarifies that the provisions of the act do not alter the method of regulation or deregulation of telecommunications providers by the public utilities commission.

Defines terms.

APPROVED by Governor March 19, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 01-1172 Multijurisdictional housing authorities - housing programs - authority to levy taxes and impact fees - establishment of enterprises - deposit and investment of revenues. Authorizes a multijurisdictional housing authority (authority) to operate housing programs to provide affordable housing. Specifies that the plan of an authority may provide accommodations at purchase prices, rather than just rental rates, within the means of families of low or moderate income and may provide affordable housing projects or programs for employees of employers within the jurisdiction of the authority.

Allows local governments to designate less than the entire area of a local government for inclusion in an authority. Allows the boundaries of the authority to be modified after the authority has been established.

Authorizes authorities to levy sales taxes, use taxes, property taxes, and development impact fees. Requires that the members of the authority consent to any such tax or fee. Requires the board of the authority to adopt a resolution that such taxes or fees fairly distribute the authority's costs among and will not unduly burden persons and businesses subject to the authority. Caps the sales and use tax rate at 1% and the property tax rate at 5 mills. Excepts any sales and use tax imposed by the authority from the existing statutory 6.90% sales tax cap.

Provides that an impact fee may only be imposed if:

- No portion of the authority is in a county with more than 100,000 people;
- The fee is not imposed upon low or moderate income housing or affordable employee housing;
- The rate of the fee is \$2 per square foot or less; and
- The authority also imposes a sales and use tax, a property tax, or both.

Specifies procedures for collecting and administering the taxes and fees. Specifies the purposes for which the revenues of the authority may be used.

Authorizes authorities to establish enterprises for housing projects and programs upon the same terms as the rural transportation authorities.

Provides that the deposit and investment of revenues and the issuance of bonds shall be on the same terms and conditions as rural transportation authorities. Requires voter approval for the authority to impose or increase any tax or fee or to create debt or a financial obligation in accordance with the state constitution.

APPROVED by Governor June 5, 2001

EFFECTIVE June 5, 2001

H.B. 01-1174 Affordable housing - affordable housing dwelling unit advisory boards. Makes legislative findings on the necessity of affordable housing and the appropriateness of local governments establishing an affordable housing dwelling unit advisory board.

Authorizes a local government to establish an affordable housing dwelling unit advisory board. Specifies that a board may make recommendations to the local government or the local housing authority on certain matters, including the following:

- A jurisdiction-wide definition of affordable housing and affordable housing dwelling unit;
- Quantifying jurisdiction-wide affordable housing dwelling unit sales prices and rental rates and specific factors to be considered in developing its recommendations on sales prices and rental rates;
- Jurisdiction-wide affordable housing dwelling unit qualifying income guidelines;
- Changes in density requirements contained in the jurisdiction's zoning or planning ordinances to encourage the provision of affordable housing;
- Policies for the modification of requirements adopted in connection with the local government's affordable housing dwelling unit program; and
- Any other matters affecting the construction and continued existence of affordable housing dwelling units.

Allows the local governing body to establish the number of members of a board and their terms. Requires the membership of a board, to the greatest extent practicable, to reflect the legislative intent that the members have demonstrated experience in housing matters as provided in the legislative declaration.

Specifies that this act shall not be construed to affect the operation of a local housing authority and encourages the affordable housing dwelling unit to cooperate with a local housing authority in the establishment and implementation of policies that will further the intent of this act.

APPROVED by Governor June 5, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 01-1191 Community mediation programs - matching grants. Effective July 1, 2002, authorizes an adjunct committee of the office of dispute resolution advisory committee to award matching grants to community mediation programs. Provides that the adjunct committee shall annually award grants to approved community mediation programs pursuant to criteria established by the committee. Requires local governments or nonprofit entities to provide matching moneys in an amount equal to the amount of each grant awarded.

Specifies application requirements for obtaining grants and the type of service that a program must provide in order to receive a grant. Requires each program that receives a grant to submit an annual report to the committee.

Creates the community mediation program grant fund. Specifies the sources of moneys for the fund. Provides that moneys in the fund may be used to provide grants to approved community mediation programs.

VEETOED by Governor June 5, 2001

H.B. 01-1195 Public utilities - major gas and electric facilities - siting - resolution of conflicts - appropriation. Finds that, due to the statewide impact of energy problems, the resolution of conflicts over the siting of major gas and electric facilities is a matter of statewide concern. Requires a public utility or power authority to provide notification of certain planned sitings of major gas and electric facilities to a local jurisdiction within certain deadlines. Requires the public utility or power authority to consult with the local jurisdiction concerning the siting of such facilities. Instructs a public utility or power authority to either consider reasonable site and design alternatives to the planned facilities and present such alternatives to the local government or explain why such alternatives are not available.

Creates an appeal process that allows a public utility or power authority to appeal local government siting and building determinations for major gas and electric facilities to the public utilities commission (PUC), if the local decision will impair the ability of the public utility or power authority to provide safe, reliable, and economical service to the public and if the utility meets one of the following requirements:

- The utility has applied for or has obtained a certificate of public convenience and necessity for the facility in question;
- A certificate of public convenience and necessity is not required for such facility; or
- The PUC has previously entered an order that conflicts with the local government action.

Instructs the PUC to follow certain procedural requirements and to take statements from the public at a location specified by the local government. Requires an appeal to include a statement of the reasons why the local government action would impair the ability of a public utility or power authority to provide safe, reliable, and economical service to the public.

Requires the PUC to balance the local government interest with the statewide interest in the location, construction, or improvement of major electrical or natural gas facilities and to consider the following factors pursuant to the appeal:

- The demonstrated need for the facility;
- The extent to which the proposed facility is inconsistent with existing applicable local or regional land use ordinances;
- Whether the proposed facility would exacerbate a natural hazard;
- Applicable utility engineering standards, including supply adequacy, system reliability, and public safety standards;
- The relative merit of any reasonably available and economically feasible alternatives proposed by the public utility, the power authority, or the local

- government;
- The impact that the local government action would have on the customers of the public utility or power authority residing both within and without the boundaries of the jurisdiction of the local government;
- The basis for the local government's decision to deny the application or impose additional conditions on the application;
- The impact the proposed facility would have on residents within the local government's jurisdiction, including whether the residents have already paid to place existing facilities underground; and
- The safety of residents.

Instructs the PUC to deny the appeal if the public utility or power authority fails to comply with the notice requirements of the act. Authorizes the PUC to consult with the department of local affairs on land use issues.

Declares that a public utility's, power authority's, or local government's right to appeal a local government, public utility, or power authority action, decision, or determination to a court of law is not diminished. Requires appeals to be given priority on the PUC's calendar. Declares that the act does not limit the authority of a local government to require or grant a public utility franchise.

Authorizes the PUC to require an appealing public utility or power authority to reimburse the PUC for certain costs associated with the appeal.

Defines "power authority".

Appropriates \$83,715 to the department of regulatory agencies for allocation to the executive director's office for legal services and the implementation of the act. Appropriates \$87,347 to the department of regulatory agencies for allocation to the public utilities commission for the implementation of the act. Appropriates \$83,715 to the department of law for the provision of legal services to the public utilities commission related to the implementation of the act.

APPROVED by Governor May 30, 2001

EFFECTIVE May 30, 2001

H.B. 01-1283 Colorado housing and finance administration - modifications of bonding authority. Eliminates the dollar limitation on the amount of bonds that the Colorado housing and finance authority may have outstanding. Prohibits the authority from establishing new capital reserve funds used for the payment of bonds on and after July 1, 2001. Repeals the statutory provisions authorizing the establishment of such funds when all outstanding bonds of the authority with respect to which such funds have been established are paid in full.

APPROVED by Governor April 12, 2001

EFFECTIVE April 12, 2001

H.B. 01-1386 Local marketing district - exemption from sales or use tax limit. Exempts a voter-approved marketing and promotion tax levied by a local marketing district from the overall statutory 6.90% sales or use tax limit.

VETOED by Governor June 5, 2001

GOVERNMENT - MUNICIPAL

H.B. 01-1008 Fire and police pensions - state assisted old hire pension plans - calculations of contributions necessary to eliminate unfunded liability. By September 30, 2001, requires any employer desiring to receive state assistance contributions to assist in amortizing unfunded accrued liability to file with the fire and police pension association an updated actuarial study of its old hire police officers' and firefighters' pension funds on an annual rather than biennial basis.

By September 30, 2001, requires the fire and police pension association board of directors to submit an annual, rather than biennial, report to the joint budget committee or pension reform commission reviewing the status of all employers having an accrued unfunded liability.

Directs the fire and police pension association board of directors to determine annually whether the sum of the required state and employer contributions to any state-assisted old hire pension plan for that year is greater than the amount necessary to eliminate the remaining unfunded liability of the plan. Requires the state and the employer to reduce their required contributions to a state-assisted old hire pension plan when the sum of the required contributions for that year would be greater than the amount necessary to eliminate any remaining unfunded liability of the plan.

APPROVED by Governor April 9, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 01-1011 Fire and police pensions - plans - new hire - revisions. Makes revisions to provisions governing fire and police pension plans.

Generally. Amends the definition of "employer" to include fire authorities. Authorizes the board of directors (board) of the fire and police pension association (association) to release the names and addresses of retirees of a plan affiliated with the association to the local pension board if the local pension board has:

- Filed a written request in the manner prescribed by the association; and
- Provided the board of directors with written assurances that the information requested will be used only for pension-related purposes.

Statewide defined benefit plan. Clarifies the normal retirement age under the statewide defined benefit plan as 55 years. Changes the method by which early retirement benefits are reduced to reflect early receipt of benefits. Allows a member's designated beneficiary to receive a pension in the event the member dies before electing a payment option. Clarifies that a pension election is irrevocable upon deposit or other negotiation of a pension payment. Authorizes the board to promulgate rules to allow members who are eligible for retirement to defer receipt of retirement benefits in accordance with federal law. Clarifies that earnings accruing on a member's separate retirement account are to be allocated monthly until the account is exhausted. Specifies the balance, accumulated contributions, and earnings on a member's separate retirement account shall be paid to the member's estate if the member:

- Dies while in active service;
- Has more than 10 years of credited service;
- Does not leave a surviving spouse, dependent child, or designated beneficiary; and
- Is not eligible for the normal retirement pension at the time of death.

Statewide money purchase plan. Alters the effective date of withdrawals from the statewide defined benefit plan to the statewide money purchase plan, the deadline for obtaining member approval, and the updating of actuarial reports when required by board rules.

Affiliated plans. Allows an employer with multiple plans to exercise options to affiliate with or withdraw from the association on an individual plan basis.

Disability and survivor benefits. Amends the definition of "dependent child" to include:

- Any unmarried child who is under the age of 23 and enrolled in high school; or
- Any mentally or physically disabled child regardless of marital status.

Precludes the contribution toward the death and disability plan and the payment of disability or survivor benefits if the member:

- Participates in the statewide money purchase plan or a local money purchase plan; and
- Has reached age 55 with 25 years of accumulated service.

For purposes of the increase in disability benefits available when a member has a spouse, if a member becomes divorced and is legally required to pay maintenance to the former spouse on or after June 1, 2001, caps the amount of the spousal benefit at 10% of the member's annual base salary or an amount equal to the amount of the maintenance requirement, whichever is less. Authorizes the board to establish an administrative process for determining a claim for a death or disability benefit. Eliminates earned income offsets and reporting requirements for disability recipients for income earned after the calendar year in which the recipient attains the age of 55 years. Requires the board to submit an annual rather than a biennial actuarial valuation report to the state auditor, the legislative audit committee, and the joint budget committee.

Deferred compensation plan. Allows employees who provide direct support to an employer's public safety department to participate in the deferred compensation plan adopted by the employer.

APPROVED by Governor April 20, 2001

EFFECTIVE June 1, 2001

H.B. 01-1027 Fire and police pensions - new hire plans - death and disability plans - survivor benefits. Increases the survivor benefits for certain survivors of members of the statewide death and disability pension plan for police officers and firefighters if the member dies while in active service and is not eligible for a normal retirement pension as follows:

- Increases the survivor benefit for a spouse with no dependent children from an

- amount not to exceed 35% to 40% of the monthly base salary paid to the member immediately preceding death;
- Increases the survivor benefit for one dependent child when there is no surviving spouse from 25% to 40% of the monthly base salary paid to the member immediately preceding death; and
- Gives surviving spouses and dependent children who are receiving such a benefit prior to January 1, 2002, the increased amount of such benefit.

States that the survivor benefits shall terminate upon the death of a surviving spouse or upon the death or termination of dependency of a dependent child. Requires the division of the survivor benefit in the event that a surviving spouse and a dependent child residing in a separate household from the surviving spouse must share the benefit. Specifies the division of the survivor benefit in the event that 2 or more surviving children who reside in separate households from each other must share the benefit.

APPROVED by Governor March 20, 2001

EFFECTIVE January 1, 2002

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

GOVERNMENT - SPECIAL DISTRICTS

H.B. 01-1073 Regional transportation district - board of directors - salary increase. Increases the annual compensation for members of the board of directors for the regional transportation district for directors elected at the 2002 general election or any general election thereafter from \$3,000 per annum to \$12,000 per annum.

VETOED by Governor March 21, 2001

H.B. 01-1132 Annexation - enclaves. Authorizes the board of directors of the regional transportation district, the Denver metropolitan scientific and cultural facilities district, or the metropolitan football stadium district to adopt a resolution unilaterally annexing unincorporated territory that is completely surrounded by the district. Specifies notice requirements. Prohibits the annexation of certain territory that is not immediately adjacent to the district.

APPROVED by Governor June 1, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

GOVERNMENT - STATE

S.B. 01-16 Peace officers standards and training board - application fee for certification exam - denial and revocation of certification - exemption - reinstatement - rulemaking authority. Increases to \$125 the application fee to take the certification and skills examination administered by the peace officers standards and training ("P.O.S.T.") board. Expands the categories of criminal offenses for which the P.O.S.T. board must deny or revoke peace officer certification. Permits a certification applicant or holder to request the P.O.S.T. board to grant an exemption from denial, withdraw denial, or reinstate certification after revocation. Requires the P.O.S.T. board to promulgate rules concerning reinstatement.

APPROVED by Governor June 5, 2001

EFFECTIVE July 1, 2001

S.B. 01-21 Lobbyist disclosure - regulation of lobbying practices. Requires the secretary of state to establish, operate, and maintain a system that enables electronic filing by means of the Internet of the lobbyist disclosure reports required to be filed under the "Colorado Sunshine Act of 1972". Allows any person to use the electronic filing system to meet the filing requirements contained in existing law.

Requires the secretary of state to establish, operate, and maintain a web site on the Internet, or modify an existing site, so as to allow any computer user who wishes to review lobbyist disclosure information read-only access to such information free of charge. Specifies in what manner such information shall be available on the internet web site.

Requires the lobbyist disclosure statement to contain the name of and total gross income for lobbying received from each person for the previous state fiscal year, rather than the previous calendar year. Eliminates a requirement that the lobbyist obtain a verification statement from each person from whom the lobbyist receives income for lobbying.

Requires that, when the general assembly is in session, a lobbyist notify the secretary of state, either by electronic filing or by facsimile transmission, of an oral or written agreement to engage in lobbying for any person not disclosed in the original registration statement. Specifies when this notice must be provided. Eliminates requirements that a lobbyist provide an estimate of gross income that the lobbyist will receive for lobbying. Authorizes the secretary of state to impose a fee on professional lobbyists at the time the original registration statement is filed and at the time each updated registration statement is filed, not to exceed \$50. Requires the secretary of state to charge a reduced fee to a professional lobbyist that files his or her registration statement electronically. Authorizes the secretary of state to waive the fee for a registered professional lobbyist for a not-for-profit organization who derives his or her compensation solely from the organization. Exempts volunteer lobbyists from payment of the registration fee.

Requires the secretary of state to timely notify the president of the senate and the speaker of the house of representatives whenever the secretary of state has reasonable grounds to believe that a violation of the lobbyist disclosure requirements has occurred that the secretary of state deems substantial.

Adds to what may be considered in executive session under the open meetings law meetings of a state public body involving matters required to be kept confidential by the requirements of any joint rule of the senate and house of representatives pertaining to lobbying practices.

APPROVED by Governor March 27, 2001 **PORTIONS EFFECTIVE** March 27, 2001
 July 1, 2001
 January 1, 2002

APPROVED by Governor June 5, 2001 **EFFECTIVE** June 5, 2001

- Authorizes the use of the states' national guard forces, either in accordance with the national guard mutual assistance compact or by mutual agreement between states.
- Makes it the duty of the governor and the legally designated state official for emergency management (designated official) to formulate appropriate interstate mutual aid and evacuation plans.
- Authorizes the designated official to request the assistance of another party state by contacting the designated official of that state.
- Clarifies that, while states are obligated to render aid, the state rendering aid may withhold resources to the extent necessary to provide reasonable protection for itself.
- Except for the power of arrest, requires a donee state to afford to the emergency forces of a donor state the same powers, duties, rights, and privileges as the forces of the donee state.
- Clarifies that the command structure of donor emergency forces does not change but that such forces are under operational control of the donee state.
- Requires the governor of a party state to declare a state of emergency or disaster before any aid is activated.

- Requires that a donee state recognize the official qualifications that are recognized by the donor state of aiding persons, subject to such limitations and conditions as the governor of the donee state may prescribe.
- Deems officers or employees of a donor state to be agents of the donee state for tort liability and immunity purposes. Grants immunity to all officers or employees rendering aid if they act in good faith.
- Requires the donee state to compensate members of the donor state's emergency forces, including injury and death benefits payable to such members or representatives of such members.
- Requires the donee state to reimburse the donor state for all loss or damage to equipment and for service provided, unless the states make alternate arrangements for the payment of such expenses.
- Requires 30 days' written notice for a state to withdraw from the compact.
- Clarifies that the compact does not authorize the use of military force by the national guard of a state at any place outside that state in any emergency for which the president is authorized by law to call the militia into federal service or for the use of the national guard for law enforcement in the absence of express authorization by the United States constitution or an act of the United States congress.

APPROVED by Governor March 28, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 01-149 Public employee's retirement association - defined contribution plan - district attorneys - election to participate - alternative retirement benefit study. Allows district attorneys to participate in the existing state defined contribution plan. Reduces the number of days allowed for an eligible employee to elect to participate in a defined contribution plan or the public employees' retirement association from 60 to 30.

Requires the state auditor, with the assistance of a professional actuarial or pension consulting firm, to conduct a study comparing the benefits provided by the public employees' retirement association with the benefits provided by other defined benefit and defined contribution retirement plans for public and private sector employees. States the study shall also include any topics recommended by the board of trustees of the association or by the legislative audit committee. Requires the auditor to complete the study by December 1, 2001, and to file copies of the report with the committee and the board.

APPROVED by Governor June 1, 2001

EFFECTIVE June 1, 2001

S.B. 01-151 State holiday - César Chávez day. Establishes the 31st of March as "César Chávez Day".

Specifies that the head of a state agency may allow an employee of the agency to have a day off with pay on César Chávez day in lieu of any other legal holiday that occurs in the same state fiscal year on a weekday, other than a weekday on which an election is held throughout the state, on which the state agency is required to be open but on which the operations of the agency are required to be maintained at no less than a minimum level.

Specifies that the total number of holidays in a state fiscal year is not changed by this act.

APPROVED by Governor March 27, 2001

EFFECTIVE March 27, 2001

S.B. 01-171 Division of wildlife and division of parks and outdoor recreation - record of balances by capital project. Requires the division of wildlife and the division of parks and outdoor recreation to maintain a current record of balances by capital project. Specifies the record of balances shall include, but is not limited to:

- Planned budgets, actual expenditures, and additions or deletions to and components of projects; and
- Items categorized for professional services, construction or improvement, contingencies, and moveable equipment.

Requires the division of wildlife and the division of parks and outdoor recreation to report the current record of balances by capital project at least annually to the office of state planning and budgeting, the joint budget committee, and the capital development committee.

APPROVED by Governor March 28, 2001

EFFECTIVE March 28, 2001

S.B. 01-203 Capital development committee - capital construction projects - budget requests - project prioritization - Colorado commission on higher education - office of state planning and budgeting. Requires the Colorado commission on higher education to submit to the capital development committee by November 1 of each year its recommended priority for funding capital construction projects for the system of public higher education.

Requires the office of state planning and budgeting to:

- Ensure that state departments, institutions, and agencies submit their requests for capital construction, controlled maintenance, and acquisition of capital assets to the capital development committee by September 1 of each year;
- Submit its recommended priority for funding capital projects to the capital development committee by November 1 of each year;
- Ensure that state departments, institutions, and agencies submit their requests for supplemental capital appropriations to the capital development committee by December 10 of each year.

APPROVED by Governor May 2, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 01-208 Reporting requirements to the general assembly - repeal. Eliminates the following state agency reports to the general assembly:

- Reports to the general assembly containing the statistical compilation of reports received by the department of law from district attorneys and the attorney general concerning wiretapping orders;

- Reports to the general assembly concerning statistics from the executive director of the department of corrections;
- Reports to the joint budget committee itemizing costs of the department of corrections by facility and sub-program;
- Reports to the senate health, environment, children and families committee and the house health, environment, welfare, and institutions committee concerning the amount of capped funding received by the counties for certain child welfare services;
- Reports to the house and senate education committees containing a compilation of teacher evaluations of teacher preparation programs at accepted institutions of higher education;
- Reports to the joint budget committee concerning the amount of money in the Colorado economic development fund revolving account;
- Reports to the general assembly containing an accounting of expenditures from the economic development fund;
- Report from the executive director of the department of public safety to the legislative audit committee concerning recommendations for reimbursement of the costs of hazardous substance incidents;
- Reports to the joint budget committee by the board of trustees of the firefighters' or police officers' old or new hire pension fund on each employer having an accrued unfunded liability and the amount of such accrued unfunded liability;
- Final report to the general assembly by the Moffat tunnel commission;
- Reports to the general assembly indicating the amount of revenue raised by any sales tax and admissions tax levied by the metropolitan football stadium district;
- Reports to the general assembly indicating the progress of the board of directors of the Colorado intermountain fixed guideway authority on development of a plan for the design, financing, development, and construction of a fixed guideway system for interstate highway 70 from the Denver international airport to the Eagle county airport.

Limits the following reports to the general assembly from executive agencies to specific house of representative and senate committees of reference:

- Reports to the education committees of the house of representatives and the senate concerning accreditation status of all school districts;
- Reports to the joint budget committee and the finance committees of the house of representatives and the senate of the results of any audit conducted by the state auditor on the annual financial report certifying state excess revenues;
- Reports to the state veterans and military affairs committee of the house of representatives and the government, veteran and military relations, and transportation committee of the senate accounting for the efficient discharge of all responsibilities assigned by law or directive to the adjutant general;
- Reports to the health, environment, welfare, and institutions committee of the house of representatives and the health environment, children and families committee of the senate containing a complete and detailed operating and financial statement of the Colorado housing and finance authority;
- Reports to the health, environment, welfare, and institutions committee of the house of representatives and the health environment, children and families committee of the senate concerning operating seed funds;
- Reports to the local government committee of the house of representatives and

- the government, veteran and military relations, and transportation committee of the senate from self-insurance pools by local governments;
- Reports to the business affairs and labor committee of the house of representatives and the business, labor, and finance committee of the senate on orders approved by the Colorado travel and tourism authority;
- Reports to the business affairs and labor committee of the house of representatives and the business, labor, and finance committee of the senate concerning the Colorado travel and tourism authority's activities and operations;
- Reports to the joint agriculture and natural resource committee of the house of representatives and the senate from the Colorado water resources and power development authority detailing its activities and indicating any requests for state funds for the upcoming state fiscal year;
- Reports to the committees of reference in the senate and house of representatives that are assigned to hear telecommunications issues from the public utilities commission accounting for the operation of the high-cost support mechanism for telecommunication services.

APPROVED by Governor June 5, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 01-209 Higher education projects - review by CCHE - exemption - project authorization. Requires the Colorado commission on higher education to review and approve plans for specified cash funded capital construction projects at state-supported institutions of higher education and submit the plan to the capital development committee and joint budget committee for recommendations instead of requesting such recommendations from those committees prior to commission approval as specified under current law.

Clarifies that the following capital construction projects at institutions of higher education are not subject to commission review and approval:

- Senate Bill 92-202 cash-funded projects that are estimated to require total expenditures of \$250,000 or less;
- Projects that are estimated to require total expenditures of \$250,000 or less and that are to be constructed, operated, and maintained solely from cash funds held by the institution other than Senate Bill 92-202 project funds.

Requires institutions to submit a list of all such projects to the commission by a specified date and the commission to submit a compilation of those projects to the capital development committee.

Raises the threshold for those cash projects of institutions that may be commenced without authorization by legislative appropriation from \$250,000 to \$500,000.

APPROVED by Governor May 30, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 01-213 Arapahoe library district - authorization for sale of state land. Authorizes the executive director of the department of human services to sell certain real property at the Fort Logan Mental Health Center to the Arapahoe library district for library purposes.

APPROVED by Governor June 1, 2001

EFFECTIVE June 1, 2001

S.B. 01-232 Capital construction fund - transfer of general fund moneys. Increases the transfer from the general fund to the capital construction fund for the fiscal year beginning July 1, 2001, by \$154,286,676. Makes an additional transfer from the general fund to the capital construction fund on March 1, 2002, of \$43,660,886.

APPROVED by Governor June 5, 2001

EFFECTIVE June 5, 2001

S.B. 01-234 State employees - annual total compensation survey - date due - budget amendments. Changes the date by which the state personnel director shall submit the annual total compensation survey to the governor and the joint budget committee from December 1 to November 1, 2001, and to August 1 of each year thereafter. Requires the office of state planning and budgeting to submit budget amendments by November 1, 2001, reducing certain budget requests if the total amount in the compensation survey exceeds the amount of moneys requested for salaries in the original budget requests of all the departments for the 2002-03 fiscal year.

APPROVED by Governor May 31, 2001

EFFECTIVE May 31, 2001

S.B. 01-236 Regulation of tobacco sales - quantity. Prohibits the sale of individual cigarettes, packs or containers containing fewer than 20 cigarettes, and roll-your-own tobacco in an amount less than 0.60 ounces.

APPROVED by Governor June 5, 2001

EFFECTIVE June 5, 2001

H.B. 01-1006 Secretary of state - filing - legislative journals - agency rules. Allows the secretary of the senate and the chief clerk of the house of representatives to file their respective journals directly with the state archives rather than with the secretary of state.

Allows the secretary of state to require state agencies to file rules in an electronic format that complies with existing requirements under state law.

APPROVED by Governor March 11, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 01-1010 State archives and public records - assessment of available storage space - report. Directs the executive director of the department of personnel or the director's designee to review and assess the amount of space available in the state archives and public records for the storage of public records every 3 years. Requires the executive director or the director's designee to submit an initial report regarding available storage space based on that review and assessment to the legislative audit committee no later than September 1, 2002, and to submit an updated report every 3 years thereafter. Specifies the data that the executive director or the director's designee shall include in that report.

APPROVED by Governor March 20, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 01-1030 Salaries - public utilities commissioners - automatic indexing. Replaces the current provision for adjustment of PUC commissioners' salaries by recommendation of the state auditor and confirmation by the legislative audit committee with a system under which the commissioners' salaries would be adjusted annually based on changes in the Denver-Boulder-Greeley consumer price index.

Directs the state auditor to conduct a salary survey of similar occupations in the public and private sectors and report the results of the survey to the general assembly every 5 years. Subjects any recommended changes (other than the automatic annual adjustment) to confirmation and modification by the audit committee, based upon a review of the commissioners' performance using criteria jointly prepared by the state auditor and the executive director of the department of regulatory agencies.

VETOED by the Governor June 5, 2001

H.B. 01-1056 Construction bidding for public projects - definition of "public project". Modifies the definition of "public project", under the provisions on construction bidding for public projects, to exclude any project for which the appropriation or expenditure of funds may be reasonably expected not to exceed \$150,000, rather than \$50,000, in the aggregate for any fiscal year.

APPROVED by Governor March 28, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 01-1057 Public employee's retirement association - 401(k) plan - retiree participation. Allows a retiree who receives a benefit from the public employees' retirement association (PERA) who returns to work for a PERA employer to make voluntary contributions from their wages to the 401(k) plan administered by PERA. Specifies that the voluntary contributions by retirees shall not be subject to matching employer contributions and shall not be subject to regular member and employer contributions to PERA.

APPROVED by Governor March 9, 2001

EFFECTIVE July 1, 2001

H.B. 01-1078 Sale of land to city of Golden. Authorizes the executive director of the department of human services to sell within 10% of the fair market value specified land to the city of Golden for parks, recreation, or flood control on such terms and conditions as he or she deems appropriate.

States that the proceeds from the sale of the land shall consist of:

- In-kind services provided to the state by the city of Golden to ameliorate impacts caused to Lookout mountain youth service center, which is situated adjacent to the land; and
- Moneys from the sale that are in excess of the cost of such in-kind services, which shall be deposited in the general fund of the state.

Specifies that the land includes land that was authorized for sale under House Bill 95-1074 that was not sold and that this act supercedes any conflicting provision of House Bill 95-1074.

APPROVED by Governor March 28, 2001

EFFECTIVE March 28, 2001

H.B. 01-1085 State personnel system - employee selection. Consolidates certain statutes on the selection of employees in the state personnel system, including provisions concerning employment lists, examinations, appeals, appointments, and special procedures for employees of the state auditor's office.

Specifies that only a qualified candidate shall be appointed to a position in the state personnel system.

Modifies the process for appealing a selection and examination process action. Authorizes the state personnel director to convene an advisory appeals panel for assisting with appeal decisions. Requires filing of appeals within a certain period.

Modifies the provisions relating to the establishment of probationary periods for persons who are initially appointed or promoted into a different position or who are in a position that is reallocated to a higher pay grade.

