

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

(2002 - Second Regular Session)

COVER: Chorus to "Where the Columbines Grow" which was adopted as the official state song on May 8, 1915, by an act of the General Assembly, see Senate Bill No. 308, L. 15, p. 446, and section 24-80-909, Colorado Revised Statutes.

"Where the Columbines Grow"

Written & Composed by A. J. Fynn

For lyrics, see the Colorado state archives, state emblems and symbols, @
www.archives.state.co.us

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

TABLE OF CONTENTS

	PAGE
Preface - How to use the Digest.....	v
Legislative Statistical Summary.....	vii
Bills Vetoed by the Governor.	viii
Bills Becoming Law without the Governor's Signature.	viii
Bills with Portions Vetoed by the Governor.	viii
Bills Enacted without a Safety Clause.....	ix
Bills Recommended by Interim Committees which were enacted.	x
Acts with July 1 and Later Effective Dates.....	xii
Conversion Table: Bill Numbers to Session Law Chapters -- Effective Dates.....	xv

Summaries of Bills:

Administrative Rule Review.....	1
Agriculture.	2
Appropriations.	4
Children and Domestic Matters.	16
Consumer and Commercial Transactions.....	22
Corporations and Associations.....	26
Corrections.	31
Courts.	33
Criminal Law and Procedure.	38
Education - Public Schools.....	50
Education - Universities and Colleges.	63
Elections.	68
Financial Institutions.....	74

General Assembly.....	76
Government - County.	77
Government - Local.	81
Government - Municipal.....	84
Government - Special Districts.....	88
Government - State.....	90
Health and Environment.....	115
Health Care Policy and Financing.	124
Human Services - Social Services.	131
Insurance.....	142
Labor and Industry.	150
Military and Veterans.....	152
Motor Vehicles and Traffic Regulation.	156
Natural Resources.....	165
Probate, Trusts, and Fiduciaries.	166
Professions and Occupations.	167
Property.....	178
Public Utilities.	180
Statutes.	181
Taxation.	182
Transportation.....	193
Water and Irrigation.	200
Proposed Constitutional Amendments.....	204
Index	207

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 8, 2002. 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 1.
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 2001 interim committee, refer to page x and xi.
8. For statistics concerning the number of bills and concurrent resolutions introduced and passed in the 2002 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 7, 2002, 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.

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LEGISLATIVE STATISTICAL SUMMARY

	2002		2001		2000	
	Intro	Passed	Intro	Passed	Intro	Passed
Senate Bills	236	105	243	147	232	130
House Bills	478	302	409	230	493	297
Concurrent Resolutions	17	3	10	1	14	4
Bills signed by Governor	391		357		407	
Bills becoming law without Governor's signature	4		6		5	
Bills partially vetoed by the Governor	3		NA		NA	
Bills vetoed by the Governor	9		14		13	
Bills referred to the People	1		0		2	

BILLS VETOED BY THE GOVERNOR:

H.B. 02-1027	S.B. 02-039
H.B. 02-1220	S.B. 02-049
H.B. 02-1327	S.B. 02-108
H.B. 02-1328	S.B. 02-201
H.B. 02-1477	

BILLS BECOMING LAW WITHOUT GOVERNOR'S SIGNATURE:

H.B. 02-1218	S.B. 02-004
H.B. 02-1319	
H.B. 02-1468	

BILLS WITH PORTIONS VETOED BY THE GOVERNOR:

H.B. 02-1246

H.B. 02-1420

H.B. 02-1471

BILLS ENACTED WITHOUT A SAFETY CLAUSE:*

H.B. 02-1005	H.B. 02-1146	H.B. 02-1306	S.B. 02-005	S.B. 02-143
H.B. 02-1011	H.B. 02-1154	H.B. 02-1310	S.B. 02-007	S.B. 02-144
H.B. 02-1013	H.B. 02-1160	H.B. 02-1321	S.B. 02-014	S.B. 02-151
H.B. 02-1022	H.B. 02-1161	H.B. 02-1330	S.B. 02-020	S.B. 02-156
H.B. 02-1027(v)	H.B. 02-1167	H.B. 02-1333	S.B. 02-028	S.B. 02-157
H.B. 02-1031	H.B. 02-1168	H.B. 02-1334	S.B. 02-031	S.B. 02-158
H.B. 02-1032	H.B. 02-1169	H.B. 02-1335	S.B. 02-032	S.B. 02-165
H.B. 02-1033	H.B. 02-1189	H.B. 02-1336	S.B. 02-038	S.B. 02-166
H.B. 02-1040	H.B. 02-1191	H.B. 02-1341	S.B. 02-050	S.B. 02-179
H.B. 02-1048	H.B. 02-1210	H.B. 02-1346	S.B. 02-068	S.B. 02-185
H.B. 02-1050	H.B. 02-1218	H.B. 02-1350	S.B. 02-079	S.B. 02-198
H.B. 02-1053	H.B. 02-1219	H.B. 02-1352	S.B. 02-085	S.B. 02-214
H.B. 02-1070	H.B. 02-1220(v)	H.B. 02-1353	S.B. 02-087	S.B. 02-221
H.B. 02-1076	H.B. 02-1235	H.B. 02-1355	S.B. 02-103	S.B. 02-233
H.B. 02-1085	H.B. 02-1254	H.B. 02-1357	S.B. 02-142	
H.B. 02-1087	H.B. 02-1260	H.B. 02-1358		
H.B. 02-1088	H.B. 02-1265	H.B. 02-1397		
H.B. 02-1098	H.B. 02-1269	H.B. 02-1401		
H.B. 02-1110	H.B. 02-1278	H.B. 02-1403		
H.B. 02-1111	H.B. 02-1279	H.B. 02-1409		
H.B. 02-1119	H.B. 02-1280	H.B. 02-1412		
H.B. 02-1121	H.B. 02-1281	H.B. 02-1456		
H.B. 02-1131	H.B. 02-1288	H.B. 02-1465		

* These bills become effective on August 7, 2002, or on the date otherwise specified in the bill. For further explanation concerning the effective date, see page vi of this digest.

(v) Vetoed

**BILLS RECOMMENDED BY 2001 INTERIM AND STATUTORY
COMMITTEES THAT WERE ENACTED:**

**COMMITTEE ON LEGAL
SERVICES**

**H.B. 02-1203 S.B. 02-025
 S.B. 02-159**

**COMMITTEE TO STUDY THE
TREATMENT OF PERSONS WITH
MENTAL ILLNESS WHO ARE
INVOLVED IN THE CRIMINAL
JUSTICE SYSTEM**

S.B. 02-016

HEALTH CARE TASK FORCE

**H.B. 02-1010 S.B. 02-027
H.B. 02-1027(v)
H.B. 02-1029
H.B. 02-1039**

**INTERIM COMMITTEE ON
CRIMINAL SENTENCING**

H.B. 02-1046 S.B. 02-039(v)

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

**H.B. 02-1327(v) H.B. 02-1468
H.B. 02-1328(v) H.B. 02-1475
H.B. 02-1389 H.B. 02-1477(v)
H.B. 02-1390 H.B. 02-1478
H.B. 02-1391
H.B. 02-1392
H.B. 02-1393 S.B. 02-108(v)
H.B. 02-1394 S.B. 02-233
H.B. 02-1441
H.B. 02-1442
H.B. 02-1443
H.B. 02-1444
H.B. 02-1445
H.B. 02-1446**

**JOINT LEGISLATIVE
SUNRISE/SUNSET REVIEW
COMMITTEE**

**H.B. 02-1117
H.B. 02-1120
H.B. 02-1130
H.B. 02-1229
H.B. 02-1230
H.B. 02-1231**

(v) Vetoed

(cont.)

**LEGISLATIVE AUDIT
COMMITTEE**

H.B. 02-1077 S.B. 02-037
H.B. 02-1127
H.B. 02-1211
H.B. 02-1215
H.B. 02-1226

**TRANSPORTATION LEGISLATION
REVIEW COMMITTEE**

H.B. 02-1011 S.B. 02-011
H.B. 02-1044 S.B. 02-014

**POLICE OFFICERS' AND
FIREFIGHTERS' PENSION
REFORM COMMITTEE**

H.B. 02-1032 S.B. 02-026
H.B. 02-1036

**WATER RESOURCES
LEGISLATION REVIEW
COMMITTEE**

H.B. 02-1024 S.B. 02-045

**TASK FORCE TO EVALUATE
HEALTH CARE NEEDS**

H.B. 02-1003 S.B. 02-013
H.B. 02-1013
H.B. 02-1090

**WELFARE REFORM OVERSIGHT
COMMITTEE**

H.B. 02-1025
H.B. 02-1026
H.B. 02-1042

ACTS WITH JULY 1, 2002, AND LATER EFFECTIVE DATES:

JULY 1, 2002

HOUSE BILLS

H.B. 02-1009	H.B. 02-1101	H.B. 02-1181	H.B. 02-1284*	H.B. 02-1413
H.B. 02-1019	H.B. 02-1106	H.B. 02-1211	H.B. 02-1292	H.B. 02-1415
H.B. 02-1034	H.B. 02-1113	H.B. 02-1214	H.B. 02-1295	H.B. 02-1419
H.B. 02-1036	H.B. 02-1114	H.B. 02-1225	H.B. 02-1297	H.B. 02-1447
H.B. 02-1038	H.B. 02-1135	H.B. 02-1230	H.B. 02-1301	H.B. 02-1457
H.B. 02-1039	H.B. 02-1139	H.B. 02-1237	H.B. 02-1312	
H.B. 02-1044	H.B. 02-1141	H.B. 02-1241	H.B. 02-1316	
H.B. 02-1055*	H.B. 02-1145	H.B. 02-1245	H.B. 02-1323	
H.B. 02-1056	H.B. 02-1147	H.B. 02-1246	H.B. 02-1339	
H.B. 02-1078	H.B. 02-1165	H.B. 02-1247	H.B. 02-1348	
H.B. 02-1089	H.B. 02-1171	H.B. 02-1258	H.B. 02-1395	
H.B. 02-1099	H.B. 02-1179	H.B. 02-1263*	H.B. 02-1404	

SENATE BILLS

S.B. 02-004	S.B. 02-036	S.B. 02-114	S.B. 02-168	S.B. 02-207
S.B. 02-010	S.B. 02-052	S.B. 02-132	S.B. 02-175	S.B. 02-219
S.B. 02-018	S.B. 02-057	S.B. 02-139	S.B. 02-200	S.B. 02-231
S.B. 02-019	S.B. 02-099*	S.B. 02-161		

* Portions only

ACTS WITH JULY 1, 2002, AND LATER EFFECTIVE DATES (cont):

AUGUST 7, 2002*

HOUSE BILLS

H.B. 02-1005	H.B. 02-1098	H.B. 02-1169	H.B. 02-1288	H.B. 02-1352
H.B. 02-1011	H.B. 02-1110	H.B. 02-1191	H.B. 02-1306	H.B. 02-1355
H.B. 02-1022	H.B. 02-1111	H.B. 02-1210	H.B. 02-1310	H.B. 02-1357
H.B. 02-1031	H.B. 02-1119	H.B. 02-1218	H.B. 02-1321	H.B. 02-1397
H.B. 02-1033	H.B. 02-1121	H.B. 02-1219	H.B. 02-1330	H.B. 02-1401
H.B. 02-1040	H.B. 02-1131	H.B. 02-1235	H.B. 02-1333	H.B. 02-1403
H.B. 02-1048	H.B. 02-1146	H.B. 02-1260	H.B. 02-1334	H.B. 02-1409
H.B. 02-1053	H.B. 02-1154	H.B. 02-1265	H.B. 02-1335	H.B. 02-1412
H.B. 02-1076	H.B. 02-1160	H.B. 02-1269	H.B. 02-1336	
H.B. 02-1085	H.B. 02-1161	H.B. 02-1278	H.B. 02-1341	
H.B. 02-1087	H.B. 02-1167	H.B. 02-1279	H.B. 02-1346	
H.B. 02-1088	H.B. 02-1168	H.B. 02-1280	H.B. 02-1350	

SENATE BILLS

S.B. 02-005	S.B. 02-032	S.B. 02-087	S.B. 02-156	S.B. 02-185
S.B. 02-007	S.B. 02-038	S.B. 02-103	S.B. 02-157	S.B. 02-198
S.B. 02-014	S.B. 02-050	S.B. 02-142	S.B. 02-158	S.B. 02-214
S.B. 02-020	S.B. 02-068	S.B. 02-143	S.B. 02-165	S.B. 02-221
S.B. 02-028	S.B. 02-079	S.B. 02-144	S.B. 02-166	S.B. 02-233
S.B. 02-031	S.B. 02-085	S.B. 02-151	S.B. 02-179	

* 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

(Cont.)

SEPTEMBER 1, 2002

HOUSE BILLS

H.B. 02-1338

H.B. 02-1455*

JULY 1, 2003

HOUSE BILLS

H.B. 02-1324

SENATE BILLS

S.B. 02-051

S.B. 02-089

OCTOBER 1, 2002

HOUSE BILLS

H.B. 02-1046

H.B. 02-1254

H.B. 02-1456

H.B. 02-1465

SENATE BILLS

S.B. 02-026

AUGUST 1, 2003

HOUSE BILLS

H.B. 02-1070

JANUARY 1, 2003

HOUSE BILLS

H.B. 02-1003*

H.B. 02-1013

H.B. 02-1032

H.B. 02-1050

H.B. 02-1055*

H.B. 02-1164

H.B. 02-1189

H.B. 02-1263*

H.B. 02-1281*

H.B. 02-1287

H.B. 02-1353

H.B. 02-1358

SENATE BILLS

S.B. 02-021

S.B. 02-107

S.B. 02-146

S.B. 02-188

S.B. 02-196

JANUARY 1, 2004

HOUSE BILLS

H.B. 02-1281*

REFERRED MEASURE:

SENATE BILLS

S.B. 02-053

* Portions only

Table of Enacted House Bills -- 2002

BILL NO.	PRIME SPONSOR	SHORT TITLE	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE OF DIGEST
1003	SPRADLEY, HAGEDORN	NETWORK ADEQUACY FOR HEALTH INSURANCE	APPROVED 6/7/2002	PORTIONS ON 6/7/2002 AND 1/01/2003	311	144
1005	LARSON, ISGAR	INS DENIAL DRIVER LICENSE CHILD SUPPORT	APPROVED 3/13/2002	NO SAFETY CLAUSE	6	145
1007	WITWER, PASCOE	CORONERS CORNEAS REPEAL	APPROVED 3/13/2002	3/13/2002	7	78
1008	SMITH, TECK	URANIUM MILL TAILINGS REMEDIAL ACTION	APPROVED 3/27/2002	3/27/2002	54	183
1009	STAFFORD, GORDON	CIVIL RESTRAINING ORDERS	APPROVED 5/24/2002	7/01/2002	157	18
1010	STAFFORD, HERNANDEZ	SENIORS HEALTH CARE NURSES DELEGATION	APPROVED 5/31/2002	5/31/2002	238	63
1011	SINCLAIR, NICHOL	REDUCE NUMBER OF SPECIAL LICENSE PLATES	APPROVED 4/12/2002	NO SAFETY CLAUSE	89	158
1013	SPRADLEY, McELHANY	BUSINESS GROUP OF ONE COVERAGE	APPROVED 6/7/2002	NO SAFETY CLAUSE 1/01/2003	308	146
1014	SMITH, FITZ-GERALD	REMOVE ID NOS ON UCC FIN STATEMENTS	APPROVED 5/28/2002	5/28/2002	193	22
1015	SCOTT, PERLMUTTER	UNDO HOUSE BILL 98-1414	APPROVED 6/1/2002	6/1/2002	245	94
1018	RAGSDALE, TAKIS	POSTING CHILD CARE LICENSING INFO	APPROVED 3/13/2002	3/13/2002	8	18
1019	TAPIA, GORDON	INSANE SEX OFFENDERS REGISTRATION	APPROVED 5/24/2002	7/01/2002	158	42
1020	WHITE, ARNOLD	PENALTY FOR NO SNOW TIRES OR CHAINS	APPROVED 3/26/2002	3/26/2002	37	159
1021	HEFLEY, HERNANDEZ	INMATE PAROLE WAIVER	APPROVED 3/21/2002	3/21/2002	15	31
1022	JOHNSON, LINKHART	SPECIAL NEEDS ADOPTION ASSISTANCE	APPROVED 4/3/2002	NO SAFETY CLAUSE	69	132
1024	WHITE, TAYLOR	WATER RESOURCES REVIEW COMMITTEE	APPROVED 6/3/2002	6/3/2002	282	200
1025	ROMANOFF, HAGEDORN	ADDRESS CO WORKS PARTICIPANT BARRIERS	APPROVED 5/24/2002	5/24/2002	159	132
1026	BOYD, HERNANDEZ	SEGREGATED FUNDING UNDER CO WORKS	APPROVED 3/27/2002	3/27/2002	55	133
1027	ROMANOFF, HERNANDEZ	CASE-MIX FOR HCBS AND HOME HEALTH	VETOED 5/24/2002			124
1029	ROMANOFF, HANNA	EXPAND PACE PROGRAM FOR ELDERLY	APPROVED 5/31/2002	5/31/2002	239	125
1031	TOCHTROP, HANNA	RETIRED VOLUNTEER NURSING LICENSE	APPROVED 3/13/2002	NO SAFETY CLAUSE	9	170
1032	MILLER, HANNA	PRIOR SERVICE CREDIT ACQUISITION	APPROVED 3/21/2002	NO SAFETY CLAUSE 1/01/2003	22	86
1033	WEBSTER, MUSGRAVE	BUTTER STANDARDS & FARM LICENSE FEES	APPROVED 3/13/2002	NO SAFETY CLAUSE	10	117
1034	VEIGA, ANDERSON	RESTRAINING ORDER FEES	APPROVED 6/3/2002	7/01/2002	294	34
1036	PLANT, PHILLIPS	STATE CONTRIB TO VOL FIREFIGHTER PENSION	APPROVED 5/24/2002	7/01/2002	160	87
1038	TAPIA, ARNOLD	MANUFACTURE OF CONTROLLED SUBSTANCES	APPROVED 6/6/2002	7/01/2002	306	42

Table of Enacted House Bills -- 2002

BILL NO.	PRIME SPONSOR	SHORT TITLE	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE OF DIGEST
1039	CLAPP, CHLOUBER	CONSUMER-DIRECTED CARE PILOT FOR ELDERLY	APPROVED 5/30/2002	7/01/2002	219	126
1040	SINCLAIR, HAGEDORN	ALCOHOL BEVERAGE LICENSE APPLICATIONS	APPROVED 3/13/2002	NO SAFETY CLAUSE	11	170
1041	RIPPY, TAYLOR	SEVERANCE TAX FUND OPERATIONAL RESERVE	APPROVED 4/18/2002	4/18/2002	107	165
1042	STAFFORD, LINKHART	CO WORKS HARDSHIP EXTENSIONS	APPROVED 4/25/2002	4/25/2002	126	133
1044	WILLIAMS S., TUPA	CERTAIN SPECIAL LICENSE PLATES ISSUANCE	APPROVED 6/7/2002	7/01/2002	337	159
1046	LEE, WINDELS	RELOCATE CRIMINAL SENTENCING STATUTES	APPROVED 6/7/2002	10/01/2002	318	43
1048	CRANE, EPPS	OCCUPATIONAL THERAPY PRACTICE	APPROVED 3/26/2002	NO SAFETY CLAUSE	38	22
1050	COLEMAN, HERNANDEZ	MANAGED CARE DISCLOSURES FOR AUTO INS	APPROVED 4/19/2002	NO SAFETY CLAUSE 1/01/2003	113	146
1051	ROMANOFF, ENTZ	MEASURES TO PROTECT VICTIMS	APPROVED 4/19/2002	4/19/2002	114	94
1053	YOUNG, TAYLOR	EDUCATION GRANTS FOR PUBLIC SCHOOLS	APPROVED 4/19/2002	NO SAFETY CLAUSE	115	52
1054	GROSSMAN, GORDON	PROHIBIT FELON NAME CHANGE	APPROVED 6/3/2002	6/3/2002	293	34
1055	JAHN, REEVES	CHILD SUPPORT OBLIGATIONS	APPROVED 3/13/2002	PORTIONS ON 7/01/2002 AND 1/01/2003	12	19
1056	HOPPE, THIEBAUT	LAND ACQUISITION POLICY EXEMPTION	APPROVED 3/21/2002	7/01/2002	23	94
1057	SWENSON, MUSGRAVE	MODIFY TRUCK SALES TAX TABOR REFUND	APPROVED 4/19/2002	4/19/2002	116	183
1059	MARSHALL, TECK	CO INST OF TECHNOLOGY INCOME TAX CREDIT	APPROVED 4/5/2002	4/5/2002	83	184
1061	GARCIA, ENTZ	ABSENTEE BALLOT REQUEST DEADLINE	APPROVED 6/7/2002	6/7/2002	319	68
1063	BERRY, EPPS	COLORADO CHILDREN'S TRUST FUND	APPROVED 3/21/2002	3/21/2002	16	19
1064	WILLIAMS S., ISGAR	COMPLIANCE WITH INDIAN CHILD WELFARE ACT	APPROVED 5/30/2002	5/30/2002	217	19
1066	SWENSON, MAY	STABILIZE LICENSE PLATE CASH FLOW	APPROVED 5/30/2002	5/30/2002	223	160
1067	MACE, HERNANDEZ	FAMILY CAREGIVER SUPPORT PROGRAM	APPROVED 5/30/2002	5/30/2002	220	134
1070	GROFF, HERNANDEZ	CHILD PASSENGER RESTRAINT MOTOR VEHICLE	APPROVED 6/4/2002	NO SAFETY CLAUSE 8/01/2003	301	160
1071	MILLER, TECK	FACE RECOGNITION GOVERNMENT ENFORCEMENT	APPROVED 4/25/2002	4/25/2002	124	161
1076	MADDEN, TECK	PREREQUISITES FOR A TAX REFUND OFFSET	APPROVED 3/26/2002	NO SAFETY CLAUSE	39	184
1077	COLEMAN, ANDERSON	COMMUNITY CORRECTIONS PROGRAM AUDITS	APPROVED 3/26/2002	3/26/2002	40	31

Table of Enacted House Bills -- 2002

BILL NO.	PRIME SPONSOR	SHORT TITLE	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE OF DIGEST
1078	VIGIL, TUPA	BOXING COMMISSION REGULATION & FUNDING	APPROVED 4/25/2002	7/01/2002	125	170
1079	BACON, WINDELS	DETENTION FOR TRUANCY VIOLATIONS	APPROVED 4/12/2002	4/12/2002	90	52
1083	LAWRENCE, GORDON	AMBER ALERT PROGRAM	APPROVED 4/1/2002	4/1/2002	64	20
1084	STENGEL, HANNA	WILDLIFE COMMISSION MEMBERSHIP	APPROVED 5/24/2002	5/24/2002	175	165
1085	CLOER, PHILLIPS	DEADLINES TO PROTEST PROPERTY VALUATION	APPROVED 3/21/2002	NO SAFETY CLAUSE	17	184
1086	PLANT, FITZ-GERALD	LOCAL 911 EMERGENCY NOTIFICATION FUNDS	APPROVED 3/22/2002	3/22/2002	34	82
1087	JOHNSON, TAYLOR	VETERINARIANS AT RACETRACKS	APPROVED 4/3/2002	NO SAFETY CLAUSE	70	171
1088	MACE, HERNANDEZ	NOTARIES PUBLIC ADVERTISEMENTS	APPROVED 3/21/2002	NO SAFETY CLAUSE	18	171
1089	KESTER, ENTZ	RACING SIMULCAST FACILITIES STANDARDS	APPROVED 5/24/2002	7/01/2002	161	172
1090	TOCHTROP, FITZ-GERALD	MEDICATION ADMINISTRATION BY NURSE AIDES	APPROVED 6/7/2002	6/7/2002	310	172
1092	WILLIAMS T., TATE	TRUST COMPANIES	APPROVED 3/26/2002	3/26/2002	41	74
1093	ALEXANDER, HERNANDEZ	WELFARE FRAUD RECOVERY	APPROVED 3/26/2002	3/26/2002	42	126
1098	SPRADLEY, OWEN	CONSERVATION EASEMENT INCOME TAX CREDIT	APPROVED 5/24/2002	NO SAFETY CLAUSE	162	185
1099	WEBSTER, OWEN	SOIL CONSERVATION BOARD NAME CHANGE	APPROVED 5/24/2002	7/01/2002	163	2
1101	WILLIAMS T., GORDON	FAMILY-FRIENDLY CHILD CARE IN COURTS	APPROVED 5/24/2002	7/01/2002	182	35
1106	CHAVEZ, TATE	TESTIMONY BY PARTY IN INTEREST	APPROVED 3/13/2002	7/01/2002	13	35
1110	SCOTT, TATE	METRO SEWAGE DISTRICT BONDED DEBT	APPROVED 3/21/2002	NO SAFETY CLAUSE	19	88
1111	WHITE, NICHOL	MORTGAGE FUTURE ADVANCES	APPROVED 4/25/2002	NO SAFETY CLAUSE	127	74
1113	STENGEL, HAGEDORN	PEACE OFFICERS PERSONAL INFO ON INTERNET	APPROVED 6/3/2002	7/01/2002	292	43
1114	STENGEL, HAGEDORN	CAMPUS SEX OFFENDER REGISTRATION	APPROVED 6/3/2002	7/01/2002	299	43
1117	RHODES, HERNANDEZ	SUNSET ACUPUNCTURISTS	APPROVED 3/13/2002	3/13/2002	14	172
1118	SCOTT, REEVES	WATER RESOURCES & POWER DEV AUTHORITY	APPROVED 3/22/2002	3/22/2002	33	200
1119	BERRY, TAKIS	ELECTRONIC NOTARY & CLERK & RECORDER	APPROVED 5/30/2002	NO SAFETY CLAUSE	218	78
1120	WHITE, HANNA	SUNSET REVIEW MASSAGE PARLORS	APPROVED 3/26/2002	3/26/2002	43	172
1121	KESTER, MCELHANY	AUTO INSURANCE BINDERS & POLICIES	APPROVED 3/26/2002	NO SAFETY CLAUSE	44	146
1125	SALIMAN, GORDON	STROKE ADVISORY BOARD	APPROVED 5/30/2002	5/30/2002	216	117
1127	VIGIL, ANDERSON	SERVICE COSTS ELDERLY BLIND DISABLED	APPROVED 4/3/2002	4/3/2002	71	127
1129	TOCHTROP, HANNA	FARMERS' MARKET WOMEN INFANTS CHILDREN	APPROVED 5/24/2002	5/24/2002	183	118

Table of Enacted House Bills -- 2002

BILL NO.	PRIME SPONSOR	SHORT TITLE	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE OF DIGEST
1130	FAIRBANK, REEVES	SUNSET REAL ESTATE APPRAISERS	APPROVED 4/12/2002	4/12/2002	91	173
1131	HODGE, TAKIS	GRANDFATHER SPECIAL PLATE QUALIFICATIONS	APPROVED 6/7/2002	No SAFETY CLAUSE	336	161
1132	MARSHALL, EPPS	SEX OFFENDER RESIDENCE LOCATION	APPROVED 3/27/2002	3/27/2002	56	44
1135	WILLIAMS T., WINDELS	CCIA INSURANCE CONVERTED TO PINNACOL	APPROVED 6/7/2002	7/01/2002	341	150
1138	SALIMAN, LINKHART	PROVIDING CHILD WELFARE SERVICES	APPROVED 5/24/2002	5/24/2002	164	134
1139	CRANE, CAIRNS	PROTECTIONS FOR STATE MILITARY SERVICE	APPROVED 5/29/2002	7/01/2002	202	154
1141	MILLER, CHLOUBER	ANNOUNCE SENTENCE LENGTH AT SENTENCING	APPROVED 6/3/2002	7/01/2002	291	44
1144	DANIEL, ARNOLD	USE OF CREDIT CARD RECEIPTS & NUMBERS	APPROVED 4/25/2002	4/25/2002	128	23
1145	RIPPY, LINKHART	FALSE AIR BAG INSTALLATION CRIME	APPROVED 4/3/2002	7/01/2002	72	44
1146	SMITH, GORDON	UNIFORM STATE PRIVACY POLICY	APPROVED 5/30/2002	No SAFETY CLAUSE	214	95
1147	CLOER, HAGEDORN	PUBLIC INFO REQUIREMENTS	APPROVED 6/7/2002	7/01/2002	338	26
1152	HOPPE, ISGAR	CO WATER CONSERVATION Bd CONSTR FUND	APPROVED 5/23/2002	5/23/2002	150	201
1153	VIGIL, TATE	CONSUMER CREDIT REPORT CREDIT SCORE	APPROVED 4/25/2002	4/25/2002	129	173
1154	SCOTT, FITZ-GERALD	REMOVE ALCOHOL FROM GAMING FACILITY	APPROVED 3/26/2002	No SAFETY CLAUSE	45	173
1155	CLAPP, OWEN	ADD PREGNANT WOMEN TO CHP+	APPROVED 5/24/2002	5/24/2002	176	127
1156	MARSHALL, HILLMAN	CAMPAIGN FIN REPORT RECALL ELECTIONS	APPROVED 4/3/2002	4/3/2002	73	69
1158	CRANE, McELHANY	LIFE GUARANTY ASSN REINSURANCE RIGHTS	APPROVED 3/26/2002	3/26/2002	46	147
1159	BERRY, REEVES	OFFICE OF HOMELESS YOUTH SERVICES	APPROVED 6/7/2002	6/7/2002	320	20
1160	DEAN, TAYLOR	REESTABLISH OLYMPIC COMMITTEE CHECKOFF	APPROVED 5/20/2002	No SAFETY CLAUSE	148	185
1161	YOUNG, HILLMAN	ENHANCED RURAL ENTERPRISE ZONES	APPROVED 6/3/2002	No SAFETY CLAUSE	284	185
1162	CLOER, EPPS	NO CHARGE FOR SWEEPSTAKE PRIZES	APPROVED 4/25/2002	4/25/2002	130	23
1164	HEFLEY, HERNANDEZ	OPTIONS FOR SMALL GROUP INSURANCE	APPROVED 4/19/2002	1/01/2003	117	147
1165	CHAVEZ, TATE	INDEPENDENT METRO STATE COLLEGE	APPROVED 6/7/2002	7/01/2002	307	64
1167	JAHN, ANDERSON	GENERAL FUND MONEYS FOR PROBATION NOTICE	APPROVED 3/26/2002	No SAFETY CLAUSE	47	95
1168	WILLIAMS S., EPPS	NEW BIRTH CERTIFICATE ADOPTION	APPROVED 4/19/2002	No SAFETY CLAUSE	118	118
1169	GROFF, PERLMUTTER	INTRASTATE TELECOM UTILITY RATE NOTICE	APPROVED 4/3/2002	No SAFETY CLAUSE	74	180
1171	SPRADLEY, PHILLIPS	INMATE CANTEEN AS ENTERPRISE	APPROVED 3/21/2002	7/01/2002	24	31
1173	LEE, OWEN	STUDENT RIOTS HIGHER EDUCATION	APPROVED 6/3/2002	6/3/2002	290	64

Table of Enacted House Bills -- 2002

BILL NO.	PRIME SPONSOR	SHORT TITLE	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE OF DIGEST
1176	ALEXANDER, TATE	INCOME TAX CHECKOFF FOR CASA	APPROVED 5/13/2002	5/13/2002	145	187
1177	HEFLEY, HANNA	MEDICATIONS IN FAMILY CHILD CARE HOMES	APPROVED 3/26/2002	3/26/2002	49	135
1179	GARCIA, ANDERSON	CANDIDATE FOR ELECT OFFICE UNDER FCPA	APPROVED 6/7/2002	7/01/2002	321	69
1180	LARSON, HERNANDEZ	TRANSFER TO DEAF & HARD OF HEARING FUND	APPROVED 5/30/2002	5/30/2002	215	136
1181	ROMANOFF, THIEBAUT	HOMELESS CHILDREN EDUCATION FEDERAL LAW	APPROVED 4/3/2002	7/01/2002	75	52
1186	PLANT, ISGAR	STATE ORGANIC CERTIFICATION PROGRAM	APPROVED 6/3/2002	PORTIONS ON 6/3/2002 AND ACCREDITATION	285	2
1189	SPRADLEY, FITZ-GERALD	SALVAGE VEHICLE CERTIFICATE ID NUMBERS	APPROVED 5/24/2002	No SAFETY CLAUSE 1/01/2003	184	162
1191	DECKER, WINDELS	CO COMMON INTEREST OWNERSHIP ACT	APPROVED 5/30/2002	No SAFETY CLAUSE	212	179
1203	LEE, LINKHART	RULE REVIEW BILL	APPROVED 5/14/2002	5/14/2002	146	1
1206	PLANT, OWEN	ELIGIBILITY FOR CHILDREN'S HEALTH PLAN	APPROVED 4/15/2002	4/15/2002	99	136
1208	STENGEL, PHILLIPS	MOBILE TELECOM SERVICES SALES TAX	APPROVED 4/12/2002	4/12/2002	92	187
1209	SPRADLEY, EPPS	OLDER COLORADANS PROGRAM	APPROVED 5/31/2002	5/31/2002	240	136
1210	SPRADLEY, MUSGRAVE	DISABLED LICENSE PLATES	APPROVED 5/30/2002	No SAFETY CLAUSE	213	162
1211	WILLIAMS T., TUPA	RESOLUTION OF DISPUTED TAX DEFICIENCIES	APPROVED 4/12/2002	7/01/2002	93	188
1214	CHAVEZ, THIEBAUT	COUNTY RESERVE ACCT MONEYS CO WORKS	APPROVED 4/15/2002	7/01/2002	101	136
1215	COLEMAN, TAYLOR	RISK BASED NURSERY STOCK INSPECTIONS	APPROVED 4/18/2002	4/18/2002	108	3
1217	KESTER, TAKIS	PUBLIC INV IN US SECURED STATE BONDS	APPROVED 4/12/2002	4/12/2002	94	95
1218	RIPPY, TAYLOR	EXTENSIONS OF EXPIRING TAXES	BECAME LAW 6/8/2002	No SAFETY CLAUSE	349	83
1219	LARSON, HERNANDEZ	FRIVOLOUS STATE INCOME TAX RETURNS	APPROVED 5/24/2002	No SAFETY CLAUSE	165	188
1220	LARSON, HANNA	HEARING AID INS COVERAGE FOR CHILDREN	VETOED 5/24/2002			147
1221	SNOOK, ENTZ	BLACK BEAR HUNTING MANAGEMENT	APPROVED 5/29/2002	5/29/2002	203	165
1223	VEIGA, ANDERSON	MANDATORY PAROLE SEX OFFENDERS	APPROVED 3/26/2002	3/26/2002	48	31
1224	MADDEN, PHILLIPS	BUS DEV BY LOCAL IMPROVEMENT DISTRICTS	APPROVED 4/19/2002	4/19/2002	119	80
1225	LAWRENCE, FITZ-GERALD	CRIMINAL PROCEDURAL CHANGES	APPROVED 5/30/2002	7/01/2002	210	44
1226	WILLIAMS T., TAKIS	CO STATE EMPLOYEE ASSISTANCE PROGRAM	APPROVED 5/30/2002	5/30/2002	211	53

Table of Enacted House Bills -- 2002

BILL NO.	PRIME SPONSOR	SHORT TITLE	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE OF DIGEST
1229	VEIGA, TATE	CONTROLLED SUBSTANCE RECORDS SUNSET	APPROVED 5/28/2002	5/28/2002	194	174
1230	STAFFORD, PHILLIPS	SUNSET OPTOMETRIC EXAMINERS	APPROVED 3/21/2002	7/01/2002	25	174
1231	SNOOK, ISGAR	SUNSET CIVIL RIGHTS SUBPOENA POWERS	APPROVED 3/26/2002	3/26/2002	50	97
1232	WITWER, HANNA	FEES FOR X-RAY INSPECTIONS	APPROVED 5/24/2002	5/24/2002	166	128
1235	YOUNG, HERNANDEZ	EMPLOYMENT SUPPORT FUND REPEAL	APPROVED 4/3/2002	No SAFETY CLAUSE	76	151
1237	HEFLEY, GORDON	SUBSTANTIVE CRIMINAL CHANGES	APPROVED 6/7/2002	7/01/2002	322	45
1241	WEDDIG, TECK	STATE LOANS FOR PROPERTY TAX DEFERRALS	APPROVED 5/24/2002	7/01/2002	185	46
1244	SMITH, TECK	IDENTIFICATION SECURITY FUND MONEYS	APPROVED 5/24/2002	5/24/2002	167	162
1245	LEE, EVANS	STATE Bd Of Ed VACANCIES	APPROVED 5/24/2002	7/01/2002	168	53
1246	KING, WINDELS	EDUCATION CHILDREN FACILITIES TASK FORCE	APPROVED 5/31/2002	7/01/2002	242	53
1247	DECKER, EPPS	GAS THEFT AND DRIVER'S LICENSES	APPROVED 6/3/2002	7/01/2002	289	162
1250	DEAN, TUPA	LOTTERY DIVISION CONTINUATION	APPROVED 5/6/2002	5/6/2002	136	174
1254	WEBSTER, REEVES	PUBLIC SEC INFO REPORT ACT	APPROVED 5/24/2002	No SAFETY CLAUSE 10/01/2002	169	74
1258	MARSHALL, ANDERSON	IDENTITY THEFT BLOCK CREDIT REPORT	APPROVED 5/6/2002	7/01/2002	143	23
1259	MARSHALL, TATE	HOMEOWNER EQUITY PROTECTION	APPROVED 6/7/2002	6/7/2002	323	24
1260	JOHNSON, REEVES	NAME CHANGE STATE BOARD OF AGRICULTURE	APPROVED 6/4/2002	No SAFETY CLAUSE	302	65
1262	MACE, HERNANDEZ	GRANDCHILD BASIC ASSISTANCE GRANT	APPROVED 5/31/2002	5/31/2002	241	21
1263	ALEXANDER, HAGEDORN	SUBSTANCE ABUSE TREATMENT	APPROVED 5/30/2002	PORTIONS ON 7/01/2002 AND 1/01/2003	208	118
1265	WHITE, MATSUNAKA	CLARIFY TAX STATUS OF RESIDENTIAL UNITS	APPROVED 6/7/2002	No SAFETY CLAUSE	347	189
1269	BORODKIN, MAY	HIGHWAY BILLBOARD ADVERTISING	APPROVED 5/24/2002	No SAFETY CLAUSE	170	196
1276	MACE, EPPS	HEALTH CARE FOR OLD AGE PENSIONERS	APPROVED 5/31/2002	5/31/2002	243	137
1278	STAFFORD, HANNA	PHYSICIAN INTERN TRAINING LICENSES	APPROVED 5/24/2002	No SAFETY CLAUSE	171	175
1279	STAFFORD, HERNANDEZ	PURCHASE DRUG & ALCOHOL TREATMENT SERVS	APPROVED 4/3/2002	No SAFETY CLAUSE	77	119
1280	RHODES, TAYLOR	PROHIBIT BANKING POLITICAL SUBDIVISION	APPROVED 4/3/2002	No SAFETY CLAUSE	78	75

Table of Enacted House Bills -- 2002

BILL NO.	PRIME SPONSOR	SHORT TITLE	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE OF DIGEST
1281	SALIMAN, OWEN	TRAUMATIC BRAIN INJURY BOARD	APPROVED 6/7/2002	NO SAFETY CLAUSE - PORTIONS ON 1/01/2003 AND 1/01/2004	324	137
1282	BERRY, TECK	BRAIN INJURY SUPPORTIVE CARE CAMPUS	APPROVED 4/3/2002	4/3/2002	79	128
1283	FRITZ, GORDON	WEAPONS OF MASS DESTRUCTION	APPROVED 6/3/2002	6/3/2002	298	46
1284	GROSSMAN, ISGAR	GRANTS TO ATTEND WORLD WAR II MEMORIAL	APPROVED 5/29/2002	PORTIONS ON 5/29/2002 AND 7/01/2002	201	154
1286	JAHN, ANDERSON	SURPLUS STATE PROPERTY	APPROVED 4/3/2002	4/3/2002	80	32
1287	VEIGA, PHILLIPS	GUN BACKGROUND CHECK MENTAL ILLNESS	APPROVED 5/30/2002	1/01/2003	209	35
1288	STENGEL, TAYLOR	PROPERTY TAX ASSESSMENT PROCEDURES	APPROVED 5/30/2002	NO SAFETY CLAUSE	228	189
1292	CLAPP, REEVES	MEDICAID MANAGED CARE	APPROVED 5/30/2002	7/01/2002	225	37
1293	SANCHEZ, OWEN	STUDY ACCESS TO HEALTH CARE FOR CHILDREN	APPROVED 6/7/2002	6/7/2002	325	138
1295	ROMANOFF, OWEN	BENEFIT ASSISTANCE TRANSITION OFFENDERS	APPROVED 5/30/2002	7/01/2002	221	139
1297	HEFLEY, LINKHART	SCHOOL READINESS CHILD CARE PILOTS	APPROVED 6/7/2002	7/01/2002	326	54
1300	SPENCE, EVANS	PREPARATION PROGRAMS FOR TEACHERS	APPROVED 6/7/2002	6/7/2002	327	65
1301	DECKER, HILLMAN	CONTRABAND IN DOC	APPROVED 5/30/2002	7/01/2002	222	46
1303	COLEMAN, EVANS	FAMILY LITERACY EDUCATION GRANT PROGRAM	APPROVED 5/30/2002	5/30/2002	224	55
1304	WILLIAMS S., ANDERSON	PROVISION OF LITERACY SERVICES	APPROVED 5/28/2002	5/28/2002	195	55
1305	WILLIAMS S., GORDON	ABUSE OF HEALTH INS FIN PENALTY	APPROVED 4/25/2002	4/25/2002	131	148
1306	SPENCE, WINDELS	NO CHILD LEFT BEHIND EDUCATION PROGRAMS	APPROVED 5/30/2002	NO SAFETY CLAUSE	226	56
1307	FAIRBANK, FITZ-GERALD	ELECTIONS BLUE RIBBON PANEL	APPROVED 6/7/2002	6/7/2002	328	69
1308	HEFLEY, HERNANDEZ	MODIFYING PROVISION OF YOUTH SERVICES	APPROVED 4/3/2002	4/3/2002	81	119
1310	KING, MAY	TRANSPORTATION FUNDING	APPROVED 5/30/2002	NO SAFETY CLAUSE	206	197
1311	BERRY, TATE	DOCUMENTS RELATING TO ABANDONED CHILDREN	APPROVED 4/1/2002	4/1/2002	63	21
1312	PASCHALL, LINKHART	ADOPTION COURT HEARING PRIORITY	APPROVED 6/7/2002	7/01/2002	329	36
1313	TOCHTROP, THIEBAUT	CLASSIFICATION OF PEACE OFFICERS	APPROVED 5/30/2002	5/30/2002	227	46
1315	MITCHELL, HAGEDORN	TERRORISM PREPAREDNESS & SECURITY	APPROVED 6/3/2002	6/3/2002	300	97

Table of Enacted House Bills -- 2002

BILL NO.	PRIME SPONSOR	SHORT TITLE	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE OF DIGEST
1316	HARVEY, TUPA	SCHOOLS INTEREST-FREE LOAN PROGRAM	APPROVED 5/24/2002	7/01/2002	172	56
1319	WEBSTER, TAKIS	CONDEMNATION OF RAILROAD RIGHTS-OF-WAY	BECAME LAW 6/8/2002	6/8/2002	350	180
1321	CRANE, PHILLIPS	BINGO RAFFLE GAMES OF CHANCE MANAGERS	APPROVED 6/7/2002	No SAFETY CLAUSE	330	175
1322	SPRADLEY, THIEBAUT	LEGISLATIVE APPROPRIATION	APPROVED 4/25/2002	4/25/2002	353	4
1323	BERRY, WINDELS	ASSISTED LIVING RESIDENCES	APPROVED 6/7/2002	7/01/2002	314	120
1324	LAWRENCE, THIEBAUT	COLORADO STATE UNIVERSITY PUEBLO	APPROVED 5/29/2002	7/01/2003	205	66
1326	SCOTT, FITZ-GERALD	UNIFORM ELECTRONIC TRANSACTIONS ACT	APPROVED 5/30/2002	5/30/2002	229	99
1327	YOUNG, REEVES	MOD FY 01-02 CAP CONSTR FUNDING SOURCES	VETOED 3/1/2002			100
1328	YOUNG, REEVES	MODIFY FY 2001-02 FUNDING OLDER CO PROG	VETOED 3/1/2002			101
1329	HOPPE, ISGAR	COMMISSIONER AG MONITOR GROUNDWATER	APPROVED 6/3/2002	6/3/2002	283	121
1330	STENGEL, DYER	LIFE INSURANCE EXEMPT FROM CREDITOR WRIT	APPROVED 5/24/2002	No SAFETY CLAUSE	186	36
1331	FRITZ, TUPA	ELECTRONIC RECORDS EMPLOYMENT SECURITY	APPROVED 4/19/2002	4/19/2002	120	151
1333	STENGEL, FITZ-GERALD	GA REPORTING REQUIREMENTS FINANCE	APPROVED 5/30/2002	No SAFETY CLAUSE	230	101
1334	KESTER, NICHOL	BAD CHECKS NOTICE BY MAIL	APPROVED 4/18/2002	No SAFETY CLAUSE	109	37
1335	WILLIAMS T., FITZ-GERALD	GA REPORTING REQUIREMENTS BUSINESS LABOR	APPROVED 4/12/2002	No SAFETY CLAUSE	95	102
1336	SCOTT, NICHOL	GA REPORTING REQUIREMENTS LOCAL GOVT	APPROVED 5/30/2002	No SAFETY CLAUSE	231	102
1338	WEBSTER, REEVES	VEHICLE EMISSION FEES & REGULATIONS	APPROVED 6/7/2002	9/01/2002	309	123
1339	CADMAN, McELHANY	LIQUOR LICENSE TRANSFER REQUIREMENTS	APPROVED 5/30/2002	7/01/2002	232	176
1340	DEAN, MATSUNAKA	PRECINCT CAUCUS REAPPORTIONMENT CHANGE	APPROVED 3/27/2002	3/27/2002	51	72
1341	SWENSON, NICHOL	GA REPORTING REQUIREMENTS TRANSPORTATION	APPROVED 5/30/2002	No SAFETY CLAUSE	233	103
1342	MITCHELL, FITZ-GERALD	PUBLIC RECORDS & OPEN MEETINGS	APPROVED 5/24/2002	5/24/2002	187	104
1344	SCOTT, LINKHART	WATER QUALITY DISCHARGE PERMIT FEES	APPROVED 6/7/2002	6/7/2002	331	121
1346	MILLER, CHLOUBER	RHODOCHROSITE AS THE STATE MINERAL	APPROVED 4/17/2002	No SAFETY CLAUSE	102	104
1347	SNOOK, HERNANDEZ	CASH FUND RESERVE LIMIT EXCEPTIONS	APPROVED 5/24/2002	5/24/2002	173	104
1348	HARVEY, DYER	TRANSFER POISON CONTROL PROGRAM	APPROVED 5/6/2002	7/01/2002	144	122
1349	KING, THIEBAUT	SCHOOL FINANCE	APPROVED 6/7/2002	6/7/2002	335	56
1350	YOUNG, TAYLOR	TOWNER RAILROAD LINE LEASE	APPROVED 4/12/2002	No SAFETY CLAUSE	96	199
1352	HOPPE, ISGAR	GA REPORTING REQUIREMENTS AG & 3RD YR	APPROVED 5/30/2002	No SAFETY CLAUSE	234	104

Table of Enacted House Bills -- 2002

BILL NO.	PRIME SPONSOR	SHORT TITLE	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE OF DIGEST
1353	MITCHELL, HANNA	RETROACTIVE ADJUSTMENT HEALTH CARE CLAIM	APPROVED 5/30/2002	No SAFETY CLAUSE 1/01/2003	235	148
1355	CLOER, TATE	PHONE & INTERNET SALES CREDIT CARD PRICE	APPROVED 5/30/2002	No SAFETY CLAUSE	236	24
1357	RIPPY, ISGAR	MOD REQMNTS FOR SURFACE DEV NOTIFICATION	APPROVED 5/30/2002	No SAFETY CLAUSE	237	106
1358	ALEXANDER, FITZ-GERALD	BED & BREAKFAST PROPERTY TAX ASSESSMENT	APPROVED 6/7/2002	No SAFETY CLAUSE 1/01/2003	332	190
1364	SWENSON, MAY	TAX REFUNDS FOR GASOLINE & SPECIAL FUEL	APPROVED 5/24/2002	5/24/2002	174	191
1366	YOUNG, REEVES	SUPPL APPROP DEPT OF AGRICULTURE	APPROVED 3/27/2002	3/27/2002	354	4
1367	YOUNG, REEVES	SUPPL APPROP DEPT OF CORRECTIONS	APPROVED 3/27/2002	3/27/2002	355	4
1368	YOUNG, REEVES	SUPPL APPROP DEPT OF EDUCATION	APPROVED 3/27/2002	3/27/2002	356	4
1369	YOUNG, REEVES	SUPPL APPROP DEPT OF GOV, LT GOV, & OSPB	APPROVED 3/27/2002	3/27/2002	357	4
1370	YOUNG, REEVES	SUPPL APPROP DEPT OF HEALTH CARE POL & FIN	APPROVED 3/27/2002	3/27/2002	358	4
1371	YOUNG, REEVES	SUPPL APPROP DEPT OF HIGHER ED	APPROVED 3/27/2002	3/27/2002	359	5
1372	YOUNG, REEVES	SUPPL APPROP DEPT OF HUMAN SERVICES	APPROVED 3/27/2002	3/27/2002	360	5
1373	YOUNG, REEVES	SUPPL APPROP JUDICIAL DEPARTMENT	APPROVED 3/27/2002	3/27/2002	361	5
1374	YOUNG, REEVES	SUPPL APPROP DEPT OF LABOR & EMPLOYMENT	APPROVED 3/27/2002	3/27/2002	362	5
1375	YOUNG, REEVES	SUPPL APPROP DEPT OF LAW	APPROVED 3/27/2002	3/27/2002	363	5
1376	YOUNG, REEVES	SUPPL APPROP DEPT OF LEGISLATURE	APPROVED 3/27/2002	3/27/2002	364	5
1377	YOUNG, REEVES	SUPPL APPROP DEPT OF LOCAL AFFAIRS	APPROVED 3/27/2002	3/27/2002	365	6
1378	YOUNG, REEVES	SUPPL APPROP DEPT OF MILITARY AFFAIRS	APPROVED 3/27/2002	3/27/2002	366	6
1379	YOUNG, REEVES	SUPPL APPROP DEPT OF NATURAL RESOURCES	APPROVED 3/27/2002	3/27/2002	367	6
1380	YOUNG, REEVES	SUPPL APPROP DEPT OF PERSONNEL	APPROVED 3/27/2002	3/27/2002	368	6
1381	YOUNG, REEVES	SUPPL APPROP DEPT OF PUB HEALTH & ENVIR	APPROVED 3/27/2002	3/27/2002	369	6
1382	YOUNG, REEVES	SUPPL APPROP DEPT OF PUBLIC SAFETY	APPROVED 3/27/2002	3/27/2002	370	6
1383	YOUNG, REEVES	SUPPL APPROP DEPT OF REG AGENCIES	APPROVED 3/27/2002	3/27/2002	371	7
1384	YOUNG, REEVES	SUPPL APPROP DEPT OF REVENUE	APPROVED 3/27/2002	3/27/2002	372	7
1385	YOUNG, REEVES	SUPPL APPROP DEPT OF STATE	APPROVED 3/27/2002	3/27/2002	373	7
1386	YOUNG, REEVES	SUPPL APPROP DEPT OF TRANSPORTATION	APPROVED 3/27/2002	3/27/2002	374	7

Table of Enacted House Bills -- 2002

BILL NO.	PRIME SPONSOR	SHORT TITLE	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE OF DIGEST
1387	YOUNG, REEVES	SUPPL APPROP TREASURY DEPT	APPROVED 3/27/2002	3/27/2002	375	7
1388	YOUNG, REEVES	SUPPL APPROP CAPITAL CONST	APPROVED 3/27/2002	3/27/2002	376	7
1389	YOUNG, REEVES	MOD FY 01-02 CAP CONSTR FUNDING SOURCES	APPROVED 3/27/2002	3/27/2002	57	106
1390	YOUNG, REEVES	MODIFY FY 01-02 FUNDING OLDER CO PROGRAM	APPROVED 3/27/2002	3/27/2002	58	140
1391	YOUNG, REEVES	AUGMENT FY 01-02 GENERAL FUND REVENUES	APPROVED 3/27/2002	3/27/2002	59	107
1392	YOUNG, REEVES	USE OF UNCLAIMED PROPERTY TRUST FUND	APPROVED 3/27/2002	3/27/2002	60	108
1393	YOUNG, REEVES	FY 01-02 & 02-03 SCH FIN MAINT EFFORT	APPROVED 3/27/2002	3/27/2002	61	62
1394	YOUNG, REEVES	FY 01-02 TABOR EMERGENCY RESERVE	APPROVED 3/27/2002	3/27/2002	62	4
1395	SINCLAIR, TAYLOR	DENY INSPECTION DD214 MILITARY RECORD	APPROVED 6/1/2002	7/01/2002	246	109
1396	FRITZ, GORDON	CRIMINAL STATUTE OF LIMITATIONS	APPROVED 6/3/2002	6/3/2002	288	37
1397	SMITH, THIEBAUT	UNIF CODE SECURED TRANSACTIONS UCC ART 9	APPROVED 6/1/2002	No SAFETY CLAUSE	247	24
1399	SPRADLEY, MATSUNAKA	ECONOMIC RECOVERY ACT	APPROVED 6/3/2002	6/3/2002	286	191
1400	DEAN, PERLMUTTER	PHOTO RADAR TRAFFIC TICKETS	APPROVED 5/24/2002	5/24/2002	178	163
1401	WILLIAMS T., OWEN	CONTINUE UNEMPLOYMENT INSURANCE CREDIT	APPROVED 6/1/2002	No SAFETY CLAUSE	248	192
1403	SCHULTHEIS, NICHOL	REAPPOINTING Bd COMMN & CMT FOR NEW DIST	APPROVED 6/1/2002	No SAFETY CLAUSE	249	109
1404	MITCHELL, THIEBAUT	PROPERTY FORFEITURE REFORMS	APPROVED 5/31/2002	7/01/2002	244	47
1405	STENGEL, GORDON	CHARITABLE ORGANIZATIONS FINANCIAL INFO	APPROVED 6/1/2002	6/1/2002	250	25
1408	SPRADLEY, THIEBAUT	GA APPROVAL RADIOACTIVE WASTE DISPOSAL	APPROVED 4/5/2002	4/5/2002	84	122
1409	RHODES, TAYLOR	PETROLEUM STORAGE OPERATING EXPENSE	APPROVED 6/1/2002	No SAFETY CLAUSE	251	151
1411	JOHNSON, REEVES	Ft COLLINS REDESIGNATION No GA REVIEW	APPROVED 6/4/2002	6/4/2002	304	122
1412	SWENSON, MAY	CERT OF TITLE FEE RELATED To CSTARS	APPROVED 6/1/2002	No SAFETY CLAUSE	252	164
1413	SINCLAIR, NICHOL	DEPT OF MILITARY AND VETERANS AFFAIRS	APPROVED 4/21/2002	7/01/2002	121	154
1414	HOPPE, ENTZ	SUBSTITUTE WATER SUPPLY PLANS	APPROVED 5/23/2002	5/23/2002	151	202
1415	HOPPE, ISGAR	NET METERING ELECTRIC UTILITIES	APPROVED 6/3/2002	7/01/2002	287	180
1417	MITCHELL, THIEBAUT	ATTY FEES HIGHWAY CONDEMNATION	APPROVED 6/1/2002	6/1/2002	253	199
1419	LARSON, ISGAR	FORT LEWIS COLLEGE	APPROVED 6/4/2002	7/01/2002	303	66
1420	YOUNG, REEVES	LONG APPROPRIATIONS BILL	APPROVED 5/31/2002	5/31/2002	399	8
1421	YOUNG, REEVES	2ND SUPPL APPROP DEPT AGRICULTURE	APPROVED 4/30/2002	4/30/2002	377	8

Table of Enacted House Bills -- 2002

BILL NO.	PRIME SPONSOR	SHORT TITLE	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE OF DIGEST
1422	YOUNG, REEVES	2ND SUPPL APPROP DEPT CORRECTIONS	APPROVED 4/30/2002	4/30/2002	378	8
1423	YOUNG, REEVES	2ND SUPPL APPROP DEPT EDUCATION	APPROVED 4/30/2002	4/30/2002	379	9
1424	YOUNG, REEVES	2ND SUPPL APPROP GOV LT GOV OSPB	APPROVED 4/30/2002	4/30/2002	380	9
1425	YOUNG, REEVES	2ND SUPPL APPROP DEPT HEALTH CARE POLICY & FIN	APPROVED 5/28/2002	5/28/2002	381	9
1426	YOUNG, REEVES	2ND SUPPL APPROP DEPT HIGHER EDUCATION	APPROVED 4/30/2002	4/30/2002	382	9
1427	YOUNG, REEVES	2ND SUPPL APPROP DEPT HUMAN SERVICES	APPROVED 5/28/2002	5/28/2002	383	9
1428	YOUNG, REEVES	2ND SUPPL APPROP DEPT LAW	APPROVED 4/30/2002	4/30/2002	384	9
1429	YOUNG, REEVES	2ND SUPPL APPROP DEPT LOCAL AFFAIRS	APPROVED 4/30/2002	4/30/2002	385	10
1430	YOUNG, REEVES	2ND SUPPL APPROP DEPT MILITARY AFFAIRS	APPROVED 4/30/2002	4/30/2002	386	10
1431	YOUNG, REEVES	2ND SUPPL APPROP DEPT NATURAL RESOURCES	APPROVED 4/30/2002	4/30/2002	387	10
1432	YOUNG, REEVES	2ND SUPPL APPROP DEPT PERSONNEL	APPROVED 4/30/2002	4/30/2002	388	10
1433	YOUNG, REEVES	2ND SUPPL APPROP DEPT PUB HEALTH & ENVIR	APPROVED 4/30/2002	4/30/2002	389	10
1434	YOUNG, REEVES	2ND SUPPL APPROP DEPT PUBLIC SAFETY	APPROVED 4/30/2002	4/30/2002	390	10
1435	YOUNG, REEVES	2ND SUPPL APPROP DEPT REGULATORY AGENCIES	APPROVED 4/30/2002	4/30/2002	391	11
1436	YOUNG, REEVES	2ND SUPPL APPROP DEPT REVENUE	APPROVED 4/30/2002	4/30/2002	392	11
1437	YOUNG, REEVES	2ND SUPPL APPROP DEPT TRANSPORTATION	APPROVED 5/28/2002	5/28/2002	393	11
1438	YOUNG, REEVES	2ND SUPPL APPROP CAPITAL CONSTRUCTION	APPROVED 4/30/2002	4/30/2002	394	11
1440	YOUNG, ENTZ	EMERGENCY MEDICAL AND TRAUMA SERVICES	APPROVED 5/29/2002	5/29/2002	204	122
1441	SALIMAN, OWEN	CONTROLLER RELEASE RESTRICTED APPROP	APPROVED 4/30/2002	4/30/2002	132	110
1442	SALIMAN, OWEN	MODS To FY 01-02 TABOR EMERGENCY RESERVE	APPROVED 5/28/2002	5/28/2002	198	110
1443	YOUNG, REEVES	REDUCTION OF REVS FOR CAPITAL PROJECTS	APPROVED 5/28/2002	5/28/2002	197	110
1444	YOUNG, REEVES	ADDITIONAL TRANSFER OF FUNDS TO GEN FUND	APPROVED 5/28/2002	5/28/2002	196	111
1445	BERRY, TATE	GF APPROP & RESERVE FOR FY 01-02 & 02-03	APPROVED 4/30/2002	4/30/2002	133	111
1446	SALIMAN, OWEN	MODIFY PAYBACK CONTROL MAINT TRUST FUND	APPROVED 4/30/2002	4/30/2002	134	112
1447	ALEXANDER, ISGAR	DIRECT CARE PROVIDER CAREER PATH PILOT	APPROVED 6/1/2002	7/01/2002	254	177
1450	FAIRBANK, TATE	JOINT ADS GOV & LIEUT GOV CAND CMT	APPROVED 6/7/2002	6/7/2002	344	73
1452	SCOTT, PHILLIPS	STUDENT FINANCIAL AID ENTERPRISES	APPROVED 6/1/2002	6/1/2002	255	66

Table of Enacted House Bills -- 2002

BILL NO.	PRIME SPONSOR	SHORT TITLE	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE OF DIGEST
1455	PASCHALL, LINKHART	CLERKS COLLECT ONLY CLEAN SCREENED FEES	APPROVED 6/1/2002	PORTIONS ON 6/1/2002 AND 9/01/2002	256	123
1456	WILLIAMS T., TATE	BUSINESS ENTITIES	APPROVED 6/7/2002	NO SAFETY CLAUSE 10/01/2002	333	28
1457	YOUNG, WINDELS	PAYMENTS TO NURSING FACILITY PROVIDERS	APPROVED 6/7/2002	7/01/2002	345	140
1458	SCOTT, HILLMAN	NO PUBLIC SALES OF ELECTRONIC SIGNATURES	APPROVED 6/7/2002	6/7/2002	340	112
1459	GROSSMAN, OWEN	STATE FINGERPRINT CHECKS & FEDERAL LAW	APPROVED 6/1/2002	6/1/2002	257	48
1465	SCOTT, PHILLIPS	SUBDISTRICTS OF SPECIAL DISTRICTS	APPROVED 6/7/2002	NO SAFETY CLAUSE 10/01/2002	334	88
1468	BERRY, TATE	STATE CONTRIB EMPLOYEE GROUP BENEFITS	BECAME LAW 6/8/2002	6/8/2002	351	113
1471	YOUNG, REEVES	3RD SUPPL APPROP CAPITAL CONSTR	APPROVED 6/7/2002	6/7/2002	395	14
1472	YOUNG, REEVES	3RD SUPPLEMENTAL APPROP DEPT OF CORRECTIONS	APPROVED 6/7/2002	6/7/2002	396	14
1473	YOUNG, REEVES	3RD SUPPL APPROP HCPF	APPROVED 6/7/2002	6/7/2002	397	15
1474	YOUNG, REEVES	3RD SUPPL APPROP HUMAN SERVICES	APPROVED 6/7/2002	6/7/2002	398	15
1475	YOUNG, REEVES	DOC OVEREXPENDITURE MEDICAL SERVICES	APPROVED 5/28/2002	5/28/2002	200	113
1477	SALIMAN, OWEN	HIGHER ED COST-NEUTRAL PERFORMANCE PLAN	VETOED 6/7/2002			113
1478	YOUNG, REEVES	REDUCTION IN STATUTORY RESERVE	APPROVED 5/28/2002	5/28/2002	199	114