Clarifies that the department accepting a transferred employee is liable for the employee's base salary, leave accruals, and other personnel system benefits.

Modifies the provisions relating to a certified employee who is promoted but fails to perform satisfactorily.

APPROVED by Governor March 11, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 01-1095 Department of the treasury - deposit of state moneys - procedures. Establishes alternative procedures for the state treasurer to make time deposits of state moneys in national and state banks and state-chartered and federally chartered savings and loan associations that are eligible to be depositories for state moneys. Specifies that the procedure

utilized is at the state treasurer's discretion.

Directs the state treasurer to announce the interest rate at which state moneys may be deposited in a bank or savings and loan association for a fixed period but not to disclose the amount of money available for deposit. Requires the treasurer to make a deposit in every institution that has applied and is eligible as a depository for state moneys in an amount equal to the amount requested by such institution. Establishes procedures that the treasurer shall follow in the event that the amount requested by all eligible institutions exceeds the amount of state moneys available for deposit at that time.

In the alternate, directs the state treasurer to announce the amount of state money available for time deposits in banks and savings and loan associations for a fixed period but not to specify an interest rate at which such money shall be deposited. Allows all eligible institutions to submit bids for the interest rate it will pay if state moneys are deposited in such institution. Requires the treasurer to deposit state moneys in the institution that submits the highest bid. Establishes procedures that the treasurer shall follow in the event that 2 or more institutions submit the highest bid for the interest rate. Allows the treasurer to establish a minimum acceptable bid for an interest rate that shall be announced prior to the start of bidding.

APPROVED by Governor March 23, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 01-1128 Controller - state liabilities - alternative means of payment. Permits disbursements in payment of liabilities incurred on behalf of the state without a commitment voucher not only from petty cash but also by alternative means of payment approved by fiscal rule promulgated by the controller.

APPROVED by Governor March 23, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 01-1136 Public safety - statewide fire fighting resource database - creation. Directs the department of public safety to develop and maintain a centralized computer database of all fire fighting resources in Colorado. Encourages every state and local fire fighting agency in Colorado to furnish specified information for inclusion in the database. Requires that all data entered into the database shall be verifiable by the department and updated by state and local fire fighting agencies as necessary.

APPROVED by Governor March 23, 2001

EFFECTIVE March 23, 2001

H.B. 01-1138 State information technology governance - state personnel director - office of innovation and technology - commission on information management. Specifies that the standards, procedures, and policies adopted and implemented by the general government computer center in connection with the use of electronic or digital signatures or records shall be in accordance with the rules, standards, procedures, and policies adopted by the state

personnel director. Requires the state personnel director to coordinate with the office of innovation and technology (OIT) and the commission on information management (IMC) prior to adopting those rules, standards, procedures, and policies.

Requires the chief technology officer of the OIT to perform certain duties in consultation with the state personnel director and the IMC. Directs the chief technology officer to designate a chief information officer for the state. Authorizes the chief technology officer to assign responsibilities and duties to the chief information officer. Specifies that the chief information officer may exercise any power or authority vested in the chief technology officer in the absence of the chief technology officer.

Changes the membership of the IMC by reducing the number of department executive director members from 3 to 1 and replacing those 2 members with the director of the office of state planning and budgeting and the state personnel director. Specifies that the chief information officer may serve on the IMC if so designated by the chief technology officer. Allows the chief information officer to serve as the chair of the IMC if so designated by the chief technology officer.

Requires the OIT to act in consultation with the department of personnel, instead of the division of telecommunications, for purposes of coordinating the statewide telecommunications subsystem with the existing state telecommunications network.

APPROVED by Governor March 23, 2001

EFFECTIVE March 23, 2001

H.B. 01-1160 Outdoor lighting fixtures - standards - exceptions. Authorizes the use of state funds to install any new outdoor lighting fixture installed by or on behalf of the state only if:

- For outdoor lighting fixtures with a rated output greater than 3,200 lumens, the new outdoor lighting fixture is a full cutoff luminaire;
- The minimum illuminance adequate for the intended purpose is used with consideration given to recognized standards;
- Full consideration has been given to costs, energy conservation, glare reduction, the minimization of light pollution, and the preservation of the natural night environment; and
- For purposes of lighting state highways, the department of transportation determines that the installation of reflective road markers, lines, warning or informational signs, or other methods that do not require the use of artificial lighting will not achieve the purpose of an outdoor lighting fixture.

Makes exceptions when:

- Federal law or regulation preempts state law;
- The outdoor lighting fixture is used temporarily for emergency purposes;
- The outdoor lighting fixture is used temporarily for nighttime work;
- Additional illumination is required for a special event or situation as long as the lighting is installed so as to shield the fixture from direct view and to minimize upward lighting and light pollution;
- The outdoor lighting fixture is used solely to enhance the aesthetic beauty of an object; or
- A compelling safety interest exists that cannot be addressed by another method.

Specifies that for purposes of any state prison facility or private contract prison in the state, the standards for outdoor lighting fixtures are nonbinding guidelines.

Makes legislative declarations regarding the standards for new outdoor lighting fixtures, including an encouragement for local governments and commercial establishments to comply with the standards.

APPROVED by Governor May 30, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 01-1220 Transportation - multistate highway transportation agreement. Amends the multistate highway transportation agreement to conform with changes to the multistate highway transportation agreement bylaws, including by:

- Setting up a cooperating committee composed of the participating states' designated representatives;
- Allowing each state to have 2 designated representatives;
- Establishing Colorado's 2 designated representatives as the chairpersons of the House and Senate transportation committees or their assignees;
- Changing the formula for calculating vehicle weight;
- Comprehensively setting out new objectives for the agreement; and
- Adding a new article regarding funding for administration of the agreement.

APPROVED by Governor May 31, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 01-1267 Controlled maintenance trust fund - transfer to general fund - repayment - designation of emergency reserve. Transfers the principal balance of the controlled maintenance trust fund to the general fund on July 1, 2001. Transfers \$276,400 back to the controlled maintenance trust fund from the general fund on July 1, 2002.

Specifies that the general assembly may designate the sources that constitute the 3% emergency reserve required by the "Taxpayer's Bill of Rights" for the 2001-02 state fiscal year in the general appropriation bill.

APPROVED by Governor February 13, 2001

EFFECTIVE February 13, 2001

H.B. 01-1341 Capital construction fund - annual transfer from the general fund. Establishes a \$100 million transfer from the general fund to the capital construction fund for the fiscal years beginning July 1, 2006, and July 1, 2007.

VETOED by Governor June 5, 2001

H.B. 01-1359 Open meetings and public records - recording of executive sessions -

exceptions - notice of executive session - access to records - attorney fee awards - records used in rule-making. Requires discussions that occur during an executive session of a state or local public body, except discussions concerning students, to be recorded in the same manner and media in which minutes of open meetings are recorded, and specifies that a public body satisfies the recording requirement by making any form of electronic recording of the discussions in an executive session. Requires the record to include a reference to the statutory citation that authorizes the executive session, the actual content of the discussion, and a signed statement from the chair of the executive session attesting that any written minutes substantially reflect the substance of the discussion. Clarifies that the requirement that the record reflect the "actual content of the discussion" does not require the minutes of the executive session to contain a verbatim transcript of the discussion. Requires public bodies to retain the record of an executive session for at least 90 days after the date of the executive session.

Makes an exception to the recording requirement if, based on the opinion of the attorney representing the public body and who is in attendance at the executive session, the discussions constitute a privileged attorney-client communication. Specifies the procedure for designating all or a portion of the discussions during an executive session as a privileged attorney-client communication and the required contents of the record of the executive session.

Specifies that no portion of the record of an executive session shall be open to public inspection or subject to discovery in any administrative or judicial proceeding, except upon the consent of the public body or unless a court finds, upon a showing of grounds sufficient to support a reasonable belief that the executive session was held in violation of the open meetings law, and after an in camera review of the record of the session, that the executive session was held in violation of the open meetings law. If a court finds an executive session to have been held in contravention of the open meetings law, requires the record of the session to be open to public inspection. Authorizes an award of court costs and attorney fees to the prevailing party if the court finds that:

- An applicant seeking access to the record of an executive session failed to show grounds sufficient to support a reasonable belief that the executive session was held in violation of the open meetings law; and
- The action was frivolous, vexatious, or groundless.

Requires a state or local public body to include in the public announcement made by the body concerning the topic for discussion in the executive session the following information:

- A reference to the specific statutory citation that authorizes the body to conduct an executive session; and
- The identification of the particular matter to be discussed in as much detail as possible without compromising the purpose for which the executive session was authorized.

Clarifies that despite the prohibition against taking any formal action in an executive session, a public body may review, approve, and amend the minutes of an executive session during an executive session.

Specifies that state or local public bodies are not authorized to meet in an executive session to discuss personnel matters that:

- Concern a member of the state or local public body or an elected official;
- Concern the appointment of a person to fill the office of a member of the state or local public body or an elected official; or
- Do not require the discussion of matters personal to particular employees.

For purposes of records submitted by or on behalf of an applicant or candidate for an executive position, eliminates the requirement that an applicant or candidate who is not a finalist make a written request to avoid release of said records to the public. Modifies the definition of "finalist" to:

- Specify that a finalist is an applicant or candidate for an executive position as the chief executive officer of a state agency, institution, or political subdivision or agency therefor;
- Eliminate from the definition those applicants or candidates who are chosen for an interview or who are still being considered after a certain period;
- Specify that a finalist is a member of the final group of applicants or candidates required by law to be made public; and
- Specify that if 3 or fewer applicants or candidates for the chief executive officer position qualify for the position, said applicants or candidates are considered finalists.

Requires any person who is denied access to an alleged public record to file a written notice of intent to file an application with the district court with the custodian of the record at least 3 business days prior to filing said application. Authorizes an award of court costs and reasonable attorney fees to the prevailing applicant in an action to compel the custodian of public records to permit the inspection of the records in the event the court finds that the denial of the right to inspect was improper. Authorizes an award of court costs and reasonable attorney fees to the custodian of public records in an action to compel the custodian to permit the inspection of the records in the event the court finds that the denial of the right to inspect was proper and the action was frivolous, vexatious, or groundless. Prohibits an award of court costs and attorney fees to a person seeking access to the records of a state or local public body that the person has sued if the court finds that the records being sought are related to the pending litigation and can be obtained through the discovery process authorized by the Colorado rules of civil procedure. Eliminates the personal liability of a custodian who denies the right of inspection of a public record.

Authorizes the official custodian of records of a public body who is unable, in good faith, after exercising reasonable diligence and making reasonable inquiry, to determine if disclosure of a public record is prohibited to apply to the local district court for a determination concerning whether disclosure of the record is prohibited. Specifies that in such cases, if the court finds that the custodian, in good faith, after exercising reasonable diligence and making reasonable inquiry, was unable to determine if disclosure of the public record was prohibited without a ruling by the court, attorney fees shall not be awarded regardless of the outcome of the application.

Specifies that for purposes of certain provisions of the public records act and the open meetings law, the members of the Colorado reapportionment commission are considered to be elected officials.

Clarifies that, except for records that are trade secrets, privileged information, and confidential commercial, financial, geological, or geophysical data, all information, including conclusions and underlying research data from studies, reports, published papers, and

documents, used by an agency in the development of or as the basis for a proposed rule constitutes a public document open for public inspection.

APPROVED by Governor June 5, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 01-1372 Cañon City real property - special operations response team facility - authorization of sale - appropriation. Authorizes and directs the executive director of the department of corrections (DOC) to terminate all leases and other agreements between DOC and the department of military affairs with respect to a parcel of land and a building in Cañon City currently used by DOC's special operations response team and to sell the land and building to the city of Cañon City for \$240,000 for administrative purposes.

Appropriates \$240,000 from the capital construction fund to the department of corrections for the construction of a new facility for the special operations response team at the east Cañon City prison complex.

APPROVED by Governor May 31, 2001

EFFECTIVE May 31, 2001

H.B. 01-1381 Utility cost-savings measures - state agencies - analysis and recommendations - cost-savings contracts - criteria - financing - assessment by Colorado housing and finance authority - local governments and special districts - guarantee of cost savings - deposit requirements - time of payment - reporting. Permits any state agency to enter into a contract for an analysis and recommendations pertaining to energy conservation measures that would significantly increase utility cost savings and operation and maintenance cost savings in buildings or other facilities owned or rented by the state agency. Authorizes payment for the analysis and recommendations from moneys appropriated to the state agency for operating expenses or utilities or for the deferral of such payment into a subsequent utility cost-savings contract.

Allows a state agency to enter into a utility cost-savings contract if the energy analysis and recommendations indicate that annual payments for utility cost-savings measures are expected to be equal to or less than the sum of utility and operation and maintenance cost savings achieved by implementation of such measures and the state personnel director or the director's designee approves such analysis and recommendations.

Permits a utility cost-savings contract to include lease-purchase or other authorized financing agreements. Exempts such lease-purchase agreements from legislative authorization requirements. Exempts such contracts from statutory requirements related to construction contracts with public entities and construction bidding for public projects.

Allows any savings realized from a utility cost-savings contract to be transferred by the state agency from a utilities item of appropriation to an operating expense item for the purposes of making an annual payment on a lease-purchase agreement under such contract. Provides that such a contract shall not constitute or give rise to an indebtedness within the meaning of any constitutional or statutory debt limitation.

Modifies terminology in the local government energy conservation measures law to

conform with the provisions governing utility cost-savings measures for state buildings as follows:

- Changes references to an "energy conservation measure" to a "utility cost-savings measure" and expands the definition of that term by adding certain measures;
- Instead of specifying that energy conservation measures must reduce energy consumption, specifies that utility cost-savings measures must increase utility cost savings and operation and maintenance cost savings;
- Defines "utility cost-savings contract" to include both energy performance contracts and cost-savings contracts;
- Expands the definition of "energy performance contract", specifies that utility cost savings and operation and maintenance cost savings are utilized in calculating savings under such a contract, and limits the maximum term of such a contract to 25 years.

Requires the Colorado housing and finance authority, acting through the E-Star Colorado program, to submit to the governor and the general assembly by December 31, 2001, an assessment of existing energy conservation and efficiency programs and standards established by governmental and private entities.

Specifies that the board of a political subdivision ("board") may enter into a utility cost-savings contract with the entity or person who performed the energy analysis and provided the recommendations.

Specifies that an energy performance contract must require the party contracting with the local government to provide a written guarantee of the cost savings for the first 3 years of the contract instead of the entire term. Eliminates the requirement of a deposit of an amount equal to the guaranteed savings of energy costs for the first year of the contract. Subject to a specified exception, requires that remaining payments under the contract be made within 12 years, instead of 10 years, from the date of the execution of the contract.

Modifies the board's annual reporting requirement of energy consumption reductions and savings by requiring this report for the first 2 years of the contract.

Adds special districts to those political subdivisions that may utilize utility cost-savings measures.

APPROVED by Governor June 5, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 01-1385 State capitol buildings group - master plan - request for qualifications - steering committee - consulting committee. Requires the department of personnel to issue a request for qualifications for the purpose of contracting with a consultant to develop a space/site utilization master plan for the use and development of the buildings, office space, and parking facilities in the state capitol buildings group. Specifies that the department shall supervise and direct the consultant's work.

Specifies certain information the consultant shall evaluate in developing the master

plan. Describes the recommendations, standards, and criteria that the master plan must include.

Creates the master plan steering committee consisting of members from the executive, legislative, and judicial departments. Directs the steering committee, in consultation with the department of personnel, to select the consultant that will develop the master plan. Requires the steering committee to meet with the consultant periodically. Authorizes the steering committee to make recommendations on and propose revisions to the master plan, provide information to the consultant, and assist with the coordination of and communication between the state agencies occupying office space in the state capitol buildings group.

Creates a consulting committee appointed by the executive director of the department of personnel made up of professional persons from the private or public sector having expertise in office space planning, land use planning, office building architecture and engineering, office building construction, parking facility design and construction, and real estate leasing and development. Directs the master plan steering committee to submit a final draft of the master plan to the consulting committee. Authorizes the consulting committee to make recommendations on and propose revisions to the master plan to the master plan steering committee.

Requires completion and submittal of the master plan to the capital development committee and the joint budget committee by January 1, 2003, for review, recommendation, and approval. Specifies that after approval of the master plan, plans for a capital construction project relating to buildings, office space, or parking facilities in the state capitol buildings group shall be subject to review by the executive director of the department of personnel for purposes of the process for approval of capital construction projects and long-range planning.

Creates the space/site utilization master plan fund for funding the development of the master plan.

VEETOED by Governor June 5, 2001

H.B. 01-1400 Cash funds - limit on uncommitted reserves - waiver of target reserve requirement. Authorizes the general assembly to grant a waiver of any cash fund target reserve requirement for fiscal years beginning on or after July 1, 2000, rather than July 1, 2002.

Allows a one time waiver of the target reserve requirement for the fiscal year commencing on July 1, 2000, and ending June 30, 2001, for the following cash funds:

- The educator licensure cash fund;
- The supplier database cash fund;
- The emergency services medical services account of the highway users tax fund;
- The wildlife cash fund; and
- The historical society enterprise services fund.

APPROVED by Governor June 1, 2001

EFFECTIVE June 1, 2001

H.B. 01-1403 Treasurer - depository institutions - charges. Allows the state treasurer to pay,

without the need for an appropriation, charges made by depository institutions for the payment, disbursement, and reconciliation of moneys, including alternative forms of payment such as electronic transactions.

APPROVED by Governor June 5, 2001

EFFECTIVE June 5, 2001

H.B. 01-1409 Real property - authorization to purchase land and buildings at 1570 Grant Street in Denver. Authorizes the purchase of the real property and buildings located at 1570 Grant Street in Denver. Appropriates \$5 million to the department of personnel for the purchase of this property and for costs associated with the initial occupancy of the property. Increases by \$2,139,469 the transfer from the general fund to the capital construction fund on July 1, 2000, and reduces by \$2,139,469 a capital construction appropriation for a department of revenue project for the purpose of making the appropriation.

Provides that section 3 of the act shall only take effect if Senate Bill 01-232 becomes law.

APPROVED by Governor June 5, 2001

EFFECTIVE June 5, 2001

NOTE: Senate Bill 01-232 was signed by the Governor on June 5, 2001.

HEALTH AND ENVIRONMENT

S.B. 01-43 Continuation of the passenger tramway safety board under sunset law. Extends the automatic termination date of the passenger tramway safety board to July 1, 2008, pursuant to the provisions of the sunset law.

VETOED by Governor March 30, 2001

S.B. 01-66 Water quality - areawide waste treatment management - Cherry Creek basin. Adjusts the powers and duties of the Cherry Creek basin water quality authority ("authority") by:

- Requiring a majority vote of all the authority's members that represent municipalities and counties within the authority's boundaries regarding the levy and collection of ad valorem taxes, and a majority vote of a quorum on any other type of action;
- Reinforcing the authority's duty to achieve and maintain the applicable water quality standards;
- Allowing the authority to recommend and conduct educational programs regarding erosion controls and urban runoff control standards in the basin;
- Requiring the authority to spend a minimum of 60% of the revenues collected by the authority on an annual basis on construction and maintenance of pollution abatement projects in the Cherry Creek basin or on payments due under loans or other debt incurred and spent by the authority entirely upon such projects.

Adjusts the membership of the authority by adding 7 members appointed by the governor to represent sportspersons, recreational users, and concerned citizens, and limiting special districts to a single collective member of the authority.

APPROVED by Governor June 1, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 01-121 Air quality - hazardous air pollutants - asbestos - appropriation. Continues the asbestos control program until July 1, 2006. Defines "area of public access" to include single-family residential dwellings, but excludes such dwellings from the permit program, allows the owners of such dwellings to opt out of the asbestos control program, and requires the air quality control commission to review the definition and to report to the general assembly by November 1, 2001. Expands the definition of "friable asbestos-containing material" to include materials containing at least one percent asbestos by area or volume as well as by weight. Requires the division of administration in the department of public health and environment to provide to local governments information regarding the need for an asbestos inspection in connection with the renovation or demolition of buildings that may contain asbestos. Requires the certification of air monitoring specialists performing asbestos-related monitoring activities.

Appropriates \$438,401 and 7.9 FTE to the department of public health and environment for allocation to the air quality control division, stationary sources, hazardous

and toxic control, personal services, for the implementation of this act.

Appropriates \$38,261 to the department of public health and environment for allocation to the air quality control division, stationary sources, hazardous and toxic control, operating expenses, for the implementation of this act.

Appropriates \$36,099 and 0.7 FTE to the department of public health and environment for the implementation of this act.

APPROVED by Governor June 1, 2001

EFFECTIVE June 1, 2001

S.B. 01-145 Environmental remediation - environmental real covenants. Allows the department of public health and environment to accept and enforce grants of environmental covenants. Defines an environmental covenant as an instrument affecting real property that contains prohibitions on the use of the land or affirmatively requires certain conduct to implement environmental remediation decisions. Requires the creation of environmental covenants for land involved in environmental remediation projects that either result in residual contamination of the land so that it is not safe for all possible uses or that are dependent upon an engineered feature or structure that requires ongoing monitoring, maintenance, or operations or that will not function as intended if disturbed. Authorizes voluntary environmental covenants. Requires the department to provide a local government with a copy of environmental covenants within such government's boundaries, and requires a local government to notify the department of the filing of an application for a development or a change in land use that may affect an environmental covenant. Requires the department to file a report regarding environmental covenants with the general assembly by February 1, 2002.

APPROVED by Governor April 20, 2001

EFFECTIVE July 1, 2001

S.B. 01-174 Emergency medical technicians - criminal history checks - appropriation. Authorizes the department of public health and environment ("department") to certify emergency medical technicians ("EMT"). Requires the board of health to adopt rules for the certification of EMTs.

Requires government entities that employ or utilize volunteer EMTs in a position requiring direct patient contact to require such EMTs to submit to a federal bureau of investigation ("FBI") fingerprint-based background check if the EMTs have lived in the state for 3 years or less. Allows the department or other governmental entity to receive and disseminate information about the results of any background checks in accordance with federal law. Requires a governmental entity disseminating information to forward results of background checks to the department in order for the department to determine eligibility for EMT certification or certification renewal.

Requires any entity that employs or utilizes EMTs in a position requiring direct patient contact to require such EMTs to submit to a name or fingerprint-based criminal history background check by the Colorado bureau of investigation if the person has lived in the state for more than 3 years. Requires the entity to submit the result of any checks to the department for the purpose of determining eligibility for EMT certification or certification renewal.

Directs the department to require the applicable FBI background check or the Colorado bureau of investigation background check to be performed on an applicant for EMT certification if the EMT is not employed at the time of the application.

Appropriates \$73,603 and 0.3 FTE to the department of public safety for allocation to the Colorado bureau of investigation for the implementation of this act.

APPROVED by Governor June 5, 2001

EFFECTIVE June 5, 2001

S.B. 01-201 Passenger tramway safety board - composition - jurisdiction - regulation - continuation under the sunset law. Changes the composition of the board to include a licensed engineer not employed by a ski area or related industry. Repeals the board's jurisdiction over private residence tramways and portable tramway devices that are not used, or intended to be used, by the general public. Eliminates the requirements for supplemental license applications. Updates the name of the guidelines used by the board to adopt rules.

Extends the passenger tramway safety board to July 1, 2008, pursuant to the provisions of the sunset law.

APPROVED by Governor March 23, 2001

EFFECTIVE July 1, 2001

S.B. 01-214 Air quality - prescribed burns - land management plans - review by commission - appropriation. Expands the prescribed burn provisions of the "Colorado Air Pollution Prevention and Control Act" to require air quality control commission review of land management plans adopted by any significant user of prescribed fire that owns at least 10,000 acres of forest or grass land, not just federal land managers.

Appropriates \$50,868 and 0.4 FTE to the department of public health and environment for allocation to the division of administration and support for the implementation of this act. Appropriates \$25,673 and 0.3 FTE to the department of law for the implementation of this act.

APPROVED by Governor June 5, 2001

EFFECTIVE July 1, 2001

H.B. 01-1018 Solid waste - management - waste tires - disposal fee. Adjusts the allocation of moneys to the division of local government in the department of local affairs from the waste tire recycling development cash fund and adjusts the percentages of the moneys in the fund that may be spent on allowable uses. Rolls forward for expenditure in the following fiscal year all moneys in the fund encumbered by June 30 of a fiscal year. Allows the division to reimburse processors and end users up to \$50 per ton of waste tires to promote recycling of tires stored at a state-, municipal-, or county-approved storage or disposal facility. Deletes references to the Colorado housing and finance authority. Authorizes 0.5 FTE for the waste tire cleanup program.

APPROVED by Governor June 1, 2001

EFFECTIVE June 1, 2001

H.B. 01-1032 Permit to discharge pollutants into state waters - periodic renewal. Removes the requirement that a permit for the discharge of pollutants into state waters, issued by the

division of administration of the department of public health and environment, expires every 5 years.

Requires that the regulations promulgated by the water quality control commission (commission) establish a permit process for the discharge of pollutants into state waters that allows permit conditions to remain in effect as long as circumstances dictate those conditions.

Requires periodic renewal of permits for the discharge of pollutants into state waters where more than minimal changes in permit conditions are necessary.

Allows the commission to require periodic renewals of permits for the discharge of pollutants into state waters using a risk-based approach that limits the amount of work required to renew permits that have minimal or no change in permit conditions.

APPROVED by Governor March 11, 2001

EFFECTIVE July 1, 2001

H.B. 01-1106 Waste management - recycling - cathode ray tubes - appropriation. Creates a cathode ray tube recycling fund. Authorizes the executive director of the department of local affairs to:

- Establish a cathode ray tube recycling pilot program to encourage private industry and public-private partnerships to undertake research and development of new technologies for the recycling, disposal, and waste minimization of cathode ray tubes;
- Use moneys in the cathode ray tube recycling fund to develop public educational materials regarding the recycling and waste minimization of cathode ray tubes;
- Accept grants or loans from any source other than the general fund and to deposit such moneys in the cathode ray tube recycling fund;
- Make grants or loans from any moneys appropriated to the department for the program to private industry and public-private partnerships for location or expansion of such industries or partnerships in Colorado in connection with the research and development authorized by the act; and
- Use annual appropriations out of the fund in an amount equal to the department's direct costs in administering the program and for the purposes of the program.

Appropriates \$37,693 to the department of public health and environment for the implementation of this act.

APPROVED by Governor June 6, 2001

EFFECTIVE June 6, 2001

H.B. 01-1134 Department of public health and environment - hepatitis C or HIV exposure - immunization tracking system - confidentiality of medical records. Requires state and local health departments to assist in the evaluation and treatment of a public safety worker, emergency medical service provider, or staff member of a detention facility who may have been exposed to hepatitis C or human immunodeficiency virus (HIV).

Extends the existing immunization tracking system to include persons who are not infants. Allows a parent or legal guardian who consents to the immunization of an infant, child, or student under state programs the option of not including such person in the immunization tracking system. Instructs the physician, clinic, or licensed health care practitioner to inform the parent or legal guardian of such option and the potential benefits of inclusion in such system. Requires the physician, licensed health care practitioner, clinic, or local health department to inform the parent or legal guardian of his or her right to refuse such immunization.

Authorizes the department of public health and environment (department) to contract with a private or nonprofit entity to arrange for a cost-effective system for ordering, distributing, and accounting for vaccines and to provide complete records of immunizations. Clarifies that personal information in the immunization tracking system will not be released upon subpoena, search warrant, or discovery unless such release is statutorily authorized.

Authorizes physicians, licensed health care practitioners, clinics, schools, licensed child care providers, hospitals, managed care organizations, health insurers, persons that have contracted with the department, and public health officials to release immunization records in their possession regarding an infant, child, or student to statutorily defined persons or entities in order to provide an accurate and complete immunization record for the child so as to verify compliance with state immunization law. Prohibits the department from directly contacting the parent or legal guardian to notify them of immunizations that are recommended or required by the board of health unless it is necessary to control an outbreak of vaccine-preventable diseases.

Makes the unauthorized release of personal information from the immunization tracking system a class 1 misdemeanor; except that a business entity shall also be assessed a civil penalty of \$10,000 per sale of information per subject of such information.

Consolidates statutory provisions relating to the confidentiality of medical records. Adds statutory provisions for the electronic storage and maintenance of medical records.

APPROVED by Governor June 1, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 01-1217 Local government powers - sewage facilities - cease and desist orders. Authorizes an officer of a local board of health to issue a cease and desist order when a sewage treatment facility fails to comply with certain state laws. Clarifies that anytime a system or sewage treatment works does not comply with certain statutes or rules, such sewage treatment works constitutes a nuisance, except for a sewage treatment works that has received a discharge permit from the department of public health and environment. Removes a limitation on the issuance of a cease and desist order that requires a noncompliant sewage facility to have failed to receive timely repairs before such order can be issued.

APPROVED by Governor April 9, 2001

EFFECTIVE April 9, 2001

H.B. 01-1246 Water pollution control - wastewater construction grants - grantees. Authorizes counties to receive wastewater construction grants on behalf of small communities in unincorporated areas.

APPROVED by Governor March 20, 2001

EFFECTIVE March 20, 2001

H.B. 01-1308 Fetal death - remains - treatment. Following a fetal death, clarifies that the remains may be disposed of through a funeral establishment. Specifies that, upon a timely request, a health care provider must release to a woman or her designee the remains following a fetal death. Grants immunity to a health care provider for good faith compliance with the act's requirements.

APPROVED by Governor June 5, 2001

EFFECTIVE June 5, 2001

H.B. 01-1325 Vital Statistics - stillborn deaths - death certificates. Requires a death certificate to be completed and filed with the registrar of vital statistics in the case of a stillborn death. Allows a physician, a nurse, or other medical personnel to assume responsibility for filing the death certificate. Permits the individual filing the death certificate to include a name on the death certificate, if a parent so desires. Enables a parent to inform the state registrar of the information necessary to complete the death certificate in cases where a death certificate is not filed for a stillborn death. Requires the state registrar to confirm the information and complete the death certificate accordingly.

APPROVED by Governor April 20, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 01-1326 Air quality - air pollutant emission notices (APENs) - fees - economic analyses - appropriation. Amends the existing requirement for periodic (5-year) cumulative economic analyses of air pollution control measures by having the first such analysis commence July 1, 2003, rather than in 2000.

Increases the basic filing fee for an air pollutant emission notice from \$100 to \$119.96. Increases the annual emission fee for stationary sources from \$14.98 per ton to \$17.97 per ton and the surcharge for hazardous air pollutants, including ozone-depleting substances, from \$100 per ton to \$119.96 per ton. Increases the hourly rate for application processing and for evaluation of land management plans submitted by federal agencies from \$50 per hour to \$59.98 per hour and raises the maximum fee for such evaluations from \$1,500 to \$3,000 except when advance notice and an estimate are given.

Directs the department of public health and environment to allocate \$150,000 annually to modernizing the stationary source program data system and \$70,000 annually to increasing its participation in local air quality control activities.

Repeals obsolete provisions.

Appropriates \$220,000 to the department of public health and environment, and adjusts 17 individual line items in the 2001 long bill, for the purposes of this act.

APPROVED by Governor May 30, 2001

EFFECTIVE May 30, 2001

H.B. 01-1346 Air quality - state implementation plan - legislative approval - exemptions. Allows the division of administration of the department of public health and environment to submit to the federal environmental protection agency for final approval as part of the state implementation plan ("SIP"), without further review by the general assembly, revisions to the SIP that implement and enforce a consent decree entered into by November 1, 2001, in which air pollution sources agree to adopt a control strategy meeting specific requirements. Requires that such strategy make reasonable progress:

- Toward national visibility goals, as set forth in federal and state regulations; and
- In reducing any present or future impairment of an air-quality-related value.

APPROVED by Governor March 28, 2001

EFFECTIVE March 28, 2001

H.B. 01-1387 Solid waste - fees - dangerous conditions - appropriation. Lowers the existing solid waste user fee for landfills by 1 to 3¢ per load or per cubic yard, as applicable; except that, the user fee remains the same in jurisdictions that are responding to hazardous substances pursuant to the federal "Comprehensive Environmental Response, Compensation, and Liability Act of 1980". Redistributes 5% of such fees from the hazardous substance response fund to the solid waste management fund, but transfers all moneys that exceed 16.5% of the fiscal year's expenditures from the solid waste management fund back to the hazardous substance response fund at the end of the fiscal year. Requires local governments to transfer 25% of such user fee to the solid waste management fund prior to taking certain credits against such fees.

Authorizes the department of public health and environment to expend moneys from the solid waste management fund to respond to or mitigate substantial and imminent endangerments caused by landfill gases, ground water contamination, landfill leachate, or discharges to surface water or physical hazards originating from solid waste. Authorizes the department to obtain a search warrant to inspect sites where it is reasonably believed that an imminent and substantial endangerment from solid waste exists.

Requires the department to give priority to mitigating the imminent nature of any endangerment when expending money from the solid waste management fund. Instructs the department not to pursue an action under the federal "Comprehensive Environmental Response, Compensation, and Liability Act of 1980" to seek recovery of costs incurred pursuant to the act.

Defines "landfill gases", "municipality", and "imminent and substantial endangerment from solid waste".

Appropriates \$250,000 to the department of public health and environment for the implementation of the act.

APPROVED by Governor June 5, 2001

EFFECTIVE July 1, 2001

H.B. 01-1398 Air quality - Denver element of PM-10 - legislative approval. Pursuant to state law, approves revisions to the Denver metropolitan area element of the PM-10 state implementation plan adopted by the air quality control commission on April 19, 2001, so that the plan may be expeditiously submitted for approval to the federal environmental protection agency for purposes of requesting the redesignation of the Denver region to attainment status for federal air quality control purposes.

APPROVED by Governor June 1, 2001

EFFECTIVE June 1, 2001

HEALTH CARE POLICY AND FINANCING

S.B. 01-52 Children's basic health plan - enrollment - administrative costs - contracts. Changes the cost-sharing assessed to enrollees in the children's basic health plan from a periodic premium to an annual enrollment fee. States that no enrollment fees shall be charged to families with incomes at or below 150% of the federal poverty level.

Mandates that the annual administrative costs for the children's basic health plan not exceed 10% of the total annual program costs.

Clarifies that the department shall make a capitation payment to managed care plans based upon a defined scope of services at an agreed-upon rate.

Permits, rather than requires, the department of health care policy and financing to contract with a private contractor for administration, but requires that any such contracts contain performance measures that are monitored by the state department. Permits the state department to use county departments of social services to perform administrative functions or to perform the functions within the state department. Requires the state department to allocate administrative functions based on the most cost-effective method.

APPROVED by Governor May 22, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 01-164 Dental loan repayment program - care for underserved populations - appropriations. Creates a state dental loan repayment program for dentists and dental hygienists who, as a condition of receiving assistance in paying dental education loans, agree to provide dental care to underserved populations. Specifies the eligibility requirements for participating in the loan repayment program. Authorizes the state board of health to promulgate rules for the program, including determining the amount of financial assistance available, establishing the criteria for loan repayment assistance, establishing the criteria for determining what constitutes a significant level of service to underserved populations in order to qualify for a loan, and establishing criteria for prioritizing the repayment of loans.

Directs that the program be developed and administered by the department of public health and environment. Creates a cash fund. Authorizes the department to accept private and public contributions, grants, and services and to apply for any available matching federal funds.

Reallocates \$200,000 out of the moneys annually allocated to the children's basic health plan trust from the tobacco litigation settlement moneys for the purpose of funding the state dental loan repayment programs.

Appropriates \$200,000 out of the tobacco litigation settlement moneys to the state dental loan repayment fund, and 0.4 FTE to the department of public health and environment. Appropriates \$12,836 of such moneys to the department of law for the provision of legal services. Appropriates \$436 and \$96,115 out of the general fund to the department of health care policy and financing for implementation of the act. Makes the act contingent upon the passage of and savings realized from House Bill No. 01-1343. Makes other appropriations

and adjustments to the long bill relating to the medicaid program and the children's basic health plan.

APPROVED by Governor June 4, 2001

EFFECTIVE June 4, 2001

NOTE: House Bill 01-1343 was signed by the Governor on May 22, 2001, and the fiscal estimate shows sufficient general fund savings.

H.B. 01-1040 Medicaid - false medicaid claims - penalties. Makes it unlawful for providers of medicaid services to intentionally or with reckless disregard make false medicaid claims or make false representations of material facts in connection with medicaid claims. Makes it unlawful to intentionally or with reckless disregard offer, solicit, or receive any kickback or bribe in connection with medicaid services, items, or purchases, leases, or orders. Authorizes the department of health care policy and financing to bring a civil action against providers who violate these provisions. For an intentional violation, requires the court to order full restitution of the medicaid amounts and a civil penalty of \$5,000 per claim or twice the amount of medicaid wrongfully received. For a violation that was made with reckless disregard, requires the court to order full restitution of the medicaid amounts and a civil penalty not to exceed \$1,000 per claim, but no more than \$50,000, or twice the amount of medicaid wrongfully received. Authorizes a reduction of the civil penalty if the provider promptly cooperated with the investigation. Establishes a 6-year statute of limitations for such claims.

APPROVED by Governor April 12, 2001

EFFECTIVE July 1, 2001

H.B. 01-1161 Children's basic health plan - medicaid determinations - appropriation. Allows eligibility technicians for the department of health care policy and financing ("department") located at the private contractor for the children's basic health plan to make medicaid eligibility determinations for people applying for the children's basic health plan. Requires the department to evaluate the impact on the children's basic health plan of using state eligibility technicians to determine medicaid eligibility, whether the staff solved coordination problems between the children's basic health plan and the medicaid program, and whether there is a need to continue funding staff to perform this function. Requires the department to report to the House Health, Environment, Welfare, and Institutions committee and Senate Health, Environment, Children, and Families committee by October 1, 2003. Repeals the authority for the staff, effective July 1, 2004.

Appropriates \$48,850 out of the children's basic health plan trust to fund 3.0 FTE to implement the act. Specifies that the department of health care policy and financing is expected to receive an additional \$52,498 in federal funds for implementation of the act.

APPROVED by Governor June 4, 2001

EFFECTIVE July 1, 2001

H.B. 01-1171 Medical assistance - adverse coverage decisions of third parties - independent contractor. Clarifies that the assignment of rights by a person receiving medical assistance from the state includes the right to appeal an adverse coverage decision for which the medical assistance program would otherwise be responsible. Directs the state department of

health care policy and financing ("department") or a person with whom the department contracts for such purpose to review and, if necessary, appeal such a decision.

Authorizes the department to enter into agreements with independent contractors to pursue recoveries from such third parties for a prudent and reasonable percentage of the amounts recovered on behalf of the department. Requires the contractors to maintain a record of the number of hours and the costs incurred and to submit to the department a statement when a matter is resolved.

APPROVED by Governor March 23, 2001

EFFECTIVE March 23, 2001

H.B. 01-1271 Medicaid - buy-in program for people with disabilities - appropriations. Directs the department of health care policy and financing ("department") to submit an amendment to the state medical assistance plan and to request any waivers necessary to expand eligibility under medicaid to implement a medicaid buy-in program for individuals with disabilities who would otherwise be eligible for supplemental security income (SSI) except for their income and for individuals with disabilities whose medical condition improves. States the intent of the general assembly that the program be budget-neutral. Specifies the eligibility requirements for the medicaid buy-in program. States that a person who is eligible for the medicaid buy-in program may also be a home and community-based services waiver recipient.

Requires the department to apply for a federal medicaid infrastructure grant to develop and implement the act. States that the department shall not implement the medicaid buy-in program if the department does not receive a medicaid infrastructure grant.

Authorizes the medical services board to promulgate rules specifying the amount of the premium based on a sliding fee schedule to buy into medicaid. Directs that such rules be based on an actuarial study of the disabled population in the state. Directs that the actuarial study be funded by the medicaid infrastructure grant or other private gifts, grants, and donations. Creates a cash fund for such donations and for premiums. Requires the department to submit a report to the joint budget committee on the actuarial study and the fiscal analysis of the premiums.

Authorizes the medical services board to promulgate rules to implement the medicaid buy-in program.

Appropriates \$80,000 out of the medicaid cash fund to the department of health care policy and financing for implementation of the act. Specifies that the department of health care policy and financing is expected to receive an additional \$129,400 in federal funds for implementation of the act. Appropriates \$24,000 to the department of human services for implementation of the act.

APPROVED by Governor June 5, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 01-1282 Medicaid - reimbursement of dental hygienists for services - appropriations. Allows dental hygienists who are providing services without supervision by a dentist to bill directly and be reimbursed by the department of health care policy and financing for providing preventive dental hygiene services to children under the medicaid program. Requires the dental hygienist to attempt to identify a medicaid-participating dentist for the child.

Appropriates \$6,846 and \$139,271 to the department of health care policy and financing to implement the act. Makes the act contingent upon the passage of and savings realized from House Bill No. 01-1343. Specifies that the department of health care policy and financing is expected to receive an additional \$139,271 in federal funds for the implementation of this act.

APPROVED by Governor June 4, 2001

EFFECTIVE August 8, 2001

NOTE: (1) This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

(2) House Bill 01-1343 was signed by the Governor on May 22, 2001, and the fiscal estimate shows sufficient general fund savings.

H.B. 01-1331 Children's basic health plan - elimination of policy board - transfer of rule-making authority to medical services board - additional members on medical services board - studies - appropriation. Clarifies and restates the goals of the children's basic health plan program.

Eliminates the children's basic health plan policy board and the advisory board. Gives complete administrative authority for the children's basic health plan to the department of health care policy and financing ("department"). Transfers the rule-making function handled by the policy board to the medical services board.

Adds 2 members to the medical services board, to be appointed by the governor, one of whom is a private sector member with experience with the delivery of health care and one of whom has experience or expertise in caring for medically underserved children.

Directs the department to conduct a study on consolidation of state health care programs for children. Requires the department to submit such study with recommendations to the joint budget committee and to the health, environment, welfare, and institutions committee of the house of representatives and the health, environment, children and families committee of the senate.

Authorizes the department to conduct pilot projects to test different models where appropriate and as approved by the joint budget committee. Directs the department to use performance-based contracting based on quality assurance measures.

Requires any private contractor that provides services under the children's basic health plan to provide quarterly reports to the medical services board relating to the functions performed by the contractor. Requires the contractor to submit any data requested by the medical services board relating to the plan and the functions provided by that contractor.

Reduces the appropriation to the department of health care policy and financing,

indigent care program, children's basic health plan administration, in the general appropriation act.

APPROVED by Governor June 4, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 01-1343 Medical assistance - managed care - adjustment in long bill appropriation. Allows a medicaid client to disenroll from a managed care organization without good cause within the first 90 days of enrollment. Increases the length of time before a medicaid recipient can change to a different managed care organization from 6 to 12 months.

Repeals an optional program that allowed a guaranteed minimum enrollment period of 6 months in managed care programs for recipients who become ineligible for medicaid.

Decreases the appropriation in the long bill for FY 2001-2002 for the department of health care policy and financing by \$300,000.

APPROVED by Governor May 22, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 01-1401 Comprehensive primary and preventative care grant program - modification of definitions - qualified provider - uninsured or medically indigent patient. For purposes of the comprehensive primary and preventive care grant program, modifies the definition of "qualified provider" to include an entity that:

- Provides comprehensive primary care services free of charge;
- Serves a population or area that lacks adequate health care services for low-income, uninsured persons; and
- Completes initial screening for eligibility for the state medical assistance program, children's basic health plan, and any other relevant government health care program.

Modifies the definition of "uninsured or medically indigent patient" to include a patient whose yearly family income is below 200% of the federal poverty level rather than 185% of the federal poverty level.

APPROVED by Governor June 5, 2001

EFFECTIVE June 5, 2001

HUMAN SERVICES - SOCIAL SERVICES

S.B. 01-12 Family stabilization services - foster parent training - child placement agencies - Title IV-E funding - annual recertification and relicensing - emergency removal of foster children - relative affiliate - revocation of license - results of investigation. Creates a family stabilization services fund, that, after July 1, 2002, would receive \$75 from each dissolution of marriage docket fee. States an intent that family stabilization services are those short-term services to help stabilize families at risk of out-of-home placement that may include:

- Less than 24-hour respite care;
- In-home services that may include kinship services and counseling; and
- Reintegration services following a separation or placement.

States that a county's cost savings shall not be the basis of an adjustment to the formula for developing such county's capped or targeted allocation. Defines therapeutic services.

Adds the following to the list of standards to be prescribed by rule for child care facilities and agencies: Minimum hours of training for foster parents, including 27 hours for initial training, 20 hours per year of continuing training for foster care parents, and 12 additional hours per year for foster parents providing therapeutic services; and initial and ongoing training of foster care service providers. Permits an altered schedule for hours of training for emergency placements. Permits a child placement agency to certify the home of a relative of a child placed therein as a foster home upon request of a county department of social services ("county department").

Permits a county department, at its own expense, to review its child welfare caseload and to seek retroactive reimbursement pursuant to federal law. Provides that any moneys received shall be divided equally between the state department of human services ("state department") and the county seeking the reimbursement. Conforms the statute regarding eligibility for Title IV-E foster care funding to other state law.

Directs the state department to compare child placement agency expenditures for foster care to county department expenditures and to provide those comparisons to county departments at least annually. Expands the definition of "affiliate of the licensee" to include any executive, officer, board member, or employee of a licensee, as well as a relative of a licensee that provides child care or is involved in the operations at the facility. Clarifies that the foster home certification process includes other resident adults acting as care givers. Permits the state department to deny an application for a child placement agency license if the applicant is a relative affiliate of a licensee and the licensee was the subject of a negative licensing action or is the subject of a pending investigation.

Requires, on and after July 1, 2002, and subject to implementation of the "TRAILS" computer system, annual recertification of foster care homes with on-site visits and inspections of sleeping areas. Requires, from July 1, 2002, to January 1, 2004, and subject to implementation of the "TRAILS" computer system, annual licensing of child placement agencies that certify foster care homes with assessments by the state department. Permits, on and after January 1, 2004, and subject to functionality of the "TRAILS" computer system, the state department to implement a schedule for relicensing that is risk-based, where low-risk child placement agencies would renew licenses less frequently.

Prohibits licensing or certification of a child care facility if the applicant was

convicted of a felony involving assault, battery, or a drug-related offense within the 5 years preceding the application.

Prohibits licensing or certification of a child care facility if the applicant, affiliate, employee, or resident:

- Has been determined to be insane or mentally incompetent and is incapable of operating such facility; or
- Has a pattern of misdemeanor convictions, as defined by rule, within the 10 years preceding the application.

Clarifies that each applicant, employee, or resident adult of a child care facility who has resided in Colorado fewer than 2 years shall obtain a fingerprint-based criminal history background check through the Federal Bureau of Investigation.

Authorizes the state department to require a county department to remove a foster child, if, after an inspection, the state department determines that the child:

- Is subject to an immediate and direct threat to the child's safety and welfare, as defined by rule; or
- That a substantial violation of a fundamental standard of care warrants immediate action.

Permits a county department to immediately revoke the certification of a county-certified foster care home if either of the above conditions exists, but requires the county department to conduct a due process hearing within 5 days after such revocation.

Directs the state department to revoke the license of a child care facility if the licensee, an affiliate, an employee, or a resident has been determined to be insane or mentally incompetent.

Requires a county department with substantiated evidence of a violation of statute or rule by a child placement agency to communicate such violation to the state department and to identify whether it is requesting an investigation. Requires the state department to investigate, if requested, and to report its findings to the county department. Requires the state department to provide access to the results of an investigation or negative licensing action to county departments and affected child placement agencies.

APPROVED by Governor June 1, 2001

EFFECTIVE June 1, 2001

S.B. 01-14 Foster care - audit - study of accreditation standards - revocation of certificates - investigations - reports of child abuse. Requires the state auditor's office to conduct a follow-up audit of the state foster care program by August 1, 2002. Directs the state auditor's office to provide copies of the audit report to the legislative audit committee, House health, environment, welfare and institutions committee, Senate health, environment, children and families committee, and to the executive director of the department of human services.

Conforms the statute regarding eligibility for Title IV-E foster care funding to other state law. Expands the definition of "affiliate of the licensee" to include any executive, officer, board member, or employee of a licensee. Encourages the department of human services ("state department") to examine and report to the general assembly on the benefits

of licensing private, non-profit child placement agencies dedicated to serving the special needs of foster care children.

Adds to the list of offenses for which the state department cannot issue a license or certificate to operate a family child care home, foster care home, child care center, residential child care facility, or a child placement agency any felony involving physical assault, battery, or a drug-related offense within the preceding 5 years. Requires each application for licensing or certification of a foster care home to provide notice that the applicant may be subject to immediate revocation or other negative licensing action.

Authorizes a county department of social services ("county department") to immediately revoke the certification of a county-certified foster care home when the county department has reason to believe that a child is subject to an immediate and direct threat to the child's safety and welfare or that a substantial violation of a fundamental standard of care warrants immediate action. Requires the county department to conduct a due process hearing within 5 days after such action.

Directs the state department to revoke the license of a child care facility if the licensee, an affiliate, an employee, or a resident adult has been determined to be insane or mentally incompetent.

Requires the state department to study standards for quality and performance for foster care based upon national standards and to study accreditation standards for county departments and child placement agencies with respect to foster care services. Requires the state department to submit its report to the House health, environment, welfare and institutions committee and to the Senate health, environment, children and families committee on or before July 1, 2002.

Requires a county department with substantiated evidence of a violation of statute or rule by a child placement agency to communicate such violation to the state department and to identify whether it is requesting an investigation. Requires the state department to investigate, if requested, and to report its findings to the county department. Requires the state department to provide access to the results of an investigation or negative licensing action to county departments.

Requires a county department that reasonably believes a criminal act of abuse or neglect of a child in foster care has occurred to transmit a written report of child abuse or neglect to the district attorney's office and to the local law enforcement agency.

APPROVED by Governor June 1, 2001

EFFECTIVE June 1, 2001

S.B. 01-32 Criminal background checks - child care providers - dual checks - forwarding information - appropriations. Encourages state criminal justice agencies to:

- Continue working with each other to complete the integrated criminal justice information system ("CICJIS") in a timely manner; and
- Consider the integration of municipal records, including county court records of the city and county of Denver, into CICJIS.

Directs the Colorado bureau of investigation ("CBI") to require uniform identifiers that exist on or after the effective date of the act in state-wide arrest information sent to CBI.

Requires the transmittal of such information to the CBI within 72 hours after receipt by the law enforcement entity. Requires the CBI to forward background check information to the judicial department's integrated Colorado on-line network ("ICON system") system within 24 hours after receiving it.

Requires the use of both CBI records and the ICON system in conducting criminal background checks on child care providers licensed pursuant to state law. Clarifies that each applicant for a child care license shall undergo a fingerprint-based criminal history background check through the CBI; except that each provider who has resided in Colorado less than 2 years will receive a fingerprint background check through the Federal Bureau of Investigation.

Appropriates \$95,658 and 2.5 FTE to the department of human services to implement the act, \$76,526 of which is federal funds and \$19,132 of which is from savings due to the passage of Senate Bill 01-077. Appropriates \$323,238 and 1.5 FTE to the department of public safety from cash funds to implement the act.

APPROVED by Governor May 30, 2001

EFFECTIVE May 30, 2001

NOTE: Senate Bill 01-077 was signed by the Governor May 30, 2001, and the fiscal estimate shows sufficient general fund savings.

S.B. 01-78 Nursing facilities - consumer satisfaction - creation of the resident-centered quality improvement program - creation of working group - appropriation. Requires the department of public health and environment ("department") to develop and implement a consumer satisfaction survey to evaluate the quality of care and quality of life in nursing facilities. Requires the survey to be easy to understand and to protect the confidentiality of the participants in the survey. Requires the department to implement the survey on or before July 1, 2002. Exempts private-pay nursing facilities from participation in the survey.

Requires the department to respond within 5 working days to complaints from residents and residents' family members or representatives. States that the department must update the complainant every 14 days for the first 60 days after the complaint was received and, if the complaint is not resolved within the first 60 days, every 30 days after that until the investigation is resolved and a report is finalized.

Authorizes the department of health care policy and financing ("state department") to research and develop a nonmonetary incentive program for nursing facilities for the purpose of encouraging improvement in the quality of care.

Establishes a resident-centered quality improvement program ("resident program") to improve the quality of life in nursing facilities through resident participation. Requires the state department to issue incentive payment programs to nursing facilities that develop proposals that meet criteria developed by the state department. Allows 50% of the moneys from the quality of care incentive payment program ("quality program") to be used for the resident program. Requires evaluations of each approved resident program proposal on at least an annual basis.

Establishes additional standards for the state department to consider when issuing incentive payments under the quality program.

Creates a 12-member working group in the department of health care policy and financing to develop a detailed proposal to reform the current survey and certification process for nursing facilities to one that increases the focus on continuous performance improvement. Directs the working group to present a detailed proposal, along with proposed legislation, to the general assembly on or before December 1, 2001.

Appropriates \$98,004 and 1.0 FTE to the department of health care policy and financing and \$36,043 and 0.7 FTE to the department of public health and environment for the implementation of the act. Allocates \$182,051 in federal funds to the department of health care policy and financing for the implementation of the act. Makes adjustments to the 2001 long bill for the implementation of the act.

APPROVED by Governor June 5, 2001

EFFECTIVE June 5, 2001

S.B. 01-114 AIDS drug assistance program - income eligibility. Repeals the income eligibility requirement of 185% of the federal poverty level for the AIDS drug assistance program (ADAP). Specifies that an individual must meet income eligibility requirements as determined by the department of public health and environment in consultation with the subcommittee of the advisory group on AIDS policy. Requires the department, in consultation with the subcommittee, to implement a policy of giving preference to applicants of lower income for enrollment into the program if it is determined that the ADAP is reaching the program's fiscal limitations.

Makes the provisions of the act applicable to applications for services under the AIDS drug assistance program made on or after July 1, 2001.

APPROVED by Governor April 12, 2001

EFFECTIVE April 12, 2001

S.B. 01-150 Individual development accounts - eligibility - maximum amount of charitable contribution - administrative fees. Requires that an individual who is eligible for participation in the individual development account (IDA) program shall be a United States citizen who legally resides in Colorado. Allows IDA participants to save amounts greater than the amount that may be matched by a charitable donor, but the IDA participant is responsible for any state or federal income tax. Clarifies that the designated nonprofit organization administering the tax credit is responsible for providing information to the charitable donors of the amount that may be claimed for the tax credit. Clarifies the amount of the fee to be assessed for administrative expenses by the designated nonprofit for administering the IDA program.

APPROVED by Governor April 19, 2001

EFFECTIVE April 19, 2001

S.B. 01-169 Colorado existing industry program - Colorado works program. Allows up to 50% of all moneys available for the Colorado customized training program to be transferred to the Colorado existing industry program at the discretion of the state board for community colleges and occupational education. Requires the board to consider the retention and expansion of existing business and industry when it makes the funding decisions.

Requires the state department of human services to provide data that is gathered on behalf of each county that participates in the Colorado works program to the general

assembly. Stipulates that the data shall be provided on a quarterly basis and shall include employment- and training-related performance measures for the Colorado works program. Does not require counties to provide additional systems to gather data, but requires the state department of human services to work with the Colorado office of workforce development to gather the data. Requires that the data be provided to the state auditor's office on at least an annual basis as part of the Colorado works program audit.

APPROVED by Governor April 19, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 01-206 Periodic reports to the general assembly - sunset review - repeal. Eliminates existing requirements for the following reports to the general assembly:

- Reports to the house Health, Environment, Welfare, and Institutions (HEWI) and senate Health, Environment, Children and Families (HECFA) committees recommending security measures for screening people who apply for public or medical assistance.
- Reports to the general assembly on target populations eligible to receive aid to families with dependant children.
- Reports to the house HEWI and senate HECFA committees concerning the preliminary status of the mental health services pilot program.
- Reports to the general assembly making recommendations for legislation concerning compliance with federal waivers.
- Reports to the house HEWI and senate HECFA committees concerning evaluation of the public education-awareness program.
- A report to the joint budget committee on the advisability of setting an upper limit on parental income for participation in the children's personal assistance services and family support waiver program and other children's medicaid waiver programs.
- Reports to the house HEWI and senate HECFA committees on evaluation of the feasibility of implementing the purchase access to medicaid program.
- Reports to the general assembly concerning an independent evaluation of the consumer-directed attendant support pilot program.
- Reports to the general assembly containing a progress report based on the evaluation of performance agreements for the delivery of child welfare services.
- Reports to the joint budget committee concerning costs associated with the child support enforcement program.

Sends annual savings reports identifying efficiencies and consolidations that produce savings in the budget of the department of health care policy and financing to the house HEWI and the senate HECFA committees in addition to the joint budget committee.

Eliminates obsolete provisions.

APPROVED by Governor June 5, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 01-211 Study of foster care alternatives - report - repeal. Directs the department of human services ("department") to conduct a study of foster care alternatives, including prevention of out-of-home placement, family preservation services, and other innovative approaches to foster care. Requires the department to examine alternatives that are in the best interests of the child being placed, that avoid disruption to existing sibling groups, and that foster stability, familiarity, and security. Directs the department to limit the focus of such examination to children 10 years of age or younger. Requires the department to report its findings and recommendations to the general assembly on or before March 15, 2002, which may include a recommendation for a pilot program. Authorizes the executive director of the department to receive private funds for implementation of the act. Repeals the act, effective March 16, 2002.

APPROVED by Governor May 31, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 01-221 Child care licensing - definition of "affiliate of a licensee" - relative affiliates. Amends the definition of an "affiliate of a licensee" to include relatives of a licensee who provide care to children at the licensee's facility or who are otherwise involved in the management or operations of the facility and to include any executive, officer, member of the governing board, or employee of a licensee.

Authorizes the state department of human services to deny an application for a license to operate a child care facility if the applicant is a relative affiliate of a licensee who is the subject of a previous negative licensing action or the subject of a pending investigation that may result in a negative licensing action.

Applies to applications for child care licenses made on or after July 1, 2001.

APPROVED by Governor May 18, 2001

EFFECTIVE July 1, 2001

H.B. 01-1004 Colorado works - earnings income disregard. Increases the amount of income earned that is disregarded for purposes of continued eligibility for the Colorado works program. Provides for an income disregard of two-thirds of gross income for 12 cumulative months. After the receipt of 12 cumulative months of disregard, allows for an income disregard based upon the income disregard formula set forth in rules based on the old AFDC program (\$30 plus 1/3 of the gross income for 4 consecutive months, then \$30 for 8 calendar months). Allows a county that operates a manual or electronic system for increasing income disregards that was in place as of December 31, 2000, the option of continuing to use its income disregard formula or following the new income disregard formula.

APPROVED by Governor March 28, 2001

EFFECTIVE March 28, 2001

H.B. 01-1022 Transitional medicaid - county duties - reporting assistance. Requires county departments of social services to assist families in completing the reporting requirements for transitional medicaid, which shall include informing 1931 medicaid recipients of the

transitional medicaid eligibility requirements and the required reporting calendar.

APPROVED by Governor May 31, 2001

EFFECTIVE July 1, 2001

H.B. 01-1048 Colorado works - eligibility and benefits for half siblings. Requires the state board of human services to promulgate rules to provide that half siblings who reside in the same household not be required to be counted in the same assistance unit for purposes of eligibility and benefits under the Colorado works program if at least one of the half siblings is receiving child support.

APPROVED by Governor March 21, 2001

EFFECTIVE March 21, 2001

H.B. 01-1053 Residential facilities - terminology. Changes residential facility terminology in various statutory provisions to make the definitions uniform.