Table of Enacted Senate Bills -- 2002

BILL NO.	PRIME SPONSOR	SHORT TITLE	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE OF DIGEST
004	ISGAR, LARSON	LIQUOR LICENSE HIGHER ED FIN ASSISTANCE	BECAME LAW 4/23/2002	7/01/2002	123	167
005	EVANS, LARSON	MOTOR VEHICLE DEALERS UNLICENSED SALES	APPROVED 3/22/2002	NO SAFETY CLAUSE	29	167
006	HANNA, WITWER	WORKERS' COMP HEPATITIS C EXPOSURE	APPROVED 5/16/2002	5/16/2002	147	150
007	HILLMAN, KESTER	COUNTY COMMISSIONER REDISTRICTING	APPROVED 3/27/2002	NO SAFETY CLAUSE	52	77
010	ANDERSON, VEIGA	SEX OFFENDER REGISTRATION	APPROVED 6/3/2002	7/01/2002	297	38
011	TECK, LARSON	MOTOR CARRIER SAFETY	APPROVED 4/18/2002	4/18/2002	103	193
013	ISGAR, TOCHTROP	PROMPT PAYMENT HEALTH INSURANCE CLAIMS	APPROVED 4/19/2002	4/19/2002	110	142
014	ENTZ, SWENSON	NONRESIDENT VEHICLE TITLE & REGISTRATION	APPROVED 3/5/2002	NO SAFETY CLAUSE	2	156
016	TAKIS, HOPPE	STANDARDIZED MENTAL ILLNESS SCREENING	APPROVED 5/24/2002	5/24/2002	179	131
018	LINKHART, HEFLEY	DEMONSTRATION DRUG COURT FUNDING	APPROVED 6/1/2002	7/01/2002	258	33
019	LAMBORN, GROSSMAN	DNA TESTING OF ALL FELONS	APPROVED 6/3/2002	7/01/2002	296	40
020	GORDON, MITCHELL	MINOR TESTIMONY PRIVILEGE	APPROVED 5/6/2002	NO SAFETY CLAUSE	137	16
021	REEVES, STAFFORD	CHILD SUPPORT GUIDELINES	APPROVED 4/18/2002	1/01/2003	104	16
023	TAYLOR, SINCLAIR	COLORADO NATIONAL GUARD DECORATIONS	APPROVED 4/15/2002	4/15/2002	97	152
025	PERLMUTTER, GROFF	ENACTMENT OF 2001 CRS	APPROVED 3/5/2002	3/5/2002	3	181
026	NICHOL, CADMAN	POLICE OFFICER & FIREFIGHTER BENEFITS	APPROVED 4/3/2002	10/01/2002	66	84
027	HERNANDEZ, STAFFORD	ELDERLY BLIND DISABLED IN-HOME SUPPORT	APPROVED 6/1/2002	6/1/2002	259	124
028	WINDELS, FAIRBANK	COUNTY SURVEYORS VACANCY APPOINTMENT	APPROVED 3/22/2002	NO SAFETY CLAUSE	32	77
031	ENTZ, SPRADLEY	COUNTY SALARY CATEGORY CHANGE	APPROVED 3/5/2002	NO SAFETY CLAUSE	4	77
032	TECK, BERRY	EXTENDING TAX INCREMENT FINANCING	APPROVED 6/7/2002	NO SAFETY CLAUSE	348	86
036	FITZ-GERALD, LEE	COMMUNITY USEFUL PUBLIC SERVICE FEES	APPROVED 4/18/2002	7/01/2002	105	40
037	ANDERSON, WILLIAMS T.	REPEAL STATE CRIME VICTIM COMP FUND	APPROVED 3/21/2002	3/21/2002	20	40
038	NICHOL, MILLER	DISPLAY OF U.S. FLAG IN PUBLIC BUILDINGS	APPROVED 4/19/2002	NO SAFETY CLAUSE	111	90
039	GORDON, HEFLEY	DRUG OFFENDER TREATMENT	VETOED 6/7/2002			40
041	THIEBAUT, LAWRENCE	HAZARDOUS WASTE PROCESSORS SITING	APPROVED 3/22/2002	3/22/2002	36	115
045	ENTZ, RIPPY	IRRIGATION DISTRICT LAW REFORM	APPROVED 3/5/2002	3/5/2002	5	200
049	GORDON, MITCHELL	UNIF DISSOLUTION OF MARRIAGE ACT RECORDS	VETOED 6/2/2002			17

Table of Enacted Senate Bills -- 2002

BILL NO.	PRIME SPONSOR	SHORT TITLE	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE OF DIGEST
050	GORDON, DECKER	METHAMPHETAMINE AMPHETAMINE PRECURSORS	APPROVED 6/6/2002	No SAFETY CLAUSE	305	41
051	WINDELS, SPENCE	CHARTER SCHOOL APPLICATION DEADLINE	APPROVED 4/3/2002	7/01/2003	67	50
052	OWEN, DANIEL	WASTE TIRE RECYCLING FUND CCHE REPEAL	APPROVED 4/12/2002	7/01/2002	85	90
053	HERNANDEZ, MACE	CESAR CHAVEZ DAY LEGAL HOLIDAY	N/A	REFERENDUM	352	90
054	PHILLIPS, SPENCE	LISTS FOR JURY SELECTION	APPROVED 6/1/2002	6/1/2002	260	33
057	HAGEDORN, SMITH	RECODIFY DUI STATUTES	APPROVED 6/7/2002	7/01/2002	342	156
059	MATSUNAKA, BACON	CSAP ASSESSMENTS DIAGNOSTIC RESULTS	APPROVED 5/24/2002	5/24/2002	180	50
068	ENTZ, HOPPE	WATER CONSERVATION BOARD MEMBER PER DIEM	APPROVED 6/1/2002	No SAFETY CLAUSE	261	200
069	HILLMAN, HOPPE	PROTECTION OF EXPERIMENTAL AG PRODUCTS	APPROVED 4/12/2002	4/12/2002	86	2
071	WINDELS, JAHN	NURSING HOME SATISFACTION SURVEY	APPROVED 6/7/2002	6/7/2002	343	115
072	HERNANDEZ, LARSON	MULTI-YEAR MOTOR VEHICLE FLEET REGIS	APPROVED 3/1/2002	3/1/2002	1	156
076	TAYLOR, CLOER	COLO INSURANCE GUARANTY ASSOCIATION	APPROVED 3/22/2002	3/22/2002	31	142
078	HAGEDORN, FRITZ	GENETIC PRIVACY IN HIRING & INSURANCE	APPROVED 6/1/2002	6/1/2002	262	143
079	LAMBORN, PASCHALL	ENFORCEMENT FAIR CAMPAIGN PRACTICES ACT	APPROVED 4/15/2002	No SAFETY CLAUSE	100	68
084	TAKIS, HODGE	PROPERTY SUBJECT TO JUDICIAL PROCESS	APPROVED 3/21/2002	3/21/2002	21	33
085	TAKIS, SINCLAIR	PUBLIC INPUT TRANSP AUTHORITIES	APPROVED 5/6/2002	No SAFETY CLAUSE	138	193
086	NICHOL, GROSSMAN	NOTIFY NEIGHBORHOODS OF CONSTRUCTION	APPROVED 6/1/2002	6/1/2002	263	193
087	EVANS, MILLER	WATERSHED PROTECTION CHECKOFF	APPROVED 6/3/2002	No SAFETY CLAUSE	281	182
089	PHILLIPS, JAHN	CONSUMER CREDIT SCORING DISCLOSURES	APPROVED 5/28/2002	7/01/2003	188	22
090	HERNANDEZ, SPRADLEY	AUTO INS PERSONAL INJURY PROTECTION	APPROVED 5/28/2002	5/28/2002	189	143
094	ANDERSON, SPENCE	ACCOUNTABILITY FOR ALTERNATIVE SCHOOLS	APPROVED 5/24/2002	5/24/2002	152	50
097	TATE, ROMANOFF	PROVISION OF AFFORDABLE HOUSING	APPROVED 6/7/2002	6/7/2002	346	81
099	NICHOL, SPRADLEY	UPDATE OF NATIONAL GUARD PROVISIONS	APPROVED 5/24/2002	PORTIONS ON 5/24/2002 AND 7/01/2002	181	152
100	THIEBAUT, TAPIA	INTERMENT OF DECEASED VETERANS	APPROVED 4/12/2002	4/12/2002	87	153
103	EVANS, SCOTT	LOCAL GOVT IMPROVEMENT DISTRICTS	APPROVED 4/15/2002	No SAFETY CLAUSE	98	81
105	ENTZ, BORODKIN	NOISE ABATEMENT AIRPORTS AERONAUTICS	APPROVED 3/22/2002	3/22/2002	26	90
106	ANDERSON, STAFFORD	PERA COMPLIANCE WITH FEDERAL LAW	APPROVED 3/27/2002	3/27/2002	53	90

Table of Enacted Senate Bills -- 2002

BILL NO.	PRIME SPONSOR	SHORT TITLE	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE OF DIGEST
107	FITZ-GERALD, MILLER	INS DECEPTIVE PRACTICE SKIING SNOWBOARD	APPROVED 3/22/2002	1/01/2003	27	143
108	REEVES, YOUNG	CORRECT FY 01-02 CAP CONST FUND TRANSFER	VETOED 3/1/2002			91
109	PASCOE, KING	ENGLISH LANGUAGE LEARNER ASSESSMENTS	APPROVED 6/1/2002	6/1/2002	264	50
112	TECK, HARVEY	ALIENS' USE OF IDs FROM OTHER STATES	APPROVED 4/2/2002	4/2/2002	65	156
113	EPPS, KING	HIGHER ED ANTITERRORISM COOPERATION	APPROVED 6/1/2002	6/1/2002	265	63
114	HANNA, CRANE	REGULATE SKI AREA CHILD CARE FACILITIES	APPROVED 5/6/2002	7/01/2002	140	131
122	CHLOUBER, LARSON	MOTORCYCLE OPERATOR SAFETY TRAINING FUND	APPROVED 4/5/2002	4/5/2002	82	91
124	WINDELS, HEFLEY	CHARTER SCHOOL CONTRACT DISPUTES	APPROVED 6/1/2002	6/1/2002	266	51
128	EPPS, HEFLEY	OUT-OF-HOME MINOR DRIVERS' LICENSES	APPROVED 5/2/2002	5/2/2002	135	17
132	NICHOL, LARSON	ABANDONED VEHICLE TOWING	APPROVED 5/24/2002	7/01/2002	153	156
139	TAYLOR, MILLER	VOTING BY OVERSEAS MILITARY PERSONNEL	APPROVED 4/12/2002	7/01/2002	88	68
140	ARNOLD, SWENSON	COLLECTION OF RESTITUTION FROM INMATES	APPROVED 3/22/2002	3/22/2002	28	31
142	LAMBORN, SCHULTHEIS	REPEAL OBSOLETE PROVISIONS GENERAL FUND	APPROVED 6/1/2002	NO SAFETY CLAUSE	267	91
143	OWEN, WEBSTER	COUNTY TREASURER DUTIES CONTEMPT	APPROVED 3/22/2002	NO SAFETY CLAUSE	30	78
144	TUPA, KING	HIGHER ED PUB MEETING RECORD EXCEPTION	APPROVED 3/22/2002	NO SAFETY CLAUSE	35	91
145	OWEN, KESTER	POST-RETIREMENT TEACHING INCENTIVES	APPROVED 4/3/2002	4/3/2002	68	92
146	PHILLIPS, SPRADLEY	REFUND MEDICARE SUPPLEMENT INS PREMIUMS	APPROVED 4/18/2002	1/01/2003	106	143
151	TAKIS, ROMANOFF	AFFORDABLE HOUSING NOTICE & DATABASE	APPROVED 5/6/2002	NO SAFETY CLAUSE	141	92
152	EVANS, SPENCE	PERFORMANCE-BASED PRINCIPAL PREPARATION	APPROVED 6/7/2002	6/7/2002	316	63
156	GORDON, SMITH	CHANGE OF WATER RIGHTS TO INSTREAM USE	APPROVED 5/21/2002	NO SAFETY CLAUSE	149	200
157	ISGAR, ALEXANDER	PROPERTY TAXATION POSSESSORY INTERESTS	APPROVED 6/1/2002	NO SAFETY CLAUSE	268	182
158	ISGAR, LARSON	MOTOR VEHICLE WIDTH LIMITATIONS	APPROVED 5/6/2002	NO SAFETY CLAUSE	139	158
159	EVANS, PLANT	REVISOR'S BILL	APPROVED 6/1/2002	6/1/2002	269	181
160	HERNANDEZ, MITCHELL	TRUST PROPERTY INTERESTS	APPROVED 6/1/2002	6/1/2002	270	178
161	PERLMUTTER, SMITH	FORECLOSURE OF DEEDS OF TRUST	APPROVED 6/7/2002	7/01/2002	315	178
165	ANDREWS, SNOOK	EXEMPT MILITARY AWARD UNCLAIM PROP SALE	APPROVED 4/19/2002	NO SAFETY CLAUSE	112	178
166	TECK, SINCLAIR	COUNTY CORONERS SALARY & COMPENSATION	APPROVED 4/22/2002	NO SAFETY CLAUSE	122	78
168	THIEBAUT, SMITH	MORTALITY TABLE & COURT INHERITANCE LAW	APPROVED 6/7/2002	7/01/2002	317	34

Table of Enacted Senate Bills -- 2002

BILL NO.	PRIME SPONSOR	SHORT TITLE	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE OF DIGEST
169	LINKHART, CHAVEZ	EXEMPT ROTH IRAS FROM EXECUTION	APPROVED 5/24/2002	5/24/2002	154	34
175	REEVES, JAMESON	CLARIFY SEX ASSAULT IN PENAL INSTITUTION	APPROVED 5/24/2002	7/01/2002	155	41
179	MATSUNAKA, VEIGA	TRANSPORTATION FUNDING	APPROVED 5/30/2002	NO SAFETY CLAUSE	207	194
181	TATE, SALIMAN	IMMUNITY FOR PAROLE RELEASE OFFICERS	APPROVED 5/24/2002	5/24/2002	156	92
182	THIEBAUT, PASCHALL	LEGISLATIVE LINES SPLITTING PARCELS	APPROVED 5/6/2002	5/6/2002	142	76
185	REEVES, STAFFORD	TUBERCULOSIS TREATMENT	APPROVED 6/7/2002	NO SAFETY CLAUSE	313	116
187	HERNANDEZ, MITCHELL	REPORTING SEX ASSAULTS IN SCHOOLS	APPROVED 5/24/2002	5/24/2002	177	17
188	TATE, SPRADLEY	UNIFORM PRESCRIPTION INFORMATION CARDS	APPROVED 6/7/2002	1/01/2003	312	143
196	PERLMUTTER, SPRADLEY	REAL ESTATE BROKERS	APPROVED 6/1/2002	1/01/2003	271	167
197	HANNA, WITWER	HOME & COMMUNITY SERVICES MENTALLY ILL	APPROVED 6/1/2002	6/1/2002	272	124
198	REEVES, MITCHELL	ADMIN REPEAL CLEAN VEHICLE FLEET PROGRAM	APPROVED 6/1/2002	NO SAFETY CLAUSE	273	116
200	EVANS, WILLIAMS T.	PROBATE & ESTATE MATTERS	APPROVED 5/28/2002	7/01/2002	190	166
201	TECK, STENGEL	EXTEND TIME DUTIES TAXATION COMMISSION	VETOED 5/24/2002			183
203	HANNA, TOCHTROP	NURSING DIVERSION PROGRAM	APPROVED 5/28/2002	5/28/2002	191	168
207	HAGEDORN, STENGEL	LIQUOR ENFORCEMENT & LICENSING CASH FUND	APPROVED 5/28/2002	7/01/2002	192	168
210	FITZ-GERALD, BOYD	MANDATORY REPORTS BY CLERGY OF ABUSE	APPROVED 6/3/2002	6/3/2002	295	18
214	FITZ-GERALD, WHITE	MOFFAT TUNNEL	APPROVED 6/1/2002	NO SAFETY CLAUSE	274	88
218	REEVES, STENGEL	OVERFUNDING OF EXCESS STATE REVENUES	APPROVED 6/1/2002	6/1/2002	275	183
219	PERLMUTTER, SMITH	DEBTOR PROP EXEMPT FROM LEVY & SALE	APPROVED 6/7/2002	7/01/2002	339	34
221	ISGAR, HEFLEY	HORSE RACING SIMULCAST DATES	APPROVED 6/1/2002	NO SAFETY CLAUSE	276	169
230	WINDELS, MITCHELL	COUNTY FILING RECORD PUBLIC TRUSTEE DEED	APPROVED 6/1/2002	6/1/2002	277	178
231	OWEN, STENGEL	STATE DEFERRED & DEFINED COMP PLANS	APPROVED 6/1/2002	7/01/2002	278	93
233	REEVES, BERRY	NONSALARY ELEMENTS OF COMP FOR TROOPERS	APPROVED 6/1/2002	NO SAFETY CLAUSE	279	93
235	ISGAR, LARSON	EXTEND S UTE STATE ENVTL COMMISSION	APPROVED 6/1/2002	6/1/2002	280	117

Table of Enacted Senate Bills -- 2002

ADMINISTRATIVE RULE REVIEW

H.B. 02-1203 Continuation of 2001 rules of executive branch agencies - exceptions - publication of rules - notice procedures - appropriation. Provides for the continuation of the rules and regulations of state agencies that were adopted or amended on or after November 1, 2000, and before November 1, 2001; except that certain rules and regulations shall expire as scheduled on May 15, 2002.

Repeals rules not subject to expiration on May 15, 2002, that relate to other rules contained in the bill for expiration.

Permits agencies to give notice of proposed rule-making by electronic mail. Eliminates the requirement that agencies deliver copies of rules to anyone who requests them.

Requires the secretary of state to publish the code of Colorado regulations in electronic form and gives the secretary of state discretion to publish the code in printed form, at the least cost possible to the state. Specifies that any renewal period of the contract to publish the code and the Colorado register may not exceed 5 years. Removes the provision that the publication and format of rules and proposed rules must be in a form approved by the committee on legal services.

Requires each state agency to file with the secretary of state a copy of each currently effective rule in print and in electronic form by a date specified by the secretary of state. States that any rule not filed by such date shall not continue in effect after such date.

States that publication of notices and other information related to proposed and adopted rules shall be by electronic publication or by mailing of the Colorado register to persons on a subscriber list. Specifies that the date of publication shall be the date that regular mailing and electronic publication are completed. Requires that the subscriber list maintained by the publishing agent indicate whether each subscriber has purchased a print subscription, an electronic subscription, or both.

Appropriates \$464,919 and 3.7 FTE out of the department of state cash fund to the state department to implement the act.

APPROVED by Governor May 14, 2002

EFFECTIVE May 14, 2002

AGRICULTURE

S.B. 02-69 Protection of products of agriculture - civil liability - confidentiality of meetings and public documents. Makes any person who, with intent to deprive the owner, exercises control over or who maliciously damages or destroys any agricultural product, or who encourages or conspires with another to do so, liable for treble damages, attorney fees, and litigation costs. Makes such person also liable for the costs directly related to research, development, and testing if the agricultural product was an experimental agricultural product.

Amends the Open Records Act and the Open Meetings Act to protect from disclosure documents from and discussions occurring in executive sessions relating to security arrangements or investigations, including defenses against terrorism.

Makes conforming amendments. Defines agricultural product and experimental agricultural product.

APPROVED by Governor April 12, 2002

EFFECTIVE April 12, 2002

H.B. 02-1099 Soil conservation board - soil conservation districts - name change reflecting extended duties. Makes a legislative declaration that soil conservation districts now have a more extensive set of duties and should be referred to by a name that better reflects such duties.

Changes the name of the soil conservation board to the conservation board and changes the name of all soil conservation districts to conservation districts.

APPROVED by Governor May 24, 2002

EFFECTIVE July 1, 2002

H.B. 02-1186 Organic agriculture - certification - appropriation. Changes the "Organic Certification Act" (act) to create a state organic certification program that is harmonized with the federal "Organic Foods Production Act of 1990" as follows:

- Changes terminology from "licensing" to "certification".
- Replaces the Colorado organic seal with organic labeling.
- Instructs the commissioner of agriculture to seek accreditation from and to coordinate with the United States secretary of agriculture to implement a state organic certification program.
- Removes the commissioner's authority to enforce the act and penalize producers.
- Authorizes the commissioner to promulgate rules to implement a state organic certification program.
- Requires that the act and all rules passed pursuant to such act conform with federal law.
- Requires information given for certification to remain confidential.
- Repeals a limit on the number of FTEs needed to implement the act.
- Authorizes the balance of the cash fund to remain in such fund at the end of the year.

Appropriates \$118,951 and 2.0 FTE from the organic certification fund to the

department of agriculture and \$10,517 from the organic certification fund to the department of law for the implementation of this act.

APPROVED by Governor June 3, 2002

EFFECTIVE June 3, 2002

H.B. 02-1215 Nursery stock premises - inspections by commissioner - scheduling - risk-based approach. Allows the commissioner of agriculture to require inspections of nursery stock premises and areas using a risk-based approach instead of requiring such inspections annually. Requires the commissioner to conduct an inspection, and to issue a certificate concerning such inspection, upon request.

APPROVED by Governor April 18, 2002

EFFECTIVE April 18, 2002

APPROPRIATIONS

H.B. 02-1322 Legislative appropriation. Appropriates \$30,091,880 for matters related to the legislative department for the 2002-03 fiscal year.

APPROVED by Governor April 25, 2002

EFFECTIVE April 25, 2002

NOTE: The effective date section for House Bills 02-1366 through 02-1394 provided that said bills are effective upon passage only if House Bills 02-1366 through 02-1394 are enacted and become law. The bills were signed by the Governor March 27, 2002.

H.B. 02-1366 Supplemental appropriation - department of agriculture. Amends the 2001 general appropriation act to decrease the total appropriation to the department of agriculture. Decreases the general fund, cash funds, cash funds exempt, and the federal funds portions of the appropriation.

APPROVED by Governor March 27, 2002

EFFECTIVE March 27, 2002

H.B. 02-1367 Supplemental appropriation - department of corrections. Amends the 2001 general appropriation act to decrease the total appropriation to the department of corrections. Decreases the general fund portion of the appropriation and increases the cash funds, cash funds exempt, and federal funds portions.

APPROVED by Governor March 27, 2002

EFFECTIVE March 27, 2002

H.B. 02-1368 Supplemental appropriation - department of education. Amends the 2001 general appropriation act to increase the total appropriation to the department of education. Decreases the general fund and cash funds portions of the appropriation and increases the cash funds exempt and federal funds portions. Increases the amount appropriated to the department by House Bill 01-1272 for the purchase of textbooks based on pupil count. Amends appropriations made by the 2001 school finance act to decrease moneys allocated to the school improvement grant program and increases moneys allocated for charter school capital construction and the school capital construction expenditures reserve.

APPROVED by Governor March 27, 2002

EFFECTIVE March 27, 2002

H.B. 02-1369 Supplemental appropriation - offices of the governor, lt governor, and state planning and budgeting. Amends the 2001 general appropriation act to increase the total appropriation to the offices of the governor, lt. governor, and state planning and budgeting. Decreases the general fund portion of the appropriation and increases the cash funds exempt portion.

APPROVED by Governor March 27, 2002

EFFECTIVE March 27, 2002

H.B. 02-1370 Supplemental appropriation - department of health care policy and financing. Amends the 2001 general appropriation act to increase the total appropriation to the department of health care policy and financing. Decreases the general funds portion of the

appropriation and increases the cash funds, cash funds exempt, and federal funds portions.

APPROVED by Governor March 27, 2002

EFFECTIVE March 27, 2002

H.B. 02-1371 Supplemental appropriation - department of higher education. Amends the 2001 general appropriation act to decrease the total appropriation to the department of higher education. Decreases the general fund portion of the appropriation and increases the cash funds and cash funds exempt portions.

APPROVED by Governor March 27, 2002

EFFECTIVE March 27, 2002

H.B. 02-1372 Supplemental appropriation - department of human services. Amend the 2001 general appropriation act to decrease the total appropriation to the department of human services. Decreases the general fund and federal funds portions of the appropriation and increases the cash funds and cash funds exempt portions.

Amends the 2000 general appropriation act, as amended in 2001, to increase the total appropriation to the department of human services. Increases the general fund and cash funds exempt portions of the appropriation. Decreases the appropriation made by House Bill 01-1357 for the community accountability program for adjudicated juveniles.

APPROVED by Governor March 27, 2002

EFFECTIVE March 27, 2002

H.B. 02-1373 Supplemental appropriation - judicial department. Amends the 2001 general appropriation act to decrease the total appropriation to the judicial department. Decreases the general fund, cash funds exempt, and federal funds portions of the appropriation and increases the cash funds portion.

APPROVED by Governor March 27, 2002

EFFECTIVE March 27, 2002

H.B. 02-1374 Supplemental appropriation - department of labor and employment. Amends the 2001 general appropriation act to decrease the total appropriation to the department of labor and employment. Increases the cash funds portion of the appropriation and decreases the cash funds exempt and federal funds portions.

APPROVED by Governor March 27, 2002

EFFECTIVE March 27, 2002

H.B. 02-1375 Supplemental appropriation - department of law. Amends the 2001 general appropriation act to increase the appropriation to the department of law. Increases the general fund, cash funds, and federal funds portions of the appropriation and decreases the cash funds exempt portion.

APPROVED by Governor March 27, 2002

EFFECTIVE March 27, 2002

H.B. 02-1376 Supplemental appropriation - legislative department. Amends the 2001 general appropriation act to decrease the total appropriation to the legislative department.

Decreases the appropriation for each agency made by the 2001 legislative appropriation act.

APPROVED by Governor March 27, 2002

EFFECTIVE March 27, 2002

H.B. 02-1377 Supplemental appropriation - department of local affairs. Amends the 2001 general appropriation act to increase the total appropriation to the department of local affairs. Decreases the general fund portion of the appropriation and increases the cash funds, cash funds exempt, and federal funds portions.

APPROVED by Governor March 27, 2002

EFFECTIVE March 27, 2002

H.B. 02-1378 Supplemental appropriation - department of military affairs. Amends the 2001 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. Amends the 2001 supplemental appropriation to the department to increase the general fund portion of the appropriation.

APPROVED by Governor March 27, 2002

EFFECTIVE March 27, 2002

H.B. 02-1379 Supplemental appropriation - department of natural resources. Amends the 2001 general appropriation act to increase 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.

APPROVED by Governor March 27, 2002

EFFECTIVE March 27, 2002

H.B. 02-1380 Supplemental appropriation - department of personnel. Amends the 2001 general appropriation act to decrease the total appropriation to the department of personnel. Decreases the general fund and cash funds exempt portions of the appropriation and increases the cash funds portion.

APPROVED by Governor March 27, 2002

EFFECTIVE March 27, 2002

H.B. 02-1381 Supplemental appropriation - department of public health and environment. Amends the 2001 general appropriation act to increase the total appropriation to the department of public health and environment. 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 27, 2002

EFFECTIVE March 27, 2002

H.B. 02-1382 Supplemental appropriation - department of public safety. Amends the 2001 general appropriation act to increase the total appropriation to the department of public safety. Decreases the general fund and the federal funds portions of the appropriation and increases the cash funds and cash funds exempt portions.

APPROVED by Governor March 27, 2002

EFFECTIVE March 27, 2002

H.B. 02-1383 Supplemental appropriation - department of regulatory agencies. Amends the 2001 general appropriation act to decrease the total appropriation to the department of regulatory agencies. Decreases the general fund, cash funds, and federal funds portions of the appropriation and increases the cash funds exempt portion.

APPROVED by Governor March 27, 2002

EFFECTIVE March 27, 2002

H.B. 02-1384 Supplemental appropriation - department of revenue. Amends the 2001 general appropriation act to increase the total appropriation to the department of revenue. Decreases the general fund and cash funds portions of the appropriation and increases the cash funds exempt portion. Repeals the appropriation made to the department by House Bill 01-1017, for 2- and 5-year registration periods for motor vehicles.

APPROVED by Governor March 27, 2002

EFFECTIVE March 27, 2002

H.B. 02-1385 Supplemental appropriation - department of state. Amends the 2001 annual appropriation act to increase the total appropriation for the department of state. Increases the cash funds portion of the appropriation.

APPROVED by Governor March 27, 2002

EFFECTIVE March 27, 2002

H.B. 02-1386 Supplemental appropriation - department of transportation. Amends the 2001 annual appropriation act to decrease the total appropriation to the department of transportation. Decreases the cash funds and cash funds exempt portions of the appropriation.

APPROVED by Governor March 27, 2002

EFFECTIVE March 27, 2002

H.B. 02-1387 Supplemental appropriation - department of the treasury. Amends the 2001 annual 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 27, 2002

EFFECTIVE March 27, 2002

H.B. 02-1388 Supplemental appropriations to capital construction. Amends the 2001 general appropriation act to increase the total appropriation for capital construction projects. Decreases the capital construction fund exempt portion of the appropriation and increases the cash funds exempt portion.

Increases the total amount appropriated in the 1999 capital construction appropriation. Increases the amount appropriated to the department of higher education for the equine orthopedic research laboratory. Decreases the amount appropriated to the department of public safety for the Colorado state patrol troop office construction in Castle Rock and decreases the amount appropriated to the department of revenue for the Fort

Collins port of entry building replacement.

Increases the total amount appropriated in the 2000 capital construction appropriation. Decreases the amount appropriated to the department of health care policy and financing for the 9th floor renovation of the cafeteria for office space at 1575 Sherman street. Increases the amount appropriated to the department of higher education, university of Colorado at Boulder for the Porter biosciences building renovation and to the Colorado historical society for the El Pueblo Museum development. Adjusts the 2000 appropriation to the department of public safety for the Colorado state patrol troop office construction in Grand Junction.

Increases the total amount appropriated in the 2001 capital construction appropriation. Adds an appropriation to the department of higher education, university of Colorado health sciences center, for the Fitzsimons research complex and increases the amount appropriated to the university of northern Colorado, Ross Hall addition and renovation, phase 4 of 4. Reduces the appropriation to the department of natural resources, division of parks and outdoor recreation, legacy projects, and adds an appropriation for the St. Vrain corridor project. Increases the amount appropriated to the department of public safety for state capitol security improvements.

APPROVED by Governor March 27, 2002

EFFECTIVE March 27, 2002

H.B. 02-1420 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, 2002. Sets the grand total for the operating budget at \$13,582,902,333, of which \$6,076,898,933 is from the general fund, \$1,168,607,398 is from cash funds, \$3,316,849,683 is from cash funds exempt, and \$3,020,546,319 is from federal funds.

Appropriates \$216,314,154 for capital construction, of which \$27,569,158 is from capital construction fund exempt, \$45,126,854 is from cash funds, \$127,505,673 is from cash funds exempt, and \$16,112,469 is from federal funds.

Makes additional changes in appropriations for the 2000-01 and 2001-02 fiscal years.

APPROVED by Governor May 31, 2002

EFFECTIVE May 31, 2002

PORTIONS VETOED May 31, 2002

H.B. 02-1421 Supplemental appropriation - department of agriculture - second supplemental. Amends House Bill 02-1366 to further reduce the total appropriation to the department of agriculture made in the 2001 general appropriation act. Decreases the general fund portion of the appropriation and increases the federal funds portion.

APPROVED by Governor April 30, 2002

EFFECTIVE April 30, 2002

H.B. 02-1422 Supplemental appropriation - department of corrections - second supplemental. Amends House Bill 02-1367 to further reduce the total appropriation to the

department of corrections made in the 2001 general appropriation act. Decreases the general fund portion of the appropriation and increases the federal funds portion.

APPROVED by Governor April 30, 2002

EFFECTIVE April 30, 2002

H.B. 02-1423 Supplemental appropriation - department of education - second supplemental. Amends House Bill 02-1368 to reduce the amount previously increased by said bill for the total appropriation to the department of education made in the 2001 general appropriation act. Decreases the general fund portion of the appropriation and increases the cash funds exempt portion.

APPROVED by Governor April 30, 2002

EFFECTIVE April 30, 2002

H.B. 02-1424 Supplemental appropriation - offices of the governor, lt governor, and state planning and budgeting - second supplemental. Amends House Bill 02-1369 to reduce the amount previously increased by said bill for the total appropriation to the offices of the governor, lt. governor, and state planning and budgeting made in the 2001 general appropriation act. Decreases the general fund portion of the appropriation.

APPROVED by Governor April 30, 2002

EFFECTIVE April 30, 2002

H.B. 02-1425 Supplemental appropriation - department of health care policy and financing - second supplemental. Amends House Bill 02-1370 to further increase the amount previously increased by said bill for the total appropriation to the department of health care policy and financing made in the 2001 general appropriation act. Increases the general fund, cash funds exempt, and federal funds portions of the appropriation.

APPROVED by Governor May 28, 2002

EFFECTIVE May 28, 2002

H.B. 02-1426 Supplemental appropriation - department of higher education - second supplemental. Amends House Bill 02-1371 to further reduce the total appropriation to the department of higher education made in the 2001 general appropriation act. Decreases the general fund and cash funds exempt portions of the appropriation and increases the cash funds portion.

APPROVED by Governor April 30, 2002

EFFECTIVE April 30, 2002

H.B. 02-1427 Supplemental appropriation - department of human services - second supplemental. Amends House Bill 02-1372, which decreased the total appropriation to the department of human services made in the 2001 general appropriation act, to increase the total appropriation made. Decreases the general fund portion of the appropriation and increases the cash funds, cash funds exempt, and federal funds portions.

APPROVED by Governor May 28, 2002

EFFECTIVE May 28, 2002

H.B. 02-1428 Supplemental appropriation - department of law - second supplemental.

Amends House Bill 02-1375 to reduce the amount previously increased by said bill for the total appropriation to the department of law made in the 2001 general appropriation act. Decreases the general fund portion of the appropriation.

APPROVED by Governor April 30, 2002

EFFECTIVE April 30, 2002

H.B. 02-1429 Supplemental appropriation - department of local affairs - second supplemental. Amends House Bill 02-1377 to reduce the amount previously increased by said bill for the total appropriation to the department of local affairs made in the 2001 general appropriation act. Decreases the general fund and cash funds exempt portions of the appropriation.

APPROVED by Governor April 30, 2002

EFFECTIVE April 30, 2002

H.B. 02-1430 Supplemental appropriation - department of military affairs - second supplemental. Amends House Bill 02-1378 to further reduce the total appropriation to the department of military affairs made in the 2001 general appropriation act. Decreases the general fund portion of the appropriation.

APPROVED by Governor April 30, 2002

EFFECTIVE April 30, 2002

H.B. 02-1431 Supplemental appropriation - department of natural resources - second supplemental. Amends House Bill 02-1379 to reduce the amount previously increased by said bill for the total appropriation to the department of natural resources made in the 2001 general appropriation act. Decreases the general fund portion of the appropriation.

APPROVED by Governor April 30, 2002

EFFECTIVE April 30, 2002

H.B. 02-1432 Supplemental appropriation - department of personnel - second supplemental. Amends House Bill 02-1380 to further reduce the total appropriation to the department of personnel made in the 2001 general appropriation act. Decreases the general fund and the cash funds exempt portions of the appropriation.

APPROVED by Governor April 30, 2002

EFFECTIVE April 30, 2002

H.B. 02-1433 Supplemental appropriation - department of public health and environment - second supplemental. Amends House Bill 02-1381 to reduce the amount previously increased by said bill for the total appropriation to the department of public health and environment made in the 2001 general appropriation act. Decreases the general fund and general fund exempt portions of the appropriation and increases the cash funds exempt portion.

APPROVED by Governor April 30, 2002

EFFECTIVE April 30, 2002

H.B. 02-1434 Supplemental appropriation - department of public safety - second

supplemental. Amends House Bill 02-1382 to reduce the amount previously increased by said bill for the total appropriation to the department of public safety made in the 2001 general appropriation act. Decreases the general fund portion of the appropriation.

APPROVED by Governor April 30, 2002

EFFECTIVE April 30, 2002

H.B. 02-1435 Supplemental appropriation - department of regulatory agencies - second supplemental. Amends House Bill 02-1383 to further reduce the total appropriation to the department of regulatory agencies made in the 2001 general appropriation act. Decreases the general fund, cash funds, and cash funds exempt portions of the appropriation.

APPROVED by Governor April 30, 2002

EFFECTIVE April 30, 2002

H.B. 02-1436 Supplemental appropriation - department of revenue - second supplemental. Amends House Bill 02-1384 to reduce the amount previously increased by said bill for the total appropriation to the department of revenue made in the 2001 general appropriation act. Decreases the general fund portion of the appropriation.

APPROVED by Governor April 30, 2002

EFFECTIVE April 30, 2002

H.B. 02-1437 Supplemental appropriation - department of transportation - second supplemental. Amends House Bill 02-1386, which decreased the total appropriation to the department of transportation made in the 2001 general appropriation act, to increase the total appropriation made to the division of aeronautics. Increases the cash funds and cash funds exempt portions of the appropriation.

APPROVED by Governor May 28, 2002

EFFECTIVE May 28, 2002

H.B. 02-1438 Supplemental appropriations - capital construction - second appropriation. Makes the following adjustments to capital construction appropriations:

1998 capital construction appropriations: Decreases the total amount appropriated in the 1998-99 fiscal year. Decreases the capital construction fund exempt portion of the appropriation to reduce the amount appropriated to the department of:

- Corrections for the replacement of the serving lines and dumb waiters at the Buena Vista correctional facility.
- Education for the campus-wide roof replacement and repair, school for the deaf and blind.
- Higher education for the university of Colorado health sciences center, repair and replacement of deteriorated infrastructure at the Colorado psychiatric hospital and for the building upgrades, Phillips/Whyman, at Northeastern junior college.

1999 capital construction appropriations: Decreases the total amount appropriated in the 1999-2000 fiscal year. Decreases the capital construction fund exempt, cash funds, cash funds exempt, and federal funds portions of the appropriation to reduce the amount

appropriated to the department of:

- Corrections for repairing the utility tunnel at the Fremont correctional facility.
- Health care policy and financing for the Colorado benefits management system.
- Higher education for the university of Colorado health sciences center, Fitzsimons, infrastructure development; the Lamar community college, trustees building cosmetology laboratory ventilation/bathroom upgrade; the Northeastern junior college, fire detection and alarm upgrade and campus buildings, pitched roofs; and the Colorado historical society, El Pueblo museum, education facility renovation.
- Human services for the Colorado benefits management systems and for the Colorado mental health institute at Fort Logan for repair of roadways and for the patient unit air conditioning and security improvements.
- Judicial for the heritage building fire alarm upgrade, the elevator repair/retrofit, and the cross-connection control/backflow prevention.

2000 capital construction appropriations: Decreases the total amount appropriated in the 2000-01 fiscal year. Decreases the capital construction fund exempt portion of the appropriation and increases the cash funds exempt portion. Changes the amount appropriated to the department of:

- Agriculture: Decreases the amount appropriated for the biochemistry lab building system replacement and workstations replacement, the metrology lab building system replacement, and the animal health laboratory power supply upgrade.
- Corrections: Decreases the amount appropriated for the repair or replacement of security systems for the Colorado state penitentiary, Colorado territorial, Arkansas valley, and Fremont correctional facilities; the repair or replacement of the Buena Vista correctional facility cellhouse showers; the upgrade of the fire detection/alarm/suppression systems for the Skyline correctional center, the Pueblo minimum center, and the Limon and Fremont correctional facilities, and the segregation unit cell front and lock replacement at the Buena Vista correctional facility. Decreases the amount appropriated for the San Carlos correctional facility expansion for professional services. Increases the amount appropriated for the Fremont correctional facility, inmate hobby shop.
- Education: Decreases the amount appropriated for the school for the deaf and blind for removing and replacing insulation, the electrical distribution upgrade, and the cross-connection control/backflow prevention. Repeals the appropriation for the repair or replacement of roofs at the school.
- Higher education: Decreases the amount appropriated for the university center for the arts at Colorado state university. Reduces the amount appropriated for the university of Colorado at Colorado Springs for renovation and technology upgrades for the engineering building and Dwire hall. Repeals the appropriation for the phase 3 infrastructure of the Colorado psychiatric hospital. Decreases the amount appropriated for the university of northern Colorado's campus-wide replacement of deteriorated stairs and walkways. Decreases the amount appropriated for the repair of the structural and exterior of the main annex at the Arapahoe community college. Reduces the amount appropriated for Lamar community college, Bowman and Trustees buildings, window upgrades and exterior caulking and painting of various

campus buildings. Decreases the amount appropriated for Morgan community college, information technology and connectivity. Repeals the appropriation for Northeastern junior college, Phillips-Whyman hall boiler replacement and roof replacements for 6 campus buildings. Reduces the amount appropriated for Northwestern community college, Rangley campus, air conditioning upgrades. Decreases the amount appropriated for Red Rocks community college, construction technology building, fire alarm upgrade, and the west wing of main building, handicapped access. Reduces the amount appropriated for the Trinidad state junior college, duct system cleaning and sanitizing for the library and Davis buildings. Decreases the amount appropriated for the Auraria higher education center, arts building renovation. Decreases the amount appropriated for the Colorado historical society, Grant Humphry's mansion improvements and repairs, the Fort Garland code and safety upgrades, the El Pueblo museum development, new construction, and the Stephen Hart research library renovation and expansion. Decreases the amount appropriated for the site and utility plan for the Lowry higher education center.

- Human services: Reduces the amount appropriated for the division of youth corrections, Colorado mental health institute, secure 20-bed mental health unit. Repeals the appropriation for phase 2 of the repair and replacement of roadways at the Colorado mental health institute at Fort Logan. Decreases the amount appropriated for the Colorado mental health institute at Pueblo, forensics replacement and master plan, and the kitchen, warehouse, and heating plant expansion.
- Judicial: Repeals the appropriation for the judicial heritage building fire alarm upgrade. Decreases the amount appropriated for the mechanical room ventilation upgrade and the waterproof sloped roof and plaza deck for the judicial heritage building.
- Military affairs: Decreases the amount appropriated for state armories roof projects and the Englewood administration building, exterior closure replacement.
- Personnel: Reduces the amount for the Colorado executive residence repairs and upgrades and the relocation of the existing generator from the 690 Kipling building to the power plant. Reduces the amount appropriated for the life safety upgrade for the state capitol building and the statewide multi-use network implementation.

Reduces the amount appropriated to the department of human services for the 2000-01 fiscal year for the department's pro rata share of the off-site development costs associated with the Kipling Village parcel and the Zier and therapy pool parcels and for modifications to the Summit village.

2001 capital construction appropriations: Decreases the total amount appropriated in the 2001-02 fiscal year. Decreases the capital construction fund exempt, cash funds, cash funds exempt, and federal funds portions of the appropriation. Changes the amount appropriated to the department of:

- Corrections: Decreases the capital construction fund exempt total for controlled maintenance projects and adds a cash funds exempt appropriation from the corrections expansion reserve fund. Repeals the appropriation for the San Carlos correctional facility 250-bed expansion project and reduces the amount appropriated for the expansion and renovation of the Denver regional

- diagnostic center.
- Human services: Repeals the appropriation for the division of youth corrections, Colorado mental health institute, secure 20-bed mental health unit, and the Colorado benefits management system.
- Personnel: Decreases the amount appropriated for the certificates of participation projects, 1992 issue (refunding of 1979 DD, 1986 DYS, 1988 prison issue, and 1995-2005 part of the AHEC north classroom). Repeals the appropriation for the statewide multi-use network implementation.

APPROVED by Governor April 30, 2002

EFFECTIVE April 30, 2002

H.B. 02-1471 Supplemental appropriations - capital construction - third supplemental. Amends the capital construction appropriation made in the 1998 general appropriations act to transfer the appropriation for phase 2 of the Colorado advanced photonics technology center from the Colorado advanced technology institute to the Colorado commission on higher education. Adds a footnote to the appropriation for the Ekeley science building east wing renovation at the university of Colorado at Boulder to specify that the appropriation remains available until December 31, 2002.

Amends the capital construction appropriation made in the 1999 general appropriations act to decrease the total appropriation for capital construction projects. Decreases the capital construction fund exempt portion of the appropriation. Adds an appropriation of \$199,259 from the general fund to the capital construction fund, as of July 1, 2001. Decreases the amount appropriated to the department of higher education for the Lowry higher education center for chlorofluorocarbon refrigeration phase-out at various facilities and the Rocky Mountain manufacturing academy renovation of building 903.

Amends the capital construction appropriation made in the 2002 general appropriation act, House Bill 02-1420, to increase the total appropriation for capital construction projects. Increases the capital construction fund exempt and cash funds exempt portions of the appropriation. Amends 2 headnotes to clarify that specified sums do not constitute state fiscal year spending and to decrease the amount appropriated from the general fund to the capital construction fund as of July 1, 2002. Increases the amount appropriated to the department of corrections to restore the fiscal year 1998-99 funds for the replacement of serving lines and dumb waiters at the Buena Vista corrections facility. Increases the amount appropriated to the department of higher education for the center for astrophysics and space astronomy research laboratory expansion and renovation at the university of Colorado at Boulder. Restores the fiscal year 1999-2000 funds for the restoration of the Fitzsimons infrastructure development at the university of Colorado health sciences center, and restores the fiscal year 2000-01 funds for the site and utility plan restoration at Lowry higher education center. Decreases the amount appropriated to the department of personnel for the controlled maintenance emergency fund.

Makes the 2002 capital construction appropriation adjustments contingent on the enactment of House Bill 02-1420.

APPROVED by Governor June 7, 2002

EFFECTIVE June 7, 2002
PORTIONS VETOED June 7, 2002

NOTE: House Bill 02-1420 was signed by the Governor May 31, 2002.

H.B. 02-1472 Supplemental appropriation - department of corrections - third supplemental. Amends the 2001 general appropriations act, as amended by House Bills 02-1367 and 02-1422, both of which decreased the total appropriation made to the department of corrections in 2001, to increase the reductions previously made by said bills to the general fund portion of the appropriation.

Specifies that the act is contingent on the enactment of House Bill 02-1420.

APPROVED by Governor June 7, 2002

EFFECTIVE June 7, 2002

NOTE: House Bill 02-1420 was signed by the Governor May 31, 2002.

H.B. 02-1473 Supplemental appropriation - department of health care policy and financing - third supplemental. Amends House Bill 02-1425 to further increase the amount previously increased by said bill for the total appropriation to the department of health care policy and financing made in the 2001 general appropriation act. Decreases the general fund portion of the appropriation and increases the cash funds exempt and federal funds portions.

Amends the 2002 general appropriation act, House Bill 02-1420, to increase the total amount appropriated to the department of health care policy and financing. Increases the general fund and federal funds portions of the appropriation.

Makes the 2002 increases contingent on the enactment of House Bill 02-1420.

APPROVED by Governor June 7, 2002

EFFECTIVE June 7, 2002

NOTE: House Bill 02-1420 was signed by the Governor May 31, 2002.

H.B. 02-1474 Supplemental appropriation - department of human services - third supplemental. Amends House Bill 02-1427, which increased the total appropriation to the department of human services made in the 2001 general appropriation act, to increase the total appropriation made. Decreases the general fund portion of the appropriation and increases the cash funds exempt portion.

Amends the 2002 general appropriation act, House Bill 02-1420, to increase the total amount appropriated to the department of human services. Decreases the general fund portion of the appropriation and increases the cash funds exempt portion.

Makes the 2002 adjustments contingent on the enactment of House Bill 02-1420.

APPROVED by Governor June 7, 2002

EFFECTIVE June 7, 2002

NOTE: House Bill 02-1420 was signed by the Governor May 31, 2002.

CHILDREN AND DOMESTIC MATTERS

S.B. 02-20 Juveniles and parents - courts - privileged communications - attorneys - health professionals - clergy. Prevents a minor child or a minor child's parent from being examined as a witness regarding a confidential communication made by the minor child to the parent in the presence of an attorney, physician, mental health professional, or clergy member. Allows waiver of the exception by the minor child by express consent or failure to object when the contents of the communications are demanded. Exempts the privilege in the following cases:

- Actions between parents or between a parent and minor child;
- A proceeding to commit the minor child or parent;
- Guardianship or conservatorship proceedings for either the parent or minor child because of mental or physical disability;
- Criminal actions involving the parent and minor child;
- An action involving termination or voluntary relinquishment of the parent-child legal relationship;
- Any action or proceeding involving child abuse, dependency or neglect, abandonment, or non-support by a parent.

APPROVED by Governor May 6, 2002

EFFECTIVE August 7, 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. 02-21 Child support - schedule of basic child support obligations - low-income adjustments to support calculations - extraordinary medical expenses. Updates the schedule of basic child support obligations based upon the recommendations of the child support commission.

Establishes a minimum monthly child support amount for parents whose combined monthly adjusted gross income is \$850 or less. Sets forth an adjustment formula to be applied when calculating the level of child support to be paid by low-income parents. Notwithstanding any other provision, specifies that in those cases in which the obligor's monthly adjusted gross income is less than \$850, regardless of the monthly adjusted gross income of the obligee, the court shall order the obligor to pay \$50 per month in child support.

In those circumstances in which the combined adjusted gross income of the parents exceeds the uppermost levels of the guideline, permits the judge to use discretion to determine the amount of child support, but directs that such amount may not be less than the amount would be if it were based on the highest level of adjusted gross income set forth in the guideline.

Provides that extraordinary medical expenses include copayments and deductible amounts that exceed \$250 per child per year, including costs related to vision care.

Makes the act applicable to actions to establish child support and motions to modify child support filed on or after January 1, 2003.

APPROVED by Governor April 18, 2002

EFFECTIVE January 1, 2003

S.B. 02-49 Domestic proceedings - confidentiality agreement - exceptions - open summary. Upon written agreement of both parties, makes confidential specified documents submitted to the court in a proceeding for dissolution of marriage, legal separation, declaration of invalidity of marriage, child custody, or the allocation of parental responsibilities filed on or after July 1, 2002. Requires parties to file the specified confidential documents in a specific manner. Requires the parties to agree upon and file a summary of any confidential parenting plan or allocation of parental responsibilities submitted to the court. Makes exceptions to allow certain persons and agencies to have access to confidential information.

VETOED by Governor June 2, 2002

S.B. 02-128 Foster children and minors in out-of-home placement - limited authority to obtain an instruction permit to drive. Allows a guardian ad litem, a designated official of the local department of social services, or a designated official of the division of youth corrections to sign an application authorizing a minor in foster care or other out-of-home placement to apply for an instruction permit where the parent, or the foster parent, if the minor is in the care of a foster parent, is unwilling or unable to sign the affidavit of liability; except that the guardian ad litem or designated official shall not sign the application for an instruction permit for a minor who is under 17 ½ years of age in a foster care home without first obtaining the consent of the foster parent.

Provides that in such circumstances the minor may obtain an instruction permit from the department of revenue to drive without a signed affidavit of liability, subject to the following requirements:

- The guardian ad litem or designated official signs the application for the instruction permit;
- If the minor is in the care of a foster parent and is under 17 ½ years of age, the foster parent consents to the minor learning driving skills;
- If the minor is in the care of a foster parent and is at least 17 ½ years of age, the guardian ad litem or the designated official has consulted with the foster parent about the minor's ability to exercise good judgment and make decisions and about the minor's overall capacity to drive;
- The minor is enrolled in or will be enrolled in a commercial driving course that insures the motor vehicles in which the minor will be driving as a student for property damage and personal injury;
- The commercial driving course maintains possession of the minor's instruction permit at all times.

States that nothing in the act requires a foster parent to sign an affidavit of liability for a foster child and nothing in the act precludes a foster parent from obtaining a named driver's exclusion on the foster parent's insurance policy.

APPROVED by Governor May 2, 2002

EFFECTIVE May 2, 2002

S.B. 02-187 Reports of abuse or neglect. Clarifies that any unlawful sexual behavior, as defined in the criminal code, is child abuse for purposes of dependency or neglect of a child.

Clarifies that persons who are required to report abuse or neglect are to do so immediately upon receiving information creating reasonable cause to know or suspect that a child has been subjected to abuse or neglect.

APPROVED by Governor May 24, 2002

EFFECTIVE May 24, 2002

S.B. 02-210 Mandatory reports of abuse or neglect - clergy members. Adds clergy members to the list of persons required to report suspicion of child abuse or neglect. Creates an exception to the reporting requirement if the clergy member could not be required to testify about the communication.

Applies to reasonable cause to know or suspect child abuse or neglect acquired on or after June 3, 2002.

APPROVED by Governor June 3, 2002

EFFECTIVE June 3, 2002

H.B. 02-1009 Civil restraining orders - motions to modify or dismiss - appropriation. Authorizes a court to grant one continuance not to exceed 14 days for each party of the show cause hearing related to the issuance of a civil restraining order. Clarifies that the protected party may apply to the court at any time to modify or dismiss a civil restraining order. Specifies that the restrained party may bring a motion to modify or dismiss a civil restraining order no more frequently than once every 4 years. Requires the restrained party to file with a motion to modify a civil restraining order the results from the Colorado bureau of investigation of a fingerprint-based criminal history record check.

Provides that, if the restrained party has been subsequently convicted of any domestic violence misdemeanor, other than the original offense that formed the basis for the issuance of the restraining order, or any felony, then the civil restraining order shall remain permanent and may not be dismissed. Specifies that the court retains jurisdiction to enforce, modify, or dismiss a civil restraining order.

Requires a party moving to modify or dismiss a civil restraining order to affect personal service on the other party with a copy of the motion and notice of the hearing and to bear the burden of proof at the hearing. Specifies the factors the court shall consider in granting a modification or dismissal of a civil restraining order.

Directs the state court administrator, pursuant to rule-making authority, to design and make available to the courts a standardized set of forms verifying service of civil restraining orders.

For the 2002-03 fiscal year, appropriates \$92,427 and 0.2 FTE to the department of public safety for the implementation of the act.

APPROVED by Governor May 24, 2002

EFFECTIVE July 1, 2002

H.B. 02-1018 Child care licensing - posting of information regarding filing of complaints - exception for child placement agencies. Excepts child placement agencies from the requirement that child care facilities display information regarding the filing of complaints in a prominent and conspicuous location during the hours of operation. Requires such

agencies and foster care homes to make the complaint information available for inspection by their patrons, upon request.

Requires foster care homes to make their licenses available to patrons for inspection upon request.

APPROVED by Governor March 13, 2002

EFFECTIVE March 13, 2002

H.B. 02-1055 Child support - enforcement procedures - enforcement of health insurance.
Makes the following changes to the "Colorado Child Support Enforcement Procedures Act":

- Defines the term "plan" as it relates to health benefit plans;
- Clarifies that the obligee's representative and the delegate child support enforcement unit may activate income assignments;
- Upon agreement with the state child support enforcement agency, allows for any payor of funds to electronically receive the notice to withhold income for support; and
- Changes the process used by delegate child support enforcement units for deductions for health insurance, setting forth the new process in the "Colorado Child Support Enforcement Act".

Makes the following changes to the "Colorado Child Support Enforcement Act":

- Clarifies that the family support registry fund shall include moneys received from family support registry transaction processing fees;
- Specifies that unexpended and unencumbered moneys remaining in the family support registry fund at the end of any fiscal year shall remain in the fund, and further specifies that the moneys shall be continuously appropriated to the state department of human services;
- Clarifies the process for the review and adjustment of child support amounts and reduces the period of time from 40 days to 30 days in which either party may challenge the results of the review and makes such changes effective January 1, 2003; and
- Sets forth a procedure, using a national medical support notice form, for the delegate child support enforcement units to follow in enforcing health insurance coverage obligations.

APPROVED by Governor March 13, 2002

EFFECTIVE July 1, 2002

H.B. 02-1063 Colorado Children's Trust Fund Act - independent evaluation - continuation.
Continues the existence of the "Colorado Children's Trust Fund Act" by extending the automatic termination date to 2012. Requires the department of public health and environment to submit a report of the independent evaluation of the trust fund to the health, environment, welfare, and institutions committee of the house of representatives and the health, environment, children and families committee of the senate by November 1, 2011.

APPROVED by Governor March 21, 2002

EFFECTIVE March 21, 2002

H.B. 02-1064 Indian Child Welfare Act. Recognizes Colorado's commitment to consistent application of and compliance with the federal "Indian Child Welfare Act" ("act") statewide.

Requires the petitioning or filing party in those types of cases to which the act applies, including certain juvenile delinquency proceedings, dependency or neglect proceedings, termination of parental rights proceedings, and pre-adoptive and adoption proceedings, to make continuing inquiries to determine whether the child who is the subject of the proceeding is an Indian child and, if so, to determine the identity of the Indian child's tribe. In such cases, directs the petitioning or filing party to send notice by registered mail to certain persons in the Indian child's tribe. Specifies that the initial pleading shall include a statement concerning the efforts made to determine whether the child who is the subject of the proceeding is an Indian child, and, if so, the identity of the Indian child's tribe. Directs that the postal receipt for the registered mail be attached to the initial pleading or filed with the court within 10 days after the filing of the initial pleading. Requires the court in those cases in which the petition does not disclose whether the subject child is an Indian child, to inquire of the parties at the first hearing whether the child is an Indian child and, if so, whether the parties have complied with the procedural requirements set forth in the act.

Encourages the state department of human services ("state department") and the county departments of social services to work cooperatively in exchanging information they may have about Indian tribes outside the state of Colorado. Lists certain "good cause" factors the state court is encouraged to consider in determining whether to transfer a case under the act to a tribal court.

Directs that the informational notice of rights and remedies for families required to be prepared by the state department in dependency or neglect cases be in writing and include a notification of rights of parents, guardians, and legal custodians of Indian children, pursuant to the act.

APPROVED by Governor May 30, 2002

EFFECTIVE May 30, 2002

H.B. 02-1083 Missing children - Amber alert program - creation. Creates the "Amber alert" program ("program") to broadcast notice of child abductions. Requires the Colorado bureau of investigation ("CBI") to implement the program. Specifies the program shall include a procedure by which a local law enforcement agency may verify a child abduction and notify CBI of the abduction. Commands CBI to issue an "Amber alert" after confirming the local law enforcement agency's information. Directs the alert be sent to the federal communications commission's designated state emergency alert system broadcaster in Colorado. Requires the director of the department of public safety to promulgate rules to implement the program.

APPROVED by Governor April 1, 2002

EFFECTIVE April 1, 2002

H.B. 02-1159 Homeless youth services - creation of office - appropriation. Creates the "Colorado Homeless Youth Services Act". Creates the office of homeless youth services ("office") in the division of prevention and intervention services for children and youth in the department of public health and environment to provide information, coordination, and support services to public and private entities serving the homeless youth of Colorado. Strongly encourages the office to work with the executive directors or the designees of the executive directors of specified Colorado departments, private nonprofit and not-for-profit

organizations, appropriate federal departments, and other key stakeholders in the community in performing the duties of the office. Specifies the minimum duties of the office.

Decreases by one the number of FTE in the department of public health and environment for the prevention and intervention services for children and youth, Colorado children's trust fund and increases by one the number of FTE in the department of public health and environment for the prevention and intervention services for children and youth, youth crime prevention and positive intervention program, prevention services programs.

APPROVED by Governor June 7, 2002

EFFECTIVE June 7, 2002

H.B. 02-1262 Colorado works - basic assistance grant expansion - children exiting foster care into custody or guardianship of grandparent. Subject to available appropriations, authorizes the county department of social services to provide to a grandchild who was in foster care and who exited foster care into the legal custody or legal guardianship of a grandparent, a basic assistance grant under the Colorado works program, eligibility for which is based on either of the following:

- The eligibility criteria that were in effect through rules governing the aid to families with dependent children program in Colorado on July 16, 1996; or
- The financial eligibility criteria for the average foster care home maintenance payment, as defined pursuant to rules promulgated by the state board of human services.

APPROVED by Governor May 31, 2002

EFFECTIVE May 31, 2002

H.B. 02-1311 Records of abandoned infants - confidential. Specifies that documents prepared by firefighters, members of a hospital staff, and law enforcement officers concerning abandoned children are dependency and neglect records and are confidential.

APPROVED by Governor April 1, 2002

EFFECTIVE April 1, 2002

CONSUMER AND COMMERCIAL TRANSACTIONS

S.B. 02-89 Consumer credit code - consumer loans - credit score information. Creates a duty for credit reporting agencies to report credit score information to consumers when the credit score is used by a creditor for consumer loans that are secured by a dwelling. Requires the credit reporting agency to explain the most relevant factors in the consumer's credit history that affect the credit score. Clarifies that credit reporting agencies that do not use a credit scoring model do not have to create one, and that a credit reporting agency that distributes credit scores developed by other entities and does not create a credit score need not explain the score but must provide information to the consumer so that the consumer may contact the entity that prepared the score.

Requires creditors that use credit scores for consumer loans secured by a dwelling to disclose the consumer's credit score and the information maintained by the credit reporting agency. Clarifies that a creditor does not need to explain the credit score or disclose how the credit score was determined.

States that the act is effective July 1, 2003, and applies to credit scoring used for applications for consumer loans on or after said date.

APPROVED by Governor May 28, 2002

EFFECTIVE July 1, 2003

H.B. 02-1014 Removal of social security numbers from financing statements - appropriation. Requires the secretary of state to remove, as soon as feasible, but no later than July 1, 2003, social security numbers from the publicly accessible electronic records of all financing statements in the custody of the secretary that were filed with a filing office on or after April 6, 1989, but before July 1, 2001, pursuant to repealed provisions of article 9 of the "Uniform Commercial Code" that required the inclusion of social security numbers on such financing statements. Specifies that the removal of a social security number does not render a financing statement insufficient or ineffective. Requires the secretary to retain an electronic record of a financing statement that contains a social security number, but specifies that such a record shall be open for inspection and a copy or printout of such a record or information from such a record shall be furnished only upon application to the secretary of state and only for good cause shown.

Appropriates \$587,722 to the department of state from the central information system cash fund for the implementation of this act.

APPROVED by Governor May 28, 2002

EFFECTIVE May 28, 2002

H.B. 02-1048 Deceptive trade practices - occupational therapists - internship, educational, and certification requirements. Makes it a deceptive trade practice for a person to engage in the practice of occupational therapy without meeting educational and certification requirements.

Requires a person, in order to claim to be an occupational therapist, to:

- Complete the minimum requirements of internship rather than a specified minimum of 6 months or 940 hours of advanced internship as required by prior law;

- Pass the entry-level certification examination given by the American occupational certification board or the national board for certification in occupational therapy; and
- Hold an initial certificate from the national board for certification in occupational therapy or the American occupational therapy certification board.

Deletes language allowing a person to practice occupational therapy if such person, in lieu of other statutory educational, internship, and certification requirements, has earned an associates degree in occupational therapy, possesses specific work experience, has passed the certification examination, and holds an occupational therapy certificate.

APPROVED by Governor March 26, 2002

EFFECTIVE August 7, 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. 02-1144 Consumer protection - credit cards receipts. Makes legislative findings. Prohibits any person that accepts credit cards for the transaction of business from printing more than the last 5 numbers or expiration date of a credit card on the receipt to the cardholder. Provides an exception for such restriction for persons who must handwrite, imprint, or copy a credit card for business purposes. Phases implementation of this act for certain entities. Defines "credit card" to include charge and debit cards.

APPROVED by Governor April 25, 2002

EFFECTIVE April 25, 2002

H.B. 02-1162 Sweepstakes - deceptive trade practice. Prohibits any sponsor of a sweepstake or contest that requires a person to respond to the sponsor to collect a prize from requiring the person to purchase insurance in order to collect the prize. Allows a sponsor to require proof of health insurance to claim a prize related to travel or recreational activities if such health insurance is not purchased from the sponsor. Clarifies that the sponsor is not responsible for applicable state and federal taxes on the prize.

APPROVED by Governor April 25, 2002

EFFECTIVE April 25, 2002

H.B. 02-1258 Credit reports - identity theft - court orders. Requires credit bureaus to block credit information that appears on a credit report due to identity theft when a consumer files either a police report alleging identity theft or a certified court order with the reporting agency. Authorizes criminal courts to issue orders regarding identity theft that can be used to block unauthorized credit report entries and correct public records.

Allows bureaus to refuse to or lift a block if the bureau reasonably believes the request was due to a misrepresentation or error or if the consumer so requests or retains benefits from the credit transaction.

APPROVED by Governor May 6, 2002

EFFECTIVE July 1, 2002

H.B. 02-1259 Mortgages - predatory lending - limitations. Adds a new article to the "Uniform Consumer Credit Code" creating increased consumer protections regarding "covered loans" under the federal "Home Ownership and Equity Protection Act of 1994".

Defines terms. Creates additional protections regarding covered loans. Such protections limit balloon payments, accelerations of indebtedness, negative amortization, increased interest rates after default, mandatory arbitration clauses, prepayment penalties, the use of loan proceeds to pay home improvement contractors, the financing of credit insurance, recommendations to default on existing loans, and charging a fee for providing a credit balance.