APPROVED by Governor March 21, 2001

EFFECTIVE March 21, 2001

H.B. 01-1079 Older Coloradans program - area agencies on aging - administrative expenses - reports - extension of funding - appropriation. Prohibits any area agency on aging from using more than 10% the moneys received from the older Coloradans program ("program") on administrative expenses. On or before January 1, 2001, requires each area agency on aging to submit to the state office on aging in the department of human services ("state office") a report detailing the use of moneys received from the program. On or before February 1, 2002, directs the state office to submit a compilation of the agency reports to the health, environment, children and families committee of the senate and the health, environment, welfare, and institutions committee of the house of representatives.

Continues for one year the allocation of \$3,000,000 from sales and use tax receipts to the older Coloradans fund.

Appropriates \$3,000,000 from the older Coloradans cash fund to the department of human services for the implementation of the older Coloradans program.

APPROVED by Governor June 6, 2001

EFFECTIVE June 6, 2001

H.B. 01-1080 Health care task force - innovative housing options for older people. Requires the Colorado health care task force to study innovative options for housing, home and community-based services, and assisted living services for older people who can no longer live independently in their communities and possible funding sources for these levels of care. Requires the Colorado health care task force to consider the implementation of both short-range and long-range recommendations on rate disparity and shortfalls within long-term care made by the task force created in footnote 50a of the 2000 general appropriations act. Requires the task force to make recommendations to the general assembly for consideration during the 2002 regular legislative session.

APPROVED by Governor March 20, 2001

EFFECTIVE March 20, 2001

H.B. 01-1096 Child care assistance program - supplement - evaluation. To enable participants in the child care assistance program to select from a broader range of child care providers, authorizes a county to allow a recipient of child care assistance to supplement the amount of child care assistance funding he or she receives. Requires a child care provider to be approved by the county in order to be eligible to receive supplemental payments. States that such supplement shall be in addition to the recipient's required parental share of child care, if any, but prohibits a recipient from paying a supplement that exceeds 10% of the recipient's gross income. Authorizes a county-approved child care provider to charge the recipient more than the rate such provider negotiated with the county, but prohibits the county-approved child care provider from charging the recipient more than its standard rate.

Requires such county-approved child care providers to report certain information to the county each month. Requires a county that allows a recipient of child care assistance to supplement the amount of child care assistance funding he or she receives to annually evaluate the effect of permitting such supplement, if any, on the accessibility and affordability of child care to the recipients of the Colorado child care assistance program. Requires a county to submit any such evaluation to the state department of human services on an annual basis commencing July 1, 2002.

VEETOED by Governor June 5, 2001

H.B. 01-1152 Home care allowance - personal care services - cap on service units per year. Identifies a cap for home care allowance of 429 service units per year for a member of the eligible person's family. Changes the cap for personal care services grants from \$5,000 per family per year to the equivalent of 444 service units per year for a member of the eligible person's family.

APPROVED by Governor March 23, 2001

EFFECTIVE March 23, 2001

H.B. 01-1169 Colorado works - community resources investments. Authorizes counties to use block grant moneys from the Colorado works program to invest in community resources designed to assist applicants or participants under the Colorado works program. Authorizes applicants or participants to receive benefits or services from a community resource without applying for assistance, participating in diversion, or completing an individual responsibility contract.

Requires the state board of human services to establish standards and procedures through rules for the use of county block grant moneys for community resource investments, including contracting procedures. Requires counties to adopt official written policies regarding the types of community resources in which counties are investing, the purposes of such investments, the income eligibility standards, and dispute resolution processes. States that a county shall use block grant moneys in accordance with federal and state laws and regulations. States that a county shall not be authorized to use funds for community resources for the purpose of supplanting funds. States that nothing in the law shall preclude a household from applying for and receiving basic cash assistance.

APPROVED by Governor May 30, 2001

EFFECTIVE May 30, 2001

H.B. 01-1199 School-based health services - administrative costs - limitations - appropriations. Limits the total allowable state administrative costs for contracts related to the provision of health services by school districts to 10% of the total annual amount of federal funds for such contracts, as reflected in the annual general appropriation bill.

Adjusts appropriations made in the 2001 long bill as follows: Moves \$293,237 of anticipated federal funds from the line item for public school health services to the line item for medical programs administration within the department of health care policy and financing; and decreases the cash funds exempt appropriation to the department of education, assistance to public schools, grant programs and other distributions, Senate Bill 97-101 public school health services by \$293,237.

APPROVED by Governor May 30, 2001

EFFECTIVE May 30, 2001

H.B. 01-1234 Colorado works - exit and follow-up interviews - extension of welfare oversight committee. Encourages county departments of social services to conduct exit interviews and follow-up interviews upon case closure, with participants of Colorado works, including those who are or have been receiving a state diversion grant or a county diversion grant. States that such interviews shall be for the purpose of providing information and offering assistance to participants with applications for or continuance of assistance under medicaid, food stamps, child care assistance, the earned income tax credit, or other programs.

Requires the state auditor's office, as part of its ongoing evaluation of Colorado works, to evaluate the results and effectiveness of such interviews and include its findings in a report to the legislative welfare oversight committee.

Extends the legislative welfare oversight committee until July 1, 2004.

APPROVED by Governor May 30, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 01-1264 Child support enforcement - attachment of workers' compensation - child support commission - inclusion of noncustodial parents under Colorado works - treatment of non-IV-D payments as unclaimed property - appropriation. Makes the following changes for the purposes of improving enforcement of child support obligations:

- Allows for the attachment, assignment, garnishment, and administrative lien and attachment of permanent partial disability workers' compensation benefits for the payment of child support;
- Amends the definition of "employer" for purposes of direct income withholding under the "Uniform Interstate Family Support Act" (UIFSA) of orders from other states to allow for direct withholding by insurance carriers of any type of workers' compensation benefits;
- Allows for the attachment of workers' compensation lump sum settlements for the payment of child support.

Increases the number of members on the child support commission from 15 to 21, and specifies the composition of the commission. States that the judicial department is

responsible for promulgating and updating child support guideline forms, schedules, and instructions.

Clarifies the confidentiality of public assistance records for child support establishment purposes.

Expands eligibility under the Colorado works program to include noncustodial parents. Directs the state board of human services to adopt rules to allow a noncustodial parent to receive services, other than basic cash assistance, at a county's option and in accordance with the county's plan. States that such assistance shall be intended to promote sustainable employment for the noncustodial parent and enable such parent to pay child support. States that provision of such services shall not negatively impact the eligibility for benefits or services of the custodial parent.

States that any non-IV-D child support payments in the family support registry fund that are undeliverable after 2 years shall be considered unclaimed property for purposes of the "Unclaimed Property Act" and shall be reported to the administrator of the unclaimed property program for purposes of locating the payee. Requires the department of human services to specify the amount of money that is unclaimed and provide sufficient identifying information to allow the administrator to locate the payee.

Adjusts the appropriations to the department of human services in the general appropriation act.

APPROVED by Governor May 31, 2001

EFFECTIVE May 31, 2001

H.B. 01-1265 Family resource centers - services - grants for continued operation. Changes the statutory reference for "family development centers" to "family resource centers".

Expands the definition of an "at-risk neighborhood" served by family resource centers to include urban or rural neighborhoods or communities. Includes services to vulnerable families, individuals, children, and youth in communities in addition to serving those families who live in at-risk neighborhoods. Directs family resource centers to provide services to assist families in working toward greater self-reliance or in achieving self-sufficiency. Directs family resource centers to assist individuals and families in applying for the children's basic health plan or for medical assistance benefits.

Authorizes the division of prevention and intervention in the department of public health and environment to make grants to family resource centers for the continued operation of a center.

APPROVED by Governor March 29, 2001

EFFECTIVE March 29, 2001

H.B. 01-1289 Child care licensing - inapplicability - facilities - report - appropriation. Adds to the list of child care services to which the "Child Care Licensing Act" does not apply, those services provided by a facility that operates in connection with a church, shopping center, or business where children are cared for during short periods of time while parents or persons in charge of such children are working on the premises of such business. Defines "short periods of time" as fewer than 3 hours in any 24-hour period. Specifies that a facility that has received a negative licensing action is prohibited from operating as a facility to

which the "Child Care Licensing Act" does not apply. Requires the department of human services to examine the safety of child care in facilities to which the "Child Care Licensing Act" does not apply and to report such findings to the general assembly no later than October 1, 2002.

Appropriates \$25,000 from the child care development fund to the department of human services, division of child care, for the implementation of the act.

APPROVED by Governor June 1, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

INSURANCE

S.B. 01-34 Insurance - licenses - insurance producers. Changes the name of the "Colorado Single Insurance Producer Licensing Act" to the "Colorado Producer Licensing Model Act" ("act"). Clarifies that the purpose of the act is to simplify language and improve regulatory efficiency.

Clarifies what entities are exempt from licensure. Clarifies that nonresidents seeking a producers license do not need to comply with continuing education requirements. Eliminates continuing education requirement for limited lines or restricted licenses for producers whose licenses are in good standing. Prohibits any person from negotiating, selling, or soliciting any class of insurance without the appropriate license.

Allows persons with the designation of chartered financial consultant and registered health underwriter to be exempt from precensuring examination and education requirements. Prevents nonresident bail bonding agents from obtaining a license in Colorado.

Eliminates the separate licensure of producers of crop hail, health maintenance organizations, and nonprofits on and after January 1, 2002. Grandfathers in insurance producers holding a valid license for crop hail, health maintenance organization, or nonprofits on or before January 1, 2002.

Eliminates precensuring education requirements for residents and nonresidents if the applicant already had a license for that line of authority. Specifies that a nonresident may avoid precensuring education requirements if the person:

- Is currently licensed in another state;
- Applied for licensure in Colorado within 12 months after expiration of a license in a different jurisdiction; and
- Is in possession of a license in good standing or the expired license was in good standing at the time of expiration.

Requires nonresidents who move to Colorado to apply for a producer's license within 90 days after permanently moving to Colorado.

Adds the reference of "business entity" to insurance agencies so as to encompass limited liability companies and limited liability partnerships within insurance regulation.

Requires an insurer of limited lines credit insurance to provide a program of instruction to its insurance producers.

Specifies that a person who has been denied a license by the division of insurance ("division") may not be issued a producer's license. Describes the lines of authority applicable to a producer's license.

Provides for producer's license waivers for persons in military service. Eliminates the fee collected by the division for amended licenses.

Increases the time period for temporary licenses from 90 days to 180 days. Allows the commissioner of insurance ("commissioner") to limit the authority of a temporary licensee. Allows a temporary licensee to be sponsored by a licensed producer. Requires the sponsor be responsible for all acts of the temporary licensee.

Consolidates fee schedules and eliminates specific fee amounts. Allows the commissioner to set reasonable fees and penalties that relate to the act.

Outlines requirements for notification of termination of business between a producer and insurer. Allows the commissioner to request information related to the termination. Provides immunity from civil liability for disclosure of documents related to the termination by an insurer, a producer, the commissioner, and an organization to which the commissioner is a member and that compiles information related to the termination. Requires all documents, materials, or other information obtained related to a termination to be confidential and not subject to the Open Records Act until final adjudication by a court of competent jurisdiction. Allows the commissioner to share confidential information with other states, the national association of insurance commissioners, and other regulatory and law enforcement agencies. Requires that such states, organization, and agencies maintain the confidential nature of the information. Provides that the sharing of such confidential information with other states, the national association of insurance commissioners, or other agencies is not a waiver of the confidentiality. Permits law enforcement from any state, federal, or international agency to use confidential information in any civil or criminal investigation, or prosecution by a government agency, except as provided in provisions of criminal justice records law. Allows for disclosure of confidential information for use in any private civil matter so long as the commissioner finds that such disclosure does not cause substantial injury to the public interest. Authorizes the commissioner to discipline an insurer or producer that fails to report a termination.

Eliminates the requirement for countersignatures by producers on insurance policies issued by foreign insurance companies.

Allows the commissioner to put an insurance producer on probation or assess a penalty, in addition to existing disciplinary measures, for the following:

- Providing incorrect, misleading, incomplete, or materially untrue information to the commissioner;
- Noncompliance with a subpoena;
- Misappropriating property;
- Misrepresenting terms on an application for insurance;
- Demonstrating incompetence, untrustworthiness, or financial irresponsibility in Colorado or elsewhere;
- Having an insurance license denied in another jurisdiction;
- Forging a document related to insurance;
- Improperly using notes or other material on a licensure examination;
- Accepting insurance business from a person who is not licensed as an insurance producer;
- Failing to pay court ordered child support; and
- Failing to pay state taxes.

Clarifies the definition of "moral turpitude" for the purposes of a disciplinary action against a licensee. Includes sexual assault against a minor within the definition of "moral turpitude". Requires the commissioner to notify a licensee or applicant of revocation or denial of the licensee's or applicant's license. Requires a licensee or applicant to notify the commissioner of either civil or criminal court or administrative orders against the producer.

Eliminates the requirement that a surplus lines broker maintain an office in Colorado. Eliminates the fee for acceptance of service of process by the commissioner.

Clarifies that premium computations for health insurance need to be certified by a qualified actuary.

APPROVED by Governor June 5, 2001

EFFECTIVE January 1, 2002

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 01-109 Motor vehicle insurance - no-fault law - motorist insurance identification database program - continuation under sunset law - appropriation. Extends the automatic termination date of the motorist insurance identification database program to July 1, 2003, pursuant to the provisions of the sunset law.

Continues the no-fault motor vehicle insurance act until July 1, 2002. Lowers the maximum registration fee for the program from \$1 to 50¢. Authorizes the department of revenue to fine insurers for failure to comply with the department's rules concerning the program and to suspend the registration of motor vehicle owners who do not respond in a timely manner to a notice that their vehicle is not properly insured. Changes the reporting requirement to the general assembly from the number of uninsured motorist claims reported by insurers to the proportion of uninsured motorists.

Appropriates \$1,971,945 and 8.0 FTE to the department of revenue for the implementation of the act.

APPROVED by Governor May 22, 2001

EFFECTIVE May 22, 2001

S.B. 01-205 Health insurance - small group plans - Colorado small employer health reinsurance program. Removes the existing requirement that the Colorado small employer health reinsurance program be operational before small employer carriers must offer basic and standard health insurance plans. Continues the basic and standard plan requirements for small employers until July 1, 2006. Allows the Colorado small employer health reinsurance program board to continue for 1 additional year after its scheduled repeal date of July 1, 2001, for the purpose of winding down its business.

APPROVED by Governor June 5, 2001

EFFECTIVE July 1, 2001

S.B. 01-224 Health insurance - rural areas - telemedicine - managed care - network adequacy - community contract health care providers. Makes legislative findings.

Adds flexibility to network adequacy requirements for carriers offering a managed care plan that is not a health maintenance organization or a health maintenance organization with a point of service option. Limits when network adequacy flexibility is applicable. Allows for balance billing in certain circumstances. Allows for disclosures to consumers related to balance billing and changes in the network by a carrier.

Adds insurance coverage for telemedicine into the state's insurance laws for consumers in rural areas. Allows for telemedicine if such services may be appropriately rendered through telemedicine. Allows telemedicine to be a covered expense for the purposes of medicaid for recipients in rural areas.

Creates a legislative task force to evaluate health care needs for Colorado. Sets out the membership of the task force and establishes deadlines for appointment. Lists the items to be evaluated by the task force. States that testimony shall be taken from interested parties throughout the state. Directs the task force to hold 6 meetings in rural Colorado and 2 in the Denver metropolitan area. Allows the task force to make legislative recommendations pursuant to the joint rules. Allows for per diem and expenses for members of the task force. Allows the task force to accept and expend gifts, grants, and donations for the purposes of the task force.

Adds telemedicine to the definitions of the practice of medicine. Allows health care providers other than physicians to practice telemedicine within the health care provider's scope of practice. Defines telemedicine. Requires that telemedicine meet a generally accepted standard of care for the practice of medicine. Creates medical record custody provisions for telemedicine records maintained by health care facilities and providers.

Allows a community to contract with a medical provider for services. Requires the health care provider's salary to be paid by the community contracting with the health care provider. Allows a contracted health care provider to charge a fee for service that is lower than insurance reimbursement rates. Allows for the creation of special health assurance districts to contract with a medical provider for services. Creates a sunset review for community contract providers.

Provides that section 6 of the act shall only take effect if one or more of the following bills are not adopted: House Bill 01-1240, House Joint Resolution 01-1011, House Joint Resolution 01-1027, or House Joint Resolution 01-1050.

APPROVED by Governor June 5, 2001

PORTIONS EFFECTIVE June 5, 2001
January 1, 2002

NOTE: House Joint Resolution 01-1011 and House Joint Resolution 01-1050 were not adopted by the General Assembly; therefore, section 6 of the act is effective.

S.B. 01-239 Health insurance - pharmacy benefit management firms. Defines "pharmacy benefit management firm". Precludes unauthorized transfers of accounts of prescription drug customers.

Makes violations of the provision concerning unauthorized transfer of a covered person or subscriber's prescription an unfair method of competition and unfair or deceptive act or practice in the business of insurance.

APPROVED by Governor June 5, 2001

EFFECTIVE January 1, 2002

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 01-1021 Motor vehicle insurance - personal injury protection - rules. Requires the commissioner of insurance to hold a rule-making hearing on or before December 31, 2001, regarding insurers' disclosure obligations at the time coverage is offered.

APPROVED by Governor March 20, 2001

EFFECTIVE March 20, 2001

H.B. 01-1034 Motor vehicle insurance - no-fault insurance. Consolidates the definition of "resident relative" and makes it apply to the entire "Colorado Auto Accident Reparations Act". Identifies as "basic", rather than "minimum", the current standard personal injury protection benefits of \$50,000 in medical, \$50,000 in rehabilitative, and \$25,000 in legal liability benefits. Identifies as "reduced" the auto policy offered to persons within 185% of the federal poverty level. Identifies as "enhanced" benefits those that are purchased in addition to basic personal injury protection benefits. Clarifies provisions regarding the primacy of coverage for benefits for employees not within the scope or course of employment when injured in an auto accident.

APPROVED by Governor June 1, 2001

EFFECTIVE July 1, 2001

H.B. 01-1037 Health care provider networks - requirements for conducting insurance business. Creates specific requirements for health care provider networks that must be met in order to conduct insurance business in the state of Colorado. Requires a health care provider network to obtain a certificate of authority from the commissioner of insurance, maintain its principal and home office in this state, hold at least one board meeting per year in this state, allow records and books to be accessible to the commissioner of insurance, and perform most of its essential functions in this state.

APPROVED by Governor March 1, 2001

EFFECTIVE March 1, 2001

H.B. 01-1055 Title insurance companies - filing requirements. Requires title insurance companies to file new and amended fees, in addition to rates as currently required, with the commissioner of insurance.

APPROVED by Governor March 9, 2001

EFFECTIVE March 9, 2001

H.B. 01-1064 Insurance - companies - accounting. Modifies the definition of "admitted assets" and "nonadmitted assets" to assets defined in the nationally recognized insurance statutory accounting principles. Eliminates conflicts in the percentage limitations in current law and those found in nationally recognized insurance statutory accounting principles. Conforms leased property to a nationally recognized insurance accounting principle that lease property be included in the same balance sheet category as if the property had been leased.

Defines and outlines accounting and reporting requirements for securities lending, repurchases, reverse repurchases, and dollar roll transactions.

Describes the accounting and reporting requirements for derivative transactions and restrictions related to derivative transactions. Defines counter-party exposure amount, derivative instrument, hedging transaction, income-generation transaction, and replication transaction. Limits the activities related to derivative transactions.

Conforms the requirements for title plants to nationally recognized insurance accounting principles.

Applies this act to valuation of all admitted and nonadmitted assets and accounting and reporting for securities lending, repurchases, reverse repurchases, dollar roll transactions, derivative transactions, and transactions related to derivative transactions entered into on or

after March 30, 2001.

APPROVED by Governor March 30, 2001

EFFECTIVE March 30, 2001

H.B. 01-1097 Certified capital companies - premium tax - credit - appropriation. Creates a premium tax credit to be used for investment in certified capital companies, which are defined as partnerships, corporations, trusts, or limited liability companies that have as their primary business activity the investment of cash in qualified businesses, including qualified rural businesses. Directs the Colorado office of economic development (office) to regulate certified capital companies.

Defines a qualified rural business as a qualified business that has its principal business operations in a designated rural county, defined as a county with a population of not more than 150,000 and, if the population exceeds 20,000, that has a growth rate that did not exceed the statewide average by more than 25%. Defines a qualified business as a business that meets the following conditions at the time of a certified capital company's first investment in the business:

- It is headquartered in this state and has its principal business operations in this state;
- It is a small business concern as described in regulations of the United States small business administration;
- It is not a business predominantly engaged in professional services provided by accountants or lawyers.

Requires applicants to fulfill the following requirements to become certified as a certified capital company:

- Pay a \$7,500 application fee;
- Maintain an equity capitalization of \$500,000 or more in the form of unencumbered cash, marketable securities, or other liquid assets;
- Employ at least 2 fund managers or 2 principals having no less than 2 years of experience each in the venture capital industry, unless the investments are to be made in qualified rural businesses, in which case the experience may also be in the investment banking industry.

Defines an insurer that makes an investment in a certified capital company for purposes of a qualified investment as a "certified investor".

Provides that any certified investor who makes an investment of certified capital pursuant to an allocation of premium tax credits earns a vested credit against state premium tax liability equal to the investment of certified capital during the year of investment.

Allows a certified investor to take up to 10% of the vested premium tax credit in any taxable year; however, the credit may not exceed the state premium tax liability of the certified investor in any taxable year. Allows unused credits to be carried forward for up to 10 years until utilized.

Creates two \$100 million pools of tax credits, both of which consist of \$25 million that must first be invested in qualified rural businesses and then \$75 million that may later be invested in any qualified business. The first pool relates to investments made prior to

January 31, 2004, and may be claimed in tax years beginning in 2003; the second pool relates to investments made after January 31, 2004, and may be claimed in tax years beginning in 2005.

Requires that premium tax credits be allocated in the order that premium tax allocation claims are filed with the office. Prohibits the state from imposing any additional or retaliatory tax on a certified investor as a result of claiming such credit. Permits premium tax credits to be transferred or sold according to rules promulgated by the office.

Requires a certified capital company to make qualified investments equal to at least 30% of its certified capital within 3 years after its allocation date and equal to at least 50% of its certified capital within 5 years after its allocation date.

Requires certified capital companies to pay an annual certification fee pursuant to a reasonable fee schedule adopted by the office. Requires the office to conduct an annual review of each certified capital company to ensure that the company meets all requirements for continued certification.

Appropriates \$84,168 from the division of insurance cash fund to the office for implementation of the act, and appropriates \$2,232 each to the governor's office and the department of law for legal services.

BECAME LAW June 9, 2001

EFFECTIVE June 9, 2001

H.B. 01-1156 Health insurance - mandate - coverage for medical foods for home use - age limit for coverage. Creates mandated health care coverage for medical foods for home use for which a physician has issued a written, oral, or electronic order, that are appropriate for inherited diseases that involve enzymatic disorders caused by single gene defects affecting the metabolism of amino, organic, and fatty acids, and for which standard medical methods of diagnosis, treatment, and monitoring exist. Establishes that the maximum age to receive benefits for phenylketonuria is 21 years of age for men and 35 years of age for women. Specifies that lactose- or soy-intolerant patients are not covered by the benefit.

APPROVED by Governor June 4, 2001

EFFECTIVE January 1, 2002

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 01-1236 Preauthorization for insurance coverage - biologically based mental illness. Requires an insurance carrier, in the determination to provide coverage for a biologically based mental illness, to use a preauthorization or utilization review mechanism that is the same as, or no more restrictive than, that used in the determination to provide coverage for any other physical illness.

Authorizes the commissioner of insurance to adopt rules in furtherance of this requirement. Requires the commissioner of insurance, when promulgating rules, to recognize that the mechanisms for preauthorization may differ between medical specialties and that the mechanisms shall not be more restrictive with respect to mental illness than for

any other physical illness.

APPROVED by Governor June 5, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 01-1319 Health insurance - Colorado Uninsurable Health Insurance Plan. Changes the name of the "Colorado Uninsurable Health Insurance Plan Act" to the "Colorado High Risk Health Insurance Act". Adopts the "CoverColorado" program ("program") to take the place of the prior program, known as CUHIP. Clarifies and adds definitions. Clarifies eligibility requirements.

Changes the composition of the program's governing board ("board") by increasing representation of the insurance carriers to include a representative of a stop-loss or excess loss carrier and changing the legislative member to ex officio status. Clarifies that 2 members who represent the consumers of the program may be currently or previously insured by the program.

Requires the board to increase the premium rates to an average of 135% of the standard risk rate established by the program before July 1, 2002. Increases the amount of coverage under the program from \$500,000 to \$1,000,000. Allows the board to deny program coverage to an eligible person if the premiums are paid by specified third parties. Allows coverage for dependents of eligible individuals. Defines who is a "federally eligible individual". Instructs the board to establish amounts of any coinsurance and out-of-pocket expenses that may be incurred by a participant in the program. Increases the amount of coverage for benefits under the program from 90% to 100% of expenses once any coinsurance or deductible amount is met. Extends comprehensive program coverage for a person who meets the definition of a federally eligible individual.

Requires health insurance carriers to notify any federally eligible individual that applies to a carrier for coverage under the program. Requires health insurance carriers to disclose clearly all services, items, or supplies that are not covered benefits. Allows the board to assess a special fee against insurers for the financial solvency of the program. Allows the commissioner of insurance to promulgate rules to implement the special assessment. Requires the commissioner to consider reasonable time frames, the process for determining the per capita assessment, procedures for the approval or abatement of a special assessment, and the equity of the assessment. Requires any fees assessed to be collected and used for program expenses and losses. Allows for any moneys from a fee assessment not used for expenses and losses to be invested by the board.

Requires a sunset review to be conducted of the assessment by the department of regulatory agencies in cooperation with the division of insurance, to be completed by October 15, 2007. Requires at least 2 actuarial evaluations before the first assessment and before any subsequent increase in the amount of the assessment may be made. Requires a review by the joint budget committee in the event the assessment equals 50% of the programs administrative and claims expenses. Allows carriers to pass through the amount of the assessment to insureds and denote such pass-through on billing statements.

Designates the program as the state alternative mechanism for health care coverage under the federal "Health Insurance and Accountability Act of 1996". Sets out the

procedures for the program's acceptance of federally eligible individuals into the program.

APPROVED by Governor June 5, 2001

PORTIONS EFFECTIVE June 5, 2001
July 1, 2001

H.B. 01-1335 Regulation of insurance companies - insolvency - liquidation. In statutes governing the rehabilitation and liquidation (receivership) of insolvent insurance companies:

- Allows reinsurers to set off, from amounts payable to the receiver on behalf of the insolvent insurer, any premium payments or other amounts due from the insolvent insurer to the reinsurer except in situations where the same risks have been reciprocally reinsured; and
- Requires a reinsurer to make claim payments directly to policyholders of the insolvent insurer on risks that the insolvent insurer has ceded to the reinsurer, rather than requiring the receiver to process such payments.

APPROVED by Governor March 28, 2001

EFFECTIVE July 1, 2001

H.B. 01-1394 Credit insurance - component rating choice - enforcement - appropriation. Allows an insurer, for credit insurance written directly by a state or national bank, to elect to have its premium rate or schedule of premium rates determined by component rating. Authorizes the commissioner of insurance ("commissioner") to establish component rating for premiums or schedules of premiums for credit insurance directly written by a state or national bank. Sets forth the components the commissioner is required to take into consideration in the development of benchmark premium rates. Authorizes the commissioner to promulgate rules to assure that premium rates are reasonable.

Requires insurers that elect to have their premium rates or schedule of premium rates determined by component rating, beginning July 1, 2002, to offer only component rating for credit insurance premiums for all new policies, certificates of insurance, notices of proposed insurance, applications for insurance, endorsements, and riders delivered or issued for delivery and to phase in all existing creditor accounts by no later than July 1, 2003.

Requires each credit insurer that receives combined direct credit premiums of more than \$100,000 to pay an administrative assessment of not more than \$1,500 annually to offset the administrative costs of the division of insurance in the department of regulatory agencies.

Empowers the commissioner, after a public hearing, to impose sanctions upon insurers whose rates, rating schedules, rating plans, or rating systems do not comply with the requirements established by the commissioner. Makes findings, determinations, rules, rulings, or orders by the commissioner subject to judicial review by the Colorado court of appeals.

Allows an insurer that elects to have its premium rates or schedule of premium rates determined by component rating to file with the commissioner and use any rate that is less than or equal to the rate established by the commissioner. Prohibits the charging of rates that are higher than those established by the commissioner.

Appropriates \$67,912 to the department of regulatory agencies for allocation to the division of insurance for the implementation of the act.

APPROVED by Governor June 1, 2001

PORTIONS EFFECTIVE June 1, 2001
July 1, 2002

H.B. 01-1396 Health insurance - small group - business group of one. Permits a carrier offering health benefit coverage to a small employer to exclude from coverage persons within a small employment group who have creditable individual health insurance coverage from a source other than the employer. Allows such a carrier to decline renewal of a health benefit plan to a business group of one whose health benefit plan has been terminated for failure to pay premiums, with the period of nonrenewal extending up to 6 months or until the next open enrollment period, whichever is greater.

Limits the amount considered gross income by a business group of one to income derived in any one of 3 most-recent consecutive years. Defines "substantial part of such individual's income" as income of a business group of one that is sufficient to pay for the annual health insurance premiums for such business group of one. Clarifies that an eligible employee of a small employer who may also be considered a dependent of the employer must receive taxable income from the employer in order to qualify as a business group of 2 or more. Requires that such eligible employee receive at least the equivalent to minimum wage for working 24 hours per week on a permanent basis.