Further protects covered loan consumers by requiring certain disclosures and reporting and by prohibiting advance payments, lending without regard to repayment ability, and refinancing that does not benefit the borrower or that results in a loss of certain benefits to the borrower.

Preempts local laws that regulate lending activities that are subject to the act or to certain federal authorities. Specifies civil remedies and grants the attorney general authority to enforce the consumer protections.

Makes certain practices by mortgage originators and brokers deceptive trade practices. Allows the attorney general or district attorneys to seek injunctions to prohibit brokers and originators who previously have been enjoined for engaging in such deceptive trade practices from originating mortgages for up to 2 years.

APPROVED by Governor June 7, 2002

EFFECTIVE June 7, 2002

H.B. 02-1355 Money orders - electronic facilities - credit cards. Clarifies that charging more money for the use of an electronic facility or mode of service, such as telephone or internet, that only accepts credit cards does not violate the existing prohibition on charging a higher price for payment with a credit card.

APPROVED by Governor May 30, 2002

EFFECTIVE August 7, 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. 02-1397 Uniform commercial code - secured transactions. Enacts 4 recommendations made by the national conference of commissioners on uniform state laws to article 9 of the "Uniform Commercial Code". The recommendations include 3 technical corrections and a new provision to create automatic attachment of a security interest upon the sale of an account that is a right to payment of winnings in a game of chance.

Expands the description of the types of law that preempt article 9. Limits the subordination of the rights of a holder of a security interest to those of a lien creditor only to the period during which the security interest is perfected. Strikes the requirement that the protections afforded by article 8 be limited only to claims that are adverse. Corrects an inflationary adjustment formula. Eliminates the automatic repeal of a secured party's exemption from liability for failure to comply with the requirement to provide an explanation of the calculation of surplus or deficiency.

Specifies that pre-effective-date financing statements continue the effectiveness of the security interest after the effective date of revised Article 9 if such financing statements were filed in the office of any clerk and recorder in this state. Makes secured parties liable if, while repossessing a motor vehicle, they disable the motor vehicle and immediate injury to any person or property was a reasonably foreseeable consequence of such action.

APPROVED by Governor June 1, 2002

EFFECTIVE August 7, 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. 02-1405 Consumer protection - charitable solicitations - notice and reporting requirements. Requires a charitable organization to submit a financial report or Form 990 for the most recent year it is available if the organization does not have this information for the most recent fiscal year at the time of initial registration. Requires a newly established organization to provide a financial report based on good faith estimates for its current fiscal year to the secretary of state. Requires annual amendments to be filed with the financial report. Allows organizations to request extensions for filing the Form 990 under terms and conditions established by the secretary of state.

APPROVED by Governor June 1, 2002

EFFECTIVE June 1, 2002

CORPORATIONS AND ASSOCIATIONS

H.B. 02-1147 Dissemination of false information to obtain hospital admittance or care - access to dependency and neglect records - filing of corporate documents by business entities - collection of agricultural information - confidentiality of agricultural reports - appropriation. Creates the criminal offense of dissemination of false information to obtain hospital admittance or care. Specifies that any person commits such offense where such person knowingly provides false identifying information for the purpose of either obtaining admittance to, or health services from, a particular hospital or evading an obligation by the person to make payment to the hospital for services provided at the person's request. Specifies that any person who commits said offense commits a class 1 misdemeanor.

Expands the list of persons or agencies entitled to obtain access to child abuse or neglect records and reports to include the assigned designee of a parent, guardian, legal custodian, or other person responsible for the health or welfare of a child named in a report acting by and through a validly executed power of attorney.

In connection with existing statutory requirements contained in part 3 of article 90 of title 7, Colorado Revised Statutes, for the filing of corporate documents by, or on behalf of, businesses, corporations, nonprofit corporations, associations, and partnerships:

- Specifies that a document shall be subject to said part 3 if the document is required or permitted to be filed in the records of the secretary of state pursuant to any provision of said title 7 or any other organic statute of the state.
- In general, standardizes procedures for the filing of particular documents by, or on behalf of, corporations, associations, and partnerships to require in such cases that the document be delivered to the secretary of state for filing under said part 3. Specifies that any provision in said title 7 or any other organic statute of the state that provides for filing of a document with the secretary of state or with the office of the secretary of state or in the records of the secretary of state shall be deemed to mean delivery of the document to the secretary of state for filing pursuant to said part 3.
- Specifies that, notwithstanding any other provision requiring the signature of, or execution by, any person or persons on a document, no such signature or execution shall be required.
- Specifies that any document delivered to the secretary of state for filing shall be typewritten or printed on paper or shall be on or in such other medium as may be acceptable to the secretary of state and from which the secretary of state may create a document that is typewritten or printed on paper containing all of the contents of the document. Authorizes the secretary of state to require that the document, if not on paper, be delivered by any one or more means or on or in any one or more media. Requires the secretary of state to ensure, at the earliest practicable time, that delivery of a document subject to said part 3 for filing be accomplished electronically, without the necessity for the presentation of a physical original document or the image thereof, if all required information is included and is readily retrievable from the data transmitted. Requires that all such electronic filings be retained in a form that facilitates location of the information so filed and production of a true and accurate physical printout or other representation of the information so filed.
- Clarifies that, although the document under existing statutory provisions is required to be in the English language, the name of any entity contained in the

document need not be in English if expressed in English letters or arabic or roman numerals.

- Deletes existing statutory requirements specifying that a document shall be executed or shall be an exact copy made by photographic, xerographic, or other process providing similar copy accuracy.
- Requires any document delivered for filing to state the name or names, and address or addresses, of any one or more of the individuals who cause the document to be delivered for filing, but the document need not state the name and address of more than one such individual. If the document is delivered to the secretary of state for filing in any medium other than paper, requires the document to include an electronic address acceptable to the secretary of state for the giving of the notice contemplated by this act.
- In general, changes existing statutory requirements that particular corporate, association, or partnership documents be signed and filed to require that the person or entity authorized to act on behalf of the corporation, association, or partnership cause the particular document to be delivered for filing. Specifies that causing a document to be delivered to the secretary of state for filing constitutes the affirmation or acknowledgment of each individual causing such delivery, under penalty of perjury, that the document is the individual's act and deed or the act and deed of the entity on whose behalf the individual is causing the document to be delivered for filing and that the facts stated in the document are true.
- Specifies that, except as otherwise provided, in the case of a document filed by the secretary of state, if no time is specified in the document as its effective time, such document is effective at the time of filing on the date it is filed, as evidenced by the records of the secretary of state. If a time is specified in the document as its effective time, such document is effective at the later of the specified time on the date it is filed, as such date is stated in the records of the secretary of state, or the time the document is filed by the secretary of state.
- Requires the secretary of state to file a document delivered to the secretary where the document satisfies certain statutory requirements and all of the requirements of applicable organic law regarding the filing of the document.
- Specifies that a certificate attached to a copy of a document that is in the records of the secretary of state bearing the secretary's signature and the seal of the state is prima facie evidence that the document is on file with the secretary of state.
- In the case of Colorado business corporations and nonprofit corporations, specifies that any document delivered to the secretary of state for filing pursuant to the applicable article shall be subject to the provisions of said part 3.
- Requires that the secretary of state commence a proceeding to revoke the authority of a foreign corporation to transact business in this state if an incorporator, director, officer, or agent of the foreign corporation caused a document to be delivered to the secretary of state for filing that such person knew was false in any material respect with the intent that the document be delivered to the secretary of state for filing.
- Changes certain existing statutory requirements that a particular document be executed to require that such document be approved and, where necessary, delivered to the secretary of state for filing by one or more persons so authorized to act on behalf of the business entity.

Requires that, except as otherwise provided by law, any agricultural statistics

collected by any of the several state, county, city, town, school district, or institutional officers specified in section 35-2-101, Colorado Revised Statutes, shall be collected in accordance with the requirements of article 2 of title 35, Colorado Revised Statutes. Expands the type and kind of reports regarded as confidential to include reports made to any of the several state, county, city, town, school district, or institutional officers specified in section 35-2-101, Colorado Revised Statutes.

Appropriates \$304,972 and 2.0 FTE to the department of state for the implementation of this act.

Makes the act applicable to criminal offenses committed on or after July 1, 2002.

APPROVED by Governor June 7, 2002

EFFECTIVE July 1, 2002

H.B. 02-1456 Filing of corporate documents by business entities - commencement or maintenance of a derivative proceeding by a member of limited liability company - judicial dissolution of a limited liability company - appropriation. In connection with existing statutory requirements contained in part 3 of article 90 of title 7, Colorado Revised Statutes, for the filing of corporate documents by, or on behalf of, businesses, corporations, nonprofit corporations, associations, and partnerships:

- Specifies that a document shall be subject to said part 3 if the document is required or permitted to be filed in the records of the secretary of state pursuant to any provision of said title 7 or any other organic statute of the state.
- In general, standardizes procedures for the filing of particular documents by, or on behalf of, corporations, associations, and partnerships to require in such cases that the document be delivered to the secretary of state for filing under said part 3. Specifies that any provision in said title 7 or any other organic statute of the state that provides for filing of a document with the secretary of state or with the office of the secretary of state or in the records of the secretary of state shall be deemed to mean delivery of the document to the secretary of state for filing pursuant to said part 3.
- Specifies that, notwithstanding any other provision requiring the signature of, or execution by, any person or persons on a document, no such signature or execution shall be required.
- Specifies that any document delivered to the secretary of state for filing shall be typewritten or printed on paper or shall be on or in such other medium as may be acceptable to the secretary of state and from which the secretary of state may create a document that is typewritten or printed on paper containing all of the contents of the document. Authorizes the secretary of state to require that the document, if not on paper, be delivered by any one or more means or on or in any one or more media. Requires the secretary of state to ensure, at the earliest practicable time, that delivery of a document subject to said part 3 for filing be accomplished electronically, without the necessity for the presentation of a physical original document or the image thereof, if all required information is included and is readily retrievable from the data transmitted. Requires that all such electronic filings be retained in a form that facilitates location of the information so filed and production of a true and accurate physical printout or other representation of the information so filed.
- Clarifies that, although the document under existing statutory provisions is

required to be in the English language, the name of any entity contained in the document need not be in English if expressed in English letters or arabic or roman numerals.

- Deletes existing statutory requirements specifying that a document shall be executed or shall be an exact copy made by photographic, xerographic, or other process providing similar copy accuracy.
- Requires any document delivered for filing to state the name or names, and address or addresses, of any one or more of the individuals who cause the document to be delivered for filing, but the document need not state the name and address of more than one such individual. If the document is delivered to the secretary of state for filing in any medium other than paper, requires the document to include an electronic address acceptable to the secretary of state for the giving of the notice contemplated by this act.
- In general, changes existing statutory requirements that particular corporate, association, or partnership documents be signed and filed to require that the person or entity authorized to act on behalf of the corporation, association, or partnership cause the particular document to be delivered for filing. Specifies that causing a document to be delivered to the secretary of state for filing constitutes the affirmation or acknowledgment of each individual causing such delivery, under penalty of perjury, that the document is the individual's act and deed or the act and deed of the entity on whose behalf the individual is causing the document to be delivered for filing and that the facts stated in the document are true.
- Specifies that, except as otherwise provided, in the case of a document filed by the secretary of state, if no time is specified in the document as its effective time, such document is effective at the time of filing on the date it is filed, as evidenced by the records of the secretary of state. If a time is specified in the document as its effective time, such document is effective at the later of the specified time on the date it is filed, as such date is stated in the records of the secretary of state, or the time the document is filed by the secretary of state.
- Requires the secretary of state to file a document delivered to the secretary where the document satisfies certain statutory requirements and all of the requirements of applicable organic law regarding the filing of the document.
- Specifies that a certificate attached to a copy of a document that is in the records of the secretary of state bearing the secretary's signature and the seal of the state is prima facie evidence that the document is on file with the secretary of state.
- In the case of Colorado business corporations and nonprofit corporations, specifies that any document delivered to the secretary of state for filing pursuant to the applicable article shall be subject to the provisions of said part 3.
- Requires that the secretary of state commence a proceeding to revoke the authority of a foreign corporation to transact business in this state if an incorporator, director, officer, or agent of the foreign corporation caused a document to be delivered to the secretary of state for filing that such person knew was false in any material respect with the intent that the document be delivered to the secretary of state for filing.
- Changes certain existing statutory requirements that a particular document be executed to require that such document be approved and, where necessary, delivered to the secretary of state for filing by one or more persons so authorized to act on behalf of the business entity.

With respect to limited liability companies, authorizes a member of a limited liability company to commence or maintain a derivative proceeding only where:

- The member was a member of the limited liability company at the time of the act or omission complained of or the membership interest in such company thereafter devolved by operation of law; and
- It appears that the member fairly and adequately represents the interests of the members similarly situated in enforcing the right of the limited liability company.

In connection with such derivative proceeding, specifies legal requirements pertaining to standing, demand, stay of proceedings, dismissal, discontinuance or settlement, payment of expenses, and the extent of the applicability of such proceedings to foreign limited liability companies.

In connection with judicial dissolution of a limited liability company:

- Specifies that, on application by or for a member or manager of the limited liability company, the district court may decree dissolution whenever it is established that it is not reasonably practicable to carry on the business of the limited liability company in conformity with the operating agreement of said company.
- On application by a creditor of a limited liability company, authorizes the district court to decree dissolution of such company under specified circumstances.
- Expands the circumstances under which the district court is empowered to liquidate the assets and business of a limited liability company to include circumstances where an action has been filed by or for a member to dissolve a limited liability company and it is established that the limited liability company should be dissolved and that liquidation of its assets and business should proceed under the supervision of the court.

Appropriates \$304,972 and 2.0 FTE to the department of state for the implementation of this act.

APPROVED by Governor June 7, 2002

EFFECTIVE October 1, 2002

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. 02-140 State inmates - payment of fines, costs, and restitution - inmate bank accounts. Permits the executive director of the department of corrections to fix the time and manner of the payment by state inmates of court-ordered costs, surcharges, fees, and fines in addition to restitution. Permits the executive director to order that at least 20% of the deposits into an inmate's bank account be applied toward any outstanding balance existing before, on, or after September 1, 2000. Authorizes the department of corrections to use a private collection agency to collect such court ordered costs, surcharges, fees, and fines, in addition to restitution.

APPROVED by Governor March 22, 2002

EFFECTIVE March 22, 2002

H.B. 02-1021 Parole - waiver. Establishes a deadline by which an inmate may waive the opportunity to be considered for parole. Makes a parole waiver effective for 6 months. Prohibits an inmate who waives consideration for parole from withdrawing the waiver or reapplying for parole for 6 months. Allows an inmate to apply for a reduction in the 6-month waiver period.

APPROVED by Governor March 21, 2002

EFFECTIVE March 21, 2002

H.B. 02-1077 Community corrections contracts - audits. Requires the division of criminal justice ("division") in the department of public safety to continue performing compliance audits of community corrections programs once every 3 years until July 1, 2003. Requires the division on and after July 1, 2003, to implement a community corrections program auditing schedule based on risk factors that will result in an audit of each community corrections program at least once every 5 years.

APPROVED by Governor March 26, 2002

EFFECTIVE March 26, 2002

H.B. 02-1171 Canteen - transfer to division of correctional industries. Authorizes the division of correctional industries to establish and operate a canteen for inmates of state correctional facilities and to operate vending machines for visitors to such facilities.

Transfers the existing canteen to the division of correctional industries. Creates the canteen, vending machine, and library account as a special revolving enterprise account for use by the division. Directs the state treasurer to transfer any moneys in the existing canteen, vending machine, and library fund to the account.

APPROVED by Governor March 21, 2002

EFFECTIVE July 1, 2002

H.B. 02-1223 Sex offenses - mandatory parole. Requires any person who is convicted of an offense committed on or after July 1, 2002, involving unlawful sexual behavior, or of any other offense committed on or after July 1, 2002, the underlying factual basis of which involves unlawful sexual behavior, and who is not subject to lifetime supervision, to serve a period of mandatory parole as established for other offenses.

APPROVED by Governor March 26, 2002

EFFECTIVE March 26, 2002

H.B. 02-1286 Surplus state property - management. Repeals the definition of "excess equipment and supplies". Replaces the phrase "surplus equipment and supplies" with the phrase "surplus state property". Modifies the procedures used by the division of correctional industries in the department of corrections to manage surplus state property.

APPROVED by Governor April 3, 2002

EFFECTIVE April 3, 2002

COURTS

S.B. 02-18 Demonstration drug courts - continued funding - source of funding changed - probation supervision fee - appropriation. Continues the funding for the demonstration drug courts. Changes the funding source from the drug offender surcharge fund to the offender services fund. Increases the monthly probation supervision fee from \$35 to \$45.

Appropriates \$729,399 and 5.8 FTE to the judicial department from the offender services fund. Allocates \$63,390 and 1.6 FTE of this amount to the public defender.

APPROVED by Governor June 1, 2002

EFFECTIVE July 1, 2002

S.B. 02-54 Jurors - creation of master juror list. Expands the groups used for supplementation of voter registration lists for the purposes of creating the master juror list. Directs that the department of revenue match the drivers license lists used for the master juror list with the most recent address of the individual used for income tax purposes and supply any additional income tax address to the state court administrator. Authorizes the executive director of the department of revenue to release identifying information regarding taxpayer names, addresses, and year of birth, if available, to the state court administrator for the purpose of compiling the master juror list. Directs that those persons who receive taxpayer information for the purpose of compiling the master juror list shall be subject to the limitations and the penalties provided under statute regarding the disclosure of taxpayer information. Shifts the administrative responsibility for supplementing the master juror list from the state supreme court to the state court administrator.

APPROVED by Governor June 1, 2002

EFFECTIVE June 1, 2002

S.B. 02-84 Property subject to levy - property subject to judicial process. Specifies that only Colorado judgments and foreign judgments that have been domesticated in accordance with Colorado law are entitled to judgment liens.

Replaces certain terms related to judgment liens with terminology consistent with that used by the courts and the clerks and recorders. In the case of a judgment lien, clarifies which court clerk gives the transcript of a judgment record and which property is subject to the lien.

Clarifies that a lien expires 6 years after the entry of judgment and specifies the procedure for continuing the lien before expiration of such lien. States that the lien of any judgment shall expire if the judgment is satisfied or considered satisfied pursuant to Colorado law.

Specifies the statutory provisions that govern liens for judgment in the case of judgments for child support and maintenance in domestic cases and orders of restitution in criminal cases.

Specifies the recording procedure regarding property subject to a judgment lien in a county that is annexed to or incorporated into another county after the date that such judgment is recorded.

Clarifies that a lis pendens may be filed only with respect to an action in a Colorado

state court or in a federal district court in Colorado.

APPROVED by Governor March 21, 2002

EFFECTIVE March 21, 2002

S.B. 02-168 Evidence - mortality table - inheritance tax. Repeals the "inheritance and succession tax law" which is applicable to persons dying before January 1, 1980.

Updates the mortality table used as evidence in judicial proceedings in order to account for the most recent statistics from the national center for health statistics.

APPROVED by Governor June 7, 2002

EFFECTIVE July 1, 2002

S.B. 02-169 Property exempt from levy and sale - Roth IRAs. Exempts from levy and sale under a writ of attachment or execution property held in a Roth individual retirement account.

APPROVED by Governor May 24, 2002

EFFECTIVE May 24, 2002

S.B. 02-219 Property exempt from levy and sale - agriculture exemption. Specifies that only one agriculture exemption in the aggregate value of \$25,000 will be allowed for a debtor and his or her spouse in a debt collection proceeding. Clarifies that a debtor or his or her spouse in a debt collection proceeding who wishes to exempt certain property from levy and sale may utilize either the agriculture exemption or the occupational exemption, but not both.

Specifies that the act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the purposes of the act.

APPROVED by Governor June 7, 2002

EFFECTIVE July 1, 2002

H.B. 02-1034 Restraining order fees - victims of domestic abuse, domestic violence, stalking, or sexual assault. Repeals the \$10 law enforcement restraining order service-of-process fee. Prohibits the assessment of a filing fee for a civil restraining order unless the court finds the petitioner is not seeking the restraining order as a victim of domestic abuse, domestic violence, stalking, or sexual assault. Prohibits a state agency or public agency from charging a service-of-process fee if the petitioner is seeking relief as a victim of domestic abuse, domestic violence, stalking, or sexual assault. Permits the court to assess the filing fee, service-of-process fees, and costs against the respondent at the permanent restraining order hearing.

APPROVED by Governor June 3, 2002

EFFECTIVE July 1, 2002

H.B. 02-1054 Name change - fingerprint-based criminal history check - prohibition on felons - appropriation. Requires a petition for a name change by a person 14 years or older to include the results of a fingerprint-based criminal history check. Specifies the required extent of the fingerprint-based criminal history check. Obligates the petitioner to submit

fingerprints to the Colorado bureau of investigation, submit certified records of any criminal disposition not reflected in the fingerprint-based criminal history check, and pay for the fingerprint-based criminal history check. Prohibits the court from granting a petition for a name change to anyone convicted of a felony in this state or any other state or under federal law.

Appropriates \$126,633 and 0.3 FTE to the department of public safety, Colorado bureau of investigation for implementation of this act.

APPROVED by Governor June 3, 2002

EFFECTIVE June 3, 2002

H.B. 02-1101 Family-friendly courts program - appropriation. Creates the family-friendly court program ("program") as a 3-year pilot program. Specifies that the purpose of the program is to establish or enhance existing family-friendly court programs in judicial districts throughout the state to provide quality child care services in or near courthouses and to serve as clearinghouses of information and resource referrals. Specifies that, to be eligible for funding under the program, a judicial district shall apply to the state court administrator in accordance with timelines and guidelines adopted by the state court administrator. Directs the state court administrator to announce to all judicial districts the availability of grants for the establishment or enhancement of family-friendly court programs.

Identifies the duties of the judicial districts that are selected by the state court administrator for funding through the program. Specifies the information and resource referrals that the family-friendly court services shall make available to patrons of the program.

Authorizes judicial districts and the state court administrator to accept private and public funds, grants, gifts, and donations for the purpose of implementing the program. Creates the family-friendly court program cash fund for such moneys and any moneys that may be appropriated to the fund directly by the general assembly. Specifies that, on and after July 1, 2002, a one-dollar surcharge assessed for traffic offenses and infractions shall also be credited to the family-friendly court program cash fund for grants by the state court administrator.

Repeals the program effective July 1, 2005.

For the 2002-03 fiscal year, appropriates \$122,200 and 0.5 FTE to the judicial department from the family-friendly court program cash fund for the implementation of the program.

APPROVED by Governor May 24, 2002

EFFECTIVE July 1, 2002

H.B. 02-1106 Witnesses - testimony - prior statements by persons incapable of testifying - admissibility. Modifies the restrictions on the admissibility of testimony concerning prior statements made by persons incapable of testifying.

APPROVED by Governor March 13, 2002

EFFECTIVE July 1, 2002

H.B. 02-1287 Firearm transfers - mental health adjudications - reports by court clerks to

national instant criminal background check system. Directs the clerk of the court of every judicial district in the state and the probate court of the city and county of Denver to report to the national instant criminal background check system (NICS) the name of each person with respect to whom the court has entered:

- A finding of incapacity;
- An order of commitment to the custody of the division of alcohol and drug abuse in the department of human services; and
- An order for involuntary certification for short-term treatment of mental illness, for extended certification for treatment of mental illness, or for long-term care and treatment of mental illness.

Directs the clerk of the court of every judicial district in the state and the probate court of the city and county of Denver to cancel a record made by that clerk in NICS upon the written request of the person to whom the record pertains if, at least 3 years before the date of the request:

- The court found that the person is no longer incapacitated;
- The person was discharged from commitment to the division of alcohol and drug abuse, subject to certain exceptions; or
- The person was discharged from commitment for involuntary certification for short-term treatment of mental illness or the record in the case was sealed.

Specifies that the disclosure of information by court clerks pursuant to this act shall not constitute the theft of medical records or information.

Makes the act applicable to court orders entered on and after July 1, 2002.

APPROVED by Governor May 30, 2002

EFFECTIVE May 30, 2002

H.B. 02-1312 Adoption hearings - termination appeals - relinquishment hearings - court docket priority - exceptions. On and after July 1, 2002, gives docket priority to any hearing concerning a petition for adoption or concerning a petition related to a child who is available for adoption due to an order of the court terminating the parent-child legal relationship filed with a district court, the Colorado court of appeals, or the Colorado supreme court. If there is no determination on such a case within 6 months after the filing of the petition, gives the hearing a priority on the court's docket that supersedes the priority of any other priority civil hearing. Specifies that the priority of a hearing concerning the issuance of a specified temporary restraining order is not affected by these provisions.

On and after July 1, 2002, gives docket priority to any hearing concerning a petition for relinquishment filed in a district court, the Colorado court of appeals, or the Colorado supreme court. If there is no determination on such a case within 2 months after the filing of the petition, gives the hearing a priority on the court's docket that supersedes the priority of any other priority civil hearing. Specifies that the priority of a hearing concerning the issuance of a specified temporary restraining order is not affected by these provisions.

APPROVED by Governor June 7, 2002

EFFECTIVE July 1, 2002

H.B. 02-1330 Writ of attachment - writ of execution - exempt property - period of

exemption. Increases the amount of the cash surrender value of policies or certificates of life insurance that is exempt from writs of execution or writs of attachment issued against the insured from \$25,000 to \$50,000. Changes the period of time during which increases in cash value from moneys contributed to a policy or certificate of life insurance prior to the issuance of a writ of attachment or writ of execution are not exempt from such writs from 24 months to 48 months.

APPROVED by Governor May 24, 2002

EFFECTIVE August 7, 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. 02-1334 Dishonored checks - notice by regular mail. Permits the holder of a dishonored check, draft, or order who seeks treble damages to give the notice of dishonor by regular mail supported by an affidavit of mailing.

APPROVED by Governor April 18, 2002

EFFECTIVE August 7, 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. 02-1396 Statute of limitations - criminal and juvenile delinquency proceedings - sex crimes against children - appropriation. For certain sex crimes against children, tolls the 10-year limitation period in which to bring a criminal prosecution or a juvenile delinquency prosecution until the victim is 18 years of age.

Makes a 5-year statutory appropriation for implementation of the act as follows: For fiscal year 2002-03, appropriates \$69,467 from the capital construction fund to the corrections expansion reserve fund; for the fiscal year 2003-04, appropriates \$27,251 in general fund moneys to the department of corrections; for fiscal year 2004-05, appropriates \$27,251 in general fund moneys to the department of corrections; for fiscal year 2005-06, appropriates \$27,251 in general fund moneys to the department of corrections; for fiscal year 2006-07, appropriates \$27,251 in general fund moneys to the department of corrections.

Makes the act contingent upon the passage of and the savings generated by House Bill 02-1292.

APPROVED by Governor June 3, 2002

EFFECTIVE June 3, 2002

NOTE: House Bill 02-1292 was signed by the Governor May 30, 2002, and the fiscal estimate shows sufficient general fund savings.

CRIMINAL LAW AND PROCEDURE

S.B. 02-10 Sex offenders - registration - future appropriations. Repeals and reenacts the sex offender registration provisions. Relocates the procedural provisions concerning sex offender registration. Relocates the provisions requiring nursing care facilities to conduct criminal history checks on employees. Reenacts the crime of failure to register as a sex offender.

Requires a person to register as a sex offender, on the grounds that the underlying factual basis of the offense of which the person was convicted involved unlawful sexual behavior, only under specified circumstances.

Makes the following changes to the provisions allowing a judge to exempt a person from registration:

- Requires notice of a motion to exempt to the district attorney and the victim;
- Requires the judge to hold a hearing on the motion at which the district attorney and the victim may be heard;
- Expands the standard for granting the exemption to include a finding of no significant risk to the community;
- Raises the maximum age at which a person may qualify to receive an exemption from 13 years of age to younger than 18 years of age;
- Adds indecent exposure to the crimes for which a person may receive an exemption;
- Limits the exemption to apply only if the person has no previous charges for unlawful sexual behavior and the offense charged is a first offense.

Beginning January 1, 2003, requires the court, at sentencing, initially to register a sex offender electronically. Authorizes the state court administrator to receive and expend public or private gifts, grants, or donations for implementation of the court registration provisions and makes implementation of such provisions conditional upon receipt of sufficient funds. Clarifies which parties must provide notice to the sex offender of the duty to register and the procedure and timing of the notice. Directs the probation department to provide notice to the Colorado bureau of investigation ("CBI") of any changes in the conditions or termination of a person's probation. Instructs the administrator of a community corrections program, or a designee, to provide notice to the CBI of any changes in the conditions or termination of a person's direct sentence to community corrections. Instructs the CBI to notify the appropriate law enforcement agency in either situation.

For persons sentenced to a county jail on or after January 1, 2003, directs the sheriff, or a designee, to confirm the person's registration and to give the person, prior to discharge from custody, notice of the duty to register. For persons sentenced to the department of corrections ("department") on or after January 1, 2003, directs the department to confirm the person's registration and to give the person, prior to release or discharge, notice of the duty to register.

Provides that failure properly to provide notice of the duty to register is not a defense to the offense of failure to register as a sex offender if the person has actual notice of the duty to register. Requires a person to register in each jurisdiction in which the person establishes a residence. Specifies evidence that may be used to demonstrate establishment of a residence.

Clarifies that a sex offender who is not sentenced to incarceration must initially register or, if sentenced on or after January 1, 2003, confirm registration with a local law enforcement agency within 5 business days after receiving notice of the duty to register. Requires all sex offenders, not just those to be posted on the internet, to sit for a photograph and provide fingerprints each time the sex offender registers. Clarifies that a person who discontinues residence in a jurisdiction shall file a cancellation of registration form with the appropriate law enforcement agency.

Directs the local law enforcement agency to provide to the CBI registration information within 3 business days after the required date of registration. Directs the CBI to provide a statewide standardized registration form for use by the courts, probation departments, community corrections programs, the department of corrections, the department of human services, and local law enforcement agencies. Requires a local law enforcement agency, within 3 business days after receiving notice from the CBI of a failure to register, to provide written confirmation of such failure. Delays the effectiveness of any requirement included in the act for electronic notification or transmission of information until January 1, 2003, and directs that, prior to said date, such notification or transmission shall be accomplished through any standard means of transmittal.

Clarifies that the Colorado sex offender registry ("registry") is created and maintained by the CBI and shall include persons ordered to register as a condition of parole. Identifies the CBI as the custodian for all documents pertaining to sex offender registration. Allows the CBI to release registry information to individuals under the same circumstances that individuals may receive sex offender information from their local law enforcement agencies, and specifies that the CBI may release the same information that a local law enforcement agency may release. Directs the executive director of the department of public safety to promulgate rules defining "need to know" for purposes of releasing sex offender information. Allows the CBI to charge a fee for release of such information. Creates the sex offender registry fund for receipt of such fees, and provides that money in the fund may be appropriated to pay for the costs, including personnel and equipment, incurred in operating and maintaining the registry. Authorizes the CBI to receive and expend public or private gifts, grants, or donations to establish and maintain the registry.

Allows a person who was younger than 18 years of age, rather than 16 years of age, at the time of adjudication or disposition to petition the court for discontinuance of the duty to register and removal from the registry immediately upon discharge from the person's sentence. Directs the court, in determining whether to grant the petition, to consider testimony provided by the victim of the offense. In any case in which a person submits a petition to discontinue the duty to register, requires the court to notify the victim of its decision either to continue or discontinue the duty.

Expands the venue for prosecuting a person for failure to register as a sex offender to include the county in which the person was released from incarceration.

Clarifies that the state board of parole may, as a condition of parole, order any person convicted of an offense, the underlying factual basis of which has been determined by the department of corrections to involve unlawful sexual behavior, to register as a sex offender while he or she is on parole. Requires the department of corrections, within 5 business days after the person is discharged from parole, to notify the CBI to remove such person's name from the registry.

For the 2003-04 through 2005-06 fiscal years, allows the general assembly, under

certain circumstances, to appropriate money from the offender services fund to offset the costs incurred in operating and maintaining the registry. Specifies that no additional general fund appropriations are necessary to implement the act. Identifies anticipated future appropriations in the amount of \$159,883 and 2.2 FTE from the sex offender registry fund and from moneys received by the CBI in conducting criminal history checks for implementation of the act.

APPROVED by Governor June 3, 2002

EFFECTIVE July 1, 2002

S.B. 02-19 DNA testing - biological substance sample - payment for collection and testing - offender identification fund. Changes "blood" to "biological substance sample" in each DNA testing provision. Clarifies the offender will pay for both the collection and chemical testing of the biological substance. Collapses the sex offender identification fund into the offender identification fund. Transfers any moneys in the sex offender identification fund to the offender identification fund. Prioritizes payment of probation supervision fees, drug offender surcharges, sex offender surcharges, and DNA collection and testing fees before payment of other fines, fees, or surcharges.

APPROVED by Governor June 3, 2002

EFFECTIVE July 1, 2002

S.B. 02-36 Community or useful public service - fee increase. Increases the amount assessed upon every person required to perform community or useful public service from \$60 to \$120. Allows for-profit entities to establish community or useful public service programs. Specifies that a for-profit entity that has a contract with a governmental entity shall be liable under the "Workers' Compensation Act of Colorado" or the "Colorado Employment Security Act" and that a for-profit entity is not prohibited from purchasing and keeping in force a policy of workers' compensation insurance.

APPROVED by Governor April 18, 2002

EFFECTIVE July 1, 2002

S.B. 02-37 State crime victim compensation fund - repeal redistribution - repeal fund. Repeals the requirements for annual redistribution of excess state crime victim compensation fund moneys. Repeals the state crime victim compensation fund.

APPROVED by Governor March 21, 2002

EFFECTIVE March 21, 2002

S.B. 02-39 Drug sentences reduction - one gram or less - drug treatment. Decreases the penalty for use of a schedule I or II controlled substance to a class 6 felony. Reduces to a class 6 felony the penalty for a first possession offense when the amount of a schedule I through IV controlled substance is one gram or less. Lowers to a class 4 felony the penalty for a second or subsequent possession offense when the amount of a schedule I through IV controlled substance is one gram or less.

Creates the drug offender treatment fund. Creates a state drug offender treatment board ("state board"). Identifies the state board membership as the president of the Colorado district attorneys' council, the state public defender, and the state court administrator, or such person's designee. Directs the state board to allocate at least 80% of drug offender treatment fund moneys to drug treatment programs and drug offender treatment boards in each judicial

district and authorizes the state board to allocate up to 20% of the moneys to multi-jurisdictional drug treatment programs. Permits the state board to adopt rules and guidelines. Requires each judicial district to create a drug offender treatment board. Directs that each drug offender treatment board consist of a district attorney, a public defender, and a probation officer, or such person's designee. Stipulates that the drug offender treatment boards will distribute moneys to drug treatment providers in the judicial districts. Permits the drug offender treatment boards to adopt rules and guidelines.

Allows an offender who has 2 previous felony convictions and who is convicted of possession of one gram or less of a schedule I through IV controlled substance to be placed on probation.

Requires all portions of the act to return to existing language if the expected savings from the act are not applied to the drug offender treatment fund in the fiscal year beginning in 2004 or any fiscal year thereafter.

VETOED by Governor June 7, 2002

S.B. 02-50 Controlled substances - precursors - appropriations. Creates a class 3 felony for the possession of ephedrine, pseudoephedrine, or phenylpropanolamine or their salts, isomers, or salts of isomers with the intent to use the product as a precursor to any controlled substance.

Makes a 5-year statutory appropriation for implementation of the act as follows: For fiscal year 2002-03, appropriates \$486,296 from the capital construction fund to the corrections expansion reserve fund; for the fiscal year 2003-04, appropriates \$486,269 from the capital construction fund to the corrections expansion reserve fund and appropriates \$190,757 in general fund moneys to the department of corrections; for fiscal year 2004-05, appropriates \$485,269 from the capital construction fund to the corrections expansion reserve fund and appropriates \$381,514 in general fund moneys to the department of corrections; for fiscal year 2005-06, appropriates \$449,799 from the capital construction fund to the corrections expansion reserve fund and appropriates \$572,271 in general fund moneys to the department of corrections; for fiscal year 2006-07, appropriates \$748,721 in general fund moneys to the department of corrections.

Appropriates \$14,373 and 0.3 FTE to the judicial department for allocation to the public defender for implementation of the act.

For implementation of the act, adjusts appropriations made in the 2002 general appropriation act by decreasing the general fund appropriations for performance-based pay by \$500,642.

APPROVED by Governor June 6, 2002

EFFECTIVE August 7, 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. 02-175 Corrections - sexual conduct in penal institutions - volunteers - contract employees. Clarifies that the crime of sexual conduct in penal institutions applies to contract

employees, volunteers, and individuals who engage in work or volunteer functions in a correctional facility or a jail.

APPROVED by Governor May 24, 2002

EFFECTIVE July 1, 2002

H.B. 02-1019 Sex offenders - registration - not guilty by reason of insanity. When considering conditional release of a person or temporary physical removal from an institution of a person, allows a court to order such person to register with the local law enforcement agency of the jurisdiction in which the person plans to reside if the person was found not guilty by reason of insanity on a charge involving unlawful sexual behavior or if the chief officer of the institution in which the person is committed recommends registration based on information obtained during treatment that indicates the person has committed an offense involving unlawful sexual behavior.

Lists the items that shall be included in the court's order. Directs the department of human services to provide notice to the appropriate law enforcement agency and to the Colorado bureau of investigation ("CBI") of the person's release and the requirement that the person register.

Specifies where the person shall register and the information to be provided when registering. Directs the local law enforcement agency to forward the person's registration to the CBI. Includes the person's registration on the sex offender central registry. Maintains the confidentiality of information provided by persons required to register, except as otherwise provided for the release of information pertaining to registered, convicted sex offenders.

Upon completion of a period of 20 years following conditional release or temporary removal from an institution, allows a person to petition the court for an order discontinuing the registration requirement and removing the person's name from the central registry. Establishes the standard for issuing the order and the procedures for holding a hearing on the motion for an order.

APPROVED by Governor May 24, 2002

EFFECTIVE July 1, 2002

H.B. 02-1038 Possession of chemicals, equipment, or supplies with intent to manufacture controlled substances - appropriations. Makes it unlawful to possess one or more chemicals or supplies or equipment with intent to manufacture a controlled substance.

Makes a 5-year statutory appropriation for implementation of the act as follows: For fiscal year 2002-03, appropriates \$486,269 from the capital construction fund to the corrections expansion reserve fund; for the fiscal year 2003-04, appropriates \$506,530 from the capital construction fund to the corrections expansion reserve fund and appropriates \$190,757 in general fund moneys to the department of corrections; for fiscal year 2004-05, appropriates \$972,538 from the capital construction fund to the corrections expansion reserve fund and appropriates \$389,462 in general fund moneys to the department of corrections; for fiscal year 2005-06, appropriates \$770,976 in general fund moneys to the department of corrections; for fiscal year 2006-07, appropriates \$770,976 in general fund moneys to the department of corrections.

Appropriates \$12,947 and 0.3 FTE to the judicial department for allocation to the

public defender for implementation of the act.

For implementation of the act, adjusts appropriations made in the 2002 general appropriation act by decreasing the general fund appropriations for performance-based pay by \$499,216.

APPROVED by Governor June 6, 2002

EFFECTIVE July 1, 2002

H.B. 02-1046 Criminal sentencing - relocation. Relocates the provisions of certain criminal sentencing statutes in titles 16, 17, and 18, Colorado Revised Statutes, to a new article in title 18, Colorado Revised Statutes. Repeals most, but not all, of the current statutes containing the provisions being relocated. Conditions the enactment of certain sections of this act on the enactment of other bills.

APPROVED by Governor June 7, 2002

EFFECTIVE October 1, 2002

H.B. 02-1113 Peace officer personal information - posting on the internet. Prohibits anyone from knowingly posting the personal information of a peace officer on the internet if dissemination poses a imminent and serious threat to the safety of the officer or the officer's immediate family and the person posting the information knows or reasonably should know of the threat. Makes posting the personal information of a peace officer on the internet a class 1 misdemeanor.

APPROVED by Governor June 3, 2002

EFFECTIVE July 1, 2002

H.B. 02-1114 Sex offenders - registration - institutions of higher education. Requires sex offender registration forms to include a requirement that the registrant list the locations of all institutions of postsecondary education where he or she volunteers or is enrolled or employed. Compels all persons required to register as sex offenders to re-register when they change employment when they change employment or volunteer locations, if employed or volunteering at an institution of postsecondary education, or when they become employed by, enrolled in, or a volunteer at an institution of postsecondary education.

Directs the Colorado bureau of investigation to develop a database identifying all persons required to register who volunteer or are employed or enrolled at an institution of postsecondary education. Makes the database available to all law enforcement agencies in which jurisdictions an institution of postsecondary education is located. Requires each institution of postsecondary education to provide a statement to its campus community concerning where the campus sex offender registration information may be obtained.

Provides alternative sections to take effect contingent on the enactment of Senate Bill 02-010.

APPROVED by Governor June 3, 2002

EFFECTIVE July 1, 2002

NOTE: Senate Bill 02-010 was signed by the Governor June 3, 2002.

H.B. 02-1132 Sex offender management board - sex offender residences - study. Instructs the sex offender management board ("board"), within existing appropriations, to study the safety issues concerning living arrangements and locations for sex offenders. Directs the board, on or before March 15, 2004, to submit a report to the general assembly concerning the outcome of the study and, on or before July 1, 2004, to adopt guidelines, as necessary.

APPROVED by Governor March 27, 2002

EFFECTIVE March 27, 2002

H.B. 02-1141 Duration of sentences for felonies - public announcement. Requires a court imposing a prison sentence to publicly announce at sentencing that the defendant may spend less time incarcerated than the sentence term announced. Requires the court to announce that the actual time served by a defendant will be influenced by several factors. Clarifies that the announcement is not intended to grant any additional rights to the defendant. Specifies that the failure of the court to make the announcement shall not be grounds for the withdrawal of a guilty plea, the reversal of a conviction, or a reduction in sentence.

APPROVED by Governor June 3, 2002

EFFECTIVE July 1, 2002

H.B. 02-1145 Motor vehicle repair - deceptive trade practice - false air bag installation - penalty. Criminalizes installing or reinstalling, as a part of an air bag system, any object not designed in accordance with federal safety regulations for the make, model, and year of the vehicle. Makes the same conduct a violation of the "Colorado Consumer Protection Act". Punishes violators with a misdemeanor, and imposes a penalty of a fine of \$2,500 to \$5,000, or one year in the county jail, or both.

APPROVED by Governor April 3, 2002

EFFECTIVE July 1, 2002

H.B. 02-1225 Procedural changes in criminal laws - consent - disqualification of district attorney - grand juries - evidence of other acts. Limits the offenses for which a jury must be instructed on the definition of consent. Specifies that, in such cases, consent as an affirmative defense instruction shall not be given. Conforms language for second degree assault to current language for sexual assault and escape. Corrects references in sentencing statute to current language for sexual assault.

Establishes a procedure for disqualification of a district attorney. Prohibits a court from disqualifying a district attorney except when requested by the district attorney or when the court finds that the district attorney has a personal or financial interest or finds other special circumstances rendering it unlikely that the defendant would receive a fair trial.

Authorizes a court, on application of a prosecuting attorney, to issue a bench warrant for a person who, after being lawfully served with a subpoena, fails to appear before the grand jury.

Clarifies that restitution relating to check-writing offenses may be collected pursuant to pretrial diversion programs and that such programs do not constitute debt collection. Authorizes a probation officer to file an application for revocation of deferred judgment and sentence.

Repeals the requirement that the prosecution must establish a prima facie case for the

charged offense before evidence of other acts may be admitted. Repeals the provision limiting certain collateral attacks on criminal judgments.

Prohibits persons convicted of felonies from serving on grand juries. Authorizes district attorneys cooperate or contract with one another for the administration and distribution of moneys received for mandated costs and to allocate up to 5% of the moneys appropriated for mandated costs for administrative costs.

APPROVED by Governor May 30, 2002

EFFECTIVE July 1, 2002

H.B. 02-1237 Substantive changes to criminal laws - sex assault on helpless victims and children - false imprisonment - controlled substance offenses - criminal mischief on jointly owned property - pawnbrokers - trespass in motor vehicles - indecent exposure - cruelty and aggravated cruelty to animals - obstruction of telephone service - child abuse. Makes sexual assault on helpless victims a class 3 felony rather than a sentence-enhancing element. Increases the classification of the offense of false imprisonment to a class 5 felony if the person uses force and confines another person for 12 hours or longer.

Includes out-of-state convictions as sentence-enhancing elements for drug convictions. Adds the manufacture or attempted manufacture of controlled substances to the crimes which result in special offender status if committed in or around a school or public housing development.

Specifies that for the crime of criminal mischief the damaged property may include property owned by the perpetrator jointly with another person or property owned by the perpetrator in which another person holds an interest. Clarifies that to establish a pattern of conduct for sexual assault on a child, conduct occurring after the commission of the charged offense may be used. Reduces the classification of felony offenses related to pawnbrokers to class 6 felonies. Adds motor vehicles to the areas to which the crime of second degree trespass applies. Changes the penalty from revocation to suspension of driver's license or permit for persons convicted of offenses relating to controlled substances. Makes indecent exposure to a child under 15 years of age a class 1 misdemeanor.

Makes a second or subsequent animal cruelty conviction a class 6 felony. Requires an offender with a second or subsequent animal cruelty conviction to be committed to the county jail or placed on home detention if the offender is sentenced to probation. Requires the court to enter judgment against the offender for the cost of care. Creates the class 6 felony crime of aggravated cruelty to animals. Specifies that a second or subsequent conviction is a class 5 felony.

Creates the new class 1 misdemeanor crime of obstruction of telephone or telegraph service. Repeals similar provisions under the crime of wiretapping.

Clarifies that any unlawful sexual behavior, as defined in the criminal code, is child abuse for purposes of dependency or neglect of a child. Clarifies that persons who are required to report abuse or neglect are to do so immediately upon receiving information creating reasonable cause to know or suspect that a child has been subjected to abuse or neglect.

Provides alternative effective dates for certain provisions of the act relating to cruelty to animals contingent on the enactment of House Bill 02-1292.

Makes certain provisions of the act relating to controlled substances contingent on the enactment of Senate Bill 02-039.

APPROVED by Governor June 7, 2002

PORTIONS EFFECTIVE July 1, 2002
July 1, 2003

NOTE: House Bill 02-1292 was signed by the Governor May 30, 2002. Senate Bill 02-039 was vetoed by the Governor June 7, 2002.

H.B. 02-1283 Chemical, biological, and radiological weapons - possession, use, removal, and hoaxes - appropriation. Adds chemical, biological, and radiological weapons to the criminal statute concerning use, possession, removal, and hoaxes of explosives. Provides an exception to authorized users for legitimate business activities.

Makes a 5-year statutory appropriation for implementation of the act as follows: For the 2002-03 fiscal year, appropriates \$69,467 from the capital construction fund to the corrections expansion reserve fund; for the 2003-04 through 2006-07 fiscal years, makes an annual appropriation of \$27, 251 in general fund moneys to the department of corrections.

Makes the 5-year statutory appropriation contingent upon the enactment of and savings realized from House Bill 02-1241.

APPROVED by Governor June 3, 2002

EFFECTIVE June 3, 2002

NOTE: House Bill 02-1241 was signed by the Governor May 24, 2002, and the fiscal estimate shows sufficient general fund savings.

H.B. 02-1301 Introducing contraband - location - worksite - tobacco in private prisons - appropriation. Clarifies the crime of introducing contraband to include introducing contraband to any location where an inmate is or is likely to be located while in the custody and under the jurisdiction of a political subdivision of the state or the department of corrections. Clarifies the definition of "detention facility" to include any area, including a worksite, where persons may be held under the jurisdiction of the department of corrections. Clarifies that tobacco products fall within the definition of "contraband" for purposes of private contract prisons.

Appropriates \$24,526 for the fiscal year beginning July 1, 2004, to the department of corrections for the implementation of this act.

APPROVED by Governor May 30, 2002

EFFECTIVE July 1, 2002

H.B. 02-1313 Peace officer, level I - district wildlife manager - parks and recreation officer - police administrator or police officer employed by the Colorado mental health institute at Pueblo. Defines district wildlife managers, parks and recreation officers, and police administrators or police officers employed by the Colorado mental health institute at Pueblo as "peace officers, level I."

Clarifies that a person employed by an organization that is added to the definition of "peace officer, level I," on or after January 1, 2002, shall not be a peace officer, level I, until

such time that the peace officers standards and training (P.O.S.T.) board verifies that such person has received P.O.S.T. certification. Requires the organization that employs such person to submit the employee's name to the P.O.S.T. board to allow the board to verify such certification.

Requires that any person employed by an organization that is added to the definition of "peace officer, level I," on or after January 1, 2002, to complete a minimum of 40 hours of continuing law enforcement education per year in order to continue to be classified as a peace officer, level I.

Allows security officers who are peace officers, level I, to carry weapons, investigate, and make arrests when not on state owned or leased property.

Requires the P.O.S.T. board to reevaluate the current levels of peace officer, to the extent such reevaluation is possible within the current budget, and to make recommendations to the general assembly about any proposed changes to such levels.

APPROVED by Governor May 30, 2002

EFFECTIVE May 30, 2002

H.B. 02-1404 Civil forfeiture - reform. Includes multi-jurisdictional law enforcement task forces in the definition of "seizing agency" for purposes of the forfeiture statutes.

Changes the evidentiary burden in nuisance and forfeiture actions to clear and convincing evidence for the plaintiff. Requires proof the property was instrumental in the commission of the crime. Directs the court to find, prior to entry of judgment, the value of the property is proportional to the crime and is not excessive. Delineates criteria for the court to use during proportionality review. Defines "innocent owner" with respect to an ownership interest at the time of the criminal act and with respect to ownership interest acquired after the criminal act. Prohibits the forfeiture of an innocent owner's property.

Proscribes a judgment of forfeiture prior to conviction of certain offenses with particular exceptions. Allows forfeiture without a previous conviction if the owner is a fugitive, no one claims an interest in the property, the plaintiff proves the property was instrumental in the offense or the property is traceable proceeds of the offense and the owner or deceased owner is not an innocent owner, or the owner receives a deferred judgment, deferred sentence, or diversion. Compels the court to enter a judgment in the claimant's favor in the forfeiture action if the claimant is found not guilty.

Delineates the distribution of proceeds from the seized property first to payment of liens, second to partial innocent owners, third to victims, fourth for costs of sale, maintenance, and storage of the property, fifth to the district attorney for costs, sixth to the court clerk for administration costs, and the remaining balance is split between the general fund of the governing board of the seizing agency and drug treatment programs in the jurisdiction of the forfeiture proceeding. Allows a partial innocent owner to purchase the property at a private sale for fair market value. Describes the procedure for disposition of seized property. Requires the district attorney to prepare a motion and a proposed order for distribution of the forfeited proceeds. Outlines the distribution of forfeiture proceeds from the federal government.

If a rental vehicle has been seized, directs law enforcement to inform the rental company of the seizure. Requires return of the rental vehicle if requested by the rental

company and it is not being kept for evidentiary purposes or the law enforcement agency has probable cause to believe the rental company had knowledge or notice the vehicle would be used for criminal activity.

Requires all forfeiture actions to proceed in state district court if the property was seized by a state or local law enforcement agency. Prohibits transfer of seized property to a federal agency for a federal forfeiture action unless directed by an authorized federal agent or the person is being prosecuted in federal court.

Requires each elected district attorney to file a forfeiture report annually for the previous calendar year with the department of local affairs. Compels any law enforcement agency that receives federal forfeiture proceeds to file a copy of its federal accounting report with the department of local affairs. Requires the alcohol and drug abuse division in the department of human services to prepare an annual accounting of forfeiture proceeds received by each managed service organization.

Conforms forfeiture proceedings under the "Colorado Organized Crime Act" to the provisions of the act.

APPROVED by Governor May 31, 2002

EFFECTIVE July 1, 2002

H.B. 02-1459 Criminal history record checks - fingerprints - use for employment purposes - federal requirements - compliance - appropriation. Adds provisions regarding fingerprint-based criminal history record checks that contain the necessary components required by federal law for checks involving:

- An officer or a director of an insurance company;
- An individual or an officer or director of a corporation that is involved in a merger with, or the acquisition of control of, a domestic insurer;
- An individual or an officer or director of a corporation that is a seller of a preneed funeral contract;
- A licensed bail bonding agent, a professional cash bail agent, and certain cash bonding agents;
- Applicants for licenses or for a finding of suitability under the "Limited Gaming Act of 1991";
- A licensed person engaged in pari-mutuel racing;
- A real estate broker;
- A nonpublic school employee;
- A nonlicensed school district employee;
- A licensed school district employee, when the school district has good cause to believe the employee has been convicted subsequent to employment;
- A person supplying gaming materials or equipment for use in the state lottery; and
- A lottery sales licensee.

Applies the fingerprint-based criminal history check provisions to school district personnel employed before January 1, 1991. Deletes an exception to the fingerprinting requirements regarding school district personnel who have submitted fingerprints within the last 2 years and who consent to the transfer of the fingerprints.

Eliminates federal references in the statute regarding criminal history record checks

for private security guards, but retains the requirement to conduct such a check using state records. Also eliminates federal references in the statute regarding criminal history record checks for any regulated professions or occupations generally, but retains the requirement to conduct such a check using state records.

For fiscal year 2002-03, appropriates \$7,800 to the department of revenue, state lottery division and \$135,000 to the department of regulatory agencies, real estate division, from fingerprint and name check processing fees. Appropriates \$142,000 and 0.6 FTE to the department of public safety, Colorado bureau of investigation, from the department of revenue and the department of regulatory agencies out of appropriations made above.

APPROVED by Governor June 1, 2002

EFFECTIVE June 1, 2002

EDUCATION - PUBLIC SCHOOLS

S.B. 02-51 Charter schools - application deadline - local choice - notice prior to change. Allows a local board of education to determine the charter school application deadline. Requires the date to be no earlier than August 15 nor later than October 1. Directs the local board of education, prior to changing the deadline, to provide notice of the proposed change to each charter school applicant in the district.

APPROVED by Governor April 3, 2002

EFFECTIVE July 1, 2003

S.B. 02-59 Colorado student assessments - form - use as diagnostic tools. Requires the department of education ("department") to ensure that assessments administered through the Colorado student assessment program ("assessments") are designed to generate results that may be used as diagnostic tools for improving student performance and that the assessments and the form of the assessment results reflect the recommendations of the governor's task force appointed to review the assessments. States the general assembly's intent that the department implement the act within available resources. Instructs the department to develop and provide to school districts, schools, and parents a list of resources and programs that schools and parents may access to address specific learning issues identified by the assessments. Directs each school district board of education to adopt policies to ensure that appropriate personnel within the school district share with and explain to each student's parents or legal guardian the student's assessment results and diagnostic reporting.

APPROVED by Governor May 24, 2002

EFFECTIVE May 24, 2002

S.B. 02-94 Alternative schools - definition - procedure. Directs the state board of education ("state board") to adopt rules specifying criteria and procedures for a school to be designated an alternative education campus. Allows school districts to request that a school be designated an alternative education campus. Directs the state board to approve a school's designation if the board finds that the school meets the criteria. Specifies that the results of CSAP assessments of students who attend an alternative education campus on a part-time basis shall be included within the school ratings for the school in which the student is assigned for enrollment purposes.

Exempts alternative education campuses from receipt of academic performance and academic improvement ratings unless, upon the request of a school district, the state board approves the rating of an alternative education campus.

APPROVED by Governor May 24, 2002

EFFECTIVE May 24, 2002

S.B. 02-109 English language learners - assessments - accommodations - advisory commission - CSAP results. Requires the department of education ("department") to:

- Select one instrument or technique and establish proficiency levels for identifying students whose dominant language is not English and for whom the school district receives additional state moneys;
- Establish any necessary accommodations for students whose dominant language is not English while such students are taking Colorado student assessment program ("CSAP") assessments;

- Track the progress of students whose results on the CSAP assessments were exempt but are now used to calculate the school ratings; and
- Align the disaggregation of CSAP results of students whose results were not used to calculate school ratings.

Establishes an advisory commission to assist the department in selecting the assessment instrument or technique and establishing proficiency levels and accommodations.

Requires school districts to:

- Assess students using the entire instrument or technique approved by the department, but, through the 2004-05 school year, allows school districts to continue to use an instrument or technique approved by the department prior to January 1, 2002; and
- Certify each year to the department the number of non-English languages and the number of students who speak each non-English language as their dominant language.

Adds to the list of accreditation indicators and, if sufficient moneys are received from the federal "No Child Left Behind Act", to the school accountability reports the CSAP results of students whose scores were exempt but are now used to calculate the school ratings.

Requires the department to develop, revise, and administer the 3rd grade writing CSAP assessment in Spanish. Specifies that the scores of students whose dominant language is not English but who take the English CSAP assessment shall not be counted for purposes of the school academic performance and school improvement ratings, until either the student is enrolled in a public school in the state for 3 years or the student achieves a score of proficient in English on each component of the instrument or technique for determining a dominant language, whichever occurs first. Specifies that this exception does not apply to a student who takes a CSAP assessment in a language other than English.

APPROVED by Governor June 1, 2002

EFFECTIVE June 1, 2002

S.B. 02-124 Charter schools - school districts - charter contract disputes - alternative dispute resolution - procedures. Requires the use of a form of alternative dispute resolution ("ADR") for any disputes involving governing policy provisions of a charter contract and that do not involve the denial, nonrenewal, or revocation of a charter application or the unilateral imposition of conditions on a charter applicant. Requires the moving party to provide reasonable written notice to other party. Requires the parties to agree on the form of ADR within 30 days after receipt of the written notice. Permits the use of any form of ADR described in the "Dispute Resolution Act" so long as it results in final written findings by a neutral third party within 120 days after receipt of the written notice. Directs the neutral third party to apportion all costs reasonably related to the ADR process.

Allows the parties to a dispute to agree to be bound by the written findings of the neutral third party, and specifies that, in such cases, the decision will be final and not subject to appeal. If the parties had not agreed to be bound by the findings, permits the parties to appeal the findings to the state board of education ("state board"). Requires a party to

provide notice of appeal within 30 days after the release of the written findings. Permits the state board to consider the written findings or other relevant material, and allows the state board to conduct a de novo review and hearing.

Directs the state board to issue its decision on the written findings within 60 days after receiving the notice of appeal or within 60 days after making its own motion for a de novo review. Requires the state board to find for the aggrieved party if it finds that either party has failed to participate in good faith in the ADR or that either party has refused to comply with the decision reached after agreeing to be bound by the result of the ADR process. Specifies that any decision by the state board under the dispute resolution procedures is final and not subject to appeal.

Modifies the existing state board appeals process by limiting the application of the statute to decisions involving the denial, nonrenewal, or revocation of a charter application or the unilateral imposition of conditions on a charter applicant.

APPROVED by Governor June 1, 2002

EFFECTIVE June 1, 2002

H.B. 02-1053 Grant programs - requirements - assistance to BOCES and small school districts. Prohibits the department of education ("department") from requiring information on applications for statutorily created education grant programs that a school or school district has previously submitted to the department. Directs the department to utilize existing data to minimize requests for duplicative information in grant applications. Requires the department to make evaluations of programs utilizing grant moneys available to all school districts and schools. Specifies that any costs associated with making evaluations available shall be paid from amounts appropriated to the department for administering grant programs.

Directs that 1% of the moneys appropriated to each statutorily created education grant program, or \$250,000, whichever is less, be distributed to boards of cooperative services or to school districts with less than 4,000 students to assist schools and school districts in applying for grants.

APPROVED by Governor April 19, 2002

EFFECTIVE August 7, 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. 02-1079 School attendance - imposition of sanction - incarceration. Allows the court to impose on a juvenile incarceration in a juvenile detention facility for violating a valid court order under the "School Attendance Law of 1963" pursuant to any rules promulgated by the Colorado Supreme Court.

APPROVED by Governor April 12, 2002

EFFECTIVE April 12, 2002

H.B. 02-1181 School attendance - homeless children - residency - compliance with federal law. For purposes of the school attendance law, defines residency as it pertains to a homeless child, and authorizes a child who seeks shelter or is located in one school district

to be considered a resident of another school district under certain circumstances. Authorizes the school district where a homeless child seeks shelter or is located and the child's school of origin to determine the best interests of the child concerning identification of residency for purposes of school attendance. Requires the department of education to develop an appeal process for resolution of disputes concerning residency of a homeless child. Requires the school selected for the homeless child to attend to enroll the homeless child immediately and obtain records and arrange for immunizations necessary for attendance. Requires the board of education of each school district in the state to designate one or more employees to act as a homeless child liaison. Specifies duties of the homeless child liaison.

Under certain circumstances, requires the affected school districts to agree upon a method to apportion cost and responsibility for the transportation of a homeless child to the school district where the child is attending or, in the alternative, to share equally in the cost.

Clarifies the definition of "homeless child". Requires the boards of education of each school district to adopt specific policies related to homeless children.

APPROVED by Governor April 3, 2002

EFFECTIVE July 1, 2002

H.B. 02-1245 State board of education - vacancies - procedures for filling. Repeals the process for filling a vacancy on the state board of education ("state board"). Specifies that any vacancy occurring on the state board, other than a vacancy of the state board at-large seat, shall be filled by the vacancy committee of the party congressional central committee of the same political party as the vacating board member. Outlines procedures for the vacancy committee of the party congressional central committee to follow. Specifies that any vacancy occurring in the state board at-large seat shall be filled by a process involving the vacancy committee of the state central committee of the same political party as the vacating state board member and the state board. Outlines procedures for the vacancy committee of the state central committee and the state board to follow when filling a vacancy.

APPROVED by Governor May 24, 2002

EFFECTIVE July 1, 2002

H.B. 02-1246 Eligible facilities education task force - appropriation. Establishes the eligible facilities education task force ("task force"), which will be made up of members of the general assembly and other interested parties. Requires the task force to examine, at a minimum, issues such as the placement of children in eligible facilities by public agencies, the funding of eligible facilities, assessing appropriate education services for children placed in eligible facilities, and teacher recruitment and retention in these facilities. Specifies that staff assistance, the assistance of a facilitator, and costs associated with the task force shall be funded from available moneys within the special education unit in the department of education. Imposes reporting requirements and defines "eligible facilities". Repeals the task force, effective January 1, 2004.

Appropriates \$10,000 out of the general fund for the purpose of compensating legislative members of the task force for their attendance at task force meetings. Makes the

compensation of legislative members and the appropriation contingent upon the enactment of and savings realized from House Bill 02-1226.

APPROVED by Governor May 31, 2002

EFFECTIVE July 1, 2002
PORTIONS VETOED May 31, 2002

NOTE: House Bill 02-1226 was signed by the Governor on May 30, 2002, and the fiscal estimate shows sufficient general fund savings; however, the Governor lined through the appropriation section of this act.

H.B. 02-1297 School-readiness child care subsidization program - appropriation. Creates the school-readiness child care subsidization program ("program") on and after January 1, 2003, pursuant to which a county department of social services ("county department") may apply to the state department of human services ("state department") for a 3-year school-readiness subsidy. Specifies that the purpose of the program shall be to provide licensed child care facilities whose enrolled children ultimately attend low-performing neighborhood elementary schools with funding to improve the school readiness of the children, 5 years of age and younger, who are cared for at those facilities. Defines "child care providers" and "child care facilities" to mean those providers and facilities that are state-licensed, participate in community consolidated child care pilot site agencies ("pilot site agency"), and enroll at least half of their children from low-income families.

Specifies the criteria a county department must meet to apply for a school-readiness subsidy, including representation of a county with one or more poorly performing schools as indicated by Colorado student assessment program ("CSAP") ratings, a school-readiness plan developed by a community consolidated child care pilot site agency within the county, and commitment by the child care facilities identified in the school-readiness plan to cooperate with and participate in a school-readiness rating system. Directs county departments that have received school-readiness subsidization to distribute the moneys to child care facilities identified in the pilot site agency's school-readiness plan.