Allows obsolete health benefit plans to be discontinued by a carrier. Requires that such carrier certify to the commissioner of insurance that any other health benefit plans offered by the carrier to replace the obsolete plans:

- Do not have rates that are inadequate, excessive, or unfairly discriminatory;
and
- Provide benefit levels that comply with existing law for small group coverage.

APPROVED by Governor June 1, 2001

EFFECTIVE January 1, 2002

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

LABOR AND INDUSTRY

S.B. 01-110 Workers' compensation - continuation of the classification appeals board under the sunset law. Extends the automatic termination date of the workers' compensation classification appeals board in the division of insurance in the department of regulatory agencies to July 1, 2010, pursuant to the sunset law.

APPROVED by Governor March 28, 2001

EFFECTIVE March 28, 2001

S.B. 01-233 Department of labor and employment - use of employment support fund - appropriation. Until July 1, 2003, allows the department of labor and employment to use moneys within the employment support fund for labor standards, labor relations, and the Colorado works grievance procedure. Supplements the employment support fund with moneys from the statewide indirect cost allocation agreement with the federal government.

Makes an appropriation by adjusting the state budget enacted during the first regular session of the sixty-third general assembly so as to decrease general fund appropriations by \$182,199 and increase cash fund and cash fund exempt appropriations by an equal amount as well as revising several individual line items.

APPROVED by Governor June 5, 2001

EFFECTIVE June 5, 2001

H.B. 01-1039 Temporary help contracting firm. Repeals obsolete provisions related to the review by the federal department of labor of a state law regarding work refusal by temporary employees and notification to the general assembly of any conflict by such law with federal law.

APPROVED by Governor March 11, 2001

EFFECTIVE March 11, 2001

H.B. 01-1043 Unemployment insurance - tax - refund. Repeals the requirement that the division of employment and training in the department of labor and employment deduct from a refund of excess unemployment insurance taxes an amount equal to all benefits that the division has paid to those employees upon whose wages such taxes were based.

APPROVED by Governor March 12, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 01-1116 Workers' compensation - independent medical examination - ripeness. Gives parties to a workers' compensation dispute 30 days after the mailing of an independent medical examination ("IME") report to file a revised final admission of liability or a request for a hearing with regard to the disputed issues included in the IME report.

APPROVED by Governor March 11, 2001

EFFECTIVE March 11, 2001

H.B. 01-1133 Public projects - construction contracts - bid preference - reciprocity. Specifies that the requirement that the residence, registration, unemployment compensation, and other preference conditions applied to a Colorado resident bidder doing business in another state or foreign country be applied to a bidder from that state or country doing business in Colorado for purposes of determining whether a preference shall be allowed in addition to any other criteria for determining that preference.

APPROVED by Governor June 5, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 01-1200 Unemployment insurance - tax - payments. Eliminates the requirement for payment of unemployment insurance tax by an employer when the amount owed in a calendar quarter is less than \$5.

APPROVED by Governor March 9, 2001

EFFECTIVE March 9, 2001

H.B. 01-1251 Unemployment compensation - taxes - rate - construction industry. As of January 1, 2002, replaces the standard industrial classification (SIC) code with the North American industry classification system for the purposes of establishing tax rates for new employers in the construction industry.

APPROVED by Governor March 28, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 01-1279 Department of labor and employment - boiler inspection fees. Increases the boiler certificate inspection basic fee limit from \$40 to \$150 for an internal inspection and \$85 for an external inspection. Increases the fee limit for a biennial boiler inspection from \$80 to \$85. Adds a fee limit of \$85 for a triennial boiler inspection. Adds a boiler certificate of operation fee that is limited to \$25.

Deletes obsolete provisions.

APPROVED by Governor May 22, 2001

EFFECTIVE July 1, 2001

H.B. 01-1373 Department of labor and employment - division of oil and public safety - creation. Combines the duties of the state inspector of oils with the public safety functions of the division of labor in the department of labor and employment. Creates the division of oil and public safety (division) and the office of the director of the division to carry out both sets of functions. Eliminates the office of state inspector of oils.

Transfers all employees of the state inspector of oils and the state boiler inspector and

some employees from the division of labor to the division. Designates the division as a type 2 agency.

APPROVED by Governor June 5, 2001

EFFECTIVE June 5, 2001

H.B. 01-1397 Explosives - identifying codes. Requires the name and place of business of the manufacturer and a date code or code that identifies the origin of manufacture to be stamped or printed on any container or bag holding a high explosive or any blasting agent, detonator, or blasting cap and on each wrapping containing an explosive cartridge that is purchased, sold, stored, or used in this state. Prohibits the removal or alteration of the manufacturer's name or codes on the containers holding high explosives, blasting agents, detonators, or blasting caps or on the explosives' wrappings. Prohibits the use of more than 2 different dates or identifying codes. Prohibits the reuse of any container or wrapping by another person or entity. Requires that the name and place of business of the manufacturer and the date codes or identifying codes be the same on the packing container as on the items within the container.

Excludes consumer fireworks and display fireworks from the provisions of the article.

APPROVED by Governor June 1, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 01-1404 Unemployment tax - tribal exemption. Amends Colorado unemployment tax law to comply with the "Federal Unemployment Tax Act" (FUTA) by treating Indian tribes similarly to state and local governments for unemployment insurance purposes so that:

- Services performed in the employ of tribes are generally no longer subject to the federal FUTA tax;
- Services performed in the employ of tribes will, with specified exceptions, be covered under state unemployment insurance laws;
- Tribes must be offered a reimbursement option (reimbursing the state for unemployment insurance benefit payments) in addition to the option of paying quarterly unemployment insurance taxes as a taxpaying employer;
- Extended benefit (EB) payments based on services performed in the employ of tribes and not reimbursed by the federal government will be fully financed by the tribes; and
- If an Indian tribe fails to make required payments to the state's unemployment fund, make payments of penalty or interest, or provide a bond or other required security, then the tribe will become liable for the FUTA tax and the state may remove tribal services from coverage until any such failure is corrected.

BECAME LAW June 9, 2001

EFFECTIVE December 21, 2000

MILITARY AND VETERANS

S.B. 01-200 Veterans programs - state veterans trust fund - veterans program grants - western slope military veterans' cemetery - continue tax check-off. Allows moneys in the Colorado state veterans trust fund ("fund") to be allocated by the Colorado board of veterans affairs ("board") to nonprofit veterans organizations for veterans programs. Directs the board to adopt guidelines for application procedures, criteria for identifying nonprofit veterans organizations that may receive grants, criteria for selecting veterans programs to receive grants, the term and amounts of grants awarded, and standards for determining the effectiveness of programs that received grants. Allows the division of veterans affairs in the department of human services to contract for program monitoring and evaluation, and allows the board to allocate moneys for costs incurred in contracting for such services.

Clarifies that any unexpended and unencumbered moneys remaining in the fund at the end of any fiscal year shall remain in the fund and shall not be transferred to any other fund. Requires the board to report annually on the nonprofit veterans organizations that receive grants and the veterans programs funded by said grants.

Continues the western slope military veterans' cemetery voluntary contribution income tax check-off program ("program") until January 1, 2005. Exempts the program from the requirement of receiving annual contributions in the amount of at least 10% of the total amount annually contributed through all voluntary income tax checkoffs. Requires the program, as a condition of continuance, to receive contributions in the amount of at least 10% of the total amount contributed through all voluntary income tax checkoffs for the period commencing January 1, 2002, and continuing through September 30, 2003.

APPROVED by Governor June 5, 2001

EFFECTIVE June 5, 2001

MOTOR VEHICLES AND TRAFFIC REGULATION

S.B. 01-3 Commercial vehicles - school buses and vehicles. Changes the definition of "commercial vehicle" to exclude school buses that are regulated by the state board of education or school vehicles that have a gross vehicle weight rating of less than 26,001 pounds from regulation by the department of public safety so long as the school district does not receive remuneration for the use of such vehicle.

APPROVED by Governor March 30, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 01-5 Commercial vehicles - registration - definition of classes. Adds a definition of "commercial vehicle" to the motor vehicle registration statutes. Clarifies the definition of "noncommercial or recreational vehicle" Requires an applicant for registration to declare whether the vehicle is a commercial vehicle.

APPROVED by Governor May 18, 2001

EFFECTIVE May 18, 2001

S.B. 01-142 Drivers' licenses - identification cards - social security number. Authorizes the department of revenue to accept from a driver's license or identification card applicant a sworn statement, made under penalty of perjury, testifying to an applicant's social security number, which allows the department to issue such driver's license or identification card. Clarifies that such sworn statement does not prevent the department from cancelling, recalling, or updating a driver's license or identification card if the department learns that the applicant has provided a false social security number. Clarifies that the social security number is confidential unless such confidentiality is waived or unless a state child support agency, the department of revenue, or a court requests information for child support purposes.

APPROVED by Governor June 1, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 01-168 Motor vehicles - persistent drunk drivers - education and treatment - appropriation. Makes legislative findings.

Requires completion of level II alcohol and drug education and treatment for persons who have been convicted of:

- A DWAI or DUI with a blood alcohol content of 0.20 or more;
- Driving under the influence of alcohol or drugs, or both, while the person's license is revoked for an alcohol, drug, or alcohol and drug related traffic offense; or
- Driving with abilities impaired by alcohol or drugs, or both, while a person's license is revoked for an alcohol, drug, or alcohol and drug related driving offense.

Permits the department of revenue ("department") to revoke a person's driver's license when the person is determined to be in violation driving under the influence with a blood alcohol content of 0.20 or more grams of alcohol per 100 milliliters of blood or 0.20 or more grams of alcohol per 210 liters of breath at the time of driving or within 2 hours after driving.

Allows the department to extend the period of restraint for the completion of level II alcohol and drug education and treatment

Requires providers of level II alcohol and drug education and treatment to provide quarterly compliance reports to the department about person enrolled in level II alcohol and drug education and treatment programs. Allows the department to utilize administrative remedies to penalize persons who are enrolled in a level II alcohol and drug education and treatment program but who are out of compliance with the program. Authorizes the department to promulgate rules related to such reporting requirements.

Requires the persistent drunk driver cash fund to pay for costs incurred related to computer programming changes related to the requirement of level II alcohol and drug education and treatment.

Appropriates \$29,267 from the persistent drunk driver cash fund and 0.4 FTE to the department of revenue for implementation of the act.

APPROVED by Governor June 1, 2001

PORTIONS EFFECTIVE June 1, 2001
July 1, 2001

S.B. 01-220 Motor vehicles - special licence plates - United States Marine Corps. Directs the department of revenue to issue special license plates to honorably discharged, retired, reserve, and active members of the United States Marine Corps. States that the special license plate shall indicate that the owner of the vehicle to which the license plate is attached is a veteran, reserve member, or active member of the United States Marine Corps. Requires an applicant for a special license plate to present proof that the applicant was honorably discharged or is an active or reserve member of the United States Marine Corps.

APPROVED by Governor May 30, 2001

EFFECTIVE May 30, 2001

H.B. 01-1017 Motor vehicle registration - periodic registration program - 5-year and 2-year periods - appropriation. Allows the department of revenue to establish by rule a periodic vehicle registration program whereby an owner of a utility trailer or mobile machinery can elect to register such vehicle for a 5-year period upon payment of a 5-year registration fee and 5-year specific ownership tax, commencing January 1, 2002. Allows the department of revenue to establish by rule a periodic vehicle registration program whereby an owner of a motor vehicle that is of a model year 1982 or newer that is not a motorcycle can elect to register such vehicle for a 2-year period upon payment of a 2-year registration fee and a 2-year specific ownership tax, commencing January 1, 2002.

Authorizes the department of revenue to perform and be paid for vehicle identification number inspections whenever the department determines it is necessary or convenient in carrying out its duties.

Appropriates \$102,527 and 1.3 FTE to the department of revenue for the implementation of this act.

APPROVED by Governor May 30, 2001

EFFECTIVE May 30, 2001

H.B. 01-1025 Motor vehicle records - privacy. Requires anyone desiring to inspect motor vehicle or driver records maintained by the department of revenue to sign an affidavit of intended use, along with the existing requestor release form, that indicates that the requestor will not resell or transfer the information or use it in a manner that is not authorized under law. Makes a person who resells or transfers information or uses it in a manner that is not authorized under law liable to any injured party for treble damages, reasonable attorney fees, and costs.

APPROVED by Governor May 30, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 01-1100 Distributive data processing system - fees - appropriation. On September 1, 2001, increases the vehicle title fee and the title lien filing fee from \$6.50 to \$7.20. On September 1, 2001, increases the fee to obtain a duplicate certificate of title from \$7.50 to \$8.20. On September 1, 2001, imposes a temporary vehicle title fee of \$2.30 for fiscal years 2001-02 through 2003-04. Instructs the department of revenue to use the fee increases to pay for the administration of the distributive data processing system, including, without limitation, upgrades to the system. Names the distributive data processing system the "Colorado state titling and registration system". Names the special purpose account within the highway user's tax fund used to administer the distributive data processing system the Colorado state titling and registration account".

Appropriates \$4,462,865 and 5.4 FTE to the department of revenue for the implementation of this act.

APPROVED by Governor June 1, 2001

EFFECTIVE July 1, 2001

H.B. 01-1124 Motor vehicle registration - special license plates - restrictions. Removes the department of revenue's authority to create new, nonstatutory special license plates. Authorizes the continuing use of special license plates that were approved prior to January 1, 2001, under existing agreements so long as the plates continue to be issued to at least 250 vehicles. Directs the executive director of the department of revenue ("department") to promulgate rules creating standards for the retirement of group special license plates not issued for at least 2,000 vehicles.

Requires all persons who wish to propose to the general assembly that group special license plates be issued to certify by March 1 that at least 2,000 of such plates will be issued in the first year. Instructs the department to submit to the general assembly a consolidated proposal of all proposed group special license plates that have met the 2,000-plate requirement. Prohibits the issuance of group special license plates to a for-profit business entity.

Clarifies that the department is authorized to issue personal license plates for vehicles manufactured prior to 1977.

Defines "distinctive special license plate" and "group special license plate".

APPROVED by Governor May 31, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 01-1125 Drivers' licenses - administration - security - appropriation. Requires the department of revenue ("department") to verify that a first-time applicant for an instruction permit, driver's license, or identification card in Colorado meets the legal requirements, including age, identity, and residency requirements, before issuing such license or card. Requires the department to issue a temporary permit until such verification is complete and a permanent license or instruction permit is issued. Instructs the department to utilize appropriate and accurate technology and techniques to verify license or identification information. Requires the department to implement an invisible security feature capable of authenticating the driver's license and to use comparative image technology to verify the applicant's identity.

Prohibits the issuance of multiple driver's licenses and identification cards to an applicant. Prohibits a person from fraudulently obtaining a driver's license.

Requires the department of revenue to promulgate rules that prevent the access and use of images or image technology except to aid a government agency in carrying out such agency's official functions, to aid the department to ascertain a person's correct identity, or to aid the department to prevent the issuance of multiple driver's licenses or identification cards to the same person.

Imposes an additional 60-cent fee on the issuances of driver's licenses and identification cards. Instructs the department of revenue to issue a report by July 1, 2005, on the advisability of continuing the additional 60-cent fee. Repeals the additional 60-cent fee, effective July 1, 2006. Creates the "identification security fund" into which the additional 60-cent fee will be deposited to cover the costs of the driver's license and identification card security enhancements required by this act.

Instructs the state auditor to issue a report by July 1, 2006, on the effectiveness of driver's license and identification card security enhancements required by this act.

Prohibits a peace officer from requiring a stopped suspect, or a person who is issued a traffic citation, to produce or divulge such person's social security number.

Decreases the appropriation in the long bill to the department of revenue by \$8,652 and 0.2 FTE due to the provisions of this act.

APPROVED by Governor June 5, 2001

EFFECTIVE July 1, 2001

H.B. 01-1203 Motor vehicles - special license plates - military. Specifies that the only vehicle subject to a weight limit for military license plates is a truck.

APPROVED by Governor February 12, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 01-1210 Drivers' licenses - revocation - suspension - electronic hearings. Until July 1, 2003, authorizes the department of revenue to conduct telephone or other electronic hearings in situations where individuals have committed driving offenses that may cause such individuals to lose their driver's licenses, including suspensions and revocations for motor vehicle-related convictions, excessive points on driver's licenses, driving without motor vehicle insurance, and revocations for alcohol-related driving offenses. Directs the department of revenue to consider the circumstances of the licensee and the law enforcement officer when making the decision to conduct an electronic hearing.

APPROVED by Governor May 23, 2001

EFFECTIVE May 23, 2001

H.B. 01-1284 Drivers' licenses - selective service requirements. Requires any male United States citizen or immigrant who is at least 18 years of age but less than 26 years of age to comply with federal selective service requirements when applying to receive:

- An instruction permit;
- A driver's license;
- A commercial driver's license;
- A license renewal; or
- An identification card or a renewal or duplicate of any such card.

Directs the department of revenue to forward to the federal selective service system information about such applicants in an electronic format. Specifies that an applicant's submission of an application serves to certify that the applicant either has complied with federal selective service requirements or is authorizing the department to forward to the selective service system the necessary information for such registration. Requires the department to notify the applicant that his signature constitutes consent to registration with the selective service system, if so required by federal law.

APPROVED by Governor May 30, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 01-1294 Motor vehicle registration - fees - reduction in years of TABOR revenue surplus. Enacts the currently applicable schedule of motor vehicle registration fees in a separate section, paralleling the section that will be amended if, as is projected, the state's revenue in the coming fiscal year exceeds the maximum permitted under article X, section 20 of the state constitution ("Taxpayers' Bill of Rights" or "TABOR" amendment) and must be refunded. Inserts mutually complementary applicability language in the 2 sections, requiring the application of the lower fee schedule in years of TABOR surplus and the higher

fee schedule in years in which there is not a sufficient TABOR surplus. Delays the effective date of the lower fee schedule, so that the fee reductions will take effect on January 1, 2002, rather than July 1, 2001, based on the confirmation of the projected TABOR surplus in the 2000-01 state fiscal year.

APPROVED by Governor May 22, 2001

EFFECTIVE May 22, 2001

H.B. 01-1351 Drivers' licenses - revocation - tribal revocation. Authorizes the department of revenue to revoke the drivers' licenses of Indians whose reservation driving privileges have been revoked in tribal proceedings by the Southern Ute tribe that meet minimum due process standards.

APPROVED by Governor April 12, 2001

EFFECTIVE April 12, 2001

H.B. 01-1363 License plates - temporary disabled parking permit and placard - who may verify disability. Includes podiatrists, chiropractors, physical therapists, and professional nurses who are licensed to practice in Colorado among the persons who may verify that a person has a physical impairment for purposes of obtaining a temporary disabled parking permit and placard.

VETOED by Governor June 5, 2001

H.B. 01-1402 Emissions inspection - contract - clean screen - appropriation. Directs the department of public health and environment and the executive director of the department of revenue to renew the motor vehicle enhanced emissions inspection contract to ensure that, on or after December 31, 2001, inspection services in the enhanced program area will not be interrupted by the expiration of the previous contract and that such services will be provided to maximize convenience and minimize costs to vehicle owners. Limits the renewed contract to a term of 2 years, and allows the contract to be renewed for a single 4-year term or to be rebid. Directs the air quality control commission ("commission") to consider alternative technologies for implementation at the end of the 2-year period, and mandates that the new contract require the contractor to provide any such necessary alternative inspection technologies. Repeals the requirement for emissions stickers. Exempts collectors' items of model year 1970 and earlier from the emissions program if the commission so determines. Adjusts the standards for enforcement action against inspection centers and the contractor.

Authorizes the commission to promulgate a rule to expand the operation of the clean screen motor vehicle emissions inspection program in the enhanced emissions program area. Authorizes operation of the clean screen program in the Larimer and Weld county portions of the basic emissions program area as expeditiously as possible, and allows the Pikes Peak area council of governments to petition the commission to exclude the El Paso county portion of the basic emissions program area.

If the commission expands the clean screen program:

- Creates an enterprise under section 20 of article X of the state constitution and vests the enterprise with authority to collect and distribute fees for operation of the clean screen program;
- Requires clerks to collect an emissions inspection fee for each 1982 and newer

- motor vehicle registered in the program area and to transmit such fee, less a 3 1/3 % vendor's fee, to the enterprise. Directs the enterprise to transmit the fees to the state treasurer for deposit in the newly created clean screen fund.
- Directs the enterprise to pay out the moneys in the trust account monthly to the entity that performed the inspection upon receipt by the enterprise, through the department of revenue, of a notification from the entity of the number of first-time inspections within an inspection cycle completed by the entity in the previous month.

Requires the contractor to notify the department of revenue of 1982 and newer motor vehicles it has determined, either through an inspection or a clean screen, comply with the inspection requirements. Allows a county clerk and recorder to issue a registration for a 1982 and newer motor vehicle when the department of revenue notifies the clerk, in accordance with information provided to the department by the contractor, that such vehicle does not need an emissions inspection. Sets fees for inspections. During the 2-year renewal period, requires the commission to hold a hearing to determine such fees during any subsequent renewal or rebid contract, to be based upon costs plus an amount determined by the commission, not to exceed 10% or \$25.

Appropriates \$46,490 from the clean screen fund and 0.6 FTE to the department of revenue for programming costs associated with the act.

APPROVED by Governor June 5, 2001

EFFECTIVE June 5, 2001

NATURAL RESOURCES

S.B. 01-6 Habitat partnership program - creation - committee - cash fund - repeal. Makes the director of the division of wildlife responsible for certifying to the state treasurer that payment vouchers submitted by local habitat partnership committees are consistent with distribution management plans approved by the wildlife commission.

Creates the habitat partnership program to assist the division of wildlife in reducing wildlife conflicts. Directs local habitat partnership committees to work to reduce wildlife and land conflicts as they relate to big game forage and fence issues and other management objectives.

Eliminates funding of the habitat partnership cash fund through the annual appropriations made to the division of wildlife. Funds the habitat partnership cash fund by transferring moneys annually from the wildlife cash fund in an amount equal to 5% of net sales of big game licenses in the geographic area represented by each local habitat partnership committee. Makes appropriations to the fund continuous until the funding is repealed on July 1, 2007. States that money in the fund in excess of the original transfer shall revert to the wildlife cash fund at the end of each fiscal year. Repeals the funding provisions as of July 1, 2007.

APPROVED by Governor May 30, 2001

EFFECTIVE July 1, 2002

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 01-54 Damage to agricultural property - limit on state liability. Limits the state's liability for damage to livestock or personal property used in the production of raw agricultural products caused by big game. Eliminates the existing reference to damage to real estate. Caps the state's liability for livestock at \$5,000 per head of livestock injured or killed, and requires that such liability be limited to physical trauma resulting in injury or death.

APPROVED by Governor April 19, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 01-57 Department of local affairs - search and rescue fund - recreational certificates and cards - appropriation. Replaces the hiking certificate program with the Colorado outdoor recreation search and rescue card program. Authorizes vendors to sell the Colorado outdoor recreation search and rescue card for \$3, one dollar of which the vender may retain. Requires the department of local affairs to charge the vender \$2 for each card. Authorizes the department of local affairs to issue a multi-year Colorado outdoor recreation search and rescue card that shall be valid for a period not to exceed 5 years, which may be offered at a reduced rate to vendors with a reduced vendor fee to reflect administrative cost savings and other considerations.

Authorizes the department of local affairs to contract with a person, corporation, or entity for any elements of the administration of the program.

Removes statutory language that gives priority when expending funds from the search and rescue fund to training and equipment over otherwise uncompensated searches under the statute.

Deletes obsolete references to the transfer of the powers, duties, and functions of the wildlife commission to the department of local affairs.

Appropriates \$77,647 to the department of local affairs for the implementation of the act.

APPROVED by Governor May 30, 2001

EFFECTIVE July 1, 2001

S.B. 01-228 Oil and gas - underground natural gas storage caverns - regulation. Gives the oil and gas conservation commission (commission) exclusive authority to regulate the public health, safety, and welfare aspects, including environmental protection, of the closure of underground natural gas storage caverns. Requires a certificate of closure to be issued by the commission after notice to adjacent and contiguous surface and subsurface landowners and a public hearing. Requires applicants for such a certificate to demonstrate their ability to meet financial obligations connected with closure. Allows the commission to impose monitoring, site security, and corrective action requirements on the certificate of closure.

APPROVED by Governor June 5, 2001

EFFECTIVE June 5, 2001

S.B. 01-235 Natural resources - Colorado geological survey - division status. Repeals obsolete provisions of law in order to clarify the status of the Colorado geological survey as a separate division in the department of natural resources.

VETOED by Governor June 5, 2001

H.B. 01-1012 Division of wildlife - enterprise status. Designates the division of wildlife and the wildlife commission as an enterprise for purposes of section 20 of article X of the state constitution (TABOR), so long as the commission retains the authority to issue revenue bonds and the division receives less than 10% of its total annual revenues in grants.

Clarifies that the division is authorized to continue to expend its revenues consistent with current law. Also clarifies that the division and the commission shall have all the powers and duties authorized by current law.

Specifies that, for purposes of the limits of TABOR, the term "grant" does not include moneys from the great outdoors Colorado trust fund.

Authorizes the commission to issue revenue bonds in an amount not to exceed \$10,000,000 in the aggregate for expenses of the division. Requires approval from both houses of the general assembly and the governor before the commission may issue revenue bonds. Sets the requirements for the issuance of revenue bonds.

APPROVED by Governor March 28, 2001

EFFECTIVE July 1, 2001

H.B. 01-1013 Wildlife - commission - fee-setting authority. Broadens the wildlife commission's authority to lower license fees, allowing discounts whenever the commission deems it proper for management of the division of wildlife or otherwise beneficial for the management of the state's wildlife resources. Allows the commission to later raise the lowered fees back up to the statutory limit.

APPROVED by Governor March 11, 2001

EFFECTIVE March 11, 2001

H.B. 01-1024 Natural resources - Colorado water conservation board - construction fund - loan authorization - fish hatcheries. Provides low-interest loans that can be used by commercial fish hatcheries that test positive for whirling disease for the purpose of becoming whirling disease negative.

APPROVED by Governor March 9, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 01-1088 Mineral rights - severed estates - notice. Requires title companies to provide surface owners with written notice at the time of the issuance of a title commitment if a mineral estate has been severed from the surface estate. Requires surface owners to provide mineral estate owners with written notice 30 days prior to the time of any necessary public hearing regarding impending surface development, zoning changes, and subdivision. Allows surface owners to rely on real estate records and lists prepared by attorneys and title companies. Requires oil and gas operators to provide surface owners with 30 days' notice of proposed oil and gas operations.

APPROVED by Governor April 30, 2001

EFFECTIVE July 1, 2001

H.B. 01-1249 Wildlife - hunting and fishing licenses - agents. Allows the division of wildlife in the department of natural resources to utilize out-of-state agents to sell hunting and fishing licenses. Deletes the existing requirement that agents have and use only a permanent location for license sales. Authorizes the wildlife commission to establish by rule the rate of compensation that the division's agents earn on each license sold.

APPROVED by Governor March 28, 2001

EFFECTIVE March 28, 2001

H.B. 01-1375 Great Outdoors Colorado (GOCO) - authority to issue bonds - referral to voters. Authorizes the trust fund board of the great outdoors Colorado trust fund (GOCO) to issue bonds to finance expenditures to address urgent and permanent land acquisition priorities, including the acquisition of perpetual conservation easements, that may be made from the GOCO trust fund. Specifies that bonds may be issued only if voters approve the issuance of the bonds at the November 2001 statewide election. Provides that the bonds shall be payable solely out of all or any portion of the moneys in the trust fund as specified by the board.

Allows the board or its agents to determine the interest rate for the bonds. Specifies requirements for the form, execution, sale, delivery, payment, redemption, and other terms

and conditions related to the issuance of the bonds. Provides that the directors and employees of the board shall not be personally liable for the bonds. Allows the board to purchase, hold, pledge, cancel, or resell the bonds. Specifies how bond proceeds may be invested.

Exempts bonds from all taxation and assessments in the state. Provides that the bonds are legal investments for banks, trusts, and other entities. Places a 30-day statute of limitations on any legal equitable action arising out of the issuance of bonds or any acts or proceeding relating to the issuance of bonds. Prohibits legal actions related to the issuance of the bonds after 30 days in specified circumstances. Authorizes the board to file a petition in state district court to examine and make determinations affecting the board's powers and other acts relating to the issuance of bonds.

Directs the secretary of state to submit a question to the voters at the November 2001 statewide election to approve the issuance of the bonds. Specifies that the maximum amount of debt that may be issued is \$115 million, with a maximum repayment cost of \$180 million. Specifies that earnings on the proceeds of the bonds shall constitute a voter-approved revenue change pursuant to the taxpayer's bill of rights (TABOR).

APPROVED by Governor June 1, 2001

EFFECTIVE June 1, 2001

PROBATE, TRUSTS, AND FIDUCIARIES

H.B. 01-1377 Probate of wills - rule against perpetuities - personal service on minors - amendments to applicability of "Colorado Uniform Guardian and Protective Proceedings Act". Makes the harmless error doctrine for complying with will formalities applicable not only to wills but also to partial or complete revocations of wills, additions to or alterations of wills, and partial or complete revivals of previously revoked wills. Provides that the harmless error doctrine shall apply only in the case of a document that is either signed by the testator or acknowledged by the testator as his or her will. Provides that the harmless error doctrine does apply in the case of "switched wills" where husbands and wives inadvertently sign each other's wills. Makes technical corrections to the statutes relating to the formalities for execution of a witnessed will and a self-proved will.

Amends the statutory rule against perpetuities to prevent certain trusts from being subject to the rule against perpetuities.

Allows lawyers for a personal representative to be compensated from an estate. Permits a fiduciary for a personal representative or for an estate who is a member of a law firm to use the law firm and charge the estate for the legal services of the law firm's staff. If a personal representative, person with priority for appointment as a personal representative, court-appointed fiduciary, or lawyer for such a person has to defend his or her fees or costs for administering an estate, allows for court review of such fees or costs and allows the court to make equitable awards of the fees and costs. States that a personal representative, person with priority for appointment as a personal representative, or court-appointed fiduciary who is unsuccessful in defending the propriety of his or her actions in a breach of fiduciary duty action shall not be entitled to recover expenses from the estate.