Directs the state child care commission to adopt a voluntary school-readiness rating system. Identifies certain elements of quality that the school-readiness rating system shall measure. Lists what the school-readiness rating system shall include. Directs each county department seeking to apply for school-readiness subsidization to submit a 3-year school-readiness plan, prepared by the pilot site agency, to the state department. Specifies what the school-readiness plan shall include. Requires the state board to promulgate rules for the implementation of the program.

Specifies that federal child care development funds shall be used to fund the program. Provides that matching moneys, if any, may be provided by, but need not be limited to, general fund moneys, local moneys, or private moneys. Makes it clear that any state department staff necessitated by the program shall be funded by federal child care development funds and not by general funds. Clarifies that if the federal funds become unavailable, such staff shall be eliminated. Provides that the general assembly shall not be obligated to appropriate general fund moneys if private matching moneys are not available. Specifies that if the state designates matching moneys from a private organization, the state department, county departments, and school districts may enter into contracts with that organization for the provision of certain services.

Directs each county department that receives subsidization moneys from the state

department to submit a 24-month report to the state department on the effectiveness of the program. Identifies the information the report shall include. Requires the state department to submit a consolidated statewide report, based upon the county department reports, to the members of the education committees of the house of representatives and the senate by a date certain. Directs the general assembly to review the appropriateness of continuing the program. Directs participating county departments and pilot site agencies to work with state and local agencies to support efforts to track the future academic performance of children who receive school-readiness services through the program.

For the 2002-03 fiscal year, appropriates \$440,493 and 0.5 FTE of the federal child care development moneys to the state department, division of child care, for the implementation of the program.

APPROVED by Governor June 7, 2002

EFFECTIVE July 1, 2002

H.B. 02-1303 Family literacy education - grant program - creation - fund. Establishes the family literacy education grant program ("program") within the department of education ("department"), and specifies the activities for which the grant awards may be used. Permits local education providers to apply for grants to provide:

- Family literacy education;
- Adult literacy education; and
- English language literacy education.

Provides a list of factors to be considered by the department when evaluating grant applications. Allows the department to audit grant recipients. Requires each grant recipient to provide the same information to the department that is required for federally funded programs. Directs the department, no later than January 15 of each year, to provide an annual report to the general assembly. Authorizes the department to accept any public or private gifts, grants, or donations, and creates a fund to receive those moneys. Repeals the program if sufficient moneys have not been credited to the fund prior to December 1, 2002.

APPROVED by Governor May 30, 2002

EFFECTIVE May 30, 2002

H.B. 02-1304 Summer school grant program - expansion - appropriation. Expands the summer school grant program to provide funding to school districts for the provision of intensive literacy and reading comprehension education services to students who are preparing to enter the first grade and who scored at an unsatisfactory level on the kindergarten reading readiness assessment. Until July 1, 2006, limits the expansion of the summer school grant program to school districts participating in a full-day kindergarten educational program.

Requires the annual report submitted to the department of education from each school district that participates in the summer school grant program to include information concerning the subsequent reading performance levels of students who enrolled in the summer school reading program while preparing to enter the first grade.

Reduces the grant amount for the teacher pay incentive program by \$39,600 and appropriates \$39,600 to the department of education for the implementation of the act.

APPROVED by Governor May 28, 2002

EFFECTIVE May 28, 2002

H.B. 02-1306 Student assessment program - new assessments. If funding from the federal "No Child Left Behind Act of 2001" is obtained, directs the department of education to administer, starting on or before the spring semester of 2006, statewide assessments first in mathematics to public school students enrolled in the 3rd and 4th grades and then in science to public school students enrolled in the 5th and 10th grades.

APPROVED by Governor May 30, 2002

EFFECTIVE August 7, 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. 02-1316 School districts - interest-free loan program. Changes the due date of loan payments from the 5th business day of the month to the 15th day, or the first business day following the 15th day, of the month.

APPROVED by Governor May 24, 2002

EFFECTIVE July 1, 2002

H.B. 02-1349 School finance - preschool program - capital construction loan program - on-line programs - charter schools - academic growth pilot program - school district capitol construction - on-line education program study - teacher pay incentive program - federal mineral lease moneys shortfall - school breakfast program - facility summer school grant program - national credential program - timing of investments - school accountability - appropriations. **Amendments to the "Public School Finance Act of 1994".** To comply with section 17 of article IX of the state constitution, requires the general assembly to appropriate an amount for the 2002-03 state fiscal year equal to the maintenance of effort base plus an amount equal to at least 7.39% of the maintenance of effort base. For the 2002-03 budget year and budget years thereafter, modifies a district's total program to be the greater of: (District per pupil funding X (District funded pupil count - District on-line pupil enrollment)) + District at-risk funding + District on-line funding; or \$5,435 X District funded pupil count. Increases statewide base per pupil funding by 5.7% to account for inflation plus an additional one percentage point.

Defines "on-line pupil enrollment" as the number of pupils enrolled, on October 1 in a budget year, in an on-line program, minus any such pupils who were enrolled in any such on-line program for the 2001-02 school year. Modifies the definition of "pupil enrollment" to include a pupil who was enrolled during the 2001-02 school year in an on-line program and who is enrolled and participates in any such on-line program on October 1 within the applicable budget year or the school day nearest said date. Defines "district on-line funding" as the amount of minimum per pupil funding multiplied by a school district's on-line pupil enrollment. Excludes on-line pupils from the requirement that a school district set aside a specified amount per pupil for capital reserve and instructional supplies and materials. Requires school districts to report on-line pupil enrollment to the state board of education (state board).

Provides additional state funding for school districts whose pupil enrollment for the current and 2 preceding budget years has increased by an average of at least 9% per year, and sets forth the formula for calculating such increasing enrollment aid. Requires a district

that receives increasing enrollment aid to budget such aid to its capital reserve fund to be used for long-range capital outlay expenditures. Requires school districts seeking aid for increased enrollment to report their supplemental pupil enrollment to the state board.

Eliminates the authority for a school district 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. Modifies the limitation on districts' property tax override to include an amount equal to the maximum dollar amount of property tax revenue a school district could have generated for the 2001-02 budget year if it submitted and received approval of such a ballot question at the November 2001 election.

Colorado preschool program. For the 2002-03 and future budget years, increases the maximum number of children that can participate in the Colorado preschool program (preschool program) from 10,050 to 11,050, and requires the new slots to be first allocated to school districts that have not previously participated in the preschool program, with priority given to those districts that have been on the waiting list the longest. Requires school districts to notify the department of education (department) of any unused slots and prohibits such districts from transferring any unused slots to another school district. Allows certain 3-year-old children to participate in the preschool program. Reauthorizes the full-day kindergarten component of the preschool program for the 2002-03 budget year and budget years thereafter, and increases the maximum number of children that may participate in the full-day kindergarten component from 1,000 to 1,500. Exempts a full-day kindergarten component of a district's preschool program from childcare licensing requirements.

Capital improvement loan program. Creates a loan program to provide funding for capital improvements in school districts experiencing a specified level of growth in pupil enrollment (growth district). Requires the state treasurer to lend moneys from the public school fund to growth districts whose loan applications have been approved by the state board or its designee. Imposes a limitation on the amount of moneys that can be loaned to any growth district. Sets forth a process for growth districts to apply to the state board for approval of such loans. Provides for the establishment of repayment schedules by the state board. For purposes of the "Colorado Educational and Cultural Facilities Authority Act", defines "educational institution" to include any school district that is a growth district.

Authorizes any growth district to seek voter approval for the repayment of any loan received from the state treasurer or the Colorado educational and cultural facilities authority for capital improvements that would occur over a period exceeding one budget year. Authorizes any growth district to seek voter approval for an additional property tax levy for capital improvements, for repayment of any loan received from the state treasurer for capital improvements, or for repayment of any loans received from the authority.

On-line programs. Allows charter schools to provide on-line programs. Provides funding for up to 135 students per year to enroll in on-line programs who were enrolled in a public school after October 1 of the preceding school year or who were enrolled in a private school or a home-school program in the preceding school year. States that the increase in the number of funded positions for on-line programs may be funded with moneys from the state education fund. Instructs the department to allocate the funded on-line program positions to applying school districts and charter schools, and establishes criteria for the allocation.

Charter schools. Exempts on-line students from any limit on the number of students that may enroll in a charter school, and prohibits a school district from restricting the number

of on-line students that may enroll in a charter school. Exempts on-line students from the determination of whether a majority of the charter school's students reside within the chartering school district or a contiguous school district. Requires a charter school to receive 100% of the district's per pupil on-line funding for on-line students enrolled in the charter school. Exempts charter schools from the requirement to set aside a per pupil amount for capital reserve with regard to on-line students and from paying the per pupil amount for special education services for such students.

Requires a school district that receives small attendance center aid for a small attendance center that is a charter school to forward such aid to the charter school for which it was received. Directs each charter school that serves students who may be eligible to receive services through federal aid programs to comply with the federal reporting requirements. Nullifies any provision of a charter contract that requires the charter school to waive or forego any funding that is granted by law.

Charter schools - capital construction. Exempts on-line students from the calculation for determining a charter school's share of school district capital construction moneys. Repeals the provision requiring pro rata distribution of school district bond proceeds to qualified charter schools.

Creates the "Charter School Facilities Financing Act" to increase charter school access to the school district capital funding and planning process. Requires each school district that is considering submitting a bond question at an upcoming election to invite each charter school it has chartered to participate in discussions regarding the possible submission of such a question at the earliest possible time. Encourages each school district to voluntarily include funding for the capital construction needs of charter schools in the district's bond questions. Authorizes a school district that has chartered one or more charter schools to seek voter approval for the imposition of a special mill levy of up to one mill for up to 10 years for the purpose of financing charter school capital construction. Creates a process that allows a charter school to submit a capital construction plan to its chartering district so that it can be included in a bond election or have the school district submit a special mill levy question on its behalf. Requires the contract entered into between the charter school and the district regarding the issuance of bond proceeds for the financing of charter school capital construction to specify that the ownership of any such capital construction shall revert automatically to the district if the charter school loses its charter, fails to pay for the capital construction, or becomes insolvent and that the charter school cannot further encumber any capital construction financed by bond revenues with any additional debt.

Enhances the ability of charter schools that issue bonds to fund capital construction through a governmental entity other than a school district to obtain favorable financing terms for such bonds by:

- Creating an "intercept program" through which the state treasurer or a chartering district can make direct payments of principal and interest due on such bonds on behalf of the charter school, subject to specified limitations;
- Creating a charter school debt reserve fund consisting of \$1,000,000 in moneys transferred from the state education fund and a percentage of the savings realized by such charter schools that rely upon the existence of the fund, and allowing moneys in the fund to be expended to make bond payments on behalf of such charter schools when they cannot make such payments; and

- Requiring the state to consider appropriating moneys not to exceed \$200,000,000 to restore the qualified charter school debt reserve fund of any such charter school to ensure that its bonds can be paid.

Requires annual reports to be submitted to the state auditor regarding bonds issued by the Colorado educational and cultural facilities authority on behalf of charter schools.

Requires any operating contract between a school district and a charter school that is approved on or after July 1, 2002, to contain provisions specifying:

- The manner in which the school district will support any start-up and long-term facility needs of the charter school; and
- The actions that the charter school must take to be included in a bond election or to have a ballot question for approval of a special mill levy submitted to the voters of the district on its behalf.

Increases the maximum period for which a school district may rent or lease unimproved district property to a charter school from 10 years to 30 years, or in the case of a charter school using debt financing, for the term of the debt financing. Makes all charter schools, except those operating in state facilities, eligible for additional state education fund moneys for capital construction. Modifies the formula for determining the amount of state education fund moneys to be distributed to school districts for allocation to charter schools for the purpose of funding charter school capital construction by:

- Eliminating the requirement that the total amount of moneys to be distributed be calculated by multiplying the district's certified charter school pupil enrollment by an amount equal to 130% of the minimum capital reserve amount per pupil;
- Specifying that for the 2002-03 budget year, the total amount of state education fund moneys to be distributed to all eligible districts shall be \$7,813,943;
- Requiring the total amount of state education fund moneys to be distributed for each budget year to increase by inflation plus one percentage point over the prior year's distribution for budget years 2003-04 through 2011-12 and by inflation over the prior budget year's distribution for each budget year thereafter;
- Specifying the formula for pro-rating the moneys among eligible districts based on the number of students enrolled in charter schools; and
- Specifying that a pupil expected to be enrolled in a qualified charter school that will be operating in a school district facility during the next budget year and that has not incurred debt for the expansion or renovation of the facility shall be counted as $\frac{1}{2}$ of one pupil for purposes of determining the amount to be allocated to the charter school.

Academic growth pilot program. Establishes the academic growth pilot program to use students' assessment scores over time to measure students' academic growth. Beginning in the 2005-06 school year, requires all school districts to participate in the program. States that for any year in which CSAP assessments are administered that were not administered in the previous year, the department shall calculate an alternate standardized, weighted total score for the current and previous years, using results from the assessments administered in both years.

School district capital construction. With regard to state lottery moneys transferred to the public school fund as a contingency reserve, allows the state board to approve the use of such moneys for the construction of new school facilities to replace existing school facilities with immediate safety hazards or health concerns. Modifies the capital construction financial assistance application time line. For the 2002-03 fiscal year, suspends the appropriation of state education fund moneys to the school capital construction expenditures reserve as a match for moneys appropriated for charter school capital construction.

To meet obligations under the Giardino lawsuit, provides for a:

- \$10,000,000 state education fund appropriation to the school district capital expenditures reserve;
- \$900,000 state education fund appropriation to the school construction and renovation fund; and
- Transfer of \$4,100,000 in lottery proceeds to the school construction and renovation fund.

On-line education program study. Directs the department, in conjunction with an appointed study group, to study several issues concerning the design, implementation, and operation of full-time elementary and secondary on-line education programs. Specifies the membership of the study group. Directs the department to report the study findings, findings concerning a previous study of course-specific on-line education programs, and recommendations by December 31, 2002, to the state board and the education committees of the senate and the house of representatives.

Teacher pay incentive program. Beginning in fiscal year 2002-03, limits the available funding under the teacher pay incentive program to "unsatisfactory" schools, instead of "low" and "unsatisfactory" schools. Reduces the basic grant amount available for teacher pay incentive grants to \$3,620,000. For purposes of the grant program, modifies the definition of "teacher" to include a person employed as a resident teacher. Allows unused bonus moneys to be used for incentive grants. Repeals the minimum bonus requirement of \$1,000 per teacher, and repeals the limitations on how bonuses may be used.

Federal mineral lease moneys shortfall. For the 2001-02 budget year, increases the appropriation for the state's share of total program funding from the state education fund by \$6,000,000 and, for the 2002-03 budget year, reduces the appropriation for such purpose from the state public school fund by \$6,000,000 to deal with the projected shortfall of federal mineral lease moneys for the 2001-02 budget year. Requires the state treasurer to transfer \$6,000,000 from the federal mineral lease moneys for fiscal year 2002-03 to repay the state education fund.

School breakfast program. Requires the general assembly to annually appropriate \$500,000 for allocation by the department to school districts that provide a school breakfast program. Requires school districts to allocate the moneys to low-performing schools.

Facility summer school grant program. Creates the facility summer school grant program to provide grants to facility schools that provide summer school programs to children who are performing below grade level. Specifies that funding is available for the 2002-03 fiscal year only.

National credential program. Directs the department to assist persons seeking a

national credential by paying a portion of the fees charged for such credential. Specifies that the moneys for the fee assistance may be appropriated from the state education fund.

Timing of investments. Extends the time during which exchanges or sales of public school fund investments are assessed to determine if losses will be offset by corresponding gains.

School accountability. Clarifies that students are required to take CSAP assessments at the grade level in which the student is enrolled and that the scores of students who transfer into the school after October 1 of the school year in which the assessment is administered will not be used in calculating school performance ratings. Precludes the department from including on any school accountability report a statement that the information provided in said report is independently audited and verified unless the information has been so audited and verified. Delays the date for releasing the school accountability reports until November 15, and requires the department to update its website to include each school accountability report each year upon completion and transmission of such reports for printing. Specifies that the general assembly may appropriate moneys to school districts to assist low-performing schools and that the department may allocate federal moneys for such purpose. Specifies that any pupil who enrolls in a school district other than the pupil's school district of residence under the schools of choice statute may remain enrolled through the end of the school year, with some exceptions.

Appropriations. Specifies that the increase in minimum funding and the expansion of the on-line program are to be funded from the general fund appropriation for total program in the general appropriations bill and that no additional general fund appropriation is needed to fund these provisions.

Appropriates from the state education fund for the 2002-03 fiscal year:

- \$229,000 to the academic growth pilot program;
- \$500,000 to the facility summer school grant program;
- \$900,000 to the school construction and renovation fund and further to the department of education to provide matching funds for eligible district capital construction projects;
- \$10,000,000 to the school capital construction expenditures reserve and further to the department of education for supplemental assistance for school district capital expenditures; and
- \$60,000 to the national credential fund.

Appropriates from the school construction and renovation fund \$4,100,000 for providing matching grants for eligible capital construction projects.

Appropriates from the general fund:

- \$500,000 to the department of education for the school breakfast program; and
- \$20,000 to the department of education for the on-line education programs study. Makes this portion of the act contingent upon the passage of and savings realized from House Bill 02-1226.

Appropriates from the state public school fund for the 2002-03 fiscal year \$260,354 to the department of education for increasing enrollment aid.

Makes the following adjustments to the long appropriations bill for the 2002-03 fiscal year:

- \$7,813,943 public school fund decrease due to the elimination of funding to the school capital construction expenditures reserve;
- \$4,100,000 lottery proceeds decrease for contingency reserve;
- \$9,010,000 state education fund decrease due to reducing the teacher pay incentive program;
- \$2,890,400 total program fund increase for the increase in the number of preschool slots with \$1,512,187 from the state education fund and \$1,378,213 from the general fund;
- \$978,213 general fund and corresponding cash funds exempt decrease for the teacher development grant program;
- \$900,000 general fund decrease for the contingency reserve;
- \$260,354 public school fund decrease for increasing enrollment aid; and
- \$2,587,406 state education fund increase to increase minimum per pupil funding, provide funding for the increase in on-line students and for increasing enrollment aid, and to eliminate the cost of living factor correction.

Appropriates from the state public school fund to the state education fund for fiscal year 2001-02 \$6,000,000 for the projected shortfall of federal mineral lease moneys.

APPROVED by Governor June 7, 2002

EFFECTIVE June 7, 2002

NOTE: House Bill 02-1226 was signed by the Governor May 30, 2002, and the fiscal estimate shows sufficient general fund savings.

H.B. 02-1393 Public school funding - general fund maintenance of effort requirement for total program - reduction in appropriation for FY 2001-02 - specifying appropriation for FY 2002-03. Reduces the general fund appropriation for the 2001-02 state fiscal year required to be made to be in compliance with the maintenance of effort requirement in section 17 of article IX of the Colorado constitution from an amount equal to the maintenance of effort base plus 5.80% of the maintenance of effort base to an amount equal to the maintenance of effort base plus 5% of the maintenance of effort base.

Specifies that, in complying with the constitutional maintenance of effort requirement and in offsetting the impact of the reduction in the general fund appropriation for the 2001-02 state fiscal year on the long-term solvency of the state education fund, the general assembly for the 2002-03 state fiscal year shall appropriate an amount of moneys from the general fund equal to the maintenance of effort base plus 7.39% of the maintenance of effort base.

APPROVED by Governor March 27, 2002

EFFECTIVE March 27, 2002

NOTE: The effective date section of this act provided that this act is effective upon passage only if House Bills 02-1366 through 02-1394 are enacted and become law. Said bills were signed by the Governor March 27, 2002.

EDUCATION - UNIVERSITIES AND COLLEGES

S.B. 02-113 Anti-terrorism cooperation. Requires the commission on higher education, in consultation with the governing boards, to adopt guidelines and policies for providing lawful information requested by the FBI, CIA, INS, the office of homeland security, or any other federal agency in connection with an anti-terrorism investigation. Compels the guidelines and policies to include a process for each institution of higher education to report the status of all foreign students as required by the INS or any other federal agency. Requires the administrators of institutions of higher education to provide lawful information requested by the FBI, CIA, INS, the office of homeland security, or any other federal agency in connection with an anti-terrorism investigation in an immediate manner.

APPROVED by Governor June 1, 2002

EFFECTIVE June 1, 2002

S.B. 02-152 Principal preparation programs - state board of education - performance-based standards - commission on higher education - program requirements. Requires the Colorado commission on higher education ("CCHE"), on or before July 1, 2003, to adopt a plan for establishing the program requirements for principal preparation programs offered by public institutions of higher education. Directs CCHE to collaborate with the state board of education ("state board") and the institutions of higher education to ensure that the performance-based standards for licensure become the base for principal preparation programs. Clarifies that CCHE has the final determination regarding the contents of the standards and their implementation. Directs CCHE to ensure that demonstrated competency in the licensure standards guides the development of the programs. Requires the program requirements to be designed on a performance-based model and specifies the required elements. Repeals the provision, effective July 1, 2005.

Requires the state board, on or before January 1, 2003, to adopt by rule performance-based principal licensure standards. Directs the state board to develop the standards in collaboration with public institutions of higher education that offer principal preparation programs, superintendents and local school boards, and CCHE. Requires the state board to ensure the standards are consistent with national standards for principal preparation. Specifies the required elements of the standards.

Directs the state board and the department, along with CCHE, to submit a report, on or before January 1, 2004, to the general assembly regarding principal preparation programs. Specifies the contents of the report.

APPROVED by Governor June 7, 2002

EFFECTIVE June 7, 2002

H.B. 02-1010 Commission on higher education - expansion of nursing programs - creation of fund. Declares that in order to meet the increased demand for quality care among seniors, government-sponsored programs must focus their resources with greater efficiency and effectiveness. Recognizes the need to provide a quality trained work force to deliver quality care to seniors and others, and that limiting the number of nursing students frustrates such need.

Directs the commission on higher education to develop admission policies to expand nursing programs at state-supported institutions of higher education and to admit more students to such programs subject to the availability of private funds.

Creates the more nurses for Colorado fund, consisting of gifts, grants, and donations from private entities. Requires moneys in the fund to be used to expand existing nursing programs. Continuously appropriates moneys from the fund and prohibits appropriation of general fund moneys, for implementation of this act.

APPROVED by Governor May 31, 2002

EFFECTIVE May 31, 2002

H.B. 02-1165 Metropolitan state college of Denver - independent institution - board of trustees - creation - regional education providers - state colleges - financing - cost study - minimum level of funding. Effective July 1, 2002, makes Metropolitan state college of Denver ("Metro") an independent state institution of higher education under the governance of the board of trustees for Metropolitan state college of Denver ("Metro trustees"). Creates the Metro trustees and specifies membership and appointment. Transfers the powers and duties of the trustees for the state colleges in Colorado ("state college trustees") pertaining to Metro to the Metro trustees. Effective July 1, 2002, creates the Metropolitan state college of Denver fund and the Metropolitan state college of Denver undergraduate enrichment fund ("funds") to receive moneys for Metro and transfers moneys into those funds. Authorizes the Metro trustees to use moneys in the funds for specified purposes.

Declares that the state college trustees should provide oversight for the provision of regional education at Adams state college, Mesa state college, and Western state college of Colorado. Permits a regional education provider, in order to meet its regional needs, to extend existing programs, create new undergraduate programs, develop partnerships with 2-year institutions, and facilitate the delivery of graduate education through existing graduate institutions.

Specifies the allocation of funding between Metro and the institutions governed by the state college trustees for the 2002-03 fiscal year and subsequent fiscal years. Requires the state college trustees, on or before July 1, 2002, to conduct a cost study that analyzes the cost of operating a small, four-year college in Alamosa, Grand Junction, and Gunnison. Directs the Colorado commission on higher education to use the cost study to establish a minimum level of funding for Adams state college, Mesa state college, and Western state college of Colorado. Requires the general assembly, for the 2003-04 fiscal year, to appropriate to those 3 state colleges an amount adequate to fund that minimum level of funding. Specifies that the minimum level of funding is to serve as the base for future funding of those 3 state colleges; except that the minimum level of funding does not apply any year in which there is an overall reduction in appropriations for higher education institutions.

Once all qualified Colorado applicants have been accepted, suspends the statutory minimum requirements for admission of in-state students for Adams state college, Mesa state college, and Western state college of Colorado.

APPROVED by Governor June 7, 2002

EFFECTIVE July 1, 2002

H.B. 02-1173 Riots - student participation - enrollment prohibited. Specifies that a person who is convicted of a riot offense shall not be enrolled in a state-supported institution of higher education ("institution") for a period of 12 months following the date of conviction. Specifies that a student who is enrolled in an institution and convicted of a riot offense shall be immediately suspended from the institution upon the institution's notification of such

conviction for a period of 12 months. Clarifies that the 12-month period runs from the start of any suspension already imposed by the institution. Clarifies that an institution is not prohibited from implementing its own policies and procedures or disciplinary actions, in addition to the suspension required by the act, regarding students involved in riots.

Requires the court of each judicial district to report specified riot-related convictions to the Colorado commission on higher education ("CCHE"). Requires the CCHE to make the conviction reports available to all institutions. Requires each institution to notify its students and prospective students of the requirements of the act in a manner prescribed by the institution's governing board.

APPROVED by Governor June 3, 2002

EFFECTIVE June 3, 2002

H.B. 02-1260 State board of agriculture - name change. Changes the name of the state board of agriculture to the board of governors of the Colorado state university system.

APPROVED by Governor June 4, 2002

EFFECTIVE August 7, 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. 02-1300 Teacher in residence programs - on-site evaluations - emergency authorizations - limited renewals. Allows a person to be employed as a resident teacher for 3 years for the purpose of receiving a special education teaching endorsement.

Beginning with the 2003-04 school year, bars the renewal of an emergency authorization for educators for their second and subsequent years of employment. Provides for an exception of a one-time one-year renewal because an extreme hardship prevents the applicant from entering a teacher in residence program or an alternative teacher program.

Beginning with the 2003-04 school year, requires any holder of an emergency authorization for educators entering his or her second or subsequent year of employment to:

- Enter a teacher in residence program;
- Obtain a provisional teacher license; or
- Receive the one-time one-year renewal.

Clarifies that each teacher in residence program is subject to an on-site evaluation and approval by the state board of education at least once every 5 years.

Requires the state board of education, whenever practicable, to schedule on-site evaluations of teacher in residence programs offered in collaboration with institutions of higher education to coincide with the review of teacher preparation programs by the commission on higher education.

Permits a school district to hire a resident teacher for any portion of the 2-year program if the person completes all remaining requirements for an approved preparation program within those 2 years.

APPROVED by Governor June 7, 2002

EFFECTIVE June 7, 2002

H.B. 02-1324 University of Southern Colorado - name change. Effective July 1, 2003, changes the name of the university of southern Colorado to Colorado state university - Pueblo ("CSU - Pueblo"). Specifies that CSU - Pueblo shall be a regional, comprehensive university, with moderately selective admissions standards. Requires CSU - Pueblo to offer a broad array of baccalaureate programs with a strong professional focus and a firm grounding in the liberal arts and sciences and selected masters-level graduate programs.

APPROVED by Governor May 29, 2002

EFFECTIVE July 1, 2003

H.B. 02-1419 Fort Lewis college - governance - role and mission. Beginning July 1, 2002, changes the role and mission of Fort Lewis college ("college") from a general baccalaureate institution to a public liberal arts college with moderately selective admission standards, with a historic and continuing commitment to Native American education. Allows the college to offer professional programs and a limited number of graduate programs to serve regional needs. Specifies that the college shall be a regional education provider, which criteria for such designation shall be established by the Colorado commission on higher education.

Establishes a 9-member board of trustees for Fort Lewis college ("board") as the governing authority for the college. Specifies the appointment of the board members and the duties and obligations of the board. Specifies that members appointed to the board shall have the authority to act on behalf of the board prior to obtaining confirmation by the senate. Specifies that of the 7 board members appointed by the governor, no more than or less than 2 shall reside in Archuleta, Dolores, La Plata, Montezuma, or San Juan county. Transfers all powers, duties, and functions formerly performed by the state board of agriculture ("SBA") with respect to the college to the board. Specifies that all policies, resolutions, procedures, and agreements previously approved by the SBA and applicable to the college shall remain in force and effect unless and until changed by the board. Requires the board initially appointed to take all necessary action to implement the transfers contemplated and assume all liability and obligations no later than September 1, 2002.

Requires the SBA and the board to enter into an inter-governmental agreement to address issues such as the existing lease of the Hesperus property and the transfer of all bonded and municipal lease debt related to the college. Specifies that the SBA shall have the right to use the real property on the college's main campus upon which the Colorado state forest service district office is located for a minimum of 25 years.

Creates the board of trustees for Fort Lewis college fund ("fund"). Requires the moneys in the fund to be used to pay for salaries and operating expenses of the board and of Fort Lewis college or to be invested pursuant to law. Addresses the budget transfer from the SBA to the board for fiscal year 2002-03 and the budget allocations for fiscal years beginning on and after July 1, 2003, as well as other funding issues for the college. Specifies that the auxiliary facilities of the college designated as enterprises, which were part of the Colorado state university system, shall be designated as enterprises of the board.

APPROVED by Governor June 4, 2002

EFFECTIVE July 1, 2002

H.B. 02-1452 Student loan division - personnel exempt from the state personnel system - contract powers and duties of division - expansion of definition of auxiliary facilities. Specifies that, on and after July 1, 2002, the director of the student loan division in the department of higher education ("division") shall employ and determine the compensation

for such personnel as deemed necessary to carry out the duties and functions of the division. Specifies that any personnel hired on and after July 1, 2002, shall be declared to hold educational offices and to be exempt from the state personnel system. Specifies that any personnel hired prior to July 1, 2002, shall retain all rights related to state personnel system benefits and retirement benefits until termination of employment; except that, if such personnel accept a promotion, voluntary demotion, or a transfer, such personnel shall become exempt from the state personnel system. Clarifies that nothing shall prohibit personnel hired prior to July 1, 2002, from continuing membership in the public employees' retirement association.

Authorizes the division to enter into contracts with corporations to provide services without regard to the provisions of the "Procurement Code", without regard to the provisions of the state purchasing requirements, and without regard to the provisions of the statewide travel management program.

Authorizes the division to make and enter into contracts and all other instruments necessary or convenient for the exercise of the division's powers and functions pursuant to the student loan program without regard to the provisions of the "Procurement Code", without regard to the provisions of the state purchasing requirements, and without regard to certain requirements of the department of personnel.

Expands the definition of "auxiliary facility" to include any activity undertaken by the governing board of any state-supported institution of higher education as an eligible lender.

APPROVED by Governor June 1, 2002

EFFECTIVE June 1, 2002

ELECTIONS

S.B. 02-79 State and political subdivisions - unlawful contributions and expenditures - penalties. Specifies that if the state or a political subdivision makes a campaign contribution or expends public moneys to urge electors to vote in a particular manner in violation of state law, the state or political subdivision is subject to sanctions authorized under the "Fair Campaign Practices Act" or any appropriate order or relief, including injunctive relief or a restraining order to enjoin the continuance of the violation.

APPROVED by Governor April 15, 2002

EFFECTIVE August 7, 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. 02-139 Voting by absentee ballot by electronic means - members of the United States armed forces stationed outside of the United States. Requires the designated or coordinated election official for a county or other political subdivision, as applicable, that meets the requirements specified in rules promulgated by the secretary of state to provide an absentee ballot by electronic means to an eligible elector who:

- Is a member of the armed forces of the United States;
- Is stationed outside of the United States; and
- Timely filed an absentee ballot application with the designated or coordinated election official.

Authorizes the eligible elector to return the voted ballot to the designated or coordinated election official by electronic transfer. Specifies that, in order to be counted, the returned ballot shall be received in the office of the designated or coordinated election official by 7 p.m. on election day. Specifies that, once the ballot is received by the designated or coordinated election official, a bipartisan team of judges shall duplicate the ballot, and the ballot shall be counted as all other absentee ballots. Forbids duplicating judges from revealing how the elector has cast his or her ballot.

Requires any elector who completes an absentee ballot to be informed in the instructions for completing the ballot that the ballot is not a confidential ballot. In handling a returned ballot, requires that all reasonable means be taken to ensure that only the receiving judge is aware of information connecting the elector to the returned ballot.

Authorizes the secretary of state to prescribe by rule any procedures or requirements as may be necessary to implement the act.

APPROVED by Governor April 12, 2002

EFFECTIVE July 1, 2002

H.B. 02-1061 Absentee ballot - application. Specifies that applications for absentee ballots shall include, in addition to existing requirements, the applicant's printed name and, if the applicant wishes to receive the absentee ballot by mail, the applicant's mailing address.

Requires applicants who wish to receive absentee ballots by mail to file the application no later than the Tuesday before the election.

Prohibits any person from giving to any eligible elector a form to apply for an absentee ballot unless the form prompts the applicant to provide all the information required for an absentee ballot application and contains a statement specifying the required information. States that violation of this requirement is an election offense punishable by law.

APPROVED by Governor June 7, 2002

EFFECTIVE June 7, 2002

H.B. 02-1156 Recall elections - campaign finance disclosure reporting requirements - candidates, candidate committees, and issue committees. Requires candidates and candidate committees in recall elections to file reports of contributions and expenditures 14 and 7 days before the recall election and 30 days after the recall election. Requires issue committees in recall elections to file committee registrations with the appropriate officer within 10 business days after receiving their first contribution, and requires reports of contributions and expenditures to be filed with the appropriate officer within 15 days of the filing of the committee registrations and every 30 days thereafter until the date of the recall election is established and then 14 days and 7 days before the recall election and 30 days after the recall election.

Specifies that an issue committee includes 2 or more persons who are elected, appointed, or chosen, or have associated themselves, for the purpose of accepting contributions or making expenditures to support or oppose the recall of an elected official in a recall election.

APPROVED by Governor April 3, 2002

EFFECTIVE April 3, 2002

H.B. 02-1179 Definitions of "candidate" and "candidate committee" under the "Fair Campaign Practices Act". In connection with the definition of "candidate" for purposes of the "Fair Campaign Practices Act" (FCPA), clarifies that a person is a candidate for election if the person has either publicly announced an intention to seek election to public office or retention of a judicial office or has received a contribution in support of the candidacy.

In connection with the definition of "candidate committee" for purposes of the FCPA, clarifies that such committee means a person or persons with the common purpose of either receiving contributions or making expenditures under the authority of a candidate.

Makes the act applicable to any portion of any election cycle remaining after July 1, 2002, and for any election cycle or calendar year commencing after July 1, 2002, whichever is applicable.

APPROVED by Governor June 7, 2002

EFFECTIVE July 1, 2002

H.B. 02-1307 Voter registration - information sharing - candidate petitions - notice of elections - ballots produced on demand - write-in candidates - election judges and watchers - testing of voting equipment - mail ballots - absentee ballots - provisional ballots and emergency registration - deadlines for action by secretary of state, election officials, and canvass boards - recall petitions - records and affidavits filed under FCPA - gifts and grants to department of state - appropriation. Makes the following changes to certain provisions

of the Colorado election laws:

Qualifications and Registration of Electors

Permits a voter who made an emergency registration to vote to cast a provisional ballot. Allows a voter who changed registration on election day to cast a provisional ballot at the polling place or in the office of the county clerk and recorder.

Directs the departments of state and revenue to allow sharing of information between their systems for collecting residence addresses, signatures, and party affiliation in order to maintain the master list of registered electors.

Candidate Petitions

Eliminates the requirement that a person signing a nominating petition for a candidate state that he or she intends to vote for that candidate in the primary election.

Notice and Preparation for elections

Consolidates provisions on notice of elections. States that the publication of notice by the county clerk and recorder for a coordinated election satisfies the notice requirements for all political subdivisions participating in the election.

Removes the requirement of postcard notice in nonpartisan elections, permitting the election official to give notice by postcard at the official's discretion.

States that ballots produced on demand need not have ballots stubs so long as the number of such ballots can be reconciled by the ballot processing system. States that the number of blank spaces on ballots for write-in candidates shall be the lesser of the number of declared write-in candidates or the number of persons to be elected to the office. Requires that if there are no duly nominated or declared write-in candidates for an office, the ballot shall indicate that there are no candidates.

Election Judges

Requires each election judge to attend one instruction class before the first election in the cycle at which he or she will serve as an election judge. Permits the county clerk and recorder or other election official to require election judges to attend more than one class per election cycle. Permits minor political parties to recommend election judges to the county clerk and recorder. Permits unaffiliated voters to notify the county clerk and recorder of their willingness to serve as election judges. Requires designated election officials to appoint election judges from among persons recommended by minor political parties and unaffiliated voters if the major political parties recommend an insufficient number of election judges. Permits county clerks to fill vacancies in election judge positions from among persons recommended by minor political parties and unaffiliated voters. Removes the maximum amount of compensation that election judges may receive for their services.

Conduct of elections

Entitles minor political parties to have watchers in precinct polling places and all political parties to have watchers in places where votes are counted. Permits minor political parties to participate in testing of electronic vote-counting equipment. Reduces the minimum number of test ballots used by representatives of political parties and certain designated election officials to 25.

Mail Ballot elections

Requires that any depository for mail ballots be designated by the county clerk and

recorder or other designated election official and located in a secure place under the supervision of an authorized person.

Absentee and Early Voting

Eliminates the ability of a family member to sign an application for an absentee ballot on behalf of the applicant. Specifies that no one person other than a duly authorized agent of the designated election official may receive more than 5 absentee ballots in any election for mailing or delivery.

Requires a receiving judge in an election coordinated by the county clerk and recorder to compare the signature on the self-affirmation of an absentee ballot with the signature of the elector on file in the county clerk and recorder's office before opening the ballot. States that the signatures should be compared in the same manner that signatures on mail ballots are compared.

Specifies that the self-affirmation on an absentee ballot is valid if:

- It was completed by the elector or a person acting on the elector's behalf;
- It was signed by the elector or, if the elector is unable to sign, marked by the elector with or without assistance and witnessed by another person; and
- In an election coordinated by the county clerk and recorder, the signature on the self-affirmation matches the signature on file, or the eligible elector's marks on the application and the self-affirmation were witnessed by other persons.

Provisional Ballots

Allows voters who claim to be properly registered but whose qualification to vote cannot be immediately established to cast provisional ballots. Directs that provisional ballots be sealed in envelopes and delivered to the county clerk and recorder or designated election official. Requires instructions on the voting and handling of provisional ballots to be printed on provisional ballot envelopes. Requires polling places to have sufficient provisional ballots on hand. Requires the election official to verify the information supplied by the voter of a provisional ballot and reject the ballot if the information cannot be verified. Allows voters who have been sent absentee ballots but not returned them to cast provisional ballots. States that if a voter returns the absentee ballot, the provisional ballot shall not be counted, and that the county clerk and recorder shall refer suspected cases of intentional or fraudulent duplicate voting to the district attorney. Permits challenges of provisional ballots.

Survey of Returns - Recounts

Increases the number of days after an election:

- The canvass board has to complete its duties;
- The county clerk and recorder has to send the abstract of votes to the secretary of state;
- The secretary of state has to compile the election returns from all counties;
- The county clerk and recorder has to send to the secretary of state the list of candidates elected to county offices;
- The secretary of state has to order a recount in a congressional, state, district office, state ballot issue, or state ballot question election, and increases the number of days in which the recount shall be completed;
- In which recounts in elections coordinated by a county clerk and recorder shall be completed;

- The designated election official has to order a recount in elections not coordinated by a county clerk and recorder, and increases the number of days in which the recount shall be completed; and
- Interested parties have to request a recount, and increases the number of days in which the recount shall be completed.

Allows minor political parties and unaffiliated candidates to designate watchers to observe county canvass boards. Requires all sections of a recall petition to be filed simultaneously.

Fair Campaign Practices Act

States that a candidate committee in a special district election is not required to file reports under the fair campaign practices act (FCPA) until it has received contributions or made expenditures exceeding \$20.

Requires candidates in special district elections and the committees that support or oppose them, with the exception of candidates for director of the regional transportation district, to file reports under the FCPA with the clerk and recorder of the county in which the district court having jurisdiction over the special district is located.

Eliminates the requirement to keep reports filed under the FCPA as permanent records, leaving in place the separate requirement to keep such reports for one year after the date of filing or one year after the candidate leaves office.

Permits candidates in special district elections to file a copy of their self-nomination and acceptance form or letter in lieu of the candidate affidavit, so long as such form or letter states that the candidate is familiar with the provisions of the FCPA. States that candidates in municipal elections need not file a separate affidavit under the FCPA if they have filed an affidavit under the municipal election code stating that they are familiar with the provisions of the FCPA.

Department of State

Authorizes the department of state to receive and expend gifts and grants, including federal funds, for the purpose of exercising the powers and performing the duties of the secretary of state regarding the conduct of elections. States that the department may provide matching funds to receive any such gift or grant, subject to appropriation by the general assembly.

Repeals the provision allowing absentee ballots to be counted using voting lever machines.

Appropriates \$174,123 and 1.5 FTE from the department of state cash fund to the department of state.

APPROVED by Governor June 7, 2002

EFFECTIVE June 7, 2002

H.B. 02-1340 2002 political party caucus and assembly dates - adjustment for reapportionment plan. For the 2002 calendar year only, makes the following changes to the political party nomination process necessitated by the redrawing of general election precinct boundaries in accordance with the court-approved reapportionment plan for senatorial and representative districts of members of the general assembly:

- Makes April 23, 2002, precinct caucus day instead of the second Tuesday in April;
- Requires the county clerk and recorder to furnish a preliminary list of registered electors to the major political parties in the county as soon as practicable after court approval of the reapportionment plan, instead of 30 days prior to precinct caucus day, and to furnish a supplemental list on the Friday preceding precinct caucus day;
- Requires county assemblies to be held on any date following the April 23, 2002, precinct caucuses, but no later than May 18, 2002, instead of not less than 10 nor more than 30 days after the precinct caucuses;
- Requires designation of precinct caucus places by signage no later than 7 days, instead of 12 days, before the precinct caucuses;
- Specifies that changes in the boundaries or the creation of precincts shall be completed prior to the precinct caucuses on April 23, 2002, instead 29 days prior to precinct caucus day;
- Directs the county chairperson of each major political party in the county to certify to the county clerk and recorder the names and addresses of recommended election judges no later than May 14, 2002, instead of the last Tuesday in April.

Makes certain legislative findings and specifies that, to the extent that such changes conflict with the rules or bylaws of the 2 major political parties, such statutory changes shall control.

APPROVED by Governor March 27, 2002

EFFECTIVE March 27, 2002

H.B. 02-1450 Governor and lieutenant governor - candidate committees - expenditures for political messages. States that expenditures for political messages by the candidate committee of a political party's nominee for governor or lieutenant governor shall not be construed as contributions or contributions in kind to the candidate committee of the other nominee.

APPROVED by Governor June 7, 2002

EFFECTIVE June 7, 2002

FINANCIAL INSTITUTIONS

H.B. 02-1092 Trust companies - offices - locations - authorized activities - transactions with affiliates - investments. Requires trust companies to have and maintain principal offices in Colorado. Requires any executive officer of a trust company to be the trust company's agent for the purpose of service of process. Allows a trust company to relocate its principal office to other locations within the state upon filing notice with the banking board. Clarifies when relocation of a principal office takes effect. Sets out when a trust company may and may not act as a fiduciary. Sets out when a trust company may acquire trust offices. Clarifies when trust offices may commence business. Allows the banking board to deny approval of additional trust offices for a trust company. Allows a trust company that is chartered in a different state to maintain an office in Colorado if the establishment and operation of the office is in compliance with the rules of the banking board.

Outlines activities of a trust company that require a charter. Repeals obsolete provisions related to federal deposit insurance.

Outlines how and when transactions with affiliates may occur. Allows the banking board to promulgate rules to exempt transactions or relationships from requirements governing transactions with affiliates.

Allows a trust company, under specific circumstances, to acquire or retain an equity investment in a subsidiary in which the trust company is the majority owner.

Clarifies extension-of-credit conditions for trust companies.

Defines "act as a fiduciary", "representative trust office", "transaction account", "trust business", "trust institution", and "trust office".

APPROVED by Governor March 26, 2002

EFFECTIVE March 26, 2002

H.B. 02-1111 Mortgages - future advances. Makes the law regarding mortgage lending more consistent with current law for other secured transactions. Provides that any mortgage may secure future advances up to a total maximum principal amount expressly set forth in the mortgage. Grants priority from the date of recording to all advances made up to the stated maximum amount set forth in the mortgage. Specifies that this law does not apply to subsequent advances against a mortgage instrument after a mortgage has advanced principal up to the maximum amount stated in the mortgage unless the mortgage instrument clearly states that it was made pursuant to a revolving credit arrangement. Provides that this law does not apply to the determination of the priority of mechanics' liens, which priority is established under the law governing general mechanics' liens.

APPROVED by Governor April 25, 2002

EFFECTIVE August 7, 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. 02-1254 Public securities information reporting - repeal of nonrated public securities cash fund. In connection with the "Public Securities Information Reporting Act" (Act):

- Specifies that the annual information report is to be completed on forms prescribed by the director of the department of local affairs.
- Deletes a requirement found in the Act specifying that making a report public includes delivering the report to all persons upon written request and payment of a fee.
- Deletes a requirement found in the Act specifying that the filing of any report shall be accompanied by a fee, and that all fees collected pursuant to the Act shall be transferred to the state treasurer who shall credit the same to the nonrated public securities cash fund.

Repeals statutory provisions requiring establishment of a committee to develop and recommend a standard and uniform report for nonrated public securities, the establishment of fees to be paid by the holders for receipt of such reports, and the creation of the nonrated public securities cash fund in the state treasury for the collection of such fees. Specifies that, upon abolition of the nonrated public securities cash fund, all unexpended and unencumbered moneys in said fund as of such date shall be transferred to the general fund.

APPROVED by Governor May 24, 2002

EFFECTIVE October 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. 02-1280 Banks - regulation - statewide concern - prohibition on local regulations. States that the regulation of banking is a matter of statewide concern. Prohibits a political subdivision from regulating deposits, lending, and other services or products provided by banks. Does not preclude a political subdivision from enacting and enforcing laws or rules of general applicability concerning public health, safety, or welfare.

APPROVED by Governor April 3, 2002

EFFECTIVE August 7, 2002

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. 02-182 Legislative district lines - splitting residential parcels - appropriation. Authorizes a county clerk and recorder to submit documentation to the secretary of state if a border between 2 legislative districts divides a residential parcel. Authorizes the secretary of state to propose to the Colorado supreme court and authorizes the Colorado supreme court to approve a movement of the border to a visible feature normally relied upon by the United States census bureau if the move:

- Does not split a residential parcel;
- Moves the remaining portion of the parcel to the least-populated district;
- Does not violate section 46 or 47 of article V of the state constitution;
- Minimizes the impact on local polling places; and
- Minimizes changes from the approved redistricting plan.

Appropriates \$4,900 for the fiscal year beginning July 1, 2001. Appropriates \$2,450 of such moneys to the department of state for implementation of the act, and appropriates \$2,450 of such moneys to the department of law for the provision of legal services.

Appropriates \$2,250 for the fiscal year beginning July 1, 2002. Appropriates \$1,125 of such moneys to the department of state for implementation of the act, and appropriates \$1,125 of such moneys to the department of law for the provision of legal services.

APPROVED by Governor May 6, 2002

EFFECTIVE May 6, 2002

GOVERNMENT - COUNTY

S.B. 02-7 Commissioner districts - alteration based on precinct changes - mandatory public hearing - inmates in correctional facilities. States that county commissioners' districts shall be as nearly equal in population as possible based on the most recent federal census minus the number of persons serving a sentence of detention or confinement in any correctional facility in the county as indicated in the statistical report of the department of corrections for the most recent fiscal year.

States that when the board of county commissioners establishes or alters commissioners' districts after each federal census to assure that the districts are as nearly equal in population as possible, the population of the county shall be calculated using the data of the federal census minus the number of persons serving a sentence of detention or confinement in any correctional facility in the county as indicated in the statistical report of the department of corrections for the most recent fiscal year.

States that when the electors of a county change the number of county commissioners or the method of electing commissioners by referendum or initiative and the board of county commissioners creates new commissioners' districts as nearly equal in population as possible, the population of the county shall be calculated using the data of the federal census minus the number of persons serving a sentence of detention or confinement in any correctional facility in the county as indicated in the statistical report of the department of corrections for the most recent fiscal year.

Allows the board of county commissioners to alter commissioner districts more often than once every 2 years based on changes in precinct boundaries when necessary to ensure that no precinct is located in more than one district.

Requires the board of county commissioners to hold a public hearing on proposed changes in commissioner districts at least 30 days before making such changes.

APPROVED by Governor March 27, 2002

EFFECTIVE August 7, 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. 02-28 Surveyors - vacancy - appointment of nonresident. States that if a vacancy occurs in the office of county surveyor, the board of county commissioners shall, no later than 90 days after the vacancy occurs, appoint some suitable and qualified person, who need not be a resident of the county, to fill the vacancy until the next general election.

APPROVED by Governor March 22, 2002

EFFECTIVE August 7, 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. 02-31 Classification of counties - Custer county. Changes Custer county from a category V to a category IV county for purposes of establishing salaries of county officers.

APPROVED by Governor March 5, 2002

EFFECTIVE March 5, 2002

S.B. 02-143 County treasurer - recommendations or findings in audits - report to board of county commissioners - penalties. Requires a county treasurer to promptly address any recommendations or findings contained in any audit conducted of the treasurer's office and to report to the board of county commissioners on the disposition of the recommendations or findings no later than 90 days after issuance of the final audit report. Subjects the treasurer to penalties for contempt of court for failure to satisfy these requirements.

Specifies that if a county treasurer fails, neglects, or refuses to perform the duties of the treasurer as set forth in law, the treasurer is subject to certain fines and may be removed from office.

APPROVED by Governor March 22, 2002

EFFECTIVE August 7, 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. 02-166 Coroners - salary - reimbursement of expenses - additional compensation for post-mortem examination. Sets the salaries of county coroners whose terms begin on or after January 1, 2002. States that the board of county commissioners in each county sets salaries only for county coroners whose terms begin before January 1, 2002. States that the salaries of county coroners whose terms begin on or after January 1, 2002, are set by law.

Requires the board of county commissioners to reimburse coroners for expenses related to travel by the coroner for the purpose of testifying as a witness or acting in any other official capacity in any legal proceeding involving a death investigated by that coroner. States that this reimbursement may include a mileage allowance and actual and necessary lodging, subsistence, and incidental expenses. Specifies that the reimbursement shall be paid out of the county treasury.

Permits the board of county commissioners to provide additional compensation from the county treasury to a coroner who performs a post-mortem examination of the body of a deceased person.

APPROVED by Governor April 22, 2002

EFFECTIVE August 7, 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. 02-1007 Coroners - removal of corneal tissue. Eliminates the authorization for coroners to permit the removal of corneal tissue from decedents in specified circumstances.

APPROVED by Governor March 13, 2002

EFFECTIVE March 13, 2002

H.B. 02-1119 County clerk and recorder - electronic filing - electronic notary - appropriation. Authorizes a county clerk and recorder to accept all documents that may be recorded by electronic filing. Allows a clerk and recorder to electronically store recorded documents. Permits a clerk and recorder to electronically forward documents to the office of the county assessor. Allows a clerk and recorder to maintain electronic indices.

Requires a clerk and recorder to endorse specified information upon a document as soon as practical after a document has been received. Establishes that a document shall be deemed accepted as of the date and time of such endorsement. Permits a clerk and recorder to make electronic endorsements on such documents within established deadlines. Requires an electronic endorsement by a clerk and recorder to be immediately perceptible and reproducible. Allows a clerk and recorder to electronically return recorded documents to authorized persons.

Requires a clerk and recorder who decides to accept electronic filings to establish procedures for such filings, but only after he or she has considered the recommendations made by the clerk and recorder electronic filing technology fund advisory panel (panel). Prohibits a clerk and recorder from accepting electronic filings until the procedures for electronic filings have been made publically available. Authorizes a clerk and recorder to designate the method by which he or she will accept fee payments for electronic filings.

Requires a clerk and recorder to collect a one dollar surcharge for each filing he or she receives after September 1, 2002. Mandates that 50 cents out of each dollar shall be credited to the clerk and recorder electronic filing technology fund (fund). Allows a clerk and recorder to keep the remaining 50 cents to be utilized to defray the costs of implementing and providing electronic filing and recording capabilities, or to credit the 50 cents to the fund. Exempts certain electronic filings by a county from the surcharge. Repeals the surcharge on July 1, 2005.

Creates the fund for the purpose of making grants to counties that otherwise lack sufficient resources to purchase the technology necessary for a clerk and recorder to accept electronic filings. Prohibits the transfer of moneys in the fund to the general fund or any other fund of the state.

Creates the panel in the department of state. Requires the secretary of state (secretary) to appoint 5 members to the panel, with each member serving a 4-year term. Requires the panel to meet at least 2 times each year to make grants from the fund to counties consistent with the purpose of the fund. Requires the secretary to promulgate the rules for the grant application process and any other rules necessary to implement the panel. Repeals the panel on July 1, 2006.

Creates the elements of an electronic signature of a notary public (notary). Requires the secretary to promulgate the rules necessary to establish standards, procedures, practices, forms, and records relating to a notary's electronic signature.

Makes the following conforming amendments to the "Notaries Public Act" to permit an electronic notary signature:

- Empowers notaries to attest electronic records.
- Accommodates for physical limitations with respect to electronic records that are certified by a notary.
- Requires a notary to keep a certificate of authentication of each notarized electronic signature in the notary's journal.
- Requires a notary to affix his or her electronic signature to all electronic records he or she notarizes.
- Creates notice requirements for a notary who becomes aware that any other person has electronic control of his or her electronic signature.
- Establishes that it is a class 3 misdemeanor for a person to unlawfully possess

- or use a notary's electronic signature.
- Creates the affirmation procedures for electronic records.
- Recognizes a notary of electronic records performed by a person outside this state.

Appropriates \$522,714 and 0.1 FTE to the department state for implementation of this act, of which, \$520,834 shall be from the fund and \$1,880 shall be from the notary administration cash fund.

APPROVED by Governor May 30, 2002

EFFECTIVE August 7, 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. 02-1224 Local improvement districts - use of sales tax for informational products and materials. Defines "informational products and materials" to mean any marketing or advertising device used to promote the general development of business within a local improvement district, but does not include any marketing or advertising device used to promote a single store or company. Allows a district to use a district sales tax to produce and distribute informational products and materials.

APPROVED by Governor April 19, 2002

EFFECTIVE April 19, 2002

GOVERNMENT - LOCAL

S.B. 02-97 Housing authorities - subject to provisions governing city housing authorities - appropriation. Provides that the property of a multijurisdictional housing authority or a county housing authority shall be exempt from taxes and special assessments on the same basis and subject to the same conditions as provided for city housing authorities.

Modifies the existing definitions of "federal government" and "project".

Makes the act applicable only with respect to taxable years beginning after December 31, 2000.

Appropriates \$11,155 to the department of education for the implementation of this act and adjusts the 2002 general appropriation act by decreasing the appropriation to the division of housing, Colorado affordable housing construction grants and loans program by said amount.

APPROVED by Governor June 7, 2002

EFFECTIVE June 7, 2002

S.B. 02-103 Improvement districts of local general purpose governments. With respect to county public improvement districts, county local improvement districts, municipal special improvement districts, and municipal improvement districts, specifies that an eligible elector shall include a natural person designated by an owner of taxable real or personal property in the district that is designated by such owner to vote for such person. Specifies certain requirements for such designation to be effective.

With respect to a county public improvement district, specifies that, at such time as all of the territory included within an existing district that has no outstanding indebtedness or bonds is annexed or incorporated into a municipality, the governing body of the municipality shall exercise all duties of the governing body of the district but continue to act as if it were the board of county commissioners.

With respect to county public improvement districts and municipal improvement districts:

- Specifies that the organizational petition for the establishment of said district shall set forth the names of 3 persons who shall represent the petitioners instead of 3 electors as is specified under existing law.
- Deletes language concerning the issuance of bonds as among the types of acts or proceedings for which the specified statutes of limitation are to apply.

With respect to a municipal improvement district, clarifies that authorization of the board of said district to issue bonds shall be by duly adopted resolution of the board of the district.

With respect to a county local improvement district, upon dissolution of said district, authorizes any moneys remaining to the credit of such district that have not been transferred to a special surplus and deficiency fund to be used for any county purpose as determined by the board of county commissioners.

With respect to county local improvement districts and municipal special

improvement districts:

- Authorizes such district to be formed for the purpose of constructing, installing, or acquiring any public improvement, with specified exceptions, so long as the county or municipality that forms the district is authorized to provide such improvement under the county's or municipality's home rule charter or ordinance passed pursuant to such charter, if any, or the laws of this state.
- Specifies that any owner of any property not in default as to any installment or payment who pays the whole of the unpaid principal due on an assessment may be assessed a prepayment premium not to exceed 3% of the unpaid principal, the amount of which premium may be specified in the resolution or ordinance, as applicable, imposing the assessment.
- Clarifies that special assessment bonds of the county or municipality, as applicable, may be levied on such terms as may be prescribed by the governing body of the county or municipality. Clarifies that bonds issued by such districts may be payable from the assessments levied in one or more such districts.
- Authorizes the governing body of such districts to issue one or more series of bonds to refund all or any portion of the outstanding bonds issued by one or more such districts. Specifies that such bonds may be secured by a combination of assessments levied on all or a specifically identified portion of the assessed property located within such districts. Authorizes the governing body to amend the resolution or ordinance imposing the assessment, as applicable, to modify certain terms describing the assessment specified in the resolution or ordinance. Specifies certain procedures that must be followed before the governing body may amend the resolution or ordinance to increase the amount of principal and interest due and owing under the assessment, the number of years over which unpaid assessments are due, or the amount of any unpaid assessments. Specifies certain written findings that the governing body is required to make in order either to issue refunding bonds or to amend a resolution or ordinance, as applicable, imposing an assessment.
- Repeals statutory provisions concerning the manner of redemption of bonds issued by such districts.

APPROVED by Governor April 15, 2002

EFFECTIVE August 7, 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. 02-1086 Emergency telephone service - permissible expenditures - emergency notification service. Within the existing statutes allowing counties and other local governments to use E9-1-1 surcharge moneys to establish and maintain emergency telephone service, adds emergency notification service to the list of permissible expenditures. Defines "emergency notification service" as a service that uses E9-1-1 database information to notify phone customers of floods, fires, and other emergencies in their area.

APPROVED by Governor March 22, 2002

EFFECTIVE March 22, 2002

H.B. 02-1218 County sales and use tax - extension of expiring tax. Requires any extension of an expiring tax to be deemed in effect from the date of the first imposition of the tax when calculating the total sales tax or total use tax imposed by the state of Colorado, any county, and any city or town in any locality in the state.

Clarifies that the right of petition allowed for a proposal for a countywide sales tax, use tax, or both shall extend only to the initial proposal of a tax and shall not extend to the extension of an expiring tax, use of tax revenues, or changes in distribution of tax revenues among local governments.

Specifies that any petition measure, including a measure to extend an expiring tax, that changes the distribution of tax revenue among local governments as provided in a preexisting revenue-sharing ballot measure shall be deemed to be a new tax in effect from the date of the change in distribution of the tax revenues and shall be subject to any other validly adopted sales or use tax proposal.

BECAME LAW June 8, 2002

EFFECTIVE August 7, 2002

GOVERNMENT - MUNICIPAL

S.B. 02-26 Fire and police pension association - new hire pension plans - death and disability benefits. Creates a permanent occupational disability benefit and a temporary occupational disability benefit for members of the statewide death and disability plan for police officers and firefighters.

States that a member who becomes permanently occupationally disabled shall be retired from active service while such disability continues. Specifies that the annual disability benefit for a permanent occupational disability shall be 50% of the annual base salary paid to the member immediately preceding retirement for disability. States that a member who becomes temporarily occupationally disabled shall be retired from active service for as long as the temporary occupational disability continues for a period of up to 5 years from the date of the original disablement. Specifies that the annual disability benefit for a member who is temporarily disabled shall be 40% of the annual base salary paid to the member immediately preceding retirement for disability.

States that a member who receives a temporary occupational disability benefit shall be subject to reexamination at the discretion of the board of directors of the fire and police pension association. States that the board may require treatment, counseling, or therapy necessary to rehabilitate the member. Specifies that it is the member's responsibility to show compliance with such requirements. Authorizes the board to terminate the temporary occupational disability benefit if the member fails to make rehabilitation efforts or if the member cannot provide evidence of a continuing disability.

Allows a member receiving a temporary occupational disability benefit to apply for an upgrade to a permanent occupational disability or total disability no later than 6 months prior to the end of 5 years from the date of original disablement.

For a member whose temporary occupational disability benefit ceases and who is not restored to active service or for a member who elects to terminate his or her temporary occupational disability benefit, entitles such member to any vested benefit earned prior to becoming disabled or a refund of the member's contributions if no benefit has vested.

Authorizes the board of directors of the fire and police pension association to consider any relevant evidence in the determination of an occupational, total, or on-duty disability.

Requires that all disability benefits be redetermined each year. Specifies that the member shall have received the disability benefit for at least 12 calendar months prior to the effective date of redetermination in order to be eligible for redetermination. Establishes that the amount of a member's permanent or temporary occupational disability benefit shall be increased by a percentage to be determined by the board of directors of the fire and police pension association, but such increase shall not be greater than 3% each year. Requires that the amount of a member's total disability benefit shall be increased by 3% each year.

If a members receives total or permanent occupational disability benefits and is eligible to receive payments from such member's separate retirement account or local pension plan, states that the disability benefit shall be reduced by the actuarial equivalent of the benefits such member is eligible to receive from the separate retirement account or local pension plan.

Allows any member who is awarded a total or permanent occupational disability benefit to receive the applicable normal disability pension or to make an election for a reduced pension to allow for survivor benefits in the event that the member dies while receiving such benefit. Includes adult dependant and incapacitated children in the family payment option for survivor benefits for members receiving total and permanent occupational disability benefits.

Requires that an application for any disability benefit shall be filed by the member no later than 180 days after such member's last day on the payroll. Allows a member in the disability benefit application process to irrevocably elect not to be considered for reinstatement in the event that such member becomes eligible for reinstatement.

Within the application for disability benefits, requires the employer to make a statement indicating the reason for the member's separation from employment and to submit a statement of additional basis for the member's disability under the death and disability program that the employer believes exists.

States that when a member's temporary occupational disability ceases to exist and the member is restored to active service, a transfer will be made from the statewide death and disability plan to the member's normal retirement plan in the amount of 16% of the monthly base salary that the member was paid at the time of disability retirement, multiplied by the number of months the member received the temporary occupational disability benefit.

States that if a member, while receiving a temporary occupational disability benefit, satisfies the age and service requirements for a normal retirement, a transfer will be made from the statewide death and disability plan to the member's normal retirement plan in the amount of 16% of the monthly base salary that the member was paid at the time of disability retirement, multiplied by the number of months the member received the temporary occupational disability benefit. States that such member shall then be granted a normal retirement and the disability benefit shall terminate.

If a member dies while receiving a temporary occupational disability benefit, allows the member's family to receive the same survivor benefits that the family would receive had the member died while in active service.

Increases the survivor benefit for survivors of members of the statewide death and disability pension plan for police officers and firefighters if the member dies while in active service in the line-of-duty and is not eligible for a normal retirement pension.

Increases the benefit for survivors of members of the statewide death and disability pension plan for police officers and firefighters if the member dies while in active service in the line-of-duty and is eligible for a normal retirement pension as follows:

- For a spouse either with or without children, in addition to the monthly retirement benefit otherwise payable, the monthly benefit paid shall be the difference between 70% of the monthly base salary paid to such member immediately preceding death and the amount of the retirement benefit otherwise payable;
- For one or more dependent children who were living in the member's home at the time of the member's death, the monthly benefit paid shall be the difference between 70% of the monthly base salary paid to such member immediately preceding death and the amount of the retirement benefit

- otherwise payable; or
- For one or more dependent children who were not living in the member's home at the time of the member's death, the monthly benefit paid shall be the sum of 40% of the monthly base salary paid to such member immediately preceding death for the first child plus 15% for each additional child, the total of which shall not be greater than 70% of the monthly base salary, less the amount payable under the normal retirement pension.

Modifies the division of the survivor benefit in the event that a surviving spouse and one or more dependent children residing in a separate household from the surviving spouse must share the benefit.

States that survivors of members of the statewide death and disability pension plan for police officers and firefighters who die while on-duty but whose death falls within an exception of the internal revenue code shall receive the same benefit as such survivor would receive if the member's death was off-duty.

Includes leave for military service within authorized leave as allowed by the board of directors of the fire and police pension association. Directs the board to adopt rules regarding authorized leave for absence for military service.

APPROVED by Governor April 3, 2002

EFFECTIVE October 1, 2002

S.B. 02-32 Downtown development authority - tax increment financing - extension. Extends the period that a portion of local property and sales taxes may be allocated to a special fund to pay indebtedness related to a downtown development authority from 25 years to 30 years.

APPROVED by Governor June 7, 2002

EFFECTIVE August 7, 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. 02-1032 Fire and police pension association - statewide defined benefit plan - purchase or roll over prior service credit. Allows members of the statewide defined benefit plan, subject to fire and police pension association board rules, to purchase or roll over service credit:

- For any other type of public employment; or
- Of up to 5 years for private employment upon completion of at least 5 years of continuous service with an employer covered by the statewide defined benefit plan, submittal of specified documentation, verification that the member will not otherwise receive a benefit for that prior employment, and payment or transfer of the cost of the service credit.

APPROVED by Governor March 21, 2002

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. 02-1036 Fire and police pensions - volunteer firefighter pension plans - state contribution - appropriation. Modifies the method of calculating the state contributions for volunteer firefighter pension plans. Increases the minimum state contribution for said plans to \$1,000 for any municipality or district that contributes the proceeds of a levy of one-half mill on the current valuation for assessment of the municipality or district.

Appropriates \$3,000 to the department of treasury for allocation to the fire and police pension association for funding the increase in the minimum state contribution for volunteer firefighter pension plans, but makes the increase in the minimum state contribution and the corresponding appropriation contingent upon the passage of and savings realized from House Bill 02-1241.

APPROVED by Governor May 24, 2002

EFFECTIVE July 1, 2002

NOTE: House Bill 02-1241 was signed by the Governor on May 24, 2002, and the fiscal estimate shows sufficient general fund savings.

GOVERNMENT - SPECIAL DISTRICTS

S.B. 02-214 Moffat tunnel. Relocates statutory provisions concerning the Moffat tunnel improvement district and the Moffat tunnel commission from part 29 of article 32 of title 24, Colorado Revised Statutes, to article 8 of title 32, Colorado Revised Statutes, so that statutory provisions governing the Moffat tunnel will be primarily governed by the provisions of article 8 of title 32, Colorado Revised Statutes.

APPROVED by Governor June 1, 2002

EFFECTIVE August 7, 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. 02-1110 Metropolitan sewage disposal districts - enterprises - creation of bonded indebtedness or issuance of bonds to fund notes without TABOR elections. Authorizes metropolitan sewage disposal districts that qualify for enterprise status in accordance with the "Taxpayer's Bill of Rights" (TABOR) amendment to the state constitution to create bonded indebtedness without first submitting a proposition of issuing such bonds to the electors of the district and having such issuance approved at an election held for such purpose.

In the case of bonds issued by metropolitan sewage disposal districts for the purpose of funding any note, where such district qualifies for enterprise status in accordance with the TABOR amendment to the state constitution, clarifies that, notwithstanding any other provision of law, any bond to be issued for the purpose of funding any note by such district may be issued without an election.

APPROVED by Governor March 21, 2002

EFFECTIVE August 7, 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. 02-1465 Division of a special district into subdistricts. In connection with the division of a special district into subdistricts, specifies that any area so created shall be a subdistrict of the special district. Specifies that said subdistrict shall be an independent quasi-municipal corporation, shall act pursuant to the provisions of the existing statutory article governing special districts, and shall possess all of the rights, privileges, and immunities of a special district.

Provides that the board of the special district shall constitute ex officio the board of directors of the subdistrict, the presiding officer of the board shall be ex officio the presiding officer of the subdistrict, the secretary of the board shall be ex officio the secretary of the subdistrict, and the treasurer of the board shall be ex officio the treasurer of the subdistrict. For the purposes of complying with existing statutory provisions, specifies that the debt of the subdistrict shall be treated separately from the debt of the special district and shall not be treated as debt of the special district. Specifies that the total debt of the special district and all subdistricts shall not exceed any debt limits specified in the service plan of the special district.

Clarifies existing statutory provisions to specify that no resolution dividing the special

district into one or more areas shall be adopted by the board of the special district if a petition objecting to such division is signed by the owners of taxable real and personal property, which property equals more than 50% of the total valuation for assessment of all taxable real and personal property within the proposed area boundaries, and is filed with the special district no later than 5 days prior to the required public meeting.

Specifies that no requirements contained in the act shall apply to any subdistrict in existence prior to October 1, 2002, but authorizes a district, by resolution, to elect to apply any of said requirements to such area.

APPROVED by Governor June 7, 2002

EFFECTIVE October 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 - STATE

S.B. 02-38 Public buildings - United States flag and representations - proper display - exception - affirmative defense. Prohibits the chief administrative officer of any state institution, school, or court facility from permitting the display of any depiction or representation of a United States flag that does not comply with federal standards for the display of United States flags and if the display is intended for public view and permanently affixed to any part of the building or grounds of the institution, school, or court facility.

Creates an exception to this prohibition for any temporary display of instructional or historical materials not permanently affixed to the buildings or grounds. Creates a similar affirmative defense to a prosecution for the petty offense of unlawful display of a flag other than the United States or state flag in or on public buildings or grounds.

APPROVED by Governor April 19, 2002

EFFECTIVE August 7, 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. 02-52 Waste tire recycling development cash fund - reallocation of moneys. Repeals provisions allocating to the Colorado commission on higher education certain moneys appropriated to the department of local affairs from the waste tire recycling development cash fund. Allows such moneys to be expended for partial reimbursement for processors and end users of waste tires, effective July 1, 2002.

APPROVED by Governor April 12, 2002

EFFECTIVE July 1, 2002

S.B. 02-53 Cesar Chavez day - legal holiday - refer to voters. Designates the 31st day of March as a legal holiday for observing the birthday of Cesar Estrada Chavez as "Cesar Chavez day".

Refers the act to the voters at the 2002 general election.

S.B. 02-105 Aviation - immunity for public backcountry landing facilities - department of revenue sharing information regarding fuel taxes collected with aeronautics division. Excludes from the waiver of sovereign immunity any backcountry landing facility that is located in whole or in part within any park or recreation area maintained by a public entity.

Requires the executive director of the department of revenue to provide the aeronautics division with information pertaining to taxes collected on gasoline or fuel used in aviation. Specifies that the department of revenue shall only release information regarding the portion of the tax revenues that will be credited to the aviation fund, and any information provided shall remain confidential.

APPROVED by Governor March 22, 2002

EFFECTIVE March 22, 2002

S.B. 02-106 Public employees' retirement association - conformance with federal law. Conforms certain provisions of the public employees' retirement association (PERA) law

with the federal "Economic Growth and Tax Relief Reconciliation Act of 2001" as follows:

- Makes any retirement plan for a public employee subject to division pursuant to a domestic relations order, not just qualified plans under the federal internal revenue code.
- Allows a member of PERA to purchase service credit using a trustee-to-trustee transfer or rollover from any retirement plan permitted under federal law, rather than from a qualified plan under the federal internal revenue code, or a rollover of distributions from certain individual retirement accounts or annuities.
- Specifies that the new compensation limit under the federal internal revenue code will be applied prospectively.
- Allows a terminated member of PERA or a surviving spouse of such member to elect to have a direct rollover to an eligible retirement plan in accordance with the federal internal revenue code.

APPROVED by Governor March 27, 2002

EFFECTIVE March 27, 2002

S.B. 02-108 Capital construction fund - additional transfer from the general fund during FY 2001-02. Transfers \$45,800,355 from the state general fund to the capital construction fund upon the effective date of the act to achieve the amount of reductions in the funding of capital projects prescribed by Senate Bill 01S2-023 enacted during the 2nd extraordinary session of the 63rd general assembly to address the anticipated revenue shortfall for the 2001-02 state fiscal year.

VETOED by Governor March 1, 2002

S.B. 02-122 Motorcycle operator safety training fund - exemption from limitation on uncommitted reserves - motorcycle registration surcharge. Exempts the motorcycle operator safety training fund from limitations on the amount of uncommitted reserves that may be maintained by state agencies in cash funds.

Extends indefinitely the provision increasing the surcharge on registration of a motorcycle or motorscooter from \$2 to \$4.

APPROVED by Governor April 5, 2002

EFFECTIVE April 5, 2002

S.B. 02-142 Obsolete provisions - general fund revenues - repeal. Repeals or amends obsolete provisions in the Colorado Revised Statutes concerning general fund revenues in past fiscal years.

APPROVED by Governor June 1, 2002

EFFECTIVE August 7, 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. 02-144 Open meetings and public records - exemption - proposals to honor individuals submitted to higher education institutions. Authorizes the governing board of a state

institution of higher education and any committee thereof to meet in an executive session for consideration of nominations for the awarding of honorary degrees, medals, and other honorary awards by the institution and for consideration of proposals for the naming of a building or a portion of a building for a person or persons.

Specifies that the custodian of records is to deny the right of inspection of records relating to nominations for the awarding of honorary degrees, medals, and other honorary awards by a state institution of higher education, proposals for the naming of a building or a portion of a building for a person or persons, and any records submitted in support of such nominations and proposals.

APPROVED by Governor March 22, 2002

EFFECTIVE August 7, 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. 02-145 Public employees' retirement association - employment of retirees as classroom teachers or principals. Allows a retiree of the public employees' retirement association (PERA) to be employed as a classroom teacher or principal in specified circumstances after retiring without forfeiting retirement benefits from PERA during such employment. Specifies that the retiree must work in a school district with fewer than 4,500 students that has adopted a resolution declaring a critical shortage of teachers or principals, or must work for the Colorado school for the deaf and blind. Specifies requirements for the school district to declare a critical shortage.

Makes teachers and principals eligible to participate in the school district's health plan and prohibits receipt of a health care premium subsidy from PERA during their employment. Specifies that employer contributions shall be made to PERA on all salary paid to retirees during their employment. Prohibits recalculation of the retiree's benefits upon termination of employment as a teacher or retiree.

APPROVED by Governor April 3, 2002

EFFECTIVE April 3, 2002

S.B. 02-151 Affordable housing - database of projects to be made no longer affordable. Directs the division of housing to maintain a database of publicly-assisted housing projects on which it has received notice that the owner intends to convert the project to commercial use, increase the rent to an amount exceeding the affordability restrictions on the project, or withdraw from or choose not to renew an available federally funded project-based rental assistance contract. Requires the division to provide information about the database to owners of publicly-assisted housing projects and to encourage them to give notice to the division 120 days before taking action that would make the property no longer affordable.

APPROVED by Governor May 6, 2002

EFFECTIVE August 7, 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. 02-181 Governmental immunity of parole release hearing officers. Specifies that for purposes of the "Colorado Governmental Immunity Act", a parole release hearing officer

utilized in the release hearing officers pilot program conducted by the department of corrections and the state board of parole is a public employee when engaging in activities that are within the course and scope of his or her responsibilities as a release hearing officer.

APPROVED by Governor May 24, 2002

EFFECTIVE May 24, 2002

S.B. 02-231 Public officials' and employees' defined contribution plan - state deferred compensation committee - membership - administration of plan. Eliminates the public officials' and employees' defined contribution retirement committee and transfers the authority to establish and administer the public officials' and employees' defined contribution plan (defined contribution plan) from the state defined contribution retirement committee to the state deferred compensation committee. Modifies the membership of the state deferred compensation committee to include a member of the defined contribution plan.

Specifies the circumstances in which investments purchased under the deferred compensation plan shall not be assignable or subject to legal process.

Relocates the article governing the defined contribution plan to a new part in the article governing the state deferred compensation committee. Makes a declaration that the defined contribution plan is offered as an alternative to participating in the public employees' retirement association for specified public officials and employees.

Requires the deferred compensation committee to maintain at least one defined contribution plan on and after July 1, 2002. Requires more than one separate and distinct provider of investment products to be selected for each defined contribution plan. Authorizes the committee to assess a fee for the costs of administering the plan. In addition to assessing such fee, allows the committee to contract with a vendor to pay all or a portion of the costs associated with the plan. Eliminates the requirement that providers service their accounts and pay fees to service and administer the plan.

States that the defined contribution plan shall be governed subject to the same specified powers, responsibilities, and protections set forth for the administration of the deferred compensation plan. Allows participants in the deferred compensation plan and the defined contribution plan to invest in the same investment products. Authorizes the deferred compensation committee to establish a single 401(a) plan for more than one group of participants.

APPROVED by Governor June 1, 2002

EFFECTIVE July 1, 2002

S.B. 02-233 Compensation for state troopers. Clarifies that, for the purposes of determining and maintaining compensation for state troopers employed by the Colorado state patrol, the nonsalary elements of prevailing total compensation shall be the same as for all other state employees.

APPROVED by Governor June 1, 2002

EFFECTIVE August 7, 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. 02-1015 Modify the method used to determine the general fund surplus. For state fiscal years commencing on or after July 1, 2002, requires an amount of general fund revenues that is designated as excess state revenues that is equal to the lesser of the total amount of general fund revenues in excess of the amount needed to fund general fund obligations for the current year or twenty-five million dollars to be reserved in the year in which it is accrued. Authorizes the expenditure of revenues so reserved only if the general assembly by law requires the state to resume the use of the accrual system of accounting, as enunciated by the governmental accounting standards board, to determine the general fund surplus. Defines "general fund obligations".

APPROVED by Governor June 1, 2002

EFFECTIVE June 1, 2002

H.B. 02-1051 Employers - civil restraining order to protect employees - time off for victim employees - domestic violence. Authorizes a judge or magistrate who finds that imminent danger exists to the employees of a business entity, to issue a civil restraining order in the name of the business for the protection of its employees.

Requires employers to allow an employee to take up to 3 days off from work in any 12-month period, whether paid or unpaid, if the employee is the victim of domestic abuse, stalking, sexual assault, or any other crime involving domestic violence. Applies only if the employee is using the leave from work to protect himself or herself by seeking a civil restraining order to prevent domestic abuse, by obtaining medical care and mental health counseling for the employee or his or her children, by making his or her home secure from the perpetrator of said act or crime by seeking new housing, or by seeking legal assistance or attending and preparing for court-related proceedings arising from said act or crime.

Except in cases of imminent danger to the health or safety of the employee, requires the employee to provide the employer with advance notice of a request for time off for such purposes, as provided by the employer's policy, and with such documentation as may be required by the employer. Unless otherwise waived by the employer, further requires the employee, prior to receiving such leave, to exhaust any and all annual or vacation leave, personal leave, and sick leave, if applicable, that may be available to the employee. Directs the employer to maintain the confidentiality of such information.

Makes it unlawful for an employer to interfere with, restrain, or deny the exercise of or any attempt to exercise said rights. Makes it unlawful for an employer to discharge or otherwise discriminate against any individual for exercising such rights. Clarifies that an employee shall have no greater rights to continued employment or other benefits and conditions of employment than if he or she was not entitled to such leave. Specifies that an employer is not limited from disciplining or terminating an employee for any reason, other than exercising the rights permitted by the act.

Specifies that the sole remedy for a person aggrieved by a violation of this act shall be a civil lawsuit for damages or equitable relief or both in district court.

APPROVED by Governor April 19, 2002

EFFECTIVE April 19, 2002

H.B. 02-1056 Relocation assistance and land acquisition policies - real property acquisition policies - exemption. Exempts any agency or political subdivision of the state that acquires real property for a program or project for which federal financial assistance will be available

from the rural utilities service of the United States department of agriculture for all or any part of such program or project from the real property acquisition policies of the Colorado relocation assistance and land acquisition policies act.

APPROVED by Governor March 21, 2002

EFFECTIVE July 1, 2002

H.B. 02-1146 Public records - creation of privacy policies by governmental entities. Directs each governmental entity of the state to create a privacy policy for the purpose of standardizing within such governmental entity the collection, storage, transfer, and use of personally identifiable information by such governmental entity. Specifies that the privacy policy of each governmental entity shall address, but shall not be limited to, the following:

- A general statement declaring support for the protection of individual privacy;
- A provision for the minimization of the collection of personally identifiable information to the least amount of information required to complete a particular transaction;
- Clear notice of the applicability of certain provisions of the state open records act;
- A method for feedback from the public on compliance with the privacy policy; and
- A statement that the policy extends to the collection of all personally identifiable information, regardless of the source or medium.

States that any governmental entity that operates a world wide web site as of August 7, 2002, shall publish its privacy policy on such web site no later than July 1, 2003. States that any governmental entity that does not operate a web site as of the effective date of this act and begins operation of a web site before July 1, 2003, shall publish its privacy policy on its web site by July 1, 2003. Specifies that in no event shall a governmental entity be permitted to operate a web site after July 1, 2003, without first establishing a privacy policy.

APPROVED by Governor May 30, 2002

EFFECTIVE August 7, 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. 02-1167 Notice to victims of crime - available funds. Allows the probation department to use state general fund moneys to pay the costs of notifying a crime victim about the probation status of any person who was charged with or convicted of a crime against the victim.

APPROVED by Governor March 26, 2002

EFFECTIVE August 7, 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. 02-1217 Public investment - securities issued by public entities. Allows public funds to be invested in securities issued by the state of Colorado or any political subdivision, institution, department, agency, instrumentality, or authority of the state if such security is rated in one of its 3 highest rating categories by one or more nationally recognized

organizations that rate such issuers, and if such security is secured by a pledge of loans, loan participations, or other assets that are insured or guaranteed by the United States or other federal entity. Permits investments in such securities notwithstanding maturity dates greater than 5 years.

APPROVED by Governor April 12, 2002

EFFECTIVE April 12, 2002

H.B. 02-1226 State employees - authorization for employee assistance program - services offered - participation limitations - funding sources - appropriation. Authorizes the state personnel director to establish and operate a state employee assistance program to provide services to state employees and their employers. Specifies that such services may include, without limitation:

- Conflict resolution;
- Crisis intervention;
- Anger management classes;
- Employer and employee mediation;
- Consultations with supervisors and managers regarding problem employees;
- Violence in the workplace training;
- Sexual harassment training; and
- Any other facilitated groups and workshops addressing workplace issues.

Limits participation in the program to state agencies or institutions that make contributions for participation in the program, but allows employees of such agencies and institutions to participate in the program. Allows state agencies and institutions that do not contribute to the program to participate in the event of a crisis or emergency situation in the workplace. Precludes participation in the program by dependents of employees.

Specifies that if an employee assistance program is established, the program shall be set forth in procedures adopted in accordance with the administrative procedures act, and requires said procedures to include the services to be offered, eligibility guidelines, and funding sources for the program.

Specifies that for the fiscal year 2003-04 and future fiscal years, funding sources may include, but need not be limited to, the group benefit plans reserve fund, the risk management fund, and interest derived from the investment of said funds. Authorizes expenditures from the risk management fund to cover the costs of an employee assistance program.

Specifies that for the fiscal year 2002-03, the employee assistance program is to be funded through a combination of the following resources as determined by the state personnel director:

- Voluntary assessments against each state agency or institution based on the agency or institution's FTE count as of August 1, 2002;
- Mandatory assessments against an employee's share of the medical benefits premium for each employee enrolled in state medical benefits, with such assessments continuing until November 30, 2003; and
- If necessary, moneys from the group benefit plans reserve fund.

Appropriates \$364,060 and 4.5 FTE to the department of personnel for the employee

assistance program and allocates the appropriation as follows:

- \$263,943 and 4.5 FTE for personal services;
- \$37,233 for operating expenses; and
- \$62,884 for indirect cost recoveries.

Makes adjustments to the long bill relating to the funding of the state employee assistance program.

APPROVED by Governor May 30, 2002

EFFECTIVE May 30, 2002

H.B. 02-1231 Department of regulatory agencies - civil rights division - continuation of subpoena powers under sunset law. Requires that the subpoena powers granted to the director of the Colorado civil rights division in the department of regulatory agencies in cases relating to allegations of unfair employment practices be reviewed by the department of regulatory agencies when the department conducts its sunset review of the Colorado civil rights division.

Extends such subpoena powers to July 1, 2009, pursuant to the provisions of the sunset law.

APPROVED by Governor March 26, 2002

EFFECTIVE March 26, 2002

H.B. 02-1315 Terrorism - office of preparedness, security, and fire safety - creation - powers - terrorist preparedness plans - division of fire safety - rules - state facility security fund - open records law - appropriation. Creates the office of preparedness, security, and fire safety as a division within the department of public safety. Creates the position of director of the office.

Grants to the office of preparedness, security, and fire safety the power to:

- Inquire into the threat of terrorism in Colorado and the state of preparedness to respond to the threat, and make recommendations to the governor and general assembly;
- Cooperate with the federal office of homeland security and other government agencies in matters related to terrorism;
- Do all things necessary for the implementation of the statute creating the office.

Directs the office of preparedness, security, and fire safety to create and implement terrorist preparedness plans. States that such plans are not subject to inspection under the open records law. Requires such plans to include:

- Protocols and procedures concerning the prevention of, preparation for, response to, and recovery from threats and acts of terrorism;
- Protocols to guide state and local law enforcement and emergency response officials in responding to suspected terrorist training activity;
- Coordination with appropriate government agencies, educational institutions, and private sector entities to develop protocols concerning access and security at biotechnology laboratories and facilities;

- Coordination with appropriate state agencies to develop protocols concerning the handling, storage, and disposal of biological agents, chemical weapons, destructive devices, radioactive materials, and toxins obtained as evidence of terrorism.

Authorizes the office of preparedness, security, and fire safety to seek advice and assistance from other public and private entities. Empowers the office to perform certain functions in connection with its duties. Establishes qualifications and job duties for the director of the office. Specifies that all available sources of moneys be pursued to help defray the costs of creating and operating the office.

Directs the office of preparedness, security, and fire safety to provide advice, assistance, and training to state and local government agencies in the development and implementation of terrorism preparedness plans. Directs the office to provide oversight of terrorism preparedness plans developed and implemented by state and local government agencies. States that the oversight function shall not usurp the authority of state and local agencies. Requires state and local government agencies that develop terrorism preparedness plans to submit copies to the office. Authorizes the office to distribute any federal or other funds to local government agencies.

Directs the director of the office of preparedness, security, and fire safety to perform duties in connection with the creation and implementation of the terrorism preparedness plan and the prevention and detection of terrorist training activities. Authorizes the director to promulgate rules regarding the creation and implementation of the terrorism preparedness plan, security of state personnel and property, and continuity of state government operations. States that the powers of the director shall not usurp the powers of other law enforcement and fire protection agencies. Grants to the director the protections, defenses, and immunities provided for peace officers.

Transfers the division of fire safety from the department of public safety to the office of preparedness, security, and fire safety. Directs the division of fire safety to:

- Administer a statewide plan for the allocation and deployment of firefighting resources;
- Administer a uniform statewide reporting system for incidents to which fire departments respond;
- Seek federal funds to provide the resources necessary to perform these duties.

Directs the division of fire safety, subject to the availability of federal funds, to prepare a statewide mobilization plan for the deployment of firefighting, emergency medical, and urban search and rescue resources in the event of a disaster that requires more resources than available under existing interjurisdictional agreements.

Creates the office of anti-terrorism planning and training within the office of preparedness, security, and fire safety. Creates the position of manager of anti-terrorism planning and training.

States the intent of the general assembly that all available resources, including federal and private funds, be pursued to help defray the costs associated with the office of preparedness, security, and fire safety.

Directs state departments and agencies to ensure compliance with rules adopted by

the office of preparedness, security, and fire safety on security of state personnel and property and continuity of state government operations. Requires other agencies of state government to provide advice and assistance to the office regarding these rules.

Creates the state facility security fund, which shall contain funds appropriated by the general assembly and gifts or donations to the state for the purpose of implementing the rules on security of state personnel and property and continuity of state government operations. Provides for the allocation of moneys in the fund to state departments or agencies for the purpose of implementing the rules.

States that specialized details of security arrangements or investigations are not subject to inspection under the open records law. Specifies that such records may be disclosed to the office of preparedness, security, and fire safety, to local governments, and to law enforcement agencies; except that such records received from a nongovernmental entity may not be disclosed without the prior written consent of such entity, unless the information is already publicly available. States that records received by the office or by a state agency or local government on its behalf constitute specialized details of security arrangements for purposes of the open records law.

States that the general assembly anticipates that for the fiscal year beginning July 1, 2002, the office of preparedness, security, and fire safety shall receive \$325,325 and 3.0 FTE in federal funds.

Adjusts the 2002 general appropriation act by:

- Decreasing the appropriation to the department of public health and environment by \$63,512 and 1.0 FTE from federal funds and increasing the appropriation to the department of public safety, for allocation to the office of preparedness, security, and fire safety, by the same amounts;
- Decreasing the appropriation to the department of local affairs, for allocation to the office of emergency management, by \$329,604 and 2.0 FTE from federal funds and increasing the appropriation to the department of public safety, for allocation to the office of preparedness, security, and fire safety by the same amounts.

States that although federal funds are not appropriated by this act, they are noted for the purpose of indicating the assumptions used relative to these funds in developing the state appropriation amounts.

APPROVED by Governor June 3, 2002

EFFECTIVE June 3, 2002

H.B. 02-1326 Uniform electronic transactions act - appropriation. Adopts the "Uniform Electronic Transactions Act" ("Act") to govern electronic records and electronic signatures relating to specified transactions. Specifies the electronic records and electronic signatures to which the Act does and does not apply. Provides that the Act applies only to transactions between parties that have agreed to conduct transactions by electronic means. Allows specified provisions of the Act to be varied by agreement. Incorporates by reference certain consumer disclosures required pursuant to federal law.

Requires the Act to be construed to facilitate electronic transactions consistent with other laws, to be consistent with reasonable practices concerning electronic transactions, and

to make uniform the law among the states enacting it.

Specifies that:

- A record or signature may not be denied legal effect or enforceability solely because it is in electronic form;
- A contract may not be denied legal effect because an electronic record was used in its formation;
- If a law requires a record to be in writing, an electronic record satisfies the law; and
- If a law requires a signature, an electronic signature satisfies the law.

When a transaction is conducted by electronic means and the law requires information to be provided, sent, or delivered in writing, specifies the circumstances under which an electronic record may be used. Establishes requirements when the law requires a record to be posted or displayed in a certain manner; to be sent, communicated, or transmitted by a specified method; or to contain information that is formatted in a certain manner.

Specifies the following:

- The circumstances under which an electronic record or electronic signature is attributable to a person;
- The rules that apply if a change or error in an electronic record occurs during transmission;
- A means of using an electronic signature or record when the law requires either to be notarized, acknowledged, verified, or made under oath;
- The circumstances under which an electronic record satisfies a legal requirement that a record be retained;
- That evidence of a record or signature may not be excluded from a proceeding solely because it is in electronic form;
- The rules that apply with respect to automated transactions;
- The manner in which it is determined when an electronic record is considered to be sent; and
- When a person is deemed to have control of an electronic record that is a transferable record.

Authorizes the secretary of state to raise fees to cover maintenance expenses and improvements necessary for the distribution of electronic records. Repeals the "Government Electronic Transactions Act". Defines relevant terms.

Appropriates \$398,598 and 3.0 FTE to the secretary of state for implementation of the Act, contingent upon the secretary of state being able to raise the first \$200,000 of such amount by gifts, grants, or donations.

APPROVED by Governor May 30, 2002

EFFECTIVE May 30, 2002

H.B. 02-1327 Capital construction fund - sales and use tax allocations to the highway users tax fund - appropriations. Upon the effective date of this act, transfers from the capital construction fund to the general fund:

- \$83,301,110 if Senate Bill 02-108 becomes law;

- \$37,500,755 if Senate Bill 02-108 does not become law.

For the 2001-02 state fiscal year, requires that net revenue from sales and use tax that would have otherwise been allocated to the highway users tax fund be allocated to the general fund.

Appropriates \$83,187,599 from the general fund to the capital construction fund.
Appropriates \$35,179,062 from the general fund to the highway users tax fund.

VETOED by Governor March 1, 2002

H.B. 02-1328 Older Coloradans program - modified funding sources - appropriation. Eliminates the transfer of state sales and use tax revenues during the 2001-02 fiscal year to the older Coloradans cash fund. Specifies that the fund may also consist of moneys appropriated to the fund by the general assembly.

Appropriates \$3,000,000 from the general fund to the older Coloradans cash fund and the department of human services for the older Coloradans cash fund.

VETOED by Governor March 1, 2002

H.B. 02-1333 Reporting requirements - to general assembly - departments of revenue and natural resources - repeal. Eliminates existing requirements contained in title 39, Colorado Revised Statutes, for the following periodic reports to the general assembly:

- Results of an annual legislative council study to determine whether all counties in the state in fact use all manuals, formulas, and other directives prescribed in arriving at the valuation for assessment of real and personal property, by the director of research for the legislative council to the general assembly;
- Changes in the level of value used in determining actual value of taxable property, including an estimate of the total valuation of all taxable property in the state, an estimate of the percentage of aggregate statewide valuation for assessment that would be attributable to residential real property if the residential rate remained the same, a target percentage, and the projected residential rate, by the property tax administrator to the general assembly;
- Activities of the division of property taxation during the calendar year, including an aggregate valuation for assessment of all taxable property in the state, levies imposed by each political subdivision during the preceding year, and the aggregate amount of taxes produced, by the property tax administrator to the general assembly;
- Tax deferral for the elderly and the number of taxpayers establishing claims for such deferrals, by the state treasurer to the general assembly;
- Effectiveness of corporate tax credits for qualified equipment utilizing postconsumer waste, including the number of taxpayers included, the volume of otherwise disposed of postconsumer waste utilized by qualified equipment, the number of new employees, the amount of property tax attributable, and the types and quantity of products produced by such equipment, by the department of revenue to the general assembly;
- Tax credits for individuals contributing matching funds for individual

- development accounts, by the department of revenue to the legislative audit committee;
- The dollar amount used for nongame and endangered wildlife activities and programs in Colorado, by the division of wildlife of the department of natural resources to the Senate agriculture, natural resources, and energy committee and to the House committee on agriculture, livestock, and natural resources;
- Contributions to the Colorado domestic abuse program fund, by the department of revenue to the general assembly;
- Contributions to the homeless prevention activities program fund, by the department of revenue to the general assembly; and
- Contributions to the western slope military veterans' cemetery fund, by the department of revenue to the general assembly.

Designates new recipients for periodic reports regarding contributions to the Colorado child care improvement fund.

APPROVED by Governor May 30, 2002

EFFECTIVE August 7, 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. 02-1335 Reporting requirements to the general assembly - public utilities commission - Colorado commission for the deaf and hearing impaired - Colorado disabled users fund - repeal. Eliminates existing requirements to the general assembly or committees thereof for the following periodic reports:

- Natural gas public utilities plans filed, actions taken, and recommendations for legislation or for rules for consumer protection mechanisms, by the public utilities commission to the general assembly;
- Evaluation of natural gas supplier choice on the low-income population as reported by a private party, by the Colorado energy assistance foundation to the general assembly; and
- Telecommunications equipment and service needs of disabled telephone users in Colorado, by the public utilities commission to both the house and senate business affairs and labor committees.

APPROVED by Governor April 12, 2002

EFFECTIVE August 7, 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. 02-1336 Reporting requirements - to general assembly - RTD, stadium districts, scientific and cultural facilities - repeal. Eliminates existing requirements, contained in titles 30 to 32, Colorado Revised Statutes, for the following periodic reports to the general assembly:

- Regional fixed guideway mass transit system report from the board of directors of the regional transportation district (RTD board) to the senate government, veterans and military relations, and transportation committee and the house transportation and energy committee;

- Audit reports produced by the RTD board resulting from audits ordered upon the affirmative vote of the legislative audit committee to that committee;
- Recommendations concerning allocation of resources to mass transportation, including proposed legislation, to the general assembly;
- Reports requested by the transportation legislation review committee (TLRC) of the RTD board reported to the TLRC;
- Sales tax revenue raised and distribution of that revenue by the scientific and cultural facilities district to the general assembly;
- Sales tax, stadium, and other revenue sources by the Denver metropolitan major league baseball stadium district to the general assembly; and
- Audit reports produced by the metropolitan football stadium district board resulting from audits ordered upon the affirmative vote of the legislative audit committee to that committee.

APPROVED by Governor May 30, 2002

EFFECTIVE August 7, 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. 02-1341 Reporting requirements - to general assembly - transportation and regulation of motor vehicles - repeal. Eliminates existing requirements contained in titles 41 to 43, Colorado Revised Statutes, for the following periodic reports to the general assembly:

- The effect of extending expiration of driver's licenses on the fee revenue of the department of revenue and the advisability of continuing current fees and the identification security fund, by the department of revenue to the transportation legislation review committee;
- The adequacy of the administrative fee charged to persons when collecting moneys owed for outstanding warrants or judgments when renewing a driver's license, by the department of revenue to the general assembly;
- The number of license plates in the state that need to be replaced, if any, and the number of configurations still available, by the department of revenue to the general assembly;
- Audits of the AIR program ordered, by the legislative audit committee triennially to the general assembly;
- The results of hearings concerning inspection fees for emissions testing, by the executive director of the department of revenue to the general assembly;
- Any progress in implementing more efficient electronic permitting systems and whether such systems enable state or local governments to make changes in the process of issuing permits to the trucking industry, by the department of transportation and the department of revenue to the transportation legislation review committee;
- The frequency of uninsured motorist claims, including a comparison of the number of uninsured motorist claims and the average of such claims in a 12-month period, by the division of insurance to the general assembly;
- Pavement projects undertaken by the transportation commission and overseen by a committee selected by the commission, by such committee to the Senate and House transportation committees;
- The construction of tunnels for the east-west national defense and interstate highway across Colorado, by the transportation commission and governor to the general assembly;

- Proposed boundaries by the rural transportation authority to the chairman of the transportation legislation review committee and the general assembly; and
- Activities and proposed activities of the rural transportation authority to the transportation legislation review committee.

Designates new recipients for certain other reports to the general assembly.

APPROVED by Governor May 30, 2002

EFFECTIVE August 7, 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. 02-1342 Open meetings and public records - persons entitled to obtain public records - electronic recording of open meetings. Clarifies that for purposes of the public records act, "person" and "natural person" include any public employee and any elected or appointed public official acting in an official or personal capacity.

Specifies that for purposes of the open meetings law, if a public body electronically recorded the minutes of its open meetings on or after August 8, 2001, the public body shall continue to electronically record the minutes of its open meetings that occur on or after said date. Allows an exception to this requirement for 2 successive meetings of the public body if the regularly used electronic equipment is inoperable.

APPROVED by Governor May 24, 2002

EFFECTIVE May 24, 2002

H.B. 02-1346 State mineral - rhodochrosite. Designates rhodochrosite as the state mineral of the state of Colorado.

APPROVED by Governor April 17, 2002

EFFECTIVE August 7, 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. 02-1347 Cash funds - limit on uncommitted reserves - exemption. Excludes the workers' compensation cash fund and the workers' compensation cost containment fund from the statutory limitation on the amount of uncommitted reserves that may be retained in a cash fund.

APPROVED by Governor May 24, 2002

EFFECTIVE May 24, 2002

H.B. 02-1352 Reporting requirements - to general assembly - departments of agriculture, corrections, human services, local affairs, natural resources, personnel, public health and environment and the bingo-raffle board - repeal. Eliminates existing requirements contained in titles 33 to 37, Colorado Revised Statutes, for the following periodic reports to the general assembly:

- The status of the Rocky Mountain falcon population in Colorado, by the wildlife commission to the agriculture, livestock, and natural resources

committee of the house of representatives and the agriculture and natural resources committee of the senate;

- Deviations from or implementation of the Deloitte Touche LLP recommendations in the management review final report dated June 5, 1995, by the division of wildlife to the agriculture, livestock, and natural resources committee of the house of representatives and the agriculture and natural resources committee of the senate;
- Recommendations that promote environmentally and fiscally sound development of Colorado's mineral resources, by the department of natural resources to the general assembly;
- Whether the Colorado geological survey should be administratively moved from the department of natural resources to one of the institutions of higher education in the state, by the mineral, energy, and geology policy advisory board to the general assembly;
- Annual assessments of the mineral and energy industry in the state, to the general assembly;
- Annual expenditures from the oil and gas environmental response fund, to the general assembly;
- Annual expenditures from the mandatory fruit and vegetable inspection fund, by the department of agriculture to the joint budget committee;
- Emergency powers used by the commissioner of agriculture concerning imminent hazards inimical to beekeeping, to the general assembly;
- Expenditure of moneys and the discharge of duties performed by the state board of stock inspection commissioners, by the board to the general assembly;
- Annual expenditure of moneys from the land and water management fund, by the state board of land commissioners to the general assembly;
- The recommendations of the Colorado bingo-raffle board regarding changes to the "Bingo and Raffles Law" and rules of the secretary of state relating to games of chance, prepared by the board and submitted to the general assembly;
- Recidivism rates and expenditures in the youthful offender system, by the department of corrections to the house and senate judiciary committees;
- An analysis of the process of adoptive placements of children in the legal custody of county departments of social services, by the department of human services to the members of the general assembly;
- The results of a pilot program for the purpose of tracking employment claims brought against state agencies, by the department of personnel to the general assembly;
- Expenditures, status of recycling program, status of illegal tire dumping, and cost-effectiveness of proper disposal grants for waste tires, by the department of local affairs to the general assembly; and
- Effectiveness of and necessity for the hepatitis C program, by the executive director of the department of public health and environment to the general assembly.

Designates new recipients for certain other reports to the general assembly.

APPROVED by Governor May 30, 2002

EFFECTIVE August 7, 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. 02-1357 Notification of surface development to owners of severed mineral estates. Specifies that an application for zoning or rezoning, a change of use for an existing structure, a boundary adjustment, platting of an additional single lot, or a lot site plan, or an application with respect to electric lines, natural gas pipelines, steam pipelines, chilled and other water pipelines, or appurtenances to said lines or pipelines is not an application for development that triggers a requirement that the applicant provide notice of the initial development application hearing held by a local government to the mineral estate owner. Clarifies the definition of "mineral estate" by specifying that a mineral estate is a mineral interest in real property that is shown by the real estate records of the county in which the real property is situated and that is not owned as part of the full fee title to the real property.

Specifies that an applicant who files more than one application for development for the same new surface development with a local government shall only be required to send notice to the mineral estate owner of the initial public hearing scheduled for the first application for development to be considered by the local government. Requires the applicant to provide such notice only to mineral estate owners whose address of record can be found in the records of the county clerk and recorder. Requires local governments to provide notice of subsequent hearings to mineral estate owners who have requested such notice pursuant to existing statutory provisions regarding open meetings.

Requires a mineral estate owner who has received notice as the owner of the mineral estate of a public hearing with respect to an application for surface development to notify a prospective buyer of the mineral estate of the existence of the application before completing the sale of the mineral estate. Allows any surface owner who is required to provide notice of an initial public hearing on an application for development to the mineral estate owner or an agent thereof to rely on a listing of such parties prepared by a certified professional landman certified by the American association of professional landmen in providing such notice.

APPROVED by Governor May 30, 2002

EFFECTIVE August 7, 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. 02-1389 Capital construction fund - highway users tax fund - transfers - appropriations. Transfers \$37,500,755 from the capital construction fund to the general fund. For the 2001-02 state fiscal year, requires that net revenue from sales and use tax that would have otherwise been allocated to the highway users tax fund be allocated to the general fund.

Appropriates \$83,187,599 from the general fund to the capital construction fund. Appropriates \$35,179,062 from the general fund to the highway users tax fund. Specifies that these general fund appropriations are subject to the statutory limitation on general fund appropriations.

APPROVED by Governor March 27, 2002

EFFECTIVE March 27, 2002

NOTE: The effective date section of this act provided that this act is effective upon passage only if House Bills 02-1366 through 02-1394 are enacted and become law. Said bills were

signed by the Governor March 27, 2002.

H.B. 02-1391 Augmentation of general fund for FY 2001-02 - transfers from cash funds - restoration of transferred funds. For purposes of augmenting the amount of revenues in the state general fund for the 2001-02 state fiscal year, requires the state treasurer to transfer the following amounts of moneys from the specified funds to the state general fund:

- \$150,000 from the uniform consumer credit code cash fund;
- \$4,000,000 from the petroleum storage tank fund;
- \$15,000,000 from the employment support fund;
- \$1,100,000 from the auto dealers license fund;
- \$462,000 from the collection agency cash fund;
- \$1,900,000 from the read-to-achieve cash fund;
- \$18,400,000 from the Fitzsimons trust fund;
- \$1,200,000 from the department of state cash fund;
- \$3,500,000 from the tobacco settlement defense account in the tobacco litigation settlement cash fund;
- \$600,000 from the waste tire cleanup fund;
- \$400,000 from the trade name registration fund;
- An amount from the capital construction fund equal to the interest earned on the principal of the capital construction fund from the beginning of the 2001-02 fiscal year through February 28, 2002, plus the monthly amount of interest earned on the principal of the capital construction fund for each succeeding calendar month of the 2001-02 fiscal year through June 30, 2002;
- \$9,500,000 from the controlled maintenance trust fund;
- \$30,000,000 from the hazardous substance response fund;
- The balance of the moneys in the family support registry fund;
- \$900,000 from the children's basic health plan trust;
- \$2,500,000 from the capital account of the species conservation trust fund;
- \$20,200,000 from the operational account of the severance tax trust fund;
- \$500,000 from the disabled telephone users fund;
- \$500,000 from the persistent drunk driver cash fund; and
- \$500,000 from the rail bank fund.

On June 30, 2002, requires the state treasurer to transfer to the species conservation trust fund the amount of reversions to the general fund for the 2001-02 fiscal year or an amount of such reversions equal to \$2,500,000, whichever is less. Effective February 1, 2003, depending on the availability of sufficient general fund revenues in any given fiscal year, requires the state treasurer to make transfers from the state general fund to certain funds in the following priority to restore the amounts or portion thereof transferred from those funds during the 2001-02 state fiscal year to augment the state general fund:

- The capital account of the species conservation trust fund to the extent the amount transferred from the capital account to the general fund has not be repaid from reversions to the general fund for fiscal year 2001-02;
- The children's basic health plan trust;
- The read-to-achieve cash fund;
- The operational account of the severance tax trust fund, but only \$7,900,000 is required to be repaid;
- The persistent drunk driver cash fund;
- The Fitzsimons trust fund;

- The petroleum storage tank fund;
- The hazardous substance response fund; and
- The tobacco settlement defense account in the tobacco litigation settlement cash fund.

APPROVED by Governor March 27, 2002

EFFECTIVE March 27, 2002

NOTE: The effective date section of this act provided that this act is effective upon passage only if House Bills 02-1366 through 02-1394 are enacted and become law. Said bills were signed by the Governor March 27, 2002.

H.B. 02-1392 Unclaimed property trust fund - use for administrative costs - one-time transfer for CoverColorado. For the 2001-02 and future fiscal years, requires the general assembly to appropriate moneys from the principal of the unclaimed property trust fund, rather than from the general fund, to the department of the treasury to cover the direct and indirect costs of administering the unclaimed property program. Specifies that any moneys so appropriated to the department for administrative costs constitute fiscal year spending for purposes of section 20 of article X of the state constitution.

Requires the state treasurer to transfer \$14,300,000 in the unclaimed property trust fund to the general fund and \$1,700,000 from the unclaimed property trust fund to the CoverColorado cash fund for use in the 2001-02 fiscal year. Amends the 2001 general appropriations act to decrease the general fund appropriation to the department of treasury for the administration of the unclaimed property program by \$865,051 and to make an appropriation of \$865,051 for the administration of such program from the unclaimed property trust fund.

APPROVED by Governor March 27, 2002

EFFECTIVE March 27, 2002

NOTE: The effective date section of this act provided that this act is effective upon passage only if House Bills 02-1366 through 02-1394 are enacted and become law. Said bills were signed by the Governor March 27, 2002.

H.B. 02-1394 State TABOR emergency reserve - designation. For purposes of designating state moneys to constitute the state emergency reserve for the 2001-02 fiscal year, on and after March 27, 2002:

- Eliminates the designation of the interest earnings retained in the controlled maintenance trust fund and the interest earnings on the capital construction fund.
- Adds the balances of the employment support fund and the severance tax trust fund.
- Modifies the designation of the portion of the statutory reserve from the first 3% to all or such portion of the reserve as is necessary to satisfy the state emergency reserve requirement.

APPROVED by Governor March 27, 2002

EFFECTIVE March 27, 2002

NOTE: The effective date section of this act provided that this act is effective upon passage only if House Bills 02-1366 through 02-1394 are enacted and become law. Said bills were

signed by the Governor March 27, 2002.

H.B. 02-1395 Public records - military records - limited inspection rights. Specifies that, in accordance with federal law and requirements of the national archives and records administration, the county clerk and recorder shall deny the public the right to inspect military records filed with the county clerk and recorder's office that relate to a member of the military's separation from service, including the form DD214 issued to a member of the military upon separation from service. Requires the county clerk and recorder to make such records available to:

- The person who is the subject of the record or to that person's designated representative; and
- If the member of the military about whom the record pertains is deceased, the member's parents, siblings, widow or widower, and children.

Specifies that on or after July 1, 2002, any county clerk and recorder that accepts such military records for filing shall maintain the records in a manner that ensures the records will not be available to the public for inspection except as authorized by law. Clarifies that the provisions of the act shall not prohibit a county clerk and recorder from taking appropriate protective actions with regard to such military records filed or placed in storage by the county clerk and recorder prior to July 1, 2002, in accordance with any limitations determined necessary by the county clerk and recorder. Shields the county clerk and recorder and any employees thereof from liability for any damages resulting from the good faith compliance with the provisions of the public records act.

APPROVED by Governor June 1, 2002

EFFECTIVE July 1, 2002

H.B. 02-1403 Boards, commissions, and committees - effect of redistricting based on the 2000 federal decennial census. Requires the appointing authority of the child's representative board, child support commission, alternate defense counsel commission, Colorado commission on higher education, university of Colorado hospital authority board of directors, state board for community colleges and occupational education, state housing board, motion picture and television advisory commission, Colorado land use commission, state board of health, commission on family medicine, medical services board, poison control oversight board, Colorado commission on the aging, Colorado recreational trails committee, and the board of commissioners of the Colorado state fair authority to determine whether the current membership of such boards, commissions, and committees adequately reflects the state's new congressional districts as they exist after changes that occurred as a result of the 2000 federal decennial census, including the addition of a 7th congressional district and changes in the boundaries of the other 6 congressional districts. Empowers the appointing authority to terminate the terms of current members and appoint new members as is necessary to reflect the new congressional districts for such boards, commissions, or committees. Specifies that such terminations and appointments, if any, shall be made no later than January 1, 2003. If the appointing authority is the governor with the consent of the senate, allows the governor alone to determine whether the current appointments reflect the new congressional districts and to terminate members. Establishes that the term of a new appointee who replaces a member on a board, commission, or committee shall expire on the date that the term of the member such new appointee replaced would have expired, and that such term does not count for purposes of determining any applicable term limits on the replacement member.

Permits a member of the state board of the great outdoors Colorado trust fund or the supreme court nominating commission, who no longer resides in his or her designated district as a result of redistricting, to continue serving on such board or commission. Eliminates the requirement that there be one member from each congressional district serving on the banking board.

Requires a member of the state board of education to be elected from the 7th congressional district in the next general election. Allows a member elected at large to continue serving on the state board until the expiration of his or her term, notwithstanding a change to an odd number of districts during such term. Prohibits the state board from appointing a member to fill a vacancy of an at large member's seat if, at the time of such vacancy, there are an odd number of districts. Allows a member of the state board who was elected to office as a resident of a designated congressional district, and who no longer resides in such district as a result of redistricting, to continue to hold office for the remainder of the term for which the member was elected.

Reduces the number of at large representatives on the Colorado land use commission and the Colorado recreational trails committee. Increases the total number of members and the number of members who may be from the same major political party on the Colorado commission on the aging.

APPROVED by Governor June 1, 2002

EFFECTIVE August 7, 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. 02-1441 Controller - department overexpenditures - release restricted amount in excess of overexpenditure. Specifies that when the controller restricts a department's appropriation for the next fiscal year based on an estimate of the amount that the department will need to expend in excess of funds appropriated to the department in the current fiscal year, and the restricted amount exceeds the actual amount of the overexpenditure, the controller is required to release that portion of the restricted amount that exceeds the actual amount of the overexpenditure.

APPROVED by Governor April 30, 2002

EFFECTIVE April 30, 2002

H.B. 02-1442 Additional funds designated as state TABOR emergency reserve for fiscal year 2001-02. Specifies that the principal credited to the unclaimed property trust fund constitutes state fiscal year spending for purposes of section 20 of article X of the state constitution. For purposes of designating state moneys to constitute the state emergency reserve for the 2001-02 fiscal year, on and after May 28, 2002, adds the balances of the subsequent injury fund, the major medical insurance fund, the wildlife cash fund, and unclaimed property trust fund.

APPROVED by Governor May 28, 2002

EFFECTIVE May 28, 2002

H.B. 02-1443 Additional reductions in capital construction funding for fiscal year 2001-02 and fiscal year 2002-03. Reduces the amount of moneys to be transferred from the general

fund to the capital construction fund on July 1, 2002, to \$9,489,000. Transfers \$53,545,000 from the capital construction fund to the general fund on May 28, 2002. Makes conforming amendments to eliminate appropriations from the capital construction fund to the corrections expansion reserve fund for the 2002-03 fiscal year. Reduces the amount of general fund moneys appropriated to the capital construction fund for the 2001-02 fiscal year from \$83,187,599 to \$78,910,195.

APPROVED by Governor May 28, 2002

EFFECTIVE May 28, 2002

H.B. 02-1444 Additional cash fund transfers to augment state general fund for fiscal year 2001-02. For purposes of augmenting the amount of revenues in the state general fund for the 2001-02 state fiscal year, requires the state treasurer to transfer the following amounts of moneys to the general fund on May 28, 2002:

- The balance of moneys remaining after the January 1, 2001, repeal of the support registry fund in the judicial department;
- \$3,000,000 from the capital account of the species conservation trust fund;
- The balance of moneys in the environmental leadership pollution prevention revolving fund;
- \$600,000 from the waste tire recycling development cash fund; and
- The balance of moneys in the auto dealers license fund as of April 30, 2002, and any moneys thereafter credited to said fund through June 30, 2002; however, the total amount of moneys so transferred from said fund shall not exceed \$1,100,000.

Repeals transfers of moneys to the general fund from the family support registry fund and the waste tire cleanup fund that were made in error in House Bill 02-1391.

APPROVED by Governor May 28, 2002

EFFECTIVE May 28, 2002

H.B. 02-1445 General fund - revenue shortfall in FY 2001-02 or 2002-03 - use of 4% reserve - transfers to general fund - restoration of funds transferred. For the 2001-02 state fiscal year:

- Reduces the statutorily required general fund reserve from 4% to 1%;
- If the June 2002 revenue estimate for such fiscal year indicates that general fund expenditures based on appropriations then in effect will result in the use of any of the 1% reserve, directs the state treasurer and the controller, upon the written order of the governor, to transfer to the general fund, from time to time during the period beginning on June 20, 2002, and ending on June 30, 2002, from the tobacco litigation settlement trust fund or the unclaimed property trust fund, or both, such amounts as are required to meet general fund appropriations and to ensure that said reserve, as of the close of the 2001-02 fiscal year, will be at least 1%. On July 1, 2002, requires that the state treasurer and the controller transfer moneys from the general fund to the tobacco litigation settlement trust fund in order to restore to said fund any transferred amount.

For the 2002-03 state fiscal year, if the June 2002, September 2002, or December 2002 revenue estimates for such fiscal year indicate that general fund expenditures based on

appropriations then in effect will result in the use of ½ or more of the statutorily required 4% general fund reserve, requires the governor to either:

- Formulate a plan for reducing general fund expenditures and maintaining ½ of such reserve pursuant to current law;
- Direct the state treasurer and controller to transfer to the general fund, from time to time during the period beginning on July 1, 2002, and ending on January 1, 2003, from the employment support fund, the tobacco litigation settlement cash fund, or the unclaimed property trust fund such amounts as are required to make general fund appropriations and to ensure that the reserve, during that period, will be at least 2%; or
- Both formulate and implement such a plan and direct the state treasurer and controller to make such a transfer to ensure that the reserve, during that period, will be at least 2%.

Specifies that, in the event of such a transfer in the 2002-03 state fiscal year, all state sales and use tax receipts not allocated to the old age pension fund for such fiscal year shall be allocated to the general fund instead of allocating a portion of such receipts to the highway users tax fund, unless on or after January 1, 2003, sufficient general fund revenues are received by the state to:

- Make expenditures required by any permanent statute or state constitutional provision;
- Fully fund general fund expenditures for such fiscal year based on appropriations then in effect;
- Make transfers from the general fund to the employment support fund, the tobacco litigation settlement trust fund, and the unclaimed property trust fund on or before June 30, 2003, in order to restore to said funds any amounts transferred from those funds to the general fund in the 2002-03 state fiscal year; and
- Maintain the 4% general fund reserve.

APPROVED by Governor April 30, 2002

EFFECTIVE April 30, 2002

H.B. 02-1446 Controlled maintenance trust fund - delayed restoration. Modifies the restoration of moneys transferred from the controlled maintenance trust fund in the 2001-02 fiscal year so that, instead of \$276,400,000 being restored to the trust fund in the 2002-03 fiscal year, \$138,200,000 is restored to the trust fund in the 2003-04 fiscal year and \$138,200,000 is restored to the trust fund in the 2004-05 fiscal year.

APPROVED by Governor April 30, 2002

EFFECTIVE April 30, 2002

H.B. 02-1458 Elections - records - electronic copies of signatures. Prohibits the secretary of state, the department of revenue, and county clerks and recorders from selling, disclosing, or otherwise releasing electronic copies of signatures to anyone but the person in interest or another governmental entity pursuant to its regular functions. Exempts the release of photocopies or microfilmed images of signatures.

APPROVED by Governor June 7, 2002

EFFECTIVE June 7, 2002

H.B. 02-1468 State employees - continuation of increase in group benefit plans contributions - appropriation. Continues the amount of the contribution that the state makes for state employees enrolled in medical benefit plans that was scheduled to be reduced on November 30, 2002. Modifies the time by which the state personnel director is required to recommend that the joint budget committee adjust the state contribution amounts for the next fiscal year.

Allows the joint budget committee to modify the state contribution amounts based on the recommendation of the state personnel director and requires any such adjustments to be implemented through the annual general appropriations act for the next fiscal year. Requires the amount of the monthly contribution per employee, per employee with one covered dependent, and per employee with 2 or more covered dependents to be specified in a headnote in such act.

Increases the appropriation made in the 2002 general appropriation act by \$3,000,341 for the implementation of this act and specifies the sources of such increased appropriations. Modifies the appropriation for the 2001-02 fiscal year for the state contributions for health, life, and dental plans for state employees.

BECAME LAW June 8, 2002

EFFECTIVE June 8, 2002

H.B. 02-1475 Expenditures in excess of appropriations - department of corrections - one-time overexpenditure. For the 2001-02 fiscal year, allows the department of corrections to make a one-time expenditure in excess of the amount of the appropriation for the 2001-02 fiscal year for the purchase of pharmaceuticals and the purchase of medical services from other medical facilities under the medical services subprogram for department institutions.

APPROVED by Governor May 28, 2002

EFFECTIVE May 28, 2002

H.B. 02-1477 Personnel system - job evaluation and compensation - performance plan for employees of state supported institutions of higher education. Specifies that the cost-neutral performance plan for employees of each state-supported institution of higher education, the governing boards of each state-supported institution of higher education, or the Auraria higher education center who are included in the state personnel system shall allocate an amount of money for periodic salary increases for such employees that is equal to the amount of money that would have been allocated for salary increases for such employees pursuant to the compensation plan in place for the fiscal year ending June 30, 2001.

Specifies that for any fiscal year in which the general fund appropriation in the annual general appropriations act for periodic salary increases for employees in the state personnel system is different from the amount of general fund moneys necessary to fully fund the performance plan prepared by the department of personnel, each state-supported institution of higher education, the governing boards of each state-supported institution of higher education, and the Auraria higher education center shall adjust the amount allocated for periodic salary increases for

employees of such state-supported institution of higher education, the governing boards of such state-supported institution of higher education, and the Auraria higher education center who are included in the personnel system. The amount allocated by each state-supported institution of higher education, the governing boards of each state-supported institution of higher education, and the Auraria higher education center shall be adjusted by a percentage equal to the percentage that represents the difference between the general fund appropriation in the annual general appropriations act for periodic salary increases for employees in the state personnel system who are not employees of a state-supported institution of higher education, a governing board of a state-supported institution of higher education, or the Auraria higher education center and the amount necessary to fully fund the performance plan for such employees.

VETOED by Governor June 7, 2002

H.B. 02-1478 Fiscal policy for the 2001-02 and 2002-03 state fiscal years - general fund reserve - revenue shortfall - transfers from the major medical insurance fund. For the 2001-02 state fiscal year, eliminates the statutorily required general fund reserve.

If the June 2002 revenue estimate for such fiscal year indicates that general fund expenditures based on appropriations then in effect will exceed the general fund revenues available for expenditure, adds the major medical insurance fund to those funds that the state treasurer and the controller, upon the written order of the governor, shall transfer to the general fund, from time to time during the period beginning on June 20, 2002, and ending on June 30, 2002, such amounts as are required to meet general fund appropriations. Requires repayment of moneys transferred from the major medical insurance fund on July 1, 2002.

For the 2002-03 state fiscal year, adds the major medical insurance fund to those funds that may be transferred to the general fund, from time to time during the period beginning on July 1, 2002, and ending on January 1, 2003, to make general fund appropriations and to ensure that the reserve, during that period, will be at least 2%.

APPROVED by Governor May 28, 2002

EFFECTIVE May 28, 2002

HEALTH AND ENVIRONMENT

S.B. 02-41 Hazardous waste - processors - siting. Expands the "State Hazardous Waste Incinerator Siting Act" (Act) to include hazardous waste processors. Exempts hazardous waste processors that were in operation as of March 22, 2002. Authorizes local governments to issue certificates of designation to hazardous waste processors. On the list of concerns a local government shall consider before issuing a certificate, adds the quality and quantity of public and private infrastructure the site needs.

Changes the standard for a court to overturn a local government decision on judicial review from whether there is "no error" to whether the local government acted reasonably and in accordance with the Act.

Limits the times during which the department of public health and environment can inspect a hazardous waste incinerator or processor to normal business hours after appropriate notification is given unless an emergency exists or the department has reason to believe that unlawful activity is being conducted or will be conducted at such site.

Authorizes local governments to promulgate rules and collect impact fees on hazardous waste processors. Authorizes a one-time, lump-sum payment in lieu of annual impact fees if the owner or operator of the hazardous waste site agrees to such one-time fee. Raises the cap on the fee to apply for certification from \$50,000 to \$100,000. Changes impact fees from 2% of revenues to the greater of 2% of revenues or operating costs. Requires local governments to provide an accounting of the costs incurred in the application review and hearing process and to refund any payment in excess of such costs within 90 days.

Defines relevant terms, including "hazardous waste processing".

APPROVED by Governor March 22, 2002

EFFECTIVE March 22, 2002

S.B. 02-71 Nursing facilities - pilot consumer satisfaction survey - appropriation. Requires the department of public health and environment to develop and implement a pilot survey to aid in the implementation of a consumer satisfaction survey for residents of nursing facilities. Requires the survey to be used to assess the validity of the questionnaire for use in the consumer satisfaction survey, the nursing facilities residents' cognition levels to determine the residents' ability to complete the survey in meaningful manner, the techniques employed to obtain the number of completed survey questionnaires needed to achieve statistical validity on the final consumer satisfaction survey, and the survey data to ensure that such data is meaningful to consumers.

Requires the participation of no more than 10% of licensed facilities to be chosen by the department based on the location and population of the facilities. Requires individual pilot survey results to be confidential and allows aggregate results to be made available to the public.

Requires the department to implement the pilot survey on or before July 1, 2002, and to report the results to the general assembly by April 15, 2003. Requires the department to commence implementation of the consumer satisfaction survey on

or before July 1, 2003.

Exempts hospice and transitional care unit residents and their families from participation in the pilot survey and the consumer satisfaction survey. Requires nursing facilities to release the names, addresses, and telephone numbers of the parties responsible for the nursing facility residents for the sole purpose of conducting the surveys.

Provides that the consumer satisfaction survey shall not be used as a basis for incentive payments until all required licensed nursing facilities have completed such survey.

Makes an appropriation of \$58,514 and 1.1 FTE to the department of public health and environment, division of health facilities, for the implementation of this act. Makes an appropriation of \$50,231 to the department of human services, office of adult and veterans services, aging services programs, for the implementation of this act. Decreases the general fund appropriation to the department of health care policy and financing, medical services premiums by \$108,745. Makes adjustment to the appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 2002.

APPROVED by Governor June 7, 2002

EFFECTIVE June 7, 2002

S.B. 02-185 Tuberculosis containment. Directs chief medical health officers to use every available means to identify the contacts of tuberculosis cases and to offer treatment as appropriate. Authorizes such health officers to issue a quarantine or isolation order when a patient with multidrug-resistant tuberculosis ceases taking prescribed medications against medical advice. With the approval of the state chief medical health officer, authorizes such health officers to conduct screening programs of populations who are at increased risk of developing tuberculosis or having latent tuberculosis infection.

Instructs the executive director of the department of public health and environment to direct the investigation, examination, and treatment of persons who have had contact with suspected tuberculosis cases and to make arrangements with hospitals for the care and treatment of patients with drug-resistant tuberculosis if resources permit.

Authorizes hospitalization assistance to any person who has multidrug-resistant tuberculosis regardless of such person's length of residence in this state.

APPROVED by Governor June 7, 2002

EFFECTIVE August 7, 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. 02-198 Air quality - clean vehicle fleet program - repeal. Directs the air quality control commission to administratively repeal the clean vehicle fleet program and to replace it if required by federal law. Maintains the availability of the existing

tax credit and rebate for vehicles that use alternative fuels. Makes conforming amendments.

APPROVED by Governor June 1, 2002

EFFECTIVE August 7, 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. 02-235 Air quality - joint tribal/state environmental commission - extension - membership. Requires at least 2 of the governor's 3 appointees to the joint Southern Ute Indian tribe/state of Colorado environmental commission (commission) relating to the authority to administer a tribal air quality program to reside in either Archuleta or La Plata county, at least one of such appointees to reside on fee land within the Southern Ute reservation, and all of such appointees to be residents of Colorado. Deletes the specific repeal date in the air quality statute by which Congress must enact legislation to approve the compact that creates the commission. Extends the period specified in the compact from 2 to 3 years by which Congress must enact legislation to approve the compact. Makes the act apply to actions taken with reference to the commission on or after December 13, 2001.

APPROVED by Governor June 1, 2002

EFFECTIVE June 1, 2002

H.B. 02-1033 Farm products - dealers - elimination of license application fee - whipped butter content. Eliminates the license application fee for dealers in farm products who agree to use cash for all farm product transactions.

Eliminates the requirement that whipped butter contain not less than 80% fat by weight.

APPROVED by Governor March 13, 2002

EFFECTIVE August 7, 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. 02-1125 Stroke advisory board - stroke prevention and treatment cash fund - creation - appropriation. Declares that strokes are a leading cause of death in Colorado and that currently available treatments could reduce the number of deaths and disabilities caused by strokes. Further declares that the establishment of a stroke advisory board will ensure the availability of state-of-the-art information on stroke education, prevention, and treatment.