Limits the requirement for using personal service for the notice of conservatorship or protective proceeding to respondents who are 12 years of age or older.

Eliminates an incorrect reference to temporary conservatorship and replaces it with the term special conservatorship.

Amends the applicability provision of the legislation enacting the "Colorado Uniform Guardian and Protective Proceedings Act". Clarifies the applicability of the repeal and reenactment of the parts relating to guardians and protective proceedings to estates, trusts, or protective proceedings created or filed prior to January 1, 2001, the effective date of the new act. Provides that in cases where the terms of an instrument creating an estate or trust created prior to January 1, 2001, or in cases where court orders have been issued prior to January 1, 2001, and such terms or court orders are contrary to or inconsistent with the new law, the terms of the instrument or the court orders will control unless the court issues subsequent orders.

APPROVED by Governor June 1, 2001

EFFECTIVE June 1, 2001

PROFESSIONS AND OCCUPATIONS

S.B. 01-11 Respiratory therapy - prohibited acts - injunctions. Allows the director of the division of registrations to seek injunctions to enjoin any person from committing acts prohibited by the "Respiratory Therapy Practice Act" without requiring allegation or proof of the inadequacy of any remedy at law or that substantial irreparable damage is likely to occur. Authorizes the director of the division of registrations to investigate, hold hearings, and gather evidence in accordance with the statutes governing the issuance, suspension, and revocation of licenses. In connection with any inquiry or hearing, authorizes the director of the division of registrations or an administrative law judge to subpoena witnesses, administer oaths, compel testimony, and compel the production of documents. States that subpoenas shall be enforceable by the district court of any judicial district in Colorado.

Includes the practice of respiratory therapy by "student pulmonary functions technologists" and "student sleep technologists" on the list of activities not prohibited by the Act, as long as the practice is an integral part of a program of study that leads to a certification or registration in the respective discipline. Clarifies that certified pulmonary function technologists and other appropriately credentialed practitioners may engage in activities covered by the "Respiratory Therapy Practice Act".

Also includes on the list the practice of respiratory therapy procedures by an unlicensed person as long as the person does not have to perform an assessment, perform an invasive procedure, or alter care beyond the scope of approved protocols and as long as the person is under direct supervision by a qualified individual. In addition, specifies that an unlicensed person may only perform such duties after a respiratory therapist has considered specific criteria relating to the health of the patient, the skill of the unlicensed person, the procedure, and the availability of the respiratory therapist.

APPROVED by Governor March 30, 2001

EFFECTIVE March 30, 2001

S.B. 01-22 Division of registrations - licensure - addiction counselors. Finds that alcohol and substance abuse poses major health and social problems for individuals and their families. Finds that tragic and often cumulative consequences result when alcohol and substance abuse is left untreated. Finds that addiction counseling is a distinct profession and is key to the prevention and treatment of alcohol and substance abuse. Declares that licensure of addiction counselors is an important step in reaching comprehensive and effective treatments for alcohol and substance abuse.

Exempts health care professionals, mental health professionals, and school psychologists who are already licensed in their respective professions from the requirement of a license to provide addiction counseling.

Redesignates alcohol and drug abuse counselors as addiction counselors. Allows the director of the division of registrations within the department of regulatory agencies to promulgate rules for the licensure of addiction counselors. Defines terms.

Redesignates the existing alcohol and drug abuse counselor training fund as the addiction counselor training fund. Removes references to the alcohol and drug abuse

counselor certification fund.

APPROVED by Governor April 20, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 01-111 Livestock slaughterers - regulation by department of agriculture - continuation under sunset law. Extends the automatic termination date of the licensing of livestock slaughterers by the department of agriculture to July 1, 2010, pursuant to the provisions of the sunset law.

APPROVED by Governor March 28, 2001

EFFECTIVE March 28, 2001

S.B. 01-113 Physical therapists - sunset review - continued regulation - compensation for advisory committee members - wound debridement - liability insurance. Continues the regulation of physical therapists under the director of the division of registrations in the department of regulatory agencies (the director) until July 1, 2011. Provides for compensation for members of the physical therapy advisory committee.

Permits physical therapists who are employed by the federal government or any bureau, division, or agency thereof to practice physical therapy in Colorado without a Colorado license.

Allows a physical therapy assistant to complete his or her education from a physical therapy assistants' program accredited by the commission on accreditation in physical therapy education or a comparable successor entity. Allows a physical therapist to employ up to 3 persons who have completed appropriate physical therapy assistant education; have been licensed, registered, or certified in another state as a physical therapy assistant; or are otherwise qualified to take the physical therapy licensure examination.

Allows a physical therapy assistant to administer topical and aerosol medications under the direct supervision of a physical therapist. Authorizes physical therapists to debride a wound without direct supervision of a physician.

Repeals references to registered physical therapists.

Repeals obsolete provisions concerning the administration of the licensure examination. Eliminates temporary permits and licenses. Clarifies the education requirements for a foreign-trained physical therapist. Repeals obsolete provisions concerning the shortage of physical therapists. Repeals the annual publication of the names of physical therapists by the director.

Increases the amount of liability insurance for physical therapists to \$100,000 multiplied by the number of physical therapists licensed to practice physical therapy employed by the corporation with an aggregate limit of \$300,000 per claim and \$900,000 for all claims annually.

Defines "president" for the purposes of corporate practice of physical therapy.

APPROVED by Governor June 5, 2001

EFFECTIVE July 1, 2001

S.B. 01-116 Continuation of the board of veterinary medicine under sunset law - increases number of board members - continuing education for veterinarians - maintenance of medical records - immunity for reporting animal abuse. Extends the automatic termination date of the board of veterinary medicine to July 1, 2011. Adds one veterinarian and one public member to the board for a total of 7 members rather than the current 5. Allows non-veterinary ownership of a professional service corporation created for veterinarian medicine. Requires that a simple majority of the owners be veterinarians who are licensed, actively practicing, and personally engaged in the business of veterinary medicine.

Allows veterinarians to complete 32 hours of continuing education biennially rather than 12 hours of continuing education in a 12-month period. Sets out criteria for the collection of medical records for animal patients. Requires medical records for animals to be retained for 3 years.

Changes the court to which an appeal is made from a decision of the board to the Colorado court of appeals from the district court. Adds that cease and desist orders may be issued by the board when the board finds evidence that unacceptable behavior of the veterinarian will be repeated. Changes the ability of the board to discipline a licensee for criminal offenses from conviction of a felony to conviction of a crime in the course of conduct regulated by the board. Conforms unprofessional or unethical conduct of veterinary medicine to the generally accepted standards of veterinary practice.

Immunizes from civil or criminal liability veterinarians who report, in good faith, incidents of suspected animal abuse to the proper authorities.

APPROVED by Governor April 30, 2001

EFFECTIVE July 1, 2001

S.B. 01-118 Direct-entry midwives - registration - educational requirements - continuation under the sunset law. Continues to exempt registered direct-entry midwives from the "Colorado Medical Practice Act". Prohibits licensed nurses and physicians from registering as direct-entry midwives. Changes the practical experience required to register as a direct-entry midwife. Changes the educational standards for registration as of July 1, 2003. Exempts direct-entry midwives who are registered prior to July 1, 2003 from the new educational requirements.

Eliminates from the definition of direct-entry midwife the requirement that a direct-entry midwife must receive compensation. Prohibits direct-entry midwives from practicing beyond the scope of the required education and training.

Eliminates current provisions that make a certified copy of an order of suspension or revocation prima facie evidence of suspension or revocation of a license in another jurisdiction. Provides for judicial review of suspension or revocation decisions by the court of appeals.

Continues the registration of direct-entry midwives by the division of registrations until July 1, 2011.

APPROVED by Governor June 5, 2001

EFFECTIVE June 5, 2001

S.B. 01-128 Physician assistants - licensure. Changes the existing program of certification of physician assistants to a licensure program. Establishes that to practice as a physician assistant, a physician assistant shall be licensed.

Applies certain physician licensing requirements and disciplinary actions to physician assistants. Requires a physician assistant who treats an injury involving a criminal act to report the injury to law enforcement officers.

APPROVED by Governor March 28, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 01-156 Spirituuous liquors manufacturers - on premises activities - consumption and sales. Authorizes a manufacturer of spirituous liquors to conduct tastings and sell spirituous liquors of its own manufacture for consumption on the premises and at one other licensed location. Also authorizes such a manufacturer to serve and sell food, general merchandise, and nonalcohol beverages on its licensed premises. Allows food and nonalcohol beverages to be either consumed on the premises or taken by the consumer.

Sets the procedures for obtaining authorization to operate an additional sales room location, including provisions for local government input and compliance with local zoning restrictions.

APPROVED by Governor April 12, 2001

EFFECTIVE April 12, 2001

S.B. 01-172 Electricians - regulation by state electrical board - continuation under sunset law. Abolishes the office of secretary-treasurer of the state electrical board. Removes the state electrical board's authority to adopt an official seal. Authorizes the state electrical board to grant the full experience credit for substantially equivalent training and experience by removing certain limitations on the amount of credit that can be granted. Removes the state electrical board's discretion to issue a license by endorsement by requiring the state electrical board to issue a license by endorsement if the applicant meets the appropriate qualifications. Authorizes the state electrical board to discipline licensees who provide false information to the board during an investigation with the intent to mislead or deceive the board.

Extends the automatic termination date of the state electrical board to July 1, 2010, pursuant to the provisions of the sunset law.

APPROVED by Governor March 30, 2001

EFFECTIVE March 30, 2001

S.B. 01-219 Bail bonding agents - residency - payment of fee or commission to unauthorized

individual or business prohibited. Imposes residency as an additional qualification to become a licensed bail bonding agent. Makes it a misdemeanor for a bail bonding agent to pay a fee or commission to any individual or business not holding a line of bail insurance authority.

VETOED by Governor June 5, 2001

H.B. 01-1015 Application for transfer of liquor license - inclusion of statement of paid accounts. Requires an applicant for the transfer of a liquor license to submit to the local licensing authority information stating that all accounts for alcohol beverages sold to the applicant are paid.

APPROVED by Governor March 19, 2001

EFFECTIVE July 1, 2001

H.B. 01-1023 Nurses - retired volunteer license. Establishes a reduced-rate nursing license for retired volunteer nurses who are at least 65 years of age and agree to accept no compensation for the performance of nursing tasks. Requires an applicant for such reduced-rate license to hold a current license in good standing or to have retired from the practice of nursing within the last 4 years and to include a copy of the applicant's most recent license together with a statement indicating that the applicant agrees not to accept compensation for nursing duties. Allows an applicant to receive a nonrenewable temporary license if the applicant is not in compliance with continuing education requirements. Provides immunity from liability for actions performed within the scope of the license, except in the case of gross negligence or willful and wanton misconduct. States that the license fee shall not be more than 50% of the amount of an active nursing license fee.

APPROVED by Governor March 28, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 01-1067 Real estate brokers - licensing - qualifications. Eliminates the requirement that a designated broker of a corporation, partnership, or limited liability company be an officer, director, and owner of more than a nominal share of the entity. Requires such designated broker to be responsible for all licensed actions of the entity and all licensees employed by the entity.

Eliminates the requirements that the real estate commission ("commission") deliver a hard copy of a license to a licensee and that the commission be notified in writing of changes of employment or business location by a licensee.

Clarifies when the commission can put a licensee on inactive status.

Expands the list of crimes that may constitute grounds for penalty by fine or revocation, probation, or inactivation of a license.

Reduces record-keeping requirements from 7 to 4 years.

APPROVED by Governor March 9, 2001

EFFECTIVE March 9, 2001

H.B. 01-1076 Podiatrists - licensure requirements - residency. Effective October 1, 2001, requires applicants for a license to practice podiatry to have completed an approved residency.

APPROVED by Governor March 23, 2001

EFFECTIVE March 23, 2001

H.B. 01-1115 Used motor vehicle dealers - required disclosures - timing. Requires holders of a used motor vehicle dealer's license to disclose to a consumer whether the dealer will be receiving any compensation from both the consumer and the owner of the vehicle as a result of the sale, exchange, or lease of a motor vehicle not owned by the licensee prior to the completion of the transaction rather than prior to any negotiation, as required under current law.

APPROVED by Governor March 20, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 01-1153 Interior designers - exemption from architecture practice laws - filing documents for building permits. Exempts interior designers that meet specified examination, education, or experience qualifications from certain restrictions imposed by the laws regulating the practice of architecture so that such interior designers may prepare interior design documents for filing for the purpose of obtaining building permits.

BECAME LAW June 9, 2001

EFFECTIVE January 1, 2002

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 01-1154 Bingo - electronic devices. Changes the definition of "bingo" to include play with the aid of an electronic device. Requires a bingo-raffle licensee to adequately mark, destroy, or dispose of cards or sheets played with the aid of an electronic device in order to prevent the reuse of such cards or sheets. Requires that a winning bingo be verified by reference to the paper card or sheet independently of the electronic aid. Permits the use of up to, but no more than, 36 cards per bingo game aided by an electronic device.

Imposes limitations on the manner in which a bingo player or bingo-raffle licensee may be charged in connection with electronic devices, including a requirement that electronic devices are charged for separately from cards. Prohibits a bingo-raffle licensee from requiring a bingo player to use an electronic device. Sets the minimum standards for a computer system that interfaces with and controls the use of such electronic aids, including record-keeping requirements.

Defines relevant terms.

APPROVED by Governor March 23, 2001

EFFECTIVE October 1, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 01-1209 Alcohol beverages - licenses - tastings. Defines the term "tastings". Authorizes retail liquor store licensees and liquor-licensed drugstore licensees to allow tastings on their premises. Requires that tastings be participated in only by unintoxicated adult patrons of the licensed premises, and limits each patron to 4 samples. Allows tastings to be free of charge. Requires the alcohol used in tastings to be supplied by a licensed wholesaler or limited winery. Limits the sample size, duration, and timing of tastings. Authorizes local licensing authorities to prohibit or condition tastings.

VETOED by Governor March 22, 2001

H.B. 01-1238 Mental health professionals - prohibited activities. Makes legislative findings. Makes the use or recommendation of the rebirthing therapeutic technique a prohibited activity for mental health professionals who are licensed, registered, or regulated by the state. Also makes the rebirthing technique an unlawful practice subject to criminal penalties. Defines rebirthing.

APPROVED by Governor April 17, 2001

EFFECTIVE April 17, 2001

H.B. 01-1297 Alcohol gaming licensee - prohibited acts - alcohol beverages. Prohibits a retail gaming tavern liquor licensee that is licensed only for on-premises consumption from knowingly permitting a customer to remove an alcohol beverage from the premises. Creates a safe-harbor from such prohibition if the licensee stations personnel at public exits to prevent removal of alcohol beverages or posts a sign advising the customer that removal and public consumption of such a beverage is illegal.

APPROVED by Governor April 12, 2001

EFFECTIVE July 1, 2001

PROPERTY

S.B. 01-27 Consumer loans - written notice of default. Requires an owner of a consumer loan secured by a deed of trust or mortgage that encumbers a dwelling and that is recorded after January 1, 2002, to provide written notice of a default on the loan that consists solely of a failure to make any required payments and the opportunity to cure, to all persons liable on the debt. Requires the notice to be provided not more than 45 days after the initial default and at least 20 days prior to the recording of a notice of election and demand or the initiation of a suit for foreclosure. States that the failure to provide the notice and opportunity to cure does not affect the validity of the deed of trust or mortgage, the ability to foreclose, the foreclosure proceeding, or any proceeding conducted in connection with the foreclosure.

APPROVED by Governor April 20, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 01-40 Titles and interests - trustees - joint ventures - notice of conveyance. Allows a trustee who holds title to real property on behalf of a trust to give notice of that trustee's representative capacity either before or after the instrument conveying the interest in real property has been recorded. Repeals the prohibition of such notice after an instrument conveying an interest in real property has been recorded.

Allows a trustee to execute and record a statement of authority in order to give notice of the existence of a trust and the authority of one or more trustees to act on behalf of the trust with respect to an interest in real or personal property held in the name of the trust.

Eliminates the requirement that a trustee must record an affidavit giving notice of the existence of a trust and the authority of one or more trustees to act on behalf of the trust before such trust is permitted to acquire, convey, encumber, lease, or otherwise deal with any interest in property in the name of the trust.

Permits a joint venture to acquire, convey, encumber, lease, or otherwise deal with any interest in property in the name of the joint venture, so long as a member of the joint venture records an affidavit giving notice of the existence of such joint venture either prior to or after the property is conveyed to the joint venture. Eliminates the requirement that such notice must be given before the property is conveyed to the joint venture.

APPROVED by Governor April 19, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 01-1060 Adjustment of tax lien certification fee by state agencies. Allows any state agency that collects the \$10 fee currently collected by a public entity for each specifically identified tax included in a certificate of taxes due issued by the public entity to adjust the amount of the fee, by rule or as otherwise provided by law, to ensure that the amount of uncommitted reserves of any fund to which the fee is credited does not exceed statutory limits. Requires a transfer to the general fund of moneys in excess of the statutory target

reserve that remain in the tax lien certification fund at the end of any state fiscal year commencing on or after July 1, 2000.

APPROVED by Governor May 23, 2001

EFFECTIVE May 23, 2001

H.B. 01-1166 Construction defect claims for property loss and damage - list of construction defects required - restricted negligence claims - statute of limitations - unit owners' association. Requires a claimant in an action for injury or loss to real property caused by construction defects to file with the court and serve on the defendant a list describing the defects. Permits the claimant to amend the list under certain circumstances. Prohibits the assertion of a negligence claim seeking damages for a residential construction defect under certain circumstances. Modifies the statute of limitations for certain actions against architects, contractors, builders or builder vendors, engineers, inspectors, and others. Under certain circumstances, requires the executive board of a unit owners' association to disclose to the unit owners that construction defect litigation has been instituted on behalf of the board or the unit owners.

APPROVED by Governor April 19, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 01-1281 Master form instruments - mortgage - deed of trust - recording of instruments. Authorizes any person to record a master form mortgage or deed of trust in the office of the county clerk and recorder. Allows forms to be recorded without any acknowledgment or signature; without identification of any specific real property; and without naming any specific mortgagor, mortgagee, trustor, beneficiary, or trustee. Requires every instrument to state on its face "Master form recorded by (name of person causing instrument to be recorded)". Requires the county clerk and recorder to index master forms in the grantee index under the name of the person recording the instrument.

Allows the provisions of a master form instrument to be incorporated by reference in any mortgage or deed of trust of real estate situated within the state if the reference meets certain criteria. States that any incorporation by reference has the same effect as if the referenced provisions had been included in the mortgage or deed of trust.

APPROVED by Governor March 30, 2001

EFFECTIVE July 1, 2001

H.B. 01-1358 Public trustees - fees - salaries - benefits - classification of counties. Increases the fees collected by public trustees for performing the following functions:

- Executing a release of deed of trust;
- Opening and administering a foreclosure;
- Accepting the filing of a notice of intent to redeem;
- Processing and executing a certificate of redemption; and
- Executing a trustee's deed.

Increases salaries of public trustees:

- In counties of the first and second class, from \$32,000 to \$48,500 annually;
and
- In counties of the third class, from \$8,000 to \$12,500 annually.

Permits public trustees in class 2 counties to collect benefits that do not exceed those received by other elected county officials.

Modifies the county classification system for purposes of regulating fees and salaries of public trustees by moving Douglas county from class 3 to class 2 and adding the city and county of Broomfield to class 3.

APPROVED by Governor June 5, 2001 **PORTIONS EFFECTIVE** September 1, 2001
November 15, 2001
January 1, 2003

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

PUBLIC UTILITIES

S.B. 01-144 Energy efficiency - taxation. Directs the property tax administrator, in determining the actual value of renewable energy facilities of electric utilities, to consider the additional incremental cost per kilowatt of the construction of the renewable energy facility over that of the cost of a comparable nonrenewable electrical energy facility as an investment cost not to be included in the valuation of the facility.

Requires the public utilities commission to investigate natural gas public utilities' supply acquisition strategies and to make recommendations on how to provide long-term natural gas price stability. Requires the commission to submit biennial reports to the transportation legislation review committee beginning February 1, 2004, regarding the status of the coal syngas component of natural gas public utilities' portfolios. Requires the commission to give the fullest possible consideration to the cost-effective implementation of new clean energy and energy-efficient technologies in its consideration of generation acquisitions for electric utilities.

Requires the governor's office of energy management and conservation, within 6 months, to file a report regarding opportunities to construct new renewable and fossil fuel electricity generating facilities using federal funds that may become available.

APPROVED by Governor June 8, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 01-1061 Telecommunications - unauthorized services (cramming). Prohibits a telecommunications service provider or a person providing billing for such provider from charging or billing a customer for unauthorized services. Relieves a customer from liability for goods or services when such goods or services are unauthorized. Requires the public utilities commission of the state of Colorado to maintain and keep available data regarding the incidence of complaints concerning violations of this act.

Pursuant to federal law, exempts providers of wireless services.

APPROVED by Governor March 23, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 01-1383 Water service - small water companies - simplified regulatory treatment. Requires the public utilities commission to grant regulatory treatment that is less comprehensive than otherwise provided to other public utilities to small, privately owned water companies that serve fewer than 1,500 customers. Directs the commission to balance the cost of regulation with the benefit derived from such regulation.

APPROVED by Governor June 6, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

STATUTES

S.B. 01-58 Colorado Revised Statutes - enactment of 2000 statutes. Enacts the softbound volumes of Colorado Revised Statutes 2000 as the positive and statutory law of the state of Colorado and establishes the effective date for said publication.

APPROVED by Governor March 20, 2001

EFFECTIVE March 20, 2001

S.B. 01-138 Revisor's bill - revisions to conform, correct, and clarify statutes. Amends or repeals various statutory provisions that are obsolete, inconsistent, or in conflict with other law, clarifies the language and more accurately reflects the legislative intent of the laws. The specific reasons for each amendment or repeal are set forth in an appendix to the bill.

APPROVED by Governor June 5, 2001

EFFECTIVE June 5, 2001

TAXATION

S.B. 01-35 Specific ownership tax - class A and B personal property - taxable value - appropriation. Changes the taxable value of class A and B personal property with 16,000 pounds or less empty vehicle weight from the actual purchase price to 75% of the manufacturer's suggested retail price for the purposes of specific ownership tax. Instructs the department of revenue to make retroactive specific ownership tax adjustments in the form of credits against such future taxes.

Makes an appropriation.

APPROVED by Governor May 22, 2001

EFFECTIVE May 22, 2001

S.B. 01-37 Unclaimed refunds or grants - conversion into unclaimed property that may be claimed under the "Unclaimed Property Act". On and after October 1, 2002, requires the department of revenue to forward to the state treasurer specified information regarding any state income tax refund or grant for property taxes, rent, or heat or fuel expenses assistance represented by a warrant that has not been presented for payment within 6 months from its date of issuance and that has been cancelled by the department or by the state controller in accordance with standard operating procedures and an amount of money equal to the amount of the warrant. On and after October 1, 2002, gives the amount of such a refund or grant the status of unclaimed property that is presumed abandoned and adds such amount to intangible property that may be claimed pursuant to the provisions of the "Unclaimed Property Act". Allows the department to reclaim from the unclaimed property fund any amount forwarded by the department to the state treasurer that was based on a warrant representing an erroneous refund or grant. Allows the department to assess a taxpayer who receives an erroneous refund or grant issued by the treasurer for the amount of the erroneous refund or grant.

Requires a person claiming a refund or grant represented by a cancelled warrant to file a claim for the amount of the refund or grant with the state treasurer under the "Unclaimed Property Act" rather than with the department of revenue. Requires the department and the state treasurer to cooperate to ensure that any taxpayer who contacts the department to claim the amount of a refund represented by a cancelled warrant is provided with the information or assistance necessary to obtain the refund from the state treasurer.

APPROVED by Governor May 30, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 01-55 Agriculture - farm equipment - shipping aids. Changes the definition of farm equipment to clarify that sales and use tax exempt farm equipment includes shipping pallets, crates, or aids used in the transfer or shipping of agricultural products.

APPROVED by Governor March 28, 2001

EFFECTIVE July 1, 2001

S.B. 01-115 Property tax - deferral program - release of identifying information. Requires county treasurers and the state treasurer to deny requests from individuals, corporations, or other private entities to inspect or produce the names, addresses, phone numbers, social

security numbers, and other identifying information of individuals who claim a property tax deferral under the state elderly property tax deferral program. States that this requirement shall not be construed to prohibit the disclosure of information:

- Required in connection with granting or denying a claim for deferral;
- Required in connection with an administrative, judicial, or other legal proceeding;
- Required in connection with the conveyance, sale, or encumbrance of a specific property;
- When the information is contained in a statistical compilation or other informational summary that does not disclose individual identifying information; or
- When the individual claiming the exemption has agreed to the disclosure.

APPROVED by Governor March 30, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 01-134 Sales and use tax - counties - mass transit - increase in maximum levy. Increases to 1%, the maximum county sales tax, use tax, or sales and use tax that a county outside the jurisdiction of the regional transportation district may levy for the purpose of financing, constructing, operating, or maintaining a mass transportation system within such county.

APPROVED by Governor June 8, 2001

EFFECTIVE June 8, 2001

H.B. 01-1001 Sales and use tax - refund - calculation. For tax years commencing on or after January 1, 2001, adds the following amounts to the amounts utilized for determining a qualified individual's state sales tax refund in years in which state revenues are in excess of the constitutional limitation on state fiscal year spending:

- Lump-sum distributions from pension and profit sharing plans excluded from federal adjusted gross income pursuant to the federal internal revenue code; and
- Certain interest income from state and local bonds.

Modifies who may claim a refund by requiring persons under a specified age to have state income tax liability in order to qualify.

APPROVED by Governor March 20, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 01-1005 Income tax - liability - innocent spouse relief. Grants relief from Colorado income tax liability and associated interest and penalties in cases where an individual files a joint income tax return upon which the individual's spouse, without the knowledge of the individual, has understated income tax liability. Allows such relief only in cases where the individual has been granted relief from federal income tax liability pursuant to federal law.

Specifies that such relief shall be comparable to the federal relief granted.

APPROVED by Governor March 11, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 01-1081 Sales and use tax - refund - taxes paid for tangible personal property used for research and development to refund excess state revenues to comply with TABOR. For the state fiscal year commencing on July 1, 2002, if the state has excess revenues in that fiscal year, allows a qualified taxpayer to claim a refund of 50% of the state sales and use tax paid by the qualified taxpayer during that fiscal year on the sale, purchase, storage, use, or consumption of tangible personal property, including machinery, used in Colorado directly and predominantly for research and development or in a combined activity of research and development and manufacturing that is exempt from the state sales and use tax.

For state fiscal years commencing on or after July 1, 2003, if the state has excess revenues in any fiscal year, allows a qualified taxpayer to claim a refund of all state sales and use tax paid by the qualified taxpayer during that fiscal year on the sale, purchase, storage, use, or consumption of tangible personal property, including machinery, used in Colorado directly and predominantly for research and development or in a combined activity of research and development and manufacturing that is exempt from the state sales and use tax.

Requires any qualified taxpayer claiming the refund to submit a refund application, including any required documentation, to the department of revenue between January 1 and April 1 of the state fiscal year immediately following the state fiscal year for which the refund is claimed. Prohibits the allowance of the refund to any qualified taxpayer who fails to comply with the refund application requirements.

Requires the executive director of the department of revenue to publish any refund allowed in any given state fiscal year in department rules. Specifies that if the controller certifies that the excess state revenues for the state fiscal year commencing on or after July 1, 2002, are less than \$358,400,000, as adjusted by the executive director for the rate of growth of personal income, the refund shall not be allowed for the state fiscal year immediately following said fiscal year. Declares that the refund is a reasonable method of refunding excess state revenues.

Defines "research and development" as qualified research under the federal internal revenue code or research that has one of the following as its ultimate goal:

- Basic research in a scientific or technical field of endeavor;
- Advancing knowledge or technology in a scientific or technical field of endeavor; or
- The testing or inspection of materials or products used for quality control by any qualified taxpayer engaged in, and only to the extent related to, qualified research.

Excludes the following from the definition of "research and development":

- Market research;
- Efficiency surveys;

- Consumer surveys;
- Advertising and promotions;
- Management studies; and
- Research in connection with literary, historical, social science, psychological, or other nontechnological activities.

APPROVED by Governor June 6, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 01-1082 Sale of tax liens - existing conservation easements not affected. Specifies that the execution of a tax deed by a county treasurer to the purchaser of a tax lien shall not affect the existence of any conservation easement claimed or existing prior to the execution of such deed.

APPROVED by Governor February 22, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 01-1090 Credits - donation of conservation easement. Increases the maximum available income tax credit for the donation of a conservation easement from \$100,000 to \$260,000. Limits the aggregate total of refunds and credits claimed to \$50,000 per tax year, up from the current limit of \$20,000 per tax year. Deletes the minimum threshold amount for transfers of the credit. Allows transferees to claim an unlimited number of credits. To the extent that a transferee pays value for the credit, deems the transferee to have used the credit to pay the transferee's tax obligations, if any.

APPROVED by Governor June 1, 2001

EFFECTIVE January 1, 2003

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 01-1107 Severance tax trust fund - appropriation to the low-income energy assistance program. For the state fiscal year commencing on July 1, 2000, appropriates an amount not to exceed \$10 million from the operational account of the severance tax trust fund to the department of human services to increase funding for the low-income energy assistance program.

APPROVED by Lieutenant Governor January 17, 2001 **EFFECTIVE** January 17, 2001

H.B. 01-1164 Colorado commission on taxation - extension of time to complete duties. Extends the time within which the Colorado commission on taxation has to complete its duties and provide a final report to the governor and the general assembly.