Creates a stroke advisory board to be appointed by the executive director of the department of public health and environment. Authorizes the stroke advisory board to evaluate the current system for stroke prevention and treatment and make recommendations for improvement to the system; evaluate the implementation strategies for stroke therapies, including a stroke center system; complete a statewide comprehensive stroke prevention and treatment needs assessment; determine the impact created by delayed or inappropriate treatment; and study the economic benefits of early stroke treatment. Requires the advisory board to report its findings

to the general assembly on or before November 1, 2003.

Creates a stroke prevention and treatment cash fund to consist of gifts, grants, donations, federal funds, and moneys appropriated by the general assembly. For fiscal year 2001-2002, appropriates \$75,978 from moneys paid to the department of public health and environment from tobacco settlement programs to the fund for allocation to the stroke advisory board to cover the costs of the board's duties.

Appropriates \$39,857 and 0.5 FTE to the department of public health and environment for the implementation of this act.

APPROVED by Governor May 30, 2002

EFFECTIVE May 30, 2002

H.B. 02-1129 Women, infants, and children program - farmers' market nutrition program. Requires the state board of health to promulgate rules, conditioned on the receipt of gifts, grants, or donations sufficient to provide for the required state match and administrative expenses, to implement a farmers' market nutrition program ("program") to distribute food coupons, redeemable only at farmers' markets, to eligible participants of the women, infants, and children program. Conditions the implementation of the program on state plan approval by the United States department of agriculture and the award of federal moneys for the program.

Repeals the farmers' market nutrition program in 4 years if the program has never been implemented due to the fact that insufficient gifts, grants, or donations were received for the required state match and administrative expenses.

APPROVED by Governor May 24, 2002

EFFECTIVE May 24, 2002

H.B. 02-1168 Vital statistics - registrar - duties - new certificate of birth following adoption - notation. When a new certificate of birth is issued pursuant to an adoption, requires the state registrar to mark it with the words "issued pursuant to adoption" if requested by an adoptive parent or the adopted person. Requires the state registrar to develop rules to ensure that an adoptive parent's decision to include the notation is made knowingly.

APPROVED by Governor April 19, 2002

EFFECTIVE August 7, 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. 02-1263 Substance abuse treatment services - coverage by individual or group health benefit plans - court-ordered treatment - medical necessity - medicaid - native Americans - state plan amendment - appropriation. Beginning January 1, 2003, requires any individual or group health benefit plan that provides coverage for substance abuse treatment to provide coverage for treatment regardless of whether it is voluntary or court-ordered as a result of contact with the criminal justice or legal system. Specifies that the health benefit plan is only required to provide coverage for benefits if the services are deemed medically necessary, are otherwise covered by the plan, and are rendered by a provider who is designated by and affiliated with

the health maintenance organization. States that coverage is subject to copayments, deductibles, or policy limits.

Requires the department of health care policy and financing ("department") to amend the state plan, conditioned on the receipt of gifts, grants, or donations sufficient to provide for the state's administrative costs of preparing and submitting the state plan amendment, to include any substance abuse treatment services for native Americans for which there is 100% federal financial participation. Specifies that if sufficient gifts, grants, or donations have not been credited to the native American substance abuse treatment cash fund, established for this purpose, by December 31, 2002, the provisions in the act relating to substance abuse treatment services for native Americans are repealed.

Appropriates \$41,140 to the department from gifts, grants, and donations in the native American substance abuse treatment cash fund for the purpose of amending the state plan to include substance abuse treatment services for native Americans.

APPROVED by Governor May 30, 2002

EFFECTIVE May 30, 2002

H.B. 02-1279 Alcohol and drug abuse - purchase of treatment services. Authorizes the division of alcohol and drug abuse in the department of human services to purchase services for the treatment of alcohol and drug abuse from a designated managed service organization. Allows such services to be purchased through a designation process instead of through a competitive RFP process under the "Procurement Code". Authorizes the director of the division to establish designated geographic service areas. Allows a private corporation, for profit or not for profit, to apply to be a designated managed service organization serving a particular designated service area. Specifies the factors for designation as a designated managed service organization. Specifies the appeal process for review of decisions made regarding the designation of a managed service organization.

Clarifies that the division may continue to purchase prevention or treatment services on a contract basis from any tribal nation or any public or private agency, organization, or institution approved by the division.

APPROVED by Governor April 3, 2002

EFFECTIVE August 7, 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. 02-1308 Youth prevention and intervention services - administration. Repeals the requirement for the state board of health to review grants made by the division on prevention and intervention services for children and youth ("division") through the prevention and intervention programs operated by the division. Repeals the requirement for the executive director of the department of public health and environment to meet at least biannually with the executive directors of the departments of corrections, health care policy and financing, higher education, local affairs, and natural resources, or their designees, to review the activities and progress of the division and its interaction with the prevention, intervention, and treatment

programs provided by other state agencies. Requires the executive director of the department of public health and environment to meet at least annually, and not biannually, with the governor, or his or her designee, and with the executive directors of specified departments to review the activities and progress of the division and its interaction with the prevention, intervention, and treatment programs by other state agencies.

Clarifies that each state agency using federal or state moneys to fund local prevention and intervention programs shall submit an annual report concerning these programs to the division. Requires pilot program applications to include a plan for pooling resources for the creation of an integrated delivery system for all prevention and intervention services to children, youth, and families in the community, rather than a plan to create a single location for delivery of all such services.

APPROVED by Governor April 3, 2002

EFFECTIVE April 3, 2002

H.B. 02-1323 Health facilities - personal care boarding homes - licensure fees - fines - appropriation. Replaces the phrase "personal care boarding home" with "assisted living residence" to refer to certain facilities regulated by the department of public health and environment (department). Includes life care facilities within the definition of an "assisted living residence". Lists specific services to be included within the definition of an assisted living residence. Clarifies the definition of "protective oversight". Allows the board of health (board) to define a high medicaid utilization facility within certain parameters and to create a modified fee schedule for assisted living residences that serve a disproportionate share of low-income residents.

Allows the board to create intermediate restrictions or conditions when disciplining an assisted living residence. Requires that an assisted living residence submit to the department a written plan of action for measures to respond to violations found during an inspection. Allows the department to require criminal background investigations that are automatically updated by the Colorado bureau of investigation upon original application or the first renewal after July 1, 2002, for licensees and administrators. Allows the department to impose certain restrictions and monetary fines of not more than \$2,000 per calendar year. Creates the assisted living residence improvement cash fund. Directs the proceeds of fines to the fund and specifies the permissible uses of such proceeds.

Increases application fees for assisted living residences. Creates additional fees for new licenses, changes of ownership of a residence, and residences that provide services in a secure environment. Also creates fees for licensees who expand the number of beds in a residence or who undergo substantial remodeling or new construction of a residence. Creates reduced fees for high medicaid utilization residences.

Repeals obsolete reporting provisions. Requires the department, in consultation with the existing advisory committee, to evaluate whether or not a risk-based inspection program should be implemented for assisted living residences. Requires the advisory committee to report to the general assembly and the joint budget committee by February 15, 2003. Requires the board, in consultation with the advisory committee, to report to the health, environment, welfare, and

institutions committee for the house of representatives, the health, environment, children and families committee for the senate, and the joint budget committee by October 15, 2003, and every 5 years thereafter concerning the cost of administering the assisted living residence program.

Appropriates \$291,482 and 3.3 FTE to the department for allocation to the health facilities division for implementation of this act. Allocates \$9,349 of said appropriation to the department of law for provision of legal services associated with this act.

APPROVED by Governor June 7, 2002

EFFECTIVE July 1, 2002

H.B. 02-1329 Water quality control - commissioner of agriculture - duty to monitor agricultural chemicals in groundwater - appropriation. Requires the commissioner of agriculture to identify agricultural management areas and to monitor the presence of any agricultural chemical in groundwater or the likelihood that an agricultural chemical will enter groundwater. Directs the commissioner to enter into an agreement with the department of public health and environment to perform analysis, interpretation, and reporting of groundwater monitoring data supplied by the commissioner.

Adjusts the 2002 general appropriation act to reduce the amount appropriated to the department of public health and environment, water quality control division, by \$93,806 and increase the amount appropriated to the department of agriculture, agricultural services division, by 1.0 FTE.

APPROVED by Governor June 3, 2002

EFFECTIVE June 3, 2002

H.B. 02-1344 Water quality control - permit fees - study - appropriation. Directs the division of administration in the department of public health and environment to undertake a study to examine whether the state water quality control program should be modified to reasonably accommodate, in the standard-setting and classification process, the unique attributes of Colorado's water bodies. Specifies specific criteria to be considered in such study.

Increases fees for issuance or revision of water quality control discharge permits to:

- Maintain the current water quality protection program;
- Reduce the permit backlog;
- Support implementation of phase II of the federal storm water regulations;
- Issue permits to concentrated animal-feeding operations and conduct compliance inspections; and
- Develop preliminary effluent limitations during the site approval process for domestic wastewater treatment works.

Appropriates \$520,687 and 4.0 FTE from the water quality control fund to the department of public health and environment for allocation to the water quality control division for the implementation of the act. Adjusts appropriations made in

the annual general appropriation act for the fiscal year beginning July 1, 2002.

APPROVED by Governor June 7, 2002

EFFECTIVE June 7, 2002

H.B. 02-1348 Poison control program - transfer to department of public health and environment - transfer of appropriation. Transfers the poison control program from the department of health care policy and financing to the department of public health and environment. Grandfathers in the existing statewide poison control oversight board with the exception of the member who represents the department of health care policy and financing, and transfers the oversight board by a **type 2** transfer to the department of public health and environment. Clarifies the responsibilities of the oversight board as a **type 2** board. Eliminates the requirement of senate confirmation of the oversight board.

Transfers the appropriation for the fiscal year commencing July 1, 2002, from the department of health care policy and financing to the department of public health and environment.

APPROVED by Governor May 6, 2002

EFFECTIVE July 1, 2002

H.B. 02-1408 Waste management - radioactive waste disposal - public notice and meetings - departmental approval. Defines "classified waste" as certain types of radioactive waste with listed exceptions. Prohibits disposal of 110 tons or more of such waste within 5 miles of any city or town in Colorado absent public notice, 2 public meetings, and approval by the department of public health and environment. Requires the disposal site to make up to \$20,000 available to the applicable board of county commissioners to conduct an independent environmental analysis of the disposal.

APPROVED by Governor April 5, 2002

EFFECTIVE April 5, 2002

H.B. 02-1411 Air quality - state implementation plan amendments - redesignation to attainment - Fort Collins. Allows the air quality control commission to submit a request for redesignation of Fort Collins as an attainment area for the air pollutant carbon monoxide, and to submit an associated maintenance plan for such area, to the federal environmental protection agency for approval and incorporation into the state implementation plan without submitting such request to legislative review.

APPROVED by Governor June 4, 2002

EFFECTIVE June 4, 2002

H.B. 02-1440 Emergency medical and trauma services - fixed-wing and rotary-wing services - licensing - report - appropriation. Requires the state board of health ("state board") to set license fees for ambulance services in an amount equal to the cost of such licensure. Repeals the conditional licensing of ambulance services by counties. Requires licensing of fixed-wing and rotary-wing ambulance services. Requires the state board to promulgate rules related to fixed-wing and rotary-wing ambulance services.

Requires a regional emergency medical and trauma services advisory council ("RETAC") to submit to the state emergency medical and trauma services advisory council ("council") an annual report on its expenditures and a biennial plan on its emergency medical and trauma services plan. After July 1, 2003, gives the department of public health and environment ("department"), based upon recommendations from the council, discretion in providing funding for emergency medical and trauma service plans.

Requires 4 or more counties or cities and counties to join together to qualify as a RETAC, but allows a city and county to join with one county to form a RETAC.

Authorizes the state board of health to temporarily suspend a facility's designation as a trauma center. Authorizes the department to have access to records of emergency medical and trauma patients and directs the department to prepare an annual report on the statewide medical emergency and trauma system.

Appropriates \$11,000 and 0.2 FTE from the fixed-wing and rotary-wing ambulances cash fund to the department of public health and environment for allocation to health promotion and disease prevention.

APPROVED by Governor May 29, 2002

EFFECTIVE May 29, 2002

H.B. 02-1455 Air quality - motor vehicle emissions control - clean screen program - collection of test fees by county clerks. If the air quality control commission promulgates initiation dates for the clean screen program for the enhanced or basic program areas, restricts the class of motor vehicles for which emissions test fees are collected upon registration from all motor vehicles subject to the testing requirement to only those that have been clean screened. Expands the class of motor vehicles eligible to be clean screened to include light-duty 1981 and older motor vehicles.

Provides that certain provisions will take effect only if House Bill 02-1338 becomes law.

APPROVED by Governor
June 1, 2002

PORTIONS EFFECTIVE June 1, 2002
September 1, 2002

NOTE: House Bill 02-1338 was signed by the Governor June 7, 2002.

HEALTH CARE POLICY AND FINANCING

S.B. 02-27 Medicaid - in-home support services - elderly, blind, and disabled - disabled children - review under provisions of sunset law. Requires the department of health care policy and financing ("department") to offer in-home support services ("services") as an option for eligible persons who receive home- and community-based services or who are eligible for the disabled children care program. Specifies that in-home support services will be provided to eligible persons who are willing to participate. Requires the department to seek any federal authorization that may be necessary to implement this service option. Requires the department to seek input from consumers of home- and community-based services and independent living centers and home- and community-based service providers regarding the design and implementation of the services. Specifies the requirements for a person to qualify and remain eligible for services.

Specifies that certain professional licensing requirements do not apply to a person who is directly employed by an in-home support service agency ("agency") to provide in-home support services and who is acting within the scope and course of such employment or is a family member providing in-home support services as authorized by the act. Requires agencies participating in the program to provide 24-hour back-up services to their clients. Specifies that an agency cannot discontinue a client under this program until either the client or the agency has secured other care for the client. Requires the medical services board to promulgate rules that establish guidance on how an agency can discontinue a client under the program, for the certification of in-home support service agencies, and the standards of care for the provision of services.

Repeals the authorization for in-home support services, effective July 1, 2008, and specifies that the services shall be subject to a sunset review prior to such repeal.

Specifies that the department is expected to receive \$36,675 in federal funds for the implementation of the act.

APPROVED by Governor June 1, 2002

EFFECTIVE June 1, 2002

S.B. 02-197 Medicaid - home- and community-based services - persons with major mental illness - service costs - program continuation. Repeals the requirement that home- and community-based services shall only be offered to a person for whom the cost of services necessary to prevent nursing facility placement would not exceed the average cost of nursing home care. Requires the home- and community-based services for persons with major mental illnesses to meet aggregate federal waiver budget neutrality requirements.

Repeals the July 1, 2002, repeal date of the "Home- and Community-based Services for Persons with Major Mental Illnesses Act".

APPROVED by Governor June 1, 2002

EFFECTIVE June 1, 2002

H.B. 02-1027 Medicaid - case-mix reimbursement feasibility studies for home

health care services, homemaker and personal care services, and alternative care facilities - appropriation. Requires the department of health care policy and financing ("department") to conduct a feasibility study with simulation of a case-mix reimbursement system for home health agencies and to conduct a feasibility study of a case-mix reimbursement system for reimbursing home- and community-based service providers for homemaker and personal care services and alternative care facilities. Specifies that the feasibility studies shall be voluntary on the part of providers and that the department shall determine how many providers may participate in each study. Allows the department to contract with an independent consultant to conduct the case-mix feasibility studies. Authorizes the department to hire an independent contractor and specifies that the independent contractor shall only be retained until the feasibility studies are completed. Requires the department to establish an advisory committee to provide input for purposes of the feasibility studies.

Stipulates that a case-mix reimbursement system shall only be instituted if the department and the joint budget committee of the general assembly ("JBC") determine, prior to implementation, that such a reimbursement system will not increase annual state expenditures for home health care and home- and community-based services, taking into account appropriate adjustments for cost of living.

Authorizes the department to accept and expend gifts, grants, and donations to conduct the feasibility studies and establishes the case-mix cash fund for this purpose. Specifies that if sufficient gifts, grants, and donations to support the feasibility studies are not obtained prior to July 1, 2004, then this act is repealed on July 1, 2004. Repeals the act, effective July 1, 2007, if sufficient gifts, grants, and donations to support the feasibility studies are obtained prior to July 1, 2004.

Appropriates \$330,772 out of the case-mix cash fund for the implementation of the act and specifies that the department is expected to receive an additional \$330,772 in federal funds for implementation of the act.

VETOED by Governor May 24, 2002

H.B. 02-1029 Medicaid - program of all-inclusive care for the elderly - authorization for expansion - feasibility study. Allows for the expansion of the program of all-inclusive care for the elderly ("PACE"). Requires the department of health care policy and financing ("department") to perform a feasibility study, conditioned on the receipt of sufficient gifts, grants, and donations, in order to identify viable communities that may support a PACE program site. Requires the department, consistent with the feasibility study, to use its best efforts to have in operation a specified number of new PACE program sites within the outlined time frames. Specifies reporting requirements for the department regarding the results of the feasibility study and the expansion of the PACE program sites.

Requires the department, in cooperation with the single entry point agencies, to develop and implement a coordinated plan to provide education about PACE program site operations. Authorizes each single entry point agency to designate case managers who have knowledge about the PACE program. Directs the state board of medical services to adopt rules concerning the program and training therefor.

Clarifies that nothing in the authorizing provisions of PACE requires the operator of a PACE program site to hold a certificate of authority as a health maintenance organization.

APPROVED by Governor May 31, 2002

EFFECTIVE May 31, 2002

H.B. 02-1039 Medicaid - home- and community-based services - consumer-directed care for the elderly - appropriation. Requires the department of health care policy and financing ("department") to implement a consumer-directed care program ("program") for the elderly that allows eligible persons to receive a direct payment through a voucher to purchase home- and community-based services. Specifies the eligibility criteria for participation in the program and the services participants can receive under the program.

Specifies that the voucher amount will be based on the person's historical utilization of home- and community-based services or the single entry point agency's care plan for the person. Stipulates that while a person is participating in the program that person is ineligible to receive a home care allowance.

Requires the department to develop the accountability requirements necessary to safeguard the use of public dollars, to promote effective and efficient service delivery under the program, and to monitor the safety and welfare of program participants.

Directs the medical services board to adopt rules for the implementation and administration of the program.

Appropriates \$40,558 and 0.8 FTE to the department to implement the act. Specifies that the department is expected to receive an additional \$77,262 in federal funds for the implementation of the act.

Makes the act contingent upon the passage of and savings realized from House Bill 02-1292.

APPROVED by Governor May 30, 2002

EFFECTIVE May 30, 2002

NOTE: House Bill 02-1292 was signed by the Governor on May 30, 2002, and the fiscal estimate shows sufficient general fund savings.

H.B. 02-1093 Public assistance - recovery of overpayments - when collection efforts cease. Eliminates language that allowed the department of human services and county departments of social services to collect welfare overpayments regardless of fault, including pursuing collections from adult children who, in their youth, were members of a household that received public assistance under the aid to families with dependent children program or temporary assistance for needy families and whose caretaker relative obtained welfare overpayments.

Directs that recovery of welfare overpayments shall be pursued first from the caretaker relative who fraudulently obtained public assistance or who was the direct payee of the overpayments. Provides that overpayment collection activities against

the other overpaid members in the assistance unit shall be suspended. States that, on March 26, 2002, the department and the county departments shall cease any collection efforts being made against the children of an assistance unit in which public assistance was overpaid or fraudulently obtained by a caretaker relative who has been located by the department or a county department. Allows the department and the county departments to elect not to attempt recovery where the overpayment amount is less than \$35. Allows the department and county departments, consistent with the 6-year time limitation for execution on judgments involving state debt, to decide that it is no longer cost-effective to continue to pursue recovery of an overpayment that is \$35 or more.

Specifies that the department and the county departments shall not pursue overpayment collection activities against children who have been part of a Colorado works program assistance unit.

APPROVED by Governor March 26, 2002

EFFECTIVE March 26, 2002

H.B. 02-1127 Medicaid - home- and community-based services - elderly, blind, and disabled - costs. Repeals the requirement that home- and community-based services shall only be offered to a person for whom the cost of services necessary to prevent nursing facility placement would not exceed the average cost of nursing facility care. Requires the home- and community-based services for the elderly, blind, and disabled to meet aggregate federal waiver budget neutrality requirements.

APPROVED by Governor April 3, 2002

EFFECTIVE April 3, 2002

H.B. 02-1155 Children's basic health plan - prenatal and postpartum care for pregnant women - appropriation. Subject to receipt of a waiver from the federal department of health and human services, adds prenatal care and postpartum care to the children's basic health plan for pregnant women who are not eligible for medicaid. Covers pregnant women whose income is greater than the income level for the baby and kid care program (133% of the federal poverty level) up to the income level for the children's basic health plan (185% of the federal poverty level). Covers postpartum care for 60 days after the birth of the child. Provides that, upon birth, the child is automatically enrolled in the children's basic health plan. Exempts a pregnant woman from paying the annual enrollment fee for the children's basic health plan.

Increases by \$7,700,000 the amount of moneys the children's basic health plan receives out of the tobacco litigation settlement moneys. Provides that if the tobacco settlement moneys are insufficient to fund the children's basic health plan amounts out of the cash fund, the shortfall shall be taken out of the tobacco settlement trust fund. Requires separate reporting of the amounts allocated for the children's basic health plan and the prenatal and postpartum care program and subsequent review of whether the prenatal and postpartum care portion should continue to be paid out of the tobacco settlement moneys or out of general fund revenues. Requires prenatal and postpartum primary health care providers to implement policies regarding the integration of evidence-based tobacco use treatments into the health care delivery system, including assessment of tobacco use and exposure to second-hand smoke, education on tobacco use during pregnancy

and postpartum, and referral to cessation services.

Appropriates \$7,700,000 out of the tobacco litigation settlement cash fund to the children's basic health plan. Appropriates \$6,321,561 from the children's basic health plan trust to the department of health care policy and financing to implement the act. Specifies that the department of health care policy and financing is expected to receive an additional \$11,740,044 in federal funds for implementation of the act. Appropriates \$26,163 to the department of health care policy and financing, department of human services medicaid-funded programs, office of information technology services - medicaid funding and \$74,750 to the department of human services, office of information technology services, to implement the act.

APPROVED by Governor May 24, 2002

EFFECTIVE May 24, 2002

H.B. 02-1232 X-ray inspection and certification fees. Increases from \$50 to \$80 the annual fee for individuals who inspect and certify machines that are the source of ionizing radiation ("x-ray machines"). Increases from \$30 to \$50 the fee for affixing a certification or noncertification sticker to an x-ray machine.

APPROVED by Governor May 24, 2002

EFFECTIVE May 24, 2002

H.B. 02-1282 Medicaid - home- and community-based services - persons with brain injury. Requires the department of health care policy and financing ("department") to seek any necessary amendments to the current federal waiver for the home- and community-based services program for persons with brain injury ("program") to allow services to be provided to eligible persons on a supportive care campus. Modifies the definition of "eligible person" under the program to include a person who is in need of specialized care provided in a nursing facility in lieu of a hospital. Specifies that the implementation of provisions relating to supported living provided on a supportive care campus are conditioned upon the approval of necessary waiver amendments by the federal government.

Requires the medical services board ("board") to promulgate rules to set tiered per diem rates for the services provided on a supportive care campus and any rules necessary for quality assurance, and specifies that the rules shall include certification of supportive care campuses. Requires the board to consider the medical and cognitive needs of eligible persons being served on the supportive care campus when structuring the tiered per diem rates.

APPROVED by Governor April 3, 2002

EFFECTIVE April 3, 2002

H.B. 02-1292 Medicaid - statewide managed care system - appropriations - adjustment to long bill. Repeals the requirement that the medicaid statewide managed care system ("system") cover 75% of the medicaid population on a statewide basis and specifies that the system shall be implemented to the extent possible. Specifies that the system shall not include services delivered under the residential child health care program and long-term care services, except for specified long-term care programs. Repeals the executive director's ability to implement certain effective statewide pilot projects.

Repeals the annual cost savings reporting requirements of the department of health care policy and financing ("department"), the formulas for the calculation of those cost savings, and the method of appropriating the cost savings. Repeals the requirement that the department restrict spending if the cost savings appropriated are not actually realized. Repeals the grant program to assist essential community providers to serve the medically indigent population.

Effective on and after July 1, 2003, requires managed care organizations ("MCOs") contracting with the department to meet financial stability criteria established by the division of insurance and to certify, as a condition of entering into a contract with the department, that the capitation rates set forth in the contract are sufficient to assure the financial stability of the MCO with respect to the delivery of services under the medicaid program. Effective on and after July 1, 2003, requires the MCO to certify that the capitation rates set forth in the contract comply with all applicable federal and state requirements that govern those rates. Specifies the certification requirements of an MCO providing services under the PACE program. Requires the department, effective on and after July 1, 2003, to certify that the capitation payments in the contract between the department and the MCOs comply with all applicable federal and state requirements that govern those capitation payments. Specifies that certification by a qualified actuary will be conclusive evidence that the department has correctly calculated the direct health care cost of providing the same services to an actuarially equivalent Colorado medicaid population group. Specifies that, effective July 1, 2003, the capitation payments certified by the qualified actuary shall not be subject to any dispute resolution process, including any such process set forth in any settlement agreement entered into prior to this act.

Implements a new rate-setting process in which the department, in cooperation with the MCOs, is required to set a timeline for the rate-setting process for the following fiscal year's rates. Requires the department to identify and make available to the MCOs the base data for the base calculation. Specifies that for capitation payments effective on and after July 1, 2003, the department is required to recalculate the base calculation every 3 years and annually trend the base calculation for the years in which the base calculation is not recalculated.

Requires an MCO to notify all recipients involved in disputes with the MCO of the right to seek administrative review of any adverse decision by the MCO. Repeals a provider's ability to request a hearing through the department's aggrieved provider appeal procedures regarding a dispute between nursing facilities, pharmacies, and MCOs concerning providing prescription drug benefits. Repeals provisions relating to MCOs contracting with essential community providers.

Specifies that nothing under the medicaid statewide managed care system creates an entitlement to an MCO to contract with the department. Changes the time frame for a recipient to respond regarding the selection of an MCO or primary care physician from 20 to 30 days. Changes the notification requirements allowing the department to send a single notice instead of 2 notices to the recipient.

Allows the department to contract with an independent facilitator to ensure that consumers have informed choice about their managed care options. Requires the department to establish the position of ombudsman for medicaid managed care to act as an enrollee's representative, at the enrollee's request, in resolving

complaints and grievances with an MCO. Specifies that the provisions of the act are applicable to contracts issued, renewed, or amended after July 1, 2002.

Makes various adjustments to the 2002 general appropriations act to reflect the modifications made to the statewide managed care system in the act.

APPROVED by Governor May 30, 2002

EFFECTIVE July 1, 2002

HUMAN SERVICES - SOCIAL SERVICES

S.B. 02-16 Mentally ill persons involved in criminal justice system - standardized mental illness screening. Authorizes the following persons to implement administration of a standardized mental illness screening, using standardized procedures, under the following circumstances:

- The state court administrator, for inclusion in the adult and juvenile presentence or probation investigation;
- The administrator of a community corrections program, for screening of persons accepted by the community corrections program;
- The superintendent of the department of corrections diagnostic center, for screening of persons sentenced to the department of corrections;
- The director of a juvenile diversion program, for screening of juveniles participating in the program;
- The executive director of the department of human services, for screening of juveniles sentenced to juvenile detention facilities; and
- The juvenile court in each judicial district, for use when sentencing juveniles.

In any situation where implementation of the mental illness screening would require an increase in state appropriations, requires the person with the authority to implement the screening to submit to the joint budget committee a request for funding in the amount necessary to implement the screening. Conditions implementation of the screening on approval of the funding request.

Changes the phrase "mental health prescreening" as used in the juvenile statutes to "mental health hospital placement prescreening", to distinguish from the standardized mental illness screening. Allows agencies and assessment centers for children to exchange information received from standardized mental illness screenings on children who are taken into temporary custody by law enforcement or referred to an assessment center for case management.

Instructs the group of specified departments developing the standardized screening instrument and procedures to develop procedures for referral for further assessment based on the screening results. Extends the authority of the group of specified departments to establish standardized procedures for mental illness screenings. Directs the group of specified departments to meet biennially to review the implementation of the standardized mental illness screening procedures and the screening instruments. Directs the mental health division in the department of human services and the division of criminal justice within the department of public safety to report biennially to the general assembly regarding implementation of the standardized mental illness screening procedures and the screening instruments.

APPROVED by Governor May 24, 2002

EFFECTIVE May 24, 2002

S.B. 02-114 Ski area guest child care facilities - regulation. Defines "guest child care facility" and excludes guest child care facilities from child care center licensing requirements as of July 1, 2002. Requires each guest child care facility ("facility") to post a notice on the premises of the facility specifying the telephone number and address of the appropriate division within the state department of human services

("state department") for investigating facility complaints. Prohibits a person or entity from operating a guest child care facility unless the facility meets certain specified requirements, including health and fire inspections and criminal history records checks.

Protects the guest child care facility against civil liability for refusal to hire an applicant for a supervisory employee position or for termination of a supervisory employee or any other employee as a result of information disclosed in an investigation of the employee. Excludes from fingerprint-based criminal history checks any employee who has obtained a fingerprint-based criminal history check for the purpose of gaining employment with a facility if such person returns to the facility to work in subsequent seasons. Requires the state department to maintain results of initial fingerprint-based criminal history checks on employees of a facility and to redetermine whether the employee has been convicted of certain crimes or has a pattern of misdemeanor convictions when contacted by a facility for information concerning subsequent convictions prior to rehiring any such employee. Exempts from fingerprint-based criminal history check requirements employees on whom fingerprint-based criminal history checks were conducted on or after July 1, 2001, and before July 1, 2002, for purposes of state child care licensure requirements. Authorizes the state department to receive, respond to, and investigate certain complaints related to a facility.

APPROVED by Governor May 6, 2002

EFFECTIVE July 1, 2002

H.B. 02-1022 Adoption - redeterminations of need for subsidized adoption assistance. Eliminates an annual redetermination of the need for subsidized adoption assistance to adoptive parents of children with special needs that is not required under the federal adoption assistance program.

APPROVED by Governor April 3, 2002

EFFECTIVE August 7, 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. 02-1025 Colorado works - screening of participants for substance abuse and mental illness - designation of screening instrument - audit evaluation. Requires the department of human services ("department") to designate a nationally recognized screening instrument to be used to screen Colorado works participants for substance abuse or mental illness. Requires the department to provide training on the use of the screening instrument. Requires the county departments, for assessments of new participants on and after July 1, 2002, to use either the screening instrument designated by the department or to designate its own mechanism for screening participants for substance abuse or mental illness. Requires the county departments to make referrals for services, if appropriate. States that this statute shall not be construed to authorize personnel of county departments to make medical diagnoses which they are not authorized by law to make. Repeals the statute on screening of participants, effective July 1, 2005.

Adds to the list of items to be evaluated by the ongoing audit of the Colorado

works program the cost-effectiveness of providing mental health and substance abuse screening, referral, and assessment.

APPROVED by Governor May 24, 2002

EFFECTIVE May 24, 2002

H.B. 02-1026 Colorado works - county block grant funds - authority to segregate. Authorizes the department of human services ("department") to segregate all county block grant funds allocated for the Colorado works program. Specifies that if the department segregates the funds, the county departments of social services are required to report to the state expenditures made in a segregated manner, to develop policies regarding the use of the funds, and to ensure maximum flexibility and allow counties to provide additional assistance or services. Requires the state auditor's office to report, as part of the ongoing evaluation of the Colorado works program, the county expenditures that have been made in a segregated manner and the effectiveness of the programs for which the expenditures were made.

APPROVED by Governor March 27, 2002

EFFECTIVE March 27, 2002

H.B. 02-1042 Colorado works - extensions for TANF recipients who have reached 60-month lifetime limit. Devolves to the county departments of social services ("county departments") the authority to grant hardship extensions and domestic violence extensions for Colorado works participants ("participants") who have exceeded their 60-month lifetime limit for receipt of temporary assistance for needy families (TANF) under the Colorado works program. Clarifies that the extensions shall be for hardships as defined by rule of the state board of human services or for domestic violence. Permits counties to define additional reasons in their county policies for granting a hardship extension.

States that a hardship extension or a domestic violence extension may not be granted for longer than 6 months. Requires the department of human services to send notice about the extension process to participants approaching the 60-month lifetime limit. Requires a participant who is granted a hardship extension or a domestic violence extension to complete an individual responsibility contract (IRC). Requires the participant to follow all the terms and conditions outlined in the IRC, including the participation activities required as a condition of the extension. Directs that sanctions and terminations shall apply to an extension.

Allows a participant to apply for additional extensions. Specifies that a county department shall have 30 days after receipt of an application for an extension to grant or deny the extension. Directs the county department to send a denial notice to a participant who applies for but is denied a hardship extension due to lack of available extensions or for any other reason. Requires the county department to send a denial notice with the reason for the denial to a participant who is denied a domestic violence extension. States that the number of domestic violence extensions that can be granted shall not be restricted by the 20% numerical limit on hardship extensions pursuant to federal law. Permits a participant who has been denied a hardship extension or a domestic violence extension to reapply for an extension. States that nothing in the act shall be construed to prohibit a former participant from requesting a hardship or domestic violence extension after the lapse of the 60-month lifetime limit when new hardship or domestic violence factors occur.

Directs the state board of human services to promulgate rules establishing the criteria for hardship extensions and for establishing a system for allocating the number of extensions available for each county.

APPROVED by Governor April 25, 2002

EFFECTIVE April 25, 2002

H.B. 02-1067 Elderly persons - family caregiver support program. Establishes the family caregiver support program ("program") in the department of human services. Provides for the allocation of moneys to the area agencies on aging to provide support services to the following types of caregivers:

- Family caregivers of older individuals; and
- Grandparents or older individuals who are relative caregivers of children not more than 18 years of age.

Specifies that the services available under the program shall include:

- Information to caregivers about available services;
- Assistance to caregivers in gaining access to services;
- Individual counseling, support groups, and training;
- Respite care;
- Supplemental services to complement the care given by caregivers.

Directs that the area agencies on aging provide the services directly or contract with local providers to provide the services.

Mandates that the state not use more than 10% of the total federal and state share of the moneys available for the program to provide services to grandparents and older individuals who are relative caregivers of children.

APPROVED by Governor May 30, 2002

EFFECTIVE May 30, 2002

H.B. 02-1138 Child welfare - integrated care management program - county performance agreements - performance incentive cash fund for family stabilization services - increase in docket fees. Creates the integrated care management program ("program") in the state department of human services ("state department"). Requires the state department to develop principles of integrated care management and a process to allow counties or groups of counties to participate in the program. Authorizes individual counties or groups of counties to participate in the program for the delivery of child welfare services. Authorizes the state department to enter into performance agreements with specified counties or groups of counties for the delivery of child welfare services.

Creates the performance incentive cash fund ("cash fund"). Authorizes the general assembly to appropriate annually moneys from the cash fund to the state department for the executive director of the state department to provide financial incentives to any county or group of counties that has met or exceeded performance measures specified by the state department. Requires the incentives allocated by the executive director of the state department to any county or group of counties to be used for family stabilization services. Authorizes the executive director of the state

department to accept and expend grants, gifts, or donations for the purposes of the program. Requires all investment earnings derived from the deposit and investment of moneys in the cash fund to remain in the cash fund. Specifies that on and after July 1, 2002, 75% of the moneys deposited into the family stabilization services fund shall be credited to the cash fund.

Repeals an evaluation requirement on the date the executive director of the state department notifies the revisor of statutes that the state is no longer participating in the waiver authorized pursuant to Title IV-E of the federal "Social Security Act", as amended. Authorizes the state board of human services to promulgate rules necessary to implement the program.

On and after July 1, 2003, increases docket fees paid by the petitioner in a proceeding for dissolution of marriage, legal separation, or declaration of invalidity of marriage and by the petitioner in an action for a declaratory judgment concerning the status of marriage to \$130. Specifies that the moneys in the family stabilization fund shall be subject to annual appropriation by the general assembly to the state department for allocation to specified counties for the provision of family stabilization services.

APPROVED by Governor May 24, 2002

EFFECTIVE May 24, 2002

H.B. 02-1177 Family child care homes - administration of routine medications - exemption from nursing tasks - rules. Exempts the administration of routine medications to children cared for in family child care homes from the statutory requirements that nursing tasks be delegated by registered nurses.

Permits child care providers to administer routine medications to children cared for in family child care homes, subject to the following conditions:

- The parent has daily contact with the child care provider that administers the medication;
- The child care provider has completed a medication administration instructional program approved by the department of human services;
- Medications are administered in compliance with rules promulgated by the state board of human services;
- For unit dose epinephrine, a written protocol for determining the need for administration and demonstration of an emergency need for such administration are required; and
- For a nebulized inhaled medication, a written protocol for determining the need for administration is required.

Directs the state board of human services to promulgate rules regarding such administration of routine medications. Conforms nursing regulatory statutes to permit the administration of medications by child care providers in family child care homes.

APPROVED by Governor March 26, 2002

EFFECTIVE March 26, 2002

H.B. 02-1180 Colorado commission for the deaf and hard of hearing - telephone equipment distribution program - transfer to fund - appropriation. Requires the Colorado commission for the deaf and hard of hearing to establish a program that is consistent with its previous studies and findings to distribute equipment and provide services for the deaf and hard of hearing.

Directs the state treasurer to transfer \$650,000 from the Colorado disabled telephone users fund to the Colorado commission for the deaf and hard of hearing cash fund on July 1, 2002.

Appropriates \$244,417 to the department of human services for allocation to the Colorado commission for the deaf and hard of hearing for the implementation of this act.

APPROVED by Governor May 30, 2002

EFFECTIVE May 30, 2002

H.B. 02-1206 Children's basic health plan - eligibility periods. Provides that a child is no longer eligible under the children's basic health plan and shall be disenrolled from the plan if the department of health care policy and financing becomes aware of or is notified that any of the following has occurred:

- The child has moved out of state;
- The child has been enrolled in the medicaid program; or
- The child has been enrolled in a commercial health insurance plan during the 12-month period following enrollment in the children's basic health plan.

APPROVED by Governor April 15, 2002

EFFECTIVE April 15, 2002

H.B. 02-1209 Older Coloradans - program - funding - appropriation. Makes a permanent allocation of \$2 million of sales and use taxes to the older Coloradans cash fund. Changes the dates by which certain reports are to be filed.

Appropriates \$2,000,000 from the general fund to the department of human services, office of adult and veterans services, aging services programs.

APPROVED by Governor May 31, 2002

EFFECTIVE May 31, 2002

H.B. 02-1214 Colorado works - county reserve account - transfer to long-term works reserve fund. Specifies that the amount of the county reserve account that is to be transferred to the long-term works reserve fund, beginning in fiscal year 2002-03, shall be calculated based on the amount deposited in the county reserve account in the current state fiscal year. Specifies that moneys in the long-term works reserve fund that have been transferred from county reserve accounts shall be used only for the purpose of implementing the Colorado works program at the county level.

APPROVED by Governor April 15, 2002

EFFECTIVE April 15, 2002

H.B. 02-1276 Old age pension - supplemental old age pension health and medical care program - appropriation. Creates the supplemental old age pension health and medical care program for the purpose of providing health and medical care to old age pension recipients whose needs are not being met under the old age pension health and medical care fund. Creates the supplemental old age pension health and medical care fund. Authorizes the general assembly to allocate \$1,000,000 of the sales and use tax revenue to the supplemental old age pension health and medical care fund to provide health and medical care for persons who qualify for the old age pension if it determines that the moneys in the old age pension health and medical care fund will be insufficient to meet the health and medical care needs of old age pension recipients.

Appropriates \$1,000,000 from the supplemental old age pension health and medical care fund to the department of human services to be transferred to the department of health care policy and financing for the implementation of the supplemental old age pension health and medical care program.

APPROVED by Governor May 31, 2002

EFFECTIVE May 31, 2002

H.B. 02-1281 Traumatic brain injury board - creation - duties - funding - surcharge on speeding and alcohol and drug related traffic offenses. Creates the Colorado traumatic brain injury board (board) within the department of human services. Sets out the membership of the board, terms of office, duties, and powers. Makes the board a **type 2** agency. Clarifies that the board members may not receive compensation for service on the board except for reimbursement of expenses related to board activities. Defines terms.

Allows the board to contract with an entity for administrative functions. Creates the Colorado traumatic brain injury trust fund (trust fund). Lists what are covered services of the fund. Requires the department to perform functions not contracted out to an administering entity.

Requires that approximately 65% of the trust fund be used on services for persons with traumatic brain injuries. Specifies that the trust fund is the payor of last resort for the treatment of traumatic brain injuries. Specifies that services shall begin no later than July 1, 2004.

Requires that approximately 5% of the trust fund be used for education of the public, service providers for persons with traumatic brain injuries, and survivors of traumatic brain injuries. Specifies that educational activities begin no later than April 1, 2004.

Requires that approximately 30% of the trust fund be used for research activities related to the treatment and understanding of traumatic brain injuries. Allows the board to make grants for research related to traumatic brain injuries. Specifies that grants be initially awarded no later October 1, 2004.

Clarifies that general fund moneys may not be used to implement the trust fund. Requires administrative expenses of services, education, and grants awarded from the trust fund to be paid by the trust fund. Requires the board to report to the

joint budget committee, the health, environment, welfare, and institutions committee of the house of representatives, and the health, environment, children and families committee of the senate on February 1, 2003, and each February 1 thereafter concerning the operations of the trust fund. Repeals the provisions related to the trust fund July 1, 2012.

Requires that persons convicted of driving under the influence of alcohol or driving while ability impaired because of alcohol or drugs pay a surcharge of \$15 to fund the trust fund. Requires persons who speed to pay a surcharge of \$10 for state speeding offenses and \$12 for municipal speeding offenses to fund the trust fund. Allows a municipality to retain \$2 of the \$12 surcharge for administrative expenses related to collecting the surcharge.

States that sections 3 and 4 of this act are contingent upon passage of Senate Bill 02-057.

APPROVED by Governor
June 7, 2002

PORTIONS EFFECTIVE
January 1, 2003
January 1, 2004

NOTE: Senate Bill 02-057 was signed by the Governor June 7, 2002.

H.B. 02-1293 Access of children to health care - study - appropriation. Directs the department of health care policy and financing ("department"), when redetermining eligibility of or terminating or disenrolling children from medicaid or the children's basic health plan, to ascertain and document the reasons why the child is no longer eligible or why the child is disenrolling from such program. Directs the department to conduct a study of children's access to health care, which uses such data, and which focuses on the movement of children between medicaid or the medically indigent program and the movement of children from one of those programs administered by the department to being insured through private insurance or to being uninsured. Requires the department to examine the reasons why the enrollment process for public programs administered by the department is not completed for some children. Directs the department to ascertain the reasons for movement of children between programs or to being privately insured or not insured.

Requires the department to report on the results of the study by certain dates. Authorizes the executive director of the department to accept grants and donations to fund the study. Directs that such study shall not be conducted until sufficient grants or donations are obtained to support the study.

Appropriates \$8,750 out of cash funds donated to the department to conduct the study. Identifies the anticipated receipt of \$8,750 in federal funds for the implementation of the act.

APPROVED by Governor June 7, 2002

EFFECTIVE June 7, 2002

H.B. 02-1295 Inmates held in correctional facilities and offenders held in community corrections programs - medical benefits application assistance - repeal - appropriation. On and after January 1, 2003, requires correctional facility personnel or community corrections program agents to provide assistance in applying for medicaid or for supplemental security income ("SSI") to any person who is sentenced to a term in a correctional facility or community corrections program and who was receiving medicaid or was SSI-eligible immediately prior to entering the correctional facility or community corrections program or who is reasonably expected to meet medicaid eligibility criteria or SSI eligibility criteria upon release. Specifies that the person shall receive assistance in applying for medicaid at least 90 days prior to release. Requires the department of health care policy and financing to provide information and training on medical assistance eligibility requirements and assistance to each correctional facility or community corrections program on or before January 1, 2003.

Stipulates that the person shall receive assistance in applying for SSI at least 90 days prior to release, or sooner if possible, if the person was receiving SSI immediately prior to entering the correctional facility or community corrections program, or if the person is reasonably expected to meet SSI eligibility criteria upon release. Requires the department of human services to provide information and education regarding the SSI income systems and processes to each correctional facility or community corrections program on or before January 1, 2003.

Mandates that the department of health care policy and financing simplify the processing of inmate applications for medicaid. Directs the county department of social services of an inmate's identified county of residence to enroll the inmate for medical assistance effective upon release, if it determines the inmate is eligible.

On or before January 1, 2003, requires the department of corrections and each community corrections program to attempt to enter into prerelease agreements with local social security administration offices, and, if appropriate, the county departments of social services, the department of human services, or the department of health care policy and financing to simplify the medicaid application process and the SSI application process. Repeals the assistance requirements, effective July 1, 2005.

Appropriates \$50,563 to the department of health care policy and financing for the implementation of the act. Specifies that the department of health care policy and financing is expected to receive an additional \$50,563 in federal funds for the implementation of the act.

Makes the act contingent upon the passage of and savings realized from House Bill 02-1292.

APPROVED by Governor May 30, 2002

EFFECTIVE July 1, 2002

NOTE: House Bill 02-1292 was signed by the Governor on May 30, 2002, and the fiscal estimate shows sufficient general fund savings.

H.B. 02-1390 Older Coloradans - cash fund - sources of funding - appropriation. Eliminates the transfer of state sales and use tax revenues during the 2001-02 fiscal year to the older Coloradans cash fund. Specifies that the fund may also consist of moneys appropriated to the fund by the general assembly.

Appropriates \$3,000,000 from the general fund to the older Coloradans cash fund and further appropriates said amount to the department of human services for the older Coloradans program.

APPROVED by Governor March 27, 2002 **EFFECTIVE** March 27, 2002

NOTE: The effective date section of this act provided that this act is effective upon passage only if House Bills 02-1366 through 02-1394 are enacted and become law. Said bills were signed by the Governor March 27, 2002.

H.B. 02-1457 Medicaid - nursing facility rates - repeal of the quality of care incentive payment program - repeal and reenactment of the resident-centered quality improvement program - appropriations - conditional enactment - appropriations - adjustments to long bill. Repeals the quality of care incentive payment ("QCIP") program and the resident-centered quality improvement program ("ResQUIP"). Reenacts the ResQUIP program beginning July 1, 2003, and specifies that the reenacted ResQUIP program is subject to available appropriations.

Eliminates the implementation of the 8% limitation on the increase in health care services costs that applies to class I and class V nursing facility reimbursement rates beginning on July 1, 2002.

Directs interested members of the joint budget committee of the general assembly, the department of health care policy and financing, the state ombudsman and interested long-term care ombudsmen, and nursing facility providers to develop a methodology for determining when and under what circumstances a limitation on the increase in health care services costs shall be implemented. Requires the group to report its recommendations for a methodology to the joint budget committee by November 15, 2002.

Specifies that if a methodology to implement a limitation on the increase in health care services costs is not enacted by July 1, 2003, any increase in health care services costs for specified facilities shall not exceed 8% per year for rates effective on and after July 1, 2005. Specifies that the calculation of the 8% limitation shall be based on the facility's cost reports, as specified by rule, in the preceding year.

Specifies that provisions of this act repealing provisions of Senate Bill 02-071 as enacted by the general assembly, which implements consumer satisfaction surveys to determine the level of satisfaction among nursing facility residents, take effect only if Senate Bill 02-071 becomes law.

Makes various adjustments to the 2002 general appropriation act to reflect the repeal of the QCIP and ResQUIP programs and the use of corresponding appropriations to pay for the elimination of the implementation of the 8% limitation on the increase in health care services costs that applies to nursing facility reimbursement rates beginning on July 1, 2002.

Specifies which appropriations clause takes effect conditioned upon Senate Bill 02-071 becoming law.

APPROVED by Governor June 7, 2002

EFFECTIVE July 1, 2002

NOTE: Senate Bill 02-071 was signed by the Governor June 7, 2002.

INSURANCE

S.B. 02-13 Health insurance - prompt payment of claims - uniform claims. Requires the commissioner of insurance, by July 1, 2002, to adopt the claim form adopted by the American dental association for use by all dental providers, the CMS-1500 and the CMS-1450 (Form UB92) as the claim forms to be used by all health care providers and carriers, and to adopt a uniform list of elements to be used on such forms. Requires all insurance carriers, by the effective date of the federal Health Insurance Portability and Accountability Act ("HIPAA") and related regulations pertaining to electronic filing of claims, to require the submission of electronic claim forms in the format required by HIPAA.

Deletes from the definition of "clean claim" the provision that information on the claim form must be in accordance with the carrier's published filing requirements. Specifies that a claim requiring additional information shall not be considered "clean".

Allows a policyholder, insured, or provider to submit a claim by U.S. mail, electronically, by fax, or by hand delivery. Requires a carrier to provide a mechanism to confirm receipt of a claim that is filed in a manner other than electronically and to list the claim on the mechanism as received. Allows the provider to resubmit a claim that is not listed by fax and presume it is received on the date of the fax. Presumes that claims sent electronically are received on the date of electronic verification of receipt by the carrier or carrier's clearinghouse.

Requires a carrier to request additional claim information, including medical information, in writing. Allows a carrier to deny a claim if a provider fails to provide additional information after receiving the request from the carrier.

Allows penalties that are not paid concurrently with the claim to be paid on a quarterly basis or when the aggregate exceeds \$10.

Requires any third party to which a carrier has delegated the claims processing functions to comply with all the provisions with which the carrier must comply.

Specifies that the prompt pay provisions of the health care coverage statutes shall not apply to claims filed pursuant to the Workers' Compensation Act.

Requires a carrier to pay a participating institutional provider 85% of the contracted rate on the charges submitted and a nonparticipating institutional provider 60% of the amount due on the claim by the 45th day after the carrier receives the claim if a carrier decides to conduct an audit, and requires the audit to be completed within 90 days.

APPROVED by Governor April 19, 2002

EFFECTIVE April 19, 2002

S.B. 02-76 Insurance - insurance guaranty association - assessment. Increases from 1% to 2% the maximum amount a member insurer may be assessed in any year on

any account, based on that member insurer's net direct written premiums for the preceding calendar year on the kinds of insurance in the account.

APPROVED by Governor March 22, 2002

EFFECTIVE March 22, 2002

S.B. 02-78 Life insurance - disability insurance - applications - genetic testing - consent requirement - privacy of test results. Applies consent and privacy conditions to the use of genetic information in connection with the issuance of life insurance and individual disability insurance. Directs the commissioner of insurance to prescribe the form in which consent shall be given. Prohibits the unauthorized release of the results of a genetic test, and allows a person aggrieved by such unauthorized release to sue for actual damages or \$10,000 per violation, whichever is greater.

APPROVED by Governor June 1, 2002

EFFECTIVE June 1, 2002

S.B. 02-90 Motor vehicle insurance - continuation. Extends the automatic repeal date provision of the "Colorado Auto Accident Reparations Act" from July 1, 2002, to July 1, 2003.

APPROVED by Governor May 28, 2002

EFFECTIVE May 28, 2002

S.B. 02-107 Unfair practices - denial of coverage - nonprofessional participation in sports - skiing - snowboarding. For all policies issued or renewed on or after January 1, 2003, defines as an unfair method of competition and an unfair or deceptive act or practice in the business of insurance the denial of health care coverage to any individual, or the exclusion of medical benefits under health care coverage to any covered individual, based solely on that individual's casual or nonprofessional participation in skiing or snowboarding.

APPROVED by Governor March 22, 2002

EFFECTIVE March 22, 2002

S.B. 02-146 Medicare supplement insurance - premiums - refund in case of cancellation. Requires insurers to refund prepaid premiums for Medicare supplement insurance policies after 30 days of coverage at a prorated amount. Such refund is based on the subsequent full months of coverage being cancelled when the policyholder or certificate holder provides 30 days' notice of cancellation to the insurer.

APPROVED by Governor April 18, 2002

EFFECTIVE January 1, 2003

S.B. 02-188 Health insurance - uniform prescription drug cards. Requires all health benefit plans with prescription drug benefits to issue to the named insured, upon issuance of a health benefit plan and when there is a change of coverage to the

insured, a prescription card containing uniform information. Exempts from this requirement the children's basic health plan and health maintenance organizations that supply benefits to plan subscribers through an in-house drug or pharmacy outlet.

APPROVED by Governor June 7, 2002

EFFECTIVE January 1, 2003

H.B. 02-1003 Health insurance - small employer groups - health maintenance organizations - excess loss insurance minimum - direct contracting for Medicaid - disease management - encouragement of nursing education - public-private partnership for education and information concerning the nursing shortage - health care systems interim committee - Medicaid waivers - statewide pilot program for state employee benefits. Clarifies the definition of "small employer" to address instances when only one employee is enrolled in the group health benefit plan for the small employer. Requires the commissioner of the division of insurance (commissioner) to promulgate a rule concerning the documentation that may be required by a small employer carrier to substantiate that a business group of one meets the requirement of working at least 24 hours per week. Requires the commissioner to promulgate a rule concerning geographic areas that may be considered case characteristics.

Modifies the statutory authority of the commissioner for rules governing the design of the standard and basic health benefit plan that must be offered by a small employer carrier. Allows the basic health benefit plan to be:

- A high deductible health benefit plan that must be offered in conjunction with a medical savings account or federally comparable account (MSA) in which the employer contributes to the MSA;
- A high deductible plan that may be offered in conjunction with an MSA;
- A plan with a \$2,500 deductible in which the employer provides monetary coverage for the first \$1,000 of coverage through a personal care account; or
- A basic health benefit plan as determined by rule by the commissioner.

Clarifies when an individual health benefit plan may be considered creditable coverage for the purpose of minimum participation requirements for small employer group health benefit coverage. Allows a health benefit plan issued to a business group of one to exclude, deny coverage for, or limit benefits for losses incurred for preexisting conditions up to 12 months after the date of enrollment of the individual in such plan. Excludes short-term limited duration health benefit policies from being considered an individual health benefit plan for the purposes of eligibility for small group health insurance.

Allows a health maintenance organization to offer coverage outside of its service area. Requires disclosure to consumers concerning service area. Allows for balance billing in certain circumstances. Provides an exemption for person who are so severely disabled that reasonable travel would be a hardship. Changes the standard for seeking covered emergency care for enrollees within an HMO to a

prudent lay person standard. Allows an HMO to use deductible amounts as a cost-sharing mechanism in addition to copayments.

Increases the amount of excess loss coverage of a self-insured employer from \$10,000 to \$15,000 per person enrolled in the health benefit plan on and after January 1, 2003.

Requires that advance practice nurses who work in a rural area and who are not practicing under the supervision of a physician, not be discriminated against when establishing reimbursement rates for covered services that could be provided by an advance practice nurse or a physician.

Requires a carrier that discontinues coverage from a market segment, but not from the Colorado market in general, to continue coverage through the first renewal period after the 6-month notice period not to exceed 12 months. Allows a health insurance carrier to cross state lines to comply with existing requirements for network adequacy. Restricts which out-of-state health care providers may contract with a carrier.

Allows the department of health care policy and financing (the department) to contract directly with health care providers for the purposes of Medicaid. Sets out criteria for such direct contracting. Allows the department to create and implement disease management programs for Medicaid recipients to address over- and under-utilization or the inappropriate use of services or prescription drugs. Allows the department to apply for waivers to the federal government for the Medicaid program to enhance flexibility and cost-effectiveness of the Medicaid program.

Encourages the consortium work force investment board and the department of labor and employment to inform eligible individuals of the educational opportunities in practical nursing. Creates a public and private partnership for education and information concerning the nursing shortage. Requires the commission on higher education to evaluate and implement 2-year educational programs for professional registered nurses.

Creates an interim committee to evaluate health care systems. Sets out the composition of the interim committee, required number of meetings, and areas of evaluation by the interim committee.

Allows the director of the department of personnel to develop and implement a statewide pilot program concerning health benefits for state employees.

Makes certain sections related to short-term limited duration health benefit policies of this act contingent upon the enactment of House Bill 02-1136.

APPROVED by Governor
June 7, 2002

PORTIONS EFFECTIVE
June 7, 2002
January 1, 2003

NOTE: Final action by the General Assembly was not taken on House Bill 02-1136 and the bill is deemed lost.

H.B. 02-1005 Prohibited policy changes - failure to comply with child support order. Prohibits an insurer from cancelling, failing to renew, refusing to write, reclassifying an insured under, reducing coverage under, or increasing a premium on an insurance policy because the applicant for insurance, the insured, or any resident of the household of the applicant or the insured, has had his or her driver's license suspended for failing to comply with a child support order.

APPROVED by Governor March 13, 2002

EFFECTIVE August 7, 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. 02-1013 Small employer group health insurance - definitions - preexisting conditions. Clarifies that a small employer that enrolls only one employee in a group health benefit plan must provide documentation to the small employer carrier that the small employer employed at least 2 or more individuals in the period covered by its 2 most recent quarterly employment and tax statements so as not to be considered a business group of one.

Requires the commissioner of insurance to promulgate a rule concerning what documentation satisfies the requirement that a business group of one has worked 24 hours per week.

Allows a health benefit plan issued to a business group of one to exclude, deny coverage for, or limit benefits for losses incurred for preexisting conditions up to 12 months after the date of enrollment of the individual in such plan.

APPROVED by Governor June 7, 2002

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. 02-1050 Motor vehicle insurance - no-fault - personal injury protection - premiums - required disclosures. Requires an auto insurance carrier to provide a statement of the cost savings if the insured opts for managed care. Clarifies that the cost savings may be expressed either as a dollar savings on the personal injury protection policy term premium or as a percentage of the premium. Requires an auto insurance carrier to add to the managed care disclosure form an acknowledgment, in capitalized or underlined type, that the managed care provision is optional coverage and that the insured understands that the discount for the managed care option only applies to the personal injury protection portion of the insured's premium. Removes other typeface requirements for the managed care disclosure form.

APPROVED by Governor April 19, 2002

EFFECTIVE January 1, 2003

H.B. 02-1121 Motor vehicle insurance - no-fault - disclosure of terms to insureds - when required. Authorizes an insurer to provide the required explanations of all available motor vehicle insurance coverages upon or after the issuance of the binder.

APPROVED by Governor March 26, 2002 **EFFECTIVE** August 7, 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. 02-1158 Life and health insurance protection association - succession to rights of insolvent insurer - conditions - payment of premiums due. Specifies that, with respect to covered insurance policies of a member insurer for which the life and health insurance protection association (association) has become responsible, the association may elect to succeed to the rights of the insolvent member insurer under a reinsurance contract if the association pays unpaid premiums due with respect to policies covered by the association both before and after the date of the order of liquidation.

APPROVED by Governor March 26, 2002 **EFFECTIVE** March 26, 2002

H.B. 02-1164 Health insurance - small group coverage - plan options. Makes legislative findings. Increases the types of health insurance products to be offered by a small employer carrier to small employer groups. Choices include a high-deductible plan that may be a traditional indemnity plan, a preferred provider plan, a health maintenance organization plan, or a point of service plan. Allows these additional high-deductible plans to be offered in conjunction with a medical savings account. Requires a small employer carrier to provide disclosure concerning the deductible amount and the policies related to copayments, deductibles, and cost-sharing arrangements.

APPROVED by Governor April 19, 2002 **EFFECTIVE** January 1, 2003

H.B. 02-1220 Mandated coverage - hearing aids - children - appropriation. Declares that hearing loss may contribute to the impairment of early language development in children. Mandates that insurance providers cover hearing aids for minor children when medically appropriate. Includes a new hearing aid every 5 years, or when needed, and services and supplies for such hearing aid in such mandated coverage. Requires that such coverage shall be provided with the same annual deductible or copayment established for all other covered benefits within the insured's policy.

Authorizes the carrier to require that services be provided by an appropriate experienced audiologist who is affiliated with the carrier prior to covering the hearing aids. Subjects such coverage to utilization review.

Appropriates \$1,728 to the department of health care policy and financing, indigent care program, children's basic health premiums, for implementation of this

act.

VETOED by Governor May 24, 2002

H.B. 02-1305 Motor vehicle insurance - personal injury protection - criminal abuse. Adds automobile personal injury protection insurance to the list of types of insurance subject to the criminal prohibition on abuse of health insurance.

APPROVED by Governor April 25, 2002

EFFECTIVE April 25, 2002

H.B. 02-1353 Managed care plans - adjustments to health care claims. Requires that adjustments to health care claims be made within 12 months after the date of the original explanation of benefits except in the case of adjustments to claims paid under a risk assumption or risk sharing agreement, which must be made within 6 months after the last date of service. Requires adjustments to claims related to coordination of benefits with federally funded health plans to be made within 36 months after the date of service. Prohibits retroactive adjustment of claims based on eligibility for coverage if the health care provider (provider) received eligibility verification within 2 business days prior to delivery of service.

Allows a health coverage carrier (carrier) to report to a provider that eligibility for health care coverage is contingent upon payment of a premium. If a carrier makes such a report, requires the carrier to provide an electronic or written mechanism that verifies coverage or to institute a policy prohibiting adjustments to claims unless the carrier can prove that the enrollee never appeared as eligible for coverage to the provider on any verification mechanism. Requires each carrier to provide one or more mechanisms by which a provider can determine if a person is covered by such carrier.

Allows a provider to collect payment from the enrollee if the enrollee's coverage is terminated for non-payment of a premium. Allows a carrier to require an enrollee to reimburse the carrier for claims paid if the enrollee is ineligible for coverage on the date of service or if the enrollee has committed fraud or material misrepresentation. Prohibits the retroactive adjustment of a claim based on eligibility if the provision of benefits occurs within a statutorily required grace period.

Requires any adjustment by a carrier to recover an overpayment to include a written explanation of the adjustment and an explanation of the dispute resolution process or appeals procedure. Requires the explanation to be provided to the provider and the enrollee as applicable. For claims adjusted due to coordination of benefits, upon request of the provider, requires the carrier to provide an explanation as to who is responsible for payment of the claim.

Requires every contract between a carrier and a policyholder to contain a provision explaining the policyholder's requirement to pay premiums through the

date of notification to the carrier that an individual on the policy will no longer be covered or the date of cancellation of a group policy.

Exempts fraudulent insurance claims from the requirements of this act. Clarifies that the provisions of this act regarding retroactive adjustment of a claim apply only to managed care plans.

APPROVED by Governor May 30, 2002

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.

LABOR AND INDUSTRY

S.B. 02-6 Workers' compensation - benefits - exposure to hepatitis C. Provides that, under the "Workers' Compensation Act of Colorado", the exposure to or contraction of hepatitis C by a firefighter, emergency services provider, or peace officer shall be presumed to be within the course and scope of employment if:

- A baseline test is provided by the employer or insurer within 5 days after the reported exposure, which must be reported by the employee within 2 days after the employee knew or reasonably should have known of the exposure;
- The baseline test establishes that the employee was not infected with hepatitis C at the time of the on-the-job exposure;
- The employee complies with reasonable and necessary medical procedures paid for by the employer or insurer during the 24-month period after exposure; and
- The employee is determined to have hepatitis C within 24 months after the on-the-job exposure to the known or possible source.

Specifies that the exposure to or contraction of hepatitis C by a firefighter, emergency services provider, or peace officer shall not be deemed to be within the course and scope of employment if an employer or insurer shows by a preponderance of the evidence that such exposure or contraction did not occur on the job. Requires the employer or insurer to pay for required baseline testing within 5 days after a reported on-the-job exposure to hepatitis C and for reasonable and necessary medical procedures and treatment for such exposure for 24 months after the on-the-job exposure.

Makes this act applicable to claims for workers' compensation arising on or after May 16, 2002.