APPROVED by Governor March 20, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 01-1179 Income tax - amended return - change in federal taxable income. Requires a taxpayer to make and file an amended Colorado income tax return when the internal revenue service makes a final determination of the taxpayer's federal taxable income.

APPROVED by Governor March 20, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 01-1212 Sales and use tax - remittance - electronic funds transfers. For any calendar year commencing on or after January 1, 2002, requires any vendor whose liability for state sales tax only for the previous calendar year exceeded \$75,000 to use electronic funds transfers to remit all state and local sales taxes to the executive director of the department of revenue. Authorizes the executive director to promulgate rules to effectively implement the electronic funds transfer requirement, but requires the executive director to first consult with the state treasurer to ensure that any rules promulgated do not adversely affect the ability of the state treasurer to optimize sales tax investment earnings. Prohibits the executive director from requiring taxpayers required to remit sales taxes by electronic funds transfers to remit sales taxes prior to the remittance deadline for taxpayers who remit sales taxes by other means.

APPROVED by Governor May 18, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 01-1223 Sales and use tax - exemption - bingo equipment. Exempts from sales and use taxes the sale, storage, use, or consumption of bingo equipment to or by a bingo-affle licensee.

BECAME LAW by Governor June 9, 2001

EFFECTIVE July 1, 2001

H.B. 01-1224 Property tax - exemption for qualified seniors. For property tax years commencing on or after January 1, 2002, creates a property tax exemption for 50% of the first \$200,000 of actual value of owner-occupied residential real property used as the primary residence of a qualifying senior who has owned and occupied the residential real property for 10 years as of the assessment date as follows:

- Specifies that an individual who owns residential real property consisting of multiple-dwelling units may only claim an exemption for the unit he or she occupies as his or her primary residence and that no more than one exemption per year shall be allowed for any single-dwelling unit;
- Specifies that only one exemption per property tax year may be claimed for a

- single dwelling unit of residential real property, regardless of how many owner-occupiers use the dwelling unit as their primary residence;
- Specifies that spouses who own multiple pieces of residential real property are deemed to occupy the same primary residence and may only claim one exemption;
- Specifies that an owner-occupier may claim an exemption for residential real property that he or she has not owned for 10 years as of the assessment date if the owner-occupier would have been able to claim an exemption for his or her previous residence but for the fact that the previous residence was condemned by a governmental entity through an eminent domain proceeding;
- Requires each county assessor to mail annual notice of the exemption to each residential real property address in the assessor's county no later than May 1, 2002, and each May 1 thereafter;
- Requires an individual claiming an exemption to file an exemption application with the appropriate county assessor no later than July 15 of the first property tax year for which an exemption is claimed;
- Requires an applicant to provide specified information on an exemption application and requires the property tax administrator to prescribe the form of the exemption application;
- Prescribes penalties for any applicant who knowingly provides false information on an exemption application, fails to advise the appropriate assessor within 60 days of any change in ownership or occupancy of residential real property that affects an exemption that has previously been applied for or allowed, or files more than one exemption application;
- Requires completed exemption applications to be kept confidential subject to specified exceptions;
- Requires each county assessor to deny any exemption application that is incomplete or that indicates that the applicant is not entitled to an exemption;
- Requires each county assessor to mail to each applicant whose exemption has been denied a statement providing the reasons for the denial and informing the applicant of the applicant's right to contest the denial no later than August 15 of the property tax year for which the exemption application was filed;
- Gives an applicant whose exemption application has been denied a right to contest the denial at an administrative hearing before the county commissioners sitting as the county board of equalization between September 1 and October 1 of the property tax year for which the exemption was filed;
- No later than October 5, 2002, and no later than each October 5, thereafter, requires each county assessor to send the property tax administrator an annual report containing specified information about the property tax exemptions allowed in the assessor's county;
- Requires the property tax administrator to examine the reports sent by each county assessor to ensure that no applicant has claimed multiple exemptions, to deny any exemption claimed by an applicant who has claimed more than one exemption, and to provide written notice to the applicant of any denied exemption no later than November 1, 2002, and no later than each November 1, thereafter;
- Requires the reports to be kept confidential subject to specified exceptions;
- Allows an individual whose claims for exemption were denied by the property tax administrator to file a written protest with the property tax administrator no later than November 15 of the year in which the exemptions were denied and requires the property tax administrator to resolve such protests no later than December 1 of the same year;

- No later than December 1, 2002, and no later than each December 1 thereafter, requires the property tax administrator to provide written notice to the assessor of each county in which an exemption application has been denied because the applicant filed multiple exemption applications with the identity of the applicant who filed multiple exemptions and the denial of the exemption;
- No later than April 1, 2003, and no later than each April 1 thereafter, requires each county treasurer to send the state treasurer an annual report containing specified information about the property tax exemptions allowed in the treasurer's county for the previous property tax year so that the state treasurer can reimburse each county for the amount of the exemptions allowed;
- No later than April 15, 2003, and no later than each April 15 thereafter, requires the state treasurer to reimburse each county treasurer for property tax revenues lost by local governmental entities in the treasurer's county as a result of the exemption;
- Specifies that such reimbursement shall not be subject to the statutory limitation on general fund appropriations;
- Requires each county treasurer to distribute the moneys received from the state treasurer to local governmental entities as if the lost property tax revenues had been regularly paid and excludes such moneys from a local governmental entity's fiscal year spending; and
- Requires the state auditor to periodically audit the exemption program, authorizes the auditor to suggest means of improving the administration of the program, and requires an assessor, a county treasurer, the property tax administrator, or the state treasurer to provide relevant documents to the state auditor upon request.

APPROVED by Governor April 25, 2001

EFFECTIVE April 25, 2001

H.B. 01-1256 Sales and use tax - exemption - dairy equipment. Expands the existing definition of "farm equipment", the sale, purchase, storage, use, and consumption of which is exempt under the state sales and use tax, to include dairy equipment regardless of purchase price.

Requires any incorporated town, city, or county that presently imposes a sales and use tax on dairy equipment to continue to impose such tax unless it adopts an ordinance or resolution that explicitly exempts such items from the state sales and use tax.

APPROVED by Governor April 19, 2001

EFFECTIVE July 1, 2001

H.B. 01-1257 Income tax - health care professional tax credit - inclusion of dentists and dental hygienists - extension - administration. For any income tax year commencing on or after January 1, 2001, adds dentists, and for any income tax year commencing on or after January 1, 2002, adds dental hygienists to the list of health care professionals that may claim the existing state income tax credit for health care professionals practicing in health care professional shortage areas.

Adds Broomfield to the list of counties constituting Colorado's metropolitan statistical area counties for purposes of the definition of rural health care professional shortage area.

Eliminates the requirement that a "rural health care professional shortage area", as

applied to an area within certain designated counties, be located a specified distance from the nearest hospital containing 30 or more beds.

Extends allowance of the credit through the January 1, 2008, income tax year.

Clarifies that:

- The credit shall only be allowed when the taxpayer is a health care professional practicing at least 20 hours per week;
- Any student loan subject to the credit shall be issued under a recognized student loan program and made to and used by the student to finance higher education opportunities resulting in a qualifying health care professional degree;
- The amount of any student loan subject to the credit shall be the sum of the balance due on the loan as of the beginning of the first income tax year for which the credit is claimed;
- The certification form submitted by the taxpayer to claim the credit shall contain the identity of the qualifying loan and the balance due on the loan as of the first income tax year for which the credit is claimed;
- The tax credit's recapture provisions apply to a taxpayer claiming the credit who either moves out of the rural health care professional shortage area or who ceases to practice in such area during the period that the taxpayer was committed to reside and practice in such area. Specifies that the taxpayer is to report the recapture by increasing the taxpayer's income tax liability by the amount of the total credit claimed for the year in which the recapture occurs.
- The state fiscal years commencing on or after July 1, 1999, but prior to July 1, 2008, shall be used to determine whether excess state revenues for a particular fiscal year are sufficient to allow the credit.

APPROVED by Governor May 30, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 01-1287 Business personal property tax refund - increase in refund amount - modification of administration of refund - creation of appeals procedure. Increases the portion of business personal property tax paid to be refunded to a taxpayer as a credit against state taxes during state fiscal years commencing on or after July 1, 2001, for which credits may be allowed to an amount equal to 16% of the total amount of business personal property tax paid plus the lesser of 84% of the total amount of business personal property tax paid or \$588. Replaces the requirement that each county treasurer and each county assessor forward information needed for the administration of the credit to the department of revenue with a requirement that each county treasurer send some of the information to the county assessor of the same county and that each county assessor forward all of the information to the department. Allows the assessor and treasurer of a county to agree to have the treasurer rather than the assessor forward the required information to the department. Allows the department to make the refund as late as November 30 if an unavoidable delay in processing the credit prevents the department from making refunds by the existing November 15 deadline.

Requires the controller's certification of excess state revenues, rather than the June

revenue estimate prepared by legislative council staff, to determine whether there are sufficient excess state revenues in any given state fiscal year for a credit to be allowed during the next state fiscal year. Creates an appeals procedure for any qualified taxpayer who did not receive a credit or who believes that the amount of a credit received was less than the amount to which the qualified taxpayer was entitled.

APPROVED by Governor April 20, 2001

EFFECTIVE April 20, 2001

H.B. 01-1304 Income tax - deadline for filing claim for refund or credit - statute of limitations. Clarifies that the deadline for taxpayers to file claims for refund or credit of income tax is the period provided for filing a claim for refund of federal income tax plus one year, and is extended by the length of any extensions granted by the federal taxing authorities. Clarifies that the state will not pay any refund for which the claim is filed after this deadline.

States that no refund will be paid to any taxpayer, rather than any employee, who fails to file a return within 4 years after the return was required to be filed.

Clarifies that the statute of limitations for filing a claim for refund of income tax applies to persons who fail to file tax returns or file false or fraudulent returns.

APPROVED by Governor March 28, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 01-1312 Income tax - estimated tax - failure to pay - penalty for underpayment. Repeals and reenacts the provisions of law that require individual taxpayers to declare and pay estimated state income tax. Requires certain individual taxpayers to make and file estimated income tax payments. Requires that individual taxpayers make estimated tax payments to the department of revenue (department) in 4 equal payments throughout the year.

For individuals who underpay the estimated income tax owed, bases the penalty for such underpayment on the difference between the amount of money actually paid and the lesser of 70% of the current year's tax liability or 100% of the prior year's tax liability. If the actual estimated payments for the year exceed either 70% of the current liability or 100% of the prior year's liability, no underestimation penalty is due. For any taxpayer with an income greater than \$150,000, requires that the calculation of the underestimation penalty be based on the difference between the amount of money actually paid and the lesser of 70% of the current year's tax liability or 110% of the prior year's tax liability.

Prescribes a waiver of penalty in cases where the estimated income tax is less than \$1,000, in cases of newly retired or disabled individuals, or in any case where the executive director of the department determines that the underpayment was due to good cause shown by the taxpayer.

Directs the department to promulgate rules to regulate taxpayers who have elected annualized installments for the payment of federal income tax due to inconsistent earnings throughout the year.

Allows the fourth estimated payment of income tax to be paid by January 31, instead of January 15, if the payment is made with the return.

Establishes rules for farmers and fishermen that require a single installment that must be made by January 15 unless the taxpayer files his or her return by March 1.

Repeals and reenacts the provisions of law that require corporations to declare and pay estimated state income tax. Requires corporations to make and file estimated income tax payments. Requires that corporations make such estimated tax payments to the department in 4 payments throughout the year.

For corporations that underpay the estimated income tax owed, bases the penalty for the underpayment on the difference between the amount of money actually paid and the lesser of 70% of the current year's tax liability or 100% of the prior year's tax liability.

For certain large corporations that underpay the estimated income tax owed, bases the penalty for the underpayment on the difference between the amount of money actually paid and 70% of the current year's tax liability; except that the first required installment for any taxable year may be based on 25% of the taxpayer's actual Colorado tax liability shown on the return of the corporation for the preceding year. Requires that any reduction in the first installment be recaptured by increasing the amount of the next required installment.

Directs the department to promulgate rules to regulate corporations that have elected annualized installments for the payment of federal income tax due to inconsistent earnings throughout the year.

Prescribes a waiver of penalty in cases where the estimated tax is less than \$5,000 or in any case where the executive director of the department determines that the underpayment was due to good cause shown by the taxpayer.

APPROVED by Governor June 1, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 01-1313 Income tax - credit against tax - foster care providers - refund of excess state revenues. For any income tax year commencing on or after January 1, 2001, for which the amount of excess state revenues for the state fiscal year that ends in such income tax year exceeds \$200 million as annually adjusted for inflation, allows a state income tax credit in the amount of \$500 for any resident individual taxpayer who:

- Operates a foster care home during the taxable year for which the credit is claimed;
- Provides one or more child with 24-hour family care for at least 180 days of the taxable year for which the credit is claimed; and
- Incurs nonreimbursed expenses in connection with providing foster care for one or more child.

Specifies that if the amount of the credit allowed exceeds the amount of income taxes otherwise due on the taxpayer's income for the tax year for which the credit is claimed, the credit shall not be carried forward as a tax credit against the individual's subsequent year's

income tax liability and shall be refunded to the individual.

APPROVED by Governor May 30, 2001

EFFECTIVE May 30, 2001

H.B. 01-1321 Equitable servitudes - effect of the execution of tax deeds. Specifies that the execution of a tax deed by a county treasurer to the purchaser of a tax lien shall not affect the existence of any equitable servitudes that run with land and have both benefits and burdens claimed or existing prior to the execution of the deed.

APPROVED by Governor April 9, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 01-1334 Property tax - exemption - low-income household residential facilities. Specifies that the property tax exemption for property that is used for charitable purposes includes property used for low-income household residential facilities:

- That are operated as residential facilities for low-income households;
- For which the published rent schedule includes rents that a low-income household can afford by expending no more than 30% of the household's total income for rent and utilities; and
- For which the owner of the facility has shown that the rent for the property tax-exempt facility is lower than the rent for a facility that does not qualify for the property tax exemption by at least an amount equal to the value of the exemption.

Specifies that a low-income household is an individual or family whose total income is no greater than 30% of the area median income.

Authorizes the department of local affairs to contract with an independent contractor to process applications for the new property tax exemption and limits that contract to a 1 year term.

Specifies that the property tax exemption for low-income household residential facilities applies to property tax years commencing on or after January 1, 2003.

APPROVED by Governor June 8, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 01-1364 Income tax - returns - administration modifications. Modifies certain statutory provisions affecting the administration of state income tax returns.

Income tax modification to offset the marriage penalty. Corrects the modification to federal taxable income allowed under Colorado law to offset the marriage penalty to ensure that any taxpayer who is blind or over 65 years of age does not lose the benefit of any additional standard deduction allowed under the internal revenue code.

Long-term care insurance income tax credit. Clarifies the income tax credit available to taxpayers who purchase long-term care insurance to specify that, for 2 individuals filing a joint return, the credit is allowed not only if it is claimed for 2 policies but also if it is claimed for a joint policy that covers each individual separately.

Health care shortage areas income tax credit. In addition to existing qualifications, clarifies that the income tax credit available to health care professionals who practice in a rural health care professional shortage area is only available to a taxpayer who is:

- A health care professional practicing at least 20 hours a week; and
- A borrower on a student loan issued under a recognized student loan program that was used by said taxpayer to finance higher education opportunities resulting in a degree required to enable the taxpayer to be a licensed or certified health care professional.

Clarifies that the amount of the loan subject to the credit is the sum of the balance due on the loan as of the beginning of the first income tax year for which the credit is claimed. Requires the identity of the loan and the balance due on the loan as of said date to be certified. Clarifies that if a taxpayer claiming the credit either moves out of or ceases to practice in a rural health care professional shortage area during the period for which a commitment to reside and practice in said area was made, the taxpayer must repay the entire amount of the credit claimed, and specifies that the taxpayer is to report said recapture by increasing the taxpayer's income tax liability by the amount of the total credit claimed.

Income tax modification for net capital gains. Clarifies that the income tax modification allowed for the amount of net capital gains earned on property that was acquired before May 9, 1994, and that was owned by the taxpayer for at least 5 years applies in any state fiscal year commencing on or after July 1, 1998. Specifies that said modification is a mechanism to refund excess state revenues pursuant to the taxpayer's bill of rights that is only allowed in years in which state revenues exceed the limitation on state fiscal year spending by at least \$260 million, as adjusted annually for changes in the rate of personal income growth.

Conservation easements income tax credit. Specifies that the income tax credit for conservation easements is available to partnerships, S corporations, or other similar pass-through entities, estates, or trusts that donate a conservation easement as an entity, and to partners, members, or subchapter S shareholders of said pass-through entities.

Clarifies that the amount of the credit does not include the value of any portion of an easement on real property that is located outside the state of Colorado. Specifies that a taxpayer claiming the credit need only submit a summary of a qualified appraisal of the property subject to the easement unless the department of revenue requests submission of the actual appraisal. Clarifies that the dollar limitation on the amount of the credit applies to:

- The amount of the credit claimed by a taxpayer filing a joint federal return;
- The sum of the credits claimed by taxpayers filing married separate federal returns; and
- The amount of the credit allocated to partners, members, or shareholders of a pass-through entity.

Specifies that in cases where a partnership, S corporation, or other pass-through entity claims the conservation easement credit and claims a refund of any amount of the credit that

exceeds that entity's tax liability, the aggregate amount of the refund and the credit claimed by the partners, members, or shareholders of said entity is not to exceed \$20,000.

Individual development accounts income tax credit. Modifies the credit allowed for individuals contributing matching funds for individual development accounts to specify that, if the amount of the credit exceeds the individual's tax liability, said excess cannot be carried forward as a credit against subsequent years' income tax liability and must be refunded to the individual.

APPROVED by Governor April 19, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 01-1366 Property tax - valuation of assessment - residential real property adjustment of ratio. Sets the ratio of valuation for assessment for residential real property for the 2001 and 2002 property tax years at 9.15% of actual value.

APPROVED by Governor May 31, 2001

EFFECTIVE May 31, 2001

H.B. 01-1367 Excess state revenues - accounting practices - repeal of required overrefunding provisions. Repeals the requirement that the state sales tax refund mechanism used to refund excess state revenues as required by section 20 of article X of the state constitution (TABOR) be calculated to refund 105% of the amount of excess state revenues not refunded by other mechanisms.

Specifies that any amount that is refunded in excess of the amount that is required to be refunded by TABOR shall be accounted for as a refund of excess state revenues for the fiscal year following the fiscal year for which the moneys are refunded.

VETOED by Governor June 5, 2001

TRANSPORTATION

S.B. 01-90 State highway capital construction prioritized list - amendments - capital development committee approval. Allows the transportation commission to submit the next phase of a project or the next project on the regional priority list to the capital development committee for approval as an addition to a committee-approved prioritized list of recommended state highway projects in the event that a project on the original list cannot be funded with capital construction moneys. Prohibits the capital development committee from approving a substitute project if funding the project would cause a delay in any other project on the list. Requires the department of transportation, upon approval of an amended list by the capital development committee, to provide a copy of the amended list to the members of the joint budget committee, the transportation and energy committee in the house of representatives, and the government, veterans and military affairs, and transportation committee in the senate.

APPROVED by Governor March 28, 2001

EFFECTIVE March 28, 2001

S.B. 01-107 Roadside advertising - state highways - bus benches and shelters. Requires the department of transportation (department) to issue permits for advertising devices on bus benches or shelters on land adjacent to or visible from state highways, if the applicable local government approves the advertising device. Requires the department to implement the regulation of advertisements on bus shelters and benches with the purpose of promoting the use of bus transportation. Prohibits the department from imposing requirements on bus shelter or bench advertisements located outside the right-of-way of a state highway that are more restrictive than those imposed by the local government, unless required by federal law.

Makes this regulation of bus shelter or bench advertisements inapplicable if the department receives written notice from the applicable federal authority that compliance would directly cause the loss of federal moneys, rather than permitting the department to make that determination without any notice from the applicable federal authority as under current law.

Prohibits the issuance of a permit for any advertising device that is designed, used, or intended to be designed or used for more than 2 advertising panels facing in the same direction.

APPROVED by Governor April 19, 2001

EFFECTIVE April 19, 2001

H.B. 01-1007 Transportation agencies - development of mass transit - cooperation and coordination - oversight. For purposes of transportation legislation review committee oversight, defines "agency" as any state, regional, or local agency, authority, department, district, or organization, other than an individual municipality or county, that:

- Is responsible for researching, planning, developing, or improving transportation systems, mass transit systems, or regional plans that include the provision of mass transit within the agency's jurisdiction; and
- Has or may have overlapping or coterminous jurisdiction with another agency.

Includes, without limitation, the following entities in the definition of "agency":

- The Colorado department of transportation;
- The regional transportation district;
- The Colorado intermountain fixed guideway authority; and
- The Denver regional council of governments.

Requires all agencies to:

- Share information and coordinate efforts in the research, planning, and development of mass transit systems, including fixed guideway systems, to avoid the creation of duplicative or conflicting systems; and
- Report to the transportation legislation review committee annually regarding compliance with the requirement to share information and collaborate with other agencies.

BECAME LAW April 6, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 01-1369 Unsolicited proposals for public-private initiatives. Specifies that the department of transportation may consider an unsolicited proposal for a public-private initiative that is an advance proposal for a known department requirement if:

- The department has not established a timetable for satisfying the known requirement in the state transportation plan or the statewide transportation improvement program that is the short-range element of the state plan; or
- The proposal is likely to significantly shorten an established timetable for satisfying the known requirement.

Clarifies that the department of transportation may provide written or oral information to any person regarding the department's general policy priorities or the requirements and procedures for submitting an unsolicited proposal for a public-private initiative without violating the requirements that such unsolicited proposals:

- Be independently originated and developed by the proposer; and
- Be prepared without departmental supervision.

APPROVED by Governor June 5, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

UNITED STATES

S.B. 01-231 National park lands - concurrent jurisdiction - Black Canyon of the Gunnison National Park - Great Sand Dunes National Preserve - Great Sand Dunes National Park.
Updates the list of lands dedicated to national park purposes over which the state of Colorado cedes concurrent legislative jurisdiction to the United States as follows:

- Reflects the transformation of the Black Canyon of the Gunnison National Monument into the Black Canyon of the Gunnison National Park.
- Reflects the fact that the Great Sand Dunes National Monument may become the Great Sand Dunes National Park.
- Adds the newly created Great Sand Dunes National Preserve.

APPROVED by Governor June 5, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

WATER AND IRRIGATION

S.B. 01-44 Nontributary groundwater - augmentation requirement - San Luis valley confined aquifer - rules - continuation. Continues the requirement of a plan for augmentation for new withdrawals of groundwater affecting the San Luis valley confined aquifer system until July 1, 2003.

APPROVED by Governor March 28, 2001

EFFECTIVE March 28, 2001

S.B. 01-157 Colorado water conservation board - construction fund list. Authorizes the expenditure of moneys in the Colorado water conservation board construction fund and the severance tax trust fund perpetual base account on the following:

- Certain enumerated water projects;
- Satellite monitoring system maintenance;
- Dual water system study;
- Managed groundwater re-regulation demonstration project;
- South Platte river decision support system;
- Lower South Platte water management and storage site study;
- Arkansas valley pipeline project;
- Consolidated water resources information center;
- Elkhead reservoir environmental compliance;
- Drought planning survey;
- Floodplain mapping program;
- Continuation of Cherry Creek reservoir flood safety investigation;
- Continuation of the Alamosa river watershed project;
- Frenchman creek feasibility study;
- Restoration of emergency infrastructure repair loan account balance; and
- Appropriations to the Colorado river recovery program loan account.

Changes the amounts authorized for certain projects in previous years. Creates a new flood emergency response fund and a new loan foreclosure fund. Repeals the severance tax trust fund statewide water planning account. Changes various accounts in the Colorado water conservation board construction fund to separate funds.

APPROVED by Governor May 30, 2001

EFFECTIVE May 30, 2001

S.B. 01-216 Colorado water conservation board - recreational in-channel diversion by a local government - recommendations to water court. After the effective date of this act, limits recreational in-stream diversions to a county, municipality, city and county, water district, water and sanitation district, water conservation district, or water conservancy district.

Requires a county, municipality, city and county, water district, water and sanitation district, water conservation district, or water conservancy district, within 30 days after initiating any water rights filing with the water court for the adjudication of a recreational in-channel diversion, to submit a copy of the application to the Colorado water conservation board (CWCB) for review and recommendation as to whether the application should be granted, granted with conditions, or denied. Requires the CWCB to make written findings on such application concerning:

- Whether the adjudication and administration of the recreational in-channel diversion would impair the ability of Colorado to fully develop and place to consumptive beneficial use its compact entitlements;
- The appropriate reach of stream required for the intended use;
- Whether there is access for recreational in-channel use;
- Whether adjudication and administration of the recreational in-channel diversion would promote maximum utilization of waters of the state;
- Whether such in-channel diversion can be exercised without material injury to the vested water rights or decreed conditional water rights of others; and
- Such other factors as may be determined appropriate and set forth in rules adopted by the board, after public notice and comment.

Specifies that this procedure does not apply to any water right or conditional water right for recreational in-channel diversion purposes filed before January 1, 2001.

Adds diversion of water by a county, municipality, city and county, water district, water and sanitation district, water conservation district, or water conservancy district for recreational in-channel diversion purposes to the definition of "beneficial use". Defines "recreational in-channel diversion".

Establishes standards for a water court to use when reviewing an application for recreational in-channel diversion filed by a county, municipality, city and county, water district, water and sanitation district, water conservation district, or water conservancy district. Makes the findings of fact made by the CWCB presumptive as to such facts, subject to rebuttal by any party.

APPROVED by Governor June 5, 2001

EFFECTIVE June 5, 2001

H.B. 01-1240 Interim study committee - creation. Creates the water resources legislation review committee as an interim study committee and sets forth the purpose for such committee. Specifies the membership of the committee. Requires that the committee meet at least once. Continues the studies previously within the mandate of the special water committee, and delays the effectiveness of more stringent augmentation requirements until July 1, 2003.

APPROVED by Governor May 31, 2001

EFFECTIVE July 1, 2001

H.B. 01-1250 Ditch - damage - penalty. Increases the fine from a range of \$5 to \$350 to a range of \$50 to \$750 for intentionally damaging any part of a ditch to injure any person, association, or corporation or to steal water. Also requires a court to order a person convicted of intentionally damaging any part of a ditch to injure any person, association, or corporation or to steal water to make full restitution to the victim of his or her conduct for the actual damages that were sustained. Allows the court to fix the manner and time of making restitution.

APPROVED by Governor June 5, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 01-1254 Adjudications - notice - affected landowners. Makes legislative findings. Requires water courts to serve written notice on the owners of land directly affected by water rights adjudication applications.

APPROVED by Governor April 9, 2001

EFFECTIVE August 8, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 01-1354 State engineer - water bank pilot program - rules - appropriation. Directs the state engineer to promulgate, by July 1, 2002, rules to establish and administer a water banking pilot program intended to simplify and improve the approval of water leases, loans, and exchanges of stored water within the Arkansas river basin, reduce the costs associated with such transactions, and increase the availability of water-related information. Requires the state engineer to report to the governor and the general assembly, on or before November 1, 2005, regarding the effectiveness of the program. Provides for judicial review of the rules by the water division 2 water judge exclusively. Allows local governments, irrigation districts, ditch companies, and conservancy districts to utilize Colorado heritage planning grants to develop plans regarding water banking.

Repeals the pilot program, and any rules promulgated pursuant to the pilot program, on July 1, 2007.

Appropriates \$56,253 and 0.1 FTE to the state engineer's office and \$19,534 and 0.2 FTE to the department of law to implement the act.

APPROVED by Governor June 5, 2001

EFFECTIVE June 5, 2001

PROPOSED STATE CONSTITUTIONAL AMENDMENTS

S.C.R. 01-2 Term limits - district attorneys - exemptions. Presents to the voters the question of exempting district attorneys from constitutional term limits.

EFFECTIVE upon the Governor's proclamation or thirty days after a canvass of the votes is completed, whichever occurs earlier.