APPROVED by Governor May 16, 2002

EFFECTIVE May 16, 2002

H.B. 02-1135 Workers' compensation - Colorado compensation insurance authority - name change - Pinnacol Assurance. Changes the name of the Colorado compensation insurance authority (CCIA) to Pinnacol Assurance (Pinnacol). Also renames the Colorado compensation insurance authority fund as the Pinnacol Assurance fund (fund) and changes the title of the manager of CCIA to the chief executive officer of Pinnacol.

Specifies that only the general assembly may dissolve Pinnacol and that Pinnacol shall operate as a domestic mutual insurance company. Adds 2 additional members to the Pinnacol board of directors (board). Clarifies that the existing members of the board shall continue to serve to the completion of their terms. Requires a member of the board to disclose ownership interests of at least 10% in any entity that contracts with Pinnacol.

Allows the state treasurer to continue to control and invest the moneys in the fund until there is a reasonable surplus in the fund, at which time the fund shall be transferred out of the state treasury and into the custody of the board. The board shall thereafter control the investment of the fund. Prohibits Pinnacol from

acquiring or controlling any other insurer.

Specifies that all revenues, moneys, and assets of Pinnacol belong solely to Pinnacol and that the state has no claim to nor any interest in such revenues, moneys, and assets for any purpose.

Prohibits Pinnacol from refusing to insure any Colorado employer or canceling any insurance policy due to the risk of loss or the amount of premium unless specifically authorized by law.

Eliminates the existing requirement that the board post copies of rate schedules.

Deletes obsolete provisions.

APPROVED by Governor June 7, 2002

EFFECTIVE July 1, 2002

H.B. 02-1235 Employment support fund - continuation beyond scheduled repeal date - repeal of funding for certain programs. Continues the existence of the employment support fund beyond its currently scheduled repeal date of July 1, 2003. Repeals funding for labor standards, labor relations, and the Colorado works grievance procedure from the employment support fund on July 1, 2003.

APPROVED by Governor April 3, 2002

EFFECTIVE August 7, 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. 02-1331 Employment security act - electronic communications, transactions, and records. Authorizes the division of employment and training to accept and use electronic communications, transactions, and records while administering the "Colorado Employment Security Act". Such communications, transactions, and records may include certain notices and requests and may also be used for setting or meeting certain deadlines.

APPROVED by Governor April 19, 2002

EFFECTIVE April 19, 2002

H.B. 02-1409 Petroleum storage - inspection and calibration - funding. Extends from 2003 to 2007 the repeal date of a provision that authorizes the use of moneys in the petroleum storage tank fund to cover the costs of storage tank facility inspections and meter calibrations.

APPROVED by Governor June 1, 2002

EFFECTIVE August 7, 2002

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

MILITARY AND VETERANS

S.B. 02-23 National guard of Colorado - new ribbons awarded. Authorizes the national guard of Colorado to award the following new ribbons:

- Non-commissioned officer/soldier/airman of the year ribbon;
- Commendation ribbon;
- Achievement ribbon;
- Adjutant general's outstanding unit citation;
- State emergency service ribbon;
- Foreign deployment service ribbon;
- State mobilization support ribbon;
- Recruiting ribbon.

APPROVED by Governor April 15, 2002

EFFECTIVE April 15, 2002

S.B. 02-99 Military and veterans affairs - state military - active duty. Generally updates state military statutes as follows:

- Defines "saboteurs", "terrorists", "state defense force", and "state defense force active duty";
- Permits the fresh pursuit of terrorists by state military forces into another state and the arrest of those terrorists;
- Clarifies the provision that permits women to enlist in the state military forces and their appointment by the governor in the same manner as men;
- Permits the governor to use the state military forces for implementation of the Emergency Management Assistance Compact and for training for state missions;
- Allows the adjutant general to promulgate rules without following the state administrative procedures act;
- Clarifies that the pay for staff hired by the adjutant general is to be consistent with the pay for equivalent positions under the state personnel system;
- Permits retired officers, warrant officers, and non-commissioned officers to perform state active duty with pay or as a volunteer;
- Clarifies that any military equipment personally owned by a member of the national guard is exempt from levy or sale under writ of attachment or writ of execution;
- Raises the fine from \$100 to \$300 for anyone barring a uniformed member of the national guard from a public accommodation or common carrier and allows the award of attorney fees for offenses committed on and after July 1, 2002;
- Raises the fine for employment discrimination against a member of the military forces of the state from \$500 to \$5,000 and allows such member to bring an action for damages or equitable relief for offenses committed on and after July 1, 2002;
- Clarifies that any person who obstructs or interferes with a member of the national guard in the performance of his or her duty may be placed

- under guard and is guilty of a class 3 misdemeanor;
- Adds a criminal penalty of a \$5,000 fine and the award of attorney fees in a civil action for the violation of the rights to military leave, reinstatement, and pension benefits of public employees and the rights to military leave, reemployment, and benefits of private employees;
- Deletes the limitation of \$5 per person per year on the amount that may be annually appropriated to the unit fund for each unit of the Colorado national guard;
- Exempts judges, clerks of municipal courts, members of county fire and police departments, and persons convicted of any felony from state military service or state defense force active duty;
- Authorizes the governor to organize and maintain a state defense force;
- Permits the fresh pursuit of terrorists by another state's military forces into Colorado, or by this state's defense forces into another state, and the arrest of those terrorists;
- Clarifies that a member of the national guard or the state defense force may be arrested for any crime committed while not in actual performance of his or her duty;
- Provides that the period of enlistment shall be specified by the department of military affairs; and
- Makes the state military statutes gender neutral.

APPROVED by Governor May 24, 2002

EFFECTIVE May 24, 2002

S.B. 02-100 Veterans - burial of indigent veterans - county responsibilities. Repeals and reenacts existing statutes regarding the burial of veterans, with the following changes:

- Names the new part 5 the "Interment of Deceased Veterans Act of 2002";
- Eliminates the list of wars and conflicts for which military service would qualify an indigent veteran for burial by the county and replaces it with a general description of the types of service that would qualify the veteran for such burial;
- Repeals the cap of \$50 on the indigent veteran burial expenses for a county and permits the board of county commissioners to set the maximum expense by resolution;
- Repeals the cap of \$50 on an indigent veteran's headstone and permits the board of county commissioners to set the maximum expense by resolution;
- Clarifies that the county in which a veteran lived is required to reimburse the county where the veteran is buried for the costs of the burial and headstone;
- Permits the state to acquire and maintain any cemetery subdivisions in the state for the burial of indigent veterans instead of only in cities or towns where certain veterans organizations exist;
- Repeals the requirement that the care and maintenance of those cemetery subdivisions be vested in certain local veterans organizations, and instead permits the care and maintenance of those cemetery subdivisions to be vested in the city, town, city and county,

or county where located or in certain local veterans organizations.

APPROVED by Governor April 12, 2002

EFFECTIVE April 12, 2002

H.B. 02-1139 State military service - active state duty - civil relief - discrimination - penalties - remedies. Establishes relief in civil matters for persons called to state military service or active duty for more than 30 days. Generally permits a court to stay proceedings involving such persons for the duration of the service or duty, and for up to 30 days after, or to otherwise dispose of the case in order to conserve the interests of the parties, in cases involving:

- Civil proceedings;
- Proceedings involving residential property;
- Actions involving installment contracts; or
- Actions to enforce mortgage obligations or other secured interests in property.

Requires the court to stay the proceedings, unless the ability of the person to proceed or to fulfill his or her legal obligations is not materially affected. Requires the person to furnish a copy of his or her orders and a statement from the adjutant general verifying continuous service in order to receive any of these stays. Permits a court to require a recertification every 30 days.

Changes the criminal penalty for employment discrimination of any officer or enlisted person in the state military forces by raising the fine from \$500 to \$5,000. Also permits the person to sue for damages or for equitable relief for the discrimination.

Adds a class 6 misdemeanor criminal penalty, punishable by a fine of up to \$5,000, and the award of attorney fees, in addition to damages or equitable relief, in a civil action.

APPROVED by Governor May 29, 2002

EFFECTIVE July 1, 2002

H.B. 02-1284 Board of veterans affairs - World War II memorial - need-based grants - attendance at dedication. Permits the state to accept private gifts, grants, and donations for the purposes of providing need-based grants to defray the costs of veterans to attend the dedication of the world war II memorial in Washington, D.C. Creates a fund to accept those private moneys. Authorizes the board of veterans affairs to award grants to defray the costs of transportation, housing, or meals and caps any such award at \$1,000. Directs county veterans service offices to receive applications and to make recommendations to the board. Repeals the program, effective July 1, 2004.

Provides alternative sections to take effect contingent on the enactment of House Bill 02-1413.

APPROVED by Governor May 29, 2002

EFFECTIVE May 29, 2002

NOTE: House Bill 02-1413 was signed by the Governor April 21, 2002.

H.B. 02-1413 Department of military and veterans affairs - division of veterans affairs - board of veterans affairs - transfer of rights, property, and duties - reports - transfer of appropriations. Transfers by a **type 2** transfer the division of veterans affairs ("division") and the Colorado board of veterans affairs ("board") from the department of human services to the renamed department of military and veterans affairs ("DMVA"). Makes the following changes to existing law:

- Clarifies that the director of the division shall be appointed by the adjutant general;
- Clarifies that all employees whose primary duties were the veterans affairs or county veterans service office programs are to be transferred to the DMVA, retaining their rights and benefits;
- Clarifies that all property of the division and the board, including books, documents, and records, is to be transferred to the DMVA;
- Directs the DMVA and the department of human services to agree by September 1, 2002, on the method, scope, and procedures for the transfer of any property, mineral, and water rights involving the western slope veterans cemetery;
- Clarifies that all pending contract rights and obligations pertaining to the division and the board are to be transferred to the DMVA;
- Directs the board to serve in an advisory capacity to various state departments, agencies, and other entities regarding services provided to state veterans;
- Requires the board to study periodically the problems of veterans and to propose programs or statutory changes it may deem advisable;
- Directs the board, on or before December 31, 2002, and on or before December 31 each year thereafter, to report to the governor and the general assembly on the status of veterans programs administered by the various agencies of state government;
- Requires the department of human services, the department of labor and employment, and the department of revenue to provide information to the board for its annual report on veterans programs; and
- Requires the adjutant general to prepare a report to the governor and the general assembly, on or before September 30, 2003, on the creation and implementation of the DMVA.

Transfers \$2,134,023 and 12 FTE from the department of human services to the DMVA for implementation of the act.

APPROVED by Governor April 21, 2002

EFFECTIVE July 1, 2002

MOTOR VEHICLES AND TRAFFIC REGULATION

S.B. 02-14 Registration - commercial vehicles. Authorizes the registration of a commercial vehicle owned by a nonresident when such vehicle is not titled in Colorado but is registered in Colorado as part of a fleet. Limits such authorization to commercial vehicles with an apportioned registration. Requires the applicant for such registration to provide a copy of a current registration or title from a foreign jurisdiction and a copy of the lease agreement.

APPROVED by Governor March 5, 2002

EFFECTIVE August 7, 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. 02-57 Moving violations - alcohol and drug offenses - driving under the influence (DUI) - driving while ability impaired (DWAI) - recodification of statutes. Breaks the existing statutory section governing DUI and DWAI offenses, sobriety tests, sentencing, alcohol and drug treatment programs, and suspension and revocation of drivers' licenses into separate sections. Consolidates and clarifies definitions and amends cross-references accordingly.

APPROVED by Governor June 7, 2002

EFFECTIVE July 1, 2002

S.B. 02-72 Registration - multiple vehicles - fleet registration - special plates. Allows the department of revenue to adopt rules under which the operator of a fleet of motor vehicles, including trailers and pole trailers, may register the vehicles of such fleet and have them identified by special license plates that do not require an annual validating tab or sticker. Prohibits the discounting of registration fees in connection with such an arrangement.

APPROVED by Governor March 1, 2002

EFFECTIVE March 1, 2002

S.B. 02-112 Driver's licenses and identification cards - lawful presence in the United States. Requires an applicant for a driver's license or identification card to provide further proof that he or she is lawfully in the United States if the applicant submits to the division of motor vehicles within the department of revenue, as proof of age or identity, a driver's license or identification card from a state that issues licenses or identification cards to persons who are not lawfully in the United States.

APPROVED by Governor April 2, 2002

EFFECTIVE April 2, 2002

S.B. 02-132 Abandoned motor vehicles - towing - storage - public and private property. Divides the law dealing with abandoned vehicles into 2 parts based upon the distinction between vehicles that are abandoned on public property and those that are abandoned on private property.

Authorizes the law enforcement agency or towing carrier that tows and stores an abandoned vehicle to recover fees from the vehicle's owner.

Extends from 3 to 10 days the time a law enforcement agency has to report the tow of an abandoned vehicle from public property to the department of revenue. Authorizes the use of internet communications for such report. Repeals the requirement that such report contain a list of the names and addresses of any known drivers. Extends from immediate notification to notification within 30 minutes the time a tow operator has to notify the appropriate law enforcement agency of a nonconsensual tow from private property. Upon such notification, requires the law enforcement agency that receives such notice to assign the vehicle a case tow report number immediately and to make a notation in the Colorado crime information center computer system. Upon the release of the vehicle to the owner or lienholder, instructs the operator to notify the responsible law enforcement agent, and instructs such agent to adjust or delete the entry in the Colorado crime information center computer system.

Extends to 10 days:

- The time a law enforcement agency has to make a reasonable attempt to notify the owner of a towed abandoned vehicle.
- The time a tow operator has to report a tow to the department of revenue.

Authorizes such reports to be made via the internet. Raises from \$50 to \$100 the cap on the amount a tow operator may charge for sending such notices to the owner or lienholder.

Requires a towing carrier to send a notification to the owner and the lienholder within 10 working days after a vehicle has been towed from public property. Prohibits an operator from collecting storage fees caused by the failure to make a reasonable attempt to send such notification. Extends from 30 to 90 days the time a tow carrier or a law enforcement agency must hold a vehicle before such vehicle can be sold when such vehicle is a collector's item.

Extends from 5 to 10 days the time a towing carrier has to notify the owner of an abandoned motor vehicle before the towing carrier is prohibited from collecting storage fees prior to such notification. Requires such notification to include the tow report number.

Requires a law enforcement agency to pay towing charges and storage fees when it is determined at the appropriate hearing that the motor vehicle was illegally towed at the request of the law enforcement agency. Requires a finding by an administrative law judge of a violation of this act before an operator's registration is canceled.

Authorizes the payment of reasonable fees for recovering and securing a motor vehicle when it is discovered that a motor vehicle towed from private property has been reported stolen.

Repeals a requirement that a tow operator send a copy of a tow report to the responsible law enforcement agency.

When a tow operator is preparing to sell an abandoned motor vehicle to satisfy the operator's lien, repeals a provision that allows the owner of the motor

vehicle to delay such sale for 30 days by notifying the tow operator of an intent to claim the vehicle. Instructs a vehicle owner that failure to register a vehicle constitutes a waiver of such owner's right to be notified for the purposes of foreclosure of the lien on an abandoned vehicle.

Authorizes a tow operator to satisfy fees for selling, recovery, towing, and storage of a motor vehicle from the operator's lien. Authorizes the tow operator to satisfy the operator's lien from the personal property within or attached to the vehicle. Clarifies that a foreclosed motor vehicle may be sold through advertisement in any newspaper in Colorado. Clarifies that the sale of a vehicle valued at less than \$200 to a person with a proprietary interest in the operator is a commercially reasonable sale. Requires the buyer of a vehicle auctioned to satisfy the operator's lien to get a bonded title if the vehicle is less than 5 years old and the owner is unknown. Upon sale, requires the operator to destroy or discard personal property within a vehicle if the serial or identification number of such property has been visibly altered or removed. Requires the operator to notify the law enforcement agency of all personal property with serial or identification numbers.

Lowers from 30 to 10 days the time a vehicle owner has to comply with the law and reclaim the vehicle after the court has determined that the vehicle owner has violated registration or inspection laws.

Authorizes the commission to revoke or deny a towing carrier permit if such carrier has, within 5 years, been convicted of a felony.

Defines relevant terms. Redefines "abandoned motor vehicle" to include any vehicle left on a public road for 48 hours. Redefines "operator" to remove a prohibition on the public utilities commission licensing auto parts recyclers that receive remuneration. Deletes the terms "private tow" and "public tow".

APPROVED by Governor May 24, 2002

EFFECTIVE July 1, 2002

S.B. 02-158 Width limitations - recreational vehicles - farm vehicles. Excludes appurtenances on recreational vehicles from the vehicle width limitation of 8 feet 6 inches if such appurtenances do not cause the vehicle to exceed 9 feet 6 inches in width. Deletes limitations that prohibit motor vehicles that transport rectangular hay bales and do not exceed 10 feet 6 inches in width from exceeding 30 feet in length and from being a single unit, which includes trailers. Defines appurtenance.

APPROVED by Governor May 6, 2002

EFFECTIVE August 7, 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. 02-1011 Registration - special license plates - issuance - sunset. Sunsets the following special license plates on July 1, 2007, if such special license plates are not issued for at least 3,000 vehicles:

- The optional license plate;
- The United States Marine Corps special license plate;

- Alumni special license plates;
- The olympic committee special license plate;
- The special agriculture and natural resources license plate;
- The active and retired members of the Colorado National Guard special license plate; and
- Any special license plate issued by rule.

Removes the department of revenue's ("department") authority to issue special license plates pursuant to rule. Raises the threshold for issuing a special license plate by statute from 2,000 plates issued to 3,000 plates issued.

Requires all class C vehicles and all class B vehicles that are not recreational trucks and that weigh less than 16,000 pounds empty weight to be issued a standard license plate unless otherwise authorized by statute. Directs the department to issue only one type of plate to both passenger vehicles and light trucks.

Changes to \$25 the fee for issuance of the following special license plates:

- Military veterans special license plates that are not prisoner of war special license plates, disabled veteran special license plates, medal of honor special license plates, and purple heart special license plates;
- Alumni special license plates;
- The United States olympic committee special license plate;
- The special agriculture and natural resources license plate;
- The active and retired members of the Colorado National Guard special license plate; and
- Any special license plate issued by rule.

APPROVED by Governor April 12, 2002

EFFECTIVE August 7, 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. 02-1020 Driving restrictions - violation - enhanced penalty. Expands the application of enhanced penalties for violation of state-imposed driving restrictions requiring chains or adequate snow tires to apply to any such violation that causes the closure of any single travel lane.

APPROVED by Governor March 26, 2002

EFFECTIVE March 26, 2002

H.B. 02-1044 Registration - special license plates - qualifications - fees - American Indian license plate - Korean war veteran license plate. Establishes the American Indian special license plate for passenger cars or trucks that do not exceed 16,000 pounds empty weight.

Requires the Rocky Mountain Indian chamber of commerce to establish commitments for American Indian plate purchases for at least 2,000 American Indian plates and provide a list of the names and addresses of persons purchasing such plates to the department of revenue. Makes the Rocky Mountain Indian chamber of commerce responsible for the costs of designing the American Indian

plate. Requires the design for the American Indian plate to conform with standards established by the department of revenue.

Requires an applicant for the American Indian plate to give a donation to a scholarship fund, pay the normal fees plus an additional one-time \$25 fee, and fulfill all other appropriate requirements under the law. Administers the scholarship fund through a nonprofit organization, association, or corporation selected and supervised by the Colorado commission of Indian affairs. Credits the one-time \$25 fee to the highway users tax fund.

Establishes a veteran of the Korean war special license plate for trucks not exceeding 12,000 pounds empty weight, and for passenger cars, motorcycles, and noncommercial and recreational vehicles.

Establishes the following qualifications for certain special license plates:

- An applicant for a Denver firefighters' special license plate must be an active or retired Denver firefighter.
- An applicant for a Raptor Education Foundation special license plate must be a member in good standing of such foundation and qualified by such foundation to receive such plate.
- An applicant for a Rotary club special license plate must be a member of the Rotary club.
- An applicant for a Vietnam veteran special license plate must demonstrate that the applicant is a veteran of the armed services who served during the Vietnam engagement.
- An applicant for a United States army special license plate must demonstrate that the applicant is a veteran of or an active, reserve, or retired member of the United States army.
- An applicant for an Elks special license plate must be a member of the Benevolent and Protective Order of Elks.

APPROVED by Governor June 7, 2002

EFFECTIVE July 1, 2002

H.B. 02-1066 Motor vehicles - registration and taxation - license plate replacement program - biannual registration. Changes the date from January 1, 2004, to July 1, 2007, by which the department of revenue (department) is required to complete the license plate replacement program. Eliminates the date by which the department must begin the license plate replacement program.

Removes a requirement that the authorized agent of the department calculate shipping and handling license fees manually.

Changes from mandatory to discretionary the biannual registration of certain motor vehicles by the department.

APPROVED by Governor May 30, 2002

EFFECTIVE May 30, 2002

H.B. 02-1070 Child passenger restraint systems - enforcement. Declares that motor vehicle accidents are a leading cause of death and that children are particularly at

risk because many ride without the use of a proper restraint system. Declares that the use of specific restraint systems are the surest way to protect children and adults from injuries and deaths resulting from motor vehicle accidents.

Requires every child under the age of 16 years to be properly restrained while riding in a motor vehicle. Requires a rear-facing infant car seat for a child less than one year of age and less than 20 pounds; a forward-facing car seat for a child one year of age or older, but less than 4 years of age, and who weighs more than 20 but less than 40 pounds; a child booster seat for a child at least 4 but less than 6 years of age and who is less than 55 inches tall; and a safety belt for a child who is at least 6 but less than 16 years of age and is 55 inches tall or more.

Prohibits citing a driver of a motor vehicle for not having a child properly restrained in a booster seat unless the driver was stopped for another motor vehicle violation. Requires a law enforcement officer to issue a warning to a driver who does not properly restrain a child in a booster seat for one year after August 1, 2003. Prohibits issuing a citation for such period.

APPROVED by Governor June 4, 2002

EFFECTIVE August 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. 02-1071 Driver's licenses and identification cards - image comparison technology - access standards. Directs the department of revenue to promulgate rules that raise the standard that a government agency must meet before it can access image comparison technology used for driver's licenses. Requires the government agency to have a reasonable suspicion that a crime has been committed or will be committed and to have a reasonable suspicion that the subject of the search is the perpetrator or victim of such crime, or, alternatively, requires the department of revenue to have a reasonable suspicion that the subject has used a driver's license or identification card to create a false identity.

APPROVED by Governor April 25, 2002

EFFECTIVE April 25, 2002

H.B. 02-1131 Registration - special license plates - qualifications. Establishes certain qualifications for the following special license plates:

- An applicant for a Denver firefighters' special license plate must be an active or retired Denver firefighter.
- An applicant for a Raptor Education Foundation special license plate must be a member in good standing of such foundation and qualified by such foundation to receive such plate.
- An applicant for a Rotary club special license plate must be a member of the Rotary club.
- An applicant for a Vietnam veteran special license plate must demonstrate that the applicant is a veteran of the armed services who served during the Vietnam engagement.
- An applicant for a United States army special license plate must demonstrate that the applicant is a veteran of or an active, reserve, or

- retired member of the United States army.
An applicant for an Elks special license plate must be a member of the Benevolent and Protective Order of Elks.

APPROVED by Governor June 7, 2002

EFFECTIVE August 7, 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. 02-1189 Motor vehicles - registration - salvage vehicles - method of designation. Changes the special designation on the certificate of title for a salvage vehicle that has been made roadworthy from the single letter "S" to the phrase "REBUILT FROM SALVAGE".

APPROVED by Governor May 24, 2002

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. 02-1210 Parking privileges for persons with disabilities - special license plates for vehicles owned by a trust - authority of podiatrist to verify disability for issuance of temporary placard. Allows a person with a disability who drives a motor vehicle that is owned by a trust set up for such person to obtain special license plates that qualify the vehicle for disabled parking privileges.

Requires the department of revenue to issue a temporary distinguishing license permit and a temporary identifying placard to a temporarily disabled person for the purpose of obtaining disabled parking privileges upon presentation of a written statement that has been verified by a licensed podiatrist that such person is temporarily disabled. Requires the verification to be carried in the vehicle that is transporting the disabled person and to be presented to a law enforcement officer upon request.

APPROVED by Governor May 30, 2002

EFFECTIVE August 7, 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. 02-1244 Drivers' licenses and identification cards - identification security fund. States that all unexpended and unencumbered moneys in the identification security fund at the end of each fiscal year shall remain in the fund. Requires all interest derived from the deposit and investment of moneys in the fund to be credited to the fund.

APPROVED by Governor May 24, 2002

EFFECTIVE May 24, 2002

H.B. 02-1247 Theft - fuel piracy - appropriation. Creates the crime of fuel piracy, which is defined as knowingly leaving an establishment after dispensing fuel

without paying for such fuel. Imposes the following punishments for the crime of fuel piracy:

- A minimum fine of \$250;
- Class 3 misdemeanor penalties if the value of such fuel is less than \$100;
- Class 2 misdemeanor penalties if the value of such fuel is \$100 or more but less than \$500;
- A 6-month driver's license suspension upon conviction of a second offense, and a suspension of one year upon conviction of a third or subsequent offense.

Creates the fuel piracy computer reprogramming cash fund to implement this act. Authorizes such fund to receive appropriate gifts, grants, or donations.

Appropriates \$1,680 from the fuel piracy computer reprogramming cash fund to the department of revenue for the implementation of this act.

APPROVED by Governor June 3, 2002

EFFECTIVE July 1, 2002

H.B. 02-1338 Registration - emission testing - fees. Increases from \$15 to \$25 the statutory cap for a basic or enhanced emissions test for cars newer than model year 1981.

Withdraws independent inspection stations in Weld and Larimer counties from the clean screen payment program and authorizes such stations to continue collecting fees for such tests. Repeals an obsolete provision dealing with emissions stickers.

APPROVED by Governor June 7, 2002

EFFECTIVE September 1, 2002

H.B. 02-1400 Automated vehicle identification devices - areas permitted - service - operation. Limits the use of photo radar to school zones, streets that border a municipal park, and residential neighborhoods.

Repeals the requirement that tickets issued for violations detected by an automated vehicle identification device be served by a certified peace officer or deputy sheriff. Clarifies that the cost for service of process be actual costs and no more than usually charged for civil service of process.

Clarifies that the sign informing persons of an automated vehicle identification device must be a temporary sign posted not fewer than 300 feet before the device and not a permanent sign posted at the border of a county, city and county, or municipality.

Prior to serving tickets for speeding violations detected using an automated vehicle identification device, requires the device be operated by a governmental officer or employee.

Prohibits enforcing failure to pay a penalty for a violation detected using an

automated vehicle identification device through immobilizing the driver's vehicle.

For toll evasion violations detected by an automated vehicle detection device, prohibits the toll authority from reporting the violation to the department of revenue and the department of revenue from assessing points or keeping records of such violations.

APPROVED by Governor May 24, 2002

EFFECTIVE May 24, 2002

H.B. 02-1412 Certificate of title - fees - extension. Extends the time that a county clerk and recorder or manager of revenue may collect a \$2.30 fee for each application for a certificate of title. Extends the time that the moneys received from such fees shall be credited to the Colorado state titling and registration account.

APPROVED by Governor June 1, 2002

EFFECTIVE August 7, 2002

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

NATURAL RESOURCES

H.B. 02-1041 Severance tax trust fund - operational account - maintenance of 2-year operating balance. Requires the maintenance of a sufficient balance in the operational account of the severance tax trust fund to fund the recommended programs for 2 state fiscal years. During a state revenue crisis, allows the General Assembly to temporarily appropriate moneys from an existing reserve in the form of a loan to be repaid when funds are available.

APPROVED by Governor April 18, 2002

EFFECTIVE April 18, 2002

H.B. 02-1084 Wildlife commission - number of members - appropriation. Increases from 10 to 11 the number of members of the wildlife commission in the department of natural resources. Increases from 7 to 9 the number of voting members. Directs that the new member represents the public at large and may come from any district regardless of the 2 member per district rule. Directs the governor to appoint the new member as soon as possible but no later than June 1, 2002.

Appropriates \$5,868 from the wildlife cash fund to the department of natural resources, division of wildlife, for the implementation of this act.

APPROVED by Governor May 24, 2002

EFFECTIVE May 24, 2002

H.B. 02-1221 Wildlife management - black bears. Authorizes the division of wildlife to employ an agent to manage the black bear population so long as the agent is trained in wildlife procedures and operating under the direction of the division of wildlife.

APPROVED by Governor May 29, 2002

EFFECTIVE May 29, 2002

PROBATE, TRUSTS, AND FIDUCIARIES

S.B. 02-200 Probate of wills - notice and procedures - fiduciary powers. Subject to the provisions of a trust or will, authorizes and grants limited powers to a personal representative or other fiduciary to become a partner in a business interest without the necessity of court approval or specific language in the trust or will.

Allows notice of a hearing on a petition under the "Colorado Probate Code" to be given to an interested party's attorney of record or designee. States that a motion for court permission to publish the notice of a hearing in probate is not required unless otherwise directed by the court. Specifies the requirements for notice by publication of a hearing in probate.

Increases the dollar limits for exempt property to which a surviving spouse is entitled, the family allowance, and the collection of personal property by affidavit for small estates. Makes the increase in such dollar limits applicable to estates of decedents dying on or after July 1, 2002.

Provides that the presumption that tangible personal property in the joint possession or control of the decedent and the surviving spouse is held in joint tenancy with right of survivorship does not apply to tangible personal property that is devised in a memorandum for the disposition of tangible personal property. Makes the change in the presumption applicable to estates of decedents dying on or after July 1, 2002.

Clarifies that reasonable expenses associated with administering and investigating the ownership of property held by a decedent as a fiduciary or trustee can be paid from such property before the decedent's estate pays a claim for such property. Makes such change applicable to estates of decedents dying on or after July 1, 2002.

APPROVED by Governor May 28, 2002

EFFECTIVE July 1, 2002

PROFESSIONS AND OCCUPATIONS

S.B. 02-4 Alcohol beverages - licensees - financial assistance to state institutions of higher education. Allows manufacturers, wholesalers, and other entities in the liquor industry to provide financial assistance to a state institution of higher education, or to the governing board of such institution, if the institution has been issued a liquor license.

BECAME LAW April 23, 2002

EFFECTIVE July 1, 2002

S.B. 02-5 Motor vehicle dealers - licensing - unlicensed activity - penalties - investigations. Prohibits a person whose license has been denied, suspended, or revoked from engaging in activities for which a motor vehicle dealer's license, used motor vehicle dealer's license, motor vehicle wholesaler's license, or motor vehicle salesperson's license is required. Punishes a first offense as a class 1 misdemeanor and a second or subsequent offense as a class 6 felony.

When a person is charged with violating this prohibition or existing prohibitions on similar activity, and the person is thereafter convicted or the case is disposed of under a plea bargain or other arrangement other than an acquittal, requires the court to give notice of conviction or other disposition to the motor vehicle dealer board (board). Directs the board to investigate and determine whether such person was in fact unlicensed at the time of the violation and, if so, to suspend or revoke any other licenses the person may have held and to not issue or reinstate any license to the person for a period of one year.

Clarifies that, for purposes of disciplining licensees, certain violations must directly and necessarily involve commerce or motor vehicles.

Allows investigators of the department of revenue to issue misdemeanor summonses for violations. Adds such investigators to the existing definition of a peace officer, level II, for the limited purpose of issuing such summonses.

APPROVED by Governor March 22, 2002

EFFECTIVE August 7, 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. 02-196 Real estate - brokers - relationship types - vicarious liability. Declares that individual members of the public should not be held liable for the acts or omissions of real estate brokers that have not been approved, directed, or ratified by such individuals. Establishes designated brokers to serve as a single agent for a client within a brokerage. Except for the purposes of the vicarious liability of an employing broker, limits the public's legal relationship with brokers to the individual broker they engage.

Requires the nature of the brokerage relationship to be disclosed in writing to the person engaging such broker. Prohibits dual agency and subagency real estate brokerage relationships. Prohibits members of the public from being held

vicariously liable for the acts and omissions of their real estate broker unless the act or omission was approved, directed, or ratified.

Clarifies the following:

- That the brokerage relationship does not extend from the individual broker to the broker's employer.
- That a transaction-broker is not a dual agent.
- That a brokerage relationship may exist for only one transaction unless otherwise specifically agreed.
- The nature of the duty of a buyer's or tenant's agent to inspect the property.
- A broker's duties when acting as an agent.
- That this act does not limit a firm's responsibility to supervise licensees employed therein, nor does it shield such firm or broker from vicarious liability.

APPROVED by Governor June 1, 2002

EFFECTIVE January 1, 2003

S.B. 02-203 Nurses - nurse diversion program - actions against licenses. Clarifies that the state board of nursing may seek remedies that have an impact on a nurse's license if the nurse voluntarily enters the nurse diversion program.

APPROVED by Governor May 28, 2002

EFFECTIVE May 28, 2002

S.B. 02-207 Liquor enforcement division - state licensing authority - cash fund - fee increases - appropriation. Changes the name of the liquor enforcement division cash fund to the liquor enforcement division and state licensing authority cash fund. Increases the amount of state license fees that is transferred to the cash fund. States that the moneys in the cash fund shall be used to fund the state licensing authority as well as the liquor enforcement division. States that the amounts of fees for processing applications, notices, or reports shall reflect the direct and indirect costs of the state licensing authority as well as the liquor enforcement division.

Increases annual state fees by \$25 for the following licenses issued by the state licensing authority:

- License to manufacture fermented malt beverages;
- Wholesaler's license to sell fermented malt beverages;
- Retailer's license to sell fermented malt beverages;
- Nonresident fermented malt beverage manufacturer's license;
- License to import fermented malt beverages;
- Manufacturer's license for a brewery;
- Manufacturer's license for a winery;
- Manufacturer's license for a distillery or rectifier;
- Manufacturer's license for a limited winery;
- Importer's license;
- Wholesaler's liquor license;
- Wholesaler's beer license;

- Retail liquor store license;
- Liquor-licensed drugstore license;
- Beer and wine license;
- Hotel and restaurant license;
- Resort-complex-related facility permit;
- Tavern license;
- Optional premises license;
- Retail gaming tavern license;
- Brew pub license;
- Club license;
- Arts license;
- Racetrack license;
- Public transportation system license; and
- Bed and breakfast permit.

Eliminates the maximum amount of the fee the state licensing authority may charge corporate applicants and limited liability companies for the cost of fingerprint analysis and background investigation undertaken to qualify new officers, directors, stockholders, members, or managers.

Appropriates \$1,050 to the department of revenue for allocation to the liquor enforcement division for the implementation of this act. Adjusts appropriations to the department of revenue in the 2002 general appropriations act.

APPROVED by Governor May 28, 2002

EFFECTIVE July 1, 2002

S.B. 02-221 Horse racing - annual race days - purse funds - simulcasting. Extends the repeal of certain horse racing statutes for 5 years, which effects the following changes:

- Delays changing the requirement to qualify as a class B track from 30 annual race days to 50 annual race days or 60 annual race days for tracks in their 3rd year of operation.
- Delays changing the number of days from at least 30 annual race days to 50 annual race days, or 60 annual race days for tracks in the 3rd year, that a track must race to require the licensee's consent to simulcast to another in-state facility that is within 50 miles.
- Continues authorization for a facility to receive no more than 250 days of simulcast horse races from an out-of-state host track.
- Delays authorization for a facility to receive 3 days of simulcast horse races from an out-of-state host track for each day of live horse racing conducted at such horse track.
- Delays changing the number of days from at least 30 annual race days to 50 annual race days or 60 annual race days for tracks in the 3rd year that a track must race before certain prohibitions on using simulcasts from out-of-state race facilities apply.
- Delays the repeal of a requirement that greyhound racing facilities remit one percent of the gross receipts of pari-mutuel wagering placed on simulcast horse races at the simulcast facility.
- Continues authorization for a simulcast facility at a class B track to

retain up to 20% of the net purse earned and payable to the horse purse funds.

APPROVED by Governor June 1, 2002

EFFECTIVE August 7, 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. 02-1031 Nurses - retired volunteer licenses - eligibility. Eliminates the requirement that a nurse who applies for a retired volunteer nursing license must have retired within the past 4 years to receive such a license.

APPROVED by Governor March 13, 2002

EFFECTIVE August 7, 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. 02-1040 Alcohol beverages - licensing applications - master file - criminal history record checks. Allows an applicant who is seeking multiple alcohol beverage licenses to request that the state licensing authority create a master file of information relating to the applicant for purposes of all such applications. Requires an applicant or licensee who has been issued a master file to report all changes to information in the master file within 30 days after any change. Prohibits a local licensing authority from requiring applicants with an approved master file to file additional information for criminal history record checks.

Requires an applicant for an alcohol beverage license to submit fingerprints for the purpose of a fingerprints-based criminal history record check. Allows an applicant who has previously submitted fingerprints to request that the fingerprints on file be used for any additional criminal history record checks. Requires a licensing authority to use the results from the criminal history check to investigate and determine if an applicant is qualified for an alcohol beverage license. Allows a licensing authority to request additional information from an applicant if certain conditions exist.

APPROVED by Governor March 13, 2002

EFFECTIVE August 7, 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. 02-1078 Boxing - state boxing commission - organization - transfer of authority and appropriations. Moves the office of boxing and the Colorado state boxing commission (commission) from the office of the executive director of the department of regulatory agencies to the division of registrations in the department of regulatory agencies. Repeals certain of the division director's powers and expands the director's disciplinary authority.

Requires the commission to license seconds and inspectors. Deletes the requirement that the commission establish license fees by rule. Eliminates the

boxing cash fund and requires all moneys collected by the commission to be credited to the division of registrations cash fund.

Transfers appropriations and FTE from the office of boxing to the division of registrations.

APPROVED by Governor April 25, 2002

EFFECTIVE July 1, 2002

H.B. 02-1087 Racing - veterinary services - temporary or emergency situations - expenses - deduction. Allows a licensed operator for the racing of animals to provide veterinary services to an animal, at the operator's expense, in temporary or emergency situations with the approval of and under the direction of an agent of the division of racing events.

Permits the licensed operator to deduct the amount paid for temporary or emergency veterinary services from the license fees and fines paid to the department of revenue. Prohibits the deducted amount from exceeding the amount set by the racing commission for temporary or emergency veterinary services.

APPROVED by Governor April 3, 2002

EFFECTIVE August 7, 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. 02-1088 Notaries public - false advertising - notice of non-attorney status. Allows the secretary of state or the secretary of state's designee to deny the application of any person for appointment or reappointment as, or to revoke the commission of, any notary public if such notary public knowingly uses false or misleading advertising to represent a level of authority not permitted to a notary public.

Requires a notary public who is not licensed to practice law and who advertises his or her services in a language other than English to include a notice in English and also in the language of the advertisement advising the public that such notary public is not an attorney and cannot give legal advice and to post a list of fees for notarial services in English and also in the language of the advertisement at the notary public's place of business.

Prohibits a notary public who is not an attorney from representing or advertising himself or herself as an immigration consultant or an expert on immigration matters. Prohibits such notary public from providing any service that constitutes the unauthorized practice of law.

APPROVED by Governor March 21, 2002

EFFECTIVE August 7, 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. 02-1089 Racing - simulcasting - approval by racing commission - requirements. Expands the definition of "class A track" to include a reopening class A track that has not run a meet within the past 3 years.

Allows a reopening class A track to operate as a simulcast facility after the Colorado racing commission (commission) has approved its application for simulcasting and its application for race dates to hold a race meet within the following 12 months.

Permits simulcasting at a class A horse track at which a licensee has held within the previous 12 months, or is scheduled to hold within the following 12 months, a race meet of at least the duration required of a class A horse track.

Authorizes the commission, for good cause, to permit a licensed class A track to receive simulcast races at an alternate location within 5 miles of its track during the times when the track is not in operation.

APPROVED by Governor May 24, 2002

EFFECTIVE July 1, 2002

H.B. 02-1090 Nurse aides - advisory committee to study medication administration - report. Creates an advisory committee to assist with a study of the administration of medications by certified nurse aides in long-term care facilities and through home health care agencies. Requires the committee to provide input to the department of regulatory agencies regarding the results of such study.

Directs the department of regulatory agencies, in its sunset review report regarding the certification of nurse aides, to include the benefits and risks associated with using nurse aides as medication aides; the effect of the use of medication aides on the level of patient care; the level of experience required in order to qualify to train as a medication aide; the extent and content of classroom training and education required to be a medication aide; the extent and limit to the scope of practice of a certified nurse aide who has completed training as a medication aide; and supervision requirements for medication aides.

APPROVED by Governor June 7, 2002

EFFECTIVE June 7, 2002

H.B. 02-1117 Acupuncturists - regulation - continuation under sunset law. Changes the registration of acupuncturists to the licensure of acupuncturists. Allows qualified acupuncturists from other jurisdictions to apply for licensure by endorsement. Grants rule-making authority to the director of the division of registrations to establish rules regarding licensure by endorsement.

Extends the automatic termination date of the regulation of persons who practice acupuncture to July 1, 2013, pursuant to the provisions of the sunset law.

APPROVED by Governor March 13, 2002

EFFECTIVE March 13, 2002

H.B. 02-1120 Massage parlors - licensing - continuation under sunset law. Clarifies that the licensing requirement pertaining to character is that the applicant or the

applicant's employees, assistants, or financier should have good "moral" character. Removes the licensing requirement that the massage parlor applicant or the applicant's employees, assistants, or financier cannot have a bad reputation.

Extends the automatic termination date for the licensing of massage parlors to July 1, 2015, pursuant to the provisions of the sunset law.

APPROVED by Governor March 26, 2002

EFFECTIVE March 26, 2002

H.B. 02-1130 Real estate - appraisers - continuation of regulation under sunset law - confidentiality of disciplinary records - continuing education credits. Continues the board of real estate appraisers in the division of registrations in the department of regulatory agencies until July 1, 2013. Makes records that originated in a dismissed disciplinary proceeding and records from disciplinary proceedings that are still in progress confidential pursuant to the open records act. Prohibits the board from granting continuing education credits for attendance at the board's meetings.

APPROVED by Governor April 12, 2002

EFFECTIVE April 12, 2002

H.B. 02-1153 Credit reporting agencies - use of consumer's social security number - prohibition against furnishing records of inquiries not initiated by the consumer. Requires a credit reporting agency, when preparing a consumer report, to follow reasonable procedures to assure the accuracy of the information contained in a consumer credit report, including the use of the consumer's social security number if, in accordance with current law:

- The consumer's social security number is provided to the agency by a person intending to use the consumer report in connection with a credit transaction involving the consumer; and
- The consumer initially provided the social security number to the user in connection with the transaction.

Precludes credit reporting agencies from furnishing to any person a record of inquiries in connection with a credit or insurance transaction that is not initiated by the consumer. Clarifies that "credit or insurance transaction that is not initiated by the consumer" does not include inquiries resulting from the collection of an account or for purposes of reviewing an account.

APPROVED by Governor April 25, 2002

EFFECTIVE April 25, 2002

H.B. 02-1154 Limited gaming - retail gaming facilities - alcohol beverages - removal from licensed premises - prohibition. Prohibits an individual from removing an alcohol beverage from a licensed retail gaming facility where the liquor license for such facility allows only on-premises consumption of alcohol beverages.

Prohibits any retail gaming licensee who holds a license issued by the limited gaming commission to knowingly permit the removal of an alcohol beverage from a licensed premises that is licensed only for on-premises consumption of alcohol beverages. Prohibits charging any such licensee with permitting the removal of an

alcohol beverage from the licensed premises if the licensee has either stationed personnel at each exit of the premises to stop such removal or posted a sign prohibiting such removal.

APPROVED by Governor March 26, 2002

EFFECTIVE August 7, 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. 02-1229 Controlled substances - record-keeping functions - license fees - continuation of regulation of addiction programs under sunset law - appropriation. Transfers the licensing and record-keeping functions relating to the use of controlled substances by researchers, analytical laboratories, and addiction programs from the department of public health and environment to the department of human services.

Requires license fee revenue and other moneys received by the department of human services to be deposited into a newly created fund, the controlled substances program fund, rather than into the general fund of the state. Repeals the regulatory functions relating to researchers and analytical laboratories on July 1, 2002.

Extends the automatic termination date of the regulation of addiction programs to July 1, 2007, pursuant to the provisions of the sunset law.

Appropriates \$500 from the controlled substances program fund to the department of human services, alcohol and drug abuse division, administration section, for the implementation of this act.

APPROVED by Governor May 28, 2002

EFFECTIVE May 28, 2002

H.B. 02-1230 Optometrists - continuation of state board under sunset law - scope of practice - applications - discipline. Extends the automatic termination date of the state board of optometric examiners in the division of registrations in the department of regulatory agencies until July 1, 2011, pursuant to the provisions of the sunset law.

Allows optometrists to use oral antiviral agents. Eliminates existing requirements for consultation with a physician in specified circumstances. Requires a valid prescription for the replacement of contact lenses. Modifies application and examination procedures. Specifies that licensees may request a hearing concerning disciplinary proceedings. Adjusts the disciplinary criteria by redefining unprofessional conduct as related to controlled substance and alcohol abuse and adding deferred sentence pleas to felony charges.

APPROVED by Governor March 21, 2002

EFFECTIVE July 1, 2002

H.B. 02-1250 Games of chance - state-supervised lottery - continuation of the lottery division under sunset law - investigations - audits. Allows investigators employed by the division to purchase lottery tickets for investigative purposes, but

not to qualify for prizes. Requires the state auditor to conduct annual financial audits of the division and, once every 5 years, to conduct an extensive performance analysis and evaluation and report to the general assembly. Lists the factors and criteria for such evaluation and report.

Extends the automatic termination date of the lottery division in the department of revenue to July 1, 2024, pursuant to the provisions of the sunset law.

APPROVED by Governor May 6, 2002

EFFECTIVE May 6, 2002

H.B. 02-1278 Physicians - licensure - residents - internships - fellowships - appropriation. Creates physician training licenses for persons who are participating in an internship, residency, or fellowship. Defines what is an approved fellowship. Sets out the requirements for a physician training license and application process. Allows a person with a physician training license to be disciplined pursuant to existing grounds for unprofessional conduct for a physician.

Requires the board of medical examiners to inform a physician who supervises a physician training licensee or the internship, residency, or fellowship program of any written complaint concerning the licensee. Allows the board to release records to a supervising physician concerning a physician training licensee so long as the supervising physician does not disclose such records to any other person.

Appropriates \$3,228 from the division of registrations cash fund to the department of regulatory agencies for implementation of this act.

APPROVED by Governor May 24, 2002

EFFECTIVE August 7, 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. 02-1321 Bingo and raffles - regulation by secretary of state - games managers - progressive games - pull tab games - bingo-raffle advisory board - appropriation. Requires certification of games managers by the secretary of state (licensing authority). Prohibits a person from serving as a games manager for more than 3 bingo-raffle licensed organizations simultaneously. Allows the licensing authority to promulgate rules allowing a person to serve as a games manager for more than 3, but not more than 5, organizations within a specified period of time. Disqualifies any person who has been convicted of a felony or any offense involving gambling.

Includes within the definition of "licensee" the former holder of a license or certification for purposes of investigation of activities that took place during the period when the license or certification was effective.

Prohibits a landlord licensee from awarding a cash prize in any amount, or products or services having a value greater than \$1,000, at premises where games of chance are conducted. Requires a landlord licensee to display or otherwise

demonstrate ownership of all prizes offered, to award all such prizes within the same calendar quarter in which they were offered, and to file a written report to the licensing authority within 10 days after awarding a prize. Eliminates the licensing authority's jurisdiction over rental rates charged by landlord licensees.

Increases the regulatory powers of the licensing authority to allow suspension or revocation of a license for failure to file reports as required, to exclude individuals from premises where games of chance are conducted, and to challenge the legality of a newly instituted game or practice after the expiration of the 45-day period in which such game or practice is deemed approved. Limits transfers of proceeds derived from bingo and raffle activity among affiliated persons and entities. Requires licensees to submit to inspection by the licensing authority for the purpose of accounting for such proceeds.

Eliminates the existing bingo-raffle cash fund and transfers the remaining balance to the department of state cash fund. Requires the licensing authority to account to the general assembly for revenues and expenditures on a quarterly basis. Prohibits the sale of unauthorized games of chance or supplies for unauthorized games of chance.

Redefines "pull tab game" and defines a "deal" of pull tabs. Allows progressive bingo and progressive pull tab games using more than one deal and carrying over, from one bingo occasion to another, of prizes for one special bingo game in which the winner covers a previously designated pattern of squares within a specified number of attempts. Exempts such progressive and special games from the existing dollar limit on prizes while requiring at least 70% of the proceeds from such progressive and special games to be paid as prize money. Limits the maximum prize in a progressive pull tab game to \$5,000.

Directs the licensing authority to promulgate rules to ensure that the licensee can pay its charitable gaming debts.

Where a violation of the "Bingo and Raffles Law" also constitutes a violation of the criminal code for which a greater penalty is specified, allows prosecution under the criminal code and imposition of the corresponding penalty.

Allows the bingo-raffle advisory board to meet 6 times a year rather than once per month.

Appropriates \$8,731 and 0.1 FTE to the department of state and \$584 to the department of law for implementation of the act. Transfers current-year appropriations from the bingo-raffle cash fund to the department of state cash fund upon closure of the bingo-raffle cash fund.

APPROVED by Governor June 7, 2002

EFFECTIVE August 7, 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. 02-1339 Alcohol sales - retail - temporary permits. Requires an applicant for a temporary permit, pending transfer of an alcohol license, to provide a copy to the

state licensing authority of the statement confirming that all alcohol beverage accounts are paid. Clarifies that such statement is a public record.

APPROVED by Governor May 30, 2002

EFFECTIVE July 1, 2002

H.B. 02-1447 Board of nursing - direct care provider career path pilot program - appropriation. Creates a 3-year direct care provider career path pilot program ("pilot program"). Conditions the implementation of the pilot program on the approval of necessary federal waivers. Specifies that the pilot program shall be conducted in southwest Colorado.

Directs the state board of nursing ("board") in the division of registrations within the department of regulatory agencies to consult with interested stakeholders and to promulgate rules implementing the pilot program. Requires the board to establish and seek input from a direct care advisory committee ("advisory committee"), made up of interested stakeholders from southwest Colorado, in the development and implementation of the pilot program. Specifies that the rules for the pilot program shall provide for a 3-tier paraprofessional certification for persons performing the tasks of a nurse aide. Specifies that funding for certification under the pilot program shall be from federal medicaid and medicare programs. Identifies certain requirements and restrictions for each nurse aide career level that the rules of the board shall include.

Directs the board to approve education programs in southwest Colorado for education and training of persons participating in the pilot program. Specifies that the board shall coordinate the education and training efforts with the state board for community colleges and occupational education and the local work force investment boards. Directs the state board for community colleges and occupational education to coordinate the efforts of interested stakeholders to achieve the common goal of improved recruitment and retention of direct care paraprofessionals. Imposes a reporting requirement. Repeals the act, effective July 1, 2008.

Appropriates \$1,667, which shall be from application fees, to the department of regulatory agencies, division of registrations, for the implementation of the act.

APPROVED by Governor June 1, 2002

EFFECTIVE July 1, 2002

PROPERTY

S.B. 02-160 Uniform Dissolution of Marriage Act - disposition of property. Creates a rebuttable presumption that certain gifts from one spouse to the other, regardless of whether the gifts are made in trust, are marital property and not separate property. Specifies that the terms "property" and "an asset of a spouse" in an action under the "Uniform Dissolution of Marriage Act" do not include any interest a party may have as an heir at law of a living person or any interest under certain donative third party instruments. Specifies that such interests shall not be considered as an economic circumstance or other factor.

APPROVED by Governor June 1, 2002

EFFECTIVE June 1, 2002

S.B. 02-161 Deeds of trust - foreclosure. Provides definitive guidelines for property owners, public trustees, and lenders in the foreclosure process. Limits the number of liens that are afforded redemption rights if recorded after the foreclosure commences. Eliminates the bonding requirement for certain financial institutions in the commencement of a foreclosure proceeding. Modifies the time frame for notices and information regarding cure and redemption figures that are provided to the public trustee.

APPROVED by Governor June 7, 2002

EFFECTIVE July 1, 2002

S.B. 02-165 Unclaimed military awards - exception from sale requirement. Requires the state treasurer to retain or loan to the Colorado state veterans center in Homelake, Colorado, or an alternate state facility selected by the treasurer any military medal or decoration or other military award or citation that is delivered to the treasurer as abandoned property rather than requiring the treasurer to sell the property. Specifies that the treasurer is to retain or loan the property until the owner claims the property and the treasurer allows the claim.

APPROVED by Governor April 19, 2002

EFFECTIVE August 7, 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. 02-230 Public trustees - property in public trustee's county - releases of deeds of trust. Clarifies which public trustee is the proper public trustee to issue releases of deeds of trust. Specifies that the public trustee of the county in which the property was located at the time of executing documents or performing other acts required of a public trustee, or at the time the deed of trust was recorded, is the proper public trustee to issue documents or perform acts and that all such documents may be recorded in either of these counties.

Makes the act applicable to documents issued or recorded and to acts performed on or after November 15, 2001.

APPROVED by Governor June 1, 2002

EFFECTIVE June 1, 2002

H.B. 02-1191 Colorado common interest communities - court approved amendments to declarations - conveyance of common elements - budgets - matters for executive sessions. Allows a court approved amendment to the declaration of a preexisting common interest community, notwithstanding any limitation in the governing instruments.

Clarifies that common elements of a condominium may continue to be conveyed as otherwise permitted by statute, notwithstanding the prohibition on partitioning such common elements.

Extends the time for an executive board of a common interest community to deliver a summary of a proposed budget to the unit owners from 30 days to 90 days. Allows unit owners to meet to consider the proposed budget within a reasonable time after the notice. Allows the proposed budget to be deemed approved, unless the required percentage of unit owners veto it.

Expands the matters for discussion by an executive or closed session to include matters pertaining to a managing agent's contract or the review of or discussion relating to any written or oral communication from legal counsel.

APPROVED by Governor May 30, 2002

EFFECTIVE August 7, 2002

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

PUBLIC UTILITIES

H.B. 02-1169 Telecommunications - intrastate providers - rates and charges - terms and conditions of service - notice. Authorizes a provider of regulated intrastate telecommunications service to decrease rates or change terms and conditions of service after filing with the commission and keeping open for public inspection for 14 days the schedule, including what the changes will be and when the changes will become effective, unless the public utilities commission determines that additional notice of the change of terms and conditions of service is in the public interest.

APPROVED by Governor April 3, 2002

EFFECTIVE August 7, 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. 02-1319 Railroad rights-of-way crossings - condemnation. Makes legislative findings. Allows a public utility, municipal utility, cooperative electric association, or power authority to condemn a right of way across a railroad right-of-way to install its own facilities if the crossing is compatible with the railroad's use of its right-of-way. Establishes procedures for the condemnation action, including reimbursement of the public utilities commission's expenses in determining the terms, conditions, and compensation for the crossing.

BECAME LAW June 8, 2002

EFFECTIVE June 8, 2002

H.B. 02-1415 Cooperative electric associations - net metering. Requires cooperative electric associations to make net metering services available to customers that generate electricity from solar, wind, biomass, or hydropower. Requires such associations to provide customers with a credit equal to the associations' avoided cost. Makes customers liable for the costs of installing and maintaining the net metering system and requires the customers to indemnify the association for liabilities incurred by third parties as the result of the installation or operation of the net metering system.

Establishes the basis for rates and charges, including a reasonable backup or standby fee. Requires net metering systems to meet established safety and performance standards and exempts existing net metering systems. States that the new net metering provisions do not extend or enhance the jurisdiction of the public utilities commission over cooperative electric associations. Defines terms.

APPROVED by Governor June 3, 2002

EFFECTIVE July 1, 2002

STATUTES

S.B. 02-25 Colorado Revised Statutes - enactment of 2001 statutes. Enacts the softbound volumes of Colorado Revised Statutes 2001 as the positive and statutory law of the state of Colorado and establishes the effective date of said publication.

APPROVED by Governor March 5, 2002

EFFECTIVE March 5, 2002

S.B. 02-159 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 the appendix to this act.

APPROVED by Governor June 1, 2002

EFFECTIVE June 1, 2002

TAXATION

S.B. 02-87 Income tax - Colorado watershed protection fund voluntary contribution. Requires that, for income tax years commencing on or after January 1, 2002, but prior to January 1, 2005, a voluntary contribution designation line for the Colorado watershed protection fund shall appear on individual income tax return forms. Creates the Colorado watershed protection fund in the state treasury.

Directs the department of revenue to determine annually the total amount designated to the Colorado watershed protection fund and to report such amount to the state treasurer and to the general assembly. Directs the state treasurer to credit such amount to the fund.

Requires the general assembly to appropriate annually from the Colorado watershed protection fund to the department of revenue its costs of administering moneys designated as contributions to the fund. States that all moneys remaining in the fund at the end of a fiscal year shall be transferred to the Colorado water conservation board in the department of natural resources. Directs 2 designees of the board and 2 designees of the water quality control commission in the department of public health and environment to administer the moneys in the fund, in consultation with the Colorado watershed assembly, a nonprofit corporation.

States that the Colorado water conservation board and the water quality control commission shall use the moneys to award grants to qualified residents of Colorado to work toward the restoration and protection of land and natural resources within watersheds in Colorado. Specifies that such grant moneys shall not be used for lobbying or for any other political purpose, the costs of litigation, or to remove any diversion or improvement structure.

APPROVED by Governor June 3, 2002

EFFECTIVE August 7, 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. 02-157 Property tax - possessory interests. Specifies that the property tax on a possessory interest in real or personal property that is exempt from taxation shall be assessed to the holder of the possessory interest and collected in the same manner as property taxes assessed to owners of real or personal property. States that such property tax shall not become a lien against the property but rather a debt due from the holder of the possessory interest to the taxing authority. Authorizes the taxing authority to recover such taxes due by direct action in debt.

Provides that neither the assessor nor the treasurer shall treat any possessory interest in exempt property as taxable property omitted from the tax list and warrant for any property tax year prior to 2001.

Repeals provisions regarding taxation of possessory interests that were declared unconstitutional by the Colorado supreme court.

Makes the act applicable to property tax years commencing on or after January 1, 2001.

APPROVED by Governor June 1, 2002

EFFECTIVE August 7, 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. 02-201 Colorado commission on taxation - extension of time to complete duties - qualifications and reappointment for members - center for state and local government fiscal analysis. 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. Specifies additional qualifications for members of the commission and requires reappointment of members based on such qualifications.

Requires the Colorado commission on taxation to make recommendations regarding the creation of a center for state and local government fiscal analysis, including the structure, financing, and time required to establish the center. Requires the commission to create a business plan for the center and conduct initial fundraising efforts to establish the center.

VETOED by Governor May 24, 2002

S.B. 02-218 Sales tax - TABOR refund mechanism - repeal of 105% overrefund requirement. 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 (Taxpayer's Bill of Rights) be calculated to refund 105% of the amount of excess state revenues required to be refunded that are not refunded by other refund mechanisms.

APPROVED by Governor June 1, 2002

EFFECTIVE June 1, 2002

H.B. 02-1008 Uranium mill tailings remedial action program fund oversight committee - extension of repeal date. Extends the repeal date for the uranium mill tailings remedial action program fund oversight committee until July 1, 2007.

APPROVED by Governor March 27, 2002

EFFECTIVE March 27, 2002

H.B. 02-1057 Sales tax - rate for truck sales - timing and allowance of excess revenue refund mechanism. Allows the excess state revenue refund mechanism that reduces the state sales tax rate on specified trucks to be implemented annually based upon the March revenue estimate of legislative council staff rather than the June revenue estimate. Modifies existing statutory provisions to allow the existence and the adjusted amount of excess revenues required to trigger the refund mechanism for a given state fiscal year to be determined before the sales tax rate is reduced.

APPROVED by Governor April 19, 2002

EFFECTIVE April 19, 2002

H.B. 02-1059 Income tax - credit for contributions to Colorado institute of technology - delay implementation - clarify amount of allowable credit - certification of contribution. Corrects the name of the institute to which Colorado taxpayers are to make monetary contributions in order to qualify for an income tax credit by changing the name from the nonexistent Colorado institute for telecommunication education to the Colorado institute of technology. Delays implementation of the income tax credit until income tax years commencing on or after January 1, 2002, instead of January 1, 2001, and retains the priority of the credit in relation to other income tax credits that are mechanisms to refund excess state revenues.

Clarifies the amount of the credit that may be claimed by a taxpayer. Requires the Colorado institute of technology to issue a certification to taxpayers who make donations to the institute and to provide a list of all such certifications, including the amount of the donation, to the department of revenue on a monthly basis. Requires taxpayers claiming the credit to submit the certification with their income tax return.

APPROVED by Governor April 5, 2002

EFFECTIVE April 5, 2002

H.B. 02-1076 Tax refund offset - prerequisites - hearing by controller. Allows a tax refund offset for a debt that has been determined to be owing to a state-supported institution of higher education (institution), the student loan division of the department of higher education (student loan division), and the Colorado student obligation bond authority division of the department of higher education (CSOBA) by a judicial decision or a final agency determination by such entity. Allows CSOBA to claim a tax refund offset if the debt has been reduced to judgment. Requires that a debtor be afforded his or her due process rights prior to a final agency determination for debts owed to an institution, the student loan division, or CSOBA.

Permits an institution, the student loan division, and CSOBA to certify to the department of revenue information about debtors who have been the subject of a final agency determination or judicial decision so that the institution may receive a disbursement of a debtor's tax refund offset. Permits CSOBA to certify information about debtors whose debt has been reduced to judgment.

Prohibits a debtor at a tax refund offset hearing before the state controller from contesting the validity of a debt owed, if the referring state agency certifies to the controller that the debt was previously the subject of a final agency determination, judicial decision, or judgment.

APPROVED by Governor March 26, 2002

EFFECTIVE August 7, 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. 02-1085 Property tax - notice of objection to valuation - deadlines. Standardizes deadlines for taxpayers to give notice to property tax assessors in

writing or in person of their objection to valuations of taxable real property. Applies to property tax years beginning on or after January 1, 2003.

APPROVED by Governor March 21, 2002

EFFECTIVE August 7, 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. 02-1098 Income tax - credit for conservation easement - compliance with federal law. Requires a conservation easement for which a state income tax credit is claimed to be eligible to qualify as a qualified conservation contribution pursuant to the federal internal revenue code and federal regulations. Specifies that a taxpayer who claims a credit for a conservation easement contrary to law shall be liable for such deficiencies, interest, and penalties as are provided by law.

APPROVED by Governor May 24, 2002

EFFECTIVE August 7, 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. 02-1160 Income tax - United States olympic committee voluntary contribution. Reestablishes that the voluntary contribution designation line for the United States olympic committee shall appear on Colorado state individual income tax return forms for income tax years commencing on or after January 1, 2002, but prior to January 1, 2005.

Specifies that the United States olympic committee voluntary contribution designation program shall not be continued if, beginning January 1, 2003, and ending September 30, 2004, the aggregate amount designated on Colorado income tax returns for the United States olympic committee does not equal or exceed 10% of the aggregate amount contributed to all checkoffs during such period.

APPROVED by Governor May 20, 2002

EFFECTIVE August 7, 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. 02-1161 Enterprise zones - maximum population - public access to information - contributions to promote community development - entities not taxed as corporations - enhanced rural enterprise zones - designation criteria - termination - additional tax credit. Increases the maximum population of an area proposed for designation as an enterprise zone from 80,000 to 100,000 for rural areas.

States that information provided by companies claiming enterprise zone credits shall be considered public records. Requires enterprise zone administrators to preserve such information for 5 years and make it available to the public.

Requires that the portion of any county within a designated enterprise zone be designated as an enhanced rural enterprise zone if the county that contains the

area to be designated meets 2 or more of the following criteria:

- The unemployment rate in the county is at least 50% above the state average unemployment rate;
- The population growth rate in the county is less than 25% of the state average population growth rate;
- The average per capita income in the county is less than 75% of the state average per capita income;
- The total assessed value of nonresidential property in the county ranks in the lower half of all counties; and
- The population of the county is 5,000 or less.