SUBJECT INDEX

| | Bill No. | Page No. |
|--|----------|----------|
| Administrative Rule Review | | |
| Continuation of 2000 rules of executive agencies - exceptions - graduated levels of review by committee staff..... | SB 108 | 1 |
| Agriculture | | |
| Animals - pet animal care and facilities - feline hobby breeders - animal shelter - holding periods.. | SB 131 | 2 |
| Crops produced outside of state - market orders - assessments.. | HB 1020 | 2 |
| Department of agriculture - agriculture value-added development board - tax credit, grant, loan, loan guarantee, and equity investment program - appropriation.. | HB 1086 | 3 |
| Livestock - public livestock markets - continuation of licensing under sunset law..... | SB 112 | 2 |
| Pet animals - overpopulation - creation of authority - income tax form voluntary contribution - appropriation.. | HB 1337 | 3 |
| State agricultural commission - authority to prevent livestock diseases.... | HB 1378 | 5 |
| Appropriations | | |
| General appropriation act - long bill..... | SB 212 | 9 |
| Legislative appropriation - appropriation for reapportionment commission..... | SB 202 | 9 |
| Supplemental appropriation | | |
| Capital construction - division of youth corrections - state historical society - redesignation of state historical society project..... | HB 1408 | 10 |
| Capital construction - transportation - aviation account..... | SB 217 | 10 |
| Department of agriculture..... | SB 179 | 6 |
| Department of corrections..... | SB 180 | 6 |
| Department of education..... | SB 181 | 6 |
| Department of health care policy and financing..... | SB 183 | 6 |
| Department of higher education.. | SB 184 | 6 |
| Department of human services.. | SB 185 | 7 |
| Department of labor and employment..... | SB 187 | 7 |
| Department of law..... | SB 188 | 7 |
| Department of local affairs..... | SB 189 | 7 |

| | Bill No. | Page No. |
|--|-----------------|-----------------|
| Department of military affairs..... | SB 190 | 8 |
| Department of natural resources..... | SB 191 | 8 |
| Department of personnel..... | SB 192 | 8 |
| Department of public health and environment.. | SB 193 | 8 |
| Department of public safety.. | SB 194 | 8 |
| Department of regulatory agencies..... | SB 195 | 9 |
| Department of revenue.. | SB 196 | 9 |
| Department of state..... | SB 197 | 9 |
| Department of the treasury.. | SB 199 | 9 |
| Department of transportation.. | SB 198 | 9 |
| Judicial department..... | SB 186 | 7 |
| Offices of the governor, lt. governor, and state planning and budgeting. | SB 182 | 6 |

Children and Domestic Matters

Children's code

| | | |
|--|---------|----|
| Termination of parent-child legal relationship - finding of unfitness... | HB 1268 | 16 |
| Federal law - modifications - appropriation.. | HB 1193 | 13 |

| | | |
|---|-------|----|
| Domestic relations proceedings - modification of parenting time - relocation of child's primary residence..... | SB 29 | 11 |
|---|-------|----|

| | | |
|---|---------|----|
| Domestic violence - notice of restraining orders and advisement of services in domestic relations proceedings - payment of domestic violence treatment programs - peace officer duties - Colorado works program domestic violence training material- appropriations..... | HB 1184 | 12 |
|---|---------|----|

| | | |
|--|---------|----|
| Juvenile corrections - community accountability program - appropriations..... | HB 1357 | 16 |
|--|---------|----|

Juvenile justice

| | | |
|---|---------|----|
| Juvenile parole - length appropriation - adjustment to 2001 annual appropriation act..... | SB 77 | 11 |
| Mandatory sentences - speedy trial - reporting juvenile delinquency petitions to schools.. | HB 1168 | 12 |
| Mandatory reporting - child abuse.. | SB 47 | 11 |
| Reports of child abuse - procedures - appropriation..... | HB 1227 | 15 |
| School Attendance Law of 1963 - access to records - court enforcement.. | HB 1260 | 16 |
| Temporary spousal maintenance - formula..... | SB 158 | 11 |

Consumer and Commercial Transactions

Consumer protection

| | | |
|---|---------|----|
| Charitable solicitations - registration of solicitors - required information - appropriation..... | SB 100 | 18 |
| Telephone solicitations - no-call list..... | HB 1405 | 30 |

Uniform commercial code

| | | |
|---|---------|----|
| Negotiable instruments - demand drafts..... | HB 1252 | 30 |
| Secured transactions - repeal and reenactment with amendments.. . . . | SB 240 | 18 |
| Uniform Consumer Credit Code - technical corrections..... | HB 1099 | 30 |

Corrections

| | | |
|---|---------|----|
| Community corrections - earned time credit forfeiture - appropriations.. . | HB 1205 | 33 |
| Division of adult parole - branch parole offices - notice of office site selection..... | HB 1113 | 33 |
| Inmate disaster relief program - time earned - general fund revenues.. . . . | SB 84 | 32 |
| Juvenile parole board - membership - consideration of parole - appropriation..... | HB 1102 | 32 |
| Preparole and revocation facility - release hearing officers - pilot program.. . . . | HB 1370 | 33 |
| Probation - modification district attorney request for hearing.. . . . | HB 1185 | 33 |
| Receipt of Fort Lyon medical center - public access.. . . . | HB 1074 | 32 |
| Youthful offender system - phase III community placement review.. . . . | SB 15 | 32 |

Courts

| | | |
|---|---------|----|
| Continuing garnishment - period extended for continuing levy.. . . . | HB 1241 | 37 |
| County court judge - city and county of Broomfield - appropriation.. . . . | SB 48 | 35 |
| District courts - judges - appropriation..... | HB 1075 | 35 |
| Inmate lawsuits - exhaustion of remedies - successive lawsuits - filing fees..... | HB 1226 | 36 |

| | | |
|---|---------|----|
| Small claims court - expanded jurisdiction - timely objection to magistrate - persons authorized to commence action - persons authorized to represent plaintiff - procedure for cases subject to Soldiers' and Sailors' Act - procedures for attorney appearances - removal of counterclaims exceeding monetary jurisdiction - record required in all proceedings - venue - docket fees - county court - increase in monetary jurisdiction..... | SB 140 | 35 |
| Wrongful death actions - exemplary damages.. | HB 1167 | 36 |

Criminal Law and Procedure

| | | |
|--|---------|----|
| Aggravated motor vehicle theft - aggravating factors - property damage.. | HB 1118 | 42 |
| Allowable costs assessed against defendants.. | HB 1323 | 45 |
| Animal cruelty - impoundment - bonding requirements - forfeiture.... | HB 1069 | 41 |
| Child abuse - faith healing.. | HB 1286 | 45 |
| Criminal prosecutions - commencement - no limitation for certain sex crimes - appropriations.. | HB 1344 | 46 |
| Criminal street gang recruitment - penalty.. | HB 1269 | 45 |
| Death penalty - mental competency to be executed - procedures..... | SB 104 | 39 |
| DNA testing - felons in custody of department of corrections - appropriations.. | HB 1130 | 42 |
| Failure to register as a sex offender - penalty - appropriations..... | SB 210 | 40 |
| Juvenile sex offenders - treatment - facilities..... | HB 1117 | 41 |
| Law enforcement - traffic stops - profiling prohibited - policies - training - public information - repeal - appropriation..... | HB 1114 | 41 |
| Licensed gaming establishments - unlawful acts - penalty - appropriations.. | SB 46 | 38 |
| Mailing of explosive device - kidnapping - schedule I controlled substances - criminality of conduct dependent on age - elimination right to trial by jury for certain county ordinance violations - appropriations..... | HB 1242 | 45 |
| Medical use of marijuana - unlawful acts - penalty - department of public health and environment - implementation of medical marijuana program - medical marijuana program cash fund..... | HB 1371 | 46 |
| Offender services fund - probation administrative and personnel costs - appropriation.. | SB 95 | 39 |
| Offenses involving fraud - trademark counterfeiting.. | SB 99 | 39 |

| | Bill No. | Page No. |
|---|-----------------|-----------------|
| Procedural changes in criminal laws - admissibility of similar transactions evidence in domestic violence cases - application of statutes of limitation - coroners' records.. | HB 1187 | 43 |
| Sentencing - presumptive penalty - offenses against pregnant women - appropriation.. | HB 1204 | 43 |
| Sex offenders | | |
| Internet posting - request for information on registered offenders - appropriation.. | HB 1155 | 42 |
| Lifetime registration - intensive supervision probation - sexually violent predator - counseling or treatment - appropriation... | HB 1229 | 44 |
| Sex offender management board.. | SB 117 | 40 |
| Theft detection devices - illegal acts - immunity for detention and questioning of persons... | HB 1221 | 44 |
| Tobacco products - prevention of sales to minors - licensing - appropriation.. | SB 73 | 38 |

Education - Public Schools

| | | |
|--|---------|----|
| Academic performance - school accountability reports - terminology - school improvement plans - non-English statewide assessments - study - non- public home-based educational programs - teacher pay incentive program - teacher loan forgiveness pilot program - curriculum-based, achievement college entrance exam - study - appropriations... | SB 98 | 49 |
| Character education programs - development - reports - fund.. | HB 1292 | 61 |
| Charter schools - funding capital construction needs.. | SB 237 | 58 |
| Class size - data collection.. | SB 89 | 48 |
| Colorado information technology education grant program - rules - fund.. | HB 1163 | 58 |
| Colorado preschool program | | |
| Assistance and training - on-site visits - compliance with state law.. . . | HB 1041 | 58 |
| District council - community providers.. | SB 49 | 47 |
| Education funding - use of 1% increase in per pupil funding - statement - compilation.. | HB 1232 | 60 |
| Extracurricular athletic activities - reserved positions - fees.. | HB 1129 | 58 |
| Full-day kindergarten - pilot program - authority to contract - report - funding - appropriation.. | SB 91 | 48 |
| K-12 capital construction - state assistance in funding construction projects - exception to restriction on appropriation.. | SB 222 | 57 |

| | Bill No. | Page No. |
|--|-----------------|-----------------|
| Capital development committee - joint budget committee - joint review of projects.. | HB 1340 | 75 |
| Executive committee of legislative council.. | SB 226 | 75 |
| Interim activities - compensation - attendance at committee meetings... . | HB 1388 | 76 |
| State auditor - records management audits.. | HB 1009 | 75 |
| Government - County | | |
| City and county of Broomfield - statutory modifications necessary for operation.. | SB 102 | 77 |
| Classification of counties - Douglas county.. | SB 130 | 79 |
| County officers - salaries... | SB 135 | 79 |
| County officials - additional offices place of additional meetings of county commissioners... | HB 1239 | 79 |
| County subdivision regulations - fair-share reimbursement... | SB 38 | 77 |
| Fees of sheriffs - increase in civil fees collected.. | HB 1288 | 80 |
| Planning - cluster development - land use requirements... | HB 1211 | 79 |
| Government - Local | | |
| Affordable housing - affordable housing dwelling unit advisory boards.. . | HB 1174 | 83 |
| Capital improvement fund - use of revenues.. | SB 155 | 81 |
| Colorado housing and finance administration - modifications of bonding authority... | HB 1283 | 85 |
| Community mediation programs - matching grants.. | HB 1191 | 83 |
| Drainage authorities - formation by intergovernmental agreement - development of drainage facilities... | HB 1063 | 81 |
| Local improvement districts - conversion of overhead electric transmission facilities to underground locations.. | SB 36 | 81 |
| Local marketing district - exemption from sales or use tax limit.. | HB 1386 | 85 |
| Multi-line telephone system operators - disclosure requirements relating to 9-1-1 emergency service calls... | HB 1084 | 82 |
| Multijurisdictional housing authorities - housing programs - authority to levy taxes and impact fees - establishment of enterprises - deposit and investment of revenues.. | HB 1172 | 82 |
| Public utilities - major gas and electric facilities - siting - resolution of conflicts - appropriation.. | HB 1195 | 84 |
| Government - Municipal | | |

| | Bill No. | Page No. |
|--|-----------------|-----------------|
| Fire and police pensions | | |
| New hire plans - death and disability plans - survivor benefits..... | HB 1027 | 87 |
| Plans - new hire - revisions.. | HB 1011 | 86 |
| State assisted old hire pension plans - calculations of contributions necessary to eliminate unfunded liability.. | HB 1008 | 86 |
| Government - Special Districts | | |
| Annexation - enclaves..... | HB 1132 | 89 |
| Regional transportation district - board of directors - salary increase.. . . | HB 1073 | 89 |
| Government - State | | |
| Arapahoe library district - authorization for sale of state land.. | SB 213 | 96 |
| Cañon City real property - special operations response team facility - authorization of sale - appropriation.. | HB 1372 | 104 |
| Capital construction fund | | |
| Annual transfer from the general fund..... | HB 1341 | 101 |
| Transfer of general fund moneys.. | SB 232 | 96 |
| Capital development committee - capital construction projects - budget requests - project prioritization - Colorado commission on higher education - office of state planning and budgeting..... | SB 203 | 93 |
| Cash funds - limit on uncommitted reserves - waiver of target reserve requirement.. | HB 1400 | 106 |
| Construction bidding for public projects - definition of "public project".. | HB 1056 | 97 |
| Controlled maintenance trust fund - transfer to general fund - repayment - designation of emergency reserve..... | HB 1267 | 101 |
| Controller - state liabilities - alternative means of payment.. | HB 1128 | 99 |
| Criminal history record checks - care providers - elderly - individuals with disabilities.. | SB 88 | 91 |
| Department of the treasury - deposit of state moneys - procedures.. | HB 1095 | 98 |
| Division of wildlife and division of parks and outdoor recreation - record of balances by capital project... | SB 171 | 93 |
| Emergency Management Assistance Compact - ratification.. | SB 141 | 91 |
| Higher education projects - review by CCHE - exemption - project authorization.. | SB 209 | 95 |
| Lobbyist disclosure - regulation of lobbying practices..... | SB 21 | 90 |

| | Bill No. | Page No. |
|---|-----------------|-----------------|
| Open meetings and public records - recording of executive sessions - exceptions - notice of executive session - access to records - attorney fee awards - records used in rule-making.. | HB 1359 | 102 |
| Outdoor lighting fixtures - standards - exceptions.. | HB 1160 | 100 |
| Peace officers standards and training board - application fee for certification exam - denial and revocation of certification - exemption - reinstatement - rulemaking authority.. | SB 16 | 90 |
| Public employee's retirement association | | |
| 401(k) plan - retiree participation.. | HB 1057 | 97 |
| Defined contribution plan - district attorneys - election to participate - alternative retirement benefit study.. | SB 149 | 92 |
| Public safety - statewide fire fighting resource database - creation.. | HB 1136 | 99 |
| Real property - authorization to purchase land and buildings at 1570 Grant Street in Denver.. | HB 1409 | 107 |
| Regulation of tobacco sales - quantity.. | SB 236 | 96 |
| Reporting requirements to the general assembly - repeal.. | SB 208 | 93 |
| Salaries - public utilities commissioners - automatic indexing.. | HB 1030 | 97 |
| Sale of land to city of Golden.. | HB 1078 | 98 |
| Secretary of state - filing - legislative journals - agency rules.. | HB 1006 | 96 |
| State archives and public records - assessment of available storage space - report.. | HB 1010 | 97 |
| State capitol buildings group - master plan - request for qualifications - steering committee - consulting committee.. | HB 1385 | 105 |
| State employees - annual total compensation survey - date due - budget amendments.. | SB 234 | 96 |
| State holiday - César Chávez day.. | SB 151 | 92 |
| State information technology governance - state personnel director - office of innovation and technology - commission on information management.. | HB 1138 | 99 |
| State personnel system - employee selection.. | HB 1085 | 98 |
| Transportation - multistate highway transportation agreement.. | HB 1220 | 101 |
| Treasurer - depository institutions - charges.. | HB 1403 | 107 |
| Utility cost-savings measures - state agencies - analysis and recommendations - cost-savings contracts - criteria - financing - assessment by Colorado housing and finance authority - local governments and special districts - guarantee of cost savings - deposit requirements - time of payment - reporting.. | HB 1381 | 104 |

Health and Environment

Air quality

| | | |
|--|---------|-----|
| Air pollutant emission notices (APENs) - fees - economic analyses - appropriation..... | HB 1326 | 113 |
| Denver element of PM-10 - legislative approval..... | HB 1398 | 115 |
| Hazardous air pollutants - asbestos - appropriation..... | SB 121 | 108 |
| Prescribed burns - land management plans - review by commission - appropriation..... | SB 214 | 110 |
| State implementation plan - legislative approval - exemptions..... | HB 1346 | 114 |
| Continuation of the passenger tramway safety board under sunset law... | SB 43 | 108 |
| Department of public health and environment - hepatitis C or HIV exposure - immunization tracking system - confidentiality of medical records... | HB 1134 | 111 |
| Emergency medical technicians - criminal history checks - appropriation.. | SB 174 | 109 |
| Environmental remediation - environmental real covenants..... | SB 145 | 109 |
| Fetal death - remains - treatment..... | HB 1308 | 113 |
| Local government powers - sewage facilities - cease and desist orders... | HB 1217 | 112 |
| Passenger tramway safety board - composition - jurisdiction - regulation - continuation under the sunset law..... | SB 201 | 110 |
| Permit to discharge pollutants into state waters - periodic renewal.. | HB 1032 | 110 |
| Solid waste | | |
| Fees - dangerous conditions - appropriation.. | HB 1387 | 114 |
| Management - waste tires - disposal fee.. | HB 1018 | 110 |
| Vital Statistics - stillborn deaths - death certificates..... | HB 1325 | 113 |
| Waste management - recycling - cathode ray tubes - appropriation..... | HB 1106 | 111 |
| Water pollution control - wastewater construction grants - grantees.. | HB 1246 | 113 |
| Water quality - areawide waste treatment management - Cherry Creek basin..... | SB 66 | 108 |

Health Care Policy and Financing

Children's basic health plan

| | | |
|---|---------|-----|
| Elimination of policy board - transfer of rule-making authority to medical services board - additional members on medical services board - studies - appropriation..... | HB 1331 | 119 |
| Enrollment - administrative costs - contracts..... | SB 52 | 116 |
| Medicaid determinations - appropriation..... | HB 1161 | 117 |

| | Bill No. | Page No. |
|---|-----------------|-----------------|
| Foster care - audit - study of accreditation standards - revocation of certificates - investigations - reports of child abuse.. | SB 14 | 122 |
| Health care task force - innovative housing options for older people... . . | HB 1080 | 128 |
| Home care allowance - personal care services - cap on service units per year.. | HB 1152 | 129 |
| Individual development accounts - eligibility - maximum amount of charitable contribution - administrative fees... | SB 150 | 125 |
| Nursing facilities - consumer satisfaction - creation of the resident-centered quality improvement program - creation of working group - appropriation... | SB 78 | 124 |
| Older Coloradans program - area agencies on aging - administrative expenses - reports - extension of funding - appropriation... | HB 1079 | 128 |
| Periodic reports to the general assembly - sunset review - repeal... | SB 206 | 126 |
| Residential facilities - terminology... | HB 1053 | 128 |
| School-based health services - administrative costs - limitations - appropriations.. | HB 1199 | 130 |
| Study of foster care alternatives - report - repeal.. | SB 211 | 127 |
| Transitional medicaid - county duties - reporting assistance.. | HB 1022 | 127 |

Insurance

| | | |
|--|---------|-----|
| Certified capital companies - premium tax - credit - appropriation.. . . . | HB 1097 | 138 |
| Credit insurance - component rating choice - enforcement - appropriation. | HB 1394 | 141 |
| Health care provider networks - requirements for conducting insurance business.. | HB 1037 | 137 |
| Health insurance | | |
| Colorado Uninsurable Health Insurance Plan.. | HB 1319 | 140 |
| Mandate - coverage for medical foods for home use - age limit for coverage. | HB 1156 | 139 |
| Pharmacy benefit management firms... | SB 239 | 136 |
| Rural areas - telemedicine - managed care - network adequacy - community contract health care providers... | SB 224 | 135 |
| Small group | | |
| Business group of one.. | HB 1396 | 142 |
| Plans - Colorado small employer health reinsurance program... | SB 205 | 135 |

| | Bill No. | Page No. |
|---|-----------------|-----------------|
| Insurance | | |
| Companies - accounting..... | HB 1064 | 137 |
| Licenses - insurance producers.. | SB 34 | 133 |
| Motor vehicle insurance | | |
| No-fault insurance.. | HB 1034 | 137 |
| No-fault law - motorist insurance identification database program - continuation under sunset law - appropriation..... | SB 109 | 135 |
| Personal injury protection - rules..... | HB 1021 | 136 |
| Preauthorization for insurance coverage - biologically based mental illness.. | HB 1236 | 139 |
| Regulation of insurance companies - insolvency - liquidation..... | HB 1335 | 141 |
| Title insurance companies - filing requirements..... | HB 1055 | 137 |
| Labor and Industry | | |
| Department of labor and employment | | |
| Boiler inspection fees..... | HB 1279 | 144 |
| Division of oil and public safety - creation.. | HB 1373 | 144 |
| Use of employment support fund - appropriation.. | SB 233 | 143 |
| Explosives - identifying codes.. | HB 1397 | 145 |
| Public projects - construction contracts - bid preference - reciprocity.... | HB 1133 | 144 |
| Temporary help contracting firm.. | HB 1039 | 143 |
| Unemployment compensation - taxes - rate - construction industry..... | HB 1251 | 144 |
| Unemployment insurance | | |
| Tax | | |
| Payments.. | HB 1200 | 144 |
| Refund.. | HB 1043 | 143 |
| Unemployment tax - tribal exemption..... | HB 1404 | 145 |
| Workers' compensation | | |
| Continuation of the classification appeals board under the sunset law.. | SB 110 | 143 |
| Independent medical examination - ripeness..... | HB 1116 | 143 |
| Military and Veterans | | |
| Veterans programs - state veterans trust fund - veterans program grants - western slope military veterans' cemetery - continue tax check-off.. | SB 200 | 146 |

Motor Vehicles and Traffic Regulation

| | Bill No. | Page No. |
|--|-----------------|-----------------|
| Commercial vehicles | | |
| Registration - definition of classes..... | SB 5 | 147 |
| School buses and vehicles.. .. | SB 3 | 147 |
| Distributive data processing system - fees - appropriation..... | HB 1100 | 149 |
| Drivers' licenses | | |
| Administration - security - appropriation..... | HB 1125 | 150 |
| Identification cards - social security number..... | SB 142 | 147 |
| Revocation | | |
| Suspension - electronic hearings.. .. | HB 1210 | 151 |
| Tribal revocation.. .. | HB 1351 | 152 |
| Selective service requirements..... | HB 1284 | 151 |
| Emissions inspection - contract - clean screen - appropriation..... | HB 1402 | 152 |
| License plates - temporary disabled parking permit and placard - who may verify disability.. .. | HB 1363 | 152 |
| Motor vehicle records - privacy.. .. | HB 1025 | 149 |
| Motor vehicle registration | | |
| Fees - reduction in years of TABOR revenue surplus..... | HB 1294 | 151 |
| Periodic registration program - 5-year and 2-year periods - appropriation..... | HB 1017 | 148 |
| Special license plates - restrictions.. .. | HB 1124 | 149 |
| Motor vehicles | | |
| Persistent drunk drivers - education and treatment - appropriation..... | SB 168 | 147 |
| Special licence plates | | |
| United States Marine Corps..... | SB 220 | 148 |
| Military..... | HB 1203 | 151 |
| Natural Resources | | |
| Damage to agricultural property - limit on state liability.. .. | SB 54 | 154 |
| Department of local affairs - search and rescue fund - recreational certificates and cards - appropriation.. .. | SB 57 | 154 |
| Division of wildlife - enterprise status.. .. | HB 1012 | 155 |
| Great Outdoors Colorado (GOCO) - authority to issue bonds - referral to voters..... | HB 1375 | 156 |
| Habitat partnership program - creation - committee - cash fund - repeal... | SB 6 | 154 |
| Mineral rights - severed estates - notice.. .. | HB 1088 | 156 |

| | Bill No. | Page No. |
|---|-----------------|-----------------|
| Natural resources | | |
| Colorado geological survey - division status..... | SB 235 | 155 |
| Colorado water conservation board - construction fund - loan authorization - fish hatcheries.. .. . | HB 1024 | 156 |
| Oil and gas - underground natural gas storage caverns - regulation..... | SB 228 | 155 |
| Wildlife | | |
| Commission - fee-setting authority.. .. . | HB 1013 | 156 |
| Hunting and fishing licenses - agents..... | HB 1249 | 156 |
| Probate, Trusts, and Fiduciaries | | |
| Probate of wills - rule against perpetuities - personal service on minors - amendments to applicability of "Colorado Uniform Guardian and Protective Proceedings Act".. .. . | HB 1377 | 158 |
| Professions and Occupations | | |
| Alcohol | | |
| Beverages - licenses - tastings..... | HB 1209 | 165 |
| Gaming licensee - prohibited acts - alcohol beverages..... | HB 1297 | 165 |
| Application for transfer of liquor license - inclusion of statement of paid accounts..... | HB 1015 | 163 |
| Bail bonding agents - residency - payment of fee or commission to unauthorized individual or business prohibited..... | SB 219 | 163 |
| Bingo - electronic devices..... | HB 1154 | 164 |
| Continuation of the board of veterinary medicine under sunset law - increases number of board members - continuing education for veterinarians - maintenance of medical records - immunity for reporting animal abuse.. .. . | SB 116 | 161 |
| Direct-entry midwives - registration - educational requirements - continuation under the sunset law..... | SB 118 | 161 |
| Division of registrations - licensure - addiction counselors.. .. . | SB 22 | 159 |
| Electricians - regulation by state electrical board - continuation under sunset law..... | SB 172 | 162 |
| Interior designers - exemption from architecture practice laws - filing documents for building permits..... | HB 1153 | 164 |
| Livestock slaughterers - regulation by department of agriculture - continuation under sunset law..... | SB 111 | 160 |
| Mental health professionals - prohibited activities..... | HB 1238 | 165 |

| | Bill No. | Page No. |
|--|-----------------|-----------------|
| Nurses - retired volunteer license.. | HB 1023 | 163 |
| Physical therapists - sunset review - continued regulation - compensation for advisory committee members - wound debridement - liability insurance.. | SB 113 | 160 |
| Physician assistants - licensure.. | SB 128 | 162 |
| Podiatrists - licensure requirements - residency.. | HB 1076 | 164 |
| Real estate brokers - licensing - qualifications.. | HB 1067 | 163 |
| Respiratory therapy - prohibited acts - injunctions.. | SB 11 | 159 |
| Spirituuous liquors manufacturers - on premises activities - consumption and sales.. | SB 156 | 162 |
| Used motor vehicle dealers - required disclosures - timing.. | HB 1115 | 164 |
| Property | | |
| Adjustment of tax lien certification fee by state agencies... | HB 1060 | 166 |
| Construction defect claims for property loss and damage - list of construction defects required - restricted negligence claims - statute of limitations - unit owners' association.. | HB 1166 | 167 |
| Consumer loans - written notice of default... | SB 27 | 166 |
| Master form instruments - mortgage - deed of trust - recording of instruments.. | HB 1281 | 167 |
| Public trustees - fees - salaries - benefits - classification of counties... | HB 1358 | 167 |
| Titles and interests - trustees - joint ventures - notice of conveyance... | SB 40 | 166 |
| Proposed Constitutional Amendments | | |
| Term limits - district attorneys - exemptions.. | SCR 2 | 190 |
| Public Utilities | | |
| Energy efficiency - taxation.. | SB 144 | 169 |
| Telecommunications - unauthorized services (cramming).. | HB 1061 | 169 |
| Water service - small water companies - simplified regulatory treatment.. | HB 1383 | 169 |
| Statutes | | |
| Colorado Revised Statutes - enactment of 2000 statutes.. | SB 58 | 170 |
| Revisor's bill - revisions to conform, correct, and clarify statutes.. | SB 138 | 170 |
| Taxation | | |

| | Bill No. | Page No. |
|---|-----------------|-----------------|
| Agriculture - farm equipment - shipping aids..... | SB 55 | 171 |
| Business personal property tax refund - increase in refund amount - modification of administration of refund - creation of appeals procedure.. .. | HB 1287 | 178 |
| Colorado commission on taxation - extension of time to complete duties.. | HB 1164 | 174 |
| Credits - donation of conservation easement.. .. | HB 1090 | 174 |
| Equitable servitudes - effect of the execution of tax deeds..... | HB 1321 | 181 |
| Excess state revenues - accounting practices - repeal of required overrefunding provisions..... | HB 1367 | 183 |
| Income tax | | |
| Amended return - change in federal taxable income..... | HB 1179 | 175 |
| Credit against tax - foster care providers - refund of excess state revenues..... | HB 1313 | 180 |
| Deadline for filing claim for refund or credit - statute of limitations.. . | HB 1304 | 179 |
| Estimated tax - failure to pay - penalty for underpayment..... | HB 1312 | 179 |
| Health care professional tax credit - inclusion of dentists and dental hygienists - extension - administration..... | HB 1257 | 177 |
| Liability - innocent spouse relief.. .. | HB 1005 | 172 |
| Returns - administration modifications.. .. | HB 1364 | 181 |
| Property tax | | |
| Deferral program - release of identifying information..... | SB 115 | 171 |
| Exemption for qualified seniors..... | HB 1224 | 175 |
| Exemption - low-income household residential facilities.. .. | HB 1334 | 181 |
| Valuation of assessment - residential real property adjustment of ratio.. | HB 1366 | 183 |
| Sale of tax liens - existing conservation easements not affected.. .. | HB 1082 | 174 |
| Sales and use tax | | |
| Counties - mass transit - increase in maximum levy.. .. | SB 134 | 172 |
| Exemption | | |
| Bingo equipment.. .. | HB 1223 | 175 |
| Dairy equipment..... | HB 1256 | 177 |
| Refund | | |
| Calculation..... | HB 1001 | 172 |
| Taxes paid for tangible personal property used for research and development to refund excess state revenues to comply with TABOR.. .. | HB 1081 | 173 |
| Remittance - electronic funds transfers.. .. | HB 1212 | 175 |

| | Bill No. | Page No. |
|---|-----------------|-----------------|
| Severance tax trust fund - appropriation to the low-income energy assistance program..... | HB 1107 | 174 |
| Specific ownership tax - class A and B personal property - taxable value - appropriation..... | SB 35 | 171 |
| Unclaimed refunds or grants - conversion into unclaimed property that may be claimed under the "Unclaimed Property Act".. | SB 37 | 171 |
| Transportation | | |
| Roadside advertising - state highways - bus benches and shelters..... | SB 107 | 184 |
| State highway capital construction prioritized list - amendments - capital development committee approval..... | SB 90 | 184 |
| Transportation agencies - development of mass transit - cooperation and coordination - oversight..... | HB 1007 | 184 |
| Unsolicited proposals for public-private initiatives..... | HB 1369 | 185 |
| United States | | |
| National park lands - concurrent jurisdiction - Black Canyon of the Gunnison National Park - Great Sand Dunes National Preserve - Great Sand Dunes National Park..... | SB 231 | 186 |
| Water and Irrigation | | |
| Adjudications - notice - affected landowners..... | HB 1254 | 189 |
| Colorado water conservation board | | |
| Construction fund list..... | SB 157 | 187 |
| Recreational in-channel diversion by a local government - recommendations to water court..... | SB 216 | 187 |
| Ditch - damage - penalty..... | HB 1250 | 188 |
| Interim study committee - creation..... | HB 1240 | 188 |
| Nontributary groundwater - augmentation requirement - San Luis valley confined aquifer - rules - continuation.. | SB 44 | 187 |
| State engineer - water bank pilot program - rules - appropriation.. | HB 1354 | 189 |