Requires the executive director of the department of local affairs to determine whether each county meets the criteria. Requires the executive director to produce a list of eligible counties.

States that counties that no longer meet the criteria are terminated as enhanced rural enterprise zones. Preserves tax benefits earned while a county had enhanced rural enterprise zone status. Requires the executive director of the department of local affairs to establish procedures to allow credits to taxpayers who took actions in reliance on agreements for long-term investments in enhanced rural enterprise zones.

Allows taxpayers who have planned business activities in enterprise zones and enhanced rural enterprise zones that are terminated to claim tax credits.

States that for income tax years commencing on or after January 1, 2003, contributions to promote nonprofit or government-funded community development projects in enterprise zones shall qualify for the 50% tax credit for contributions to implement the economic development plan of an enterprise zone.

For income tax years commencing on or after January 1, 2003, allows taxpayers who establish new business facilities in an enhanced rural enterprise zone to take a \$2,000 income tax credit for each new business facility employee working in the enhanced rural enterprise zone, in addition to the existing enterprise zone credit. Allows such taxpayers who manufacture or process agricultural commodities to take an additional \$500 tax credit for each such employee.

Permits enhanced rural enterprise zone tax credits to be carried forward for up to 7 years.

Permits partnerships, S corporations, limited liability companies, and other entities electing not to be taxed as corporations to pass through enterprise zone credits to their investors.

Applies to tax years commencing on or after August 7, 2002.

APPROVED by Governor June 3, 2002

EFFECTIVE August 7, 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. 02-1176 Income tax - court appointed special advocates voluntary contribution. Creates the Colorado court-appointed special advocates (CASA) fund in the state treasury.

Requires that, for income tax years commencing on or after January 1, 2002, but prior to January 1, 2005, a voluntary contribution designation line for the Colorado court-appointed special advocates (CASA) fund shall appear on individual income tax return forms.

Directs the department of revenue to determine annually the total amount designated to the Colorado court-appointed special advocates (CASA) fund and to report such amount to the state treasurer and to the general assembly. Directs the state treasurer to credit such amount to the fund.

Requires the general assembly to appropriate annually from the Colorado court-appointed special advocates (CASA) fund to the department of revenue its costs of administering moneys designated as contributions to the fund. States that all moneys remaining in the fund at the end of a fiscal year shall be transferred to the Colorado court-appointed special advocates (CASA), a Colorado nonprofit agency.

Makes legislative findings and declarations.

APPROVED by Governor May 13, 2002

EFFECTIVE May 13, 2002

H.B. 02-1208 Sales tax - mobile telecommunications service - limitations - compliance with federal law - resolution of disputes. Specifies that, in accordance with the federal "Mobile Telecommunications Sourcing Act" (federal act), mobile telecommunications service taxable by local government on or after August 1, 2002, may be subject to any local government sales tax or other charge only if the customer's place of primary use is within the geographical boundaries of the local government.

Specifies that, in accordance with the federal act, on or after August 1, 2002, the state may only impose a sales tax on mobile telecommunications service that is provided to a customer whose place of primary use is within Colorado and that originates and terminates within the same state. Specifies that in accordance with the federal act, on or after August 1, 2002, mobile telecommunications service provided to a customer whose place of primary use is outside the borders of the state of Colorado is exempt from Colorado sales tax.

Requires any customer that disputes the imposition of a state or local government tax, fee, or charge on the customer's mobile telecommunications service bill, or disputes the designation of place of primary use or taxing jurisdiction, to first notify the service provider prior to pursuing legal action. Requires the service provider to make a determination on the customer's complaint within a specified time and to either refund or credit any erroneous tax, fee, or charge, or notify the customer in writing if the service provider determines that no error was made.

APPROVED by Governor April 12, 2002

EFFECTIVE April 12, 2002

H.B. 02-1211 Deficiencies - hearing - waiver - final determination. Allows a taxpayer to waive a hearing before the executive director of the department of revenue (executive director) and appeal a notice of tax deficiency directly to the district court if the taxpayer and the executive director agree that the disposition of the case requires the resolution of a question of constitutional law.

Authorizes the executive director to designate a qualified person within the department to specifically hear a case when a disputed income tax deficiency is more than \$200 and involves an income tax.

Requires the executive director to make a final determination on a disputed tax deficiency within 60 days of the hearing on the deficiency. Allows the deadline to be extended by up to 60 days by mutual agreement of the executive director and the taxpayer. Further allows the deadline to be extended by the executive director in the executive director's discretion if the final determination raises issues that require additional information or time to analyze. Allows successive extensions by the executive director, but limits each extension to 60 days and requires written notice specifying the reasons for each extension to be mailed to the taxpayer.

APPROVED by Governor April 12, 2002

EFFECTIVE July 1, 2002

H.B. 02-1219 Income tax - frivolous returns - penalties. Defines "frivolous return" and assesses a civil penalty to a person for filing such a return. Allows the executive director of the department of revenue to calculate an individual's Colorado taxable income and make an assessment based on such information as is available at the time the return is filed. Assesses a civil penalty to an employer who fails to provide a copy of any withholding certificate signed by an employee to the executive director.

APPROVED by Governor May 24, 2002

EFFECTIVE August 7, 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. 02-1241 Property tax - property tax deferral program - state loans to taxpayers - reduction in appropriation. Requires the state treasurer to loan money to a taxpayer participating in the property tax deferral program (program) in an amount equal to the taxpayer's deferred property taxes, and to disburse the loan directly to the county treasurer collecting the tax. Requires the loan to be made from moneys on deposit in the state treasury that are not immediately required to be disbursed and that the interest payments be credited to the general fund. Maintains the current interest rates from the program for the loans. Establishes that all past deferred real property tax paid by the state treasurer pursuant to the program shall be reclassified as an investment in a loan to a taxpayer. Repeals the limitation on how the state treasurer accounts for deferred tax certificates and the accrued interest thereon.

Reduces the appropriation to the department of treasury by \$382,878 for the 2002-03 fiscal year.

APPROVED by Governor May 24, 2002

EFFECTIVE July 1, 2002

H.B. 02-1265 Clarification that certain real property is residential for purposes of property taxation. Clarifies the status of certain real property as residential real property by specifying that for purposes of property taxation hotels and motels, which are subject to the 29% nonresidential real property assessment rate rather than the lower residential real property assessment rate, do not include:

- Residential units, which are defined as condominium units, single family residences, or townhomes, that are not hotel units;
- Certain residential units that would otherwise be classified as hotel units if a developer holds the units in inventory and markets the units primarily for sale to customers in the ordinary course of the developer's business;
- Certain residential units that would otherwise be classified as hotel units if the residential units are marketed for sale by a lender or an owners' association that acquired the residential units through foreclosure or similar transactions; or
- Residential improvements that are occupied in part by the owner or a lessee of the owner and also used in part as a bed and breakfast or a similar operation.

Specifies the manner in which the allocation of property tax liability among multiple owners with respect to any hotel unit in which a non-hotel unit owner owns a time share estate, time share use period, undivided interest, or partial ownership interest is to be determined. Defines terms.

Makes the act applicable to the taxation of residential units for property tax years commencing on or after January 1, 2002.

APPROVED by Governor June 7, 2002

EFFECTIVE August 7, 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. 02-1288 Property tax - exemption hearings - property underlying newly constructed taxable buildings - comparable properties for market approach - interest refunds for erroneously paid personal property tax. Establishes September 15 of each year as the deadline for an individual to request a hearing on the denial of a property tax exemption as a qualifying senior. Allows the county board of equalization to appoint independent referees to conduct such hearings. Requires an assessor to forward a report about the property tax exemptions for qualifying seniors to the property tax administrator no later than October 10 of each year.

Requires that the land underlying a newly constructed taxable building be assessed as residential land, and that such change be noted on the abstract of assessment for the tax year in which the assessor added the valuation of the building to such abstract.

If the market approach to valuation is used, creates a rebuttable presumption against using a residential property that was converted to a different residential use

as a comparable sale for establishing the value of a property having a similar prior residential use.

Requires that any refund of taxes or delinquent interest that is required to be paid to an appellant as a result of an order or judgment of the board of assessment appeals or the district court shall be paid to the appellant even if the appellant is not the current owner of the property.

Establishes that a county is no longer responsible for refund interest on taxes erroneously levied and collected as a result of an error made by the taxpayer in completing a personal property schedule.

APPROVED by Governor May 30, 2002

EFFECTIVE August 7, 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. 02-1358 Property tax - bed and breakfast. Defines "bed and breakfast" as used in the property tax statutes to mean an overnight lodging establishment, whether owned by a natural person or any legal entity, that is a residential dwelling unit or an appurtenance thereto, in which an innkeeper resides, or that is a building designed but not necessarily occupied as a single family residence that is next to, or directly across the street from, the innkeeper's residence, and in either circumstance, in which:

- Lodging accommodations are provided for a fee;
- At least one meal per day is provided at no charge other than the fee for the lodging accommodations; and
- There are not more than 13 sleeping rooms available for transient guests.

Defines "commercial lodging area" to mean a guest room or bathroom within a bed and breakfast that is offered for the exclusive use of paying guests on a nightly or weekly basis, and "innkeeper" to mean the owner, operator, or manager of a bed and breakfast.

Establishes the following method for assessing a bed and breakfast:

- The commercial lodging area is assessed at the nonresidential rate.
- Any part of the bed and breakfast that is not the commercial lodging area is assessed at the residential rate.
- The portion of land directly underneath a bed and breakfast is assessed based on the proportion of residential to nonresidential space in the bed and breakfast.
- Creates a rebuttable presumption that all of the remaining land containing a bed and breakfast is assessed as residential land. Such presumption may be overcome if there is a nonresidential use that is not reasonably associated with the operation of the bed and breakfast on a portion of the remaining land, and in such case, such portion of

- land is assessed at the nonresidential rate.
Creates an exception for agricultural land.

APPROVED by Governor June 7, 2002

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. 02-1364 Special fuel tax - gasoline tax - refund or credit - procedures and requirements. Requires the department of revenue (department) to refund or credit tax paid on special fuel that is lost or destroyed. Requires the department to refund tax on special fuel that is erroneously paid. Requires the department to refund or credit tax paid on special fuel that is purchased and used exclusively by certain governmental entities.

Requires the department to refund tax paid for gasoline or special fuel for certain uses that do not involve the operation of a motor vehicle upon the highways of this state. Limits such refund to purchases of gasoline or special fuel in quantities greater than twenty gallons. Requires the executive director of the department to calculate such refund in accordance with industry-specific percentages of exempt fuel use that can be justified based on the following:

- Studies done by industries that use gasoline or special fuel for such exempt purposes;
- Studies done by other states for refunds of tax imposed on gasoline or special fuel used for such exempt purposes; or
- Studies done by the department about the historical fuel usage for such exempt purposes.

Requires the executive director of the department to promulgate rules to establish such industry-specific percentages.

Establishes the procedural requirements for claiming a refund for tax paid on gasoline or special fuel. Establishes the criminal penalties for making a false claim to a refund for tax paid on gasoline or special fuel.

Eliminates the use of a metering device on a vehicle equipped with a power take-off unit for purposes of claiming a refund for tax paid on gasoline.

APPROVED by Governor May 24, 2002

EFFECTIVE May 24, 2002

H.B. 02-1399 Incentives for businesses - extension of maximum term - enterprise zones. Increases the maximum term for which a school district board of education, county, or municipality may negotiate a business incentive agreement with a taxpayer who establishes a new business facility from 4 years to 10 years. Requires a school district board of education to have a proposed business incentive agreement reviewed by the Colorado economic development commission before entering into the business incentive agreement.

Repeals a statutory provision that requires the creation and review of a plan

establishing criteria, procedures, and a schedule for the termination of enterprise zones or portions thereof that no longer meet specified criteria. Extends the period for which a taxpayer who meets specified criteria may claim specified enterprise zone tax benefits following the termination of an enterprise zone from 5 years to 10 years.

APPROVED by Governor June 3, 2002

EFFECTIVE June 3, 2002

H.B. 02-1401 Unemployment tax - tax credit. Continues indefinitely a credit of 20% for qualified employers against certain unemployment insurance taxes.

APPROVED by Governor June 1, 2002

EFFECTIVE August 7, 2002

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

TRANSPORTATION

S.B. 02-11 Motor carriers - intrastate operation - safety regulation. Subjects intrastate motor carriers to a civil penalty for a violation of the federal rules regarding motor carrier safety and transfers such penalties to the highway users tax fund. Prohibits the actions of an independent contractor from being imputed to a motor carrier absent control or supervision of the independent contractor. Bases such penalties on gravity of violation and degree of culpability, limits carriers' compliance history subject to review to 3 years, and prohibits consideration of carriers' ability to pay. Exempts the intrastate operation of implements of husbandry from the penalties. Gives the state patrol exclusive authority to conduct safety compliance reviews.

APPROVED by Governor April 18, 2002

EFFECTIVE April 18, 2002

S.B. 02-85 Public highway authorities - public input - decision-making process. Requires the board of a transportation authority to publish notice of the time and agenda of a regularly scheduled meeting at least 7 days prior to such meeting. Obligates such board to offer the public at least one hour to comment during such meetings.

Requires such board to promulgate and adhere to policies and procedures that govern its conduct and to provide meaningful opportunities for public input, including standards and procedures for calling an emergency meeting. Prohibits such board from delegating the following powers and decisions:

- Adoption of board policies and procedures.
- Approval of final roadway alignments.
- Ratification of acquisition of land by negotiated sale.
- Instituting an eminent domain action, which may be at a public hearing or in executive session.
- Initiating or continuing legal action, not including traffic or toll violations.
- Establishment of fee policies.

Clarifies that a transportation authority is subject to the open records laws.

APPROVED by Governor May 6, 2002

EFFECTIVE August 7, 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. 02-86 Construction projects - neighborhood notification - policies. Mandates that the transportation commission promulgate and implement written policies requiring notification and dissemination of information regarding transportation construction projects to the public, to residential neighborhoods, and to businesses that may be affected by transportation construction projects of the department of transportation. Specifies that such policies be based on a particular policy directive issued in 1999. Specifies the minimum requirements for such policies, including:

- Notification procedures to affected communities, residences, and businesses;
- Notification and signage requirements to be imposed upon contractors for transportation construction projects;
- Requirements for mitigation of impacts, including but not limited to noise, dust, and access to property from transportation construction projects.

States that such policies shall not be construed to reopen the project public participation process for transportation construction projects for which such public participation process has been completed prior to June 1, 2002.

APPROVED by Governor June 1, 2002

EFFECTIVE June 1, 2002

S.B. 02-179 Transportation finance - allocation of surplus - census adjustment - state fiscal year spending - RTD - ballot question authorized for sales tax increase - TABOR refund amount - HUTF revenues allocated to transit - statewide tolling enterprise - authorization - appropriation. On July 1, 2003, and on July 1 of each succeeding year, requires the transfer of any general fund surplus for the prior fiscal year, less the statutory 4% general fund reserve and less any excess state revenues, as follows:

- $\frac{2}{3}$ of the surplus to the highway users tax fund (HUTF); and
- $\frac{1}{3}$ of the surplus to the capital construction fund.

Requires the portion of the surplus transferred to the HUTF to be paid into the state highway fund for allocation to the Colorado department of transportation (CDOT) and to be expended for state highway reconstruction, repair, maintenance, and capital expansion projects.

Creates a growth dividend by allowing the constitutionally required adjustment of population to match the decennial federal census that is used in determining the maximum annual increase in state fiscal year spending permitted under section 20 of article X of the state constitution (TABOR) to occur over more than one fiscal year when the actual amount of state fiscal year spending for the first fiscal year in which such an adjustment can be made is insufficient to allow the state to recoup the full amount of all over-refunds that resulted from underestimates of population growth.

Allows a county that is located in whole or in part within the regional transportation district (RTD), and was therefore previously subject to a prohibition on developing, maintaining, and operating mass transportation systems, to provide transit services in cooperation with and pursuant to an agreement with the board of directors of the RTD.

Allows the RTD to submit to the eligible electors of the RTD at any general election or election held in November of an odd-numbered year a specified ballot question seeking approval to raise the rate of sales tax imposed by the RTD from 0.6% to 1% subject to the limitation that the RTD may submit the ballot question only if a petition requesting that the board submit the question has been signed by a number of registered electors within the RTD equal to 5% of the total number of

votes cast within the RTD for all candidates for the office of secretary of state at the previous general election. If the RTD sales tax rate is increased to 1%, allows the subsequent reduction of the sales tax rate to a rate below 1%, but no less than 0.6%, that will generate sufficient revenue to repay all RTD indebtedness obligated under the original sales tax rate increase upon approval of a second ballot question on such a decrease.

Eliminates the requirement that the state sales tax refund mechanism used to refund excess state revenues as required by TABOR be calculated to refund the amount of excess state revenues not refunded by other mechanisms by 105%.

Allows the operator of an automatic vehicle identification system for use on high occupancy vehicle lanes, high occupancy toll lanes, or other toll highways that was in operation on August 4, 1999, to replace the system with a different system that is not compatible with the original system subject to the approval of CDOT. Requires CDOT to amend its functional specifications and standards for such systems to require compatibility with any approved replacement system.

Requires at least 10% of all revenues transferred to the HUTF and credited to the state highway fund pursuant to the provisions of Senate Bill 97-1 to be expended for transit purposes or for transit-related capital improvements.

Authorizes the creation by the transportation commission (commission) of a statewide tolling enterprise (enterprise) that will operate as a government-owned business within CDOT and as a division of CDOT. Specifies that the commission shall serve as the board of the enterprise, but shall also, with the consent of the executive director of CDOT, appoint a director of the enterprise who shall possess qualifications as may be established by the commission and the state personnel board.

Specifies that the enterprise, and the commission when acting as the board of the enterprise, shall be a TABOR-exempt constitutional enterprise so long as the enterprise retains the authority to issue revenue bonds and receives less than 10% of its total annual revenues from government grants. Specifies that the records of the enterprise are public records and that the enterprise is a public entity for purposes of specified existing statutes relating to public securities.

Creates the statewide tolling enterprise special revenue fund (special fund). Allocates bond proceeds, toll revenues, and any other revenues of the enterprise to the special fund. Specifies that the enterprise may expend moneys in the special fund to fund the administration, planning, financing, construction, operation, maintenance, or repair of toll highways or to pay its operating costs and expenses.

Creates a statewide tolling enterprise operating fund and allows the transportation commission to transfer moneys from the state highway fund to the operating fund to defray expenses incurred by the enterprise prior to the receipt of bond proceeds or toll revenues by the enterprise. Requires the enterprise to reimburse the state highway fund for the full amount of any transfer made by the commission plus interest at a rate set by the commission.

Requires the commission to adjust toll rates, upon payment of certain costs and debt, so that the amount of toll revenues to be generated is as close as possible

to the amount required for the ongoing operation, maintenance, renewal, and replacement of the toll highway. Specifies the powers and duties of the commission when acting as the board of the enterprise, including but not limited to the power to determine and charge tolls, issue revenue bonds payable solely from the special fund, enter into public-private initiatives, and plan, construct, operate, and maintain a system of toll highways in the state and the duty to make an annual report to the general assembly.

Specifies that the traffic laws of the state and any municipality through which a toll highway passes and the enterprise's regulations regarding toll collection and enforcement shall pertain to and govern the use of the toll highway. Allows state and local law enforcement authorities to enter into traffic and toll enforcement agreements with the enterprise.

Specifies that the enterprise shall not be subject to the provisions of the "Procurement Code", but shall be subject to the provisions of the Colorado sunshine law and statutory open records requirements.

Appropriates \$5,843 to the department of law for the implementation of this act.

APPROVED by Governor May 30, 2002

EFFECTIVE August 7, 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. 02-1269 Roadside advertising - message center displays - remodeling and relocation as an alternative to the acquisition of signs. Permits certain advertising devices to include a message center display with movable parts and a changeable message that is changed by electronic processes or by remote control; except that advertising devices with message center displays may not:

- Include any illumination that is in motion or appears to be in motion, that changes in intensity or exposes messages for 4 seconds, or that has an interval between messages of less than one second;
- Be placed within 1,000 feet of another advertising device with a message center display; or
- Be placed in violation of federal law.

Prohibits advertising devices from including a message center display if the department of transportation (department) receives written notification from the applicable federal authority that such advertising device will directly cause the repayment or denial of federal moneys that would otherwise be available or that such advertising device would otherwise be inconsistent with federal law.

Permits the department to allow an advertising device that is otherwise permitted by the "Outdoor Advertising Act" to be remodeled or relocated in certain designated areas as an alternative to the removal or acquisition of such device; except that such remodeling or relocation will not be permitted if the department receives written notification from the applicable federal authority that such advertising device will directly cause the repayment or denial of federal moneys that

would otherwise be available or that such advertising device would otherwise be inconsistent with federal law.

APPROVED by Governor May 24, 2002

EFFECTIVE August 7, 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. 02-1310 Transportation finance - allocation of surplus - census adjustment - state fiscal year spending - RTD - ballot question authorized for sales tax increase - TABOR refund amount - HUTF revenues allocated to transit - statewide tolling enterprise - authorization - appropriation. On July 1, 2003, and on July 1 of each succeeding year, requires the transfer of any general fund surplus for the prior fiscal year, less the statutory 4% general fund reserve and less any excess state revenues, as follows:

- $\frac{2}{3}$ of the surplus to the highway users tax fund (HUTF); and
- $\frac{1}{3}$ of the surplus to the capital construction fund.

Requires the portion of the surplus transferred to the HUTF to be paid into the state highway fund for allocation to the Colorado department of transportation (CDOT) and to be expended for state highway reconstruction, repair, maintenance, and capital expansion projects.

Creates a growth dividend by allowing the constitutionally required adjustment of population to match the decennial federal census that is used in determining the maximum annual increase in state fiscal year spending permitted under section 20 of article X of the state constitution (TABOR) to occur over more than one fiscal year when the actual amount of state fiscal year spending for the first fiscal year in which such an adjustment can be made is insufficient to allow the state to recoup the full amount of all over-refunds that resulted from underestimates of population growth.

Allows a county that is located in whole or in part within the regional transportation district (RTD), and was therefore previously subject to a prohibition on developing, maintaining, and operating mass transportation systems, to provide transit services in cooperation with and pursuant to an agreement with the board of directors of the RTD.

Allows the RTD to submit to the eligible electors of the RTD at any general election or election held in November of an odd-numbered year a specified ballot question seeking approval to raise the rate of sales tax imposed by the RTD from 0.6% to 1% subject to the limitation that the RTD may submit the ballot question only if a petition requesting that the board submit the question has been signed by a number of registered electors within the RTD equal to 5% of the total number of votes cast within the RTD for all candidates for the office of secretary of state at the previous general election. If the RTD sales tax rate is increased to 1%, allows the subsequent reduction of the sales tax rate to a rate below 1%, but no less than 0.6%, that will generate sufficient revenue to repay all RTD indebtedness obligated under the original sales tax rate increase upon approval of a second ballot question on such a decrease.

Eliminates the requirement that the state sales tax refund mechanism used to refund excess state revenues as required by TABOR be calculated to refund the amount of excess state revenues not refunded by other mechanisms by 105%.

Allows the operator of an automatic vehicle identification system for use on high occupancy vehicle lanes, high occupancy toll lanes, or other toll highways that was in operation on August 4, 1999, to replace the system with a different system that is not compatible with the original system subject to the approval of CDOT. Requires CDOT to amend its functional specifications and standards for such systems to require compatibility with any approved replacement system.

Requires at least 10% of all revenues transferred to the HUTF and credited to the state highway fund pursuant to the provisions of Senate Bill 97-1 to be expended for transit purposes or for transit-related capital improvements.

Authorizes the creation by the transportation commission (commission) of a statewide tolling enterprise (enterprise) that will operate as a government-owned business within CDOT and as a division of CDOT. Specifies that the commission shall serve as the board of the enterprise, but shall also, with the consent of the executive director of CDOT, appoint a director of the enterprise who shall possess qualifications as may be established by the commission and the state personnel board.

Specifies that the enterprise, and the commission when acting as the board of the enterprise, shall be a TABOR-exempt constitutional enterprise so long as the enterprise retains the authority to issue revenue bonds and receives less than 10% of its total annual revenues from government grants. Specifies that the records of the enterprise are public records and that the enterprise is a public entity for purposes of specified existing statutes relating to public securities.

Creates the statewide tolling enterprise special revenue fund (special fund). Allocates bond proceeds, toll revenues, and any other revenues of the enterprise to the special fund. Specifies that the enterprise may expend moneys in the special fund to fund the administration, planning, financing, construction, operation, maintenance, or repair of toll highways or to pay its operating costs and expenses.

Creates a statewide tolling enterprise operating fund and allows the transportation commission to transfer moneys from the state highway fund to the operating fund to defray expenses incurred by the enterprise prior to the receipt of bond proceeds or toll revenues by the enterprise. Requires the enterprise to reimburse the state highway fund for the full amount of any transfer made by the commission plus interest at a rate set by the commission.

Requires the commission to adjust toll rates, upon payment of certain costs and debt, so that the amount of toll revenues to be generated is as close as possible to the amount required for the ongoing operation, maintenance, renewal, and replacement of the toll highway. Specifies the powers and duties of the commission when acting as the board of the enterprise, including but not limited to the power to determine and charge tolls, issue revenue bonds payable solely from the special fund, enter into public-private initiatives, and plan, construct, operate, and maintain a system of toll highways in the state and the duty to make an annual report to the general assembly.

Specifies that the traffic laws of the state and any municipality through which a toll highway passes and the enterprise's regulations regarding toll collection and enforcement shall pertain to and govern the use of the toll highway. Allows state and local law enforcement authorities to enter into traffic and toll enforcement agreements with the enterprise.

Specifies that the enterprise shall not be subject to the provisions of the "Procurement Code", but shall be subject to the provisions of the Colorado sunshine law and statutory open records requirements.

Appropriates \$5,843 to the department of law for the implementation of this act.

APPROVED by Governor May 30, 2002

EFFECTIVE August 7, 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. 02-1350 Railroads - Towner railroad line - lease. Authorizes the Colorado department of transportation (department) to renew the current Towner railroad line lease if the lessee annually demonstrates it is financially solvent and responsible.

Changes from 5 to 10 years the limit on the length of the lease agreement for the Towner railroad line. Instructs the department to lease such line for as long as is reasonably possible and to offer the lessee an option to purchase such line. Requires the department to waive any bonding requirements in the lease if the lessee has demonstrated financial solvency and responsibility after one year of such lease. Authorizes the department to suspend any volume-based rent in such lease so long as such rent is placed into an escrow account and used for infrastructure developments that are approved by the department.

Repeals obsolete provisions.

APPROVED by Governor April 12, 2002

EFFECTIVE August 7, 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. 02-1417 Highway authority - eminent domain - attorney fees and litigation costs award. Clarifies the circumstances under which an owner may be awarded attorney fees and litigation costs in a highway condemnation action.

APPROVED by Governor June 1, 2002

EFFECTIVE June 1, 2002

WATER AND IRRIGATION

S.B. 02-45 Water rights - irrigation districts - qualifications for electors. Lowers the minimum age for irrigation district electors to 18 years from the previous minimum age of 21 years. Repeals the provision that allows electors under the "Water Conservancy Act" to be eligible to be a director and an elector for irrigation districts.

APPROVED by Governor March 5, 2002

EFFECTIVE March 5, 2002

S.B. 02-68 Water conservation board - members - compensation - per diem - appropriation. Gives the appointed members of the Colorado water conservation board not otherwise in full-time employment of the state a per diem allowance of \$50 for each day actually and necessarily spent in the discharge of official duties.

Appropriates \$10,800 from the Colorado water conservation board construction fund to the department of natural resources, water conservation board, for the implementation of this act.

APPROVED by Governor June 1, 2002

EFFECTIVE August 7, 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. 02-156 Water conservation board - acquisition of water rights - instream flow program. Allows the water conservation board to acquire water rights, including by donation, in such amounts as the board deems appropriate for the instream flow program to improve the natural environment to a reasonable degree. Prohibits the board from using the construction fund for such acquisitions.

APPROVED by Governor May 21, 2002

EFFECTIVE August 7, 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. 02-1024 Water resources legislative review committee. Changes the name of the general assembly's water resources legislation review committee to the water resources review committee and makes the committee a permanent committee that meets during the interim between sessions of the general assembly. Adjusts the committee's bill deadline and increases the number of meetings that the committee may hold. Adjusts the committee's western slope representation. Specifies that the committee may take up to 2 field trips per year. Repeals the committee's authority to report bills on July 1, 2003.

APPROVED by Governor June 3, 2002

EFFECTIVE June 3, 2002

H.B. 02-1118 Water - water resources and power development authority - project eligibility lists - funding - transfers. Changes the definition of "small water

resources project" to comprise any governmental agency water management or hydroelectric facility for which the amount of financing provided by the Colorado water resources and power development authority (authority) to any participating governmental agency does not exceed \$100 million.

Amends the definition of "water management facilities" to include sewerage facilities.

Allows either the board of health or the water quality control commission to add emergency projects to the water pollution control project eligibility list at any time if it determines that the project is needed to prevent or address threats to the public health or environment. Requires the authority to provide the general assembly, no later than January 15 of each year, with a listing of all emergency projects on which water pollution control revolving fund moneys have been expended in the preceding calendar year.

Allows the authority, with approval of the governor, to transfer moneys between the water pollution control revolving fund and the drinking water revolving fund if allowed by applicable federal law and agreements between the state and the United States.

Repeals the authority's ability to request legislative funding for debt service reserve funds established to secure the payment of authority bonds.

APPROVED by Governor March 22, 2002

EFFECTIVE March 22, 2002

H.B. 02-1152 Water conservation board - project lists - appropriations. Authorizes the expenditure of moneys in the Colorado water conservation board (CWCB) construction fund (fund) and the severance tax trust fund perpetual base account (base account) for certain enumerated water projects. Deauthorizes the Ridges Basin dam of the Animas-La Plata project and specifies that remaining moneys revert to the fund. Changes the amounts authorized for certain projects in previous years.

Appropriates moneys from the fund for data collection, satellite monitoring system maintenance, Closed Basin well rehabilitation, certain listed studies, the South Platte River decision support system, the statewide drainage criteria manual, flood plain mapping, document imaging, the emergency infrastructure repair cash fund, the flood response fund, the Colorado river recovery program loan fund, the establishment of a water education foundation, the Mexican international water compact, fish and wildlife resources, and capital outlays and leased space. Creates the emergency infrastructure repair cash fund and fish and wildlife resources fund.

Amends appropriations in previous fund acts. Repeals the small project loan fund and the Horse Creek basin account in the fund and transfers the unreserved balances to the fund. Continuously appropriates otherwise unappropriated moneys in the fund and the base account to the CWCB to make loans of up to \$1 million. Repeals the prohibition on projects sponsors' incurring final project design costs pending the sponsors' compliance with all CWCB procedural requirements.

APPROVED by Governor May 23, 2002

EFFECTIVE May 23, 2002

H.B. 02-1414 Limited substitute water supply plans - approval - continued authority of state engineer - appropriation. Declares that prior to January 1, 2002, substitute water supply plans had come into common usage and thus it is desirable to grant some additional authority to the state engineer to approve substitute water supply plans.

Establishes a process for the state engineer to approve limited substitute water supply plans involving out-of-priority diversions.

Allows the state engineer to approve the renewal of a substitute water supply plan if such plan was approved by the state engineer prior to January 1, 2002, and the terms of the renewal are similar to the terms of the initial substitute plan. Prohibits the renewal of such plan to extend past December 31, 2002.

Authorizes the state engineer to approve the temporary operation of a limited substitute water supply plan if an application for approval of augmentation has been filed with the water court and the following conditions have been met:

- The applicant has filed a request for approval with the state engineer;
- The applicant has provided written notice of the request to the parties in opposition to the substitute plan and has allowed 30 days for comments about the proposed substitute plan;
- The state engineer has considered the opposition parties' comments and determined that current water rights and interstate compacts will not be impaired; and
- The substitute plan is not approved for more than one year at a time, or upon request does not extend past 3 years unless the state engineer finds, or past 5 years unless a water judge finds, that the delay for a decree is justifiable.

Allows the state engineer to approve a limited substitute water supply plan involving out-of-priority depletions if no application for approval is filed in water court, the depletions will not exceed 5 years, and the following conditions are met:

- The applicant has filed a request for approval with the state engineer;
- The applicant has provided written notice of the request to the parties who have subscribed to a substitute water supply notification list in the applicable water division and are allowed 30 days for comments about the proposed substitute plan;
- The state engineer has considered the opposition parties' comments and determined that current water rights and interstate compacts will not be impaired; and
- The substitute plan is not approved for more than one year at a time and for no longer than 5 years total.

Requires the state engineer to serve a copy of any approval or denial of a limited substitute water supply plan on all parties after the decision. Requires the state engineer to establish a substitute water supply plan notification list for each water division.

Authorizes the state engineer to approve a limited substitute water supply plan for up to 90 days to address an emergency situation.

Requires applicants to pay a \$300 fee for review of a plan by the state engineer. Requires the fees to be deposited in the ground water management cash fund.

Creates exceptions for the application of the limited substitute water supply plan process.

Appropriates \$48,000 from the ground water management cash fund for the fiscal year beginning July 1, 2002, for the implementation of this act.

APPROVED by Governor May 23, 2002

EFFECTIVE May 23, 2002

PROPOSED STATE CONSTITUTIONAL AMENDMENTS

S.C.R. 02-1 Local government - public/private partnerships - health care services. Allows a local government to become a partner with a public or private entity in the provision of health care services by joint ownership with, being a shareholder in, or member of any public or private entity. The local government may not incur debt or pledge its credit or faith in such arrangement. Requires a local government to own its just proportion of such arrangement. Specifies that any private entity or relationship established for such purpose shall not be deemed a political subdivision, local government, or local public body for such purpose.

EFFECTIVE upon the Governor's proclamation or thirty days after a canvass of the votes is completed, whichever occurs earlier.

S.C.R. 02-2 Coroner - qualifications. Submits a question to the voters to authorize the general assembly to establish training and certification requirements and other qualifications for the office of county coroner.

EFFECTIVE upon the Governor's proclamation or thirty days after a canvass of the votes is completed, whichever occurs earlier.

S.C.R. 02-6 State constitution - repeal of obsolete provisions. Submits a question to the voters to eliminate obsolete provisions of the state constitution.

Article VI:

- The provision that addresses the transfer of cases from the county court to the district court during the transition from the county court to the district court as the court of general jurisdiction in January 1965;
- The provisions specifying that probate court and juvenile court judges shall initially be elected by the qualified electors of the city and county of Denver at the 1964 general election;
- The provision addressing sitting judges' remaining time in office during the state's transition to the current method for filling judicial vacancies;
- In the provision regarding the general assembly's power to provide simplified procedures in county courts for the trial of misdemeanors, the specification that the general assembly only has such authority for claims not exceeding \$500; and
- The effective date provision regarding retirement and removal of justices and judges.

Article XVIII:

- Expired sections of the limited gaming provision; and
- A congressional term limit amendment held unconstitutional by the Colorado supreme court in 1998.

Article XX:

- Certain provisions that are no longer applicable regarding the city and county of Denver.

Article XXVII:

- Provisions relating to the distribution of moneys in the great outdoors Colorado trust fund prior to 1998.

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 2001 rules of executive branch agencies - exceptions - publication of rules - notice procedures - appropriation.....	HB 1203	1
Agriculture		
Nursery stock premises - inspections by commissioner - scheduling - risk-based approach..	HB 1215	3
Organic agriculture - certification - appropriation..	HB 1186	2
Protection of products of agriculture - civil liability - confidentiality of meetings and public documents...	SB 69	2
Soil conservation board - soil conservation districts - name change reflecting extended duties..	HB 1099	2
Appropriations		
General appropriation act - long bill.....	HB 1420	8
Legislative appropriation..	HB 1322	4
Supplemental appropriation:		
Capital construction.....	HB 1388	7
Capital construction - second appropriation..	HB 1438	11
Capital construction - third supplemental..	HB 1471	14
Department of agriculture..	HB 1366	4
Department of agriculture - second supplemental...	HB 1421	8
Department of corrections.....	HB 1367	4
Department of corrections - second supplemental..	HB 1422	8
Department of corrections - third supplemental..	HB 1472	14
Department of education.....	HB 1368	4
Department of education - second supplemental...	HB 1423	9
Department of health care policy and financing..	HB 1370	4
Department of health care policy and financing - second supplemental.. ..	HB 1425	9
Department of health care policy and financing - third supplemental.. .	HB 1473	15
Department of higher education..	HB 1371	5
Department of higher education - second supplemental.....	HB 1426	9
Department of human services..	HB 1372	5

	Bill No.	Page No.
Department of human services - second supplemental.....	HB 1427	9
Department of human services - third supplemental.....	HB 1474	15
Department of labor and employment.....	HB 1374	5
Department of law.....	HB 1375	5
Department of law - second supplemental..	HB 1428	9
Department of local affairs..	HB 1377	6
Department of local affairs - second supplemental.....	HB 1429	10
Department of military affairs.....	HB 1378	6
Department of military affairs - second supplemental..	HB 1430	10
Department of natural resources..	HB 1379	6
Department of natural resources - second supplemental.....	HB 1431	10
Department of personnel.....	HB 1380	6
Department of personnel - second supplemental...	HB 1432	10
Department of public health and environment..	HB 1381	6
Department of public health and environment - second supplemental..	HB 1433	10
Department of public safety..	HB 1382	6
Department of public safety - second supplemental..	HB 1434	10
Department of regulatory agencies..	HB 1383	7
Department of regulatory agencies - second supplemental.....	HB 1435	11
Department of revenue..	HB 1384	7
Department of revenue - second supplemental..	HB 1436	11
Department of state..	HB 1385	7
Department of the treasury..	HB 1387	7
Department of transportation...	HB 1386	7
Department of transportation - second supplemental..	HB 1437	11
Judicial department..	HB 1373	5
Legislative department..	HB 1376	5
Offices of the governor, Lt governor, and state planning and budgeting..	HB 1369	4
Offices of the governor, Lt governor, and state planning and budgeting - second supplemental.....	HB 1424	9

Children and Domestic Matters

Child care licensing - posting of information regarding filing of complaints - exception for child placement agencies.....	HB 1018	18
Child support:		
Enforcement procedures - enforcement of health insurance.....	HB 1055	19

	Bill No.	Page No.
Schedule of basic child support obligations - low-income adjustments to support calculations - extraordinary medical expenses..	SB 21	16
Civil restraining orders - motions to modify or dismiss - appropriation...	HB 1009	18
Colorado Children's Trust Fund Act - independent evaluation - continuation..	HB 1063	19
Colorado works - basic assistance grant expansion - children exiting foster care into custody or guardianship of grandparent..	HB 1262	21
Domestic proceedings - confidentiality agreement - exceptions - open summary..	SB 49	17
Foster children and minors in out-of-home placement - limited authority to obtain an instruction permit to drive..	SB 128	17
Homeless youth services - creation of office - appropriation..	HB 1159	20
Indian Child Welfare Act..	HB 1064	19
Juveniles and parents - courts - privileged communications - attorneys - health professionals - clergy..	SB 20	16
Mandatory reports of abuse or neglect - clergy members..	SB 210	18
Missing children - Amber alert program - creation..	HB 1083	20
Records of abandoned infants - confidential..	HB 1311	21
Reports of abuse or neglect..	SB 187	17
Consumer and Commercial Transactions		
Consumer credit code - consumer loans - credit score information..	SB 89	22
Consumer protection:		
Charitable solicitations - notice and reporting requirements..	HB 1405	25
Credit cards receipts..	HB 1144	23
Credit reports - identity theft - court orders..	HB 1258	23
Deceptive trade practices - occupational therapists - internship, educational, and certification requirements..	HB 1048	22
Money orders - electronic facilities - credit cards..	HB 1355	24
Mortgages - predatory lending - limitations..	HB 1259	24
Removal of social security numbers from financing statements - appropriation..	HB 1014	22
Sweepstakes - deceptive trade practice..	HB 1162	23
Uniform commercial code - secured transactions..	HB 1397	24

Corporations and Associations

	Bill No.	Page No.
Dissemination of false information to obtain hospital admittance or care - access to dependency and neglect records - filing of corporate documents by business entities - collection of agricultural information - confidentiality of agricultural reports - appropriation.....	HB 1147	26
Filing of corporate documents by business entities - commencement or maintenance of a derivative proceeding by a member of limited liability company - judicial dissolution of a limited liability company - appropriation..	HB 1456	28
Corrections		
Canteen - transfer to division of correctional industries.....	HB 1171	31
Community corrections contracts - audits.....	HB 1077	31
Parole - waiver..	HB 1021	31
Sex offenses - mandatory parole.....	HB 1223	31
State inmates - payment of fines, costs, and restitution - inmate bank accounts.....	SB 140	31
Surplus state property - management..	HB 1286	32
Courts		
Adoption hearings - termination appeals - relinquishment hearings - court docket priority - exceptions.....	HB 1312	36
Demonstration drug courts - continued funding - source of funding changed - probation supervision fee - appropriation.....	SB 18	33
Dishonored checks - notice by regular mail..	HB 1334	37
Evidence - mortality table - inheritance tax..	SB 168	34
Family-friendly courts program - appropriation..	HB 1101	35
Firearm transfers - mental health adjudications - reports by court clerks to national instant criminal background check system..	HB 1287	35
Jurors - creation of master juror list..	SB 54	33
Name change - fingerprint-based criminal history check - prohibition on felons - appropriation..	HB 1054	34
Property exempt from levy and sale:		
Agriculture exemption.....	SB 219	34
Roth IRAs..	SB 169	34
Property subject to levy - property subject to judicial process..	SB 84	33
Restraining order fees - victims of domestic abuse, domestic violence, stalking, or sexual assault..	HB 1034	34

	Bill No.	Page No.
Statute of limitations - criminal and juvenile delinquency proceedings - sex crimes against children - appropriation.....	HB 1396	37
Witnesses - testimony - prior statements by persons incapable of testifying - admissibility.....	HB 1106	35
Writ of attachment - writ of execution - exempt property - period of exemption..	HB 1330	36
Criminal Law and Procedure		
Chemical, biological, and radiological weapons - possession, use, removal, and hoaxes - appropriation..	HB 1283	46
Civil forfeiture - reform..	HB 1404	47
Community or useful public service - fee increase.....	SB 36	40
Controlled substances - precursors - appropriations.....	SB 50	41
Corrections - sexual conduct in penal institutions - volunteers - contract employees..	SB 175	41
Criminal history record checks - fingerprints - use for employment purposes - federal requirements - compliance - appropriation.....	HB 1459	48
Criminal sentencing - relocation.....	HB 1046	43
DNA testing - biological substance sample - payment for collection and testing - offender identification fund.....	SB 19	40
Drug sentences reduction - one gram or less - drug treatment..	SB 39	40
Duration of sentences for felonies - public announcement.....	HB 1141	44
Introducing contraband - location - worksite - tobacco in private prisons - appropriation..	HB 1301	46
Motor vehicle repair - deceptive trade practice - false air bag installation - penalty..	HB 1145	44
Peace officer, level I - district wildlife manager - parks and recreation officer - police administrator or police officer employed by the Colorado mental health institute at Pueblo.....	HB 1313	46
Peace officer personal information - posting on the internet..	HB 1113	43
Possession of chemicals, equipment, or supplies with intent to manufacture controlled substances - appropriations..	HB 1038	42
Procedural changes in criminal laws - consent - disqualification of district attorney - grand juries - evidence of other acts.....	HB 1225	44
Sex offender management board - sex offender residences - study..	HB 1132	44
Sex offenders - registration:		
Future appropriations.....	SB 10	38

	Bill No.	Page No.
Institutions of higher education.....	HB 1114	43
Not guilty by reason of insanity.....	HB 1019	42
State crime victim compensation fund - repeal redistribution - repeal fund.	SB 37	40
Substantive changes to criminal laws - sex assault on helpless victims and children - false imprisonment - controlled substance offenses - criminal mischief on jointly owned property - pawnbrokers - trespass in motor vehicles - indecent exposure - cruelty and aggravated cruelty to animals - obstruction of telephone service - child abuse..	HB 1237	45
Education - Public Schools		
Alternative schools - definition - procedure.....	SB 94	50
Charter schools:		
Application deadline - local choice - notice prior to change.....	SB 51	50
School districts - charter contract disputes - alternative dispute resolution - procedures..	SB 124	51
Colorado student assessments - form - use as diagnostic tools.....	SB 59	50
Eligible facilities education task force - appropriation.....	HB 1246	53
English language learners - assessments - accommodations - advisory commission - CSAP results.....	SB 109	50
Family literacy education - grant program - creation - fund.....	HB 1303	55
Grant programs - requirements - assistance to BOCES and small school districts..	HB 1053	52
Public school funding - general fund maintenance of effort requirement for total program - reduction in appropriation for FY 2001-02 - specifying appropriation for FY 2002-03.....	HB 1393	62
School attendance:		
Homeless children - residency - compliance with federal law..	HB 1181	52
Imposition of sanction - incarceration.....	HB 1079	52
School districts - interest-free loan program.....	HB 1316	56
School finance - preschool program - capital construction loan program - on-line programs - charter schools - academic growth pilot program - school district capitol construction - on-line education program study - teacher pay incentive program - federal mineral lease moneys shortfall - school breakfast program - facility summer school grant program - national credential program - timing of investments - school accountability - appropriations..	HB 1349	56
School-readiness child care subsidization program - appropriation.....	HB 1297	54

	Bill No.	Page No.
State board of education - vacancies - procedures for filling..	HB 1245	53
Student assessment program - new assessments..	HB 1306	56
Summer school grant program - expansion - appropriation..	HB 1304	55
Education - Universities and Colleges		
Anti-terrorism cooperation..	SB 113	63
Commission on higher education - expansion of nursing programs - creation of fund..	HB 1010	63
Fort Lewis college - governance - role and mission..	HB 1419	66
Metropolitan state college of Denver - independent institution - board of trustees - creation - regional education providers - state colleges - financing - cost study - minimum level of funding..	HB 1165	64
Principal preparation programs - state board of education - performance-based standards - commission on higher education - program requirements..	SB 152	63
Riots - student participation - enrollment prohibited..	HB 1173	64
State board of agriculture - name change..	HB 1260	65
Student loan division - personnel exempt from the state personnel system - contract powers and duties of division - expansion of definition of auxiliary facilities..	HB 1452	66
Teacher in residence programs - on-site evaluations - emergency authorizations - limited renewals..	HB 1300	65
University of Southern Colorado - name change..	HB 1324	66
Elections		
2002 political party caucus and assembly dates - adjustment for reapportionment plan..	HB 1340	72
Absentee ballot - application..	HB 1061	68
Definitions of "candidate" and "candidate committee" under the "Fair Campaign Practices Act"..	HB 1179	69
Governor and lieutenant governor - candidate committees - expenditures for political messages..	HB 1450	73
Recall elections - campaign finance disclosure reporting requirements - candidates, candidate committees, and issue committees..	HB 1156	69
State and political subdivisions - unlawful contributions and expenditures - penalties..	SB 79	68

	Bill No.	Page No.
Government - Local		
County sales and use tax - extension of expiring tax..	HB 1218	83
Emergency telephone service - permissible expenditures - emergency notification service..	HB 1086	82
Housing authorities - subject to provisions governing city housing authorities - appropriation..	SB 97	81
Improvement districts of local general purpose governments..	SB 103	81
Government - Municipal		
Downtown development authority - tax increment financing - extension..	SB 32	86
Fire and police pension association:		
New hire pension plans - death and disability benefits..	SB 26	84
Statewide defined benefit plan - purchase or roll over prior service credit..	HB 1032	86
Fire and police pensions - volunteer firefighter pension plans - state contribution - appropriation..	HB 1036	87
Government - Special Districts		
Division of a special district into subdistricts..	HB 1465	88
Metropolitan sewage disposal districts - enterprises - creation of bonded indebtedness or issuance of bonds to fund notes without TABOR elections..	HB 1110	88
Moffat tunnel..	SB 214	88
Government - State		
Additional cash fund transfers to augment state general fund for fiscal year 2001-02..	HB 1444	111
Additional funds designated as state TABOR emergency reserve for fiscal year 2001-02..	HB 1442	110
Additional reductions in capital construction funding for fiscal year 2001-02 and fiscal year 2002-03..	HB 1443	110
Affordable housing - database of projects to be made no longer affordable..	SB 151	92
Augmentation of general fund for FY 2001-02 - transfers from cash funds - restoration of transferred funds..	HB 1391	107

	Bill No.	Page No.
Aviation - immunity for public backcountry landing facilities - department of revenue sharing information regarding fuel taxes collected with aeronautics division.....	SB 105	90
Boards, commissions, and committees - effect of redistricting based on the 2000 federal decennial census.....	HB 1403	109
Capital construction fund:		
Additional transfer from the general fund during FY 2001-02.....	SB 108	91
Highway users tax fund - transfers - appropriations..	HB 1389	106
Sales and use tax allocations to the highway users tax fund - appropriations..	HB 1327	100
Cash funds - limit on uncommitted reserves - exemption.....	HB 1347	104
Cesar Chavez day - legal holiday - refer to voters..	SB 53	90
Compensation for state troopers..	SB 233	93
Controlled maintenance trust fund - delayed restoration..	HB 1446	112
Controller - department overexpenditures - release restricted amount in excess of overexpenditure.....	HB 1441	110
Department of regulatory agencies - civil rights division - continuation of subpoena powers under sunset law..	HB 1231	97
Elections - records - electronic copies of signatures.....	HB 1458	112
Employers - civil restraining order to protect employees - time off for victim employees - domestic violence..	HB 1051	94
Expenditures in excess of appropriations - department of corrections - one-time overexpenditure.....	HB 1475	113
Fiscal policy for the 2001-02 and 2002-03 state fiscal years - general fund reserve - revenue shortfall - transfers from the major medical insurance fund..	HB 1478	114
General fund - revenue shortfall in FY 2001-02 or 2002-03 - use of 4% reserve - transfers to general fund - restoration of funds transferred..	HB 1445	111
Governmental immunity of parole release hearing officers..	SB 181	92
Modify the method used to determine the general fund surplus.....	HB 1015	94
Motorcycle operator safety training fund - exemption from limitation on uncommitted reserves - motorcycle registration surcharge.....	SB 122	91
Notice to victims of crime - available funds.....	HB 1167	95
Notification of surface development to owners of severed mineral estates..	HB 1357	106
Obsolete provisions - general fund revenues - repeal.....	SB 142	91
Older Coloradans program - modified funding sources - appropriation...	HB 1328	101

	Bill No.	Page No.
Open meetings and public records:		
Exemption - proposals to honor individuals submitted to higher education institutions..	SB 144	91
Persons entitled to obtain public records - electronic recording of open meetings...	HB 1342	104
Personnel system - job evaluation and compensation - performance plan for employees of state supported institutions of higher education.. . . .	HB 1477	113
Public buildings - United States flag and representations - proper display - exception - affirmative defense...	SB 38	90
Public employees' retirement association:		
Conformance with federal law.. . . .	SB 106	90
Employment of retirees as classroom teachers or principals...	SB 145	92
Public investment - securities issued by public entities.. . . .	HB 1217	95
Public officials' and employees' defined contribution plan - state deferred compensation committee - membership - administration of plan.. . . .	SB 231	93
Public records:		
Creation of privacy policies by governmental entities.. . . .	HB 1146	95
Military records - limited inspection rights...	HB 1395	109
Relocation assistance and land acquisition policies - real property acquisition policies - exemption.. . . .	HB 1056	94
Reporting requirements - to general assembly:		
Departments of revenue and natural resources - repeal...	HB 1333	101
Departments of agriculture, corrections, human services, local affairs, natural resources, personnel, public health and environment and the bingo-raffle board - repeal...	HB 1352	104
RTD, stadium districts, scientific and cultural facilities - repeal.. . . .	HB 1336	102
Transportation and regulation of motor vehicles - repeal.. . . .	HB 1341	103
Public utilities commission - Colorado commission for the deaf and hearing impaired - Colorado disabled users fund - repeal... .	HB 1335	102
State employees:		
Authorization for employee assistance program - services offered - participation limitations - funding sources - appropriation...	HB 1226	96
Continuation of increase in group benefit plans contributions - appropriation...	HB 1468	113
State mineral - rhodochrosite.. . . .	HB 1346	104
State TABOR emergency reserve - designation.. . . .	HB 1394	108

	Bill No.	Page No.
Children's basic health plan - eligibility periods.....	HB 1206	136
Colorado commission for the deaf and hard of hearing - telephone equipment distribution program - transfer to fund - appropriation.....	HB 1180	136
Colorado works:		
County block grant funds - authority to segregate.....	HB 1026	133
County reserve account - transfer to long-term works reserve fund.....	HB 1214	136
Extensions for TANF recipients who have reached 60-month lifetime limit.. .. .	HB 1042	133
Screening of participants for substance abuse and mental illness - designation of screening instrument - audit evaluation.. .. .	HB 1025	132
Elderly persons - family caregiver support program.....	HB 1067	134
Family child care homes - administration of routine medications - exemption from nursing tasks - rules.. .. .	HB 1177	135
Inmates held in correctional facilities and offenders held in community corrections programs - medical benefits application assistance - repeal - appropriation.. .. .	HB 1295	139
Medicaid - nursing facility rates - repeal of the quality of care incentive payment program - repeal and reenactment of the resident-centered quality improvement program - appropriations - conditional enactment - appropriations - adjustments to long bill.....	HB 1457	140
Mentally ill persons involved in criminal justice system - standardized mental illness screening.....	SB 16	131
Old age pension - supplemental old age pension health and medical care program - appropriation.....	HB 1276	137
Older Coloradans:		
Cash fund - sources of funding - appropriation.....	HB 1390	140
Program - funding - appropriation.....	HB 1209	136
Ski area guest child care facilities - regulation.....	SB 114	131
Traumatic brain injury board - creation - duties - funding - surcharge on speeding and alcohol and drug related traffic offenses.....	HB 1281	137
Insurance		
Health insurance:		
Prompt payment of claims - uniform claims.....	SB 13	142

Small employer groups - health maintenance organizations		
- excess loss insurance minimum - direct contracting for Medicaid		
- disease management - encouragement of nursing education - public-private partnership for education and information concerning the nursing shortage - health care systems interim committee - Medicaid waivers - statewide pilot program for state employee benefits..	HB 1003	144
Small group coverage - plan options..	HB 1164	147
Uniform prescription drug cards..	SB 188	143
Insurance - insurance guaranty association - assessment..	SB 76	142
Life and health insurance protection association - succession to rights of insolvent insurer - conditions - payment of premiums due..	HB 1158	147
Life insurance - disability insurance - applications - genetic testing - consent requirement - privacy of test results..	SB 78	143
Managed care plans - adjustments to health care claims..	HB 1353	148
Mandated coverage - hearing aids - children - appropriation..	HB 1220	147
Medicare supplement insurance - premiums - refund in case of cancellation..	SB 146	143
Motor vehicle insurance:		
Continuation..	SB 90	143
No-fault - disclosure of terms to insureds - when required..	HB 1121	146
No-fault - personal injury protection - premiums - required disclosures..	HB 1050	146
Personal injury protection - criminal abuse..	HB 1305	148
Prohibited policy changes - failure to comply with child support order...	HB 1005	146
Small employer group health insurance - definitions - preexisting conditions..	HB 1013	146
Substance abuse treatment services - coverage by individual or group health benefit plans - court-ordered treatment - medical necessity - medicaid - native Americans - state plan amendment - appropriation..	HB 1263	118
Unfair practices - denial of coverage - nonprofessional participation in sports - skiing - snowboarding..	SB 107	143
Labor and Industry		
Employment security act - electronic communications, transactions, and records..	HB 1331	151
Employment support fund - continuation beyond scheduled repeal date - repeal of funding for certain programs..	HB 1235	151

	Bill No.	Page No.
Petroleum storage - inspection and calibration - funding.....	HB 1409	151
Workers' compensation:		
Benefits - exposure to hepatitis C.. .. .	SB 6	150
Colorado compensation insurance authority - name change		
- Pinnacol Assurance.. .. .	HB 1135	150
Military and Veterans		
Board of veterans affairs - World War II memorial - need-based grants - attendance at dedication.. .. .	HB 1284	154
Department of military and veterans affairs - division of veterans affairs - board of veterans affairs - transfer of rights, property, and duties - reports - transfer of appropriations.. .. .	HB 1413	155
Military and veterans affairs - state military - active duty.. .. .	SB 99	152
National guard of Colorado - new ribbons awarded.....	SB 23	152
State military service - active state duty - civil relief - discrimination - penalties - remedies.....	HB 1139	154
Veterans - burial of indigent veterans - county responsibilities.. .. .	SB 100	153
Motor Vehicles and Traffic Regulation		
Abandoned motor vehicles - towing - storage - public and private property.....	SB 132	156
Automated vehicle identification devices - areas permitted - service - operation.. .. .	HB 1400	163
Certificate of title - fees - extension.. .. .	HB 1412	164
Child passenger restraint systems - enforcement.. .. .	HB 1070	160
Driver's licenses and identification cards:		
Image comparison technology - access standards.....	HB 1071	161
Lawful presence in the United States.. .. .	SB 112	156
Identification security fund.. .. .	HB 1244	162
Driving restrictions - violation - enhanced penalty.....	HB 1020	159
Foster children and minors in out-of-home placement - limited authority to obtain an instruction permit to drive.....	SB 128	17
Motor vehicles:		
Registration and taxation - license plate replacement program		
- biannual registration.. .. .	HB 1066	160
Registration - salvage vehicles - method of designation.....	HB 1189	162

	Bill No.	Page No.
Moving violations - alcohol and drug offenses - driving under the influence (DUI) - driving while ability impaired (DWAI) - recodification of statutes.....	SB 57	156
Parking privileges for persons with disabilities - special license plates for vehicles owned by a trust - authority of podiatrist to verify disability for issuance of temporary placard.....	HB 1210	162
Registration:		
Commercial vehicles.....	SB 14	156
Emission testing - fees.....	HB 1338	163
Multiple vehicles - fleet registration - special plates.....	SB 72	156
Special license plates - issuance - sunset.....	HB 1011	158
Special license plates - qualifications - fees - American Indian license plate - Korean war veteran license plate..	HB 1044	159
Special license plates - qualifications..	HB 1131	161
Theft - fuel piracy - appropriation.....	HB 1247	162
Width limitations - recreational vehicles - farm vehicles.....	SB 158	158
 Natural Resources		
Severance tax trust fund - operational account - maintenance of 2-year operating balance.....	HB 1041	165
Wildlife commission - number of members - appropriation.....	HB 1084	165
Wildlife management - black bears.....	HB 1221	165
 Probate, Trusts, and Fiduciaries		
Probate of wills - notice and procedures - fiduciary powers.....	SB 200	166
 Professions and Occupations		
Acupuncturists - regulation - continuation under sunset law..	HB 1117	172
Alcohol beverages:		
Licensees - financial assistance to state institutions of higher education..	SB 4	167
Licensing applications - master file - criminal history record checks....	HB 1040	170
Alcohol sales - retail - temporary permits.....	HB 1339	176
Bingo and raffles - regulation by secretary of state - games managers - progressive games - pull tab games - bingo-raffle advisory board - appropriation..	HB 1321	175

	Bill No.	Page No.
Brokers - relationship types - vicarious liability..	SB 196	167
Property		
Colorado common interest communities - court approved amendments to declarations - conveyance of common elements - budgets - matters for executive sessions..	HB 1191	179
Deeds of trust - foreclosure..	SB 161	178
Public trustees - property in public trustee's county - releases of deeds of trust..	SB 230	178
Unclaimed military awards - exception from sale requirement..	SB 165	178
Uniform Dissolution of Marriage Act - disposition of property..	SB 160	178
Proposed Constitutional Amendments		
Local government - public/private partnerships - health care services....	SCR 1	204
Coroner - qualifications..	SCR 2	204
State constitution - repeal of obsolete provisions..	SCR 6	204
Public Utilities		
Cooperative electric associations - net metering..	HB 1415	180
Railroad rights-of-way crossings - condemnation..	HB 1319	180
Telecommunications - intrastate providers - rates and charges - terms and conditions of service - notice...	HB 1169	180
Statutes		
Colorado Revised Statutes - enactment of 2001 statutes..	SB 25	181
Revisor's bill - revisions to conform, correct, and clarify statutes..	SB 159	181
Taxation		
Clarification that certain real property is residential for purposes of property taxation..	HB 1265	189
Colorado commission on taxation - extension of time to complete duties - qualifications and reappointment for members - center for state and local government fiscal analysis...	SB 201	183
Deficiencies - hearing - waiver - final determination..	HB 1211	188

	Bill No.	Page No.
Enterprise zones - maximum population - public access to information - contributions to promote community development - entities not taxed as corporations - enhanced rural enterprise zones - designation criteria - termination - additional tax credit..	HB 1161	185
Evidence - mortality table - inheritance tax..	SB 168	34
Incentives for businesses - extension of maximum term - enterprise zones.	HB 1399	191
Income tax:		
Colorado watershed protection fund voluntary contribution...	SB 87	182
Court appointed special advocates voluntary contribution..	HB 1176	187
Credit for conservation easement - compliance with federal law.. . . .	HB 1098	185
Credit for contributions to Colorado institute of technology - delay implementation - clarify amount of allowable credit - certification of contribution..	HB 1059	184
Frivolous returns - penalties..	HB 1219	188
United States olympic committee voluntary contribution...	HB 1160	185
Property tax:		
Bed and breakfast..	HB 1358	190
Exemption hearings - property underlying newly constructed taxable buildings - comparable properties for market approach - interest refunds for erroneously paid personal property tax...	HB 1288	189
Notice of objection to valuation - deadlines..	HB 1085	184
Possessory interests...	SB 157	182
Property tax deferral program - state loans to taxpayers - reduction in appropriation..	HB 1241	188
Sales tax:		
Mobile telecommunications service - limitations - compliance with federal law - resolution of disputes...	HB 1208	187
Rate for truck sales - timing and allowance of excess revenue refund mechanism..	HB 1057	183
TABOR refund mechanism - repeal of 105% overrefund requirement..	SB 218	183
Special fuel tax - gasoline tax - refund or credit - procedures and requirements..	HB 1364	191
Tax refund offset - prerequisites - hearing by controller..	HB 1076	184
Unemployment tax - tax credit..	HB 1401	192

	Bill No.	Page No.
Uranium mill tailings remedial action program fund oversight committee - extension of repeal date.....	HB 1008	183
Transportation		
Construction projects - neighborhood notification - policies..	SB 86	193
Highway authority - eminent domain - attorney fees and litigation costs award.....	HB 1417	199
Motor carriers - intrastate operation - safety regulation..	SB 11	193
Public highway authorities - public input - decision-making process... . .	SB 85	193
Railroads - Towner railroad line - lease..	HB 1350	199
Roadside advertising - message center displays - remodeling and relocation as an alternative to the acquisition of signs.....	HB 1269	196
Transportation finance - allocation of surplus - census adjustment - state fiscal year spending - RTD - ballot question authorized for sales tax increase - TABOR refund amount - HUTF revenues allocated to transit - statewide tolling enterprise - authorization - appropriation..	SB 179	194
Transportation finance - allocation of surplus - census adjustment - state fiscal year spending - RTD - ballot question authorized for sales tax increase - TABOR refund amount - HUTF revenues allocated to transit - statewide tolling enterprise - authorization - appropriation.	HB 1310	197
Water and Irrigation		
Limited substitute water supply plans - approval - continued authority of state engineer - appropriation..	HB 1414	202
Water conservation board:		
Acquisition of water rights - instream flow program..	SB 156	200
Members - compensation - per diem - appropriation..	SB 68	200
Project lists - appropriations..	HB 1152	201
Water resources legislative review committee..	HB 1024	200
Water rights - irrigation districts - qualifications for electors...	SB 45	200
Water - water resources and power development authority - project eligibility lists - funding - transfers..	HB 1118	200